

Selby District Council

NPPF Compliance Statement

Part 1 – The 3 Topics

13 April 2012



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## 1. Background

- 1.1 The Submission Draft Core Strategy (SDCS) has been prepared in compliance with Regional Spatial Strategy (RSS) and in the light of extant national policy in Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs).
- 1.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and this replaces all the previous national planning guidance in PPGs and PPSs<sup>1</sup>.
- 1.3 The SDCS examination is in progress with most elements already dealt with at the September Examination in Public (EIP) and the remaining 3 topics to be dealt with at the April EIP.
- 1.4 The practical steps which must be taken regarding the examination of the SDCS in the light of the new NPPF are set out in The Planning Inspectorate (PINS) advice note. It states that:
- Paragraph 5. “The policies in the Framework need to be applied from the day of publication, while ensuring that progress is maintained in the decision-making process without allowing any significant delay.”
- Paragraph 7. “The Framework must be taken into account in the preparation of local and neighbourhood plans...”
- Annex B, Local Plans
- Paragraph 1. “Inspectors should seek to minimise delays, while giving parties an opportunity to make representations in the interests of fairness. The first guiding principle in development plan work is where possible to ensure that sessions where representations may currently rely on previous national policy are re-programmed, and substituted with sessions not so affected, or that space is provided for relevant issues to be revisited before the examination is closed.”
- Paragraph 5. “*Examination hearings in progress where previously existing national policy related issues are the current topic* - Continue on the basis of revised national policy (the National Planning Policy Framework), but where necessary, after canvassing the views of the parties, allow a suitable adjournment...”
- Paragraph 6. “*Examination hearings in progress but previously existing national policy-driven issues are already dealt with* – Inform examination parties that it will be necessary to reopen the issue to allow an opportunity as in step 5.”
- 1.5 Therefore, the reconvened EIP on 18 and 19 April will examine the 3 topics that were the subject of suspension and will be examined in the light of the NPPF. The 3 topics are:
- (i) The strategic approach to Green Belt releases
  - (ii) The scale of housing and employment development proposed for

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<sup>1</sup> Some Practice Notes, mainly for Development Management purposes have not been replaced by the NPPF and are still in force

## Tadcaster and the implications for the Green Belt

(iii) The overall scale of housing development over the plan period

- 1.6 The Inspector's note of 4 April 2012 regarding the EIP arrangements is available on the Core Strategy EIP web page. The remaining topics and policies in the Core Strategy which were examined at the EIP in September will be subject to re-examination in the light of the NPPF at a further EIP later in the summer.
- 1.7 The Inspector's second Note of 10 April 2012 sets out the arrangements for the remainder of the Examination including that all representors are invited to submit any comments on the implications of the whole NPPF (and the other new national policies) for the Core Strategy by 11 May 2012.

## 2. Purpose of this Statement

- 2.1 The Council has published this 'NPPF compliance statement' in respect of the 3 topics.
- 2.2 This compliance statement considers whether the policies relating to the 3 topics are sound in so far as they meet the test of soundness set out in Paragraph 182 of the NPPF, namely:
- “Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.
- 2.3 This statement also sets out those parts of the SDCS (for the 3 topics) where Proposed Modifications may be necessary. The Council will publish any Proposed Modifications for consultation (see section 3 below).
- 2.4 In addition to requiring delivery of sustainable development in accordance with policies in the NPPF, Paragraphs 178 -181 of the NPPF require LPAs to plan strategically across local boundaries – the Duty to Cooperate (DTC), as embodied in the Localism Act 2011 (LA11). This statement does not cover that aspect. A separate DTC Compliance Statement is published by the Council (CD63). The DTC will also be subject of examination at the April EIP.
- 2.5 This Statement deals with the 3 topics and the NPPF. With reference to other new national policy documents, the Council takes the view that:
1. The technical paper on flood risk which accompanies the NPPF retains the core principles of PPG25, and as such the SDCS and Proposed Changes have followed the appropriate steps in dealing with flooding issues. The SDCS and Proposed Changes therefore remain NPPF compliant. The Environment Agency has orally confirmed this view.
  2. It is satisfied that there are no implications for the 3 topics with regard to the Minerals technical guidance published with the NPPF, as no such issues are to be heard at the April EIP and so there is no compliance issue.
  3. The Council is satisfied that there are no implications for the 3 topics with regard to Planning Policy for Traveller Sites guidance published

on 23 March 2012 as no such issues are to be heard at the April EIP and so there is no compliance issue.

The latter two points will be considered in the Council's Part 2 of the Compliance Statement which will analyse other SDCS issues and any consultation responses to the Inspector's deadline of 11 May. Any issues will be considered at the August EIP.

### **3. Next Steps**

- 3.1 The Council will consider all third party responses to the Inspector's consultation on the NPPF (which finishes on 11 May) and take account of the debate at the April EIP, when it assesses the implications of the NPPF in relation to the remaining topics and policies in the Core Strategy.
- 3.2 The Council will then issue a further 'NPPF compliance statement' towards the end of May in respect of all other SDCS policies (not covered by the April EIP).
- 3.3 The Council will also publish any Proposed Modifications for consultation prior to a reconvened EIP later in the summer (likely to be 21 August 2012), which will provide the opportunity for those remaining NPPF compliance issues to be examined.
- 3.4 In that way the Inspector will be able to take into account all parties' views when the SDCS is re-examined in August.
- 3.5 The August EIP will only consider the SDCS in relation to the NPPF and not re-open the examination on other tests of soundness as these have already been considered in the September EIP.

### **4. The Assessment Approach**

- 4.1 In undertaking the assessment the Council considers the following points should be born in mind:
- 4.2 In principle the Council takes the view that the SDCS policies were compliant with national policy as embodied in the wide ranging, lengthy and detailed guidance set out in PPGs and PPSs.
- 4.3 Given that the NPPF is based extensively on the superseded national policy documents, then it is unlikely that the SDCS policies would now fail to comply.
- 4.4 It is only where the NPPF now differs from previous guidance there may be an issue.
- 4.5 However this compliance statement does positively analyse the requirements of the NPPF in relation to the 3 topics and assesses whether the approach and policies are consistent with national policy.
- 4.6 In determining whether the policies are consistent, it should be noted that it is not necessarily inconsistent if the SDCS does not exactly mirror the NPPF, for a number of reasons set out below.
- 4.7 There is no need to amend the SDCS to simply repeat national policy. Where

the SDCS does not specifically refer to an element of the NPPF, there is little point in adding something to the SDCS because the SDCS is silent on a particular point. The NPPF should be read in conjunction with the SDCS.

- 4.8 One of the over-arching themes of the NPPF is that decisions should be taken locally and not imposed top-down. Various parts of the NPPF set out that policies in Local Plans should be developed in the light of evidence, including Paragraph 10 which says that “*plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas*”. Paragraph 209 says that the NPPF “*aims to strengthen local decision making and reinforce the importance of up-to-date plans*”. The SDCS is the local interpretation of national policy taking into account local circumstances and evidence and in the light of the views of the local community.
- 4.9 So effectively this statement demonstrates where the 3 topics Proposed Changes are consistent with the NPPF, and also highlights where the policies are not exactly the same. Where there is an apparent difference, this is assessed as to whether there is:
- (a) a need for Proposed Modifications to the SDCS to ensure consistency with the NPPF; or
  - (b) no modification is required because:
    - The NPPF can be read alongside the SDCS or
    - It is appropriate, within the guidance set out in the NPPF that the SDCS is different because it is based on a locally derived, proportionate evidence base.
- 4.10 This statement deals with the principles of the approach taken through the January 2012 Proposed Changes in relation to the 3 topics and the specifics of those Proposed Changes. It does not pick up at this stage any consequential amendments which may be needed in the text of the SDCS for example to delete references to cancelled guidance and replace with reference to NPPF. It is expected that consequential updates will be ‘additional modifications’ to be made by the Council prior to adoption as necessary.

### **Scope of this Statement**

- 4.11 This Statement is intended to cover only those 3 topics which will be the subject of the April EIP. However, because the 3 topics and the published Proposed Changes have been considered within the existing overall strategy set out in the SDCS, it seems appropriate to also consider NPPF compliance on the overall approach in the SDCS to promoting sustainable development, and the strategy for establishing the pattern of growth at the same time. It is difficult to separate this issue from the scale and distribution element.
- 4.12 As such, Section 5 of this statement demonstrates how the principles of the scale and distribution in the SDCS are compliant with NPPF, and then Section 6 deals with the Proposed Changes element.

## 5. SDCS Overall Scale and Distribution Strategy

5.1 This section covers the over-arching Core Strategy approach to scale and distribution of housing growth and its consistency with the NPPF. The next section (6) deals specifically with the Proposed Changes scale and distribution of new housing requirement.

5.2 The section sets out the relevant extracts from the NPPF and assesses how the SDCS is consistent on these aspects.

### *NPPF Presumption in favour of Sustainable Development*

5.3 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 15 of the NPPF requires that "Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally." Paragraph 151 of the NPPF requires that "Local Plans must be prepared with the objective of contributing to the achievement of sustainable development."

### *SDCS*

5.4 The SDCS does not have a specific policy which states that there is a presumption in favour of sustainable development. However, the Vision, Aims and Objectives serve this function and the policies in the SDCS follow the approach of the presumption in favour of sustainable development and include clear policies which guide how that presumption should be applied locally.

5.5 Because the NPPF includes the presumption in favour of development there is no necessity to include a stand alone policy explicitly repeating this in the SDCS.

### *NPPF strategic priorities*

5.6 Paragraph 156 of the NPPF states that "Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver...the homes and jobs needed in the area". In addition, Paragraph 17 of the NPPF provides 12 principles which include:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs..... and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green

Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

### *SDCS Vision, Aims and Objectives*

- 5.7 The SDCS meets these requirements and is therefore consistent with the NPPF as demonstrated in Chapter 3 which contains the Vision, Aims and Objectives. These provide a clear direction for development in Selby District over the plan period.
- 5.8 Paragraph 3.3 in particular states that the Council wishes to ensure that future development is sustainable. Paragraph 3.4 states that in order to deliver the vision in a sustainable manner the SDCS pursues a number of strategic aims and objectives to guide the location, type and design of new development.
- 5.9 The aims include for example, establishing the spatial context for meeting the housing, economic, recreational, infrastructure and social needs of Selby District.
- 5.10 Further, the SDCS is consistent with the approach in the NPPF (at paragraphs 30, 34 and 37) which seeks to ensure that plans promote a pattern of development which facilitates the use of sustainable modes of transport, ensures developments are located where the need to travel will be minimised and aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 5.11 The SDCS contains some 17 objectives, (which are reflected in the core policies) of the SDCS and include for example, (1) enhancing the role of the three market towns as accessible service centres; (2) supporting rural regeneration; (3) concentrating new development in the most sustainable locations, where reasonable public transport exists, and taking full account of local needs and environmental, social and economic constraints; (6) locating development in areas of lowest flood risk; (7) promoting the efficient use of land including re-use of existing buildings and previously developed land for appropriate uses in sustainable locations; (8) minimising the need to travel; and (9) developing the economy.
- 5.12 **Therefore the SDCS vision, aims and objectives are consistent with the NPPF in terms of promoting sustainable development and establishing clear priorities consistent within the planning principles.**

### *SDCS Spatial Development Strategy*



- 5.13 Further, Chapter 4 of the SDCS sets out the Spatial Development Strategy which establishes the settlement hierarchy most appropriate to local circumstances which will be used to guide future development. Paragraphs 4.15 – 4.29 of the SDCS in particular describe the roles and strategy for each of the layers of the hierarchy
- 5.14 Paragraphs 4.30 - 4.41 of the SDCS set out that in addition to these specific geographical priorities and strategy, that other locational factors/principles will also influence the allocation of sites in DPDs and consideration of development proposals. These include:
- (a) PDL - high priority to previously developed land where this can be done without compromising other over-riding sustainability considerations and housing delivery.
  - (b) Flood Risk - the application of the sequential tests when identifying land for development.
  - (c) Accessibility - the importance of new development being accessible by modes of transport other than the private car and where the need to travel is minimised.
  - (d) Green Belt
  - (e) Character of Individual Settlements – safeguarding of strategic countryside gaps
- 5.15 Policy CP1 of the SDCS sets out the broad policy framework for delivering the spatial development strategy and that the location of future development in Selby District will be based on a number of principles. For example the majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail, and service centres, the level of local housing need and particular environmental, flood risk and infrastructure constraints.
- 5.16 Background Paper 3 (CD22b) (and earlier versions at various stages) and the Draft Core Strategy (2010) clearly set out why and how the spatial development strategy was chosen and why other alternative options were rejected.
- 5.17 **Therefore in strategic terms, Policy CP1 and the spatial development strategy as set out in the SDCS are consistent with the NPPF policy for promoting sustainable development taking into account relevant locational principles.**

*SDCS Creating Sustainable Communities and Scale And Distribution Of Housing*

- 5.18 Chapter 5 of the SDCS sets out the policies to achieve ‘creating sustainable communities’. Paragraphs 5.1 – 5.28 of the SDCS set out the context and summarise how the amount and distribution of new housing has been determined through the Core Strategy process.
- 5.19 Paragraph 5.10 of the SDCS sets out that the distribution of new housing in Policy CP2 is primarily influenced by the following factors:

- evidence on the scale of housing growth from the former Regional Spatial Strategy;
  - the spatial strategy for the District set out in Policy CP1;
  - the location of housing need as indicated in the Strategic Housing Market Assessment, and
  - the capacity of Selby town to accept additional housing development, particularly having regard to highway<sup>2</sup> and flood risk<sup>3</sup> issues within the town.
- 5.20 This approach is consistent with Paragraph 50 of the NPPF which states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); [and] identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;”
- 5.21 Further, with regard to the flood risk issue, which is a particular and significant issue for Selby District and identified in the SDCS, the approach for the distribution of housing (as set out in paragraph 5.19 above) is consistent with Paragraph 100 of the NPPF which says: “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, ..... Local Plans should be supported by Strategic Flood Risk Assessment .....Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by: applying the Sequential Test; if necessary, applying the Exception Test;.....”.
- 5.22 With specific reference to the overall scale of housing, the SDCS (May 2011) proposed that the RSS figure of 440 dpa was the appropriate scale of housing as it was an objective assessment of need agreed cross-boundaries and was ultimately the extant development plan to which the SDCS must conform. However the Inspector reached the conclusion that the Council’s case for relying on the RSS figure was not sufficiently robust. The Inspector asked the Council to reconsider the overall housing target in the light of the most up-to-date evidence and said that if it intends to rely on a housing requirement which is significantly below one which is derived from the latest evidence; it will need to provide cogent justification for so doing. The Council has therefore, during the suspension, re-assessed housing numbers. The up-to-date assessment established a higher figure of 450 dpa and this was subject to 6 weeks consultation through Proposed Changes (January 2012). That element is considered below in Section 6.
- 5.23 Consistent with the NPPF, the SDCS provides that approximately half of new housing will be located within or adjacent to Selby as the most sustainable

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<sup>2</sup> Results of North Yorkshire County Council VISUM traffic model tests 2009

<sup>3</sup> Selby District Strategic Flood Risk Assessment 2009

settlement within the District (para 5.11 of the SDCS) and this is considered to be the appropriate maximum bearing in mind the existing highway and flood constraints and the desirability of preventing coalescence of Selby with surrounding villages, particularly Brayton (para 5.15 of the SDCS).

- 5.24 Paragraph 5.16 of the SDCS explains that “Outside Selby, housing development is orientated towards meeting local needs and creating balanced communities. Bearing in mind that for the District as a whole, the annual affordable housing needs over the next five years amounts to an unattainable 90% of the total annual requirement<sup>4</sup>, it is more realistic and equitable to consider need on a proportionate basis for each part of the District, rather than on the absolute numbers.” This is consistent with the NPPF requirement to assess and meet needs identified through a SHMA.
- 5.25 Paragraph 5.20 however recognises that “Accommodating the full share of affordable housing need arising from within village settlements is not compatible with other sustainability objectives and the Core Strategy recognises that a significant element of the affordable need arising in villages will therefore be catered for in Selby. Nevertheless there is also scope for continued smaller scale growth in a number of larger, more sustainable villages. Additional housing development in these villages will provide support for local services and thereby help secure a network of local services across the more rural parts of the District. These villages provide the main locations for achieving more local availability of affordable housing and their development will help to support and enhance a strong network of services. Provision is therefore made for about a quarter of planned growth to be located within Designated Service Villages. This is consistent with the NPPF planning principles to take account of the different roles and character of different areas, promoting the vitality of our main urban areas, and supporting thriving rural communities within it”.
- 5.26 The text in the SDCS is a summary of the approach taken to promoting sustainable development through directing growth to the most sustainable locations which is based on local evidence base and the results of the various stages of public consultation. Background Papers produced at each stage of the plan preparation process set out in more detail the approach used to determine the general distribution of new housing growth amongst the settlement hierarchy; in particular: Background Paper No. 3 – housing distribution options (October 2007, revised September 2008, revised February 2010) and Addendum to Background Paper 3 – January 2012 and Background Paper No. 14 Scale and Distribution of Housing.
- 5.27 In addition, other relevant Background Papers include:
- No. 1 Travel to Work patterns
  - No. 5 Relative sustainability of villages
  - No. 6 Village Growth Potential
  - No. 7 Strategic development Sites
  - No. 9 Local housing targets (replaced by BP14)

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<sup>4</sup> Selby District Strategic Housing Market Assessment 2009

No. 10 Landscape appraisals

5.28 **Therefore in strategic terms, Policy CP2 – the scale and distribution of housing is consistent with the NPPF in promoting sustainable development through identifying in principle the most appropriate distribution of growth amongst the settlement hierarchy reflecting the roles of the respective settlements and evidence base.**

## **6. PROPOSED CHANGES**

**The overall scale of housing development over the plan period**

**And**

**The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt**

- 6.1 Because of the extent of overlap of the issues relating to these two topics, they are dealt with together in this statement.
- 6.2 The Proposed Changes in relation to the scale and distribution of housing development do not alter the principles of the distribution strategy established in the SDCS and as set out above, are consistent with the NPPF.
- 6.3 The detailed Proposed Changes include:
- a) An increase in the annual average housing target to 450 dwellings per annum as the sustainable level of housing growth over the plan period. This compares to 440 dpa set out in the Regional Spatial Strategy (RSS).
  - b) Revised Policy CP2 to incorporate amended figures for new allocations in Sherburn in Elmet increased from 498 dwellings to 700 dw and Tadcaster has reduced from 457 dw to 360 dw (taking account of rounding)
  - c) Introduction of 'phasing' of housing growth:
    - 6 years at 400 dwellings per annum
    - 5 years at 460 dwellings per annum
    - 5 years at 500 dwellings per annum
  - d) Updated base date to March 2011
  - e) The plan period for the Core Strategy will run from 2012 to 2027 (15 years from the date of adoption).
  - f) Revised Policy CP3
  - g) New Policy CPXX (Green Belt)

- a) An increase in the annual average housing target to 450 dwellings per annum as the sustainable level of housing growth over the plan period. This compares to 440 dpa set out in the Regional Spatial Strategy (RSS);**
- and**
- b) Revised Policy CP2 to incorporate amended figures for new allocations in Sherburn in Elmet increased from 498 dwellings to 700 dw and Tadcaster has reduced from 457 dw to 360 dw (taking account of rounding)**
- 6.4 As set out above, the overall level of housing has been changed in the light of an up-to-date assessment of the District housing requirement. However it should be noted that the principal methodology for distributing new housing growth remains unaltered as part of the Proposed Changes. Only the precise proportions have been amended in the light of returning to specific data in the SHMA.
- SDCS Proposed Changes:*
- 6.5 In re-assessing the housing requirement for the District during the EIP suspension the Council has published (January 2012) the following which explain the process:
- Arup Housing Paper, November 2011 (CD56)
  - Addendum to Background Paper 3 (CD22b)
  - New Background Paper 14 (CD22m)
- 6.6 The proportionate and up-to-date evidence base which supports the approach is contained in and takes account of the following:
- Selby SHMA 2009 (CD24)
  - NYSHMA 2011 (CD54)
  - SHLAA update 2011 (CD55)
  - SA Addendum (CD17h)
  - IDP Addendum (CD19a)
  - HRA Addendum (CD18b)
- 6.7 Further sources of latest evidence include:
- 2010 based ONS population projections (March 2012)
  - Migration data
  - REM job forecasts
  - Consideration of housing figures in adjoining LPAs Core Strategies

- 6.8 The Council has published alongside this NPPF Statement and the DTC Statement (CD63), a new Housing Context Paper (CD56a – Arup, April 2012), which sets out the Council’s up-to-date position on the housing requirement of 450 dpa in response to representations received during the Proposed Changes consultation and in the light of the DTC and new NPPF. That paper should be read in conjunction with this statement as it sets out in detail the evidence and assumptions used in deriving the appropriate housing figure consistent with the NPPF.
- 6.9 This approach and final housing figure are consistent with the NPPF Paragraph 14 which says that local planning authorities should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.
- 6.10 The DTC Statement and Housing Context paper (April 2012) (CD56a) evidence shows that the Council’s approach is also consistent with Paragraph 17 of the NPPF which says that Plans should be kept up-to-date, and be based on joint working and cooperation to address larger than local issues and every effort should be made objectively to identify and then meet the housing, needs of an area. Further, through considering house prices, migration and economic drivers, the re-assessed housing figure and thus Proposed Change take account of market signals, and set out a clear strategy for allocating sufficient land which is suitable for development in line with NPPF guidance
- 6.11 In that respect the Arup paper also shows that the revised housing figure is consistent with NPPF Paragraph 47 which states that “To boost significantly the supply of housing, local planning authorities should: use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework”.
- 6.12 Consistent with the NPPF (paragraph 47) the Council has also produced an up-to-date 2011 SHLAA (CD55) which identifies a supply of specific deliverable sites sufficient to provide five years’ worth of housing against the housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land and a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- 6.13 The Proposed Changes also provide a revised housing trajectory for the plan period and revised Policy CP3 which sets out a housing implementation strategy describing how the Council will maintain delivery of a five-year supply of housing land to meet the housing target, consistent with paragraph 47.
- 6.14 In determining the distribution of the housing requirements, the Proposed Change in CP2 follows the principle set out in the SDCS that new growth should reflect the identified housing needs evidenced in the SHMA (balanced with other factors) and that the Local Service Centres should meet their own local needs as the most sustainable locations (after the focus of development

- in the Principal Town). This approach is consistent with Paragraph 50 of the NPPF which says that “to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”.
- 6.15 The level of and distribution of housing growth defined by the Proposed Changes are consistent with Paragraph 154 of the NPPF which says that “Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where.” The scale of development proposed in Tadcaster for example is based on a realistic and objective assessment of, the settlement’s own needs (demand in the SHMA) and the aspiration that additional housing (and employment) development will support the local services and facilities in the town. The level of growth proposed is realistic having tested the capacity of the local infrastructure and assessed land availability. Evidence is provided in the Addendum to the IDP (CD19a) and in the update to the SHLAA 2011 (CD55) respectively. This evidence base has been developed in co-operation with public bodies to assess cross boundary impacts, consistent with Paragraph 157 of the NPPF. Additional mechanisms and flexibility to ensure delivery are provided by Proposed Changes to Policy CP3 and the introduction of a strategic Green Belt policy (CPXX).
- 6.16 The Proposed Changes on scale and distribution have been developed in the light of a proportionate evidence base, consistent with paragraph 158 of the NPPF. The Arup April 2012 paper sets out how the assessment has taken account of adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area and that they take full account of relevant market and economic signals in determining the most appropriate housing figure. This is consistent with paragraph 158.
- 6.17 The Council’s 2009 SHMA has informed the Proposed Changes, as has the recent NYSHMA 2011 which is consistent with paragraph 159 of the NPPF which sets out that local planning authorities should have a clear understanding of housing needs in their area by preparing a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. Further, the Arup Housing Context paper (April 2012) (CD56a) provides a full account of how the assessment of the revised housing figure meets household and population projections, taking account of migration and demographic change in line with paragraph 159. Also, in line with this paragraph, the Proposed Changes take into account the Strategic Housing Land Availability Assessment which establishes realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
- 6.18 The Proposed Changes have been subject to Sustainability Appraisal and



Habitats Regulations Assessment (both addenda are available as core documents CD17h and CD18b) consistent with Paragraph 166 of the NPPF. The Strategic Flood Risk Assessment (CD30 - 32) also forms part of the evidence base.

- 6.19 Paragraph 218 of the NPPF states that where it would be appropriate and assist the process of preparing or amending Local Plans, regional strategy policies can be reflected in Local Plans by undertaking a partial review focusing on the specific issues involved. Local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence.
- 6.20 In summary, the further work that has been undertaken during the suspension in assessing the annual housing needs is consistent with these NPPF requirements. The latest Housing Context report (Arup, April 2012, CD56a), published by the Council alongside this Statement, provides the evidence that the approach is consistent with the NPPF, having been concluded following the publication of the NPPF in March.
- 6.21 **Therefore it is demonstrated that, based on the most up-to-date evidence above, the approach taken and the proposed scale and distribution of housing in the Proposed Changes are entirely consistent with the NPPF requirements.**

**c) Introduction of ‘phasing’ of housing growth:**

- **6 years at 400 dwellings per annum**
- **5 years at 460 dwellings per annum**
- **5 years at 500 dwellings per annum**

- 6.22 The concept of phasing was introduced by the Council at Proposed Changes stage in the light of evidence from the Arup (November 2011) (CD56) study which concluded that housing market conditions are likely to be weak for the near future, and thus there could be a case for slightly lower levels of housing delivery in the first five years.
- 6.23 Representations received during the consultation objected to the phased approach as it was viewed as restricting housing growth contrary to national policy.
- 6.24 The Council remain of the view that there is likely to be slow growth but also recognise that there may well be opportunities for increased delivery with the release of the Phase 2 SDLP sites (as indicated in the revised trajectory).
- 6.25 The NPPF is silent on phasing. However it does clearly promote the need for LPAs to boost the supply of housing. The phasing was never intended as a restrictive policy but to ensure development was directed to the most sustainable locations through the Local Plan and to ensure that the housing requirement was not only aspirational but realistic (in line with NPPF).

6.26 On reflection, however, the Council recognise that this could be viewed as a restrictive policy and it is also accepted that it is difficult to precisely define the level of phasing in the later parts of the plan period.

6.27 **On this basis the Council propose to delete the phasing element and return to a flat target as contained in the submitted Core Strategy, albeit at the higher figure of 450 dpa for the 15 year period.**

**d) Policy CP2 updated to reflect the latest (March 2011) annual monitoring figures for planning permissions (which consequentially alters other figures for example, an increase at Selby from 2336 dw to 2500 dw)**

6.28 Through the Proposed Changes, the base date has been amended to the most up-to-date monitoring figures available (as at 31 March 2011, compared to 31 March 2010 as in the SDCS). Monitoring figures as at 31 March 2012 will not be available until later in the summer. It is not necessary or reasonable to up-date them again prior to adoption as a mathematical exercise. It is simply a base date to work from and can't be updated every year throughout the plan period.

6.29 **There are no NPPF consistency issues.**

**e) The plan period for the Core Strategy will run from 2012 to 2027 (15 years from the date of adoption).**

6.30 The plan period in the Proposed Changes is 15 years and the plan period in the SDCS was 15 years. There is no change in the period – only the start date as the timetable for adoption has slipped.

6.31 The Proposed Changes elicited objections from third parties that the Plan period should be longer than 15 years.

6.32 Paragraph 157 of the NPPF says that “Crucially, Local Plans should:

- be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;

6.33 **The SDCS and as proposed to be changed is therefore consistent with the NPPF.**

**f) Revised Policy CP3**

6.34 Policy CP3 is proposed to be changed in the light of debate at the September EIP concerning how the Council intends to implement and manage the bringing forward of housing land for future housing growth.

6.35 In particular the possible use of CPO was contained in the reasoned justification rather than within a strategic policy. This has been remedied with the revised wording.

6.36 In addition, in the light of ensuring that the appropriate scale of development

is delivered within the established hierarchy of settlements (that is, in line with the proportions identified in revised Policy CP2) further safeguards have been added.

- 6.37 Although there is no specific guidance in the NPPF about monitoring of housing land, Paragraph 47 of the NPPF does require that LPAs set out a housing implementation strategy describing how the Council will maintain delivery of a five-year supply of housing land to meet the housing target. Revised Policy CP3 performs this function consistent with the NPPF.
- 6.38 The revised Policy is also broadly consistent with the intentions of Paragraph 8 of the NPPF which says that the planning system should play an active role in guiding development to sustainable solutions and paragraph 14 which says that plan making means that LPAs should positively seek opportunities to meet the development needs of their area and local plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change.

#### **g) New Policy CPXX (Green Belt)**

- 6.39 The reason for incorporating this policy was to ensure the potential need to undertake a review of boundaries (in order to accommodate growth) was contained within a strategic policy rather than only within the reasoned justification text (as at paragraph 4.39 of the SDCS).
- 6.40 It became inextricably linked to the debate on land availability in Tadcaster as it became clear at the EIP that to accommodate the scale of growth required in the Local Service Centre, there may be a specific issue in the light of non-green belt land not being made available for development in the plan period.
- 6.41 This issue is dealt with in section 7 below.

#### **Other Issues**

##### **Windfalls**

- 6.42 Paragraph 48 of the NPPF says that Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 6.43 The SDCS does not make an allowance for windfalls in the housing land requirement. This approach provides certainty in the plan led approach with windfalls being a bonus in housing land supply rather than being taken into account in the requirement and effectively reducing the amount of allocations required over the plan period.
- 6.44 **There are no consistency issues with NPPF on this point.**

## 7. The strategic approach to Green Belt releases

7.1 The published Proposed Change in January 2012 introduced a new strategic policy on the Green Belt.

7.2 A proposed new Policy CPXX was introduced which covers the following general points:

1. The general extent of the Green Belt will be protected and control of inappropriate development within the green belt
2. Reference to Major Developed Sites in the Green Belt
3. That a Green Belt review will be undertaken at a lower DPD stage
4. Establish the broad scope of the review
5. As part of the review what exceptional circumstances need to exist if boundaries are to be altered

7.3 Section 9 (Paragraphs 79 – 92) of the NPPF deals with Green Belts.

### *General Protection of the Green Belt*

7.4 Paragraph 79 -81 set out the “*great importance*” of Green Belts to “*prevent urban sprawl by keeping land permanently open*”. Core Strategy Policy CPXX continues this broad strong protection for the District’s Green Belt, and focuses development on the main urban area (in the hierarchy of settlements) thus reducing pressure on Green Belts.

### *New Green Belts*

7.5 Paragraph 82 of the NPPF considers designation of new Green Belts, but the Core Strategy proposes no such designation and therefore this does not apply.

### *Green Belt Reviews*

7.6 Paragraphs 83-86 of the NPPF permit the review of Green Belt boundaries for the long-term to ensure they are robust. Paragraph 85 bullet point 1 states: “[When defining boundaries, local planning authorities should] *ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development*”.

7.7 New Policy CPXX proposes a review of the Green Belt (in order to address anomalies etc) but only to alter boundaries if there are “exceptional circumstances” which are defined in the policy (Criterion D4). These include where there is a need to meet identifiable development needs for which other sites would be significantly less sustainable. This approach accords with Policy YH9 of the RSS (which has also been taken forward in the LCR Interim Spatial Strategy). The implementation of the policy should also be read in conjunction with Proposed Change to Policy CP3 which provides for assistance and intervention in bringing housing land forward.

7.8 **Policy CPXX, which will guide the Review when it is undertaken, is consistent with the considerations set out in Paragraph 85 of the NPPF.**

7.9 NPPF sets out that any review should be comprehensive, and not merely localised reviews: Para 83: *“Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”* **Policy CPXX is therefore consistent with this approach.**

*Definition of Boundaries*

7.10 The last bullet point in Paragraph 85 refers to setting clear boundaries to the Green Belt in a review: *“define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”* This is worded differently in Policy CPXX, but the intention is the same to enable the Green Belt to be easily found “on the ground”. **The Council however proposes to update the wording to follow the NPPF phraseology more closely.**

*Major Developed Sites in the Green Belt*

7.11 Paragraphs 87-92 of NPPF set out the development management considerations for development proposals in the Green Belt. CPXX echoes these considerations but also includes the concept of Major Developed Sites (MDS) which is no longer carried over from PPG2. MDSs are a range of locations in the Green Belt where development would be less strictly controlled in the interests of the businesses that predate the Green Belt designation. However with the revised wording of the NPPF, the tests of whether to grant planning permission in the Green Belt are the same across the whole Green Belt with no discernible difference for the former MDS designation.

7.12 The Council now considers that the national policy is sufficiently flexible to allow some development in Selby’s existing MDSs and so such a designation is no longer necessary. **Therefore the references to MDS is to be deleted from CPXX and supporting text in order to be consistent with the NPPF.**

*Safeguarded Land*

7.13 The SDCS Proposed Change (Policy CPXX) includes reference to identifying Safeguarded Land as part of the review if appropriate in order to ensure boundaries endure in the long term.

7.14 The Council considers that this is consistent with Paragraph 85 bullet point 3 of the NPPF which states that *“where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”*

7.15 This approach is also consistent with Paragraph 157 of the NPPF which says that *“Crucially, Local Plans should:*

- *plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;*
- *be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;*”

- 7.16 **The Council consider that the text and Policy remain generally consistent with the NPPF except in how it deals with Major Developed Sites in the Green Belt (MDS). In addition some fine tuning of the wording, to align more closely with the phraseology used in the NPPF, regarding defining boundaries is needed.**
- 7.17 Appendix 1 reproduces the proposed reasoned justification text and the Policy CPXX with tracked changes to indicate where Proposed Modifications would be necessary to ensure consistency with NPPF.

## **8. Conclusions**

- 8.1 The SDCS and Proposed Changes regarding the housing scale and distribution (Policy CP2), and managing housing land supply (Policy CP3) are consistent with the NPPF.
- 8.2 However, the Council suggest it may be prudent to delete phasing if this is viewed as restricting development.
- 8.3 The Proposed Changes regarding the strategic approach to the Green Belt are generally consistent with the NPPF except with regard to the:
- approach to Major developed Sites in the Green Belt; and
  - detailed wording of some of the policy text.
- 8.4 The Council therefore suggest that Part C of Policy CPXX is deleted and the supporting text consequentially revised as additional modifications. In addition some modifications to the text would be helpful within Policy CPXX to ensure closer alignment with the NPPF. These are shown in Appendix 1.

## Appendix 1 Green Belt Text Tracked Changes

*Deleted text with strike-through and new text in red.*

### Policy CPXX: Green Belt

- 4.29a The District is covered by parts of both the West Yorkshire and York Green Belts. One of the functions of the Green Belt is to prevent the coalescence of settlements, for example by preserving the open countryside gap between Sherburn in Elmet and South Milford. ~~National planning guidance~~ **The NPPF** stresses the importance of protecting the open character of Green Belt, and 'inappropriate' forms of development ~~as expressed in higher order policy~~ will be resisted unless very special circumstances can be demonstrated.
- 4.29b The area covered by Green Belt is defined on the Proposals Map. For the avoidance of doubt, the boundary line shown on the Proposals map is included in the Green Belt designation. Where there are different versions of maps that contradict one another, the most up to date map from the Council's GIS system has authority.

### ~~Major Developed Sites in the Green Belt~~

- ~~4.29c The existence of established businesses and infrastructure already present in the Green Belt area are constrained from otherwise legitimate development by the designation. The Council is sympathetic to such cases and recognises that these sites are at risk from being unable to develop. The Council wishes to support local businesses, retain existing jobs and promote new jobs, so it proposes to allocate "Major Developed Sites in the Green Belt" in accordance with national guidance.~~
- ~~4.29d Such sites are not removed from the Green Belt, but planning applications for limited infilling development will be considered favourably where the development is in accordance with national guidance and essential for retention or expansion of the core business/use, there is a strong economic justification, and the impact upon the Green Belt is minimal. Such a designation will enable sustainable economic growth in the interests of the economy, but the Council will resist change of use to non employment uses.~~
- ~~4.29e A range of Major Developed Sites in the Green Belt are identified in the Selby District Local Plan Policy GB3 and also shown on the Proposals Map.~~
- ~~● Byram cum Sutton WWTW~~
  - ~~● Billbrough Top roadside service area~~
  - ~~● Former Bacon Factory Site, Sherburn in Elmet~~
  - ~~● Papyrus Works, Newton Kyme~~
  - ~~● Tadcaster Grammar School~~
  - ~~● Triesse Vulcan Works, Church Fenton~~

~~4.29f The Core Strategy Policy CPXX (Green Belt) supersedes the SDLP Green Belt policies, including GB3 on Major Developed Sites. However, the SDLP Proposals Map where these sites are defined remains unchanged, and therefore Policy CPXX will apply to these sites. The Site Allocations Development Plan Document will review these Major Developed Sites and may identify and designate additional Major Developed Sites in the Green Belt.~~

## Green Belt Review

4.29g RSS Policy YH9: Green Belts of the Yorkshire and Humber states that “*localised reviews of the Green Belt boundaries may be necessary in some places to deliver the Core Approach and Sub Area policies*”. The Council considers that only in exceptional circumstances where there is an overriding need to accommodate what would otherwise be inappropriate development, which cannot be met elsewhere **or** where Green Belt land offers the most sustainable option, **would** ~~will~~ land be **considered for taking** ~~taken~~ out of the Green Belt. **The A** Green Belt review may also consider identifying areas of safeguarded land to facilitate future growth beyond the plan period.

4.29h The text accompanying Core Strategy Policy CP3 notes the land supply issue at Tadcaster and other locations which has limited the potential delivery of housing in otherwise very sustainable locations. The Council is seeking to protect the settlement hierarchy and considers that the most sustainable option is to ensure that the Principal Town and Local Service Centres and **other sustainable DSVs in the settlement hierarchy meet their own needs in accordance with NPPF Para 85 “ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development”**. This is especially true in Tadcaster where it is vitally important in order to deliver the Core Strategy Vision, Aims and Objectives to meet local needs and support the health and regeneration of the town.

4.29i The overriding objective to accommodate development where it is needed to support the local economy (alongside other town centre regeneration schemes) cannot take place elsewhere in the District and still have the same effect on securing Tadcaster’s **and other settlements’** longer term health. Core Strategy Policies CP2 and CP3 seek to bring land forward in the most sustainable locations within Development Limits in Tadcaster, **Sherburn and the other sustainable DSVs. The current, 2011 SHLAA generally demonstrates sufficient sites to achieve this, however** ~~but~~ the Core Strategy must be pragmatic, flexible and future-proofed. Therefore, if ~~land remains unavailable~~ **sites are not forthcoming** and other options ~~explored~~ for facilitating delivery fail, the Council must consider an alternative sustainable option.



4.29j The Council therefore considers that this offers the exceptional circumstances that justify a need to strategically assess **the District's** growth options across the Green Belt.

4.29k Such a review would seek to ensure that only land that meets the purposes and objectives of Green Belt is designated as Green Belt – it would not be an exercise to introduce unnecessary additional controls over land by expanding the Green Belt for its own sake. Similarly, the review would not seek to remove land from the Green Belt where it is perceived simply to be a nuisance to obtaining planning permission. The review may also address anomalies such as (but not exclusively) cartographic errors and updates in response to planning approvals, reconsider “washed over” villages against Green Belt objectives, and consider simplifying the on-the-ground identification of **all the** Green Belt boundaries by ~~following logical physical features~~ **identifying physical features that are readily recognisable and likely to be permanent.**

4.29l The review would be carried out in accordance with up to date national policy and involve all stakeholders, and take into consideration the need for growth alongside the need to protect the openness of the District. It would examine Green Belt areas for their suitability in terms of the purpose of Green Belt **in accordance with NPPF**;

- ~~• to check the unrestricted sprawl of large built up areas;~~
- ~~• to prevent neighbouring towns from merging into one another;~~
- ~~• to assist in safeguarding the countryside from encroachment;~~
- ~~• to preserve the setting and special character of historic towns; and~~
- ~~• to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.~~

~~4.29m Further, the review would consider the contribution towards the objectives of Green Belt;~~

- ~~• to provide opportunities for access to the open countryside for the urban population;~~
- ~~• to provide opportunities for outdoor sport and outdoor recreation near urban areas;~~
- ~~• to retain attractive landscapes, and enhance landscapes, near to where people live;~~
- ~~• to improve damaged and derelict land around towns;~~
- ~~• to secure nature conservation interest; and~~
- ~~• to retain land in agricultural, forestry and related uses.~~

4.29n The review may also consider

- the relationship between urban and rural fringe; and

- the degree of physical and visual separation of settlements

4.29o This could supply a schedule of areas for further investigation where sites may be considered for suitability for development and subject to a sustainability assessment. This may consider other policy/strategy designations such as existing Local Plan 2005, sustainability criteria such as accessibility to services, facilities and public transport, and also flood risk. **The Green Belt review and Sustainability Appraisal would then undergo public consultation.** ~~A lower order~~ **The Sites Allocation** DPD may then identify land for development **during the plan period. It may also** safeguard **land** to facilitate development beyond the plan period and avoid a further Green Belt review in the future.

4.29p Additional detail and a comprehensive review programme may be developed by a Review Panel made up of interested parties (similar to the existing SHLAA Panel).

#### Policy CPXX Green Belt

- A. Those areas covered by Green Belt are defined on the Proposals Map.
- B. In accordance with higher order policies, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
- ~~C. Within Major Developed Sites in the Green Belt (as defined on the Proposals Map), some limited infilling and/or, redevelopment to support economic development of existing uses will be permitted in line with higher order policies.~~
- D. To ensure the Green Belt boundaries endure in the long term, a review of the Green Belt will be undertaken through ~~a lower order~~ **the Sites Allocation** DPD. The purposes of the review will be to:
1. address anomalies
  2. review 'washed over' **and 'inset'** villages
  3. ~~establish~~ **define** boundaries **clearly using** ~~strong physical features~~ **physical features that are readily recognisable and likely to be permanent**
  4. ensure that there is sufficient land available to meet development requirements throughout the Plan period for allocations, and the need for growth beyond the Plan period by identifying Safeguarded Land.
- E. Under Criterion D4 (above), land may be taken out of the Green Belt **in the Site Allocation** DPD only in exceptional circumstances, where

1. there is an over-riding need to deliver the Vision, Aims and Objectives of the Core Strategy by accommodating the housing development identified in the established settlement hierarchy as set out in CP2, and/or employment development identified in CP9, and
2. ~~where~~ such need cannot be met on non-Green Belt land, or where **removal of land from the Green Belt land** offers a significantly more sustainable option overall.

F. Any sites considered for removal from the Green Belt under Criterion D4 (above) will be subject to **public consultation and** a sustainability appraisal, and assessed for their impact upon the following issues (non-exhaustive):

- any other relevant policy/strategy; and
- flood risk; and
- nature conservation; and
- impact upon heritage assets; and
- impact upon landscape character; and
- appropriate access to services and facilities; and
- appropriate access to public transport.