



Public Session

Report Reference Number C/11/2

Agenda Item No: 11

To: Council
Date: 13 September 2011
Author: Andrew McMillan
Lead Officer: Mark Steward, Managing Director

Title: Site Allocations Development Plan Document Preferred Options stage - and other Local Development Framework documents

Summary:

The report sets out the Council's response to the recent public consultation exercise regarding the Site Allocations Development Plan Document (SADPD) as part of the Local Development Framework; and the results of the 5 year housing supply monitoring as at 31 March 2011. Officers are aware that at least one representative at the Core Strategy Examination in Public has indicated they are intending to appoint Counsel and therefore the Council will be appointing Counsel. This report sets out the Executive's proposals following consultation and scrutiny.

Recommendation:

SADPD

- i. Council approve the Site Allocations DPD Preferred Options document at Appendix A and proceed to next stage of consultation**
- ii. To request Officers undertake a 10-week public consultation process commencing on 22 September 2011**
- iii. Delegate authority to the Managing Director of Access Selby after consultation with the Lead Executive Member for Place Shaping to deal with amendments agreed or requested at this meeting, prior to consultation.**
- iv. Council commissions the Policy Review Committee to undertake additional work in relation to Gypsy & Traveller sites, on the basis of the terms of reference in Appendix C**

5 Year Supply

- v. Note the DRAFT Technical Report at Appendix B**

- vi. **Agree to the release of the Local Plan Phase 2 residential allocations, but with revised housing numbers consistent with those set out in the Site Allocations DPD Preferred Options.**
- vii. **That appropriate publicity be given and landowners notified.**
- viii. **Delegate authority to the Managing Director of Access Selby after consultation with the Lead Executive Member for Place Shaping to deal with consequential amendments to the SADPD in response to the release, prior to its consultation.**

Legal Representation at Core Strategy Examination in Public

- ix. **Note that Counsel will be appointed on behalf of SDC.**

Reason for Recommendation:

SADPD

- Following consideration of the Issues and Options consultation exercise earlier in the year, the Council has proposed its draft Preferred Options (Appendix A). Full consideration has been given to the draft document by the Executive and Policy Review Committee (see minutes) which has resulted in improvements to the text. It is now ready for public consultation to progress its journey towards Adoption.
- Executive has noted the Policy review Committee concerns over the allocation of Gypsy & Traveller sites and invited them to undertake research to ensure the SADPD is sound and the allocation of such sites is robust.

5 Year Supply

- To ensure clarity for the decision making process.

Legal Representation at Core Strategy Examination in Public

- Officers recognise this is a significant matter for the Council and having regard to some parties to the process utilising Counsel at the hearing, it is considered advisable the Council is able to respond at a similar level.

1. Introduction and background

- 1.1 The SADPD is the second development plan document which is being prepared as part of the Council's Local Development Framework. When adopted it will support the Core Strategy and guide future growth in the district.
- 1.2 The Council is no longer able to demonstrate a 5 year housing land supply, and must respond by increasing the amount of land available for development. In advance of the Site Allocations DPD, its ability to do this is through the release of the 2005 Local Plan Phase 2 sites. By releasing these sites the Council may continue to manage the development of the District. By not releasing the sites the Council is disadvantaged when it comes to dealing with planning applications for housing development on what would normally be considered inappropriate sites.

2. The Report

SADPD Preferred Options

- 2.1** The draft SADPD Preferred Options has been prepared in response to public consultation that took place earlier in 2011. The Executive considered the Draft SADPD on 28 July 2011, and then presented it to Policy Review Committee (including minutes highlighting minor amendments). See Appendix B and C.
- 2.2** Policy Review Committee considered the Draft SADPD Preferred Options on 9 August 2011 and the minutes of 28 July Executive. Following lengthy debate, the Committee made a series of recommendations. The Executive considered those recommendations and made a number of amendments to the SADPD Preferred Options. (see minutes of Executive meeting from 1 September 2011).
- 2.3** The second part of the report for The Executive concerned the 5 year housing supply and the need to release the 2005 Local Plan Phase 2 housing allocations. The Executive agreed to recommend the release of the sites to the Full Council and this is reflected in the SADPD Preferred Options. If Council chose to adopt a different approach or agree in part, then there would need to be consequential redrafting of the SADPD Preferred Options to reflect this change. Details regarding the 5 year supply and the need to release Phase 2 sites are set out below.

5 Year Supply

- 2.4** The Core Strategy is now subject to Examination by an independent inspector. The Hearing Sessions will begin on 20 September and are scheduled to run for 2 weeks. The Council has submitted its Written Statements within the time set by the Inspector. In order to formulate the Council's responses both in the Written Statements and at the Hearing Sessions, the Council must ensure that it is presenting the most up-to-date and robust evidence base to justify the policies in the Core Strategy.
- 2.5** A key element is to inform housing land supply and delivery by providing the latest information on the Strategic Housing Land Availability Assessment (the SHLAA) and incorporating both the 5 year land supply calculations and the housing trajectory.
- 2.6** Following year-end monitoring, and as part of the Annual Monitoring Report work, the latest results and methodology are now available.
- 2.7** The attached DRAFT Technical Report at Appendix B explains the background and need for an up-to-date SHLAA. The information is

required for the Core Strategy and in accordance with both PPS12 and PPS3.

- 2.8 It also sets out the methodology and calculations for the 5 year land supply and the Housing Trajectory; although the latter element is currently work in progress but it is important that the SHLAA and 5 year land supply elements are in the public domain for the Core Strategy Examination process and to allow for the proper and planned the release of housing land.

SHLAA Refresh

- 2.9 The SHLAA forms part of the statutory evidence base for the LDF Core Strategy and demonstrates where housing will be delivered within the District over the next 5 years and until the end of the plan period (2026) to meet the housing needs of the District as set out in the Regional Spatial Strategy (RSS) and the Selby District Core Strategy.
- 2.10 The updated SHLAA (see attached DRAFT Technical Report at Appendix B) is helpful for the Inspector to inform discussions at the Hearing as there is now up-to-date land availability information.

5 year land supply / housing trajectory

- 2.11 The Selby District Core Strategy (Submission Version May 2011) uses the net housing requirement of 440 dwellings per year established in the RSS as the most appropriate housing target on which to base the Core Strategy.
- 2.12 The 5 year land supply calculation is based on that annual delivery requirement over the next five years which gives a minimum five year land requirement of 2200 dwellings.
- 2.13 PPS12 states that we need to ensure that this need is deliverable and achievable through annually reviewing local land supply for housing. As such, the 5 year housing supply forms part of the Annual Monitoring Report and we are required to ensure housing delivery is planned and sustainable.
- 2.14 The calculation is undertaken annually and during the previous reporting year (2009/2010) there was a total of 2401 plots available for development (with planning permission or eligible SHLAA sites without permission i.e. Brownfield within Development Limits); equivalent to 480 dwellings per year over the following 5 years from March 2010 (or 5.45 years supply).
- 2.15 However, this year's annual survey of housing completions and commitments, and Refreshing the SHLAA (at the base date of 31 March 2011), the results show that we have a 2168 plots available for development, equivalent to 433.6 dwellings per year over the next five years or 4.9 years supply.

- 2.16 This clearly falls short of a 5 year land supply set out in RSS and the Core Strategy.
- 2.17 Although not currently Government policy, the recently published Draft National Planning Policy Framework (NPPF), emphasises that the presumption in favour of sustainable development is key and the Government's objective it to increase significantly the delivery of new homes. Local councils should plan to meet their full requirement for housing and ensure there is choice and competition in the land market to facilitate the delivery of homes on the ground. The preferred option is that local councils identify additional 'deliverable' sites for housing. The supply should include an additional allowance of at least 20 per cent on top of current five year land supply.

Release of Phase 2 Housing Allocations

- 2.18 The intention had previously to consider Phase 2 sites (identified in Policy H2 of the Selby District Local Plan) as part the Sites Allocation Development Plan Document (SADPD).
- 2.19 However, as the latest monitoring shows that the current supply of housing land has fallen below the 5 year minimum required in national planning guidance (PPS3 Housing), and in order to ensure continuity in the Five Year Land Supply, Phase 2 housing allocations identified in Policy H2 can now be considered for release under Policy H2A of the adopted Selby District Local Plan.
- 2.20 The saved housing policies H2 and H2A in the Selby District Local Plan provide a pool of sites which can be drawn upon to supplement the land supply. The majority of these sites are situated in relatively sustainable locations which broadly correspond with the emerging Core Strategy proposals and are identified in 'saved' policies of a statutory plan, following public examination. This could in theory inject 2190 plots (at SLDP figures) which would be 4358 plots, or a ten year supply.

Interim position until the SADPD is Adopted

- 2.21 At this point in time a 1.5 year extension of the land supply would broadly coincide with the interim period between the present time and the target adoption date of the Site Allocations DPD (end of 2012).
- 2.22 If a take-up rate of 440 dwellings per annum over the next 1.5 years is used, land for 660 dwellings from the Phase 2 pool will be needed to maintain the supply.
- 2.23 However, because of weak market conditions, take up of the delivery rate is likely to be below what is needed annually (there were only 270 houses built in 2009/10 and 366 in 2010/11) then it can be estimated a release of land for around 300 dwellings may come forward (based on the average from the previous 2 years completions of 318 dwellings).

Any release of new allocations should therefore aim to be within this range (300 – 660 dwellings).

- 2.24 The theoretical capacity of the remaining Phase 2 SDLP sites exceeds 2000 dwellings. SHB/1B is a large site with a capacity of 900+ dwellings in the SDLP. The Submission Draft Core Strategy requirement from new allocations in Sherburn in Elmet is less than 500 dwellings. Bringing this site forward at this interim stage could prejudice decisions to be made through the SADPD (the site is identified in the emerging Preferred Options SADPD, site reference SHER007).
- 2.25 The Executive considered this issue and agreed that the site should be released, albeit at a lower level than that set out in the SDLP. Other sites have the same issue (albeit at a lower level) so it was agreed to recommend the release of the sites at the same level as set out in the SADPD Preferred Options. This would ensure that the Core Strategy and SADPD would not be undermined, but that the supply of land and development could continue.
- 2.26 Most of the Phase 2 sites are being promoted as part of the SADPD process, and are considered appropriate to include in the Preferred Site Options for consultation. As such, in the majority of cases their release would not prejudice that process.
- 2.27 It is however, unlikely that all the remaining Phase 2 sites can realistically come forward immediately to top-up the supply of sites in advance of the SADPD adoption in 18 months time. Further work is being undertaken as part of the Housing Trajectory (see accompanying DRAFT Technical Report at Appendix B). For example detailed investigatory work such as contacting landowners is undertaken to seek to determine intentions on when the sites might be developed.
- 2.28 The table shows that the theoretical Phase 2 contribution is 1341 dwellings at SADPD figures. However, the total has been reduced to represent a blanket expected maximum 30% delivery potential given the necessary lead in time for progressing allocations through planning application stage to development within the next 18 months. This gives the discounted figure of 402 dwellings which might be expected to be over the next 18 months, thus stimulating the market to deliver the 440 per year need.

Table 1:

SDLP Site Reference	Site Location	Theoretical Additional Contribution (Capacity in Dwellings)	Notes	SADPD figure
BYR/1	East Acres, Bryam	21	Unknown land ownership. No	20

SDLP Site Reference	Site Location	Theoretical Additional Contribution (Capacity in Dwellings)	Notes	SADPD figure
			developer interest	
CAM/1	Drax Road, Camblesforth	55	Flood risk issues. May be prohibitive or require mitigation. Not an SADPD allocated site as it is a Secondary Village	55
CAR/1	High Street, Carlton	79	Flood risk issues	38
CAR/2	Low Street, Carlton	12	Flood risk issues. Not an SADPD allocated site.	12
EGG/2	High Eggborough Road, Eggborough	23		30
EGG/3	Selby Road, Eggborough	210	Multiple land ownership. Requires approved development brief. SADPD identifies site for 55 units	57
HAM/1	Cherwell Court , Hambleton	15	Not an SADPD site	14
OSG/1	Tindall's Farm, Osgodby	45		48
SEL/1	Cross Hills Lane, Selby	450+	SADPD identifies a larger area of land for 944 units	450
STM/1(B)	Land at Lund Syke Lane, South Milford	127		98
SHB/1(B)	Low Street, Sherburn in Elmet	900+	SADPD considers site suitable for 282 units but SDLP states 950+	282
TAD/2	Station Road, Tadcaster	105		104
THW/2	Leeds Road, Thorpe Willoughby	148		133
Total Theoretical Capacity of all remaining sites based on Local Plan figures.		2190		1341
			It is considered that around 30% may come forward over next 18 months: Such delivery of these numbers would help to revitalise the housing market: more land available = more likelihood of development	402

2.30 Whether additional land supply is sufficient to entirely satisfy the housing land requirement up until the adoption of the Core Strategy and Site Allocations DPD will depend on the rate of take up of land and the supply of additional windfall sites during that period. However, the Core Strategy is expected to be adopted in early 2012, and that identifies the Strategic Development Site at Olympia Park for 1000+ dwellings which will ensure a healthy supply well in excess of the 5 year requirement.

Impact on SADPD

- 2.31 The Phase 2 sites are being released in order to implement existing policies in the adopted Selby District Local Plan. The release of the Phase 2 sites is triggered by the latest calculation that we have only a 4.9 year land supply, which falls short of the required 5 year land supply.
- 2.32 The Core Strategy (when adopted) establishes the amount and distribution of housing land to meet the District housing requirements. The figures in the Core Strategy are the starting point for the Sites Allocations DPD which, when adopted by 2012, will identify how much and where development should go in the towns and villages in the District.
- 2.33 All of the Phase 2 sites have been considered through the SADPD process (at Issues and Options stage) and most are now proposed to be included in the Preferred Options SADPD document programmed for consultation between September and November this year (see other section of this covering report).
- 2.34 The analysis above indicates that even if the Phase 2 sites are released now, there is a practical limit on how much of each site can physically be developed in that short 18 month timescale (assuming no other delays in delivery through as yet unidentified site constraints). It is likely therefore, that the Phase 2 sites will continue to be identified in the SADPD as 'rolled forward' allocations to meet future land requirements unless they get planning permission or have been developed in the meantime. As such the release of the Phase 2 sites now will not prejudice the delivery of the SADPD but ensure that we have a continuing supply of housing land in line with PPS3 and in a planned way in the most sustainable locations. It should be reiterated too that emerging Government policy is to identify an extra 20% of housing on top of the target delivery (Draft NPPF). In short, the released Phase 2 sites will ensure that the Council remains in control of windfall development.
- 2.35 In terms of the housing land requirement figures, the SADPD will set this out in much the same way as it is expressed in the Core Strategy. Simplified, that is the requirement from new allocations is the amount required over the plan period less those which already have planning permission. This is described in the following table as $A - B = C$. If a released Phase 2 allocation gains planning permission in advance of the publication of the SADPD the site would simply move from C to B and the overall requirement remains the same.

(Based on the Core Strategy figures as at 31.03.10, which will be updated for future drafts of the SADPD but the principle remains the same):

Table 2:

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A.	Housing land required	Annual requirement x number of years left in the Plan period (2010 -2026)	440 dw x 16 years	7040
B.	Contribution from existing commitments (planning permissions)	Take away the housing already 'committed' to be built		2176
C.	Requirements from new allocations	Housing land required minus housing already committed	A minus B	4864

2.36 The impact on the SADPD Preferred Options will be minimal, with most Phase 2 sites being rolled-over as the preferred sites. Where Phase 2 sites are not the preferred sites, the SADPD will need amending after Full Council to reflect those minor changes, prior to the public consultation.

2.37 The release of Phase 2 sites will not impact upon the broad distribution of houses via the SADPD allocations. For example, the SADPD identifies 98 units for South Milford, and the release of STM/1(B) will satisfy that requirement.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

SADPD

3.1.1 The document must be made available for a consultation period of at least of 6 weeks.

5 Year Supply

3.1.2 It is possible that the owners of sites that have experienced a reduction in housing number may challenge the decision (most likely via a planning application)

Legal Representation at Core Strategy Examination in Public

3.1.3 Officers had been seeking to minimise the level of legal support at the EiP as the new process and guidance related to the procedure is one of the round table discussions rather than an adversarial approach. However the adoption of the Core Strategy, which will be in place for 15 years, is such a significant document for the Council, that once it was known that other parties attending the EiP would be legally represented by Counsel, officers felt it more appropriate that Council's position was not weakened in any way and the same level of support was available to the officers who will be attending the EiP.

3.2 Financial Issues

SADPD

- 3.2.1 The majority of costs associated with the Preferred Options have been accounted for in the budget: These include:
- Copies available to view in Libraries and Council offices.
 - All documents available to download from www.selby.gov.uk/SADPD
 - Multiple means of making representations: e-mail, online and by letter.
 - Formal advertisements in the local newspapers.
 - Press releases
 - E-mails to everyone in the contacts database.
 - Flyers distributed at Community Engagement Forum meetings.
 - Attendance at five CEF meetings
 - Copies sent to Councillors and Parish Councils on CD
 - Presentation and questions at Parish Council meetings where a G & T preferred site identified
 - Article in Citizen Link – the Council’s own newspaper delivered to every home in the District.
- 3.2.2 Not included in the budget
- Letters to everyone in the contacts database who have not supplied an e-mail address.
 - Hard copies (available at cost price – to be calculated when document is finalised)
 - Hard copies of response form
 - Attendance at Parish Council/local community meetings (excluding parishes where a G&T site identified)

5 Year Supply

- 3.2.3 There are no direct financial implications of the work being undertaken.
- 3.2.4 If sites are not released (that is if planning applications are refused) in the light of the shortfall in supply then the authority may be subject to appeals with associated staff costs but also potentially having financial costs awarded against us if such appeals are upheld.
- 3.2.5 The boost in house building will bring funding through the New Homes Bonus to be spent locally

Legal Representation at Core Strategy Examination in Public

- 3.2.6 The appointment of Counsel will be funded through the Contingency Reserves Budget.

4. Conclusion

SADPD

- 4.1 The Preferred Options paper has been prepared in response to the recently completed public consultation. The document identifies the preferred development sites in each settlement and addresses local

concerns to ensure that future development is responsive to its environment. Upon approval by the Executive and Council, a full programme of public consultation will take place before the final document is prepared.

5 Year Supply

- 4.2 There is a shortfall of 5 year land supply set out in RSS and the Core Strategy. It is therefore recommended that all SDLP Phase 2 sites. The Executive have agreed this and such release is set out in the SADPD Preferred options.

Legal Representation at Core Strategy Examination in Public

- 4.3 Officers felt it appropriate that Council's position was not weakened in any way and the same level of support was available to the officers who will be attending the EiP by appointing Counsel.

5. Background Documents

SADPD Issues and Options report

Core Strategy

Agendas and Minutes from

Executive 28 July 2011

Policy Review Committee 9 August 2011

Executive 1 September 2011

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Appendices:

A: Site Allocations DPD Preferred Options

B: DRAFT Technical Report

C: Draft Terms of Reference for Policy Committee

Gypsy & Traveller Research Group