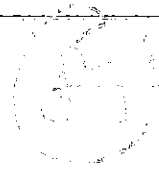


Helen Gregory

From: Roland Bolton [REDACTED]
Sent: 28 December 2012 16:12
To: LDF
Subject: YK2058-further_submissions_v1
Attachments: YK2058-further_submissions_v1.docx



Please find our comments attached

Roland G Bolton
Senior Director
DLP Planning Ltd
11 Paradise Square,
Sheffield, S1 2DE



www.dlpconsultants.co.uk

This email is confidential and may contain privileged information. It is intended only for use of the intended recipient. If you received it by mistake, please notify the author by replying to this email or telephone (0114 228 9190). If you are not the intended recipient, you must not print, copy, amend, distribute or disclose it to anyone else or rely on the contents of this email, and you should DELETE it from your system. We make every effort to keep our network free from viruses, but you should check this email and any attachments for viruses, as we can take no responsibility for any virus which may be transferred by this email. Thank you.



*Save Paper - Do you really need to print this e-mail?
Try not to leave old messages attached unless they are relevant.*

**Examination of Selby Core Strategy
Further submission on Council's Position Statement, 7th Set of Proposed
Changes to the Core Strategy**

EXAMINATION OF SELBY CORE STRATEGY

Further Submission on 7th Set of Proposed Changes to the Core Strategy

Prepared by
DLP Planning Ltd

December 2012

1 Introduction

- 1.1 The purpose of this paper is to address the issues raised by the 7th set of Proposed Changes to the Selby Core Strategy and the accompanying Council's Position Statement.
- 1.2 DLP do not consider the Plan that the changes proposed are capable of making the plan sound and it is maintained that the plan has not been positively prepared and is not justified by reference to evidence consistent with national policy.
- 1.3 DLP's case as set out in our original representations remains the same and reference should be made to our previous submissions including the implications of the 2010 based population projections.

2 Minor word changes to CP1A – PC7.11

12 References to Development Limits in this document refer to the Development Limits as defined on the Policies Map. Development Limits will be reviewed through further Local Plan documents (PC7.8)

- 2.1 In the case of Selby the evidence is that to meet even the proposed level of housing of 3,700 dwellings (including the 1,500 dwellings outside of the existing settlement boundary paragraph 5.12) there will need to land identified in the form of a further strategic sites. We have previously suggested that reference to the site to the North West of Selby as previously identified in paragraphs 4.16 and 5.12 of the Consultation Draft (2010) should be reinstated. It is now known that this area is being positively promoted by a developer (The Gladman Group). The justification of reinserting this reference is that without it there is no clarity or evidence that the scale of housing required by the strategy can actually be delivered in Selby.
- 2.2 The most recent evidence in the 2012 SHLAA identifies this site as PHS/19/023. Appendix 8 suggests that it is capable of delivering some 500 dwellings in the next 15 years. The SHLAA identifies provide a total of 2,791 dwellings to be delivered in Selby during the plan period (appendix 8). This compares to the 3,700 minimum required by the plan.
- 2.3 In light of this evidence it is considered that the minor change needs to be more positive regarding the action that is to be taken in the following replacement footnote is suggested:

12 References to Development Limits in this document refer to the revised Development Limits which will be defined in future Local Plan documents (PC7.8)

3 Windfall changes to paragraph 5.28c

- 3.1 The inclusion of windfall is not considered entirely appropriate for the following reasons:
 - a. The previous rate of windfall occurred during a different policy regime first there was no up to date local plan and therefore it would be expected that a high level of completions would be on unallocated sites.
 - b. There was a policy presumption in favour of urban intensification including development in rear gardens.

- c. The inflated housing market created by the restriction of housing land supply increased the viability of marginal sites – if the government's objective is for objectively assessed needs to be met then one can no longer rely upon such high levels of return to bring forward marginal sites and so the level of windfall will be lower.
 - d. The council in supporting a lower level of housing than suggested by the latest population and household projections have consistently made the point that the economic recession is likely to continue for the whole of the plan period. This means many of the windfall sites which rely upon redevelopment or subdivision will simply not be economically deliverable.
- 3.2 It is accepted that the recessionary pressure will not last the whole of the plan period then the level of windfall being suggested might be considered to be acceptable. If the level of housing remains unaltered then the logic needs to be consistent and as such there should be a much lower level of windfall consistent with the councils assumptions regarding low levels of demand due to the continuing poor performance of the economy.

4 PC7.14 Proposed changes to paragraph 3.28f, policy CP3 and appendix x regarding the justification for 450 dwellings a year.

- 4.1 The fact that the councils proposed figure of 450 dwellings cannot reasonably be considered to be the "objectively assessed need" as required by paragraph 14 of the NPPF has been well rehearsed in other submissions. It is common ground between parties that the more recent government projections would require a higher level of dwelling provision. The council and their consultants argument is with the unreliability of the government's most recent projections – an argument that to date has been rejected by every other inspector at development plan examinations.
- 4.2 Like other strategies that have been rejected by the inspectorate this housing figure is not supported by a Strategic Housing Market Assessment that considers the whole of the housing market. The council readily accept that Selby is within both the Leeds and York housing markets and yet has presented no coordinated evidence on how the needs of this larger housing market area will be met in full (see decision on East Hampshire).
- 4.3 The NPPF does provide a mechanism for councils to provide less than their objectively assessed need and lower levels of provision can be planned for if the tests in paragraph 152 are undertaken. The council have not attempted to justify the lower figure by reference to these tests.
- 4.4 The NPPF also requires councils to enter into arrangements so that requirements of the wider housing market area can be met in full (paragraph 179). The council have to date supplied no evidence to how this might be addressed.
- 4.5 In light of these very serious failings that have caused other examinations to be abandoned are the words "a minimum of" in policy CP2 as proposed by PC7.14 sufficient to render the plan sound?
- 4.6 It is understood that the implication is that if sufficient allocations are made to meet the full 450 dwellings a year then the additional windfall estimated at over 100 dwellings a year will result in a level of provision close to that suggested by the more recent projections (but takes no account of the policy positions of Leeds and York).



- 4.7 In this situation it is important to be clear what the known and unknown windfall elements will count towards and appendix x makes it clear that the council will intent to count completions from both sources as meeting the 5 year land supply requirement of 450 dwellings a year this is confirmed by appendix x paragraph 7 which states:
- 'Known windfalls' will, and 'unknown windfalls' may contribute to the delivery of the housing target of 450 dpa in some years until the new allocations in the Site Allocations Local Plan begin delivering homes. From that time (after 2015), the delivery from 'known windfalls' will gradually diminish as those sites are built out and delivery from new allocations will form the full source of supply to meet the 450 dpa target over the remaining plan period. The 'unknown windfalls' will continue to contribute towards overall housing supply on top of the 450 dpa target. Only if delivery from the allocated sites falls below the 450 dpa target will the 'unknown windfalls' contribute to meeting a shortfall rather than providing an additional amount.*
- 4.8 The level of 450 dwellings per year is clearly being regarded as the "objectively assessed need" in the context of this plan. This means there will be little pressure for the council to deliver higher levels of provision as they are clearly relying upon windfall to make up any failure to deliver the plans allocations as such they are unlikely to result in a significant increase in the level of housing supply.
- 4.9 The provision of a minimum of 450 dwellings against clear evidence of higher demand is not considered to be sound as it cannot be considered to pass the tests in paragraph 182 of the NPPF.
- 4.10 Such a plan cannot be "**positively prepared**" as it simply does not identify the needs for the area and so the resulting overall level of provision is unknown.
- 4.11 The use of the words "a minimum of" are being suggested to avoid having to plan for the higher levels of housing required by more recent projections the resulting distribution will be determined by the over 20% windfall. There is only limited strategic guidance over the location of windfall it is difficult to conclude that such a strategy is the **most appropriate** as one simply does not know what the final distribution will be.
- 4.12 The evidence of the location of windfalls is that if they occur in a similar pattern to that which occurred recently then they will tend to dilute the concentration of development into the larger urban areas (appendix x table 2).
- 4.13 The policy cannot be considered **effective** as there are considerable doubts regarding the deliverability and location of the windfall element of the policy which according to the council represents over 20% of the future expected level of provision. It is also clear that there is no effective joint working on cross boundary issues.
- 4.14 While the plan is clearly not **consistent with national policy** as regards the approach to housing it is recognised that in this transition period an inspector may not wish to reject a plan outright and that he may weigh the advantages of a plan that makes provision for a significant level of additional housing. In this case the significant increase in the level of housing provision will be entirely dependent upon the performance of windfall sites.



- 4.15 It is understood that planning applications have been lodged for large sites at Sherburn in Elmet and East of Selby so unless the strategy seeks to identify further locations (as suggested by our representations) then there is no real argument that the positive aspects of providing a plan (by facilitating a significant increase in housing supply) actually outweighs the plans inconsistency with national planning policy.
- 4.16 It is our view that the proposed changes do not go far enough to render the plan sound.
- 4.17 As there are no capacity issues it would seem a relatively risk free approach to simply increase the requirement to that required to meet the most recent projections in the short term subject to a quick review once a joint SHMA has been completed for the whole of the market area.

5 PC7.20 and minor changes to paragraph 5.44h

- 5.1 This paragraph suggests that the council will only take action after 3 years of continuous undersupply. The problem with this approach is that paragraph 49 of the NPPF would potentially allow appeals as soon as delivery falls below 450 a year if this is a result of there being an insufficient 5 year supply. Allowing such a situation to perpetuate for three years before starting to react cannot be considered to be a "positive" approach to planning and is unsound.
- 5.2 This lack of action for 3 years is further compounded by the length of time it will take to produce a plan to identify further deliverable allocations which, even in the best intentions, will take 5 years between inception and adoption.
- 5.3 Although a small change this alteration effectively allows the council some 8 years between identifying a problem of delivery and resolving it.
- 5.4 In considering the appropriateness of this approach one must also consider that the undersupply is going to be judged against the delivery of 450 dwellings a year (including windfall) which is already significantly below the most recent government projections.

6 Conclusion

- 6.1 Having considered the evidence base in detail and the councils most recent proposed changes it is considered that the Core Strategy remains unsound and cannot reasonably be argued to past the test of soundness as set out in paragraph 182 of the NPPF.
- 6.2 Our clients have invested considerable time in this process and the councils failure to adequately address the requirements of the NPPF and their stubborn refusal to realistically address up to date evidence means that there can be no advantage in the inspector allowing this unsound plan to progress any further when balanced against the need for a sound plan in accordance with the NPPF. To allow the plan to proceed would undermine the approach the government are seeking to take in respect of planning for housing as set out in the NPPF.