

# Selby District Council Position Statement 31 August 2012

## EXAMINATION HEARINGS 5 and 6 September 2012

*Council's  
Proposed  
Further  
Changes*

### 1. Introduction

- 1.1 The SDCS has been examined at hearing sessions in September 2011 and 'The 3 Topics'/NPPF in April 2012. The reconvened EIP for September 2012 will examine the SDCS consistency with National Policy (NPPF and Travellers Policy) for the remainder of the SDCS topics.
- 1.2 The Council considered representations received regarding the Inspector's consultation on NPPF issues which closed on 11 May 2012. The Council also made a full assessment of the implications of the NPPF for the SDCS. The Council then published for consultation on 7 June 2012, its responses to the representations received and a Statement on NPPF compliance as well as a 6<sup>th</sup> Set of Proposed Changes to the SDCS which it considered necessary to ensure NPPF compliance.
- 1.3 The consultation on those documents concluded on 19 July 2012 and the representations were forward to the Inspector and published on the Council website. The Council has now had the opportunity to consider the representations received.
- 1.4 The inspector has now issued the Agenda for the hearing sessions on the 5 and 6 September 2012.

### 2. Purpose of Paper

- 2.1 This paper provides the latest position for the Council in relation to the issues raised by objectors and the main matters which will be discussed at the final two sessions of the EIP as highlighted in the Agenda. It is intended to assist the Inspector and participants to make most effective use of the examination time available.
- 2.2 The Inspector has stated that some of these matters were discussed in detail during the April 2012 sessions; their inclusion on this Agenda is not an opportunity to revisit issues previously explored, but is to allow any new evidence that has arisen since April.
- 2.3 With this in mind, this paper does not repeat previous case but signposts back to relevant evidence and previous submissions. The paper adds anything new where appropriate. In some cases the Council proposes some further changes to the SDCS in response to objectors' points and NPPF consistency issues for discussion at the EIP. These are flagged up in the right hand column for ease of reference.
- 2.4 Please note the convention used in any suggested changed text:
  - red/blue for main/additional modifications for previous 5 Sets of Proposed Changes (published January 2012)

- Yellow highlights were 6<sup>th</sup> Set Proposed Changes (Published 7 June 2012)
- Blue highlights show further suggested changes

2.5 The Council has asked for the Inspector's views on what procedural steps might be required particularly in terms of any further consultation which might be needed and the impact on timescales. The issues are covered under "Any Other Legal /Procedural Matters" at Item 3 below.

### **3. Legal compliance**

#### **a) Duty to cooperate**

3.1 Objectors have stated that although DTC statement and Core Strategy text explained response they fail to satisfy the DTC. The LCRIS and NY sub regional strategy are not 'approved'. Neither have been examined or scrutinised publicly. They also state that Selby and adjoining authorities have considered housing in isolation at odds with NPPF.

3.2 Previous representations referred to City of York Council's (CYC) intention not to provide for housing needs in the city. Since then CYC has withdrawn their Core Strategy and intend to do a Local Plan with a 30 month time scale. Objectors consider that issues about leap-frogging the Green Belt and the need for Selby Core Strategy to understand and address those pressures remain.

The Council responds to each point in turn:

3.3 The Council is fully committed to co-operation on cross boundary issues. It has demonstrated how the Core Strategy is in general conformity to the RS which is the mechanism for tackling strategic, cross boundary issues before the introduction of the DTC.

3.4 SDC Written Statement No. 2 for the September 2011 EIP (available on the EIP webpage) sets out the Council's response to Matter 2.4 – "*Are the functional relationships of the District with adjacent areas properly considered? What are the most important cross-boundary issues and how they are being addressed*" and this matter was debated at the September EIP.

3.5 Cross boundary issues have therefore already been debated at the September 2011 EIP. In addition in the light of the publication of the NPPF, the Council published a DTC Statement of 13 April (CD/63) and the issue again debated at the April 2012 EIP.

3.6 That DTC Statement sets out that the Selby Core Strategy has been developed within the context of the Regional Strategy which was the mechanism for cross-boundary cooperation. All the LAs in the sub-region are signed up to LCR Interim Strategy following the intention to revoke the RS. This is the latest position in the region in advance of any formal joint working relationships which would be subject to consultation and testing. The fact is that the Selby Core Strategy remains consistent with the extant RS and is also consistent with the ongoing interim position which demonstrates collaboration on cross-boundary issues.

3.7 The text in the Core Strategy is a summary explanation of how the DTC has been satisfied through the RS, Sustainability Appraisal, working with

Stakeholders through the IDP and how cross-boundary issues have been taken into account in for example reviewing housing numbers. The Core Strategy text (see PC6.11 of CS/CD2f) sets out in what the limitations have been to “agreeing housing numbers” but this does not mean that Selby’s (or adjoining LPAs) housing figures have been developed in isolation.

- 3.8 The Council consider that the housing numbers were debated both at the September 2011 EIP and specifically at the April 2012 EIP in relation to the DTC and compliance with NPPF. The DTC Compliance Statement 13 April 2012 (CD/63) and Part 1 NPPF Compliance Statement 13 April 2012 (CD/64) provide further details on how the Council consider the DTC has been met.
- 3.9 The various SDC Statements already set out the Council’s position that the housing numbers take into account cross-boundary issues. There is no evidence that adjoining LPAs are under-supplying and there is no expectation or agreement from adjoining LPAs that Selby should take on their housing requirements and therefore the Core Strategy is consistent with NPPF para 182.
- 3.10 CYC have been consulted throughout the process and have no adverse comments (see also DTC Statement). The CYC decision to withdraw its Core Strategy does not change the Selby Core Strategy position on this matter and underlines the difficulty of ‘agreeing’ numbers between adjoining areas when each is at a different stage in plan preparation.
- 3.11 Further consultation has taken place on the *6<sup>th</sup> set of Proposed Changes to the Core Strategy* between 7 June and 19 July 2012 (6<sup>th</sup> Set). The Consultation process included extensive publicity through letters, advertisement, press releases, website and email notification of stakeholders.
- 3.12 Most changes in the 6<sup>th</sup> Set are minor amendments to wording to reflect up to date phraseology of NPPF. Where necessary, minor additions are included to emphasise or bolster particular issues that have gained weight in the NPPF. None of these forms of change alter the overall Core Strategy approach and would not constitute strategic matters which would require cross-boundary working.
- 3.13 All the Proposed Changes remain within the overall strategy as submitted, and that remains in conformity with the emerging strategic spatial planning priorities of the region through the LCR Interim Spatial Strategy
- 3.14 Moreover, the Council has demonstrated that the Proposed Changes have been assessed for their cross boundary impacts through liaison and cooperation with other public bodies on capacity and infrastructure planning as well as adjoining LPAs on commonality of approach to assessing housing requirements and impacts of Core Strategy policies
- 3.15 There continues to be an open conversation in the region between LPAs and SDC has continued its involvement in Leeds City Region and York Sub-Area work to ensure a coordinated approach to issues, including for example Infrastructure / A64, joint approach to CIL and an update GTAA. In addition, close cooperation with North Yorkshire County Council and through various Officer and Member working groups has ensured consistency and understanding.
- 3.16 The Council remains satisfied that it has undertaken its duty to cooperate at all levels and that there is consistency and cooperation across the NY authorities and partner organisations.

**b) Cumulative changes to the Core Strategy**

- 3.17 In the light of various debates at Examination in Public (September 2011 and April 2012), the Council has published six sets of proposed changes to the Core Strategy which set out a number of additional modifications. The six sets of proposed changes are available on the Council's website at [www.selby.gov.uk](http://www.selby.gov.uk), together with a composite version of the Core Strategy showing the tracked changes.
- 3.18 Although the latest set of proposed changes have been made in response to the NPPF; in the main, previous sets have been minor amendments and editorial changes to improve the clarity and readability of the plan. It is noted that the majority of the changes are reactive efforts to accommodate issues that encompass far more than just issues of Soundness and the Council has gone out of its way to cooperate with all stakeholders through negotiation and agreement wherever possible to develop an inclusive plan. As a result, the majority of the proposed changes are to "improve the plan", not necessarily to ensure its Soundness.
- 3.19 However there are a small number of main modifications which have come about through the examination process and the table below sets out the key changes since the Submission Draft Core Strategy was submitted in May 2011. It demonstrates that despite the apparent quantity of changes, the core objectives of the Submission Draft remain in place and that the overall Core Strategy has not changed.

**Table 1**

<b>Modification</b>	<b>NPPF origin?</b>	<b>Reason</b>
Addition of new Policy LP1- presumption in favour of sustainable development	Yes	Insertion of PINS model policy to reflect the overarching approach of the planning system to facilitate sustainable development (not manage or control it).
Green Belt Policy (CPXX)	No	The Green Belt was referenced in the supporting text but had no strategic policy in CS (although a DMDPD would have contained such in the future). As some amendments to GB were potentially required to deliver housing numbers, a Policy was required setting the overall framework to facilitate a review to inform site allocations work at the appropriate time.
Addition of Escrick as a DSV (CP1)	No	Escrick was always identified as a sustainable settlement, but one that was constrained by policy and physical constraints to limit its growth potential. The introduction of CPXX and a Green Belt Review meant that one of its principal constraints could be relaxed, and as such offered the potential for DSV status.
Housing target risen from 440 to 450pa. (CP2)	No	The impending revocation of RSS meant that the long standing agreed 440dpa was challenged. A comprehensive reassessment in September 2011 noted that 450 was a realistic and achievable minimum target.
Quantum of housing in Local Service Centres (CP2)	No	Responding to the evidence, Tadcaster's and Sherburn's quanta were revised (having previously been harmonised as they were at the same level in the settlement hierarchy).
Insertion of broad acceptance in principle of an element of market housing on rural exception sites to aid viability (CP5)	Yes	To reflect NPPF which allows this. The policy "hook" is now in place, and further policy development will take place in future Local Plans to establish an appropriate level, subject to viability testing and other evidence.
Gypsies & Travellers (CP7)	Yes	With no national planning policy (apart from some Circulars), a detailed policy on dealing with planning applications for such use was included. With introduction of NPPF set out such details, the policy was drastically reduced in content to avoid repeating NPPF.
Merging of elements of CP9 and CP10, deletion of CP10	Yes	To further support rural prosperity in line with NPPF.
Introducing principle of identifying "suitable areas" for low carbon and renewable energy (CP14)	Yes	To reflect NPPF.

**c) Any other legal/ procedural matters**

- 3.20 This paper suggests some further proposed changes for discussion at the EIP in response to consultation on the 6<sup>th</sup> set of PCs and to ensure consistency with the NPPF.
- 3.21 It is the Council's view that any changes to policies proposed at this stage in the examination process, purely in order to ensure consistency with the NPPF (which do not materially change the objectives of the plan although could marginally change the impact of an individual policy) could be considered as part of the testing and challenging in the EIP and / or as 'additional modifications' rather than 'main modifications' under Section 112 of Localism Act 2011 (and amended s23 of the TCPA 2004).
- 3.22 The Council understands that the purpose of the EIP in September is to consider only NPPF compliance and these hearing sessions will be the opportunity to address these issues in a public forum. It appears to the Council that because any potential further changes would be in response to NPPF compliance, there is limited benefit in undertaking a further consultation which would further delay the process, which could potentially be never-ending.
- 3.23 It should be noted that the Council has already formally requested the Inspector to consider mods from the first 5 sets of proposed changes (see letter dated 9 February 2012 on website - [http://www.selby.gov.uk/upload/SDC\\_letter\\_to\\_inspector\\_s112\\_10Feb12.pdf](http://www.selby.gov.uk/upload/SDC_letter_to_inspector_s112_10Feb12.pdf)). The Council is yet to make a further request for changes since then.
- 3.24 The Council believe that once it has formally requested the Inspector to consider further modifications then these can be dealt with through the examination process and that it is possible that the Inspector is able to recommend adoption subject to mods in his report without a further round of public consultation.

**4. Presumption in favour of sustainable development (LP1)**

**New Policy LP1 and Changes to text**

- 4.1 The majority of representations support the inclusion of the new policy. However, one objector has raised that amendments to text repeat NPPF in relation to presumption in favour of development. The test does not add to the NPPF and fails to apply the presumption to the local context to which the CS relates. The test and policy should be amended to apply this presumption to the local context or be deleted.
- 4.2 The Inspector's Note to the Council dated 23 April 2012 set out the Planning Inspectorate's advice that:

"Following the publication of the National Planning Policy Framework ('the Framework') planning authorities with adopted plans or plans in preparation will need to consider which, if any, parts of those plans need updating.

The Framework states that Local 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 15).

The Planning Inspectorate considers that this model wording will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation.”

4.3 The Note also stated that:

“My understanding is that all plans currently being examined should reflect the presumption in favour of sustainable development. Plans that do not reflect the presumption policy will not be consistent with national policy. The model wording is provided to help planning authorities to accurately reflect the Government’s policy in their plans.

Selby DC will need to satisfy itself, and me as the Examining Inspector, that the Core Strategy reflects the presumption policy contained in the Framework. The published model wording is one way of doing this. The Council can, if it wishes, devise its own alternative wording provided it appropriately reflects the presumption policy. Where alternative wording is provided, I will need to be satisfied that the alternative wording accurately reflects the Government’s intention.”

4.4 SDC has incorporated the model policy verbatim except for the following differences highlighted in yellow:

**“Policy LP1**

**When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.**

**Planning applications that accord with the policies in this the Local Plan [Footnote 1] (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.**

**Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:**

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- **Specific policies in that Framework indicate that development should be restricted.”**

**Footnote 1**

*The ‘Local Plan’ comprises the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. It includes the Core Strategy and other planning policies which under the regulations would be considered to be development plan documents. The term includes old*

*policies which have been saved under the 2004 Act.”*

*[Explanatory Note - This therefore includes the SDLP which was prepared under the Town and Country Planning Act 1990 and policies saved under the 2004 Act on adoption in 2005 and then 'extended' on 8 February 2008 by Direction of the Secretary of State under the 2004 Act until such time as superseded. It also includes the RSS until abolished by Order using powers taken in the Localism Act]*

4.5 The changes simply clarify that:

- a) It is not just the Core Strategy part of the Local Plan to which the policy applies, but also any further documents which form part of the Local Plan.
- b) That for the avoidance of doubt advice on what would be considered 'out-of-date' is provided in the NPPF.

4.6 In the light of the specific advice from the Planning Inspectorate that this model wording will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation, by implication there is no requirement to include a local context.

4.7 The Council accept it merely repeats NPPF, but it is worth repeating to set the overall tone for the Core Strategy, which reiterates the commitment to pro-growth at a single point, and policies are not read in isolation from other Core Strategy policies. No further changes are therefore required or proposed.

## **5. Spatial Development Strategy (CP1)**

### **a) Identification of Designated Service Villages**

#### ***Any new evidence since April hearing session:***

5.1 A number of respondents have suggested that particular villages should be re-assessed and their status amended in the light of NPPF. The Council considers that there is nothing in the NPPF that means the Core Strategy process should be re-started and all evidence and assumptions reinvestigated.

5.2 Background Papers 5 and 6 set out the methodology for assessing DSVs and the Council consider that this remains NPPF compliant and complies with the RS and Core Strategy approach. It provides a consistent and transparent process applicable across the District which should endure for at least the Plan Period. It is not appropriate to continually update the evidence base and react to changes – the plan must be flexible to allow for change without altering its overall strategy. The closure of services may be a temporary status – another survey in one or five years time may reveal a different finding still. It would not be appropriate to reappraise the Core Strategy on the basis of evidence at such a time, so it is not clear why the CS assumptions should be reviewed at this time. The Council considers it is inappropriate to update and re-assess individual villages at intermittent points throughout the process. Related issues have already been debated at the EIP in any case.

5.3 Notwithstanding the above, some specific villages have been raised and the Council would respond as follows:

#### ***Fairburn***

5.4 Written Statement No. 3 for the September EIP set out the Council's case at length with regard to Fairburn. The issue was debated at both the September and April EIPs. However, responders continue to highlight the lack of facilities in



Fairburn due to closures since the surveys were undertaken for Background Papers. They state that no new evidence has come to light to change this. After the April EIP, Officers recommended to Full Council that Fairburn be reconsidered in light of changes since the surveys were undertaken, noting that at this particular point in time the village no longer meets the basic criteria for DSV status.

- 5.5 Councillors highlighted that the Core Strategy is about planning for sustainable growth in a hierarchy of settlements, but that rural villages should also be allowed some small scale growth for their own needs. In the case of Fairburn there is strong evidence supplied by residents that the village is in decline - evidenced by shops closing. With a reasonably large population in the village there is clearly a need to stem this decline, and one method would be to allocate development there to provide a larger customer base to support retention of remaining facilities, and perhaps foster the (re)opening of others. Conversely, if Fairburn were not allocated any growth in the full knowledge of its existing decline, the Council would be seen to be endorsing its decline, which is contrary to the pro-growth agenda and NPPF. Therefore, having considered all of the evidence, Councillors voted to retain Fairburn as a DSV in its own interest.
- 5.6 At the April EIP an issue of sewage and drainage was raised. Yorkshire Water provided a position statement regarding WWTW capacity requiring upgrading as part of development, but that this was not a “show stopper”. Objectors note that the Council is of the opinion that the issue is resolved, but highlight that no works have taken place and that flooding still occurs so the issue has not been resolved. The Council would respond that the issue is resolved in the context of the Core Strategy and more specifically the IDP – that appropriate upgrades would be required and undertaken to facilitate development that may occur through SADPD allocations should any take place in Fairburn. As such, this is not a restriction on Fairburn’s potential DSV status. The Council would not comment upon any physical works that have/not taken place as this is outside the scope of the CS.

### ***Escrick***

- 5.7 The Council’s Written Statement of No. 3 (September 2011) set out the reasons why Escrick should not be a DSV. The issue was debated at both the September 2011 and April 2012 EIPs. In the light of the introduction of Policy CPXX and the Green Belt Review (5<sup>th</sup> Set of Proposed Changes, January 2012), the Council’s Position Statement of 7 June 2012 set out the reasons why Escrick should now be a DSV.
- 5.8 At the EIPs in both September 2011 and April 2012, various responders promoted Escrick as suitable for inclusion as a DSV as it fulfilled the basic sustainability tests well. The Council acknowledged that assessment in Background Paper 5, but also noted in Background Paper 6 that Escrick is constrained by various policy designations and so there was no realistic location for development to take place. As such it was classed as a Secondary Village.
- 5.9 Now SDC is committed to undertake a Green Belt Review (through Policy CPXX), that policy designation that constrains Escrick is no longer necessarily a reason to deny it DSV status (although GBR does not automatically mean that land will be made available). In all other respects Escrick presents a compelling case to be a DSV and as such SDC has proposed that change in the 6<sup>th</sup> set of proposed changes (PC6.32). CPXX clearly sets out that the GB Review will include a stakeholder working party that will include CYC. Indeed, CYC’s own Local Plan involves potential amendments to the GB which will require cross border working.
- 5.10 Following 6<sup>th</sup> set consultation, some support was received from those who

recognise that there is sound evidence to support DSV status, and from those who wish to see development of a bypass (presumably funded through large scale growth). However there were objections from Local Ward Councillors, the Parish Council and other individuals.

- 5.11 It is clear that Escrick meets the relative sustainability tests set out in Background Paper 5. However, objectors make references to perceived infrastructure limitations such as lack of capacity in the local school. However as the CS is merely establishing the hierarchy and does not propose specific sites or development proposals (quantum), then there is no reason in infrastructure terms to refuse Escrick DSV status. but these may be addressed at the appropriate time in the SADPD when specific sites are discussed.
- 5.12 It is worth noting however, that the ongoing development of the IDP has revealed no “show stoppers”, although there may be issues with some infrastructure that would have to be addressed through the allocations plan. For example, primary school places are limited which may result in an extension to the school. This does not prevent development, but merely highlights that consequential work must be undertaken to accommodate growth – as is the case throughout the District - this would not be unique to Escrick but would also apply to other settlements.
- 5.13 In terms of access to employment, the village has a small number of employers including the hotel and the private school. Further afield, using Google Driving Directions, Fulford (which is inside the City of York boundary) lies 4.1 miles from Escrick, and “Piccadilly, York” (defined City Centre) measures 5.8 miles. York University is 5 miles from Escrick, and the McArthur Glen (Designer Outlet) centre is well within that distance at 3.9 miles. Escrick business Park is 2.2 miles to the south, and Riccall business park is 4.6 miles south. All are served by a good quality bus service on the A19.
- 5.14 DSV status will assist in retention of existing facilities in the villages. A sustainable quantum of development may provide a larger customer base for shops and other services, thus securing their long term future. Objectors note the precarious economic position of some of the services, particularly the petrol station which relies on passing trade to operate and should not be seen as a village facility due to its location. However the Council would note that the facility does provide a range of convenience goods which are accessible to villagers, and this does enhance the sustainability of the village, albeit slightly beyond a 500m walking threshold.
- 5.15 Objectors suggest that development in Escrick is not deliverable because expansion cannot be provided without environmental harm. The Council accepts that all development will inevitably inflict *some* harm, and would point out that if development were not to take place in Escrick it would have to take place elsewhere with similar harm. It is a matter of the degree of that harm that must be assessed at the appropriate time. It would be unreasonable to deny DSV status on the basis that there may be some harm as yet not quantified as a result of some unspecified development. Notwithstanding the above, DSV status does not automatically mean that development will occur - it merely establishes the principle that there is a broader sustainability to Escrick that may be explored through Site Allocations work.
- 5.16 Conservation Area and Listed Buildings do not prevent development in principle. All development will impact upon character and appearance, but there is no reason to suggest that any new development would automatically harm character; indeed it may preserve or enhance it. Policy CP16 requires high quality design that is respectful to local character.

- 5.17 The Council considers that Escrick meets the sustainability tests in Background Paper 5 and this is unaltered by any of the issues raised by respondents. It is the introduction of the Policy CXX and potential for the review of the boundary around Escrick which justifies the change in status as part of the Core Strategy process – rather than being an update on services/facilities.

### ***Camblesforth***

- 5.18 As set out in paragraphs 5.1 – 5.2 above this is not an NPPF issue. The schedule of DSVs has been established using evidence in Background Papers 5 and 6 (and their updates). In the Council's Written Statement of 3 September 2011, it was clearly set out why Camblesforth should not be a DSV on flood risk grounds. The new evidence which has been presented does not alter that assessment.
- 5.19 In summary, the village fails the sequential test in context of other lower risk settlements. There is no need to apply Exceptions Test (as proposed by an objector) within the context of identifying those settlements capable of accommodating growth. As such it does not meet DSV status. The Core Strategy is not site specific and there is no need to examine individual sites in this strategic document.

### ***Church Fenton (Air Base)***

- 5.20 Although the Inspector's Agenda states Church Fenton, it is assumed that as the only responses submitted refers to Church Fenton Airbase that this is the topic to be discussed. To assist the EIP, a map is presented in Appendix 1 showing Church Fenton and Ulleskelf villages as DSVs relative to Church Fenton Airbase (CFAB) which is Secondary Village.
- 5.21 As set out in paragraphs 5.1 – 5.2 above this is not an NPPF issue. The Council considers that the publication of the NPPF does not mean that the Core Strategy process should be re-started and all evidence and assumptions reinvestigated.
- 5.22 CFAB has no linked village function as it is distinct and separate from Church Fenton and Ulleskelf (unlike for example other linked villages such as Monk Fryston and Hillam are inherently connected). As such the Council sees no reason to open a debate on this new issue, and remains of the opinion that CFAB is unsuitable as a DSV.

## **b) Development in Secondary Villages**

### *Vitality of rural communities*

- 5.23 Objectors would like to see growth in rural settlements to support local communities and consider that the Council should not seek to hinder growth of the rural economy. The Council should therefore give due consideration to permitting a degree of new development in the smaller rural settlements to retain and enhance their character
- 5.24 Other objectors consider that the Core Strategy has not been positively prepared under NPPF because CP1(b) restricts development in SVs contrary to need to support rural regeneration. Need new housing in SVs and policy should be more flexible to allow for local needs at an appropriate scale. Suggest a reworded Part b to allow development of appropriate scale in accord with CP1A.
- 5.25 The Council's view is that the SDCS Vision, Aims and Objectives set out how the

extensive rural areas of the District are supported and the strategic policies in the plan provide the appropriate balance between urban / rural to ensure sustainable development.

5.26 The SDC Part 1, 3 Topics NPPF Compliance Statement, 13 April 2012 (CS/CD64) in Section 5 considered the SDCS Overall Scale and Distribution Strategy, including Policy CP1 / CP2 and the settlement hierarchy.

5.27 The settlement hierarchy in Policy CP1 and the provisions for the Secondary Villages are RS compliant and were developed in the light of consultation on Issues and Options with the Core Strategy providing the focus of new development on the Principal Town and LSCs meeting local needs but also appropriate level of allocated development in DSVs to support vitality of rural communities. Allocations for market housing in SVs are not considered sustainable in the light of the detailed assessment in Background Papers 5 and 6 and set out in the SDCS.

5.28 However it should be noted that growth of smaller rural settlements (SV's) is supported by Core Strategy policies:

Policy CP1 Part (b) (as proposed to be amended) provides for:

“Limited amounts of residential development may be absorbed in SVs where it will enhance or maintain the vitality of rural communities through small scale allocations for 100% affordable housing and through small-scale development on non-allocated sites within Development Limits which conform to the provisions of Policy CP1A” Policy CP1 (b) supports development in SV's where this will enhance or maintain the vitality of rural communities. “

5.29 In addition, Policy CP9 of the CS also supports the development of the rural economy, provided the development should not harm the rural character of the area, be appropriate in scale and type to a rural location, and positively contribute to the amenity of the locality.

5.30 The Council considers that this approach is consistent with NPPF [See also further changes to CP1A below].

### c) **Development in Countryside**

*Preference for re-use of rural buildings for employment purposes*

5.31 SDC Written Statement No.4 (September 2011) covered the issue regarding re-use of buildings in the countryside (albeit with reference to national policy at that time which was PPS4) and the subject of preferring re-use for employment purposes was debated at the September EIP.

5.32 The following documents set out the Council's position since NPPF:

- SDC NPPF Part 2 Compliance Statement (CS/CD64a)
- SDC Responses to Representations (CS/CD65)

5.33 For information, Policy CP1 Part A, Section (c) (with proposed changes) says:

**c) Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and to proposals of an appropriate scale which would diversify the local**

**economy which would contribute towards and improve the local economy (PC1.20) where it will enhance or maintain the vitality of rural communities (PC6.27), or meet affordable housing need (which meets the provisions of Policy CP6), (PC6.29) or other exceptional special (PC6.28) circumstances.**

- 5.34 The Council consider that the preferably for employment uses in para 4.29 and in Policy CP1 remains consistent with NPPF because it is supported by Para 28 NPPF which says “planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development” and Para 51 NPPF says “LPAs...should normally approve planning applications for change to residential use and any associated development from commercial buildings.....where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate”
- 5.35 One of the key issue and challenges identified through the Core Strategy process was reinvigorating and developing the economy. The Vision seeks to ensure residents have a wide range of housing and job opportunities to help create socially balanced and sustainable communities. Strategic Objectives include supporting rural regeneration and deliver increased prosperity for the whole community; minimising the need to travel; and developing the economy by capitalising on local strengths, nurturing business and entrepreneurs, innovation and diversification.
- 5.36 Because of the rural nature of the District with the majority of the population living outside the 3 main towns, the strategic policies in the Core Strategy seek to promote rural prosperity and maximises job opportunities in rural areas. This is now advocated in national policy in NPPF.
- 5.37 It should also be noted that, until replaced by future Development Management policies, proposals for conversion and replacement of buildings in the countryside will continue to be judged against SDLP Saved Policies H12 (Conversion to Residential Use in the Countryside), H13 (Replacement Dwellings in the Countryside), and EMP8 (Conversion to Employment Use in the Countryside), which will complement Core Strategy Policy CP1.
- 5.38 SDLP Policy H12 requires that proposals for the conversion of rural buildings to residential use in the open countryside will only be permitted subject to a number of DM tests including:
- “1) It can be demonstrated that the building or its location is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality;”
- 5.39 Whilst recognising that all development contributes to economic prosperity, Policy CP1 (and CP9) seek to ensure that re-use of rural buildings prioritises job creation over potentially an isolated home in the open countryside. The Council remain of the view that this is an appropriate local objective which is consistent with the NPPF.
- d) Removal of 40% target for previously-developed land**
- 5.40 One representation to the 6<sup>th</sup> Set of Proposed Changes objects to the removal of PDL target in Part c of CP1 as NPPF para 111 does not suggest the provision

should be removed. They consider that the evidence base says 40% was easily achievable in the past and guiding development to PDL away from GF has been a notable success in the District. There has been no detailed consideration of the desirability or otherwise of having a locally derived PDL target and no justification for the proposed removal. Its removal leads to an unsound and unsustainable strategy that is unsupported by evidence base available. The 40% PDL target is justified, appropriate and positive mechanism for focussing development in sustainable locations and efficient use of land, and therefore CP1 part C, should be retained.

- 5.41 The Council note that Paragraph 111 of the NPPF sets out that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.
- 5.42 The SDCS included reference to a 40% PDL target at, Policy CP1 and paragraph 4.33, Appendix 1 (Trajectory) and Policy CP3 and paragraphs 5.53 to 5.55.
- 5.43 The intention of including the 40% target in the SDCS was that if, in the light of monitoring the 40% PDL target was not being met then the Council would consider taking one or more of the following actions (although no action is required in the case of the previously developed land target being exceeded):
- Facilitating land assembly by finding alternative sites for existing users or by compulsory purchase where no other alternative exists.
  - Restricting planning permissions on greenfield sites provided these are not required to meet overall housing delivery.
  - Reviewing the Allocations DPD with the specific aim of investigating further PDL sites
- 5.44 The Council consider that although bullet points 1 and 3 are still valid, the intention to restrict planning permissions on green field sites under bullet point 2 would be contrary to the NPPF and Core Strategy pro-growth agenda.
- 5.45 The Council has submitted eEvidence to the EIP on windfall and PDL monitoring information through:
- Annual Monitoring Reports (CS/CD15 and 15a)
  - Background Paper 4 (CS/CD22c)
  - Written Statements 4 and 6 (September 2011)
  - Debate at both the September 2011 and April 2012 EIPs
  - Written Response to the Inspector on windfalls, 31 May 2012 (new CD67)
  - SDC Position Statement to accompany 6<sup>th</sup> Set5 of PCs, 7 June 2012 (Core Strategy/CD66)
- 5.46 The text accompanying Policy CP1 and Appendix 1 in the Core Strategy explain the difficulties in predicting the amount of previously developed land which may become available, and it is acknowledged that the authority may have only limited opportunities to influence progress toward the target. However (in line with PPS 3 at that time) the Submission Draft Core Strategy had a policy aspiration to maximise the use of brownfield land and the target reflected that.
- 5.47 Written Statement No. 4 explained that Background Paper No.4 (CD22c) set out

why the evidence cannot reliably be used beyond 2017. As there is no point in including meaningless targets it was acknowledged that measurement of the take up of brownfield land after 2017 would have limited value. It would therefore be necessary to ensure a review of the Core Strategy/update of the target prior to that date.

- 5.48 The above evidence does show that there has been a high level of PDL development and windfall development in the past. It should also be noted that the PDL development that has taken place has been on (sometimes large) windfall sites. Such sources of future PDL windfalls are difficult to plan for.
- 5.49 Although the Core Strategy (including proposed changes) seeks to prioritise development on PDL in accordance with the NPPF, it should also be noted it will be unlikely in Selby District that new allocations will be able to be accommodated on PDL - the majority of new allocations are likely to be on green field sites.
- 5.50 As such the outcome of including the PDL target restrictions could be the Council finding itself resisting new development on green field sites if there has not been 40% on PDL and having a complex debate about whether such sites are required to meet overall housing delivery. Ultimately the housing requirement may then be being provided on ad hoc brownfield windfall sites at the expense of planned green field allocations.
- 5.51 The Council considers that this would be inappropriate, contrary to the plan-led system and the pro-growth agenda of both the Core Strategy and NPPF. As such the Council's view remains that the target should be down graded to an indicator and not re-instated.

## **6. Management of residential development (CP1A)**

### **Treatment of garden land and NPPF test of harm to local area**

#### *Identification of garden land for development in higher order settlements*

- 6.1 Some representations object to change in policy in text regarding garden land rather than in the policy. However, it should be noted that the proposed change to text was intended to explain more clearly the approach to garden land already contained in the Policy CP1A. No change in policy was proposed / intended
- 6.2 Other objectors consider that the blanket restriction on development on garden land is contrary to NPPF which states that INAPPROPRIATE garden land should be resisted. The Council should set out its justification for the approach. The NPPF refers to 'harm to the local area' whilst the Core Strategy simply differentiates between DSVs and SVs. This distinction takes no account of the harm which might or might not cause and this can only be established on a site specific basis.
- 6.3 One objector considers that either the CS should:
- remain silent which would be inconsistent with the NPPF or
  - include a policy which presumes against the development of all garden land as a matter of principle (for which we do not believe there is evidence) or
  - for a criteria based policy to be introduced which permits development of garden land in given circumstances
- 6.4 SDC Written Statement No. 6 for the September 2011 EIP sets out the case for the restriction of development on garden land in Secondary Villages other than to

enable the “filling of small linear gaps in otherwise built up residential frontages”. As such CP1A resists development on ‘open greenfield land’ with a preference to development on PDL and appropriate conversion/ redevelopment of farmsteads. The Written Statement No. 6 provides evidence in a number of appendices which seek to demonstrate the effect of the policy. The issues were debated at both September 2011 and April EIPs. This evidence shows that Garden Land has only contributed towards only about 10% of windfall development over past 10 years. Further monitoring analysis of windfall / PDL development was submitted to the Inspector on 31 May 2012.

- 6.5 The Council however now acknowledges the points raised by objectors in relation to the NPPF approach and consider that there is no basis for the differentiation between the approaches in DSVs/SVs on garden land.
- 6.6 Policy CP1A already incorporates the appropriate tests (under criteria (c) and (d) for example) which would ensure proposals are assessed on a site by site basis to resist inappropriate development on garden land and achieve sustainable development consistent with NPPF.
- 6.7 The Council therefore proposes the following amendments to the wording of Part (a) of Policy CP1A to remove the differentiation between DSVs and SVs and to ensure NPPF compliance (in blue highlight):

*[NB the reference to design codes at Part (c) is only an additional modification as a consequential change to previous 6<sup>th</sup> set changes]*

7<sup>th</sup> Set  
PCs

### **Policy CP1A Management of Residential Development in Settlements**

a) In order to ensure that ~~speculative (windfall) housing development on non-allocated sites (PC1.23)~~ contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle, within Development Limits: ~~in different settlement types, as follows:~~

- ~~In Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages —~~
- conversions
- replacement dwellings
- redevelopment of previously developed land
- ~~and~~ appropriate scale development on greenfield land (including conversion/redevelopment of farmsteads ~~and garden land~~).
- ~~In Secondary Villages — conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.~~

b) Proposals for the conversion and/or redevelopment of farmsteads to residential use within Development Limits will be treated on their merits according to the following principles:

- Priority will be given to the sympathetic conversion of traditional buildings which conserves the existing character of



**the site and buildings**

- **Redevelopment of modern buildings and sympathetic development on farmyards and open areas may be acceptable where this improves the appearance of the area and**
  - **Proposals must contribute to the form and character relate sensitively to the existing form and character (PC1.22) of the village**
- c) **In all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements , where available.**
- d) **Appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the village within the settlement hierarchy.**
- e) **All proposals in villages washed over by Green Belt must accord with national Green Belt policy.**

**7. Scale and distribution of housing (CP2)**

**a) Scale of housing development**

*(i) Statement of Common Ground and base data for Selby*

7.1 The Council Submitted a Statement of Common Ground jointly prepared and agreed with house builders (see CS/CD68), which pulls together in a single short document the comparative published data on population and household projections.

*(ii) Development industry data for surrounding areas*

7.2 It is unclear to what this item refers but the Council makes the following points:

- *NYSHMA*

7.3 Barton Willmore consultant has submitted to the EIP (20 July 2012) a Critique of the NYSHMA. However the Council does not agree with the contents of the document and believe it should be disregarded.

7.4 The Council considers that the NYSHMA was undertaken in accordance with published guidance, was based on relevant, proportionate and up-to-date evidence from Selby District (as set out clearly in the NYSHMA and particularly in Appendix 8 Para 1.5) and as such, the NYSHMA remains a robust part of the evidence base.

7.5 The Council has also attached (at Appendix 2) for information a letter from the NYSHMA Author, GVA Grimley in response to the BW Critique.

7.6 The Council will not be responding to the various other detailed points contained in the Critique (e.g. 5 Year Supply) as they do not relate or contribute to the housing requirement debate and are not Core Strategy issues.

*(iii) Any new evidence since April hearing session*

7.7 The LDP Planning representation makes reference to the need to consider the implications of the publication of the results of the Census. Paragraph 3.9 of their response states that:

*“As the Census is an unparalleled source of information and should form the basis for key decisions in the public and private sector over the next ten years, it is considered that its findings should form part of the CS to ensure its soundness over the plan period. LDP is aware that the debate on housing development does not form part of the September 2012 Inquiry, but with the release of up-to-date data it is considered the debate should be re-opened, or as a minimum written data should be submitted to the Inspector for his consideration.”*

7.8 Only headline results from the 2011 Census have been published (July 2012):

- This illustrates that the population of the District was 83,500 people in 2011.
- The growth in population between 2001 and 2011 is broadly in line with previously published Mid Year Population Estimates.
- The 2011 Census population figure is 600 people less than the projection set out within the 2010 based SNPP, which reflects that these most recent projections are overestimating the level of growth in the district.
- This indicates that lower levels of population growth have been achieved when compared with the most recently published projections for 2011 (as set out in the 2010 based SNPP).
- In light of this the Council does not believe that the Census results fundamentally change the proposed housing requirement for Selby district.

*(iv) NPPF requirement to plan positively*

7.9 Representations submitted state that approach undertaken by the Council in regards to Selby housing requirement is not in accordance with the NPPF because the Council have not approached the plan in terms of positively seeking to meet the development needs of the area and the level of housing provision is based on a reduced level of migration compared to the projections.

7.10 These issues have already been debated at the EIPs and the Council has already stated at the EIP and through the previous Arup papers and 7 June Position Statement. The Council and DLP have agreed a statistical report as a SoCG which has been submitted to the Inspector. Nothing in the representations submitted cause the Council to change it's already stated position.

7.11 The Council believes that it has adopted a positive and realistic approach to the delivery of housing growth and that the figure it has put forward more accurately reflects the conditions in the local authority area than the most recently published 2008 based household projections as this data is predicated upon 'boom' years of economic growth. If these projections were accurate then this would have seen completion levels in the district continue to rise in the district and instead lower levels have been achieved since 2007/08. Therefore the Council does not believe that it has chosen to undersupply in terms of the provision of housing as it has

made a realistic assumption for sustainable growth, which includes migration, into the district.

- 7.12 Further detail and reasoning on why 450 net additional dwellings per annum is reasonable is set out within the previous Background Papers and Arup reports (and in paragraphs 6.4 – 6.21 of the SDC Part 1 NPPF Compliance Statement (CD64). These documents review a range of evidence and data sources on housing to provide a reasoned and detailed argument on why 450 is an appropriate approach. In particular greater and more detailed explanation of this argument is set out in chapter 4 Arup (April 2012) The Scale of Housing Growth in Selby District, Review of Recent Evidence – April 2012 and section 5 Selby District Council (January 2012) Background Paper No. 14 Scale and Distribution of Housing.
- 7.13 No objections have been received from either Leeds City Council or the City of York Council to Selby's Core Strategy and the approach that it has put forward to housing requirements. The approach put forward by Selby District is in accordance with the Regional Strategy, which was formulated and agreed between all local authorities in the Yorkshire and Humber Region. Furthermore, Selby has worked with other authorities in the formulation of its evidence base, for example in commissioning the North Yorkshire SHMA as part of its evidence base. The approach being put forward by the surrounding authorities on housing requirements was considered in the Arup reports from November 2011 and April 2012. This approach is in line with the Regional Strategy and the Council is confident the growth proposed is supporting its own sustainability objectives is complementary with neighbouring areas.
- 7.14 Neither Leeds or York is seeking to export growth to Selby and neither authority has raised objections to the Strategy. The Selby Core Strategy is complementary to the growth of neighbouring areas and complies with the Regional Strategy which was agreed by all authorities in the Yorkshire and Humber Region.
- 7.15 The Council believe that the approach put forward in terms of the levels of migration into the district is realistic. This is based on the assumption that the Council has considered the most recent household projections (2008) and believe that these projections are over inflated. as are based on high-economic growth trends which account for the 'boom' years. As such this overstates the level of growth that will realistically be achieved. The modelling work undertaken by Arup illustrates the sensitivity of population estimates, using the recent 2010 population projections with the levels of migration and that the scenarios we have modelled represent a more realistic approach.
- 7.16 As stated above, the figure of 450 net additional dwellings per annum (as a minimum target) is compatible and aligned with the wider objectives of the Core Strategy, representing an integrated approach to sustainable growth, balancing the need for housing, jobs and reducing the need to travel. It should also be noted that the target is a minimum target.

**b) Removal of phasing**

- 7.17 The SDCS does not contain ‘Phasing’ for the housing requirement over the 15 year plan period. The 5<sup>th</sup> Set of PCs published in January 2012 introduced the concept of phasing at the same time as the increased annual housing requirement figure (see CS/CD2d)
- 7.18 At paragraphs 5.6 - 5.10, the 7 June 2012 SDC Part 2 NPPF Compliance Statement (CS/CD64a) set out the reasons why the Council removed the phasing in order to ensure consistency with the NPPF which was silent on phasing.
- 7.19 The removal of phasing is supported by all representors. However there was a mistake in the drafting of the 6<sup>th</sup> Set of PCs which removed phasing from the text but not from the Policy CP2. The Council now proposes an additional modification to ensure the document properly aligns regarding phasing.
- 7.20 It is also worth adding here too an additional modification to ensure that Policy CP2 aligns with the text change at Para 5.40 regarding minimum figures.
- 7.21 The proposed further changes are set out in blue highlight below:

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of PCs

**Policy CP2 The Scale and Distribution of Housing**

**A. Provision will be made for the delivery of a minimum of 450 dwellings per annum and associated infrastructure in the period up to March 2027 phased as follows**

**~~2011/12 – 2016/17 – 400 dpa~~**

**~~2017/18 – 2021/22 – 460 dpa~~**

**~~2022/23 – 2026/27 – 500 dpa~~**

**c) Treatment of windfalls**

*(i) Consistency with NPPF*

- 7.22 The Council has consistently used a “definition” of windfalls simply to include “all housing developments that come forward on non-allocated sites” i.e. the first part of PPS3 definition (see SDCS Glossary: “Windfalls - Those homes provided on sites, which are not specifically allocated for residential development and cannot be foreseen.” Although *most* windfall in this District occurs on PDL due to other SDLP policies and PPS3, the Council does not make a link with PDL in its definition of windfall. This view is reinforced by the NPPF which clarifies the PPS3 definition in Annexe 2, as:

*“Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available”.* (Underlining is our emphasis).

- 7.23 The NPPF makes no allowance for windfall development in delivering the housing target. SDC agrees this stance. The purpose of the additional paragraphs in 5.28 (PC6.39) was to set out that “windfalls” have made - and will continue to make – a contribution to housing delivery in the District, but that the Local Plans will seek to

allocate the full quantum of housing as set out in CP2 and not make an allowance for Windfalls to form part of that quantum.

- 7.24 The wording of those changes implied that the Council is seeking to enforce its own definition of “windfall” against NPPF definition. This is not the case – the paragraphs were simply added to demonstrate historic delivery on sites other than allocations (regardless of any definition of windfall). The additions were intended to assist the understanding that delivery on any site other than allocations is over and above the housing target. It was not intended to open a debate on the definition of windfall. Therefore, in order to simplify the Core Strategy, the further additional modifications set out below

7.25

~~5.28 The Council defines windfall as all development that comes forward on non-allocated sites. Windfall development typically takes the form of rounding off or infilling on undeveloped land including garden curtilages, or redevelopment of previously developed land. However, the precise level of windfall development generally cannot be predicted with a high degree of certainty.~~

~~5.28a Windfalls have been a significant source of housing land supply in recent years. Over the period 2004/05 to 2010/11 windfalls accounted for around 69% of completions which held back the release of allocated sites because the Council was always able to demonstrate a healthy 5-years supply of housing land.~~

~~5.28b However, The supply of windfalls fluctuates significantly year on year and in the same period (2004/05 to 2010/11), the windfall element of completions varied from 57.7% in 2010/11 to 91.6% in 2005/06. Further to this unpredictability of number, recent changes in the definition of PDL may reduce the likelihood of windfall delivery. The Council cannot therefore be sure of the contribution that windfalls could make to the overall target.~~

~~5.28c In addition to the uncertainty, The NPPF does not allow Councils to make an allowance for windfalls to deliver their overall housing target (paragraph 48 says that an allowance for windfalls, **except for garden land** can be made in the 5 year supply). The SHLAA 2011 shows sufficient land available to accommodate the quantum of development in CP2, and so to ensure certainty and deliverability the SADPD will allocate sufficient land to accommodate all of the housing target. Any windfalls **or other non-allocated development** will simply add to the District’s overall housing completions.~~

~~5.28d However, over the Core Strategy Period to 2027, windfalls **and other non-allocated development will continue to provide a reliable source of supply** are expected to continue to contribute to some level to the delivery of housing. Once windfalls **and other non-allocated development** become (deliverable) commitments they may be reflected in future monitoring assessments (the 5 year supply) and taken into account when reviewing the need to allocate land in accordance with Policy CP3 **by establishing a new baseline date for the quantum of housing to be allocated.**~~

- 7.26 The above changes now clarify that simply: the SADPD will allocate sufficient land to deliver the quantum of housing required in CP2, and that any other development

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of PCs

is simply additional development wheresoever it occurs.

*(ii) Evidence to justify development of garden land*

- 7.27 Paragraphs 6.1 – 6.7 above deal with garden land in respect of Policy CP1A which establishes whether development of garden land is acceptable in principle and provides some tests in order to assess each planning application on its merits alongside other development management considerations (including other Core Strategy policies e.g. Policy CP16 as well as SDLP ENV1 etc).

*(iii) Assessment of contribution to future need; and*

*(iv) Committed windfalls and monitoring*

- 7.28 The Council has submitted further monitoring information on windfalls and PDL on 31 May 2012 in response to a request from the Inspector (see new CS/CD67)
- 7.29 For convenience the table is reproduced below and sets out the last seven years':
- Total completions on allocated sites
  - Completions on non-allocated sites (SDC windfall definition)
  - Completions on windfall and PDL (PPS3 windfall definition)

Table 2

Period	Completions total	Figures for non-allocated sites		Figures for only those non-allocated sites which are also PDL					
		Completions on allocated sites	% of completions On allocated sites	Completions on all other sites (windfall)	% of Completions on all other sites (windfall)	All completions on PDL	% of all completions on PDL	Of windfalls, how many on PDL*	% of windfall completions on PDL
2010-11	<b>366</b>	155	42.3	211	57.7	181	49.5	174	82.5
2009-10	<b>270</b>	107	39.6	163	60.4	125	46.3	117	71.8
2008-09	<b>222</b>	59	26.6	163	73.1	154	69.4	146	89.6
2007-08	<b>583</b>	240	41.2	343	58.8	299	51.3	271	79.0
2006-07	<b>874</b>	187	21.4	687	78.6	585	66.9	585	85.2
2005-06	<b>633</b>	53	8.4	580	91.6	473	74.7	473	81.6
2004-05	<b>469</b>	167	35.6	302	64.4	242	51.6	242	80.1
<b>TOTAL 2005-2010</b>	<b>3417</b>	968	215.1	2449	484.6	2059	409.7	2008	569.8
<b>Average 2005 - 2010</b>	<b>488</b>	138	30.7%	350	<b>69.2%</b>	294	58.5	286.9	<b>81.4%</b>

\*All allocated sites with the exception of HAM/2 are Greenfield. HAM/2 has 51 of its 89 dwellings on PDL, delivered as follows:

- 2007/08 = 33 completions of which 28 on PDL
- 2008/09 = 16 completions of which 8 on PDL
- 2009/10 = 13 completions of which 8 on PDL
- 2010/11 = 28 completions of which 7 on PDL

All other PDL was from windfalls.

- 7.30 However this data on past delivery is not necessarily an indicator of the future. As set out above, the SADPD will allocate sufficient land to deliver the quantum of housing required in CP2, and that any other development is simply additional development wheresoever it occurs.
- 7.31 As set out in the suggested further changes to Para 5.28d set out above, additional housing completions will be dealt with as follows: Non-allocated development will continue to provide a reliable source of supply of housing. Once these become (deliverable) commitments they may be reflected in future monitoring assessments (the 5 year supply) and taken into account when reviewing the need to allocate land in accordance with Policy CP3 by establishing a new baseline date for the quantum of housing to be allocated.

**d) Tadcaster/Sherburn**

*Any new evidence since April hearing session*

*Tadcaster*

- 7.32 No new evidence other than to report that no new planning applications have been submitted for the Mill Lane site.

*Sherburn In Elmet*

- 7.33 The issue raised by some objectors regarding a higher requirement in Sherburn has already been debated at the September 2011 and April 2012 EIPs. There is no fresh evidence which would necessitate a change in position from that put forward by the Council at the EIP and in previous submissions / position statements. The Council considers that revised Policy CP3 (Plan B) and the 450 dpa as a minimum provides the flexibility required to ensure the Core Strategy is sound and consistent with NPPF.
- 7.34 There are currently planning applications on the Phase 2 site which are still pending.

*Accuracy of text*

- 7.35 It is unclear to what this item refers but the Council makes the following points:

*Alignment of reasoned justification text with Policy wording:*

- 7.36 It has been highlighted above that the removal of phrasing was amended in the text but by mistake missed out of Policy CP2. The proposed change above rectifies this.
- 7.37 As a general point it should be noted that it was not considered practical to publish all the consequential / related text changes as part of the previous sets of changes and it is recognised that this has left some outstanding inconsistencies between policies and text and between paragraphs. The Council has however published a 'catch-all' proposed change to undertake consequential updates to the Core Strategy as additional modifications prior to adoption which will pick up these issues.

*Tadcaster's Own Growth Para 5.55a*

- 7.38 An objector points out that the text refers to Tadcaster's own growth but that in fact the Core Strategy expects Tadcaster to accommodate the northern sub area's growth too.
- 7.39 The Council accept that the text could be usefully clarified as follows as an additional modification to ensure accuracy:

Delete "To facilitate Tadcaster's own growth" and replace with "To facilitate the appropriate level of growth in Tadcaster"

*Absence of DSVs*

- 7.40 An objector considers that removal of 'absence' with 'low number' does not meet their objections to PC5.14 and the level of housing required should not be made on basis of number of DSVs but instead on objective and evidenced issues such

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as capacity to meet sub area requirements. No evidence is provide about what would be an acceptable number. General approach about adding in sub area to Tadcaster is discussed in previous objections and this change doesn't meet that objection.

- 7.41 The Council considers that this text change is an accurate description to meet a previous objection - it is not intended to try to meet their objection on the approach taken as the two parties fundamentally disagree on the point about adding in sub area to Tadcaster. The reasoning / evidence that the low number and small and remote DSVs mean they unlikely to be able to meet their own needs is in previous Background Papers and within the Core Strategy and has already been debated at length at EIP. The Council has nothing further to add.

## 8. Green Belt (CPXX)

*Any new evidence since April hearing session*

- 8.1 The Council is not aware of any new evidence to reopen the debate on Policy CPXX, apart from Part E (and/or issue) as explored below where a further modification is proposed.

*Detailed wording of paragraph 4.39a-p*

- 8.2 Objectors have raised issues regarding the supporting text to CPXX. The Council observes that the comments are not NPPF compliance issues, however would respond as follows:

- 1) Objector seeks removal of reference to RSS (para 4.39g) and inclusion of reference to NPPF. This is unnecessary as RSS (or RS as it is now known) remains in force at this time. Adding reference to NPPF does not improve the Soundness of the document.
- 2) Para 4.39h: objector disputes land supply issue in Tadcaster and opines that Tadcaster is not one of the most sustainable locations. The Council's Position Statement of 7 June 2012 has already dealt with this.
- 3) Objector observes that there is no evidence to support suggestions in Paragraph 4.39h is "especially true in Tadcaster". In Paragraph 4.39i the Objector wishes to delete first sentence which sets out that development in other settlements would not have the same regeneration effects as development IN Tadcaster. Objector references the Alternative Regeneration Strategy for Tadcaster. The Council would highlight its Background Paper 15 and Position Statement of 7 June that deals with these issues.
- 4) In para 4.39i the objector seeks the introduction of windfall development to make up part of supply. SDC notes that this was discussed at the April EIP where it was agreed that windfall development should not be introduced in to a Green Belt Policy.
- 5) In para 4.39j the objector wishes to change "*this offers*" to "*the above could constitute*"... for clarity. SDC sees no improvement in Soundness in such a change.
- 6) In para 4.39k objector seeks additional wording to reflect NPPF: add "***reconsider whether to 'inset' washed over villages***" as opposed to "*review washed over villages*" as currently expressed. SDC sees no improvement in Soundness in such a change.

- 8.3 *Appropriateness of “exceptional circumstances” policy; change from ‘and’ to ‘or’ in Part E*
- 8.4 The justification to Policy CPXX and the exceptional circumstances is set out in BP15, and has been debated at length at the April EIP. As one of the “3 topics” the debate also included NPPF issues. The Council is unaware of any new evidence or NPPF compliance issue that necessitates further debate on this aspect.
- 8.5 The Council considers that “Plan B” does not need adding to CPXX. Policies are read together, not in isolation. CPXX permits a GB Review and for land to be taken out of GB where appropriate to deliver the Core Strategy. Policy CP3’s “Plan B” merely states that there may be two phases in Tadcaster, but this does not alter the potential need for “some” GB releases. Indeed, Plans A and B may potentially be delivered on non-GB sites.
- 8.6 The Council is satisfied that the Policy CPXX part E is worded correctly, but concedes that the length and number of elements it encompasses creates a policy that is difficult to read at first glance. It was worded as such to emphasise that the GB should not be seen in isolation where sustainability is measured simply as being “in or out”. Responders note at length that Tadcaster’s quantum of development could be accommodated in Sherburn-in-Elmet (and other locations) without resorting to GB land – thus being “more sustainable”. In BP15 and EIP submissions, the Council noted that sustainability is a larger consideration than just being “in or out of GB”, and that Tadcaster should as far as possible meet its own needs. The wording of CPXX was set out to emphasise the larger sustainability considerations that run through the Core Strategy. The result is complicated, but correct: Below is the wording as shown in PC6.20

**Under Criterion D4 (above), the SADPD may in exceptional circumstances remove land from the Green Belt and allocate it to deliver the Policies, Vision, Aims and Objectives of the Core Strategy by accommodating the identified development needs in the established settlement hierarchy, where such need cannot be met on non-Green Belt land, or where removal of land from the Green Belt offers a significantly more sustainable option overall. Safeguarded land may also be identified to secure options for delivery in future plans.**

- 8.7 However, in order to simplify the sentence construction, the unnecessary wording may be removed as follows, without altering the aim of the overall policy: The reference to D4 is unnecessary as policies are never read in isolation. Indeed previous changes were applied to remove unnecessary cross referencing of policies.
- 8.8 The references to “*the Policies, Vision, Aims and Objectives*”, are also removed leaving the text as simply delivering “the Core Strategy”, which in any case by default includes all of its Policies, Vision, Aims and Objectives

~~**Under Criterion D4 (above), the SADPD may in exceptional circumstances remove land from the Green Belt and allocate it to deliver the Policies, Vision, Aims and Objectives of the Core Strategy by accommodating the identified development needs in the established settlement hierarchy, where such need cannot be met on non-Green Belt land, or where removal of land from the Green Belt offers a significantly more sustainable option overall. Safeguarded land may also be identified to secure options for delivery in future plans.**~~

- 8.9 The above further proposed changes are considered minor as they do not alter the thrust of the policy.
- 8.10 The second issue is the circumstances by which the Authority would release land from the Green Belt – whether the policy tests should be “AND” or “OR”. Responders generally support the idea of the GB allocations as a final solution where it is absolutely necessary, but variously debate the definition of “necessary”. Responders generally wish to see use of Tadcaster’s GB sites as a last resort AFTER other settlements’ non-GB sites have been exhausted (such as Sherburn). Therefore “AND” is their preferred wording, as it allows non GB land in Sherburn to be considered before Tadcaster’s GB sites. However, as there is always non-GB land available elsewhere (eg in Selby Town), Tadcaster’s Green Belt could never come forward if AND were used.
- 8.11 However, the overall thrust of part E of CPXX was intended to allow Tadcaster to meet its own needs in Tadcaster as has been set out at length. The wording was intended to limit that “sequential search” to Tadcaster (for wider sustainability reasons not limited just to Green Belt). Therefore the wording was changed to “OR” to reflect the wider sustainability aims of the Core Strategy.
- 8.12 Clearly this has caused some uncertainty, and therefore the Council considers that the policy should be reviewed if it is to be effective. Therefore upon reflection, the policy may be simplified and clarified by removing the “*where such need cannot be met on non-Green Belt land*”, as this is superfluous wording. In accordance with the vision, policies, aims and objectives there is a need to deliver the CS overall. Therefore land may be taken out of the Green Belt (in exceptional circumstances) to deliver that Core Strategy *because* such need cannot be met on non-Green Belt land.
- 8.13 This leaves the simplified policy as follows:
- Under Criterion D4 (above), the SADPD may in exceptional circumstances remove land from the Green Belt and allocate it to deliver ~~the Policies, Vision, Aims and Objectives of~~ the Core Strategy by accommodating the identified development needs in the established settlement hierarchy, ~~where such need cannot be met on non-Green Belt land, or~~ where removal of land from the Green Belt offers a significantly more sustainable option overall. Safeguarded land may also be identified to secure options for delivery in future plans.**
- 8.14 Consequentially, Para 4.39g (the supporting text) may also be amended to reflect the above:
- 4.39g 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 land be considered for taking out of the Green Belt. A Green Belt review may also consider identifying areas of safeguarded land to facilitate future growth beyond the plan period.*

- 8.15 The simplified policy retains the key elements and does not alter the strategy. There remains flexibility in applying the policy to meet Core Strategy needs, but also the control afforded by exceptional circumstances and tests of sustainability that may be carried out in the Site Allocations DPD when evaluating specific potential development sites. As such this is a minor modification for clarity.

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of PCs

*Other sustainable DSVs*

- 8.16 Objectors note that 'Other sustainable DSVs' is ambiguous. It was not intended to favour any DSV or to create a sub-level in the hierarchy. For clarity the Council therefore proposes to make an additional modification prior to adoption to remove the word "sustainable" from paras 4.39h and 4.39i.

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of PCs

*Safeguarding of land and allocation of land released from GB*

- 8.17 The safeguarding of land issue was set out in BP15, and was debated at the April EIP (including NPPF context). The Council is unaware of any new evidence or NPPF compliance issue that necessitates further debate
- 8.18 Objectors note that if the Council follows physical features in defining any new GB boundaries after the review, then more land than is required for any allocations may be released from GB. The SADPD will determine what land should be allocated using the GB review and Sustainability Appraisal evidence, but will not simply allocate land for development "just because it is no longer in GB". This is an SADPD issue, not CS NPPF Compliance issue.

**9. Managing housing land supply (CP3)**

**a) Supporting text (paragraph 5.44)**

- 9.1 There has been a drafting error in the 6<sup>th</sup> set composite schedule where Paragraphs 5.44c – 5.44f should have been deleted as they have been replaced by 5.53-5.55. (note 5.53-5.55 have also been amended further in subsequent proposed changes).
- 9.2 Paragraph 5.44b requires simple updating ( eg the references to PPS3 and a "Supply Period").
- 9.3 These amendments can be made as part of the additional modifications PC6.2 and PC6.3 prior to adoption.

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of PCs

**b) Delivery in Tadcaster**

*Any new evidence since April hearing session*

- 9.4 No new planning application has been submitted for the Mill Lane site.
- 9.5 There is no other new evidence since April. The Council remains of the view that 'Plan B' embodied in revised Policy CP3 in the 6<sup>th</sup> Set of PCs provides a sound way forward to deliver development in Tadcaster and this will be implemented through SADPD.

*Is sustainability relative?*

*General*

- 9.6 An objector notes that para 3.7 (reasoned justification to new Policy LP1) balances sustainable development against adverse impacts. This is a relative test of sustainability by balancing harm and benefits from a development in order to conclude whether it's sustainable or not. The definition of sustainable in NPPF does not provide for a balancing judgement. Sustainable development is a concept that is not influenced by the specific development pressures or the presence / absence of adverse impacts. The CS should be amended to ensure the definition of SD is not dependent on a value judgement reflecting devt pressures and/or assessment of adverse impact.
- 9.7 The Council instead notes that there is no definition of 'sustainable development' in the NPPF. Para 7 of the NPPF says that there are 3 dimensions: economic, social and environmental which give rise to the need for the planning system to perform a number of roles. Para 8 says that these roles should not be undertaken in isolation because they are mutually dependent. There are many policies set out in the NPPF which plans / devt should seek to achieve. It is not possible to meet them all. A judgement has to be made about which elements take precedent in each case within the strategic objectives of the Core Strategy. Part of that judgement is assessing the relative benefits and impacts of a particular proposal to achieve the most sustainable solution.
- 9.8 There are references throughout the NPPF to achieving sustainable development and which imply that there are relative tests to sustainability. For example, para 34 says that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It goes on to say "However this needs to take account of policies set out elsewhere in this framework, particularly in rural areas". This means that there will be cases where development is still sustainable even though it does not minimise the need to travel –because it meets other sustainable objectives. A comparison / test / balancing judgement has to be made. And part of this is about meeting development pressures and adverse impact – and is specifically highlighted at para 14 of NPPF – local plans should meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

*In relation to Policy CP3 / "Plan B"*

- 9.9 An objector notes that Policy CP3 as amended by the 6<sup>th</sup> Set of Proposed Changes requires allocating, releasing and potentially developing double the amount of land which is needed. This fundamentally unsustainable approach and manifestly unsound. Runs contrary to the principal justification for controlling and allocating land. Identification of a preferred location for development through the allocation of specific sustainable sites and areas ensures that development is guided to the most sustainable locations. There is no qualifying or relative test to be adopted in considering whether a development site is sustainable or otherwise and the Council should bring phase 1 sites forward using their legal powers or delete phase 1 upon release of phase 2. In arriving at this phasing solution SDC has ignored alternative strategy provided by SSOBT and failed to assess the full effects in terms of sustainability and housing delivery of adopting this course of action.

- 9.10 In terms of Tadcaster, it has been clearly and repeatedly demonstrated in BP14, CS Para 5.44k, and through other submissions and debates at the EIP sessions that Tadcaster is a sustainable location, but is in decline due to unusual circumstances of land unavailability. The Council is committed to ensuring that Tadcaster is developed to meet its own needs. CP3 was further developed at the request of the Inspector with a contingency (or so-called “Plan B”) which broadens the range of actions to ensure delivery in Tadcaster.
- 9.11 It is not simply the case that twice as many sites as required will be made available. Conditions are in place that control the timing of releasing phase 2 based upon the performance of Phase 1 – allowing the Council to manage land supply in a balanced manner. Allegations of unsoundness of “Plan B” are unfounded, as to allow Tadcaster to continue to decline is to plan for decline: which is unsound and against the NPPF pro-growth agenda.
- 9.12 NPPF is clear that delivery and viability are key considerations, and in the balance of decision making the Council must have regard to those factors alongside environmental sustainability to ensure delivery takes place. The allocation of sites is not a Core Strategy issue – it merely sets the framework for doing so.
- 9.13 Objectors claim that the Council could bring forward sites through the use of legal powers, and such options exist within CP3 already. However “Plan B” merely adds options to the Policy to ensure the success of the Core Strategy.
- 9.14 It has been suggested that CP3 be amended to delete Phase 1 upon release of Phase 2. Revoking planning permission is costly and expensive, and in a pro-growth climate wholly unnecessary as additional delivery over and above the minimum targets set out in CP2 is positive. Should Phase 2 be released and no permission exist on Phase 1 sites, then it is considered that there is very little likelihood of Phase 1 sites coming forward due to unusual influence (as sites will have been viability tested), and as such there is no pressing need to delete them. Again, should they come forward and deliver more than the minimum targets in CP2 then this is positive in the pro-growth climate. It is unclear how reducing options for assisting delivery by deleting sites could be considered more Sound.
- 9.15 It is alleged that the phasing solution ignores an alternative strategy put forward by SSOBT. However the Council has previously stated that it disagrees with the Alternative Strategy of lower housing numbers (Position Statement of 7 June 2012, para 4.13 and 4.14) but observes that there are no in-principle barriers to the suggested sites being brought forward. Indeed, the Mill Lane site has the benefit of planning permission.
- 9.16 It is claimed that the Council has failed to assess the full effects of the phasing strategy in terms of sustainability and housing delivery, but does not specify further. The Council is satisfied that it has fully and repeatedly established the suitability of Tadcaster accommodating a quantum of development as set out in BP14, CS Para 4.39i, and other submissions. Tadcaster’s own development needs justify the Council’s approach to facilitating delivery through a variety of methods as set out in CP3, including phasing of additional sites.

## **10. Affordable housing (CP5)**

### **Implications of NPPF for policy CP5**

- 10.1 Objectors submit representations similar to previous submissions. The Council has responded to these points in CS/CD65 “Council’s Response to Inspector’s Consultation on NPPF (7 June 2012). In summary this states:

10.2 The viability issues were debated at length at the September 2011 EIP and the NPPF does not alter the Council's position. The Policy clearly states that the actual amounts will be negotiated at the time and further guidance will be provided by SPD. Para 153 of the NPPF states that supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. CP5 sets out the requirements and the contribution requirements. SPD will aid implementation of CP5. This is therefore NPPF compliant.

10.3 However, the Council does now propose a further change to Policy CP5 Part C in order to clarify that the 10% contribution (in circumstances of commuted sums) is not fixed but negotiable in line with the approach taken for the 40% requirement. This will ensure that the flexibility within the policy is consistent. The suggested change is shown in blue highlight:

**On sites below the threshold, a commuted sum will be sought to provide affordable housing within the District. The target contribution will be equivalent to the provision of up to 10% affordable units.**

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10.4 The Council also propose to re-format the whole policy as an additional modification prior to adoption to remove the letters A, B, C, D and E in order to improve readability of policy.

## 11. Rural housing exception sites (CP6)

### Inclusion of market housing

#### *Consistency between policy and text*

11.1 Objectors highlighted that the proposed change (PC6.55) regarding the Core Strategy approach to market housing on rural exceptions sites is better placed in the policy rather than being introduced as text.

11.2 The Council concur and now propose to add to the policy what the 6<sup>th</sup> Set of PCs already changed in the text to reflect NPPF as follows (in blue highlight which also incorporates additional amendments to improve readability):

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11.3 The PC3.10 is considered superfluous and proposed to be deleted..

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### Policy CP6 Rural Housing Exceptions Sites

**In settlements with less than 3,000 population (PC6.57)** Planning permission will be granted for small scale 'rural affordable housing' as an exception to normal planning policy **where schemes are restricted to affordable housing only and** provided all of the following criteria are met:

- i) **The site is within or adjoining Development Limits ~~in the case of secondary villages, and adjoining development limits in the case of Designated Service Villages (PC3.10);~~**
- ii) **A local need has been identified **by a local housing needs survey (PC6.58)**, the nature of which is met by the proposed development; and**
- iii) **The development is sympathetic to the form and character and landscape setting of the village and in accordance with normal development management criteria.**

**Small numbers of market homes may be allowed on Rural Exception sites at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding in accordance with the NPPF. Future Local Plan documents will consider introducing a detailed policy and / or specific allocations for such sites.**

**An appropriate agreement will be secured, at the time of the granting of planning permission to secure the long-term future of the affordable housing in perpetuity.**

## 12. Travellers (CP7)

### *Removal of criteria from policy*

- 12.1 The Council's NPPF Part 2 NPPF Compliance Statement (CS/CD64a) at Para 5.25 – 5.28 sets out why the Policy CP7 was so reduced. In summary, with no national planning policy (apart from Circular 01/2006 and Planning for Gypsy and traveller Caravan Sites and Circular 04/2007: Planning for Travelling Showpeople), the Submission Draft Core Strategy Policy CP7 was a detailed policy on dealing with planning applications for such travellers. The introduction of Planning for Travellers (March 2012) rendered the detailed criteria contained in Policy CP7 redundant as it offered nothing beyond what Planning For Travellers set out. As such it was reduced in content.
- 12.2 The Council is satisfied that the Policy as presented in the 6<sup>th</sup> Set of changes is NPPF compliant, and observes that there have been no objections to it and propose no further changes.



### 13. Employment/ Economic growth (CP9)

#### a) Rural diversification

*Omission of 'well designed new buildings' (NPPF)*

- 13.1 Objectors have raised issues regarding development in open countryside and whilst NPPF allows for well designed new buildings the Core Strategy currently only allows for re-use.
- 13.2 It is accepted that CP9 as put forward in 6<sup>th</sup> Set is overly restrictive and the Council now proposes a further re-wording of the policy by deleting Criteria 1 and 2 in Part C as set out below (in blue highlight):
- 13.3 With particular reference to former mine sites, it should be noted that to retain criteria 1 and 2 in Part C would mean that restrictions on these sites would be more restrictive than that applied to the open countryside. This would represent an inappropriate anomaly and be contrary to NPPF.

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of PCs

#### Policy CP9 Scale and Distribution of Economic Growth

Support will be given to developing and revitalising the local economy **in all areas** by:

##### A. **Scale and Distribution**

1. Providing for an additional 37 – 52 ha of employment land **across the District** in the period up to ~~2026~~ **2027 (PC5.42)**,
2. **Providing for including** 23 ha **of employment land** as part of ~~a mixed strategic housing / employment expansion~~ **the Olympia Park mixed strategic housing/employment site (PC1.35)** to the east of Selby to meet the needs of both incoming and existing employment uses.
3. The precise **scale and** location of smaller sites in Selby, Tadcaster, Sherburn in Elmet and rural areas will be **informed by an up-to-date Employment Land Availability Assessment and** determined through a Site Allocation DPD.
4. Giving priority to higher value business, professional and financial services and other growth sector jobs, particularly in Selby Town Centre and in high quality environments close to Selby by-pass.
5. **Encouraging re-use of premises and intensification of employment sites to accommodate finance and insurance sector businesses and Encouraging** high value knowledge based activities in Tadcaster.

##### B. **Strategic Development Management**

1. Supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification.

2. Safeguarding existing **Established Employment Areas (PC3.11)** and allocated sites **unless it can be demonstrated that there is no reasonable prospect of a site being used for that purpose.**
- vi) **Encouraging rural diversification in line with Policy CP10.**
3. Promoting opportunities relating to recreation and leisure uses.

### **C. Rural Economy**

**Developments which bring local employment opportunities or sustainable economic growth or expansion of businesses and enterprise in rural areas will be supported, including:**

- ~~1. Supporting The development of activities and re-use of existing buildings directly linked to existing rail infrastructure at the former Gascoigne Wood surface mine.~~
- ~~2. Supporting The re-use of **buildings and infrastructure on (PC4.24)** former mine sites and other commercial premises outside Development Limits, with economic activities appropriate to their countryside location, including tourism, recreation, research, and low-carbon/renewable energy generation.~~
- ~~12. Supporting development and farm diversification in accordance with Policy CP10~~
  1. **The diversification of agriculture and other land based rural businesses.**
  2. **Sustainable rural tourism and leisure developments, small scale rural offices or other small scale rural development, conversion of existing buildings and well designed new buildings**
  3. **The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy CP11.**

**Development should not harm the rural character of the area, be appropriate in scale and type to a rural location, and positively contribute to the amenity of the locality.**

**(PC6.74)**

*Structure/order of text*

13.4 It is unclear to what this refers.

**b) Other changes**

*Tadcaster*

- 13.5 Objectors refer to Para 6.20a which refers to Retail, Commercial and Leisure Study (2009) in identifying high levels of vacancy rates and the need of the finance and insurance sectors for small units as contributing to an anticipated high level of 'churn' of commercial floorspace within Tadcaster town centre
- 13.6 They point out that the concept of 'churn' is reference to the normal cycle of accommodation becoming vacant and then reoccupied, as businesses expand, contract and change their requirements. This is an entirely acceptable and indeed desirable operation of the commercial market. It is based on the premise that the quantum of floorspace becoming vacant, and that being taken up by new occupiers is in broad equilibrium.
- 13.7 They also state that vacancy rates and needs generated by a growth sector whose requirements are matched to that vacant property would typically manifest itself in terms of 'take up' of existing premises. They suggest that text in paragraph 6.20a should be modified accordingly.
- 13.8 The Council consider that this is not an NPPF issue and consider that it is not necessary to make this change. It is worth noting that PC6.68 not only refers to churn but in addition the supporting evidence base recognises that existing business stock is older and may not be fit for purpose and that there is a need for additional employment floorspace to meet the needs of a modern economy.

*Former mine sites*

*Please refer to (a) Rural Diversification above.*

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PCs**

**14. Sustainable development and climate change (CP12)**

*Lesser environmental value*

- 14.1 An objector has raised that "land of lesser environmental value" is not a term used in the NPPF and is confusing and does not make sense when the sentence at PC6.13 (Para 3.5, Objective 7) is read as a whole. It provides no guidance as to what benchmark is being used in the assessment or definition of lesser environmental value.
- 14.2 The objector considers that Para 111 of NPPF refers to preference for PDL provided it is not of high environmental value – the PC6.13 should be modified to reflect this wording and ensure that the test of environmental value is expressed in absolute terms rather than relative.
- 14.3 The Council considers that the wording is appropriate in this context as part of one of the broad Core Strategy Objectives. The current Core Strategy wording is NPPF compliant because the NPPF at Para 17, bullet point 7 (at the top of page 6) uses this precise wording in the context of the national core principles of planning.
- 14.4 However the Council considers that it would be helpful to further amend the wording of Policy CP12, Criterion (b) as amended by PC6.80 to align with Para 111.
- 14.5 As such the Council propose to amend Policy CP12 Criterion (b) (this would superseded PC6.80) to read:

- b) Give preference to **land of lesser environmental value, (PC6.80)** the re-use, best-use and adaption of existing buildings and the use of previously developed land where this is sustainably located **and provided that it is not of high environmental value;**

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14.6 In addition it should be noted that in proposing PC6.79 which amended the wording at the start of Policy CP12, a previous proposed change (PC4.30) was deleted by mistake. The Council now propose to re-instate PC4.30 as shown below:

**A. Promoting Sustainable Development**

**In preparing its Site Allocations and Development Management DPDs (PC4.30), to address the causes and potential impacts of climate change, the Council will: to achieve sustainable development, the Council will: (PC6.79)**

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PCs

**15. Low carbon and renewable energy (CP14)**

**Identification of suitable areas (CP14)**

- 15.1 Objectors consider that the introduction of RE projects only being supported if they fall within identified suitable areas which may be identified in future local plan documents is unjustified, unnecessary and not compliant with NPPF.
- 15.2 The Council accept that the policy as worded is unduly restrictive and now propose a further change to the first part of Policy CP14 as shown in the extract below (in blue highlight):

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**Policy CP14 Low-Carbon and Renewable Energy**

**In future Local Plan documents, the Council will seek to identify opportunities where development can draw its energy from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers, and consider identifying 'suitable areas' for renewable and low carbon energy sources and supporting infrastructure.**

**The Council will support community-led initiatives for renewable and low carbon energy developments being taken forward through neighbourhood plans if outside any identified suitable areas.**

**The Council will support new sources of renewable energy and low-carbon energy generation and supporting infrastructure (PC6.84) provided that development proposals fall within any identified suitable areas for renewable and low carbon energy sources which may be designated in future Local Plan documents or Neighbourhood Plans and: (PC6.85)**

- i. are designed and located to protect the environment and local amenity and or (PC4.36)
- ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity, and
- iii. impacts on local communities are minimised.

### Renewable Energy projects in Green Belt (CP14)

- 15.3 Further changes to text
- 15.4 Objectors state that NPPF Para 91 wording of special circumstances is different than that proposed in Core Strategy.
- 15.5 The Council agree and consider that it would be helpful to ensure that the Core Strategy more closely aligns with the wording in the NPPF. As such the Council now proposes to amend Policy CP14 (previous proposed change PC6.86), last paragraph by adding the following text shown in blue:

**In areas affected by Green Belt, elements of many renewable energy projects will comprise inappropriate development and in such cases applicants must demonstrate very special circumstances if projects are to proceed, and proposals must meet the requirements of Policy CPXX and national Green Belt policies.**

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of PCs

- 15.6 The Council also propose to update supporting text at Paragraph 7.53 as follows:

“Although the District is affected by international, national and locally designated protection areas, none would automatically preclude renewable energy developments. However where renewable energy proposals would conflict with the openness of the Green Belt (and many elements of renewable energy projects are therefore inappropriate within the NPPF PPG2 definition) developers will need to demonstrate very special circumstances that clearly outweigh any harm to the Green Belt also in accordance with Policy CPXX (PC5.45). Very special circumstances may include wider environmental benefits associated with increased production of energy from renewable sources.”

7<sup>th</sup> Set  
PCs

### 16. Design quality (CP16)

#### a) Treatment of density

- 16.1 The Council's NPPF Compliance Statement (7 June 2012) (CS/CD64a) set out the reason for the proposed changes regarding the approach to density. The Council consider this is in accord with Paragraph 47 of the NPPF to establish that local identity is more important than an arbitrary figure for housing density. This is very much reflecting localism rather than top-down controls. The Council observes that there have been no objections to this, and some support.

16.2 Policy CP16 (as presented in the 6<sup>th</sup> Set of changes) includes the following 2 criteria:

**aa) Make the best, most efficient use of land without compromising local distinctiveness, character and form.**

**a) Positively contribute to an area's identity and heritage in terms of scale, density and layout;**

16.3 Together with Policy CP4 which proposes a housing mix then the quality of design through the application of the Core Strategy can be assured. No further changes are considered necessary.

**b) Amendments to policy**

16.4 The proposed amendments to CP16 reflect the intention to create "places for people" rather than merely "to develop new buildings". As such references have been added to reflect opportunities to create places for people to meet, to reflect local distinctiveness, and to create mixed use places to improve social interaction and natural security (surveillance).

16.5 Together the changes make a more rounded policy that encourages sustainable construction and design that will contribute positively to local area, as opposed to simply delivering a quantum of standardised buildings.

16.6 The changes are all elements of NPPF that reflect the balance between economic, environmental and social factors.

**17. Implementation**

17.1 The Council considers that consequential changes to Performance Indicators can be most usefully be updated as additional modifications prior to adoption.

**Conclusion**

17.2 The position statement is intended to assist the Inspector and participants at the EIP. It suggests some further proposed changes to respond to representations and ensure consistency with NPPF. Most are minor amendments to improve clarity, however the Council consider that the following 3 changes might be considered Main Modifications.

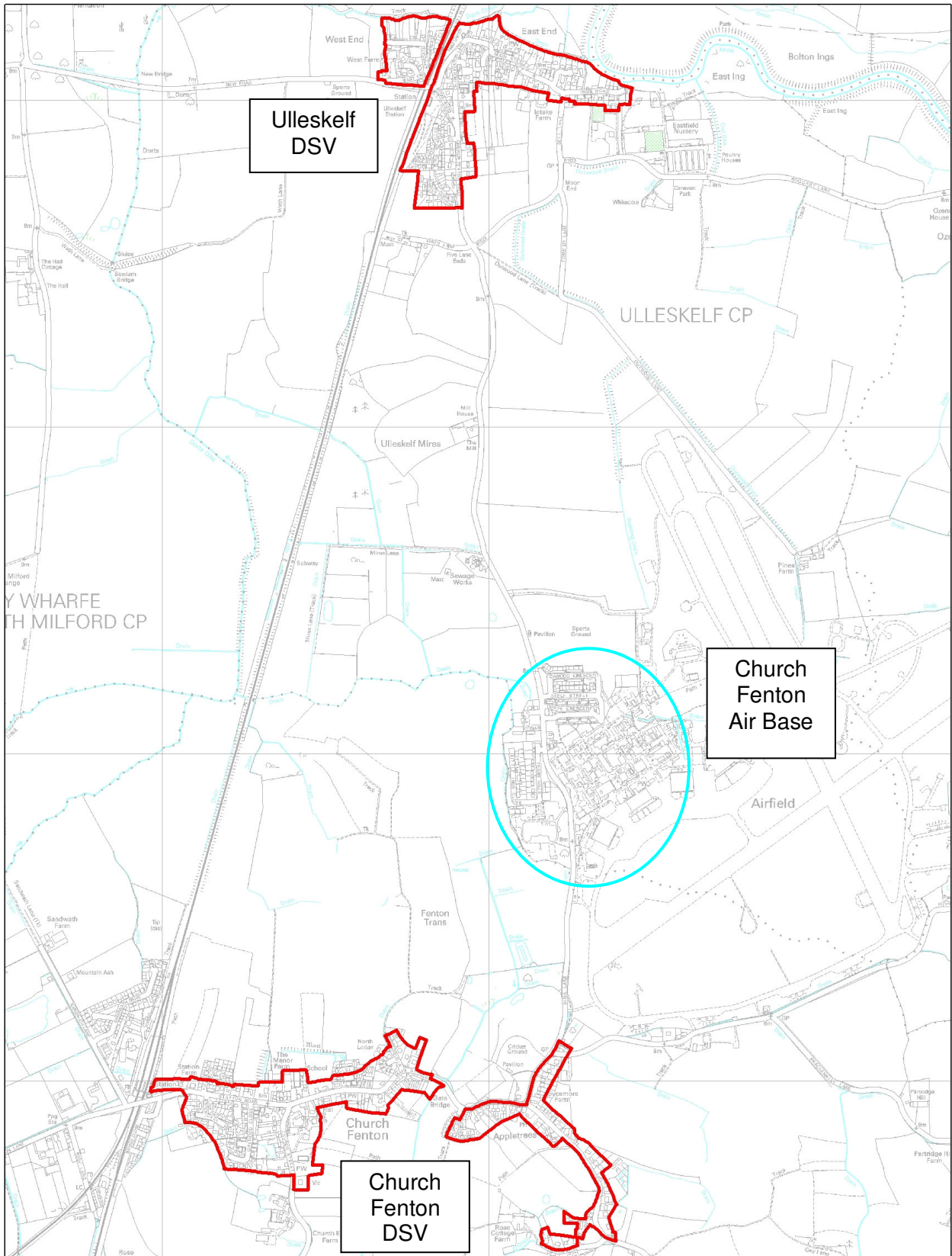
- Garden land in Secondary Villages (CP1).
- Affordable Housing 'up to' 10% contribution (CP5)
- Deletion of reference to former mine sites in Policy CP9

17.3 Despite some objectors claiming that the Core Strategy is fundamentally altered for the Submission Draft (May 2011) due to the numerous proposed changes, the Council is satisfied that there is only a small number of Main Modifications, the rest principally being composed of minor amendments for clarity or to reflect more up to date phraseology of NPPF.

17.4 Of the Main Modifications that are not a result of NPPF, the proposed changes were made to reflect (new) evidence, and to fine-tune the implementation of the overall vision, as opposed to change the direction of a policy. Through extensive consultation with partners, the public and other stakeholders, the Core Strategy remains a flexible yet robust tool to deliver the intended sustainable growth across the District for the life of the Plan. None of the Main Modifications have altered the

golden threads of the Core Strategy: the Objectives remain visible throughout and the result is a sound, viable and deliverable Strategy that forms the basis for future Local Plan documents to build upon.

**Appendix 1:  
Map showing Church Fenton and Ulleskelf DSVs, and Church Fenton Air Base**



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## Appendix 2 GVA Grimley Response to NYSHMA Critique

MS09/GVA Response 010812

01 August 2012



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Dear Wyn,

### **GVA Response to 'NYSHMA: a critique' (April 2012) Prepared by Barton Willmore**

In April 2012 planning consultancy Barton Willmore published the document '*North Yorkshire Strategic Housing Market Assessment: a critique*' ('BW' hereafter) on behalf of the North Yorkshire Development Consortium (NYDC), which consists of house builders Barratt Developments PLC, Persimmon and Taylor Wimpey.

In this letter GVA has set out a formal response to the criticisms levelled at the NYSHMA (2011) by BW. Reflecting the remit within which GVA operated when producing the NYSHMA (2011), this response focuses upon the following areas of criticism from BW:

- The NYSHMA methodology
- The Spatial context of the NYSHMA
- The use of the NYSHMA as evidence to inform policy decisions in North Yorkshire

This letter withholds comment upon BW's other criticisms of the NYSHMA (2011). It is our understanding that the North Yorkshire Strategic Housing Partnership (NYSHP) is formulating its own response to these matters.

### **The NYSHMA Methodology**

Within chapter 2 and 3, BW present critique of the NYSHMA (2011) process – specifically stating that:

*'The NYDC are therefore concerned that this assessment has been undertaken in isolation from any other interested party that could make up a housing market partnership including members of the NYDC who have not participated in the drafting of this document'. (BW 'NYSHMA: a critique', April 2012, para 3.13)*

The SHMA was commissioned by the North Yorkshire Strategic Housing Partnership (NYSHP). The research process was designed to actively involve and consult with stakeholders alongside this Partnership in order to ensure that interested parties were able to shape the research process and the presentation of the analysis.

GVA can confirm that during the drafting of the NYSHMA (2011) an extensive process of engagement was undertaken with stakeholders across North Yorkshire including a number of by invitation workshops during March 2011 across the local authorities. The invitees to these workshops included a range of locally active house builders, agents, consultants and social housing providers. The make-up of these groups reflects those identified as being potential members of a Housing Market Partnership as per the SHMA Guidance (Figure 2.1).

The purpose of the workshop events was to present the proposed process, data sources, and initial analysis undertaken for the NYSHMA (2011). Attending stakeholders therefore provided feedback on the methods and data sources used as well as their views on draft results and the functionality of the local housing market(s). Following the workshops stakeholders were also invited to submit separate comments and responses to the Local Authorities and the consultancy team.

Attendance records at the stakeholder events reveal that members of the NYDC did indeed attend multiple stakeholder workshops and therefore had the opportunity to be involved in the refining of data sources, results and drafting of the NYSHMA (2011). A list of those attending from NYDC is included below for reference:

<b>NYSHMA Workshop</b>	<b>Date</b>	<b>Organisation</b>	<b>Attendee</b>
City of York; Selby	10th March 2011	Barratt Developments	Paul Butler
		Taylor Wimpey	Richard Harrison
Hambleton; Richmondshire	8th March 2011	Barratt Developments	Emily Grogan
		Taylor Wimpey	Rob McLackland
		Taylor Wimpey	Iain Pay

In the view of GVA, this extensive staged consultation process with both public and private sector stakeholders meets the specifications of the current DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007).

Within chapter 3, BW present critique of the methodology used for the NYSHMA (2011). The first criticism is levelled at the household survey sample size (para 3.2 – 3.5). BW proposes that the NYSHMA (2011) does not include a large enough sample of households to conduct a full assessment of housing

needs (as required by para 158-159 of the NPPF). Clarification is also sought as to the 'reference to both surveys' (BW para 3.3), which they argue gives grounds for the validity of figures to be questioned.

To clarify, it is apparent to GVA that BW has misinterpreted references to household survey sample size and response rate included within the NYSHMA (2011).

Paragraph 1.16 – bullet 1 of the NYSHMA (2011) highlights that a single household survey was undertaken during the process. A total of 155,104 household surveys were posted and telephone boosters conducted. Over 16,000 households provided survey responses, which equates to a sample of circa 5% of all North Yorkshire's households. The response rate for all surveys posted/conducted was 10.2%. This takes into account the fact that of the 16,000 surveys returned by households, 15,641 surveys were used to inform the analysis presented in the NYSHMA. This difference was as a result of surveys being returned incomplete or erroneously and highlights the thorough and rigorous approach taken to analysing the primary survey data.

Critically, the current DCLG '*Strategic Housing Market Assessment: Practice Guidance*' (Version 2 August 2007) Annex C (para. 18-19) highlights that it is not the proportion of target population that is important in undertaking household surveys. Instead it sets out the required minimum number of household responses required:

*'A common misconception when sampling is that it should be based on a certain percentage of the population being studied. In fact, it is the total number of cases sampled which is important. As the number of cases increase, the results become more reliable but at a decreasing rate, until eventually a point is reached (around 2,000 cases) when the additional accuracy obtained by continuing to increase the sample is not worth the extra cost. Approximately 1500 responses should allow a reasonable level of analysis for a local authority area. Joint surveys should attempt to obtain 1500 responses from each local authority.'* (DCLG '*Strategic Housing Market Assessment: Practice Guidance*' (Version 2 August 2007) Annex C para. 18)

As set out in Figure 1.2 of the NYSHMA (2011), the number of household surveys used in the analysis exceeded the minimum response number required (1,500) by the guidance in each Local Authority.

As part of the original brief issued by the North Yorkshire Strategic Housing Partnership Selby was excluded from the household survey. This reflected the fact that Selby had very recently conducted a household survey to inform the Selby SHMA (2009). The NYSHMA (2011) drew on this comparable information as appropriate for Selby, reflecting that the Selby SHMA (2009) household survey utilised in excess of 4,000 household surveys to inform the analysis. This was therefore in conformity with the current DCLG guidance.

BW subsequently level criticism at the use of a triangulation approach within the NYSHMA (2011) – suggesting in paragraphs 3.6 – 3.7 that this process is unclear and, within para. 8.4, that they understand that triangulation is only

used where there are limitations with the datasets used. GVA refutes this assertion. The current DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007) highlights:

*"Whether a strategic housing market assessment is based upon secondary or survey data should not be a factor in determining whether an assessment is robust and credible. No one methodological approach or use of a particular dataset(s) will result in a definitive assessment of housing need and demand."* (DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007) Page 11)

The guidance therefore supports the use and consideration of multiple available data sources in order to ensure that the most up-to-date, high quality and locally reflective information is used to provide a robust, and credible, evidence base. This approach was followed in producing the NYSHMA (2011) and to facilitate transparency, the data sources used are listed within the NYSHMA (2011) at para. 1.16 bullet 2.

When these clarifications are considered together, this approach meets the specifications of the current DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007). This remains the relevant informing document for preparing a SHMA, and should be considered in conjunction with the NPPF (2012). As a result, it is irrefutable that the NYSHMA (2011) contained a sufficient sample size and response rate to provide a full assessment of the local authorities' housing needs and therefore conforms to the current national guidance.

### **The Spatial Context of the NYSHMA**

Within chapter 3 BW level criticism at the spatial context for each local authority used within the NYSHMA (2011). Specifically, this focuses upon the variant approaches to establishing, or the use of, housing market sub areas within each Local Authority within the NYSHMA (2011).

There is no set approach specified within the DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007) to the establishment of housing market sub-areas within a local authority housing market area. Instead, the guidance points to a flexible approach, led by the Local Authority by stating:

*'The extent of the housing market area should have been identified by local authorities...'* (*'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007) page 12)

The NYSHMA (2011) followed a considerable amount of recent analysis of housing matters undertaken at both the sub-regional and local (local authority) level. This research base included a number of previous housing market assessment and housing needs studies undertaken by individual Local Authorities, which included the formal identification of housing market areas. Where housing market areas had been defined and endorsed at the local

level in previous pieces of research these were applied within the NYSHMA (2011).

The Local Authorities with pre-defined market areas based on existing research included:

- Hambleton
- Harrogate
- Richmondshire
- Scarborough
- York

The DCLG '*Strategic Housing Market Assessment: Practice Guidance*' (Version 2 August 2007) directs practitioners to consider the DCLG '*Identifying sub regional housing market areas Advice note*' (March 2007). The DCLG recommends that this contains the appropriate guidance for determining housing market areas, where this has not been undertaken previously.

Although the approach focuses at the sub-regional level, rather than the housing sub-market level within a Local Authority, the advice note remains a valid and useful tool. In line with paragraph 7 of the DCLG '*Identifying sub regional housing market areas Advice note*' (March 2007), GVA worked closely in liaison with the Local Authorities and undertook analysis of postcode-sector level house price data and migration trends to identify housing market sub-areas within both Craven and Ryedale.

The Selby SHMA (2009) had recently identified the housing market area and sub-areas within the Local Authority. The Local Authority therefore took the decision that this provided sufficient information at this finer spatial scale. It was decided that the NYSHMA (2011) would add additional detail at the Local Authority housing market scale. The approach is therefore in conformity with the DCLG '*Strategic Housing Market Assessment: Practice Guidance*' (Version 2 August 2007).

### **Use of NYSHMA as Evidence to Inform Policy**

Within Chapter 8 BW is critical of the approach taken by the North Yorkshire Local Authorities in translating the evidence presented within the NYSHMA (2011) and other evidence base documents into emerging Local Development Framework (LDF) Core Strategy documents and Local Plans.

The NPPF (2012) emphasises the importance of Local Authorities preparing a 'proportionate' evidence base. It is therefore necessary to recognise that the NYSHMA (2011) forms but one element of consideration for the Local Authorities when establishing policy. Other elements include:

- The views of local stakeholders, including elected members, – via engagement and consultation;
- Supply capacity factors, including land;
- Sustainability Appraisal of the environmental, social and economic implications, including costs, benefits and risks of development. This will

include considering the most sustainable pattern of housing, including in urban and rural areas, factoring in likely topographical constraints.

- An assessment of the impact of development upon existing or planned infrastructure and of any new infrastructure required.

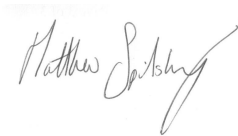
This is reinforced by the DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007), which states:

*'...strategic housing market assessments are only one of several factors that should be taken into account when determining housing provision figures or the right mix of housing'*. (DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007), page 9)

## **Conclusion**

In conclusion, in addressing the critique prepared by BW we are confident that the NYSHMA represents a robust source of evidence to inform the development of policy. As illustrated within this letter, and consistently referenced within the NYSHMA (2011) itself, the NYSHMA (2011) adheres to the latest guidance issued by Government – the DCLG *'Strategic Housing Market Assessment: Practice Guidance'* (Version 2 August 2007). This relevance of this document remains unchanged following the release of the NPPF (2012) subsequent to the NYSHMA being finalised.

Kind Regards



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***Principal***

**For and behalf of GVA Grimley Ltd**