

UNCLASSIFIED

The  
**COAL**  
AUTHORITY



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Ms Helen Gregory – Policy Officer  
Selby District Council

05 July 2012

Dear Ms Gregory

**Selby District LDF – Further Proposed Changes (6<sup>th</sup> Set) to Submission Draft Core Strategy**

Thank you for consulting The Coal Authority on the above.

Having reviewed the above document, proposing modifications in light of the publication of the NPPF, I have the following brief comments to make:

**PC6.15 – Objective 15**

The Coal Authority supports the inclusion of a reference in this objective to the need to protect natural resources including safeguarding known locations of minerals resources, in line with paragraph 143 of the NPPF. The duty to ensure appropriate consideration of non-mineral development proposals within mineral safeguarding areas (MSA) applies to all LPAs, not just to MPAs; therefore this modification is necessary. Whilst there are no surface coal resources within Selby, there is an active deep mine at Kellingley Colliery, which is likely to form part of the MSA defined by the North Yorkshire Minerals and Waste Development Framework.

**PC6.81 – Policy CP12**

The Coal Authority supports the addition of criterion f) to Part A of Policy CP12, in line with paragraph 120 of the NPPF. There is a limited legacy of past coal mining activity within Selby that poses a potential risk to the stability of new development, in the form of 15 recorded mine entries and geological weaknesses (fissures).

The Coal Authority has previously provided GIS data of this coal mining legacy to the Council's Development Management Department in order to highlight those development proposals that will need to be accompanied by a Coal Mining Risk Assessment and for which consultation with The Coal Authority is required. For this reason The Coal Authority

considers it important that the potential for local land instability is acknowledged within the Selby Core Strategy.

We look forward to receiving your emerging planning policy related documents; preferably in an electronic format. For your information, we can receive documents via our generic email address [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk), on a CD/DVD, or a simple hyperlink which is emailed to our generic email address and links to the document on your website.

Alternatively, please mark all paper consultation documents and correspondence for the attention of Planning and Local Authority Liaison.

Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our direct line.

Yours sincerely

*Mark Harrison*

**Mark E. N. Harrison** *B.A.(Hons), DipTP, MRTPI*  
**Planning Liaison Manager**



10  
Homes &  
Communities  
Agency

Policy and Strategy Team  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO8 9FT

19 July 2012

Dear Policy and Strategy Team

**Selby District Local Development Framework (LDF)  
Further Proposed Changes (6<sup>th</sup> set) to the Submission Core Strategy**

Thank you for requesting comments from the Homes and Communities Agency (HCA), the national housing and regeneration agency.

Our enabling role is to support our local authority partners in creating opportunity for people to live in high quality, sustainable places. We are a national agency working locally. We help provide funding to deliver affordable housing, bring land back into productive use and improve quality of life by raising standards for the physical and social environment.

The HCA support the proposals being put forward but have no specific further comments to add to our original response as consultee to make at this stage of the consultation process.

Yours faithfully

**David Curtis**  
**Director**  
**North East, Yorkshire and The Humber**

Homes and Communities Agency  
2nd Floor, Lateral, 8 City Walk, Leeds, LS11 9AT

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SELBY CORE STRATEGY – FAIRBURN  
RESPONSE TO THE 6<sup>th</sup> SET OF CHANGES

**STATEMENT BY R WILSON**

Following the EIP in April 2012, the Inspector asked SDC to reconsider certain changes to the Core Strategy. One of these changes related to downgrading Fairburn from a DSV to a Secondary Village, taking into account evidence presented at the EIP by the Parish Council and myself. It was agreed that there had been errors in the evidence and methodology which had resulted in Fairburn being wrongly classified as a DSV. The Officers of SDC presented a report to an Extraordinary Meeting of the Council on the 29<sup>th</sup> May 2012 which stated –

*"April EIP Inspector asked the Council to further consider its position on these 3 villages in the light of new evidence"  
"Officers have reviewed the evidence base and Council's case and recommended changes"*

and recommended that-

*"Further evidence agreed after September EIP regarding level of services and poor access to public transport means Fairburn no longer meets DSV criteria – change to Secondary Village."*

The Extraordinary Council Meeting was not well attended and no new evidence was presented and yet the Council resolved not to support the Officers' recommendation, citing Paras. 55 and 70 of the NPPF for not so doing. It should be noted that the NPPF was taken into consideration by the various parties at the EIP. Briefly, paragraphs 55 and 70 of the NPPF state that the *"location of housing should be where it will enhance or maintain the vitality of rural communities"*. The relevance of that paragraph is not immediately clear to me when the matter under consideration is whether Fairburn should be a DSV or a Secondary Village.

The report to Council claims that that Para. 70 of the NPPF says that *"planning policies should guard against the unnecessary loss of valued facilities and services particularly when this would reduce the community's ability to meet day to day needs"*. Generally, the report at Paras.8.3 – 8.8 claims that expansion will maintain and even promote new services.

In recent years Fairburn has undergone considerable expansion of mixed housing types. For example, there have been development

sites of 11, 18, 25, 13 and 15. This totals 82 new houses and flats plus a number of single dwellings which brings the total to near 100. This represents an increase of more than 35%.

I now would like to consider the impact that this very considerable expansion has had on services:

- A general shop CLOSED
- Post Office and shop CLOSED
- Replacement Post Office and shop CLOSED
- Butcher's shop CLOSED
- Bay Horse Pub CLOSED
- Youth Club UNDER THREAT OF CLOSURE
- Mobile Library WITHDRAWN
- Bus service to nearest local town, Castleford, WITHDRAWN
- Dedicated bus service to Micklefield Station (York/Selby/Leeds Line) WITHDRAWN
- The agreed existing level of public transport is POOR

On the plus side, the Primary School now enjoys the highest level of pupil numbers for many years and is not in need of expansion. However, it should be noted that, because of site restraints, there is no room for the school to expand. The Community Centre was provided and maintained by the local community. It is thriving and manages to return a financial surplus and is not in need of expansion as it has already proved to be sustainable.

It is clear that when reaching their conclusion the Council took no notice whatsoever of the evidence, if indeed it was ever brought to their attention.

The report wrongly claims "*Whilst recognising that the PO/shop has since closed this could be seen as a temporary result of the current economic climate and other shops may well open.*"

The closure cannot be regarded as temporary as, over the years, two attempts to maintain a PO/shop have failed. The original PO/shop closed and was converted into two dwellings. The closure was followed some two years later by the conversion of a house into a PO/shop. Because of the large number of steps, a lift for the disabled was installed. This PO/shop failed after 2 years and was subsequently converted into two flats and the lift removed. This cannot be seen as a "temporary" as claimed by the Council. The assessment of its status acknowledged that "*the village requires improved bus services*". This is unlikely to happen as Fairburn is on a circular route and the contribution it makes in passenger numbers to the total route is negligible. Expansion on the scale proposed will have no impact whatsoever on improving bus services.

A further reason given by the Council for opposing the Officers' recommendation is that *"New evidence was put forward at various stages by third parties relating to water (should have read sewage) infrastructure capacity which have been dealt with by Yorkshire Water."*

This matter has not been dealt with and the statement is incorrect. On 10<sup>th</sup> May 2012, I wrote to the EIP informing them that once again there had been a sewage spillage on Silver Street and Yorkshire Water had to jet the drains in order to unblock them. This was in spite of earlier assurances given by Yorkshire Water to local residents that the matter had been dealt with (see my letter dated 10<sup>th</sup> May 2012).

The current position on housing growth in Fairburn is that approval was granted for 14 dwellings some 4-5 years ago. Because of lack of interest, to date, no start has been made on that development. Recently a further 9 dwellings were granted planning permission. These two approvals alone meet the 23 dwellings allocated to Fairburn over the plan period, therefore there can be no need to review the Green Belt as both sites lie within the village envelope.

**CONCLUSION**

The NPPF gives no reason to change the conclusion reached and agreed by all parties at the EIP, nor does it change the Council's initial assessment policy. There is a striking lack of evidence offered by the Council as to why they should not support the Officers' clear recommendation. Indeed, the reasons stated are incorrect, not evidence-based and biased. It must be obvious to anyone, in the case of Fairburn, that Councillors, having made a decision regarding the DSV status, albeit on incorrect and misleading information, are now unwilling to change it. They now seek to manipulate the tests to fudge and invent reasons in order to justify their misguided decision. Should this be allowed to happen, then the assessment process will not have been applied fairly across the District which is a basic requirement of the process. Only Fairburn appears to have been subjected to this flawed process whilst other non-DSV settlements have been treated in accordance with the agreed method of assessment. If this is allowed to happen, then the process will be UNSOUND.

We therefore appeal to the Inspector to put this matter right in order to bring consistency and fairness to the Core Strategy.

Please note that I wish to attend and contribute to the EIP on 5<sup>th</sup> September 2012.

**Roy Wilson MBE 19<sup>th</sup> July 2012**





**Selby District Submission Draft Core Strategy  
 Consultation on Further Proposed Changes (6th Set)  
 June 2012  
 Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
 Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
 Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		JENNIFER HADLAND
Organisation	YORK DIOCESAN BOARD OF FINANCE	SMITHS GORE
Address	C/O AGENT	26 CONISCLIFFE ROAD DARLINGTON DL3 7JX
Telephone No.		01325 462966
Email address		jennifer.hadland@smithsgore.co.uk

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

[Empty rectangular box for identifying the proposed change]

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

PLEASE SEE ATTACHED SHEETS

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1 Written Representations**                       **4.2 Attend Examination**

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

P/A

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated 11 / 07 / 2012



**Selby District Council - Submission Draft Core Strategy  
Further Proposed Changes 6<sup>th</sup> Set**

**Response by Smiths Gore on behalf of York Diocesan Board of Finance**

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**Introduction**

We act on behalf of York Diocesan Board of Finance (YDBF) in respect of their landholdings across the district of Selby.

We have the following comments to make with regard to the Submission Draft Core Strategy Further Proposed Changes 6<sup>th</sup> Set consultation:

**Tests of Soundness**

As stated in the Submission Draft Core Strategy, there are more than 60 villages and hamlets located throughout the District and there does need to be a level of acceptance that many people are going to have to travel outside of the District for employment on account of the district's rural nature.

Although YDBF welcomes the assertion that the majority of new development will be focused towards the Principal Town of Selby (and the other market towns) it is vital that the Council do not restrict future development throughout the rest of the district. The Council should not seek to obstruct the growth of the rural economy. Rural settlements are crucial to achieving economic growth through a stable and self sustaining population, employment opportunities and a range of well supported local services. Although the document states that about 60% of the District's population lives in the more rural parts of the district, there are concerns that these communities are not going to benefit from this plan period.

Other than concern over the flexibility of the Core Strategy with regard to development in and around the more rural settlements, there is general support from YDBF in respect of the 6<sup>th</sup> set of Proposed Changes. It is considered that the proposed changes ensure that the complex (and possibly more restrictive) elements of some policies have been removed. The proposed changes in respect of the National Planning Policy Framework (NPPF) are considered to comply with the overall 'golden thread' of the NPPF which is the 'Presumption in favour of sustainable development'.

**PC6.11 - Duty to Cooperate**

It is considered that the proposed changes to Chapter 2 with regard to 'Duty to Cooperate' complies with the NPPF, particularly paragraphs 178 - 182. We consider that the Council has fulfilled its duty to cooperate on cross boundary issues in developing the Plan.

**PC6.18 - New Policy LP1**

We support, in principle, Policy LP1 as a new policy, as it focuses on the NPPF 'presumption in favour of sustainable development'. It is vital that the Council supports and delivers sustainable and suitable development when opportunities present themselves.

A positive approach to planning is vital if the document is to comply with the NPPF. It is important that the Core Strategy and future Local Plan enables the Council's Planning Team to work proactively with landowners and developers to ensure development is deliverable and therefore improve the economic, social, and environmental conditions of the District.

#### **PC6.24 – Isolated Homes in the Countryside**

We support the additional text to paragraph 4.29 of the Core Strategy as this complies with the NPPF, particularly paragraph 55 of the new framework. The reuse of existing yet redundant or disused buildings is an important element of the NPPF and should be set out in the local Plan to support the rural economy.

In addition, we consider traditional, agricultural buildings within YDBF's ownership to be non designated historical assets to the countryside. They form historical importance to the landscape. We therefore consider Core Principle 12 of the NPPF also important as it sets out national planning policies on the conservation and enhancement of the historic environment. As set out at paragraph 126 of the NPPF, Local Planning Authorities should "recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance". The NPPF also states that Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, particularly when determining a planning application (paragraph 131).

Furthermore, as set out at paragraph 135 of the NPPF (Core Principle 6), "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application". Historic assets (designated or not) are a non renewable resource and intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. To ensure the conservation and long term protection of the unused traditional agricultural buildings within YDBF's ownership, their conversion into a suitable alternative use would secure this. It is not viable to leave the buildings in their current conditions as this would inevitably lead to their deterioration over time.

We believe it is vital that heritage assets (designated or not) are put to an appropriate and viable use. The continued use of these buildings will contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment, particularly where a heritage asset is to be changed / impacted upon. Keeping buildings in an appropriate use also avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings. We therefore consider that the conversion of the unused, traditional, agricultural buildings throughout YDBF's landholding would comply with the NPPF and should be incorporated into the Local Plan. It is important to support the conversion of unused agricultural buildings to ensure re-use of existing fabric, minimise waste, and utilise an existing footprint. Reuse of existing footprints will have no additional adverse impact on the surrounding area as it will not result in any encroachment into the open countryside.

#### **PC6.40 – Phasing of Development**

Although phasing was introduced into the policy to help direct growth throughout the Plan period, it could be considered as a restrictive element of the Policy, particularly considering the current economic climate.

The actual delivery of development should be supported and not hindered by potential restrictions such as phasing and therefore limiting the numbers of units that can be delivered in a specific timeframe. The Council need to boost the supply of housing being delivered and continue to promote and support future development. Any necessary phasing can be monitored on a site by site basis via the planning application process.

**PC6.50 – Previously Developed Land (PDL) Targets**

We support the deletion of the reference to PDL targets. This ensures consistency with the NPPF. ~~It is vital that the forthcoming Plan meets identified needs and is realistic in terms of delivery.~~

**PC6.55 - Affordable Housing**

It is understood that affordable housing is an important element in the overall delivery of housing; however, it is considered that a scheme of ten units as a minimum threshold is too low for providing affordable housing. We would strongly question the economic viability of schemes when this threshold is applied. The Council's main priority should unequivocally be to ensure that inflexible contributions do not lead to a scheme becoming unviable and therefore not deliverable.

Affordable housing is not the only development that the smaller settlements need. It is acknowledged that affordable housing is necessary, however, due to the viability of such development, the overall choice of housing will be affected in the smaller settlements as new housing choice (market or affordable) will not be provided.

Flexibility should be included in the affordable housing policy to ensure that future development opportunities are not impeded by unrealistic affordable housing requirements or other planning obligations. The Council needs to ensure that development will be realistically delivered during this plan period.

Rural exception sites are proposed in the Core Strategy DPD. In our experience, however, we would suggest that very limited sites will be brought forward and be developed via this policy. There is currently very little incentive for landowners to release their land for the development of an 'exceptions' site. We therefore support Proposed Change number PC6.55 which reflects paragraph 54 of the NPPF that LPA's should consider market housing in rural exception schemes to ensure viability and delivery of housing sites.

We would also urge the Council to accept the need for offsite provision of affordable housing where appropriate. This should be built into the policy text.

Market and affordable housing, along with employment opportunities, are required in all settlements to ensure vitality and viability of the existing communities.

**PC6.57 & PC6.58 – Rural Housing Exception Sites**

We support the deletion of the reference to settlements with less than 3000 population so that Policy CP6 now applies to all settlements. With this change and with the potential for including some market housing as part of an 'exceptions site', we may see an increase in the delivery of affordable housing throughout the District. Affordable housing is currently not being delivered due to viability issues and the changes to this policy may help resolve the viability and deliverability of such sites, therefore helping the district meet its affordable housing need and targets.

**PC6.71 – PC6.76 – Rural Diversification**

It is important for the Core Strategy to promote continued economic diversification within the rural areas of the District as well as focusing on the economy of town and village centres. It is also vital to support rural regeneration by diversifying and strengthening the rural economy.

Maintaining existing businesses and encouraging new businesses helps diversify rural employment opportunities, maintain the viability of smaller settlements and reduce the need for local people to travel longer distances for work.

We therefore support the deletion of Policy CP10 and the proposed amendments to Policy CP9.

### **Conclusion**

YDBF particularly support future development in the following settlements and support their designation as Principal Towns, Local Service Centres and Designated Service Villages.

- Selby;
- Sherburn in Elmet;
- Thorpe Willoughby;
- Hemingbrough;
- Brayton;
- Carlton;
- South Milford;
- Cawood;
- Hambleton
- Fairburn; and
- Monk Fryston

YDBF would also like to see some growth in the smaller settlements which have not been identified in the Settlement Hierarchy for future growth as it is important to enable development for communities across the district.

These settlements represent focuses for ministry within the Diocese of York within the Selby District area and, as such, the Church of England would wish to support growth and investment into these communities.

It is submitted that the Council should not seek to hinder the growth of the rural economy. Small rural settlements are central to achieving economic growth through a stable and self sustaining population, employment opportunities and a range of well supported local services. We suggest that the Council give due consideration to permitting a degree of new development in the smaller rural settlements to retain and enhance their character.

In conclusion, we support the proposed changes to the Core Strategy in respect of the recently published NPPF. We consider this provides the necessary flexibility for meeting need and demand for a variety of development.

Notwithstanding this, the Council needs to ensure that this flexibility is present in all the Local Plan documents and that the rural communities continue to have development opportunities to prevent them from becoming stagnant leading to further local services and facilities being forced to close. Rural settlements are just as important to the Selby District as the principal towns and this should be represented throughout the forthcoming Plan.



ENGLISH HERITAGE

Policy and Strategy Team,  
Selby District Council  
Civic Centre,  
Doncaster Road  
SELBY  
North Yorkshire  
YO8 9FT

**BUSINESS SUPPORT**  
17 JUL 2012  
**RECEIVED**

Our Ref: HD/P5342/03  
Your Ref:  
Date: 12/07/2012

Dear Sirs,

**Selby Local Development Framework: Sixth Set of Proposed Changes to the Submission Draft Core Strategy**

I refer to the recently-published Sixth Set of Proposed Changes which the Council is proposing to make to the Submitted Plan. We have the following comments to make on the latest set of amendments to the document:-

Proposed Change No.	Policy/ Paragraph/ Section	Sound/ Unsound	Reason	Suggested Change
PC6.24	Paragraph 4.29	Sound	We support the proposed change in respect of that element which relates to securing the future of heritage assets. This reflects the approach set out in the NPPF and will assist in the delivery of Objective 11 of the Plan.	-
PC6.91	Policy CPI5	Sound	We support the intention to steer development to areas of least environmental value. This reflects the approach set out in the NPPF and will assist in the delivery of the plan's Objectives relating to the protection of the environment.	-
PC6.96	Paragraph 7.77	Sound	We support the acknowledgement that quality of design in its local context is more important than relying on a minimum housing density and, as a result, the Council's intention not to set a development density figure in the plan. This reflects the approach set out in the NPPF and will assist in the delivery of Objectives 11 and 12 of the plan.	-
PC6.99	Policy CSI6	Sound	We support the proposed additional Criterion aa. This reflects the approach	-





# ENGLISH HERITAGE

Proposed Change No.	Policy/ Paragraph/ Section	Sound/ Unsound	Reason	Suggested Change
			set out in the NPPF and will assist in the delivery of Objectives 11 and 12 of the Plan.	

If you have any queries about any matters raised above or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,



**Ian Smith**  
Planner for Yorkshire and the Humber  
Telephone: 01904 601977  
e-mail: [ian.smith@english-heritage.org.uk](mailto:ian.smith@english-heritage.org.uk)

20

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JONAS**

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**SELBY LDF**

**SUBMISSION DRAFT CORE STRATEGY**

**PROPOSED CHANGES No 6**

**REPRESENTATIONS**

**ON BEHALF OF**

**THE GRIMSTON PARK ESTATE**

**REPRESENTOR No.20**

JULY 2012







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## **1.0 INTRODUCTION**

- 1.1 Carter Jonas LLP represents the interests of the Grimston Park Estate and welcomes the opportunity to comment upon the Proposed Changes No.6 to the Submission version of the Core Strategy.
- 1.2 Representations have been submitted at each stage of the Core Strategy as well as to each set of Proposed Changes. We have managed to attend most sessions of the Examination. It is not the intention to repeat the comments previously made unless these contribute to the matters raised or remain as issues which remain to be addressed
- 1.3 As previously, these comments are principally submitted in relation to Estate land at Kelcbar Hill/Wetherby Road, Tadcaster, as well as land at Ulleskelf and Towton.

### **PREAMBLE**

- 1.4 In broad terms our position throughout the process is unchanged and supportive of the broad principles which underpin the Core Strategy. Representations have sought to bring certainty and clarity to the document.
- 1.5 At the heart of our comments is the support for the designation of Tadcaster as a Local Service Centre, which should serve the needs of its residents and hinterland and accommodate an appropriate level of housing and employment growth; Ulleskelf as a Designated Service Village, and Towton as a Secondary Settlement capable of accommodating housing development.
- 1.6 Grimston Park Estate has put forward development sites in each of the settlements identified and can confirm its willingness to bring those sites forward during the Core Strategy period. Meetings have been held with representatives of the communities of Tadcaster and Ulleskelf to explain the proposals and the Estate's continuing commitment to the prosperity and wellbeing of the communities.
- 1.7 It is welcomed that the Council has published a comprehensive document which sets out the cumulative effects of all of the changes to date and identified those which comprise main modifications and those which are consequential minor /additional modifications.

## COMMENTARY

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- 1.8 Set out in the following sections is our response to the Council's current consultation exercise. In doing so we refer to the Schedule of all Proposed Changes document as it sets out the most comprehensive list of changes (PC1-6) as well as the evidence base which supports it.
- 1.9 In submitting representations we note the inclusion of the appropriate tests from the NPPF. Para 48 sets out that when a local planning document is examined by an independent inspector, that assessment will consider whether the document has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound. Such a plan is considered "sound" where it is
- **Positively prepared** – seeking to meet objectively assessed development and infrastructure requirements;
  - **Justified** – the most appropriate strategy when considered against reasonable alternatives
  - **Effective** - deliverable; and
  - **Consistent** with national policy; particularly the NPPF.

## 2.0 GENERAL CONSIDERATIONS

- 2.1 As a starting point we congratulate the Council for maintaining the ambitious programme to address the matters raised by the Inspector and various representatives following the suspension of the Core Strategy Examination sessions in late September 2011 and then the further matters arising at the time of the April 2012 sessions notably the provisions of the Localism Act coming into force and the publication of the National Planning Policy Framework (NPPF) with immediate effect.
- 2.2 A consequence of the various sessions and the changes over the Examination period is a Core Document list which exceeds 100 documents. What is welcomed as part of this current consultation is the preparation of a composite Core Strategy document which incorporates the cumulative changes and their consequences; this is helpful as it facilitates consideration of the Submission version.
- 2.3 Giving some consideration to this composite document demonstrates the scope and extent of the proposed changes (whether as main modifications or the additional modifications which follow). Some 100 separate changes to the Submission Core Strategy are included within the current round (PC No.6) of consultation. We are of the view that the various changes do not fundamentally change the Core Strategy as submitted, particularly the spatial strategy which underpins it, but provide clarification and certainty. We would suggest that this is made a point of discussion at the reopened Examination in September to ensure that there is agreement to this position.
- 2.4 Where we do have concerns is in the detail of the policies and previous comments particularly on the Core Strategy period, housing numbers and the distribution, (particularly to Tadcaster) remain to be addressed.
- 2.5 Notwithstanding the composite document a number of inconsistencies remain, although these do not undermine the principal elements of the Core Strategy. No doubt these will be picked up (as additional changes) through a comprehensive edit of the final document.



### 3.0 THE CURRENT CONSULTATION

#### Localism Act

3.1 It is noted that Proposed Changes 6.1 to 6.10 refer to consequential amendments of the references to the Localism Act and the associated terminology including the reference to Local Plans.

#### Neighbourhood Plans

3.2 With regards to Neighbourhood Plans, PC 6.9 inserts some explanatory text. It is welcomed that the Council will take a positive and collaborative approach on such matters. In doing so it would be appropriate to explain how neighbourhood planning documents sit alongside the Core Strategy in that they will be part of the statutory framework including how they relate to the Site Allocations process. Moreover it would be appropriate to explain how they can enable **more** development than is allowed in the Core Strategy. This is a slightly different emphasis than explained in the additional paras 1.5a-c. We would suggest that the Changes should more accurately reflect the NPPF.

#### Duty to Cooperate

3.3 Within Chapter 2, a number of changes are proposed as a result of PC 6.11 which explains the Council's response to the "Duty to Co-operate". In our view, the Council has explained its response, but fails to demonstrate that it has satisfied the DTC. Within paragraph H reference is made to the LCR Interim Spatial Strategy and the NY & Y Sub Regional Strategy, which has not been approved. Neither document (the ISS or the SRS) has been through a process of public scrutiny or examination.

3.4 With regard to paragraph L we would disagree with the comments relating to cross boundary issues so far as housing is concerned, for the reasons previously raised. The housing numbers put forward by the Council do not reflect best practice, nor do they adequately take into account matters such as migration and commuting; failing to recognise the relationship that Selby has with the neighbouring cities of York and Leeds.

3.5 Para 6.12 seeks to recognise Escrick as a DSV, which we consider to be an appropriate status for the village.

- 3.6 A number of minor changes to the Core Strategy objectives are covered by PC6.11 - 17, referring to land of **lesser** environmental value, promoting good quality design to aid social interaction and recognising the economic benefit of the best agricultural land.
- 3.7 PC6.18 introduces the model policy setting out the Presumption in Favour of Sustainable Development; the change is supported.

#### **Policy CPXX**

- 3.8 PC 6.21-25 relate to the locational principles, whereas PC 6.19-20 relate to the new policy CPXX; they include the removal of references to Major Developed Sites along with changes to the written justification. It would appear that the Green Belt Review will take a broad approach to reviewing boundaries, as well for the removal of land from the Green Belt for development during the Core Strategy period and the identification of land for "safeguarding" beyond the current plan period is both prudent and pragmatic, particularly for the reasons identified at Tadcaster.
- 3.9 Grimston Park Estate considers the approach for the release of Green Belt land in sustainable locations (for example, to the north of the town centre) is complementary to proposals to regenerate the town centre.
- 3.10 What is not clear from the proposed redrafting is the stipulation that the Green Belt Review and Sustainability Appraisal will then undergo public consultation (PC para 4.39o et al and CPXX Provision F). It is not clear whether this is part of the Site Allocations DPD process or will run in isolation/parallel. Some clarification is required to **PC6.20** to ensure that any public consultation on the Green Belt review, the methodology and emerging results is robust, justified and coherent.

#### **Policy CP1**

- 3.11 Following on from the comments above, it is necessary to tie together the allocation of land (CP1B) for development with any consultation upon the review of the Green Belt.
- 3.12 PC6.26-31 are supported as a clarification to the policy. Removal of the brownfield target is welcomed; retaining a brownfield preference and indicator would seem appropriate on this basis.

## Policy CP1A

- 3.13 Changes to the justification to Policy CP1A (PC6.33 and 34) suggest a relaxation of the Council's policy on the release of greenfield land for housing. These are supported.

## Policy CP2 Scale and Distribution of Housing

- 3.14 Previous comments upon the scale and distribution of housing, particularly for Tadcaster, remain to be resolved.
- 3.15 Running through the changes, PC 6.40 removes the proposed phasing of delivery (Para 5.4) and is supported. PC 6.35 seeks to justify/clarify the identification of the distribution of housing (to Tadcaster); whilst it is welcomed it is not supported. It does not address the fundamental point made on previous occasions that housing need is just one indicator at a certain point in time and should not be used as the sole reason for designating the distribution of housing. We consider that Tadcaster should accommodate a minimum of 9% of the District housing requirement, commensurate with its role as a Local Service Centre.
- 3.16 This is addressed in part through PC6.37 which suggests that the housing numbers are a minimum; this approach is supported. In our view, however a consequence of this is that the housing numbers should be rounded upwards, and not so prescriptive.
- 3.17 In considering the consequences of PC6.37 changes to the text of CP2 should be made. We would suggest that Provision A be reworded as follows:

*"Provision will be made for the delivery of a minimum of 450 dwellings per annum and associated infrastructure in the period to (March 2028)."*

- 3.18 Consequential changes to Provision B should include the insertion of the words "at least" after "a target of". Consistent with our previous comments, amendments to the subsequent table in Provision B should include for Tadcaster 9%, with a minimum requirement of 650. We would advocate that the (dpa) in column 4 is indicative and should be 45.
- 3.19 In relation to the minimum requirement in Tadcaster, current planning permissions suggest 140 units have consent (which we understand includes Mill Lane) leaving a

minimum indicative suggested allocation of 510. However, given the failure of scheme delivery in Tadcaster over a number of years, we would suggest that the New Allocations needed should be of 650 as this will provide certainty for any review of Green Belt around the town as well as the release of other green field sites.

- 3.20 It is not appropriate to exclude Secondary Villages from the new allocations process. Sites should be allocated to ensure delivery of open market housing in rural areas, as well as local needs housing, so that rural areas remain vibrant and viable, consistent with NPPF. Comments are submitted on policies CP5 and CP6 in this regard.

### **Policy CP3 Managing Housing Land Supply**

- 3.21 PC6.44 – 52 relate to delivery of housing during the Core Strategy period; it is welcomed that the Council recognise the desire in the NPPF to secure higher levels of housing delivery.
- 3.22 It would be appropriate for the subtitle (**PC6.47**) at para 5.53 to have the word “target” removed as this is not consistent with the subsequent justification.
- 3.23 One of the matters raised at the April Examination sessions was the absence of an alternative strategy for Tadcaster; in essence the production of a “Plan B”. Carter Jonas raised concerns with Officers about wording of their 29 May 2012 Committee Report which suggests that there are land supply issues around Tadcaster. We would refute those statements and confirm that the Grimston Park Estate (GPE) is a willing landowner which is actively promoting land to the immediate north of the Town Centre and is in advanced discussion with a developer.
- 3.24 During the April Examination sessions, proposals were mooted for a comprehensive regeneration scheme by a landowner in the town centre including renewable energy generation, the extent of new employment floorspace provision was not clear, with submission of proposals described as imminent. Whilst details of that town centre scheme have not emerged in the timescale suggested by the agent it is considered that proposals on the GPE site are complementary to a town centre regeneration given the proximity of the land and ability to provide safe pedestrian linkage.



- 3.25 Should problems arise in the delivery of the town centre scheme the proposals put forward by GPE at Kelcbar to the north of the town centre could be brought forward without hindrance to deliver the housing numbers set out in Policy CP2 as amended. Previous representations suggest that this is the only option available to Tadcaster, given the statement (by others) that no other sites around Tadcaster are available or likely to come forward during the Core Strategy period, either as currently allocated or those suggested as Preferred Options during the Site Allocation DPD consultation of September 2011.
- 3.26 **PC6.51** suggests through paras 5.55a-e, the identification/allocation of additional sites around Tadcaster to ensure that there is "maximum flexibility" in order to deliver the Core Strategy objectives. This suggests a "multi-layered" approach; including the identification of different sites for housing should sites fail to come forward, alongside a number of options for the Council to review its own landholdings and other mechanisms to deliver growth. The default is then to consider dispersing growth elsewhere around the District in accordance with the settlement hierarchy. This latter would clearly indicate a failure of the Core Strategy principles.
- 3.27 A number of changes are proposed to the wording of Policy CP3 to reflect the concerns raised. Unfortunately the policy appears somewhat complex. We would suggest that provision CC should be amended to state:

*"In Tadcaster, the Site Allocations DPD will allocate land to accommodate the minimum quantum of development identified in Policy CP2. This will include Green Belt releases of land at Kelcbar Hill to the north of the town centre in accordance with Policy CPXX."*

- 3.28 Grimston Park Estate has identified its willingness to collaborate with the District Council and the community to bring forward land at Kelcbar as a sustainable extension to Tadcaster. That position remains.

#### **Policies CP5 and CP6 Housing**

- 3.29 PC6.52-58 detail changes to the affordable housing and rural exceptions policy. Whilst these broadly reflect the NPPF, we would still suggest that housing sites in rural settlements should be identified to include a mix of open market and local needs housing to minimise the need for grant funding and facilitate more innovative forms of housing

provision in rural areas.

- 3.30 This should be reflected in changes to the housing requirement in CP2 for secondary villages.

#### **Policy CP8 Access to Facilities and Infrastructure**

- 3.31 We have no comments upon the proposed changes at this stage.

#### **Promoting Economic Prosperity**

- 3.32 A number of changes are proposed to the economic growth section of the Core Strategy with the amalgamation of several policies into CP9 through PC 6.65-76.

- 3.33 Broadly the changes seek to be less prescriptive particularly for Tadcaster, and support further development in the north of the District including through rural diversification. Recognition that Tadcaster can differentiate itself through encouraging high value and knowledge based activities (finance, professional services and insurance), alongside the traditional industries within the town would appear to be consistent with sustainable development principles. Encouraging the provision of town centre sites and premises to provide additional employment floorspace should be a central part of the policy CP9 A5.

#### **Protecting and Enhancing the Environment /Design Quality**

- 3.34 PC6.88-99 suggest changes to policy to reflect the NPPF. Removal of minimum density requirements and the consideration of design quality as a key component of place making are consistent with our comments to the Core Strategy.

## 4.0 SUMMARY AND CONCLUSIONS

- 4.1 Carter Jonas LLP welcomes the opportunity to submit representations to the Sixth set of Proposed Changes to the Core Strategy. These comments should be considered alongside those prepared to previous rounds.
- 4.2 Many of the changes are introduced to enable consistency and reflect changes to the planning system arising from the provisions of the Localism Act and publication of the National Planning Policy Framework. Broadly these are supported.
- 4.3 In commenting upon the cumulative Proposed Changes we would suggest that these do not result in a substantive change to the Core Strategy as submitted. Some discussion at the reconvened September Session would seem appropriate to confirm agreement on this position.
- 4.4 Changes to the Policy CPXX are consistent with the NPPF and comments raised at previous stages. It is welcomed that the Green Belt Review will consider addressing anomalies as well as identifying areas where land can be released and allocated for development for homes and jobs through the Core Strategy period, and identified for safeguarding beyond the plan period.
- 4.5 Broader concerns remain over the scale of housing, distribution and the number of dwellings to be accommodated in sustainable locations around Tadcaster. A number of the changes do introduce a degree of flexibility with the consideration of a minimum number and the requirement of CP2 rounded up. That said we have suggested a change to the requirement for Tadcaster to give certainty to the proposed Green Belt Review and the extent of land releases, including for safeguarding.
- 4.6 With regard to CP3 it is acknowledged that the land availability situation in Tadcaster has been complicated by the indication that none of the Council's Preferred Options (Draft SADPD September 2011) are available. A town centre regeneration scheme was introduced to the April Examination sessions but has yet to materialise; such a mixed use scheme could deliver some of the housing and employment floorspace required in the town over the Core Strategy period.

- 4.7 Land to the immediate north of the Town Centre has been put forward by Grimston Park Estate, a willing landowner, as complementary to the town centre proposals. Suggested changes to CP3 have been proposed to facilitate this.
- 4.8 With regard to the remaining proposed changes we would suggest that these are broadly consistent with the NPPF.

20



APPENDIX 1

CONSULTATION RESPONSE FORM

**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination In Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		Paul Leeming
Organisation	Grimston Park Estate	Carter Jonas LLP
Address		Regent House 13-15 Albert Street Harrogate HG1 1JX
Telephone No.		01423 523423
Email address		paul.leeming@carterjonas.co.uk

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC 6.9 Neighbourhood Planning

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Clarification of the reference to the status of neighbourhood plans as part of the Local Plan. See representations para 3.2.

Continue overleaf



Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1 Written Representations
- 4.2 Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
 (Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

Grimston Park Estate is a major landowner in the northern part of the District. This is one of a number of associated matters which are central to the acceptability of the Core Strategy as part of the Selby Local Plan. It is important that the Estate has the opportunity to discuss these matters through the Examination process.

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

[Redacted signature]

Dated

12 July 2012

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

PC 6.11 Duty to Co-operate

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please Identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Clarification is necessary of whether the Council has satisfied the requirements of the DTC. See representations para 3.3 and 3.4.

Continue overleaf

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1 Written Representations
- 4.2 Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
 (Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

Grimston Park Estate is a major landowner in the northern part of the District. This is one of a number of associated matters which are central to the acceptability of the Core Strategy as part of the Selby Local Plan. It is important that the Estate has the opportunity to discuss these matters through the Examination process.

(Continue on a separate sheet if submitting a hard copy)

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I agree with this statement and wish to submit the above representation for consideration.

Signed [Redacted Signature]

Dated 19 July 2012

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

PC 6.20 Policy CPXX Provision F

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation,
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Clarification is necessary about the proposed public consultation on a Green Belt Review and progress with the SADPD. See representations para 3.8 to 3.10.

Continue overleaf

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1 Written Representations
- 4.2 Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
 (Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

Grimston Park Estate is a major landowner in the northern part of the District. This is one of a number of associated matters which are central to the acceptability of the Core Strategy as part of the Selby Local Plan. It is important that the Estate has the opportunity to discuss these matters through the Examination process.

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

[Redacted signature]

Dated

19 July 2012

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC 6.35-6.44 Policy CP2

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation,
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

A number of changes to the policy are required to maintain consistency with other amendments proposed. See representations para 3.14 to 3.20.

Continue overleaf

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1 Written Representations
- 4.2 Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

Grimston Park Estate is a major landowner in the northern part of the District. This is one of a number of associated matters which are central to the acceptability of the Core Strategy as part of the Selby Local Plan. It is important that the Estate has the opportunity to discuss these matters through the Examination process.

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

[Redacted signature]

Dated

19 July 2012

2010-2011

2010-2011



23

ryan king

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**From:** James Perry [REDACTED]  
**Sent:** 18 July 2012 21:58  
**To:** ldf  
**Subject:** Cllr J Perry

---

**Follow Up Flag:** Follow up

**Flag Status:** Completed

**Attachments:** Cllr JPerry.docx

Please see attached.

18<sup>th</sup> July 2012

Dear Sirs

**Response to Further Proposed Changes (6<sup>th</sup> set) to the submission draft core strategy**

We write further to the recent round of amendments regarding the core strategy and in particular Fairburn's current status as a designated service village ("DSV".)

We do not wish to repeat previous arguments which are clearly set out in writing and have been made at previous hearings over the course of the last 18 months. However, we do wish to respond to the Council's Position Statement dated 7<sup>th</sup> June 2012.

In particular paragraph 8 is of significance to Fairburn's position regarding the core strategy and its current classification as a DSV. In response we make the following points:-

1. *The evidence presented in the Council's Background Paper 5 and Background Paper 6 recognises that local services were an important factor in giving weight to the designation of Fairburn as a DSV.*

We believe the council are attempting to dilute the tests used within the background papers. Local services were not just an important factor they were the *fundamental* factor in the Council's reasoning behind which villages across the reason are to be classified as DSV's. To now attempt to go behind their evidence base, in what appears to be a desperate attempt to try and skew the results, is disingenuous. It was decided by the Council that the scoring criteria for the background papers was the fair, reasonable and definite way of determining which villages should be classified as DSV's. Now, just because the result fails to provide the Council with their desired outcome does not mean that they can depart from it.

2. *Access to public transport has already been considered as poor and requires improvement.*

Under the Background Papers there is no regard paid to how a village can be *turned* into a DSV. The Background Papers were used to establish which villages *are* already DSV's and consequently which DSV's could sustain growth. Better transport, a shop, a post office, a school and a doctor's surgery could be implemented in every single village or hamlet to elevate it to the status of a DSV but this was not part of the task set under the core strategy. The potential to improve amenities in a secondary village was not part of any criteria. Selby District Council is again attempting to introduce new concepts in a desperate attempt to skew the results. The task was always to identify which villages *are* DSV's and plan the strategy around these DSV's. If the Council deviates from this path then the entire core strategy will proceed without an ounce of certainty. The people of the district must know where they stand for the next 15 years and allowing a village to be a DSV because certain things might be improved (where are the promises that they will be) is not good enough. In an age of austerity where funding is not readily available there is no guarantee whatsoever that Selby DC will be able to deliver and spent the money required to ensure the level of housing in Fairburn is sustainable. If affordable homes are to be built in the DSV's, which is the intention, decent transport has to be in place already.

3. *The original assessment in Background Paper 5 (sustainability assessment of rural settlements) and Background Paper 6 (village growth potential) provide the consistent and most appropriate basis for defining DSVs.*

Agreed. The mathematical and methodical approach in the background papers is the only fair approach which should be taken. Subjectivity has no place in a scheme where houses will be built that will affect peoples' lives. The scoring criteria within these background papers provide certainty and there should be no deviation from them.

*4. Whilst recognising that the Post Office / Shop has since closed this could be seen as a temporary result of the current economic climate and other shops may well open. The assessment also recognised that the village requires improved bus services.*

This point is very woolly. Even if the economic climate picked up there is no single building in the whole of Fairburn which is in a position to house a shop. The previous shop has been converted into a house and Fairburn has absolutely no retail units available. Something would need to be built. This statement informs us that at no time has anyone surveyed the area. It is a statement made by someone sat in an office who has no understanding of what is actually happening on the ground.

In terms of the bus service, if affordable housing is built a decent bus service will be essential for these people. The problem is that the proposed number of houses will not provide the bus company with enough people to warrant a new bus service. The demand in terms of the numbers using the service is likely to be low but the need for this small number of people living in affordable housing, who will not have cars, will be high. Without a decent service they will not be able to afford to leave the village. Consequently, any service would have to be heavily subsidised which would be a waste of taxpayers' money when affordable houses could be built in other DSV's that already have decent transport links.

*5. 8.5 New evidence was put forward at various stages by third parties relating to water infrastructure capacity which have been dealt with by Yorkshire Water.*

Yorkshire Water continues to deny that there is a problem when clearly there is. It is believed that they are adopting this position because of the high cost of fixing the aged drainage system in Fairburn. There are no guarantees in place that any improvements will be made and this is further good reason to ensure Fairburn is not classified as a DSV.

*6. The Council and third parties also agreed on bus services (see other submissions to the EIP).*

See point at 4 above. I do not believe there is the appetite to provide a proper bus service in Fairburn. This is again nothing more than an attempt to resolve the fact that when the scoring criteria is properly applied Fairburn is a least sustainable village. In any event, letters, over the years, have been sent to local bus operators explaining how Fairburn needed a better bus service. No responses from any of the bus companies have been received.

*7. 8.6 Whilst accepting that Fairburn is a marginal settlement in terms of the assessment and other evidence submitted to the EIP, the Council takes the view that this is why it should be a DSV on balance because the status provides the opportunity to identify appropriate future growth for both housing and employment development to support and expand local services, through positive planning in line with the NPPF.*

This is also a very woolly point. According to the background papers you are either a DSV or you are a Secondary Village. We submit that this is the correct approach as there should be no shades of grey when defining this list. This issue is too important to allow for any uncertainty. The mere fact that they concede that Fairburn is a marginal village that requires

certain improvements to be made to it to ensure it meets DSV status is reason enough to classify it as a Secondary Village.

It also states that by providing the opportunity to identify appropriate future growth for both housing and employment development it will be able to improve local services. However, isn't this is the wrong approach to be take. The services should come first and then the development. Every hamlet and village would qualify as a DSV if more housing and employment were implemented first and then the local services of that particular village could then be improved. The amenities have to be present first to ensure it is right to develop a village and this was clearly the thinking behind the background papers. To change direction now does not provide any confidence that this core strategy will be executed properly by Selby DC. It introduces uncertainty.

The phrase "employment development" is also baffling. Employment opportunities are minimal in Fairburn - it is a commuter village. There are probably less than a dozen jobs within the village envelope.

*8. 8.7 Paragraph 70 of the NPPF says that planning policies should guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet day-to-day needs. Paragraph 55 of the NPPF says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*

These are two references cited with completely no reference as to how they apply to Fairburn.

In terms of losing valued facilities and services the school numbers are at a sustainable level for years to come and numbers have in fact increased over the last few years. There is no shop to lose or a post office to lose. There is no doctor's surgery to lose and so we are meeting our day-to-day needs without these amenities. This is because, like many other secondary villages, we are a commuter village.

Additional housing therefore will not enhance sustainable development. It will clearly hinder the vitality of Fairburn's rural community because of the lack of amenities.

**Conclusion**

This is another poor attempt at Selby District Council trying to find something that fits what they want, which is development to take place in places where the cheapest land is available to purchase i.e. Fairburn. It seems that they continue to push for Fairburn to be a DSV regardless of how that will affect the residents. Instead of taking on board the Inspector's comments and amending the core strategy to reflect his views they have continued to run poor arguments in a final attempt to get what they want, not what the people of Selby DC want. The hope is that albeit the decision to exclude Fairburn from the DSV list *may* incur additional expense for Selby DC in the short term, because amendments to the strategy will need to be made, the Inspector still makes the correct final ruling in September and rules that the Core Strategy is void because Fairburn is not to be classified as a DSV.

With the amount of evidence we now have within the body of all the documents submitted for the Core Strategy we can clearly see that should a final decision by Selby DC result in Fairburn being classified as a DSV then it will be a Judicially Reviewable decision of which we will take advice but the likelihood is that legal proceedings will need to be issued.

Finally, we confirm that we support Roy Wilson's position regarding this particular stage of the Core Strategy and also refer you to his previous submissions which are all supported by Fairburn Parish Council.

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**helen gregory**

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**From:** Malcolm Spittle [Malcolm.Spittle@northyorks.gov.uk]  
**Sent:** 26 June 2012 13:58  
**To:** ldf  
**Cc:** Carl Bunnage  
**Subject:** Consultation Response to the Further Proposed Changes to the Submission Draft Core Strategy

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**Follow Up Flag:** Follow up  
**Flag Status:** Red

**Attachments:** Selby - M07DB006.CB.DB.pdf; Planning Committee Minutes - Selby DC Letter.pdf



Selby -

M07DB006.CB.DB.pdf



Planning

Committee Minutes -

Dear Sirs

Thank you for consulting North Yorkshire County Council on the 6th Set of Proposed Changes to the Submission Draft Core Strategy.

The County Council commented on the proposed changes to Policy C9 (ix) in response to a previous consultation earlier this year. I attach copies of the earlier consultation response, dated 14 February 2012, and the minutes of the relevant meeting of the Council's Planning and Regulatory Functions Committee. This remains the County Council's position in relation to the proposed re-wording of Policy C9 (ix).

From a planning perspective the County Council has no further comments on the proposed changes.

Finally, I'll be retiring tomorrow. Could you amend your records so that any future correspondence on the LDF goes to Carl Bunnage - carl.bunnage@northyorks.gov.uk

Regards

Malcolm Spittle

Principal Policy Officer  
Business and Environmental Services  
North Yorkshire County Council  
County Hall  
Northallerton  
DL7 8AH

01609 532428

Access your county council services online 24 hours a day, 7 days a week at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).

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North Yorkshire County Council.





North

**Yorkshire County Council**

Business and Environmental Services

Your ref:

Our ref: M07DB006.CB.DB

**David Bowe**

**Corporate Director**

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[www.northyorks.gov.uk](http://www.northyorks.gov.uk)

14 February 2012

Dear Sirs

**Consultation on Submission Draft Core Strategy Amendments: Core Policy 9 (ix)**

Thank you for consulting North Yorkshire County Council by your letter of 19 December 2011 on proposed changes to Selby District Council's Submission Draft Core Strategy following adjournment of the Examination in Public by the appointed Inspector in September 2011.

It is the opinion of the County Council that policy CP9, especially with its proposed re-wording to sub-policy (ix) to include the re-use of "buildings and infrastructure" on the former mine sites at Wistow and Stillingfleet as acceptable forms of development in the Core Strategy, should not be adopted.

The sites in question are unquestionably Greenfield sites in principle, as they are sites that have been developed for minerals extraction purposes where provision for restoration has been made through development control procedures (PPS3, Annex B). In each case, a condition was imposed on the governing planning permission requiring the removal of all buildings, plant and machinery and the subsequent restoration of the land to its former condition (Wistow) or to a condition capable of agricultural production (Stillingfleet). The sites are in unsustainable locations, as the supporting text to CP9 itself acknowledges. The proposed policy to allow the retention and re-use of the built development on the sites is incongruous given the starting point which, in each case, is an extant planning condition requiring that the sites are to be restored. As you are aware, the County Council has resolved to take enforcement action to secure compliance with those requirements and for the avoidance of doubt we attach the minutes of the meeting of the Planning & Regulatory Functions Committee of 16 March 2010 recording that decision. Retaining the buildings will be demonstrably harmful to interests of acknowledged importance given their position in the landscape and the countryside designation of the two sites.

/Continued . . .

Policy Team  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby

Y08 9FT

**A responsive County Council providing excellent and efficient local services**

Selby - M07DB006.CB.DB/1



INVESTOR IN PEOPLE

The County Council's Minerals Local Plan aims, by Part 4.3 and in particular by 'saved' policies 4/18 and 4/20, to limit the adverse effects of mineral extraction on the environment and local amenity and to ensure the best possible quality of restoration of land. To adopt policy CP9 would subvert this aim of the MLP. The MLP, like national minerals guidance in MPG7, acknowledges that mineral workings are by their nature temporary and that the suitability of a site for mineral extraction must be in doubt if there is any question as to whether satisfactory reclamation can be achieved. We are not aware of any reason, subsisting either now or when permission was originally granted on the two sites, why satisfactory reclamation cannot be achieved.

Moreover, so far as we are aware there is no realistic prospect of the early redevelopment of the two sites. Several proposals have been mooted since the mine workings closed in 2004 but none has so far been shown to be an acceptable form of redevelopment. If the conditions are not required to be complied with in the near future, the opportunity to restore the sites through planning enforcement procedures will be lost. It is inappropriate to adopt a planning policy that is tantamount to an allocation of these two sites for redevelopment, when there is no evidence of any acceptable proposals being likely to come forward within the lifetime of the Core Strategy but where the policy will, by its adoption, usurp the County Council's statutory minerals planning functions.

The suitability of the buildings on the two sites for re-use must also be questioned. Large tracts of the two sites are near-derelict and a number of the buildings appear to be incapable of re-use without substantial reconstruction or alteration. We do not see any merit in adopting a policy favouring the re-use of buildings that are not in a fit state to be so re-used. Whilst we note the findings of the Riccall Inspector (APP/N2739/A/06/2020337 at paragraph 13) that the re-use and refurbishment of existing buildings, rather than demolition and construction of new buildings, was an important sustainability consideration on that site, there appears to be extremely limited scope to realise similar advantages at either Wistow or Stillingfleet.

In summary we do not consider that the adoption of policy CP9 will lead to the sustainable development of the area, and consider that it will unduly hinder the County Council's resolution to secure the proper restoration of the sites in accordance with extant planning conditions.

From a planning perspective, the County Council does not wish to make any further comments in relation to the Submission Draft Core Strategy.

Thank you once again for consulting North Yorkshire County Council on this matter. If you wish to discuss any aspect of this representation then please do not hesitate to contact Vicky Perkin (Head of Planning Services: Tel: 01609 533323), Carl Bunnage (Regional and Strategic Policy Team Leader: Tel: 01609 532523), or Laura Renaudon (Planning Lawyer: Tel: 01609 532209).

Yours sincerely



DAVID BOWE  
Corporate Director

**NORTH YORKSHIRE COUNTY COUNCIL**  
**PLANNING AND REGULATORY FUNCTIONS COMMITTEE**

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 16 March 2010.

**PRESENT:-**

County Councillors Peter Sowray (Chairman), John Blackburn, David Blades, Margaret-Ann de Courcey-Bayley (as Substitute for Bill Hoult) Robert Heseltine, David Ireton (as Substitute for Ron Haigh), Michael Knaggs, Andrew Lee, Dave Peart and Cliff Trotter.

Apologies were received from County Councillors Ron Haigh and Bill Hoult.

Approximately 25 members of the public were present.

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**COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK**

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**44. MINUTES**

**RESOLVED –**

That the minutes of the meeting held on 15 December 2009, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

**45. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED –**

That the public and press be excluded from the meeting during consideration of Minute Number 50, on the grounds that it involves the likely disclosure of exempt information as set out by Paragraphs 6 (a) and 6 (b) of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

**46. PUBLIC QUESTIONS OR STATEMENTS**

The Assistant Chief Executive (Legal and Democratic Services) reported that, other than those persons who had indicated that they wished to speak on particular applications, and would do so at the time of the consideration of that application, there were no questions or statements from members of the public.

Members agreed to defer consideration of the application relating to Ripon City Quarry to allow a number of documents that had been brought to the Committee to be copied and circulated, allowing these to be taken account of, as part of the consideration of the application. Members agreed to bring the following application forward for consideration in the meantime.

**47. C4/09/02493/CC - RETENTION OF VIC HALLAM UNIT 1049 AT CAYTON CP SCHOOL, SCARBOROUGH**

County Councillor John Blackburn declared a personal and prejudicial interest in relation to this application, in respect of him being Chairman of the Governors of Cayton CP School. In line with the Members Code of Conduct, he undertook his right to address the Committee, for the three minute period afforded to members of the public, and then left the meeting, taking no part in the discussion nor vote on that matter.

CONSIDERED –

The report of the Corporate Director, Business and Environmental Services, requesting Members to determine a planning application for the temporary retention of Vic Hallam units 1049 on land at Cayton CP School, Mill Lane, Cayton, Scarborough. The application was subject to an objection having been raised by Scarborough Borough Council in respect of the proposal and was, therefore, reported to the Committee for determination.

A Member noted that the objection had come from Scarborough Borough Council in relation to the application and considered that many objections to similar applications were served as a matter of course, by the objecting authority, rather than consideration being given to the particular circumstances of that application. He suggested that the issue should be explored further by officers to determine a way forward, rather than each application having to come before the Committee, due to a standing objection. In response the Planning Officer acknowledged the issues that had been raised and noted that consideration was being given to possible changes in the Constitution to ensure that only issues that were being objected to on relevant planning grounds would be considered by the Planning and Regulatory Functions Committee. The current Constitution, however, required that applications that received objections had to be submitted to the Committee.

RESOLVED –

That permission be granted until 17 January 2016, for the reasons stated within the report and subject to the conditions outlined.

**48. C6/500/90/E/CMA - EXTENSION TO THE EXISTING SAND AND GRAVEL WORKING, RETENTION OF EXISTING PLANT SITE AND ACCESS AND CONSOLIDATION OF EXISTING PLANNING PERMISSIONS AT RIPON CITY QUARRY, BROUGHBRIDGE ROAD, RIPON**

A number of documents were provided by those attending the meeting. A short recess was provided to allow Members and others in attendance time to read the documentation, prior to consideration being given to the application.

CONSIDERED –

The report of the Corporate Director, Business and Environmental Services requesting Members to determine an application which sought full planning permission for an extension to an existing sand and gravel quarry, including the retention of the existing plant site and the consolidation of existing planning permissions, relating to the original site on land at Ripon City Quarry, Broughbridge Road, Ripon.

The application had been subject to unresolved objections having been raised in respect of the proposals by Littlethorpe Parish Council, Harrogate Borough Council and local residents. Under the provisions of the County Council's Officers Delegation Scheme, such applications must be reported to the Planning and Regulatory Functions Committee. The proposal also departed from the provisions of the Development Plan in force for the area.

A number of speakers attended the meeting to outline issues in respect of the application.

Speaking in objection to the application were:-

- County Councillor Paul Richardson.
- Mrs Wendy Orme.
- Councillor Rolley Curtis – Chairman of Littlethorpe Parish Council.

It was noted that County Councillor Richardson was speaking as a local resident and, therefore, was limited to three minutes by which to address the Committee. It was also noted that as a Member of the County Council, with a prejudicial interest on the matter, he was advised by the Monitoring Officer to leave the meeting following his three minute address of the Committee. County Councillor Richardson complied with these directions.

Speaking in favour of the application were:-

- Geoff Storey – applicant.
- Mr Haliwell – White Rose Sailing Association.

The Divisional County Councillor, Heather Garnett, also spoke in relation to the application.

Details of the planning considerations, the plans for the application site and photographic coverage of the site were provided by the Planning Officer to assist Members with their consideration of the application.

**RESOLVED –**

That application C6/500/90/E/CMA – extension to the existing sand and gravel working, retention of existing plant site and access and consolidation of existing planning permissions at Ripon City Quarry, Boroughbridge Road, Ripon be deferred for consideration at a subsequent meeting of the Planning and Regulatory Functions Committee, to allow Members to undertake a site visit, enabling them to better understand the site and surrounding areas in respect of the application.

**49. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS**

**CONSIDERED –**

The reports of the Corporate Director – Business and Environmental Services, relating to applications for planning permission in respect of County Council developments.

**RESOLVED –**

That the applications be determined as follows:-

<u>Application</u>	<u>Further information submitted to the Committee</u>	<u>Committee Decision</u>
C6/100/106/T/CMA – Planning application for the formation of car park and erection of 1.80 metre high fence at The Forest School, Park Lane, Knaresborough.	The Clerk, Steve Loach, outlined he had a conflict of interests in relation to this item, in respect of him being Clerk to this Committee and Clerk to the Forest School Governing Body. He left the meeting during consideration of this item. Jane Wilkinson clerked the meeting for the duration of this item.	That, subject to an appropriate ecological report being prepared and re-assessed, and subject to appropriate conditions, that approval of planning permission be delegated to the Corporate Director, Business and Environmental Services.
C5/63/2010/10272 - Planning application for the erection of a new palisade gate within fencing at Highways Depot, Snaygill Industrial Estate, Skipton.		That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.
C6/24/151/K/CMA - Planning Application for the permanent retention of existing Elliott Unit 1926 at Kirkby Malzeard CEP School, Church Street, Kirkby Malzeard, Ripon.		That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.
C4/10/00093/CC - Planning application for the erection of security fencing around the boundaries of both schools. Filey Road boundary to be 2 metres high and Holbeck Hill boundary 1.8 metres high. Holbeck fencing to be set back 1 metre to allow for planting of hedges at St Martin's CE Primary School and Wheatcroft Community Primary, Holbeck Hill, Scarborough.	The Headteacher of Wheatcroft Community Primary School, Jenny Hartley and the Headteacher of St Martin's Primary School, Steph Brown, spoke in favour of the application.	That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.
C4/09/02562/CC - Planning application for new 1.5 metre high fencing and gate within the		That planning permission be granted, for the reasons stated

<u>Application</u>	<u>Further information submitted to the Committee</u>	<u>Committee Decision</u>
grounds of Whitby Community College, Prospect Hill, Whitby.		within the report and subject to the conditions outlined.
C3/09/01245/CPO - Planning application for the provision of a small canopy over outdoor play area and provision of pedestrian access to school grounds at St Hilda's CEVC Ampleforth, Station Road, Ampleforth.		That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.

**50. ENFORCEMENT PROCEEDINGS IN RESPECT OF WISTOW AND STILLINGFLEET MINES**

County Councillor Lee declared a prejudicial interest in respect of this item in relation to him having had outlined his position on this matter at a previous public meeting on this issue. He left the meeting and took no part in the consideration nor vote on this.

CONSIDERED –

The report of the Corporate Director, Business and Environmental Services seeking Members approval, in principal, to pursue enforcement action to secure compliance with conditions attached to permissions at Wistow and Stillingfleet Mine Sites, in so far as it was expedient to do so, having regard to the development plan for the area and to any other material considerations.

**RESOLVED**

- (i) That the service of the planning contravention notices be noted;
- (ii) That the on-going investigation and assessment of the information provided by UK Coal Mining Limited in response to the planning contravention notices be noted;
- (iii) That officers be requested to take appropriate enforcement action, if necessary, to secure the removal of the buildings, plants and machinery and the restoration of the Wistow and Stillingfleet sites within a twelve month period following the service of the notices.

**51. ITEMS DEALT WITH UNDER SCHEME OF DELEGATION**

County Councillor Blackburn declared a personal interest in respect of the item relating to Hunmanby Primary School, as a Member of the Governing Body at that school.

CONSIDERED -

The report of the Corporate Director - Business and Environmental Services regarding items dealt with under the Scheme of Delegation.

**RESOLVED –**

That the content of the report be noted.

**52. PUBLICATION BY LOCAL AUTHORITIES OF INFORMATION ABOUT THE HANDLING OF PLANNING APPLICATIONS**

**CONSIDERED –**

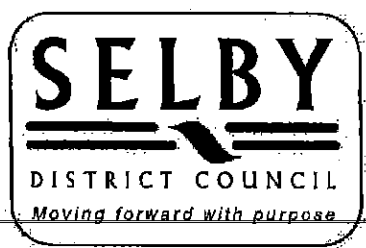
The report of the Corporate Director, Business and Environmental Services publishing the performance management statistics for North Yorkshire County Council for the period 1 October 2009 to 31 December 2009. Information on enforcement cases was outlined in an Appendix to the report.

**RESOLVED –**

That the information contained in the report be noted.

SL/ALJ





**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**  
**Fax to: 01757 292229**  
**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name	Mr Peter Hill	Mr Michael Watts
Organisation	Hogg Builders (York) Limited	Nathaniel Lichfield & Partners
Address	Redmayne Lodge, Park Gate Strensall North Yorkshire YO3 5YL	3rd Floor, One St James's Square, Manchester M2 6DN
Telephone No.		0161 837 6130
Email address		mwatts@nlplanning.com

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.20

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Hogg Builders considers that Policy CPXX is unsound because it is not 'consistent with national policy'.

Part E. of Policy CPXX provides the mechanism by which the LPA can allocate land from the Green Belt for the purposes of development, where the identified need cannot be met by non-Green Belt land. Hogg Builders consider that while there remain opportunities to release land in and around settlements in the district, which perform well in sustainability terms and are located outside of the Green Belt, such sites should be released before consideration is given to releasing Green Belt land. This is supported by national planning policy through the NPPF's presumption in favour of sustainable development.

Policy CPXX must make clear that sustainable development options should not be limited to one settlement, but should be considered on a district wide level. This means that if no suitable non-Green Belt sites are available for the delivery of housing in or on the edge of Tadcaster, for example, sustainable opportunities in other settlements, such as Sherburn, should be considered before the LPA releases Green Belt land for development purposes. Hogg Builders considers the best way of incorporating this approach in the Core Strategy is to provide the scope for reviewing the development limits of settlements in the district as part of the Site Allocations DPD.

As a consequence of the above, Hogg Builders consider that Policy CPXX (Part E) should be re-worded as follows:-

"Under Criterion D4 (above), the SADPD may amend the development limits of settlements to allow for sustainable development to take place in accordance with the objectives of the Core Strategy and the Spatial Strategy."

This change would result in a sound policy, which is consistent with national policy.

Question 3 continued

*(Continue on a separate sheet if submitting a hard copy)*

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1 Written Representations**                       **4.2 Attend Examination**

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

*(Continue on a separate sheet if submitting a hard copy)*

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

18th July 2012

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.26 & 6.30

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Hogg Builders considers that Policy CP1 is unsound because it is not 'effective' in achieving the objectives of the Core Strategy and it has not been positively prepared under the requirements of the NPPF.

Hogg Builders consider that Policy CP1 part (b) places restrictions on residential development in Secondary Villages which are inconsistent with the objectives of the Core Strategy. Key objectives of the Submission Draft Core Strategy include the need to support rural regeneration; to reinforce the distinct identity of towns and villages; to foster the development of inclusive communities; and, to provide an appropriate mix of market, affordable and special needs housing to meet the needs of District residents, particularly young people and older people. Meeting such needs cannot be achieved by placing undue restrictions on house building. If new housing is not built in Secondary Villages, such communities will be unsustainable as young people will have no choice but to settle in larger towns where new housing provision is made, leading to an ageing and unsustainable population.

In order to be effective, Policy CP1 needs to include more flexibility within the policy to allow new housing development in Secondary Villages to meet local needs. Hogg Builders therefore request that part (b) of Policy CP1 is redrafted to allow for an appropriate scale of residential development to be absorbed in Secondary Villages.

In addition, Policy CP1 includes the sequential test for the location of new development, with priority going first to previously developed land (PDL). The requirement for a formal sequential test has been removed from national guidance and whilst the strategy of developing on brownfield sites in advance of other types of land is appropriate in broad terms, a formal sequential test is more suitable for urban areas which have large amounts of PDL available. Selby does not have the availability of PDL within the district to require a formal test.

This approach does not accord with the new test for soundness within the draft NPPF which requires LPAs to plan positively for new development. Hogg Builders therefore request that the sequential test within Policy CP1 is removed.

Continue overleaf

*Question 3 continued*

As a consequence of the above, Hogg Builders consider that Policy CP1 (part b) should be re-worded as follows:-

- b) "Residential development of an appropriate scale may be absorbed in Secondary Villages, which conform to the provisions of Policy CP1A".

The current part (d) would then be omitted. This change is linked to the provisions of CP1A and would result in a sound policy, which is effective in achieving its objectives.

*(Continue on a separate sheet if submitting a hard copy)*

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

- 4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

*(Continue on a separate sheet if submitting a hard copy)*

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

- I agree with this statement and wish to submit the above representation for consideration,

Signed

Dated

18th July 2012

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

5.26

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Hogg Builders considers that revised Policy CP2 is unsound because the proposed housing distribution will not allow the required housing growth to be delivered in accordance with the spatial strategy. It is therefore not effective in achieving its objectives.

Hogg Builders considers that the proposed housing requirement figure of 450 dwellings per annum should be the minimum increase that should be considered acceptable, bearing in mind the evidence base. It should be emphasised that this figure is an annual minimum target, rather than an average or maximum, which would prevent additional, sustainable housing development from coming forward during the plan period. The NPPF (para. 47) states that LPAs should provide additional land above identified needs to ensure choice and competition in the market for land but also to provide a realistic prospect of achieving the planned supply. Sites are often subject to unforeseen issues which prevent or slow down the delivery of development and it is therefore important that there is sufficient flexibility in the housing land supply to ensure that identified needs can be met.

The key issue for Hogg Builders is the proposed distribution of housing across the District's settlements, rather than the overall housing requirement figure. Hogg Builders consider that the failure of Policy CP2 to attribute a larger proportion of the district's housing requirement to Sherburn-in-Elmet over Tadcaster will undermine the prospects of required housing growth being delivered in accordance with the spatial strategy. In addition, the large proportion of housing attributed to the Designated Service Villages does not accord with the Spatial Development Strategy (Policy CP1). We provide Hogg Builders views on the proposed distribution of housing in each settlement below.

Continue overleaf

## Question 3 Continued

**Selby**

Hogg Builders consider that due to Selby's status as the district's Principal Town, the proportion of housing given to Selby (51% of the total housing requirement) is about right. Selby should be the focus of the majority of new development, in accordance with the Spatial Development Strategy. Selby is the only Principal Town within the district and is the largest, most self-contained settlement, and therefore the best placed to accommodate the highest level of growth. The completion rates for Selby also show that the past delivery of housing in the town has been strong.

**Tadcaster**

The housing distribution figures in Policy CP2 allocate Tadcaster 7% of the total district housing requirement. This figure reflects housing needs as identified by the SHMA, however, the figure does not take into account the significant issues of housing delivery in the town. The SHMA is based on housing delivery figures from 2004/5 to 2007/8, prior to the economic recession. Even during this boom period, housing delivery in Tadcaster comprised just 2% of all homes provided in Selby District (51 homes). The minimum requirement from 2011 to 2027 of 500 dwellings does not represent a realistic figure for the actual delivery of housing that is likely to come forward within the town. The past trends of under delivery in Tadcaster due to land ownership issues and other constraints, show no sign of being resolved. Hogg Builders therefore considers that the proportion of housing attributed to Tadcaster should be further reduced to ensure a more realistic housing target that will not result in a shortfall during the plan period.

**Designated Service Villages**

Almost 30% of the total housing requirement under Policy CP2 is attributed to Designated Service Villages. Designated Service Villages comprise the third tier of settlements within the Selby District settlement hierarchy, after Selby as the Principal Town and the Local Service Centres of Sherburn-in-Elmet and Tadcaster. Policy CP1 Spatial Development Strategy recognises that there is some scope for additional residential and small-scale employment growth to support rural sustainability within Designated Service Villages. However, this potential growth does not justify the allocation of 30% of the total housing requirement, to the detriment of higher order settlements within the District. The majority of Designated Service Villages will be unable to support the level of development proposed, which will result in a shortfall of the housing delivery targets during the plan period.

Whilst it is accepted that the revised housing distribution better reflects housing needs as set out by the SHMA, to allocate nearly one third of the housing requirement to Designated Service Villages conflicts with the Spatial Development Strategy (Policy CP1). The higher order settlements should be receiving the majority of new housing growth to reflect both their position in the settlement hierarchy and the objectives of achieving sustainable patterns of development.

To ensure that housing growth can be delivered in accordance with the Spatial Development Strategy, it is therefore necessary for a proportion of the housing currently attributed to Designated Service Villages to be re-distributed to the higher order settlements, particularly those that rate highly in sustainability terms, such as Sherburn-in-Elmet.

**Secondary Villages**

Just 2% of the housing requirement is given to Secondary Villages under Policy CP2. Hogg Builders consider that there is a need for a more equal and sustainable distribution of housing across the Designated Service Villages and Secondary Villages to ensure that housing can be built in the most appropriate locations in response to local housing needs. It is therefore proposed that a proportion of housing attributed to the Designated Service Villages should be transferred to the Secondary Villages. This will provide opportunities to deliver housing more locally and better meet affordable housing needs within the District.

Continue Overleaf



## Question 3 Continued

**Sherburn-in-Elmet**

The housing distribution figures in Policy CP2 allocate Sherburn-in-Elmet 11% of the total district housing requirement. This figure reflects housing needs as identified by the SHMA, however, based on the town's strong sustainability credentials and its potential for the delivery of new development, it is clear that Sherburn-in-Elmet should have an even larger proportion of the district's housing requirement, particularly in comparison to Tadcaster.

Sherburn-in-Elmet is a highly sustainable settlement, where people can access shops, employment, services and facilities by walking or public transport. As such, the town is rightly recognised as a Local Service Centre, and a focus for further growth. Evidence set out in Core Strategy Background Paper No. 14 'Housing Scale and Distribution' (2012) supports this position and recognises the town's high sustainability credentials. Based on the results of The Retail, Commercial and Leisure Study for Selby (2009), Sherburn-in-Elmet is considered to be a more vibrant and viable centre when compared with Tadcaster. In addition, while Tadcaster has experienced a population decrease, the settlement population of Sherburn-in-Elmet has grown and is now above that of Tadcaster.

The Council is keen that Tadcaster should meet its own housing needs, even if this requires the release of Green Belt land due to the issues with land availability around the settlement. However, while there remain opportunities to release land in and around Sherburn, which perform well in sustainability terms and remain outside of the Green Belt, such sites should be released before consideration is given to releasing Green Belt land.

Hogg Builders has undertaken work to demonstrate the deliverability and suitability of a potential new housing site in Sherburn-in-Elmet, which will meet locally identified housing needs within the town and contribute to the sustainable growth of Sherburn-in-Elmet. Details regarding the potential of this site (Land West of Garden Lane, Sherburn-in-Elmet – SHLAA ref. PHS/58/004) have previously been submitted under the Site Allocations DPD Issues and Options consultation and SHLAA 2011/12 update. This site represents an excellent example of an opportunity to deliver a sustainable housing development to Sherburn-in-Elmet, in line with the strategic aims and objectives of the emerging Core Strategy. Furthermore land to the south at Garden Lane Nurseries (SHLAA ref. PHS/58/005) represents an additional site at Sherburn-in-Elmet, outside of the Green Belt that could be considered for housing. Such sites should be allocated for housing before Green Belt land is reviewed to the west of Tadcaster for potential release.

The failure to adequately take into account the issues of sustainability across the settlements of the district has resulted in too high a proportion of housing being distributed to both Tadcaster and the Designated Service Villages. To enable the Core Strategy housing requirement to be sound, the LPA will need to adjust the proportions of housing attributed to ensure that the housing delivery figures for each settlement are realistic and that the objectives of the Core Strategy will be achieved.

Continue Overleaf

Page 3.2 of 4

*Question 3 continued*

As a consequence of the above, Hogg Builders request that the proportion of housing development by location within Selby District should be changed to the following:-

- Selby: 50%
- Sherburn-in Elmet: 20%
- Tadcaster: 5%
- Designated Service Villages: 20%
- Secondary Villages: 5%

These proportions should be reflected in the actual housing numbers table under Policy CP2.

*(Continue on a separate sheet if submitting a hard copy)*

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1 Written Representations**

**4.2 Attend Examination**

- 4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

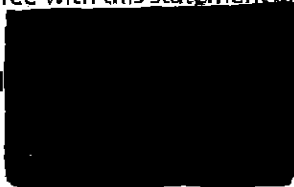
*(Continue on a separate sheet if submitting a hard copy)*

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

- I agree with this statement and wish to submit the above representation for consideration.

Signed



Dated

18th July 2012

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.51

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Hogg Builders considers that Policy CP3 is unsound because it is not 'effective' in delivering a mechanism for meeting identified potential housing shortfalls.

As previously discussed in our EIP representations on the Inspector's Issues 3.8 and 3.9 on Managing Housing Land Supply, Hogg Builders does not consider that the Core Strategy will deliver sufficient housing to meet identified needs. Persistent problems of under delivery of housing allocations in Tadcaster due to land ownership issues and other constraints undermines the overall housing requirement attributed to the town. As such, there is a need for the Core Strategy to have procedures in place to identify when potential shortfalls in housing delivery occur and to bring new sites forward in the event of such a shortfall.

Policy CP3 sets out remedial action for addressing a potential housing delivery shortfall through employing mediation style interventions with landowners to facilitate the delivery of allocated sites in the Site Allocations DPD. Whilst this is an acceptable approach to stalled development in some instances, scope should also be provided to allow sites which have not been previously allocated to come forward, provided they are broadly in accordance with the Spatial Development Strategy.

Policy CP3 also includes a contingency plan to allow for the delivery of an appropriate level of development in Tadcaster. Hogg Builders has concerns regarding the nature of this contingency plan, which involves trying to deliver housing within two separate phases on 'preferred sites', which may include Green Belt releases. Hogg Builders consider that if the best sites in and on the edge of Tadcaster cannot be delivered under 'Phase 1', other more sustainable sites in the district should be considered for development in advance of less sustainable sites in Tadcaster being brought forward. Furthermore, Hogg Builders do not consider that it is appropriate for consideration to be given to releasing Green Belt land, while there remain opportunities to release land in and around other settlements, such as Sherburn, which perform well in sustainability terms and remain outside of the Green Belt.

Continue overleaf

Question 3 Continued

Hogg Builders therefore consider that for Policy CP3 to be considered sound, an effective mechanism for bringing new sites forward in the event of a shortfall in the Supply Period is required.

As a consequence of the above, Hogg Builders consider that Policy CP3 (part C) should be reworded as follows:-

C.

*Remedial action is defined as investigating the underlying causes and identifying options to facilitate delivery of housing, including allocated sites in the Site Allocations DPD by (but not limited to):*

- 1 arbitration, negotiation and facilitation between key players in the development industry; or*
- 2 facilitating land assembly by assisting the finding of alternative sites for existing users; or*
- 3 identifying possible methods of establishing funding to facilitate development; or*
- 4 Identifying opportunities for the use of statutory powers such as Compulsory Purchase Orders or;*
- 5 supporting the submission of planning applications on sites that meet the objectives of the Core Strategy and the Spatial Strategy.*

Policy CP3 Part CC should be reworded as follows:-

CC.

*In Tadcaster, due to the potential land availability constraint on delivery, the Site Allocation DPD will allocate land to accommodate the quantum of development set out in Policy CP2 in three phases as follows:*

*Phase 1: the preferred sites in/on the edge of Tadcaster [ ] will be released on adoption of the SADPD.*

*Phase 2: a range of sites in/on the edge of settlements in accordance with the hierarchy in Policy CP1 and which may require the development limits of settlements to be amended to allow for sustainable development to take place in accordance with the objectives of the Core Strategy and the Spatial Strategy. Phase 2 will only be released in the event that Phase 1 is not at least one third completed after 3 years following the release of Phase 1.*

*Phase 3: where need cannot be met on non-Green Belt land, sites in/on the edge of settlements, which may include Green Belt releases, in accordance with Policy CPXX. Phase 3 will only be released after 3 years following release of Phase 2 and only in the event that the combined delivery of Phase 1 and Phase 2 is less than 50% of the target yield.*

The above changes would result in a sound policy, which is effective in achieving its objectives.

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1** Written Representations
- 4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

[Empty response box for Question 4.3]

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

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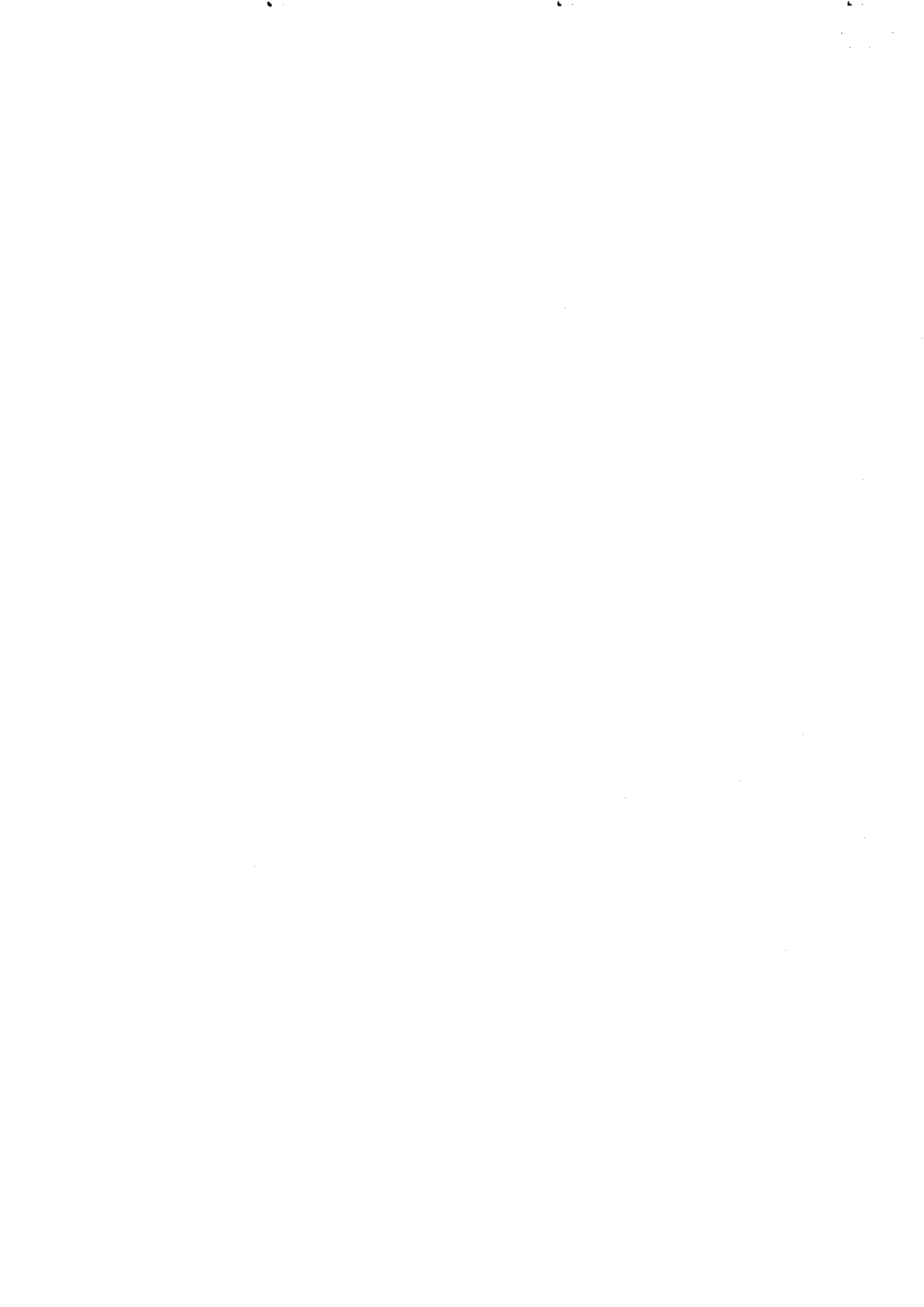
I agree with this statement and wish to submit the above representation for consideration.

Signed

[Redacted signature]

Dated

18th July 2012



**REPRESENTATION TO THE 6<sup>th</sup> SET OF PROPOSED CHANGES  
TO THE SELBY CORE STRATEGY**

**SUBMITTED ON BEHALF OF  
SOUTH MILFORD PARISH COUNCIL**

Prepared By:  
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**Directions**  
PLANNING CONSULTANCY

18th July 2012

## 1.0 Introduction

- 1.1 Directions Planning Consultancy has been instructed by South Milford Parish Council to prepare a response to the 6<sup>th</sup> Set of Proposed Changes to the Selby Core Strategy consultation document which was published in June 2012. Wherever possible we have referred to the sections to which our comments relate.

## 2.0 PC6.9 Paragraph 1.5

- 2.1 The paragraphs do not read well, as there are words missing. Also, the purpose of neighbourhood planning is not explained clearly. We therefore ask that the Council amends the words to take account of the amendments set out below:

"1.5a Neighbourhood Plans are prepared by a Parish Council or Neighbourhood Forum for a distinct geographic particular neighbourhood area. The scope of neighbourhood plans is set out provided in the NPPF, which makes clear and policies in neighbourhood plans should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- 2.2 1.5b Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.

Parishes Councils and neighbourhood forums can use neighbourhood planning to, for example, set out the basis on which development will be accepted, ~~identify for special protection~~ green areas of particular importance to them and include community-led initiatives for renewable and low carbon energy. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

- 2.3 ~~1.5c The Council will consider making Community Right to Build Orders and Neighbourhood Development Orders.~~ Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. Where such an order is in conformity with strategic Local Plan policies, Parish Councils and neighbourhood forums can grant planning permission for a specific development proposals or classes of development and no further planning permission is required for development which falls within its scope.

- 2.4 1.5d The Council will take a positive and collaborative approach to enable development to be brought forward under such an Order, including working with communities to identify and resolve key issues before applications are submitted. (PC 6.9)"

## 3.0 PC6.20 Policy CPXX

- 3.1 We object to the amendment made to paragraphs 4.39h and 4.39i which introduce the new words 'and other sustainable DSVs'. We believe the reference to other sustainable DSVs ambiguous, as it is unclear whether all DSVs are included within the reference or just the most sustainable of the DSVs. If it is the first then the insert need only state 'and DSVs', if it is the later then how are 'other sustainable DSVs' to be defined? If some DSVs are considered to be more sustainable than others then such a list and the criteria for that list need to be clearly set out and defined in the plan. We believe the wording in both paragraphs should be amended to read 'and DSVs', because the Council has already made clear the intention is for



Representation to the 6<sup>th</sup> set of proposed changes to the Selby Core Strategy  
Submitted on behalf of South Milford Parish Council

DSVs to accommodate their own housing need. This is evident from the draft SADPD which sets out the approach to housing distribution across the DSVs. The change we propose would also be consistent with the proposed change to the wording set out in paragraph 4.39i, which refers to '...Tadcaster's and other settlements'.

- 3.2 We also object to the amended wording proposed to Policy CPXX, as we do not believe it addresses previous concerns raised in relation to the circumstances in which land might be released from the Green Belt and identified for development in the SADPD. In particular, Criterion E is unclear, open to misinterpretation and does not define the circumstances in which the release of Green Belt land will be considered exceptional. We therefore propose that the criterion should be replaced with:  
*"Under Criterion D4 (above), the SADPD will determine the detailed Green Belt boundary to endure beyond the Plan period. The SADPD may remove land from the Green Belt in exceptional circumstances in order to satisfy those identified development needs set out in the Core Strategy which cannot otherwise be accommodated within existing development limits. The SADPD will look to locate development in accordance with the established settlement hierarchy and with reference to the purposes and objectives of Green Belt policy as set out in the NPPF."*
- 3.3 However, neither these proposed words or the existing Criterion E refer to 'plan B' (as described in paragraph 4.39i) being the exceptional reason for the release of land from the Green Belt. If the exceptional reason set out in 4.39i does constitute the trigger for a Green Belt review, then surely this should be set out in the Policy? As a result, we consider that Policy CPXX requires an additional criterion to make clear the exceptional reason for the Green Belt review, which would include a sequential test to ensure all other sustainable options had been considered before 'plan B' is deployed.
- 3.4 Furthermore, Criterion E refers to the safeguarding of land for the delivery of development in future plans. The safeguarding of land was a matter first raised by the Council in the 5<sup>th</sup> Set of Proposed Changes, and the matter did not appear in the submitted Core Strategy. It therefore represents a main modification which, when taken with other main modifications, an assessment will need to be made of whether the plan has altered to such an extent that 'by death of a thousand cuts' (to quote the York Planning Inspector) the amended plan appears to be substantially different to the submitted plan.
- 3.5 We do not believe that the plan should refer to the safeguarding of land because the Core Strategy did not intend for there to be a full review of the Green Belt or to safeguard land for the future. It originally intended to allow for land to be released within a limited number of settlements to accommodate a relatively small amount of development. The number of expected boundary changes and also the amount of land that will now be required has increased through the Examination process. We continue to question whether the change represents a significant redirection that is not allowed for through the procedures of drafting development plan documents.
- 3.6 It should be noted that if the Council is to refer to criterion D4 in defining boundaries then some safeguarding may occur in any event. This is because if the Council follows physical features then it may require more land to be released than is required for development in

order to ensure the boundaries are permanent. The Council only need allocate sufficient land and does not need to allocate all the land that is released for the separate and distinct purpose of creating defensible long term boundaries.

**4.0 PC6.33 and PC6.34 Policy CP1A, paragraph 4.47**

4.1 We object to the Council introducing a change in policy approach towards the development of garden land through the supporting text rather than the correct means which is to add 'garden land' into the list of appropriate development in Selby, Sherburn in Elmet, Tadcaster and DSVs under Policy CP1A.

4.2 Paragraph 53 of the NPPF requires local planning authorities to "consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area." As a result, Selby DC must first determine whether development of garden land is acceptable through the evidence base before a policy approach is set out in the plan. The Council has failed to follow the correct approach and instead appears to be introducing a change to policy through the supporting text.

4.3 We neither support or object to the change in policy approach because we have not seen the Council's justification for why it is reasonable for garden land to be developed. However, we do not believe the plan to be sound if the change is not approached in the correct manner and reference to garden land is included within supporting text rather than within Policy CP1A.

**5.0 PC6.39 Paragraph 5.28 Appendix 5**

5.1 We strongly object to the Council's definition of windfall development because it is not in conformity with the NPPF. The NPPF sets out a definition for windfall sites within the Glossary, which states:

*"Windfall sites: 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."*

5.2 The NPPF definition of 'previously-developed sites', which is also set out in the Glossary states:

*"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."*

5.3 The NPPF definition of windfall sites clearly excludes garden land, given it is explicitly excluded from the definition of 'previously developed land'. Furthermore, paragraph 48 of the NPPF states that garden land should be excluded from past and future windfall rates. The Council is therefore incorrect to state that 'garden curtilages' constitute windfall development. Paragraph 5.28 should therefore be amended to remove the reference to 'garden land'.

Representation to the 6<sup>th</sup> set of proposed changes to the Selby Core Strategy  
Submitted on behalf of South Milford Parish Council

- 5.4 Whether garden land is considered acceptable for development needs to be discussed and dealt with as a separate matter to windfall development, given that garden land would not suddenly constitute previously developed land just because a local authority supports development of such land. ~~The two matters are distinct and separate.~~
- 
- 5.5 If Selby DC is to support the development of garden land within Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages then this policy approach needs to clearly be stated, which includes having been justified in the evidence base and set out in a policy within the Plan. At the moment, there is neither evidence nor policy for the development of garden land. Changing the definition of garden land through an amendment to supporting text is not the correct means by which to introduce a change to policy through this set of proposed changes. Instead, 'garden land' should be introduced to the descriptions of acceptable development within Policy CP1A.
- 5.6 Please also see our comments in relation to proposed changes PC6.33 and PC6.34.
- 6.0 PC6.51 Policy CP3 Appendix 7**
- 6.1 We welcome the approach put forward, which means the Council will not reallocate development from Tadcaster to other parts of the district unless the situation arises after all other reasonable attempts have been exhausted.
- 7.0 PC6.99 Policy CP16**
- 7.1 We welcome the changes being proposed to this policy, which now refer to neighbourhood plans, local distinctiveness and open space.
- 7.2 However, we believe that a further change should be introduced to the policy in relation to the new approach which will see the development of garden land supported within settlements besides Secondary Villages. Paragraph 53 of the NPPF is clear that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."
- 7.3 We therefore believe that to be sound, situations which might cause harm to a local area should be spelt in the Core Strategy and Policy CP16 provides the appropriate opportunity to do so. Reference needs to be made within Policy CP6 to situations where the development of garden land will be considered acceptable or else situations where harm will be resisted, including where residential amenity will be detrimentally affected, local distinctiveness will be harmed, important gaps in development would be lost or over development would result. Without such a criterion, paragraph 53 will not fully be addressed in accordance with the NPPF.
- 8.0 Conclusions**
- 8.1 We would welcome the opportunity to discuss our representation with the Council, particularly given the fundamental issues we have raised in relation to the soundness of the documents.



**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		MARK JOHNSON
Organisation	REDROW HOMES	DACRES COMMERCIAL
Address	C/O AGENT	9 YORK PLACE LEEDS LS1 2DS
Telephone No.		0113 204 2247
Email address		mtj@hotmail.com

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

[Empty box for Proposed Change identification]

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

See attached comments

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

Dacres Commend

Dated

19/7/12



**Selby Core Strategy – 6<sup>th</sup> Set of Proposed Changes**

Response in relation to Papyrus Works, Newton Kyme.

**PC6.19 – Policy CPXX –** The references to Major Developed Sites have been deleted – The Council now considers that the national policy is sufficiently flexible to allow some development in Selby's existing Major Developed Sites and so such a designation is no longer necessary.

Papyrus Works, Newton Kyme was previously listed as a Major developed Site in the Green Belt, however this has now been deleted.

The proposed changes to Policy CPXX are in accordance with the NPPF.

NPPF paragraph 89 – Inappropriate development exceptions include:

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

**PC6.39 – Windfalls – New paragraphs 5.28 – 5.28d**

We welcome the additional paragraphs relating to windfall. They reflect the NPPF and we welcome the admission that the Council cannot be sure of the contribution that windfalls could make to the overall target.

Support 5.28c:

5.28c "to ensure certainty and deliverability the SADPD will allocate sufficient land to accommodate all of the housing target. Any windfalls will simply add to the District's overall housing completions."

**Policy CP3 – Managing Housing Land Supply**

Reference to PPS3 should be removed from paragraphs 5.44b and 5.44c.

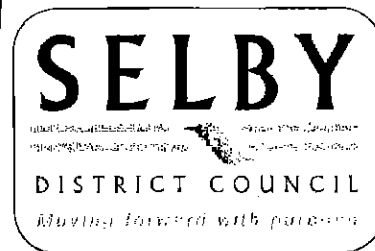
Paragraph 5.44d refers to a Core strategy PDL target of 40%. This should be deleted as it has been removed from Policy CP1 (PC6.31) and is referenced in paragraph 4.33 as an 'indicator' (PC6.25).

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**LOCAL  
DEVELOPMENT  
FRAMEWORK**

**BUSINESS SUPPORT**  
  
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# **Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (6th Set) June 2012 Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

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**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

# Part A

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Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
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SEE ATTACHED

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

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**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

[Empty response box for Question 4.3]

(Continue on a separate sheet if submitting a hard copy)

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I agree with this statement and wish to submit the above representation for consideration.

Signed Ducres Commerid

Dated 12 / 7 / 12

**Selby Core Strategy 6<sup>th</sup> Set of Proposed Changes**

Response in relation to Sherburn in Elmet - Site SHB1/B.

**PC6.31 – Previously Developed Land**

The 40% PDL target has been deleted from Policy CP1 to comply with NPPF. We welcome this deletion, however paragraph 5.44d refers to a Core strategy PDL target of 40%. This should be deleted given that it has been removed from Policy CP1 (PC6.31) and is referenced in paragraph 4.33 as an 'indicator' (PC6.25).

**PC6.37 – Housing Targets**

Text has been inserted stating that housing targets are minimum requirements. We welcome this insertion.

**PC6.39 – Windfalls – New paragraphs 5.28 – 5.28d**

We welcome the additional paragraphs relating to windfall. They reflect the NPPF and we welcome the admission that the Council cannot be sure of the contribution that windfalls could make to the overall target.

Support 5.28c:

5.28c "to ensure certainty and deliverability the SADPD will allocate sufficient land to accommodate all of the housing target. Any windfalls will simply add to the District's overall housing completions."

**PC6.40 - Phasing**

We welcome the deletion of text at paragraph 5.40 in relation to phasing and the returning to a flat target.

However, the policy wording of Policy CP2 hasn't been amended and still includes 3 phases with a stepping up from 400 dwellings per annum in the first 5 years, up to 460 per annum and 500 per annum in the later 2 phases. We have been informed by the Council that this is an error and should not be included within Policy CP2. Likewise, the Housing Trajectory (Figure 9) needs amending to reflect the removal of phasing and show a flat rate of 450 throughout the plan period.

Whilst we welcome the deletion of phasing, we maintain our objection to the 450 dwelling per annum target. – The Position Statement to accompany the 6<sup>th</sup> Set of Proposed Changes (paragraphs 3.1 - 3.12) explains the Council's position in terms of the proposed 450 dwelling per annum figure.

Position Statement paragraph 3.9 states "whereas other parties consider that the figure should be higher (between 500 and 550), the Council remain of the view that the figure should be about 450 dpa which provides for objectively assessed needs in accordance with NPPF (para. 154) and which is aspirational but, crucially is realistic and deliverable based on both future economic expectations and past average completions." There is no real reasoning why the Council remain of this view other than that the figure represents a positive plan for growth which is still significantly above the jobs-led scenario B figure of 403 dpa set out in the NY SHMA, and that the economic outlook remains weak (paragraph 3.10 Position Statement). We do not consider this to be a reasoned argument.

We do welcome reference at paragraph 3.12 of the Position Statement relating to windfalls being over and above the 450 dpa minimum target. The Council state "Therefore the position of the Council, in planning for annual average household growth of 450dpa remains robust and reasonable. It must be noted that the 450 is a minimum target that the council considers it can reasonably achieve to ensure the success of the Plan, but that additional development that comes forward as windfall will add significantly to the minimum."

### **Policy CP3 – Managing Housing Land Supply**

In light of the NPPF publication and replacement in particular of PPS3 it is considered paragraphs 5.44b – f should be deleted. These paragraphs make reference to PPS3 and also refers to the 40% pdl target which has been removed from Policy CP1 to align with the NPPF.

In relation to interim arrangements for maintaining the housing land supply paragraph 5.44n states that "The housing land Supply Period will be maintained by drawing on Phase 2 allocations identified in Policy H2 of the Selby District Local Plan, which have been released by the Council under the provisions of saved SDLP Policy H2A. Those policies are saved until superseded by the Site Allocations DPD." Yet, Policy CP3 deletes at Part B, reference to the pool of unimplemented Phase 2 allocations providing the source from which appropriate sites will be drawn. Clarification is required, as text is deleted in Policy CP2, yet not deleted in paragraph 5.44n.

### **PC6.69 – 6.70 – Sherburn in Elmet**

We welcome the insertion of additional paragraphs relating to the potential intensification of existing employment land and the potential for employment growth in Sherburn particularly in the distribution sector.

### **PC6.96 – Design Quality**

We welcome the insertion of paragraph 7.77a which states that the Council does not propose to set a development density figure but may identify particular design requirements including indicative densities as part of the DMDPD and / or specific allocations in the SADPD. We welcome the flexibility of this proposed change.





**JENNIFER HUBBARD, B.A., M.R.T.P.I., TOWN PLANNING CONSULTANT**  
**ALLONBY HOUSE, YORK ROAD, NORTH DUFFIELD, SELBY, N YORKS, Y08 5RU**

**REPRESENTATIONS ON THE 6<sup>TH</sup> SET OF PROPOSED CHANGES TO THE  
SELBY CORE STRATEGY**

**1. THE DUTY TO CO-OPERATE**

In our letter of 21<sup>st</sup> May 2012 we indicated

*Irrespective of the Duty to Co-operate, it is now clear following the City of York Core Strategy Inspector's preliminary Notes expressing concern about the content of the CS, CYC's response and deliberations at a recent Exploratory meeting called by the Inspector, that CYC does not currently propose to meet identified housing requirements within the city. The York Green Belt extends – in general terms – from the edge of the built up area of the city to the city's administrative boundary. Any shortfall in provision in York will, accordingly, place pressures on the surrounding Districts including Selby and in these circumstances it is necessary for Selby to have a clear view based on discussions with York, how and to what extent it might (or might not) address any development pressures arising in the city.*

The Inspector should be aware that, since then, the City of York Council has formally resolved to withdraw its Core Strategy and now intends to move to the preparation of a Local Plan with an estimated timescale to adoption of 30 months but continuing to use the evidence base accumulated in connection with the Core Strategy. Our earlier comments relating to development pressures from York leapfrogging the green belt and the need for Selby's Core Strategy to understand and address those pressures, remain.

**2. POLICY CP1A(b)**

No change is proposed to this policy but the policy is entirely unclear in so far as it relates to development *inside development limits*. Are these the currently adopted development limits (adopted approaching 20 years ago) and, if not, at what stage and under what CS policy are development limits to be reviewed?

**3. POLICY CP1A(c): REUSE OF RURAL BUILDINGS**

The preference for the reuse of rural buildings for employment purposes should be deleted. This is one of a number of NPPF compliance matters raised with the Council following the last adjournment of the Examination, but which the Council has not taken on board. Retaining this preference is not consistent with the Framework or – particularly – with proposed new Policy LP1 (PC6.18) or with the text at paragraph 4.29 (PC6.24).

**4. GREEN BELT REVIEW: CS PARAGRAPH 4.39g**

The first element of PC6.20 in paragraph 4.39g (substitution of the word "or" for "and") is an important change and is supported but in consequence it is not necessary for the preceding text to refer to "exceptional circumstances".

The need to deliver the Core Approach and Sub Area policies (RSS Policy YH9) is a policy imperative and is one of the reasons why a green belt review is necessary – namely to provide an opportunity to allocate land which *offers the most sustainable option*.

## 5. POLICY CPXX: GREEN BELT

CPXX D4 should be amended by adding, at the end of the policy, the words *in the most sustainable locations* (or similar wording).

CPXX E, which is already over-complicated, should be deleted in its entirety.

In our view, the Council's approach to green belt is fundamentally flawed and in trying to wrestle with the Tadcaster problem at the same time limiting the scope for major green belt changes elsewhere, the thought process and policy have become ever more convoluted. This has been compounded by constant references to the need for "exceptional circumstances" to be present before any green belt review can be contemplated.

We do not understand why this should be the case.

As we have pointed out previously, green belt boundaries in Selby were established many years ago, long before the requirement that planning policies should seek to promote sustainable patterns of development and long before the adoption of Regional Spatial Strategy which requires lower order plans to include such policies.

These circumstances *require* the Council to ask the fundamental question – what is the most sustainable settlement hierarchy for Selby District? In reality, this exercise has progressed little further than the three higher order settlements of Selby Town, Sherburn and Tadcaster. At DSV level, a degree of confusion still reigns. The basis for designation of lower order settlements as DSVs (or not) appears to derive from a combination of the outcome of the Sustainability of Small Settlement exercise and an appraisal of the environmental constraints of settlements – with one or another of these exercises appearing to take precedence depending upon which settlement is considered (Escrick? Fairburn?). So far as we can ascertain, no account has yet been taken of which rural settlements are best located to accommodate growth in pursuit of sustainable patterns of development.

Deleting CPXX(E) and amending CPXX(D) as suggested above would provide an opportunity for the Council at the SADPD stage to properly consider the role of settlements at DSV level and below when "distributing" the rural component of the overall housing requirement.

We consider the Framework provides support for our suggestions in requiring that LPAs should establish green belt boundaries in their Local Plans which set the framework for green belt and settlement policies (para 83) and by reiterating the need for planning to promote sustainable patterns of development (para 84).

The need to identify safeguarded land to provide for development needs beyond the Plan period is plainly a requirement of the Framework and this should be reflected in the Core Strategy. The exercise of identifying the safeguarded land can be carried out at the SADPD stage as part of the green belt review. However, we recall that concerns have been raised previously at the Examination about the distance the CS has travelled from its

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submission version in consequence of the accumulated main changes. The Inspector will no doubt be mindful of the implications of this for the soundness of the document.

**6. DESIGNATED SERVICE VILLAGES**

Designating Escrick as a DSV is soundly based on the evidence and is therefore supported (PC6.32). However – and following on from the above comments regarding the green belt review – we note here that the Council’s current proposed drafting of Policy CPXX seems designed to maximise the opportunities for *not* changing the green belt boundary and allocating land for development in Escrick at the next stage of the LDF process despite Escrick’s highly sustainable location.

We also note, en passant, that paragraph 6.25 contemplates future employment developments along the A19 corridor north of Selby, also well related to Escrick.

**7. APPROACH TO THE DEVELOPMENT OF GARDEN LAND**

The NPPF requires Local Planning Authorities to consider the case for defining policies to restrict the development of residential gardens. We consider the Council’s response to this (PCs 6.33 and 6.34) as inconsistent with the Framework. It is unclear what factors the Council has considered in arriving at these two proposed changes. The Framework identifies *harm to the local area* as a potential reason for resisting the development of garden land. The Council, however, simply draws a distinction between gardens within DSVs – where development will be acceptable in principle – and gardens in Secondary Villages where development on garden land will be resisted. This distinction takes no account of the harm which the development of garden curtilages might, or might not, cause and this can only be established on a site-specific basis.

We can provide details of examples in Selby District where, for example, garden land in a DSV village has been developed at an uncharacteristically high density leading to the loss of mature trees and a pond with amenity, wildlife and “village character” value – and areas of garden land in what are now classified as Secondary Villages which possess no inherent amenity characteristics or benefits to the character of the wider area where development of an appropriate density would cause no conceivable environmental harm.

The options appear to be for the Core Strategy to remain silent on the appropriateness of developing garden land (which would not be consistent with the Framework), or for the Core Strategy to 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 any evidence) or for a criteria-based policy to be introduced which permits the development of garden land in given circumstances.

We do not consider it appropriate to deal with the development of garden land in the text of the CS rather than within a policy: nor is it appropriate to deal with this matter of principle in a lower order DPD. The principles need to be set out in the CS – though we appreciate the detail may appear in a subsequent DPD.

**8. INCLUSION OF MARKET HOUSING IN RURAL EXCEPTIONS AFFORDABLE HOUSING SCHEMES**

This is contemplated in the text of PC6.55. It should, however, form part of Policy CP6 to provide clarity and consistency.

The LPA say there is no evidence on which to base including this requirement in a CS policy. We do not know what evidence the Council has sought but the following may assist.

We believe only 1 rural exceptions scheme has been approved/implemented within the District. We cannot, of course, speak for other agents but can confirm that 6 Clients for whom we act have identified 8 potential rural exceptions sites all lying immediately adjacent to the development limits of settlements currently proposed as DSVs in the northern/eastern parts of the District.

Given the physical relationship of the sites to built development, all have some degree of hope value for market housing. None is required by the landowner for any operational purpose and, to that extent, all are available. However, pony paddocks on the edge of villages in this locality frequently sell for upwards of £10,000 per acre and RSLs are now limited in the price they can pay for rural exceptions sites. All of the Clients currently take the view that in present circumstances they "might just as well hang on to the land". However, all have indicated that the introduction of a small proportion of market housing would change their views.

One site where a detailed scheme is in the public domain is at Escrick. Local needs surveys were first carried out nearly 10 years ago and negotiations for the sale of the land to an RSL were well advanced when the RSL halved the price it had previously offered for the land.

More recently, a detailed scheme has been drawn up, a new Housing Needs Survey has been carried out and all necessary surveys completed to support a planning application. We have indicated to the Council that the inclusion of a small number of market houses within the scheme would enable the landowner to gift the remainder of the site to an RSL.

House prices in Escrick are amongst the highest of any settlement in the District. There is one Local Authority (Council) house only remaining in the village.

## **9. POLICY CP9: SCALE AND DISTRIBUTION OF ECONOMIC GROWTH**

The proposed changes to this policy (PC6.74) are supported and, we believe, are consistent with the Framework.

## **10. ELECTRIC VEHICLE CHARGING POINTS**

PCs 6.78 and 6.82 which encourage the inclusion of electric vehicle charging points in new developments, is supported. York City Council is currently embarking on wide-scale proposals to install charging points in the 7 largest car parks in the city. The widespread availability of charging points is recognised as crucial to the public's uptake of electric cars.

We would appreciate an opportunity to explore these matters further at the reconvened Examination.

19<sup>th</sup> July 2012

Date: 17 July 2012  
Our ref: 55537

49



~~Policy and Strategy Team~~  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO89FT

Natural England  
Consultation Service  
Hornbeam House  
Electra Way  
Crewe Business Park  
CREWE  
CW1 6GJ

**BY EMAIL ONLY**

T: 0300 060 3900

Dear Helen

**Selby District Council changes to the Submission Draft Core Strategy (6<sup>th</sup> set) – NPPF compliance consultation**

Thank you for your consultation dated 7 June 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Natural England believes that the Selby District Council Submission Draft Core Strategy is in conformity with key natural environment aspects of the National Planning Policy Framework (NPPF).**

Our letter dated 11 May 2012 (our ref: 50967) in response to your consultation on proposed changes to the Submission Draft Core Strategy made it clear that we considered the amended Plan compliant with the National Planning Policy Framework (NPPF) subject to the changes proposed. We are pleased to see that our comments on aspects of the plan and their compliance with the framework have been taken on board and our recommended changes have been made.

Natural England supports changes that have been made to Policy CP1 (B) of the plan that make reference to the allocation of land with the preference of land of least environmental value or amenity. This is now in conformity with para. 110 of the NPPF.

Natural England also supports your changes made to Policy CP15 (5) which now refers to *'protecting and enhancing locally distinctive landscapes, areas of tranquillity, public rights of way and access, (PC6.88) open spaces and playing fields...'*. This is now in conformity with para. 123, para. 75 and para. 76 of the NPPF respectively.

Following the main modifications made to paragraphs 4.37- 4.39 **Natural England supports the 'Green Belt' policy, supporting text and reference section on 'Green Belt Review'**. We have no comments to make on the compliance of other aspects of the Plan with the NPPF.

For any correspondence or queries relating to this consultation only, please contact Bryn Pryce on 0300 0600783. For all other correspondence, please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely



**Bryn Pryce**  
Temporary Adviser  
Land Use Operations

Natural England  
Foundry House  
3 Millsands  
Riverside Exchange  
Sheffield S3 8NH



**ryan king**

---

**From:** Stuart Vendy [stuart.vendy@cunnanetownplanning.co.uk]

**Sent:** 19 July 2012 17:12

**To:** ldf

**Cc:** helen gregory

---

**Subject:** SDC LDF Reps

Thank you for confirming the safe arrival of 16 emails from myself.

By way of a summary, you should now have received a total of 16 representations upon the following Proposed Changes (in the order that they were sent through to you):

PC 6.13  
PC 6.17  
PC 6.18  
PC 6.18 (separate issue)  
Various regarding RSS  
PC 6.20  
PC 6.31  
PC 6.35  
PC 6.39  
PC 6.51  
PC 6.51 (separate issue)  
PC 6.68  
PC 6.65 and 6.74  
PC 6.85  
PC 6.74  
PC 6.32

Please do not hesitate to contact me if you require any thing further or have any queries with regard the above.

Regards

Stuart

**Stuart Vendy**  
**CUNNANE TOWN PLANNING LLP**

Tel: +44 (0)161 282 9290

Fax: +44 (0)20 8977 8344

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23/07/2012

**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

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## Part A

### The Tests of Soundness

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- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements; including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

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Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC 6.13 + 6.80

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

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Signed

Dated

19th July 2012



**PC: 6.13 & PC 6.80**

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

The amendment change provides that there will be a preference to land of 'lesser environmental' value. This term is not used with NPPF, is confusing and does not make sense when the sentence is read as a whole. The current wording provides no guidance as to what benchmark is being used in the assessment or definition of 'lesser environmental value'.

NPPF refers at paragraph 111 to a preference for previously developed land, provided that it is not of 'high environmental value', and the change should be modified to reflect this wording and ensure that the test of environmental value is expressed in absolute terms rather than relative.

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## Part A

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6.17

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

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Question 3 continued

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PC: 6.17

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

The proposed change as currently worded refers to 'the best agricultural land'. This reference has no basis within NPPF or other relevant policy documents and frameworks.

NPPF at paragraph 122 refers to the 'best and most versatile agricultural land'. This reference mirrors that used by DEFRA in the methodology for assessing the quality of the agricultural land.

The wording of the change should be altered to include 'and most versatile' between the words 'best' and 'agricultural'.

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## Part A

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Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC 6.18

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

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**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

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Continue overleaf

Question 3 continued

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**PC: 6.18**

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

The amendments to the text appear to repeat the content of the NPPF in relation the presumption in favour of sustainable development. The text does not add to the presumption provided within NPPF, and fails to apply the presumption to the local context to which the Core Strategy relates.

The text and policy should therefore be amended to apply this presumption to the local context, or be deleted.

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**Question 1: Do you consider the Proposed Change is:**

1.1 Legally compliant  Yes  No

1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

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Please see attached

Question 3 continued.

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**Signed**

**Dated**

19th July 2012

53

PC: 6.18

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Paragraph 3.7 provides for sustainable development to be achieved by balancing the needs of the District against adverse impacts. This appears to provide for a 'relative' test of sustainability, arrived at by balancing the perceived benefits and harm resulting from a development in order to conclude whether a proposal is 'sustainable' or otherwise.

The definition of sustainability within NPPF does not provide for such a balancing judgement. Sustainable development is a concept that is not influenced by the specific development pressures or the presence/absence of adverse impacts resulting from the proposal.

In order to be consistent with NPPF the Core Strategy should be amended to ensure that the definition of sustainability is not dependent upon a value judgement reflecting the development pressures and/or an assessment of adverse impact.

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<b>Written Representation?</b>	
<b>Oral?</b>	YES

**If 'Oral' Please specify why**

The need to amend the text of the Core Strategy, highlights a tension within the Core Strategy between the requirement to be consistent with NPPF and the need for the remainder of the Core Strategy (and Local Plan) to be sustainable.

This tension needs to be fully explored and considered at an oral session of the Core Strategy examination.

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Various

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**PC: Various**

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There are references through out the emerging document to 'Regional Spatial Strategy' and 'RSS'. This term was replaced with 'Regional Strategy' in the Local Democracy, Economic Development and Construction Act (2009).

The Core Strategy should be amended accordingly.



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Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

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#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
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**Part B (please use a separate sheet (pages 3-4) for each representation)**

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

6.20

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

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Signed

Dated

19th July 2012

PC: 6.20

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There are a variety of issues associated with the proposed text under PC6.20. The majority of these changes relate to inappropriate or inaccurate wording, as well as consistency with representations submitted earlier in the Core Strategy drafting process.

In the interests of clarity and brevity I attach a modified version of the text presented in the latest set of changes in order to reflect the full nature and scope of the changes sought. The amendments to the text have been tracked in red and the reasoning and explanation for individual changes have been highlighted in yellow.

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<b>Written Representation?</b>	
<b>Oral?</b>	YES

**If 'Oral' Please specify why**

The complex nature of the representations and relationship with other issues raised during the course of the Core Strategy means that an oral examination of this issue is required.

[Attachment]

### Policy CPXX: Green Belt

- 4.39a The District is covered by parts of both the West Yorkshire and York Green Belts. One of the functions of the Green Belt is to prevent the coalescence of settlements, for example by preserving the open countryside gap between Sherburn in Elmet and South Milford. The NPPF stresses the importance of protecting the open character of Green Belt, and 'inappropriate' forms of development will be resisted unless very special circumstances can be demonstrated.
- 4.39b The area covered by Green Belt is defined on the Proposals Map. For the avoidance of doubt, the boundary line shown on the Proposals map is included in the Green Belt designation. Where there are different versions of maps that contradict one another, the most up to date map from the Council's GIS system has authority.

[4.39c to 4.39f deleted]

### Green Belt Review

- 4.39g ~~RSS Policy VH9: 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". [Reference to RSS should be removed and replaced with paragraph 84 of NPPF].~~ The Council considers that only in exceptional circumstances where there is both an overriding need to accommodate what would otherwise be inappropriate development, which cannot be met elsewhere or and ~~[The addition of the 'or' in this part of the policy enables any development within the Green Belt to be justified on the basis that it is the most sustainable option, without the need to meet the tests in the first part of the paragraph]~~ 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.
- 4.39h ~~The text accompanying Core Strategy Policy CP3 notes the land supply issue at Tadcaster and other locations which has limited the potential delivery of housing in otherwise very sustainable locations. [It is disputed that there is a land supply issue in Tadcaster to meet its needs and, in any event, it is not correct that Tadcaster is one of the most sustainable locations]~~ The Council is seeking to protect the settlement hierarchy and considers that the most sustainable option is to ensure that the Principal Town and Local Service Centres and other sustainable ~~[There is no 'sustainable' DVS's category within the Core Strategy]~~ DSVs in the settlement hierarchy meet their own needs in accordance with NPPF Para 85 "ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development". This is especially true in Tadcaster where it is vitally important

in order to deliver the Core Strategy Vision, Aims and Objectives to meet local needs and support the health and regeneration of the town [There is no evidence to support the suggestion that this is especially true in Tadcaster]

4.39i The overriding objective to accommodate development where it is needed to support the local economy (alongside other town centre regeneration schemes) cannot take place elsewhere in the District and still have the same effect on securing Tadcaster's and other settlements' longer term health. [Delete for the same reasons as given above. The Alternative Regeneration Strategy for Tadcaster has been set out in previous representations submitted on behalf of my client]. Core Strategy Policies CP2 and CP3 seek to bring land forward in the most sustainable locations within Development Limits in Tadcaster, Sherburn and the other sustainable [Delete for the same reasons as given above] DSVs. The current, 2011 SHLAA generally demonstrates sufficient sites to achieve this, however the Core Strategy must be pragmatic, flexible and future-proofed. Therefore, if sites are not forthcoming delivered either from windfalls or from sites identified within the LDF [new text in the interests of clarity, and introducing windfalls as a legitimate source of supply] and other options for facilitating delivery fail and there remains an outstanding need which has to be met, the Council must consider an alternative sustainable option.

4.39j The Council therefore considers that this offers the above could constitute [in the interests of clarity] the exceptional circumstances that justify a need to strategically assess the District's growth options across the Green Belt.

4.39k Such a review would seek to ensure that only land that meets the purposes and objectives of Green Belt is designated as Green Belt – it would not be an exercise to introduce unnecessary additional controls over land by expanding the Green Belt for its own sake. Similarly, the review would not seek to remove land from the Green Belt where it is perceived simply to be a nuisance to obtaining planning permission. The review may also address anomalies such as (but not exclusively) cartographic errors and updates in response to planning approvals, reconsider whether to 'inset' [to reflect advice in the NPPF] "washed over" villages against Green Belt objectives, and consider simplifying the on-the-ground identification of all the Green Belt boundaries by identifying physical features that are readily recognisable and likely to be permanent.

4.39l The review would be carried out in accordance with up to date national policy and involve all stakeholders, and take into consideration the need for growth alongside the need to protect the openness of the District. It would examine Green Belt areas for their suitability in terms of the purpose of Green Belt in accordance with NPPF;

[4.39m deleted]

4.39n The review may also consider

- the relationship between urban and rural fringe; and
- the degree of physical and visual separation of settlements

4.39o This could supply a schedule of areas for further investigation where sites may be considered for suitability for development and subject to a sustainability assessment. This may consider other policy/strategy designations such as existing Local Plan 2005, sustainability criteria such as accessibility to services, facilities and public transport, and also flood risk. The Green Belt review and Sustainability Appraisal would then undergo public consultation. The Sites Allocation DPD may then identify land for development during the plan period. It may also safeguard land to facilitate development beyond the plan period and avoid a further Green Belt review in the future.

4.39p Additional detail and a comprehensive review programme may be developed by a Review Panel made up of interested parties (similar to the existing SHLAA Panel).

#### **Policy CPXX Green Belt**

- A. Those areas covered by Green Belt are defined on the Proposals Map.**
- B. In accordance with higher order policies, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.**
- C. To ensure the Green Belt boundaries endure in the long term, a review of the Green Belt will be undertaken through the Sites Allocation DPD. The purposes of the review will be to:**
  - 1. address anomalies**
  - 2. review 'washed over' and 'inset' villages**
  - 3. define boundaries clearly using physical features that are readily recognisable and likely to be permanent**
  - 4. consider whether the sufficiency of land available against development requirements throughout the Plan period for allocations, and the need for growth beyond the Plan period by identifying Safeguarded Land.**
- D. Under Criterion C4 (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 identified development needs in the established settlement hierarchy, where such need cannot be met on non-Green Belt land, or and [the tests in both parts of the**



**policy should be met before a review of Green Belt can take place] where removal of land from the Green Belt offers a significantly more sustainable option overall than reassessing those needs or providing for those needs elsewhere in the District. Safeguarded land may also be identified to secure options for delivery in future plans.**

- E. Any sites considered for removal from the Green Belt under Criterion D4 (above) will be subject to public consultation and a sustainability appraisal, and assessed for their impact upon the following issues (non-exhaustive):**
- any other relevant policy/strategy; and**
  - flood risk; and**
  - nature conservation; and**
  - impact upon heritage assets; and**
  - impact upon landscape character; and**
  - appropriate access to services and facilities; and**
  - appropriate access to public transport.**

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June 2012  
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## Part A

### The Tests of Soundness

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**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.31

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
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**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Continue overleaf

Question 3 continued

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Signed

Dated

19th July 2012



**PC: 6.31**

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The deletion of Part C to policy CP1 removes the target for the proportion of housing development upon previously developed land. Whilst the justification for this modification is provided by the Council with reference to paragraph 111 of the NPPF, there is nothing within the NPPF which suggests such a provision should be removed.

The evidence base (summarised in Appendix 1 to the emerging Core Strategy) supports the view that a target of 40% of development upon PDL has been easily attainable in the past. Guiding development toward PDL as part of the efficient use of existing land, promoting regeneration and preventing the unnecessary development of Greenfield sites has been achieved with notable success in the past.

Paragraph 111 of NPPF provides that Councils can consider the case for a locally derived PDL target. There has already been extensive debate about the large volumes of PDL that have been developed within the District and the significant contribution that this has made to the delivery of housing in the past. There has been no detailed consideration by the Council of the desirability or otherwise of including a locally derived PDL target in the Core Strategy, and consequently no justification for the proposed removal of the target from the emerging document. The exclusion of such a target from the Core Strategy leads to an unsound and unsustainable strategy that is unsupported by the evidence base available.

The use of a target of 40% of new housing to be delivered on PDL is justified, appropriate and remains a positive mechanism for focussing development in sustainable locations and the efficient use of land.

Part C of emerging policy CP1 should therefore be retained and not deleted as currently proposed.

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<b>Written Representation?</b>	
<b>Oral?</b>	<b>YES</b>

**If 'Oral' Please specify why**

**In order to fully examine the evidence base and need for a locally derived PDL target, the Councils justification for its removal from the text of the policy and the effect that such removal will have on the sustainability of the Core Strategy.**

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PC 6.35 in considering the special justification for adding the northern area housing requirement into Tadcasters, removes reference to an 'absence' and replaces this with a 'low number' of DSV's. The inclusion or otherwise of the northern sub areas housing requirement within that for Tadcaster should not be made on the basis of the number of DSVs' within the sub-area. It should be made on objective and evidenced issues such as the capacity of those settlements to meet the sub areas requirement.

Notwithstanding the use of the term 'low number' is not qualified or supported by evidence. No indication or evidence is provided regarding what would be an 'acceptable' number of DSVs in a sub area.

The general approach and justification for 'adding' the housing requirements of Tadcaster and the northern DSVs is fully discussed in representations to PC 5.14. PC 6.35 has not provided the amendments sought by our previous representations.

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**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

*Taking Account of Windfalls*

At paragraph 48 NPPF provides that Councils may make provision for windfalls in certain circumstances. Whilst the text refers to the difficulty of predicting windfall rates, it is clear from any reasonable review of the facts that windfalls have made a significant contribution to historic levels of development within the District.

Whilst the amended text acknowledges that windfalls have been a significant source of housing, the text goes on to cast doubt over the predictability of future windfall levels.

For the period that data is available it is clear that windfall levels have been sustained at well over 50% and have come forward at an average rate of 69% per annum. This is highly significant in the delivery of a robust and sound Core Strategy for the district. The Council should formally assess and consider evidence regarding the contribution that windfalls are likely to make to the delivery of housing in the District.

Previous representations on this issue provide evidence that this is likely to be a significant and reliable source of new housing development within the district and that similar levels of windfall development will continue to be achieved into the future.

There has been no examination or evaluation of the various policy mechanisms available to the Council that may provide a reliable method of taking these levels of windfall development in to account. For example, it would be possible to deploy a 'rolling policy' mechanism based on the average of the previous 5 years of supply. This would take account of changes in market conditions, availability of sites and central government policy whilst providing a stable and reliable forward projection of likely delivery from this source.

A full and thorough examination of the available options is essential if a sound and robust policy in relation to windfalls is to be adopted. Until this has occurred in an open forum the Council approach to the issue of windfalls is unsound and fails to address and take into account relevant issues.

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**Written Representation?**

**Oral?**

YES

**If 'Oral' Please specify why**

The extensive nature of the changes proposed, the implications and effects of introducing a proper assessment of windfalls requires examination in an Oral session of the EIP.

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## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details:	Agents Details (if applicable)
Name		Stuart Vendy
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Address	c/o Agent	PO Box 305 Manchester M21 3BQ
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**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

6-51

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1,2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Continue overleaf

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

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**4.1** Written Representations

**4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

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I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

19th July 2012

PC: 6.51

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Proposed paragraph 5.55a refers to facilitating '... Tadcasters own growth...'. This suggests that the housing requirements that has been provided to Tadcaster in the emerging plan is intended to meet housing needs that have been generating by the town in isolation. This is not the case, and ignores that fact that the Council currently propose to add the housing need generated in the 'northern region' to that generated by Tadcaster.

Without prejudice to previous representations seeking the needs of the northern sub area being met within that sub area, the reference to '... Tadcasters own growth...' should be amended in order to make it clear that the growth levels currently attributed to Tadcaster are an amalgam, including 44% made up of needs generated in the northern sub area.

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## Part A

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**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.51

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Continue overleaf

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

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I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated 19th July 2012

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PC: 6.51  
Page: 68

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

PC6.51 proposes a broad range of changes to policy CP3 and its supporting text.

These changes, amongst other things, seek to introduce a phased approach to the delivery of new housing within Tadcaster. This approach may require the release of twice the current housing land requirement for the town, including potential review and release of Green Belt sites. Consequently it is a fundamentally unsustainable approach to the development of Tadcaster specifically, and is a manifestly unsound strategy to be adopted in to the Core Strategy.

The adoption of policy which may require the allocation, release and subsequent development of double the identified and evidenced needs within a specific location runs contrary to the principal justification for controlling and allocating land. The 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. I refer again to the nature of sustainability and the fact that there is no qualifying or relative test to be adopted in considering whether a development site is sustainable or otherwise.

This can only be remedied through further amendments to the policy which ensure that either the Phase 1 sites are brought forward by the Council using their available legal powers, or the Phase 1 sites are deleted upon the release of Phase 2.

In arriving at this phasing solution the Council have ignored the alternative strategy provided for within previous representations on behalf of my client, and failed to properly assess the full effects, in terms of sustainability and housing delivery of adopting this course of action.

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

Written Representation?	
Oral?	YES

**If 'Oral' Please specify why**

**The complex nature of the proposed changes and wider ranging implications of its adoption by the Council require detailed examination and discussion at the oral session of the EIP.**

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## Part A

### The Tests of Soundness

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**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

6.68

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached



Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

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[Empty response box for Question 4.3]

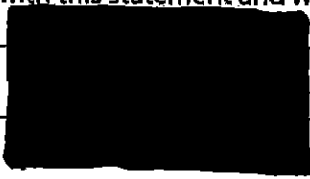
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Signed



Dated  19th July 2012

**PC: PC6.68**

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Amended paragraph 6.20a references the Retail and Commercial Leisure Study (2009) in identifying high levels of vacancy rates and the needs 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.

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.

High vacancy rates and needs generated by a growth sector whose requires are matched to that vacant property would typically manifest itself in terms of 'take up' of existing premises. The text in paragraph 6.20a should be modified accordingly.

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SD

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.65 - 6.75

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

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Dated

19th July 2012



**PC: 6.65 and 6.74**

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

PCs 6.65 and 6.74 propose a wide range of alterations and amendments to policy CP9 and its supporting text.

The policy and text, as currently amended, suggests that there is an identified need for a specific quantum of employment floorspace 37-52ha in the period to 2027. This is not the case.

The Employment Land Study (2007) and the Employment Land Review (2010) both provide for aspirational requirements, in that they seek to allocate land on the basis of ensuring that there is a wider choice of sites available. This approach acknowledges that neither historic land take up rates, nor forward projections of identified needs justify the allocation of further employment sites within the District.

Such an approach fails to reflect the requirement in NPPF for development to be sustainable, both in terms of ensuring that employment generating uses are guided to the sustainable locations, and that the allocation of land for development purposes is justified and necessary.

The policy should remove all reference to employment land requirements that are not fully justified by calculations that demonstrate that they are likely to be needed during the plan period.

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## Part A

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Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		Stuart Vendy
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Telephone No.		0161 282 9290
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**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

6.85

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Continue overleaf

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

Please see attached

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

19th July 2012

**PC 6.85**

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

PC 6.85 adds text to policy CP14 that introduces a requirement that low carbon and renewable energy proposals will only be supported if they fall within identified suitable areas which may be designated in future Local Plan documents. Such as requirement is unjustified, unnecessary and unsupported by national policy.

The inference is that schemes that do not fall within these areas will not be supported by the Council. The importance of ensuring that the low carbon and renewable energy sources are harnessed is well documented, as is the governments desire to encourage such developments where they are appropriate.

Whilst paragraph 97 of NPPF provides for positively identifying areas that are suitable for low carbon energy sources, this is not to be at the expense of innovative solutions and means of harnessing energy that may be proposed outside of these areas. The amendments proposed under PC 6.85 do not reflect this 'positive' approach and instead restrict development outside the identified areas.

The policy should be amended to ensure that developments for low carbon and renewable energy generation are encouraged throughout the district. Individual proposals will of course have to be considered upon their merits with regard the appropriateness of the site, impact on the amenity etc.

**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		Stuart Vendy
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**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

6-74

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
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**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Continue overleaf

Question 3 continued

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I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

19th July 2012



50

**PC6.74**

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

PC 6.74 seeks to encourage the development of the rural economy through supporting the development of local employment opportunities or sustainable economic development. This includes the development of activities and the reuse of buildings that are directly related to the rail infrastructure available at Gascoigne Wood Mine, the reuse of buildings and infrastructure on former mine sites and other commercial premises outside development limits.

The sites are not strategic in either their nature or the role that they may play in the Core Strategy. The locations are within remote, unsustainable areas of the open countryside and a site specific assessment of their future use needs to be carefully considered against alternative options.

Similarly the failure to reflect the existence of restoration conditions is a site specific issue which is more appropriately dealt with in the preparation of the SADPD. Their identification in the context of a strategic policy document, such as a Core Strategy, is inappropriate.

Reference to the mine sites within the Core Strategy should be removed, and consideration of these areas reserved for consideration during the preparation of the SADPD.

**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

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## Part A

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#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	<b>Personal Details</b>	<b>Agents Details (if applicable)</b>
Name		Stuart Vendy
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5

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

6.32

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Please see attached

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

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**4.2** Attend Examination

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**Representation Submission Acknowledgement**

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I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

19th July 2012

PC: 6.32

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

The proposed change introduces Escrick as a Designated Service Village ("DSV"), to which there is considered to be scope for additional residential and small scale employment growth.

We consider that the DSV designation proposed for Escrick should be removed, and the settlement returned to the 'secondary villages' designation. We have particular concern with regard the Local Authorities approach to the issues set out below:

*Local Services*

Reference has been made to the availability of shops and services within the village. Specifically with regard the Shop/Post Office, this should be classified as a single retail unit. It is clear from any visit to the premises that the two services have developed as a single commercial entity and that neither component of the business is likely to be viable in isolation.

It is also worthy of note that the current shop owner/post master placed the business on the open market over two years ago. This is understood to be related to a desire to retire. Whilst the asking price for the premise and business have been reduced during this time, we understand that the site is not under offer and is still available on the open market. The lack of interest in taking over this enterprise must cast significant doubt over the long-term sustainability of the facility, and the likelihood that the provision will be maintained.

Reference is made to the Costcutter convenience outlet associated with the Petrol Filling Station. This facility is plainly designed to cater primarily to car borne trade, and benefits from the co-location of the retail kiosk with petrol sales. The Petrol Station is within the open countryside, over 250m outside the settlement boundary of the village, and located beyond 'easy walking distance' for the vast majority of residents of the village. Consequently the identification of this facility as 'serving' the village of Escrick masks the fact that access to this facility will primarily be via private car.

I would like to make it clear the village is unlikely to be capable of sustaining such a facility without the prevalence of pass by trade on the A19 commuter route between Selby and York. In this regard the settlement is not a self contained and sustaining location for these facilities.

The Service provision within the settlement therefore does not warrant a classification of 1 within Table 2 of the Background Paper No.5 in assessing the relative sustainability of the rural settlements. The settlement of Escrick should be provided with an overall classification Table 2, of 2.

#### *Accessibility to Employment*

Background paper No.5 Assessing the relative sustainability of Rural Settlements provides a review of the accessibility of a range of settlements to employment opportunities. Escrick has been noted in Table 6 as a category 2 settlement (within 5 miles of a Major Employment Location). Having measured the distance between Escrick and the nearest Major Employment Location (York), it is clear that the travel distance is 6 miles. Consequently the assessment of Escrick's accessibility to employment opportunities should be recorded with category 3, rather than 2.

#### *Commuter Travel Patterns*

The Analysis of Travel to Work patterns provided within Background Paper No.1 highlights the dominant role that York has in attracting commuters from Area 3 (including Escrick, but covering a wider area, as far south as Cawood and North Duffield). The settlements location on an arterial route between Selby and Tadcaster means that the development of new housing opportunities in this location is very likely to result in commuting to these two main centres.

No assessment of the likely travel to work patterns that will result from the development of further housing and employment opportunities in the settlement has been undertaken, nor the impact of the amendment on the sustainability of the Core Strategy as a whole.

#### *Other Matters*

The location of Escrick on the boundary of the District and close to the administrative area of York City Council makes liaison with surrounding Councils, particularly York of critical importance. The principle of revising or reconsidering the Green Belt boundary within this area should therefore be an important matter for consultation between the two authorities.

In relation to other representation that have been submitted to the Core Strategy on behalf of my client I wish to make it clear that Escrick falls within a separate market area to that of Tadcaster. This has been confirmed by the Council's own evidence base. Consequently, we see no justification for 'redistributing' housing requirements from either Tadcaster or the northern sub area to Escrick.

#### *Summary*

Having considered the above issues the proposed elevation of Escrick to a DSV it is unjustified by the evidence base presented to the EIP, is incapable of sustainably supporting growth in residential and employment uses.

<b>Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?</b>	
<b>Written Representation?</b>	
<b>Oral?</b>	YES
<b>If 'Oral' Please specify why</b>	
The critical nature of the amendment to the Green Belt and Housing Strategy requires detailed examination in an oral session.	





Selby District Council  
 Civic Centre  
 Portholme Road  
 Selby  
 North Yorkshire  
 YO8 4SB

By email  
 ldf@selby.gov.uk

19 July 2012

let.044.CB.AM.11700001

Dear Sirs

**FURTHER PROPOSED CHANGES (6<sup>TH</sup> SET) TO THE SUBMISSION DRAFT CORE STRATEGY**

We enclose our comments relating to the 6<sup>th</sup> set of Proposed Changes to the Selby Core Strategy. Our comments are submitted on behalf of Connaught Consultancy LLP. Connaught own land at Hodgson's Lane, Sherburn in Elmet and we have represented them in respect of the Selby Core Strategy and the on-going Examination. This letter should be read in conjunction with our previously submitted representations.

Our comments are as follows:

**Policy LP1 – PC6.18**

We support the inclusion of a policy which sets out the presumption in favour of sustainable development to demonstrate consistency with the National Planning Policy Framework and the requirement at Paragraph 15 to have clear policies that will guide how the presumption should be applied locally.

**Policy CPXX - PC.20**

Policy CPXX, Part E and the text at paragraph 4.39g, state the exceptional circumstances for taking land out of the Green Belt are *'where there is an overriding need to accommodate what would otherwise be inappropriate development, which cannot be met else where or where Green Belt land offers the most sustainable option'* (our emphasis).

We object to the Proposed Change from 'and' to 'or' which results in loss of Green Belt land being justified by one or the other of the exceptions. Given the importance attached to the aims and permanence of Green Belts in NPPF, we suggest that both tests need to be met and this change is removed.

**PC6.35**

The text at paragraph 5.17 comprising Proposed Change reference PC.6.35 and PC5.14 and the pie chart at Figure 8 need to be amended to reflect the

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 BA (Hons) MRTPI  
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 BA (Hons) MSc MRTPI  
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 BA (Hons) MRTPI  
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distribution of housing set out in Policy CP2.

Policy CP2 refers to a percentage split between Sherburn and Tadcaster of 11% and 7% retrospectively as proposed in the 5<sup>th</sup> set of Proposed Changes and debated at the April Examination.

As such, the change in the distribution of housing in Policy CP2 needs to be followed throughout the document to be consistent and provide a robust strategy.

#### **PC6.39**

Proposed Change PC6.39 at paragraph 5.28 confirms that windfalls will not form part of the housing delivery and that the Council will allocate sufficient land to deliver the housing requirement set out in Policy CP2 through the plan period. We support this approach and support confirmation in the supporting text that any windfalls will simply add to the overall housing completions.

#### **Policy CP2**

We support the direction of change to the distribution of housing in Policy CP2 and the move towards greater provision of housing in Sherburn as set out in our previous representations based on the sustainability of the village, availability of suitable sites and given the constraints in Tadcaster.

However, we maintain our position that the distribution of housing to Sherburn should be increased further.

Circumstances have changed since the April 2012 Examination and our previously submitted representations providing further evidence to support increased provision to Sherburn.

Three applications are currently pending determination with the Council (application references: 2012/0399/EIA, 2012/0400/EIA and 2012/0468/EIA) and propose a combined total of 700 dwellings in Sherburn, the current allocation proposed in Policy CP2.

Our client is promoting land to the east of Hodgson's Lane combining sites SHLAA ref. PHS/58/003 and PHS/58/023 (see enclosed Site Location Plan). We are now taking steps to prepare an application for the two sites on behalf of the landowners for a minimum of 200 dwellings as proposed in the Preferred Options Site Allocations DPD (September 2011).

The Hodgson's Lane proposals, together with the currently pending applications, would significantly boost local housing supply and deliver community facilities and infrastructure to Sherburn enhancing the sustainability of the settlement and addressing feedback from the local community about desired infrastructure.

Given the above, we suggest that the Core Strategy should allocate greater

provision of housing to Sherburn so as not to restrict sustainable growth in the settlement. This carries even greater weight when considered alongside the deliverability issues in Tadcaster and should be addressed in order that the overall housing target for the borough is met.

We maintain our position set out in previous representations that the overall housing target should also be increased to reflect the latest evidence base including the latest published population projections. The Council should be seeking to plan positively and promote policies to deliver increased levels of housing with built in flexibility to be consistent with policy in the NPPF. The annual housing target should promote growth and not impose restrictions where sustainable development could otherwise be delivered which is the case under the current provision rate.

We suggest the Council should at the very least make reference to the 'New Allocations' as a minimum as well as the overall requirement to enable consideration of an increased number of sites if they are sustainable and do not conflict with other policies in the plan.

We object to the phasing included at Part A of Policy CP2. This conflicts with Proposed Change PC6.40 and the Explanatory Notes which explains that text referring to phasing has been removed as it could be viewed as restrictive. We understand this is an error and the Council intend to remove any reference to phasing from the policy.

#### **Policy CP3 – PC6.51**

Proposed Change PC6.51 introduces a 'Plan B' for the delivery of new housing in Tadcaster during the plan period.

PC6.51 introduces the future allocation of three phases of development in Tadcaster. The release of Phase 2 and 3 will be triggered by lack of delivery in earlier phases as an attempt to ensure sufficient delivery over the plan period given known constraints.

This approach does assist in addressing issues in Tadcaster by providing surplus and phased land. However, there remain questions about delivery, particularly in the short term, despite the introduction of phased remedial action, meaning the policy is unsound.

Evidence in the SHLAA (March 2012), and evidence heard at the Examinations, highlight continued concerns about deliverability in Tadcaster.

In the SHLAA, only three sites are considered deliverable in the 0-5 year time period, of which two have historically not delivered, despite having planning permission.

With the exception of site PHS/73/020, all other sites are either unavailable during this plan period (+16 years), or are in the Green Belt and so their deliverability is subject to the findings of a future Green Belt Review.

Site PHS/73/020 has been put forward as part of the Council's call for sites for the SHLAA in November 2011. It is estimated to have capacity for 541 dwellings and to be deliverable in the 0-5 year period.

Whilst this site could potentially meet the housing requirement currently proposed for Tadcaster, if the Council end up reliant on this site alone and any constraints emerged (land ownership, environmental, etc), housing delivery in Tadcaster could fall short of the overall requirement and would then impact on housing delivery targets across the whole of the borough.

To make the policy sound, we suggest that land in other sustainable locations should be taken into consideration as an alternative. This could be done by either allocating higher levels of provision to other settlements where there is known available and deliverable land being promoted for development (i.e. Sherburn), and/or land in Sherburn could be allocated as a reserve should enough land in Tadcaster not be deliverable to meet overall housing targets both in the short and longer term. This could form a further criteria of Policy CP3. Including both changes would improve deliverability and flexibility of the strategy.

#### **Additional Comments**

Throughout the document there are references to the now superseded Planning Policy Statements and Guidance Notes. Where references to national planning policy is necessary, this should be to the relevant sections of NPPF and demonstrate consistency with NPPF in order to be sound.

We trust our comments will be taken into consideration.

Yours faithfully



A black rectangular redaction box covering the signature of Charlotte Blinkhorn.

Charlotte Blinkhorn

Enc: Site Location Plan  
cc: Connaught Consultancy LLP



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<b>Project</b> Land east of Hodgson's Lane, Sherburn	<b>LPA</b> Selby DC	<b>Indigo Planning Limited</b> Lowry House 17 Marble Street Manchester M2 3AW	
<b>Title</b> Site Location Plan	<b>Date:</b> July 2012 <b>Project No:</b> 11700001 <b>Drawing No:</b> 11700001/002	<b>T</b> 0161 836 6910 <b>F</b> 0161 836 6911 <b>info@indigoPlanning.com</b>	
<b>Client</b> Connaught Land Limited	<b>Drawn by:</b> KN <b>Scale</b> NTS		
<b>KEY</b>  XX			



63

# TURLEYASSOCIATES

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18 July 2012

Delivered by Email

Policy Officer  
LDF Team  
Selby District Council  
Doncaster Road,  
Selby  
YO8 9FT

Our ref: POTY2000  
Your ref:  
E: [ekeogh@turleyassociates.co.uk](mailto:ekeogh@turleyassociates.co.uk)

Dear Sir

**SELBY SUBMISSION DRAFT CORE STRATEGY  
SIXTH SET OF PROPOSED CHANGES  
THE POTTER GROUP, BARLBY ROAD, SELBY**

I write on behalf of the Potter Group in respect of the representations on the sixth set of further proposed changes to the Submission Draft Core Strategy.

We have commented previously on the submission draft of the Core Strategy and on the 5<sup>th</sup> set of proposed changes to the document. Our comments follows the numbering used in the 6<sup>th</sup> set of changes.

**PC6.11 – Duty to Co-Operate**

The statement in paragraph L of PC6.11 that *"It has therefore not been possible to work with and agree housing numbers with our neighbours"*, throws considerable doubt on the robustness of the housing figures arrived at. Selby and adjoining authorities have considered their housing figures in isolation and the each local authority has adopted an approach of catering for their own needs. Such an approach is at odds with the duty to co-operate.

The ARUP background paper dated 10 April 2012 from which the Core Strategy derives the annual requirement figure of 450 dwellings per annum, adopts a negative and inflexible approach to the future housing requirement of the district. In particular:

- It places undue reliance on the 2004 based population projections and seeks, through a set of assumptions applied to more up-to-date 2008 and 2010 based projections, to seek to justify the use of the 2004 based data.
- It assumes a rather negative view of the Selby economy, and surrounding local economies, assuming that projected job losses will depress demand of housing. This amounts to 'planning for decline' and results in an artificially low housing requirement that reduces the flexibility for housing supply to respond positively to any upturn in the economy.

- The ARUP modelling assumes that none of the Core Strategies for the surrounding districts seek to export growth to Selby District. That may be the case on paper, but the reality is that neither Leeds nor York have a five year housing land supply and are not catering for housing demand in their districts. Consequently, households continue to be pushed out to Selby to relatively lower priced housing. This trend is reinforced by the relatively good rail and road links to between Selby and York and Leeds.

The approach adopted is essentially negative and entirely at odds with the requirement in the national Planning Policy Framework (the Framework) for local planning authorities to plan positively for the development and infrastructure required in their area to meet the objectives, principles and policies in the Framework.

In particular, the approach is not consistent with the Government's desire "To boost significantly the supply of housing..." set out in paragraph 47 of the Framework. The approach adopted by the Council is likely to have the opposite effect in restraining and discouraging housing development from coming forward.

Paragraphs 158 and 159 of the Framework requires that LPA's should have a clear understanding of their housing needs "... based on adequate, up to date and relevant evidence...". As has already been pointed out in our representations on the 5<sup>th</sup> set of changes and subsequently by other representators, the evidence base used to calculate the housing requirement is not based on the most up to date evidence and fails to meet the three requirements set out in paragraph 159 of the Framework. Furthermore some of the assumptions about economic growth that underpin the housing requirement figure are openly disputed by adjoining authorities, for example City of York Council.

#### **PC6.40 - Rate of housing provision**

We support the deletion of this text that would have resulted in a lower rate of housing provision in the early years of the plan. Such an approach would clearly not be a proper response to the Government's desire for the step change required to boost significantly the supply of housing.

#### **PC6.37 – Targets**

We support this change and the clarification it provides that the targets for housing delivery in Policy CP2 should be regarded as minimum requirements.

#### **PC6.39 – Windfalls**

We support this change as it correctly interprets the advice in the NPPF that windfalls should not be included as an element of the overall housing target but can be included in calculating the 5 year supply if properly evidenced. Such an approach provides the flexibility required to facilitate delivery of housing.



**PC6.46 – 5 year housing land supply**

We support the commitment to undertake an annual review of housing supply. However in the calculation, the 5 year supply should automatically include the 5% buffer. A 20% buffer should be applied where there has been persistent under delivery of housing.

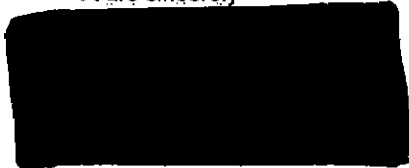
**Conclusion**

We support the proposed changes PC6.37, PC.39, PC.40 and PC.46 which correctly interpret the guidance in the Framework to maximise opportunities and flexibility so as to enable the supply of housing to be boosted significantly. However, the rather negative approach to the overall rate of housing provision set out under the Duty to Co-Operate (PC6.11) is at odds with the generally positive tone of the other proposed changes.

Our previous representations on the 5<sup>th</sup> Set of Changes outlined why a housing provision of 544 units per annum was more realistic and justified. The updated evidence on housing provision continues to rely on the 2004 based household projections. Our previous representations on the 5<sup>th</sup> Set of Changes outlined why a housing provision of 544 units per annum was more realistic and justified based on more up to date evidence. The more recent 2010 based sub-national population, whilst projecting a marginally lower rate of population growth than the 2008 based projection, does not materially change our view on this matter.

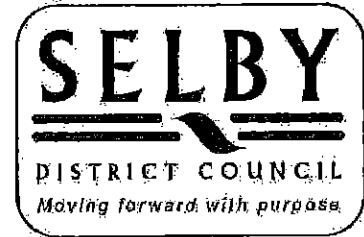
As the examination of the Core Strategy is still open, it is within the Councils remit to set out a more positive approach to housing provision and increase the housing requirement figure to a level that more accurately reflects the most up to date evidence and responds to the Governments Agenda to boost significantly the supply of housing

Yours sincerely



**Eamonn Keogh  
Director**

CC:



**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

---

An Examination In Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

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**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name	Matthew Lamb	Eamonn Keogh
Organisation	The Potter Group	Turley Associates
Address	Melmerby Industrial Estate Green Lane Melmerby Ripon, North Yorkshire HG4 5HP United Kingdom	33 Park Place Leeds LS1 2RY
Telephone No.	01765 641 605	0113 3863800
Email address		ekeogh@turleyassociates.co.uk

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC6.11;

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please Identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

See attached letter reference POTY2000 dated 17th July 2012

Continue overleaf

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1 Written Representations**
- 4.2 Attend Examination**

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
 (Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

[Empty response box for Question 4.3]

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

**Signed** Eamonn Keogh

**Dated** 18 July 2012

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PC6.37;

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1.1 Legally compliant  Yes  No

1.2 Sound  Yes  No

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Signed

Eamonn Keogh

Dated

18 July 2012

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PC6.39;

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

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**Signed**

Eamonn Keogh

**Dated**

18 July 2012

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Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC6.40;

**Question 1: Do you consider the Proposed Change is:**

1.1 Legally compliant

Yes

No

1.2 Sound

Yes

No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

2.1 Positively Prepared

(Please identify just one test for this representation)

2.2 Justified

2.3 Effective

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**Signed** Eamonn Keogh

**Dated** 18 July 2012

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Please identify the Proposed Change (*which can be found on the Published Schedule, CD2f*) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC6.46;

**Question 1: Do you consider the Proposed Change is:**

- |                       |                                     |     |                          |    |
|-----------------------|-------------------------------------|-----|--------------------------|----|
| 1.1 Legally compliant | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 1.2 Sound             | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

(Please identify just one test for this representation)

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Question 3 continued

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I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated





City & Environmental Services

9 St. Leonard's Place  
York  
YO1 7ET

Mrs Helen Gregory  
Policy and Strategy Team  
Selby District Council  
Doncaster Road  
Selby  
YO8 9FT

18 July 2012

Dear Mrs Gregory

**Selby District Council Submission Draft Core Strategy  
Further Proposed Changes (6<sup>th</sup> Set)**

Thank you for consulting City of York Council on the above document.

City of York Council is committed to working with Selby District Council on cross boundary issues as you progress your Local Development Framework. On this occasion we have no comments to make.

Yours sincerely



Frances Sadler  
Development Officer  
Tel: 01904 551388  
Email: [frances.sadler@york.gov.uk](mailto:frances.sadler@york.gov.uk)

Director: Neil Taylor (Interim)

[www.york.gov.uk](http://www.york.gov.uk)





## TADCASTER TOWN COUNCIL

THE ARK, 33 KIRKGATE, TADCASTER, NORTH YORKSHIRE, LS24 9AQ.

Clerk: Mrs Avis Thomas

TELEPHONE: 01937 834113

EMAIL: [tadcaster.towncouncil@virgin.net](mailto:tadcaster.towncouncil@virgin.net)

WEBSITE: [www.tadcastertowncouncil.co.uk](http://www.tadcastertowncouncil.co.uk)

Office open Monday to Thursday 9.30 am to 12.30 pm (closed Friday)

11 July 2012

Helen Gregory  
Policy Officer  
Selby District Council  
Civic Centre  
Doncaster road  
SELBY  
YO8 9FT

Dear Helen

**Re: Selby District Local Development Framework (LDF) Further Proposed Changes (6<sup>th</sup> Set)  
to the Submission Draft Core Strategy**

The Town Council discussed this issue at its meeting of 3 July and resolved that it would stand by its comments, made in the letter it sent previously on 13 February 2012 .

The previous response it reproduced below for your information and inclusion in the responses on this issue.

Yours sincerely

Avis Thomas  
Clerk to the Council

Dear Sir/Madam

**Re: Selby District Local Development Framework (LDF) - Proposed Changes to the  
Submission Draft Core Strategy**

The Town Council discussed the above at its meeting on Tuesday 7 February and the response is given below.

Councillors noted the current consultation regarding changes to the Submission Draft Core Strategy. This had already been discussed at the Town Council and the view was that the major changes impacting upon the town were a reduction of proposed housing and the implication of a possible re-designation of current Green Belt around the town.

SDC will be aware that the Town Council has consistently taken the view that Tadcaster is a Local Service Centre and needs a development strategy which enhances this role. It has also emphasised the need to prioritise the bringing into productive use of both brownfield sites and empty dwellings/retail units within the town. The Town Council has stated that it considers the surrounding Green Belt a major amenity to the town and has emphasised strongly a view that this should be maintained. This view has attracted much support from the townspeople of Tadcaster - many of whom had attended public meetings and expressed satisfaction with the stand taken by the Council.

In terms of the current consultation the Town Council regrets any shift of proposed housing development away from Tadcaster but recognises that the underlying trends and predictions may well be supportive of this. Similarly in regard to any erosion of the Green Belt, the Town Council would be very reluctant to see a wholesale weakening of the protections to the Town and its amenities represented by current designation of the Green Belt around the town. However, the Town Council is now also aware that major landowners within the town have indicated that potential development sites in and around the town are extremely unlikely to be brought into productive use for a very considerable period of time. At the time of the original development of the Town Council's policy this intention to retard the development of housing and employment within the town was not in the public domain and could not therefore form part of the Town Council's deliberations as to the best course of action for Tadcaster. The Town Council also recognises that a brake on development represented by such an approach, by any local landowners will have an adverse impact on the community, social, cultural and economic development of the town - development which the Town Council has consistently advocated and sought to support. The Town Council is now of the view that, despite its concerns about development on Green Belt, it must be pragmatic in balancing its desire for a growing and prosperous town with its concern for the continued sanctity of the Green Belt. The Town Council has taken the view that it will not oppose the re-designation of Green Belt for housing or employment but recognises that there may be some potential areas currently designated around the town where a cogent case might be made for variation of the Green Belt. Such variation, the Town Council believes, will be an exceptional and pragmatic response to the current situation and not an abandonment of neither the principle nor the actuality of the Green Belt amenity of Tadcaster.

Yours sincerely

Avis Thomas  
Clerk to the Council

Orchard Croft  
Caudle Hill  
Fairburn  
Yorkshire  
WF11 9JQ

5<sup>th</sup> July 2012

Policy and Strategy Team  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO8 9FT

**Selby District Local Development Framework, Draft Core Strategy**

Dear Sir/Madam,

We consider the proposed Core Strategy of 31<sup>st</sup> May 2012 to be **unsound** as it is not consistent with national policy in some parts.

It should therefore be changed as proposed:

SDC DCS 4.39k page 42 remove and replace with 'such a review would seek to ensure that only land that meets the five purposes of the Green Belt is designated as Green Belt, the five purposes are:

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

Which would bring it in line with NPPF page 19 paragraph 80.

SDC DCS 4.39o page 43 remove 'such as existing Local Plan 2005, sustainability criteria such as accessibility to services, facilities and public transport', insert 'deliver a wide choice of high quality homes with a presumption in favour of sustainable development,' this would then be in line with NPPF page 13 paragraph 50 and NPPF page 4 paragraph 15.

In our view amending the SDC DCS as suggested above would not represent a major change, but would constitute satisfying a need which is necessary to ensure that the plan is consistent with national policy and can properly fulfil its role.

Yours faithfully

S W Wadsworth & T Wadsworth  
Stephen and Trisha Wadsworth.





**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

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**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

**Part A****The Tests of Soundness**

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**Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

**Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

**Contact Details (only complete once)**

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name	Philip Huxtable	Richard Borrows
Organisation	JSR Farms Ltd	Ward Associates Planning Consultants
Address	Southburn Driffild East Yorks YO25 9ED	39 Blossom Street York YO24 1AQ
Telephone No.		01904 544401
Email address		r.borrows@wardpc.co.uk

It will be helpful if you can provide an email address so we can contact you electronically.

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**Part B (please use a separate sheet (pages 3-4) for each representation)**

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC6.30, PC6.46 AND PC6.80

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

**POLICY CP18 (PC6.30)** talks about the allocation of land for development within both the main settlements and designated service villages. The new text inserted in response to the NPPF says that the Council will have a preference for "land of least environmental or amenity value"

We would endorse this approach and further point out that it links into our earlier submission (5th set of changes, our given reference 76) wherein we argue that the JSR site on Field Lane, Thorpe Willoughby is indeed of limited environmental quality but has the advantage of being a brownfield opportunity within a sustainable location.

Our problem however is that the overall thrust of the Core Strategy does not prioritise brownfield sites in settlements such as Thorpe Willoughby rather places its reliance on large strategic sites such as Olympia Mill on the edge of Selby town. The inserted text therefore does not ring true when compared to the spatial strategy of the CS - how will this echo the NPPF's reference to "a wide choice of high quality homes" that are deliverable? (paragraph 50).

**Policy CP3 (PC6.46)**

The new text talks about the supply of "specific deliverable sites" across the 5 year period. We again have reservations about this because of excessive reliance on large sites close to two of the district's main towns. We do not believe the large sites will deliver houses in sufficient numbers; the Council should have identified a more dispersed spatial strategy reflective of the patterns of settlement in the district.

**Policy CP12 (PC6.80)**

This is concerned with the promotion of sustainable development across the district. The new text talks about a preference for "land of lesser value". Returning to our comments about PC6.30 we believe that the JSR site again passes this particular test. In our view the Core Strategy needs to better reflect the distribution of land such as this across the district as a whole. The spatial distribution of the population reflects, in some measure, the aspirations of its residents. This in turn needs to be better reflected in the Core Strategy.

Continue overleaf

70

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?

4.1 Written Representations  4.2 Attend Examination

4.3 If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

[Empty response box for Question 4.3]

(Continue on a separate sheet if submitting a hard copy)

Representation Submission Acknowledgement

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed [Redacted] pp. R. Borrows.

Dated 18/07/2012



(77)

**ryan king**

**From:** Sylvia Parkinson [REDACTED]  
**Sent:** 21 June 2012 12:32  
**To:** ldf  
**Subject:** RE: Selby District Local Development Framework (LDF) - Further Proposed Changes (6th set) to the Submission Draft Core Strategy

**Follow Up Flag:** Follow up**Flag Status:** Red

Hello Ryan - I've forwarded your email to my colleagues on the Parish Council and hope to get back to you shortly following their response.

Thank you.

Sylvia

**Subject:** RE: Selby District Local Development Framework (LDF) - Further Proposed Changes (6th set) to the Submission Draft Core Strategy

**Date:** Thu, 21 Jun 2012 10:22:52 +0100**From:** ldf@selby.gov.uk**To:** [REDACTED]**CC:** hgregory@selby.gov.uk

Dear Sylvia

Thank you for your comments on behalf of Thorpe Willoughby Parish Council to the Council's consultation on the 6th Set of Proposed Changes to the Core Strategy.

Can you just clarify your comments regarding housing figures as the Core Strategy does not designate the number of housing allocations within individual villages.

If you have any queries do not hesitate to contact me.

Kind regards.

**RYAN KING**

Assistant Policy Officer

Tel 01757 705101 Email info@selby.gov.uk Web www.selby.gov.uk  
 Selby District Council Civic Centre, Doncaster Road, Selby YO8 9FT

The information in this e-mail, and any attachments, is confidential and may be subject to legal professional privilege. It is intended solely for the attention and use of the named addressee(s). Its contents do not necessarily represent the views or opinions of Selby District Council. If you are not the intended recipient please notify the sender immediately. Unless you are the intended recipient, or his/her representative, you are not authorised to, and must not, read, copy, distribute, use or retain this message or any part of it.

**From:** Sylvia Parkinson [REDACTED]  
**Sent:** 19 June 2012 21:27  
**To:** ldf  
**Subject:** Selby District Local Development Framework (LDF) - Further Proposed Changes (6th set) to the Submission Draft Core Strategy

f.a.o. Helen Gregory - Policy Officer

With reference to your letter dated 1 June 2012.

27/07/2012

Thorpe Willoughby Parish Council at its meeting held on 18 June 2012 considered this matter and asked me to advise you as follows:

Thorpe Willoughby Parish Council accepts the figure of 133 houses but does not want any increase in our village housing allocation.

Thank you.

Sylvia Parkinson  
Acting Clerk to Thorpe Willoughby Parish Council  
19.6.12

Mr R P Dixon  
Wood Farmhouse  
Doncaster Road  
Whitley  
Nr Goole  
DN14 0JF

Customer Contact Centre  
Received  
19 JUL 2012

Reference: SHLAA Site Reference :- WHITLEY PHS/42/005  
SITE name Land Opposite FIRS FARM  
Field NO :- 8535

Dear Sir/Madam,

in response to your consultation request please find my comments on the changes that you propose to the SADPD document.

You will be aware that I have written before to offer my land in Whitley for future development and my comments are submitted both in principle and with specific reference to that offer. The land is currently listed as Green Belt, although as stated previously it is actually a gap in the frontage to the A19 which splits the village of Whitley in two.

I have listed my comments as much as possible in following your document order.

I broadly agree with the amendments suggested in yellow throughout the document, in particular those points that are directly relevant to Selby and Tadcaster where specific changes to policy as a result of insufficient land supply may be necessary to provide for sustainable development through to 2027.

I feel that this approach should also be carried over into DSV's (and in certain cases to Secondary Villages) where there are either shortages of suitable sites or where an "appropriate" development is identified that will enhance the local community and economy:

*"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."*

I also support the principle of protection of the Green Belt with the proviso that certain anomalies and exceptions are addressed in a consistent manner across the District.

In line with this it is clear that there are parcels of land within Whitley which could be assessed within the Green Belt policy below, specifically with reference to the infill of frontage and the degree of physical and visual separation of settlements.

Additionally, I would hope that the provision of the ability to re-designate Green Belt for development would be applied to my parcel, as my proposal addresses both the need for genuine affordable housing in the area and the ability to diversify the local economy with the creation of small business start-up and technology friendly units alongside the much-needed small retail and services units. The key to the retail, service and business potential is the frontage on the A19 which is at the physical mid-point within the village, enjoys the best visual road access and simply fills in the obvious gap in the building line:

*"The review may also consider the relationship between urban and rural fringe; and the degree of physical and visual separation of settlements.*

*This could supply a schedule of areas for further investigation where sites may be considered for suitability for development and subject to a sustainability assessment.*

*Policy CPXX Green Belt*

A. Those areas covered by Green Belt are defined on the Proposals Map.

B. In accordance with higher order policies, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted. The Green Belt review and Sustainability Appraisal would then undergo public consultation.

D. To ensure the Green Belt boundaries endure in the long term, a review of the Green Belt will be undertaken through The purposes of the review will be to:

1. address anomalies

2. review washed-over villages

4. ensure that there is sufficient land available to meet development requirements throughout the Plan period for allocations, and the need for growth beyond the Plan period by identifying Safeguarded Land.

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

C. Within Major Developed Sites in the Green Belt (as defined on the Proposals Map), some limited infilling and/or, redevelopment to support economic development of existing uses will be permitted in line with higher order policies.

E. Under Criterion D4 (above), land may be taken out of the Green Belt only in exceptional circumstances, where

1. there is an over-riding need to deliver the Vision, Aims and Objectives of the Core Strategy by accommodating the housing development identified in the established settlement hierarchy as set out in CP2, and/or employment development identified in CP9, and

2. where such need cannot be met on non-Green Belt land, or where Green Belt land offers a significantly more sustainable option overall.

E. 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. (PC6.20)

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.

d) In Green Belt, including villages washed over by Green Belt, development must conform to Policy CPXX and (PC5.9) national Green Belt policies.

Development Limits of settlements, other than exception sites for 100% affordable housing in villages will be brought forward through specific allocations in a Site Allocations DPD and in accordance with Policy CP3 (Managing Housing Land Supply) set out later in this chapter (PC5.18). A review of current Development Limits will be undertaken in the case of the Local Service Centres and Designated Service Villages wherever more detailed investigation through the Site Allocations DPD reveals a lack of deliverable sites within them. In certain cases where the settlement is within or adjoining Green Belt a localised review of that boundary may also be undertaken in accordance with Policy CPXX (Green Belt) (PC5.19).

Where necessary the Council will explore pro-active measures such as negotiating with landowners, and Compulsory Purchase Order procedures, in order to secure an appropriate supply of housing land

*This may include localised Green Belt reviews as indicated in Section 4 and Policy CPXX (Green Belt)"*

I fully support the inclusion of the need to reduce travel and support more energy-friendly modes of transport within the SADPD.

Within my proposal I have already assessed the ability to provide electric vehicle recharging points specifically outside the retail/business units, with the additional possibility to provide additional units within both affordable and market housing areas:

*"While it is important that economic growth is concentrated on Selby and the Local Service Centres, it is also important that opportunities are provided in rural locations to maintain the viability of rural communities and to reduce the need to travel. This could include the redevelopment of existing businesses, the redevelopment or re-use of rural buildings for suitable employment purposes, as well as farm diversification activities. Proposals for appropriate forms of recreation and tourism activity will also be encouraged. (PC6.7)*

7.31a

*Despite the Core Strategy approach to reduce the need to travel, it is inevitable that some travel will always occur. Wherever possible, modern technology should be incorporated in to developments to reduce the impacts of development. Most recently the availability of electric cars means that charging points will become more widespread, and provision of these or other new technologies is encouraged."*

I fully endorse the key requirements outlined below and have incorporated this approach into my proposed development, specifically by addressing the needs for easy accessibility to the population, the close proximity of new retail, services and employment opportunities with reduced travel impact, plus the provision of donated land to the village in the shape of open recreation space and sports fields plus plans for a Village Hall and flexible meeting area. The development layout would also support the need for a more secure and safe environment with housing arranged to support overview of the outdoor amenity and meeting areas. Energy efficiency and reduced carbon footprint are also fundamental elements of the plan:

***Spaces between built developments are equally important and new open spaces should improve the quality of the public realm***

*Both residential and non-residential development should meet the following key requirements:*

- a) 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;*
- b) Be accessible to all users and easy to get to and move through;*
- c) Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*
- d) Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate (PC4.41);*
- e) Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
- f) Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
- g) Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
- h) Create mixed use places with variety and choice that complement one another to*

*encourage integrated living, and*

**i) Adopt sustainable construction principles in accordance with Policies CP12 and CP13**

**In summary, as a layman and a taxpayer I support the majority of the yellow amendments to the Consultation Document and hope that it will make planning and development within the District more streamlined and consistent whilst addressing the more obvious historical anomalies**

**As both a land-owner and a life-long village resident in Whitley I also hope that my comments and specific proposal to improve the social and economic outlook in the village via my development plan are taken seriously and in the spirit that they are offered. I believe they position a win/win situation for all parties.**



R.P. DIXON

A handwritten signature consisting of a stylized, cursive 'R' followed by a horizontal line.

**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**



## Part A

79

### **The Tests of Soundness**

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name	Clr Liz Casling	N/A
Organisation		
Address	4, 1949 Cottages, Skipwith Rd, Escrick, York YO19 6JU	
Telephone No.		
Email address		

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**



79

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

PC6.12 and PC6.32

**Question 1: Do you consider the Proposed Change is:**

1.1 Legally compliant  Yes  No

1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

It is considered that the proposal to change the status of Esrcrick from that of a secondary Village to a Designated Service Village would be unsound in relation to the test of justification for the following reasons:-

1. There is no land available within the current village development limits of Esrcrick for future development and as such the designation of this settlement as a Service Village would increase pressure for the review of the village development limits and Green Belt in this area.
2. There is no evidence of need for additional housing within Esrcrick and as such there is no requirement to expand the village or to allocate additional land in this location.
3. There are no obvious sites adjoining the existing built area of the village (which primarily to the west of the east of the A19) that would easily lend itself to be developed. The land to the north of the village falls within the administrative area of City of York Council. The housing estates to the north east of the village provide no means of access to the land beyond. Land to the south and south east of the village is constrained by designated areas of recreational open space, sites of importance for nature conservation and historic gardens. This leaves only the land to the west of the A19 which is largely undeveloped and as such would have significant impact on the character and appearance of the village.
4. The large area of land to the west of A19, which is identified in the Council's Strategic Housing Land Availability document (ref PHS/10/001) would require a major new access or accesses on to the A19 and also a pedestrian crossing for future residents to safely cross to access such facilities as the school and post office. This would create traffic problems and queuing on the A19. Although the possibility of a bypass has been suggested in the past a significant scale of development would be required in order to make this viable. A development of such scale would double the size of the village.

For the above reasons it is considered that the proposed change should not be made and that Esrcrick should remain a Secondary village as previously proposed by the council

Continue overleaf

Question 3 continued

[Empty box for Question 3 response]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

[Empty box for Question 4.3 response]

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

**Signed**

liz casling

**Dated**

19/7/12



**Selby District Submission Draft Core Strategy  
 Consultation on Further Proposed Changes (6th Set)  
 June 2012  
 Representation Form**

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 Council no later than 5pm on Thursday 19 July 2012**

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## Part A

### The Tests of Soundness

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#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name	Steve Smowton	
Organisation	Escrick Parish Council	
Address	c/o The Clerk & The Glade Escrick York Yo196JH	
Telephone No.		
Email address	chair@escrick.org	

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

[Empty box for identifying the proposed change]

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

Escrick Parish Council Representations to Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (6th Set)

Re: Proposal to change the designation of Escrick from a Secondary Village to a Designated Service Village

We believe that the proposed change fails to meet the test of soundness, as set out in PPS12 and the NPPF, for the following reasons:

2.1 Positively Prepared

The village is currently and has always been a Secondary Village. All of the policies in the previous adopted Selby District Local Plan and now the LDF Core Strategy work to date maintained this status, including the Selby District Submission Draft Core Strategy of May 2011.

Only in the sixth revision was this changed. We have never been consulted or formally informed of this change or have ever had the reasons for this proposed change of status explained to us.

This is contrary to the guidance in the NPPF which requires meaningful engagement and collaboration with neighbourhoods and the local community so that Local Plans reflect a collective vision and agreed set of priorities for an area. When we did hear of this, we immediately contacted the Planning Officer to ask that it be withdrawn, but a resolution was taken to Full Council by officers recommending the change of status. We asked for our concerns to be reported to Full Council, but again our views were ignored and the proposed change in status approved for this consultation.

In order to represent the views of Escrick village fairly and accurately, the Parish Council provided a briefing note and survey to all residents in the village, asking for their views. We received a huge response, rejecting the proposed change of status by 207 votes to 8.

There is therefore an overwhelming rejection of the proposed change in status by the local community, whose views we represent.

Continue overleaf

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

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**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

Escrick Parish Council represent the residents of Escrick. This Strategy seeks to change the planning status of the village from Secondary Village to Designated Service Village, a change strongly opposed by the Parish Council and the residents. we wish to make our point of view clear to the Inspector on behalf of our parishioners.

(Continue on a separate sheet if submitting a hard copy)

---

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

**Signed** Steve Smowton

**Dated** 19th July 2012

(15)

**ESCRICK PARISH COUNCIL**  
**Chair S.R. Smowton [chair@escrick.org](mailto:chair@escrick.org)**  
**Clerk V. Cumberland [clerk@escrick.org](mailto:clerk@escrick.org)**

**Escrick Parish Council Representations to Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (6th Set)**

**Re: Proposal to change the designation of Escrick from a Secondary Village to a Designated Service Village**

We believe that the proposed change fails to meet the test of soundness, as set out in PPS12 and the NPPF, for the following reasons:

**2.1 Positively Prepared**

The village is currently and has always been a Secondary Village. All of the policies in the previous adopted Selby District Local Plan and now the LDF Core Strategy work to date maintained this status, including the Selby District Submission Draft Core Strategy of May 2011. Only in the sixth revision was this changed. We have never been consulted or formally informed of this change or have ever had the reasons for this proposed change of status explained to us.

This is contrary to the guidance in the NPPF which requires meaningful engagement and collaboration with neighbourhoods and the local community so that Local Plans reflect a collective vision and agreed set of priorities for an area. When we did hear of this, we immediately contacted the Planning Officer to ask that it be withdrawn, but a resolution was taken to Full Council by officers recommending the change of status. We asked for our concerns to be reported to Full Council, but again our views were ignored and the proposed change in status approved for this consultation.

In order to represent the views of Escrick village fairly and accurately, the Parish Council provided a briefing note and survey to all residents in the village, asking for their views. We received a huge response, rejecting the proposed change of status by 207 votes to 8.

There is therefore an overwhelming rejection of the proposed change in status by the local community, whose views we represent.

**2.2 Justified**

- **founded on a robust and credible evidence base**

It is extremely difficult for us to believe that this proposal is founded on a robust and credible evidence base when the previous 5 revisions promoted strongly the opposite view. In February 2010, Selby District Council stated 'there are strong environmental and landscape constraints to development particularly south of the village which militate against expansion. The village has significant character with a Conservation Area' when recommending that Escrick remain in this category. We see no justification why this view should have changed, or had any explanation as to why this change of view has occurred. We therefore believe that the proposed change is not robust nor based on credible evidence.

- the most appropriate strategy when considered against the reasonable alternatives

The NPPF requires that development should be located in sustainable locations whilst also emphasising the importance of Green Belts. Given the settlement hierarchy of Selby District and the availability of other larger DSVs which are more sustainably located and with greater service provision and employment opportunities nearby, we do not believe that upgrading Escrick to a DSV is the most appropriate strategy when considered against the reasonable alternatives, for the following reasons:

- There are extremely limited employment opportunities within reasonable walking / cycling distance.
- There is considerable congestion on the A19 both northbound and southbound, especially at peak times.
- Bus service frequency has been reduced in recent years, and the bus no longer comes into the centre of the village.
- We are entirely surrounded by the York Green Belt.
- The primary school is at maximum capacity.
- The village has significant character within a Conservation Area.
- The village has various listed buildings within settings that should also be preserved and protected, as well as other environmental constraints.

### 2.3 Effective

- deliverable

We believe that the change of status is unsound because, given the sensitive constraints on the village as stated above, an expanded village could not be delivered without considerable environmental harm.

It should be noted that there is considerable opposition within the village to the Escrick Bypass and associated Housing Development that was originally rejected by 90% of our residents in 2008 and has recently been re-introduced by the landowner. This proposal would effectively more than double the size of the village and significantly alter its character.

We are aware that simply a change of status does not mean that it will be approved; we are concerned that this change of status is necessary to assist its case and cause the village to be substantially enlarged.

- flexible

Due to the environmental constraints and geographical limitations discussed previously, there are very limited opportunities for potential development. It is therefore not possible for a flexible approach to be applied to Escrick should it become a DSV. The change in status would therefore not be sound as there is no certainty that the role of a DSV could be accommodated.

### 2.4 Consistent with National Policy

The NPPF clearly sets out that development should be directed to sustainable locations. Furthermore that environmental, social and economic considerations should be balanced and



that economic considerations should not predominate. The role of Green Belts, the Historic Environment, Listed Buildings and their settings are protected and their role emphasised in the NPPF. The York Green Belt is a longstanding policy and should not be overridden when other more suitable locations for development in the District are available. We believe that the change in status is unsound as it is inconsistent with National Policy and the NPPF because Escrick is not a sustainable location and other better alternatives exist, it has strong environmental limitations as to where development would be acceptable and, most importantly, it is clearly contrary to the wishes of the local community with whom there has been no consultation and who do not wish the character of the village to substantially change.

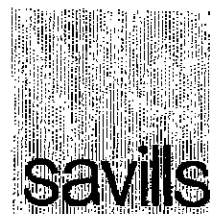
We confirm that Escrick Parish Council wishes to appear at the Core Strategy Hearing to explain these views more fully to the Inspector.

Steve Smowton

Chair, Escrick Parish Council



19 July 2012



**For the attention of Mr A McMillan**

Planning Policy  
Selby District Council  
Doncaster Road  
Selby  
YO8 9FT

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Leeds LS1 2HL  
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savills.com

**By email and post**

Dear Sir

**Submission Draft Core Strategy  
Mr M Pearson  
Land at Drax Road, Camblesforth**

We wish to submit representations on behalf of our client, Mr M Pearson, on the Sixth Set of Proposed Changes (Main Modifications and Additional Modifications) to the Submission Draft Core Strategy (SDCS).

We understand that the principal purpose of this consultation exercise is to take account of the introduction of the National Planning Policy Framework (NPPF) on 27 March this year. These representations are therefore confined to the implications of the NPPF on the emerging Core Strategy insofar as it affects the village of Camblesforth and our client's site in particular.

Our client owns the Phase 2 site identified in the adopted Local Plan as CAM/1. Our previous comments on the Site Allocations DPD focussed on the continued ability of the site to deliver much needed future growth and regeneration for Camblesforth and the surrounding area. This letter should also therefore be read in conjunction with those representations dated 2 December 2011.

**Background**

The NPPF represents a fundamental shift in the approach Local Planning Authorities must adopt to plan-making; replacing previous guidance in Planning Policy Statement 12 (Local Spatial Planning). The overarching theme of the NPPF is a "presumption in favour of sustainable development". The three central requirements of sustainable development are:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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The overwhelming emphasis however is on growth and in terms of planning for future housing, to ensure that there is not only enough development to meet the needs of the population, but to also allow a degree of flexibility, choice and competition (Paragraph 47). There is also a clear emphasis on utilising residential development to help aid economic growth and regeneration (Paragraph 17).

It is with this in mind that we provide comments on the latest draft of the SDCS below.

### Comments

We note that in accordance with the Core Strategy as currently drafted, limited development is proposed across a number of 'Designated Service Villages' (DSVs), but that Camblesforth has not been identified as one of them. Previous drafts of both the Core Strategy and Site Allocations Development Plan Document suggest the reason for this is that the village is constrained by flood risk in that there are no developable sites outside of Flood Zone 3.

The NPPF's advice concerning flood risk is set out in Paragraphs 100-104 and in a separate Technical Guidance Note. Both documents ostensibly carry over advice outlined in Planning Policy Statement 25 (Development and Flood Risk) that housing development can be undertaken in Flood Zone 3 provided that an Exception Test can be passed. We contend that in the circumstances, there is sufficient confidence that an Exception Test could be passed to allow the principle of development in Camblesforth to be established in the Core Strategy and to establish the settlement as a DSV. The Exception Test includes matters such as wider benefits; the reasonable availability of alternative previously-developed sites; and confidence that development can be undertaken safely.

The wider benefits are considered to be the role that Camblesforth can play in satisfying both District-wide and local housing need. We note that in April the Council instructed Arup to re-examine population projections for the district to ensure that the correct amount of housing is being planned for in the emerging Core Strategy. The work reiterated that the basis for housing growth projections should continue to be based on 2004 household projections. This yields a net requirement of 450 dwellings per annum. Our client has significant misgivings regarding this for the following reasons:

- The 2004 based population projections represent a significantly out-of-date model on which to base housing requirements up to 2027. The justification Arup use for these figures is at best tenuous and given that more recent projections are available (2010 projections and a new baseline in the form of the 2011 census data), we firmly believe these more up-to-date figures should be utilised in order to provide a sound basis for growth.
- The projections also seem to approach housing growth in trying to provide figures to cover need within the plan period only. This is inconsistent with thrust of the NPPF, which is to plan *positively* for growth and to allow a degree of flexibility, choice and competition in housing sites. This choice, flexibility and competition can readily be accommodated in villages and centres such as Camblesforth to foster this growth and to ensure these communities remain viable and sustainable.

Whilst we acknowledge that some of the amendments proposed in the latest draft of the SDCS make reference to this requirement to provide some flexibility in supporting housing growth in the District (Paragraph 4.39) this clearly does not go far enough in producing a positive strategy for growth.

With this in mind the Council ought to be examining which sites are capable of accommodating growth and in line with the NPPF, ensure that such sites can support sustainable development. Given the sustainability credentials of Camblesforth relative to the identified DSVs, we considered it at least an equally appropriate location to accommodate the District's future housing growth. We note that in the scoring assessment carried out within the *Assessing the Relative Sustainability of Rural Settlements (Updated February 2010)* document, the Council ranked Camblesforth equally with the following DSVs: Carlton, Cawood, Monk Fryston, Eggborough, Kellington, Uleskelf, Church Fenton and Fairburn. It also ranked better than Appleton Roebuck.



In relation to the other elements of the Exception Test, the Selby SHLAA confirms that housing need in both Camblesforth and the wider South East HMA cannot be accommodated on previously-developed sites and preliminary work undertaken on behalf of our client by hydrologists indicates that development could be accommodated safely.

This information would demonstrate that in relation to the Exceptions Test our client's site is capable of emerging as a deliverable development site and Camblesforth should be designated as a DSV given that it would promote growth and sustainable development consistent with the NPPF and address a housing need that is currently under estimated in the draft of the Core Strategy.

**Conclusions**

From our analysis of the NPPF and the current draft of the Core Strategy we conclude that whilst Camblesforth is not currently identified as a DSV on the grounds that its developable sites lie within Flood Zone 3, the NPPF and its supporting Technical Guidance state that if an Exceptions Test is fulfilled then housing can be accommodated on such sites.

The site principally fulfils the Exceptions Test by providing wider benefits to the area by addressing housing need, which is currently underestimated in the emerging Core Strategy, as well as providing positive growth and an opportunity for additional flexibility, choice and competition in the local housing market (required through the NPPF). The potential of the site to accommodate sustainable development is clear and the Council's own evidence base points to the settlement being as sustainable as a number of other designated DSVs. The opportunity to unlock development and regenerate the Camblesforth area to promote sustainable development is therefore clear.

The Council's own evidence also points to the fact that within Camblesforth there are no previously developed sites that could fulfil this role and there is also no evidence to suggest housing in the settlement could not be accommodated safely.

In light of the overwhelming emphasis on promoting growth and housing choice in the NPPF and the need for the Council to provide housing in line with more realistic population projections we believe our clients site can offer an opportunity for sustainable growth and therefore request that Camblesforth is re-evaluated as a DSV.

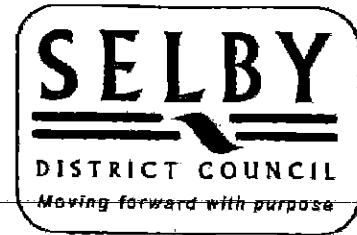
We trust that this information will be taken into account once the Core Strategy examination is re-opened. Should you have any queries please do not hesitate to contact me.

Yours faithfully



**Richard Serra MRICS MRTPI**  
Director





**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name	Councillor Ian Reynolds	N/A
Organisation		
Address	10 Escrick Park Gardens Escrick York YO19 6LZ	
Telephone No.		
Email address	clireynolds@selby.gov.uk	

It will be helpful if you can provide an email address so we can contact you electronically.

You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.





**Part B (please use a separate sheet (pages 3-4) for each representation)**

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC6.12 and PC6.32

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

It is considered that the proposal to change the status of Escrick from that of a Secondary Village to a Designated Service Village would be unsound in relation to the test of justification for the following reasons:

1. There is no land available within the current village development limits of Escrick for future development and as such the designation of this settlement as a Service Village would increase pressure for the review of the village development limits and Green Belt boundaries in this area.
2. There is no evidence of need for additional housing within Escrick and as such there is no requirement to expand the village or to allocate additional land for development in this location.
3. There are no obvious sites adjoining the existing built area of the village (which lies primarily to the east of the A19) that would easily lend themselves to being developed. The land to the north of the village falls within the administrative area of City of York Council. The housing estates to the north east of the village provide no means of access to the land beyond. Land to the south and south east of the village is constrained by designated areas of recreation open space, sites of importance for nature conservation and historic gardens. This leaves only the land to the west of the A19 which is largely undeveloped and as such would have a significant impact on the character and appearance of the area.
4. The large area of land to the west of the A19, which is identified in the Council's Strategic Housing Land Availability document (ref. PHS/10/001) would require a major new access or accesses onto the A19 and also a pedestrian crossing for future residents to safely access facilities such as the school and post office on the opposite side of the A19. This would create traffic problems and queuing on the A19. Although the possibility of a bypass has been suggested in the past a significant scale of development would be required in order to make this viable. A development of such scale would

Continue overleaf

*Question 3 continued*

double the size of the village.

For the above reasons it is considered that the proposed change should not be made and that Escrick should remain a Secondary Village as previously proposed by the Council.

*(Continue on a separate sheet if submitting a hard copy)*

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1 Written Representations**

**4.2 Attend Examination**

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

N/A

*(Continue on a separate sheet if submitting a hard copy)*

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated



ryan king

**From:** David and Sadie Ashton [REDACTED]

**Sent:** 19 July 2012 16:30

**To:** ldf

**Subject:** 6th set of proposed changes

I was a member of Escrick Parish Council for 30 years and its Chairman for 18 of those years. I was the County Councillor for Escrick for 28 years retiring in 2005. I attended one of the hearings of the EIP in April 2012. I was interested to hear the Inspector say in referring to a paper from Roy Wilson that it had been useful in giving background information on Tadcaster. He commented that he had no knowledge of the Selby area before taking on this Selby Local Plan. As a Parish and County Councillor I have a great deal of experience of development in this area. In considering the proposed change of designation of Escrick I would wish the following to be taken into account:-

1 The residents of the village are more closely tied to York than to Selby. I don't think we wish to be part of York but children after the age of 11 attend a York school which is an important driver.

2. It is the York Green belt which surrounds the village and which has restricted development to infilling over the past 50 years. The City of York southern boundary is the north wall of the Church which means that the garage and several houses whilst being part of Escrick are actually in York. This means that this village is inextricably linked to the York green belt which is the subject of a separate Study. I think Escrick should continue to be seen as an important part of the York Green Belt protecting the setting of this historical City. Certainly the designation of Escrick should not be changed until issues with York have been resolved.

3. There are major planning matters which have affected us for the last 35 years. The Selby Coalfield announced in 1974 even today is casting a shadow over the area. Important planning conditions were changed, amended or broken both during construction, mining and even today when all the sites should have been cleared. The North Selby site is currently the subject of a proposal to build an anaerobic digester.

Ironically the Mine site is actually in York and has been since 1994, a planning authority with no expertise in dealing with mineral extraction issues.

It is premature to change the designation of Escrick. I believe that the two authorities, Selby and York have a duty to cooperate on the issues surrounding Escrick coming up with a solution that enables the village to retain its position as a thriving rural community.

David Ashton  
Glebe Cottage  
Escrick  
YO19 6LN





## **Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (6th Set) June 2012 Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

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Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

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**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
Council no later than 5pm on Thursday 19 July 2012**

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**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

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#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

Personal Details	Agents Details (if applicable)
Name	Melissa Madge
Organisation	LDP Planning
Address	1 Horsefair Wetherby West Yorkshire LS22 6JG
Telephone No.	01937 580380
Email address	mmadge@ldppanning.co.uk

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

See accompanying letter (19th July 2012)

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

See accompanying letter (19th July 2012)

Question 3 continued

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

- 4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

(Continue on a separate sheet if submitting a hard copy)

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I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

19/07/2012





Land and Development Practice  
CHARTERED TOWN PLANNERS & SURVEYORS

Our ref: 9962/AK/MM/EM/0703

19<sup>th</sup> July 2012

Selby District Council  
The Policy and Strategy Team  
Civic Centre  
Doncaster Road  
Selby  
North Yorkshire  
YO8 9FT

Dear Sir/Madam

**PUBLICATION OF THE NATIONAL PLANNING POLICY FRAMEWORK (FRAMEWORK)  
– IMPLICATIONS FOR SELBY DISTRICT COUNCIL’S CORE STRATEGY (CS) – INLINE  
WITH SIXTH SET OF PROPOSED CHANGES – DOCUMENT REFERENCE: CS/CD2F**

1.0 Introduction

- 1.1 This letter sets out LDP Planning’s considerations on whether the policies within the CS meets the test of soundness and complies with the requirements of delivering sustainable development in accordance with policies in the Framework.
- 1.2 The over arching principle running through the Framework is that *‘sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.’* It is accepted that policies within the SDCS do not need to mirror the Framework, as both applicants and decision makers should read both documents in conjunction. However, all policies in the CS need to engage with the main principles in the Framework.
- 1.3 The following sections set out the policies within the CS that LDP Planning wishes to bring to the Council’s and the Inspector’s attention in relation to potential conflict with the Framework.



Considerations in line with CS/CD2f

2.1 Part (c) of part A of CP1 (Proposed change number PC6.25) has been amended to reflect paragraph 55 of the Framework. However, it is considered the amendments to this section do not reflect fully the guidance in paragraph 55 Framework, as part (c) of part A of CP1 outlines that the reuse of existing buildings in the open countryside will only be supported if it is proposed to become an employment development or an affordable home. Instead paragraph 55 of Framework does support market homes subject to meeting the following special circumstances:

- *'...the essential need for rural workers to live permanently at or near their place of work in the countryside; or*
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *The exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
  - *Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
  - *Reflect the highest standards in architecture;*
  - *Significantly enhance its immediate setting; and*
  - *Be sensitive to the defining characteristics of the local area.'*

Criterion 1 above is referred to in alternative policies in the SDCS and it is accepted the council does meet its requirements. However, it is considered that in light of the above options for the sustainable development in rural areas, the current wording of part (c) of part A of CP1 is too restrictive in its current form and does not address fully the requirements of paragraph 55 of the Framework. It is concluded that the proposed amendments to the policy are not consistent with national policy and should be found unsound.

2.2 The council's decision to amend paragraph 4.46 of the SDCS (Proposed change number PC6.34) to allow development on garden land in Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages is welcomed. However, it is questioned why the council has chosen not to change Policy CP1A? By not amending CP1A or not proposing a new policy, it is considered the council is not fully meeting the

requirements of paragraph 53 of the Framework, as it requires LPAs to set out a policy that applicants can comply with. Therefore, until this is addressed it is considered the SDCS will be found unsound due to the lack of clear policy guidance, which is a requirement of the Framework that councils need to meet.

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2.3 Proposed change PC6.34, which would restrict garden development in Secondary Villages is however unacceptable. In many smaller villages large gardens are likely to be the only suitable land available for development and these often represent appropriate small scale infill plots. Housing on such sites should be determined in relation to impact on character and appearance and not completely ruled out.

2.4 Concerning the council's proposed amendments to policy CP3 (Proposed change number C6.51) it is questioned whether the proposals are inline with the requirements of Section 6 (Delivering a Wide Choice of High Quality Homes) of the Framework. Particular attention is drawn to the council's proposed phasing of the release of land within Tadcaster. It is considered the council's approach to Tadcaster release of developable land does not meet the requirements of footnote 12 of the Framework which outlines:

*'To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be **viably developed** [emphasised] at the point envisaged'*

The council does not meet the requirement of the above quote, as it is well documented that the predominant landowner in Tadcaster is Samuel Smith Brewery and the company does not wish to see the area developed. Samuel Smith Brewery has fought almost every application submitted in Tadcaster and the surrounding area and has taken numerous of Selby council's decisions to approve schemes to Judicial Review. It is accepted the council's proposal of phasing requiring land to be released at 5 years (Phase 2) and 3 years (Phase 3) and the option to undertake a review of the Local Plan early, does allow some flexibility and some assurances that development in the settlement will come forward. However, the knowledge of Samuel Smith Brewery's actions over the years does raise questions of whether the wording of CP3 is offering viable development options. Therefore, the council should consider harder measures to ensure Tadcaster does grow over the plan period. The council propose to compulsory purchase land and to work with landowners to ensure development, these measures are considered not to be a viable option given the market and government

planned budget cuts to local authorities. It is therefore concluded that the council's approach is not effective and does not pass the test of soundness.

- 2.5 Overall LDP Planning supports the recommended changes to CP10, based on the Frameworks requirement for rural economies, such as Selby Council's, to be prosperous. However, the proposed addition to paragraph 6.25 (Proposed change number PC6.72) misses the government's requirement in bullet point 1 of paragraph 28 of the Framework that requires local plans to recognise the need:

'...to support the sustainable growth and expansion of all types of business and enterprises in rural areas, both through conversion of existing buildings and well designed **new buildings** [emphasis added]'.

It is recommended that for the CS to be found sound the council should consider addressing the above quote and include the reference to the support of 'new buildings'.

- 2.6 It is also recommended that the Council consider the above quote and ensure that the proposed changes to CP9 (Proposed change number PC6.74) incorporates its recommendations, as in its current revised form it does not reflect the governments aim to support all types of enterprises whether existing or new sustainable development. Until this element is addressed in the wording of policy CP9 it is considered it should be found unsound, in light of it not being positively prepared and it not being consistent with national policy.

- 2.7 It is considered that Policy CP11 (Proposed change number PC6.77) in principle meets the requirements of the Framework, in that economic growth should be supported within sustainable towns and villages. However, the section of Policy CP11 that refers to '*local shops and services outside established town centres*', should be made clearer that, in line with the Framework (Paragraph 70), proposed services will be received positively in order to create a strong sustainable community. Given that Selby District Council is a rural authority and in light of the significant support the Framework gives to promoting the rural economy Policy CP11 needs to be amended. It is concluded that policy CP11 is not consistent with national policy and therefore does not pass the test of soundness.

- 2.8 In CS/CD2f the council has not considered CP13 in light of the Framework. It is considered that the principal of Policy CP13 meets the requirements of the

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Framework, in that future development should encourage sustainable development. Point 1 of paragraph 96 of the Framework sets out that applicants should comply with adopted policy in relation to the use of decentralised energy supply unless it can be demonstrated that it is not feasible or viable to meet the Local Plan requirements. The current wording of Policy CP13 does not reflect this element of flexibility and reasonableness, therefore, it is considered that the policy does not meet the requirements of the Framework.

2.9 Of further concern is criterion 3 of Policy CP13, this requires that:

*"Developers to employ the highest viable level of:*

- *Code for Sustainable Homes on residential developments; and*
- *BREEAM standards for non-residential schemes."*

This approach provides uncertainty for developers and applicants. It leaves matters open to interpretation and potential conflict. It also may result in inconsistency of delivery and compliance. The council should seek to provide certainty through this policy by confirming what level should be achieved by specific dates; similar to the approach taken by Hambleton Council. This approach gives developers certainty and Viability Assessments can then be based upon sound principles.

2.10 A further consideration that the council should take into account is the longevity of the 'bolt on' renewable approach that is currently suggested, such as requiring 10% of the developments energy needs being produced on site via photovoltaic cells or similar. These forms of technical solutions have a limited lifespan and could result in a situation where by energy is generated on site in the first instance but once these technologies breakdown, the occupier may revert to using mains supplies. By promoting Building Fabric Improvements, such as increased insulation or Airtightness and Mechanical Ventilation & Heat Recovery, the energy consumption of a building is significantly reduced thereby reducing its energy consumption requirements. This form of solution will make a greater and sustained contribution to resource efficiency in the long term and should be provided for within Policy CP13.

2.11 LDP Planning support the council's proposed changes to paragraph 7.56 and CP14 (Proposed changes number PC6.83-86), as the amendments will ensure clarity of how applicants and developers should interpret the policy.

3.0 Other Comments arising from the Framework

3.1 Whilst addressing the elements of Framework, it became clear that the Council has not allocated a policy solely to protecting the District's landscape within the CS. The current reference to landscape within the CS is therefore weak and does not meet the requirements of the Framework. Particularly paragraph 113 which requires:

*'LPAs to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'*

And paragraph 114 of the Framework, which requires:

*'LPAs should:*

- *Set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure...'*

It is considered that until an appropriately worded policy is incorporated into the CS to guide applicants in protecting landscape, the document should be found unsound.

3.2 Olympia Park is the only strategic site identified in the (Policy CP2A) CS and it is expected to deliver a significant number of residential units and employment opportunities for the District's population. It is LDP Planning's contention that the policy does not meet the following housing requirements:

3.3 Point 2 of paragraph 47 of the Framework outlines the Councils need to:

*'...Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.'*

3.4 Footer 11 of the Framework defines 'deliverable' as:

*'...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the development of the site is viable.'*

3.5 It is our understanding that even the large house builders would only be looking to delivery a maximum of 50 units a year on sites of this scale. It is therefore considered questionable whether allocating 1000 houses to Olympia Park would meet the requirements of this element of the Framework.

3.6 The Framework identifies a similar stance for employment land, as paragraph 22 outlines that:

*'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'*

3.7 A significant part of this site has been historically identified through Selby District Local Plan for employment purposes. Throughout the lifetime of the Selby District Local Plan the site identified has not come forward for development. Given this lack of delivery it is considered that the allocation of a high percentage of the District's employment land at Olympia Park is questionable.

3.8 Based on the above comments the policy regarding Olympia Park should be found unsound. Additionally, LDP Planning is aware that an application for the development of the site has been submitted to Selby Council. Whilst this is not the forum to voice concerns regarding the viability of the application, it is worth raising with the Council and the Inspector the implications of approving the scheme prematurely prior to the adoption of the CS. Should the application be approved prior the adoption of the CS, the policy referring to the strategic site is no longer required and therefore its presence in the document is unjustified and unnecessary. This could have implications on the

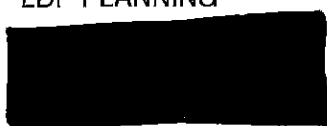
soundness of the document. The Council should consider the implications of York Council recent approval of a new development at Monk Cross, which subsequently led to the council having to withdraw its Core Strategy from Examination.

- 3.9 Whilst the overall scale of housing development proposed across Selby District was debated as part of the April EIP and at the Inquiry it was agreed the Council would base its population projections on the latest 2010 SNPP data. It is considered however, the council's figure may need to change based on the recent release of the 2011 census population data. The ONS has announced a 45% increase of the population figure for England and Wales since the release of the 2001 figures; the cause of the unknown increase has been put down to bad management of migration data since 2001. It is accepted that some areas of England and Wales will have a greater proportion of the population increase than others. However, ONS has announced that all the regions have a higher population than what was originally anticipated. For Selby there is a population increase of 300 compared to the data used in the 2010 SHMA. 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 planned period. LDP Planning 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 reopened, or as a minimum written data should be submitted to the Inspector for his consideration.

#### 4.0 Conclusion

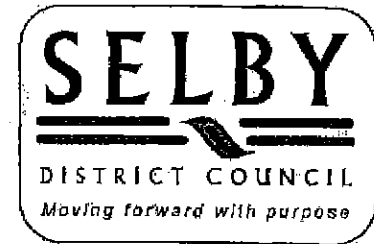
- 4.1 The Framework requires the three elements, social, economic and environmental, to be considered when creating sustainable settlements, it is concluded that alterations to the CS need to be undertaken to ensure that its strategic policies meet the requirements of the Framework. It is therefore concluded that the CS should be found unsound in light of the Framework requirements, until our above comments are addressed.

Yours faithfully,  
LDP PLANNING



Melissa Madge





## **Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (6th Set) June 2012 Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		Melissa Madge
Organisation		LDP Planning
Address		1 Horsefair Wetherby West Yorkshire LS22 6JG
Telephone No.		01937 580380
Email address		mmadge@ldppanning.co.uk

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

See accompanying letter (19th July 2012)

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

See accompanying letter (19th July 2012)

Question 3 continued

*(Continue on a separate sheet if submitting a hard copy)*

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**



**4.1 Written Representations**



**4.2 Attend Examination**

- 4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

*(Continue on a separate sheet if submitting a hard copy)*

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

19/07/2012

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**Land and Development Practice**  
**CHARTERED TOWN PLANNERS & SURVEYORS**

Our ref: 9962/AK/MM/EM/0702

19<sup>th</sup> July 2012

Selby District Council  
The Policy and Strategy Team  
Civic Centre  
Doncaster Road  
Selby  
North Yorkshire  
YO8 9FT

Dear Sir/Madam

**AFFORDABLE HOUSING POLICY**  
**- PUBLICATION OF THE NATIONAL PLANNING POLICY FRAMEWORK (FRAMEWORK)**  
**- IMPLICATIONS FOR SELBY DISTRICT COUNCIL'S CORE STRATEGY (CS)**

1.0 Introduction

1.1 LDP originally wrote to Selby Council regarding their proposed Affordable Housing policy within their CS in the last round of public consultation in May 2012. However, from examining the information set out by the Council in their current round of public consultation it seems that our submission has been overlooked.

1.2 It is understood that the Inspector will consider all consultee comments prior to issuing his decision and may make recommended alterations to the CS to make it sound. However, LDP Planning is aware that it is not the only planning consultancy to raise its concerns regarding the council's approach to affordable housing. Therefore, it is considered the council should have to consider all opinions and make a balanced assessment and potentially reword the policy now if the whole of the CS is to be found sound in September's EIP.

1.3 This letter sets out LDP Planning's considerations on whether policy CP5 within the CS meets the test of soundness and complies with the requirements of delivering sustainable development in accordance with policies in the National Planning Policy Framework. The over arching principle running through the Framework is that

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A list of members' names is available for inspection at the registered address: 1 Horsefair, Wetherby, Leeds LS22 6JG



*'sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.'* It is accepted that policies within the SDCS do not need to mirror the Framework, as both applicants and decision makers should read both documents in conjunction. However, all policies in the CS need to engage with the main principles in the Framework.

- 1.4 The following sections set out why it is considered policy CP5 (Affordable Housing) within the CS potentially conflicts with the Framework.

2.0 CP5 Affordable Housing

- 2.1 The principal of delivering affordable housing across the District does meet the requirements of the Framework, in terms of the need to provide choice and create sustainable balanced communities. There is however a requirement for LPAs to develop a policy that is both desirable and realistic (Para. 154 of the Framework). The Council's target rate of 40/60% affordable housing provision from market housing sites is an aspiration and is not realistic given data available in the Council's Economic Viability Assessment ("EVA"). The EVA concluded that in the current market conditions, at the date of the study, a target rate for affordable housing provision of just 10% was attainable. Consideration of average house prices in Selby District shows some fluctuation over the intervening period. Therefore, it is apparent that 10% affordable housing remains the viable and deliverable target in policy terms. The EVA does consider 40% affordable housing provision viable if the housing market reverted to the 'height of the market' conditions prevailing in 2007. However, there is nothing to suggest that the market will be returning to its height soon.
- 2.2 By setting a high target at this stage would run counter to the sustainable development objectives of the Framework. The Council needs to readdress the policy requirements to reflect the need to supply housing to meet the needs of the District over the plan period, take account of market signals such as land prices and housing affordability, and cater for housing demand and the scale of housing supply necessary to meet this demand. In the absence of an alternative target that is demonstrably viable and deliverable, the provision of 10% affordable housing should be sought in policy CP5 which would provide both decision maker and applicant the 'high degree of certainty and predictability' required by the Framework. It is therefore concluded that the strategic guidance within policy CP5 of the SDCS is misleading and further details is

## LDP Planning

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required at this stage and should not be left to the development of an Affordable Housing SPD.

2.3 Further evidence of how this Policy fails to meet the requirements of the Framework is set out in the accompanying Pioneer Assessment, which was commissioned by Linden Homes (North). The Pioneer Assessment incorporates a thorough assessment of the evidence base utilised by Selby District Council to justify Policy CP5 and finds considerable deficiencies with it and highlights that the council has relied upon unreasonable assumptions. The Pioneer Assessment should be considered by the council and the Inspector as evidence that confirms the unsoundness of this policy.

2.4 Policy CP5 also identifies the council's expectations for affordable housing delivery on sites that accommodate less than 10 dwellings. The council recognises that it would not be viable for the provision on site of even a single affordable unit. The council therefore seeks to secure a commuted sum payment of 10%. It is not however clear from the policy or the draft Affordable Housing SPD how this commuted sum payment should be calculated or how it can be justified. This element of the policy is therefore uncertain and would leave a developer unsure as what is required in terms of a contribution. This approach is considered contrary to the requirements of paragraph 173 of the Framework. Furthermore, the Framework makes it clear that the scale of obligations and policy burdens should be contained within the Local Plan and not set out in supplementary planning documents.

### 3.0 Conclusion

3.1 The Framework requires the three elements, social, economic and environmental, to be considered when creating sustainable settlements, it is concluded that alterations to the CS need to be undertaken to ensure that its strategic policies meet the requirements of the Framework. It is therefore concluded that the CS should be found unsound in light of the Framework requirements.

3.2 It is requested that the council consider the evidence presented in this letter and the accompanying report, which is presented to the council to ensure the affordable housing policy is viable and found sound. It is in the interest of both the council and private individuals that the CS is accurate and can be relied upon to provided guidance on the shape of schemes over the planned period.

Yours faithfully,  
LDP PLANNING



Melissa Madge

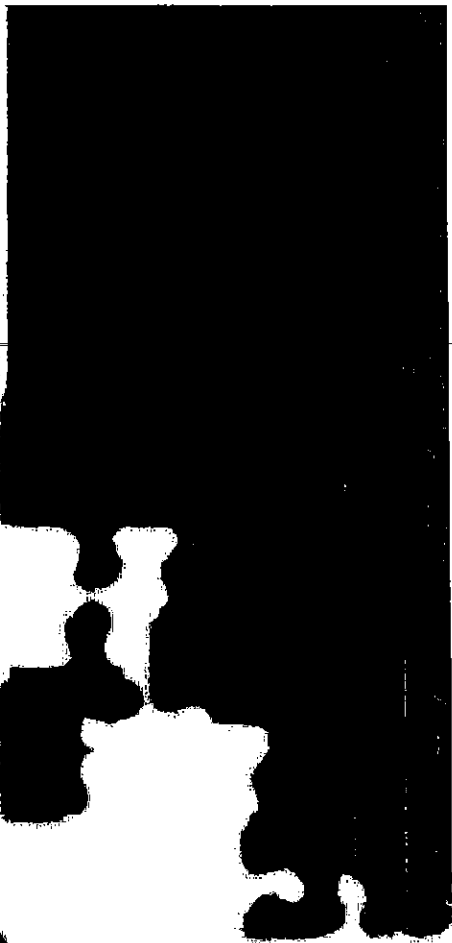


**Representation in respect  
of Selby Core Strategy:**

**Compliance of Policy CP5  
with National Planning  
Policy Framework**

**On Behalf of:  
Linden Homes North**

**8<sup>th</sup> May 2012**



**CONTENTS**

- 1.0 Introduction**
- 2.0 Representations regarding policy CP5**
- 3.0 Assessment of Affordable Housing Need**
- 4.0 Conclusions and Summary**

## **1.0 INTRODUCTION**

- 1.1 The National Planning Policy Framework ("NPPF"), was published on the 27<sup>th</sup> of March 2012. The NPPF places 'significant weight' on 'the need to support economic growth through the planning system'<sup>1</sup> and seeks to 'boost significantly' housing supply.<sup>2</sup> Each Local Authority is expected to produce a Local Plan for the area, to be reviewed in whole or in part to enable flexibility in the face of changing circumstances. Supplementary Planning Documents should not be used 'to add unnecessarily to the financial burdens on development'.<sup>3</sup>
- 1.2 The NPPF replaces Planning Policy Statement 3 'Housing' ("PPS3"), along with numerous other national guidance documents. Policies within NPPF represent material considerations with immediate effect,<sup>4</sup> and 'must' be taken into account when preparing Plans.<sup>5</sup>
- 1.3 The NPPF is subject to transitional arrangements whereby for a period of 12 months Local Authorities with a Local Plan adopted in accordance with the Planning and Compulsory Purchase Act 2004 will be able to continue to apply policies which do not exhibit more than a limited degree of conflict with the NPPF.<sup>6</sup> In this regard it must be noted that although the Selby District Local Plan ("SDLP") was adopted on 8th February 2005, policy H4 (affordable housing) was not saved beyond 7<sup>th</sup> February 2008 as no direction to extend it was received from the Secretary of State.
- 1.4 In other cases, (or after the expiry of the 12 month period), the weight to be attached to policies will depend upon the 'degree of consistency' with the NPPF.<sup>7</sup> Similarly, weight 'may' be placed by decision takers upon emerging Plan policies, depending upon the stage of preparation, the extent of 'unresolved objections' to policies, and the 'degree of consistency' with the NPPF.<sup>8</sup>
- 1.5 Where submitted representations of significant importance query the soundness of the proposed Plan and remain unresolved, these will significantly reduce the weight that can be given to the relevant emerging policies regardless of how advanced the preparation of the DPD.

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<sup>1</sup> Paragraph 19, page 6, NPPF

<sup>2</sup> Paragraph 47, page 12, NPPF

<sup>3</sup> Paragraph 153, page 37, NPPF

<sup>4</sup> Annex 1, paragraph 212, page 48, NPPF

<sup>5</sup> Annex 1, paragraph 212, page 48, NPPF

<sup>6</sup> Annex 1, Paragraph 214, page 48, NPPF

<sup>7</sup> Annex 1, Paragraph 215, page 48, NPPF

<sup>8</sup> Paragraph 216, page 48, NPPF

1.6 The Selby Core Strategy ("CS") was submitted for examination on 5<sup>th</sup> May 2011. The initial hearings took place between 20<sup>th</sup> and 30<sup>th</sup> September 2011 although the examination was suspended to allow the Council time to address three topics as set out in the inspectors ruling:

- (i) *The strategic approach to Green Belt releases;*
- (ii) *The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;*
- (iii) *The overall scale of housing development proposed over the plan period.*

Hearings were reconvened in respect of these matters for 18<sup>th</sup> and 19<sup>th</sup> of April 2012.

1.7 Following publication of the NPPF the inspector wrote to participants in the examination process on 4<sup>th</sup> April 2012 inviting further representations on the implications of the Framework for the published CS. This was restricted to those matters due to be addressed at the reconvened hearings. On 10<sup>th</sup> April 2012 the inspector invited further representations by 11<sup>th</sup> May 2012 on the implications of the Framework for the published CS in respect of all matters other than those scheduled to be addressed at the reconvened hearings. The ability to submit representations was not restricted to those parties that had previously participated in the examination process and was open to any party who had concerns regarding the soundness or (legal compliance) of the published CS having regard to the contents of the NPPF.

1.8 Policy CP5 of the published CS (as amended) is concerned with the provision of affordable housing:

- A. *The Council will seek to achieve a 40/60% affordable/general market housing ratio within overall housing delivery.*
- B. *In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites or at above the threshold of 10 dwellings (or sites of 0.3ha) or more.*  
*Commuted Sums will not normally be accepted on these sites unless there are clear benefits to the community/or delivering a balanced housing market by re-locating all or part of the affordable housing contribution.*

- C. *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 10% affordable units.*
- D. *The tenure split and the type of housing being sought will be based on the Council's latest evidence on local need.*
- E. *An appropriate agreement will be secured at the time of granting planning permission to secure the long-term future of affordable housing. In the case of larger schemes, the affordable housing will be reviewed prior to the commencement of each phase.*

*The actual amount of affordable housing, or commuted sum payment to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development. Further guidance will be provided through an Affordable Housing SPD.*

The following section will consider the degree to which this proposed policy complies with the NPPF.

## **2.0 REPRESENTATIONS REGARDING POLICY CP5**

2.1 Policy CP5 is not to in compliance with the NPPF on the following grounds:

### Core Planning Principles

- 1) Paragraph 17, 1<sup>st</sup> bullet point – (Plans) ....*should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and certainty* (emphasis added).

Part B of the policy states the Councils intention to negotiate for a level of affordable housing provision on-site that is known to be unviable and hence undeliverable. The final paragraph effectively states that the amount of affordable housing to be provided is an unknown quantity that will be determined via a process of negotiation involving each and every planning application for residential development above the threshold.

It is not considered feasible that such a process would allow decisions to be made with the '*high degree of predictability and certainty required*'. The decision maker would in effect be reliant upon the opinions of advisors to the viability process rather than a consideration of the application before them in the context of adopted policy targets.

The Council's Economic Viability Assessment<sup>9</sup> ("EVA") concluded that in the current market conditions pertaining at the date of the study a target rate of affordable housing provision of just 10% was attainable. Consideration of average house prices in Selby District<sup>10</sup> show some fluctuation over the intervening period, but as of Q3 2011 they 1% lower than as of the date of the base date of the study. Therefore it is apparent that 10% affordable housing remains the viable and deliverable target in policy terms.

The EVA did suggest that 40% affordable housing provision would be viable if the housing market reverted to the 'height of the market' conditions prevailing in 2007. However there is nothing to suggest that a reoccurrence of such

<sup>9</sup> Affordable Housing Economic Viability Assessment – DTZ (2009)

<sup>10</sup> CLG Live Table 581

conditions is either feasible or desirable as an outcome. To do so would run counter to the sustainable development objectives of the NPPF that seeks to ~~provide the supply of housing required to meet the needs of present and future generations~~, take account of market signals such as land prices and housing affordability, and cater for housing demand and the scale of housing supply necessary to meet this demand. Therefore it would be counter intuitive to propose an affordable housing target that would only be achievable if the Council had failed to deliver against the objectives of the NPPF.

In the absence of an alternative target that is demonstrably viable and deliverable, the provision of 10% affordable housing should be sought in policy CP5 which would provide both decision maker and applicant the 'high degree of certainty and predictability' required by the NPPF.

#### Delivering a wide choice of high quality homes

- 2) Paragraph 47, 1<sup>st</sup> bullet point – LPA's should: *Use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area...* (emphasis added).

It is not considered that the Selby Strategic Housing Market Assessment 2009 ("SHMA09") comprises an objective assessment of affordable housing need as required by the NPPF. Objectivity is defined in the Oxford Dictionary as '*dealing with outward things or exhibiting facts not uncoloured by feelings or opinions; not subjective*'.

The authors of the SHMA09 however appear to apply a number of subjective judgements to their interpretation of the household survey data in a manner that does not accord with CLG methodology<sup>11</sup>. In consequence this serves to inflate considerably the assessed requirement for additional affordable housing within Selby District.

A detailed analysis of the findings of the SHMA09 is provided in the following section of this submission. It concludes that having regard to the available evidence base, and applying a methodology consistent with CLG guidance that

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<sup>11</sup> Strategic Housing Market Assessment Practice Guidance Version 2 – August 2007.

an appropriate ratio of market to affordable housing<sup>12</sup> to be sought by part A of policy CP5 would be 15/85% rather than 40/60%. This clearly offers a much closer correlation with the amount of affordable housing provision which the EVA suggests it is viable to provide by way of developer contributions.

- 3) Paragraph 50, 2<sup>nd</sup> bullet point – LPA's should: identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; (emphasis added).

The supporting text to policy CP5 at paragraph 5.95 of the CS proposes that based on evidence in the SHMA09 the Council will seek an overall target of 30-50% intermediate affordable housing and 50-70% affordable rented housing. Part D of policy CP5 suggests that the tenure split and the type of housing being sought will be based on the Council's 'latest evidence' on local need. To avoid any potential conflict and to ensure compliance with the NPPF the policy text should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

- 4) Paragraph 50, 3<sup>rd</sup> bullet point – LPA's should: *Where they have identified that affordable housing is needed, set policies for meeting this need on site.....* Such policies should be sufficiently flexible to take account of changing market conditions over time (emphasis added).

There is clearly a tension with the NPPF between ensuring that plans provide a framework in which decisions can be made with a high degree of predictability and certainty, provide a clear indication of how a decision maker should react, and at the same time be flexible enough to take into account changing market conditions.

Clearly a policy cannot be so flexible that a decision maker is reliant upon the opinions of advisors to the viability process in order to determine the outcome of every single planning application for residential development over and above the threshold.

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<sup>12</sup> Based on the proposed annual average dwelling target of 450.



It must therefore be intended that the flexibility required for changing market conditions to be taken into account must be incorporated into the drafting of the policy itself. ~~It would seem eminently feasible for the scope of the policy to specify those factors that would be taken into account in establishing whether a review of the currently prevailing affordable housing target was warranted.~~ Other LPA's have established differential affordable housing targets predicated on different economic and housing market scenarios that may occur during the lifetime of their Local Plan.

It is therefore considered that policy CP5 does not comply with the NPPF in this regard.

#### Plan Making – Local Plans

- 5) Paragraph 154 - *Local Plans should be aspirational but realistic..... Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.*

As outlined above the target rate of 40% affordable housing provision from market housing sites in part B policy CP5 is aspirational but certainly not realistic as the EVA indicates that only 10% is likely to be achievable in current market conditions.

In a similar vein to comments regarding paragraph 17 policy CP5 does not provide a clear indication of how a decision maker should react to a development proposal as they would in effect be reliant upon the opinions of advisors to the viability process rather than a consideration of the application before them in the context of adopted policy targets

- 6) Paragraph 157 – 2<sup>nd</sup> bullet point – Crucially Local Plans should: *be drawn up over an appropriate time scale, preferably a 15 year time horizon, take account of longer term requirements, and be kept up to date* (emphasis added).

The requirement that plans to be kept up to date interlinks with other objectives of the NPPF that they should be sufficiently flexible to adapt to rapid changes, and take account of changing market conditions over time. This implies an

ability to rapidly review parts of plans that require updating, or for plan policies to specify the criteria which would herald a revision of adopted targets in response to external stimuli.

In respect of Part B policy CP5 the 40% affordable housing target proposed is unachievable and in the absence of any evidence to the contrary a 10% target would be warranted based on the findings of the EVA. It would however be feasible for the scope of the policy to specify those factors that would be taken into account in establishing whether a review of the target was warranted. Other LPA's have established differential affordable housing targets predicated on different economic and housing market scenarios during the time horizon of their Local Plan.

#### Plan Making – Using a proportionate evidence base – Housing

- 7) Paragraph 159 - *Local Planning Authorities should have a clear understanding of housing needs in their area. They should:*
- *Prepare a Strategic Housing Market Assessment to assess their full housing needs.....*

Annex 3 to the NPPF schedules those documents replaced by the framework. Unless specified any previously issued guidance is considered to be extant. This includes guidance in respect of undertaking a Strategic Housing Market Assessment (2<sup>nd</sup> Version) issued by CLG in August 2007.

It is therefore apparent that any reference to the preparation of a Strategic Housing Market Assessment by inference requires that such an assessment must be undertaken in accordance with extant guidance.

As identified previously, and as covered in detail within the following section of this submission the authors of the SHMA09 appear to apply a number of subjective judgements to their interpretation of the household survey data in a manner that does not accord with CLG methodology<sup>13</sup>. In consequence this serves to inflate considerably the assessed requirement for additional affordable housing within Selby District.

<sup>13</sup> Strategic Housing Market Assessment Practice Guidance Version 2 – August 2007.

The SHMA09 can not therefore be relied upon to provide a clear understanding of housing needs within Selby District.

Plan Making – Using a proportionate evidence base - Ensuring viability and deliverability

- 8) Paragraph 173 - *To ensure viability the costs of any requirements likely to be applied to development such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

In determining that a level of 10% affordable housing provision was attainable the EVA incorporated assumptions on the level of return required by both landowners and developers to ensure that was brought forward for development. These assumptions were broadly accepted by stakeholder representatives of the development industry.

In requiring each and every application to be subject to viability negotiation the determination of what constitutes a competitive return for a willing landowner and a willing developer is effectively subject to re-examination but without the independent scrutiny afforded by the plan making process.

Our clients inform us that in the development management process advice to the Council is provided by the District Valuer Service (“DVS”) and that the DVS does not adhere to either the methodology or assumptions used in the EVA to which broad agreement was obtained by stakeholders.

A target for the provision of affordable housing in policy CP5 which provide the competitive returns to a willing landowner and a willing developer as required by the NPPF would be 10% as identified by the EVA as the amount that was considered viable to provide in current market conditions.

- 9) Paragraph 177 – *It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time the Local Plans are drawn up. For this reason infrastructure and development policies should be planned at the same time in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage where possible, and kept under review.*

The EVA undertaken in 2009 incorporated an assumption that other S106 contributions (in addition) to affordable housing would be £2,000 per dwelling. Modelling on this basis comprised the baseline position from which further sensitivity analysis was carried out. When the S106 contribution was increased to £5,000 per dwelling less than half the sites included in the modelling were able to deliver the 10% affordable housing provision considered viable at the baseline position.

CS policy CP8 (Access to Services, Community Facilities and Infrastructure) proposes that the requirement to provide the infrastructure and community facilities needed in connection with new development will be set out in future Supplemental Planning Documents. It is evident therefore that affordable housing and local standards requirements will not be assessed together at the plan-making stage. Furthermore, paragraph 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.'*

It is clear therefore that the financial burdens of local standards requirements should be addressed through the plan-making process and not delegated to a supplementary planning document that is not subject to independent scrutiny.

### **3.0 ASSESSMENT OF AFFORDABLE HOUSING NEED**

3.1 Regional Strategies ("RS") remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. The Government has indicated its clear intention to revoke the regional strategies outside of London, subject to the outcome of environmental assessments that are currently being undertaken. Therefore Selby District Council have had to have regard to policy within the regional strategy (The Yorkshire and Humber Plan published May 2008) when preparing the Core Strategy.

3.2 In addition, the NPPF states that where it would be appropriate to do so when preparing or amending Local Plans regional strategy policies can be reflected in Local Plans via a process of partial review having regard to the particular issues involved. LPA's may also continue to draw on evidence that informed the preparation of Local Plan policies when they are:

*"...supplemented as needed by up-to-date, robust local evidence."*

(Paragraph 219 – NPPF)

The regional approach towards affordable housing provision is provided within Policy H4, which states:

*"A – The Region needs to increase its provision of affordable housing. Plans, strategies, programmes and investment decisions should ensure the provision of affordable housing to address the needs of local communities.*

*B – LDF's should set targets for the amount of affordable housing to be provided. Provisional estimates of the proportion of new housing that may need to be affordable are as follows:*

- *Over 40% in North Yorkshire Districts and the East Riding of Yorkshire*
- *30-40% in Kirklees, Leeds, Wakefield, and Sheffield*
- *Up to 30% in other parts of South and West Yorkshire, Hull, North Lincolnshire and North East Lincolnshire."*

(RS Policy H4 – emphasis added)

3.3 However, these proportions do not represent a target to be applied directly at local authority level, and supporting text sets out that:

*"As is recognised in the Regional Housing Strategy there are differences across the region in terms of affordability (see figure 12.3). Part B of policy H4 reflects these differences and sets out interim, indicative estimates of the proportion of new housing that may need to be affordable. The figures are set out for districts, but it is likely that there will be considerable variety in what is required within districts. The figures will need to be reviewed in the light of findings from emerging strategic housing market assessments."*

(paragraph 12.3.2, page 170 – emphasis added)

The RS clarifies that the proportions are indicative estimates only, and any targets established within Development Plan Documents will need to be justified having regard to the local authority's evidence base.<sup>14</sup> In addition it must be noted that the assessments of affordable housing need that underpinned the indicative targets in policy H4 pre-dated the issue of guidance on the preparation of Strategic Housing Market Assessments and in consequence may not be considered to represent the objective assessment required by the NPPF. Therefore the robustness of the SHMA09 is of paramount importance in determining the amount of affordable housing required within Selby District and the basis of any policy seeking provision from market housing sites.

### **Selby Strategic Housing Market Assessment 2009 ("SHMA09")**

- 3.4 In November 2008 Selby District Council commissioned consultants Arc4 to carry out an assessment of local housing needs and the housing market within their administrative area and to replace the 2005 Housing Market Assessment. The resulting SHMA09 was published in June 2009.
- 3.3 The following sections of this Statement will examine the methodological approach taken by the SHMA09, identify its findings, and consider how these should inform any targets for the provision of affordable housing. Extant guidance on how a SHMA should be undertaken is the CLG publication of August 2007 'Strategic Housing Market Assessments: A Guide to Good Practice – Version 2' (SHMAPG2).
- 3.4 Regard is also had to the North Yorkshire Strategic Housing Market Assessment published in November 2011 ("NYSHMA11") produced by GVA and commissioned by the North

<sup>14</sup> paragraph 3.1.10, and Policy 14

Yorkshire Strategic Housing Partnership in March 2010. The partnership comprises the authorities of Craven, Hambleton, Harrogate, Richmondshire, Ryedale, Scarborough, Selby and York. Unlike the other 7 authorities Selby District did not participate in the household survey element that was used as the primary data source to identify affordable housing needs elsewhere in the county. Comparison of the SHMA09 with the methodology used in the NYSHMA11 will be made where the SHMA09 is in conflict and the NYSHMA11 is considered to be compliant with SHMAPG2.

- 3.5 When considering the findings of the SHMA09 in respect of Selby District it is important to have reference to the wider regional issues in relation to housing affordability and demand. Selby District lies within the Yorkshire and the Humber region and house prices in the district, whilst higher than the regional average, remain less expensive than the national average.<sup>15</sup> The SHMA09 suggests that there is a wide variation between entry level (lower quartile) prices across Selby District, with prices ranging from between £42,500 and £127,500 for an apartment, and between £84,000 and £142,475 for a terraced house depending on the sub-area they are located in (based on 2008 house price data). In respect of private rents, Dataspring data suggests that in 2007 the average rent in the private rented sector was £97.32 per week.
- 3.6 In respect of average earnings in Selby District, the 2009 Annual Survey of Hours and Earnings ("ASHE") identified that the mean gross full-time annual wage in Selby District was £32,307, compared to £28,422 in the Yorkshire and Humber region generally and £31,900 across the United Kingdom overall.<sup>16</sup> Between 2002 and 2009 ASHE data indicates that in Selby District full time gross mean annual incomes had risen by about 26% and median gross annual full time incomes had risen by 30% (this equated to an approximate year on year increase to 2009 of 4%). The SHMA09 refers to survey data from ONS Regional Trends which suggested that households in Selby District had a mean annual gross income of £24,700, although this varied between £16,900 and £32,500 across the sub-areas set out by the SHMA09.<sup>17</sup> The SHMA09 did not comment on the significant increase in average full time earnings within Selby District suggested by ASHE data.
- 3.7 It is likely that, given this pattern of incomes and market prices, there will be a significant proportion of households who will be able to resolve their needs either in-situ or within the open market. There would also be a further proportion of households for whom

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<sup>15</sup> Live table 581

<sup>16</sup> Table 8.7a (by local authority place of residence)

<sup>17</sup> Table B10, page 86

intermediate affordable housing, as defined by Annex 2 of the NPPF could provide an appropriate solution. This Statement will conclude that it is likely that some of the conclusions drawn by the authors of the SHMA09 in relation to the data contained within the assessment are unsound and cannot be said to comprise a robust or credible source on which Selby District should rely when creating new policy or assessing affordable housing proposals in relation to proportion, tenure, dwelling type, or size.

### **SHMA09 Survey Data Reliability**

- 3.8 In appendix D the authors of the SHMA09 base the conclusions reached in respect of affordable housing need on an interpretation of survey data collected as a result of a postal questionnaire. The SHMA09 states that 26,533 postal surveys were distributed and of these 4,132 surveys were returned. This equates to a response rate of only 16%.<sup>18</sup> Annex C to the SHMAPG2 considers the use of postal surveys and identifies that these types of survey are likely to have a response rate of between 20% and 40% (which can lead to problems with 'non-response bias') and that:

*"A postal survey will be biased against people who do not read English well and typically will receive fewer responses from the private-rented sector and areas with high deprivation. It is important that steps are taken to include these groups."*

(paragraph 7, page 22)

- 3.9 Paragraph A.7 of the SHMA09 concludes that as the scale of the response is large and the data can be weighted to counteract response bias that the survey element of the assessment is 'sufficiently statistically robust to undertake detailed analysis and underpin core outputs of the study down to sub-area and parish level'. However, this conclusion is not wholly in accordance with Annex C to the SHMAPG2 which states that:

*"Partnerships should aim for as high a response rate as possible. Thirty per cent should be considered as the absolute minimum response rate. Fifty per cent would be a good target, and in many areas, with the methods suggested above, it should be achievable."*

(paragraph 15, page 23 – emphasis added)

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<sup>18</sup> Paragraph A.6, page 75



3.10 Thus, the SHMA09 survey response rate is below that required by the SHMAPG2 and therefore it is questionable that data is likely to provide a robust or credible foundation upon which to base any conclusions in relation to housing need, be it for market or affordable housing. Additionally, Annex C to the SHMAPG2 refers to other issues which result in a need to approach the survey data with caution:

*"The range of questions that can be asked in a postal survey is smaller than an interview survey and there is no opportunity to clarify or follow-up on interesting points. There can be problems in assessing affordability since income questions need to be kept simple to maintain response rates. This means that it is not usually possible to establish income by family member."*

(paragraph 10, page 22 – emphasis added)

It is not evident that the SHMA09 included any follow up household interviews to the postal survey to enable validation of the responses given or more reliable information in respect of household incomes to be gleaned.

3.11 In addition to the possible issues in relation to the overall response rate, it should be noted that it may not be robust to analyse SHMA09 data down to sub area level. The SHMA09 sets out household numbers and sample sizes at sub area level within Table A1. It should be noted that none of the sub areas achieved a response rate of 30% - the absolute minimum suggested by the SHMAPG2 Annex C if non-response bias is to be avoided.

3.12 It is therefore appropriate to conclude that, given the SHMAPG2 Annex C advice, the number of responses received is not enough in these instances to enable even a basic analysis of the survey data at sub-area level. It is therefore of concern that at Appendix D Table D1 sets out tables detailing 'housing needs by sub-area'. It is questionable that the requirements identified at this level are sound.

### **Housing Need**

3.13 The SHMA09 concludes that there is a net need for an additional 378 affordable dwellings in Selby District. This is increased to indicate a gross annual requirement for 409 additional affordable dwellings once an adjustment has been made to take into account supply and demand variations within the District. This presupposes that the sub-area geography used in the SHMA09 represents self contained housing markets and that households in need of

affordable housing would not consider a move between different sub-areas in order to resolve their housing needs.

- 3.14 The application of affordability tests to households on a sub-area basis serves to inflate housing need as it fails to consider the local housing market in a holistic manner and introduces artificial geographic boundaries that do not reflect the operation of housing markets. In Selby Town it is considered that supply of private rented accommodation exceeds demand, whereas in surrounding more rural sub-areas demand exceeds supply, and there is expected to be pressure on the available stock. Given the proximity of some surrounding settlements to Selby Town it seems reasonable to assume that many households would be willing to move such a short distance in order to relieve their housing needs if these cannot be accommodated in their immediate local area.
- 3.15 This relationship is more pronounced in terms of the supply of terraced houses and flats, both of which would be particularly suited to meeting the needs of newly forming households. The supply of both is considered to exceed market demand in Selby Town, whereas in some of the surrounding housing market sub areas there is considered to be pressure on the available stock, particularly in respect of terraced houses. The methodology used in the SHMA09 therefore creates an artificial housing market boundary that precludes consideration of households in outlying areas of the District from being able to resolve their needs in Selby Town. There is nothing within SHMAPG2 that supports the use of sub-area geography as opposed to the estimation of affordable housing requirements at the District level.
- 3.16 When considering the findings of the SHMA09 it should be noted that there are a number of methodological flaws in the approach taken to calculate the level of affordable housing need. As a result the overall level of additional affordable housing that it suggests is required on an annual basis represents an inflation of the actual level of need. Despite stating that the assessment is in accordance with SHMAPG2, the SHMA09 does not adhere to the methodology and structure set out within this document at all stages of its assessment. The following section of this Statement will analyse the SHMA09 by considering the components of Chapter 5 of the SHMAPG2 and how the evidence should be brought together to determine the likely requirement for additional affordable housing.

### Stage 1: Current Need

3.17 The first stage of the needs assessment process is to identify current housing need, and this is what the SHMA09 seeks to do. In accordance with SHMAPG2 current need is calculated by summing step 1.1 (Homeless households and those in temporary accommodation) to step 1.2 (overcrowding and concealed households) and step 1.3 (Other groups). The SHMA09 suggests that the survey data indicates that there are 1,041 households currently in housing need. However the SHMAPG2 highlights that data from local surveys can be difficult to interpret and recommends that a 'range' of backlog estimates should be considered:

*"...with the data sources that are most robust providing a minimum level estimate."*  
(page 43)

It is not evident that the SHMA09 has validated the data in anyway through follow up interviews or reference to other data sources.

3.18 SHMAPG2 suggests that for Step 1.1 (Homeless households and those in temporary accommodation) data is used from homeless agencies in respect of priority households in temporary accommodation. The SHMA09 calculates an annual current need from 39 homeless households estimated from survey data which indicated that 194 households had previously been homeless or in temporary accommodation in the past 5 years. It is however noted in the SHMA09 that on average 89 households<sup>19</sup> were classified by the Council as homeless and in priority need over the preceding three years. What the SHMA09 fails to do is to indicate the number of households that were currently (i.e. at the time of the assessment) homeless or in temporary accommodation in accordance with SHMAPG2. A SHMA represents a 'snapshot' of housing need and consequently the figure used should relate to the backlog of homeless households at that date. The P1E return for Selby indicates that on 31/03/2009 there were a total of 20 homeless households in temporary accommodation. The NYSHMA11 adopted a similar approach (albeit using a different base date) and as such is considered in compliance with SHMAPG2. An amended figure of 20 households will therefore be used in the re-assessment of housing needs in Selby District.

<sup>19</sup> Paragraph D.7, page 137

- 3.19 Step 1.2 (Overcrowding and concealed households). Using survey data the SHMA09 estimates there to be 74 households who are overcrowded according to the 'bedroom standard' model.
- 3.20 Step 1.3 (Other groups). Based on survey data the SHMA09 estimates that there to be 2,554 households in Selby District who were in housing needs for other reasons, including the property is too expensive, difficult to maintain, household containing person with mobility impairment/special need, lacking amenities, disrepair and harassment. The figure was derived from the responses provided by households who stated that a move was necessary in order to resolve their needs i.e. they could not be resolved in-situ. In the absence of follow up interviews or reference to other data sources it is not possible to ascertain whether the requirement to move represents a reasonable response to these households self-assessed housing needs. SHMAPG2 recommends use of secondary data sources in the form of the local Housing Register, Local Authority and RSL transfer lists etc in order to ascertain the numbers of 'Other groups' that should be included within the assessment.
- 3.21 The SHMA09 then seeks to apply an affordability test to the 2,628 households identified in steps 1.2 and 1.3. In this regard it must be presumed that no homeless households were considered able to resolve their housing needs on the open market. An affordability threshold was derived taking into account household income, equity and savings and applying this against the calculated lower quartile house price for each of the 10 artificially created housing sub-areas. Despite the wide variation in prices across these sub-areas, the potential that a household might move to a less expensive area in order to resolve its housing needs was not factored into the equation.
- 3.22 Furthermore, devising an affordability threshold based on three distinct variables (income, equity and savings) is highly dependent upon the reliability of the data collected. In respect of 'equity' it is difficult to envisage how households would be expected to have this information readily to hand at the time of the survey. Similarly 'savings' may be construed as representing actual cash balances in bank accounts rather than the value of investments held through other instruments. Consequently the entire affordability testing process lacks transparency and the reliability of the figures derived on this basis must therefore be considered questionable. The SHMA09 estimates that 39.9% of the 2,628 households who need to move are unable to afford an open market solution (1041 in total). In the absence of transparent data tabulations that would allow a more robust figure to be calculated, a

total of 1,041 households from steps 1.2 and 1.3 are used in this re-assessment of housing needs in Selby District.

- 3.23 The SHMA09 then applies an annual quota of 20% to the 1,041 households in order to convert this current need into an annual flow for modelling purposes. However, such an approach does not comply with SHMAPG2 which requires the available affordable housing supply to be netted off the estimated current need before the application of an annual quota based on the number of years that will be taken to address the backlog of need. This should be undertaken at stage 4 of the assessment. This discrepancy was noted by the authors of the NYSHMA11<sup>20</sup>. The SHMA09 adds the estimated number of homeless households to the calculated quota which has the effect of creating an annual flow of homeless households as part of the assessment of current needs. The households should properly be accounted for as part of the estimate of future need within stage 2.

#### **Stage 2: Future Need**

- 3.24 In line with SHMAPG2 future need is estimated by multiplying the annual rate of new household formation (step 2.1) by the proportion of new households unable to buy or rent in the market (step 2.2). The resulting figure is then added to an estimate of the number of existing households who may fall into need annually (step 2.3) The resultant figure (step 2.4) represents an annual estimate of future housing needs arising.
- 3.25 SHMAPG2 suggests that for Step 2.1 (annual new household formation) use is made of the census, Survey of English Housing, or other official household projections that represent an accepted methodology for the basis of calculations in this regard. Through the survey the SHMA09 identified 3,972 individuals<sup>21</sup> who stated they wanted to form a new household within the next year. This figure far exceeds historic rates of new household formation and therefore it can be concluded that the survey fails to determine between a respondents desire to move and their intention to take firm steps to do so within the next 12 months. Again this matter is exacerbated by the survey methodology and the absence of any follow up interviews. For example, the survey does not appear to ascertain whether the respondent intends to set up a new household within Selby District, which is far from a foregone conclusion given the overlap with adjoining housing markets and net outflow of commuters to Leeds and York.

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<sup>20</sup> Paragraph 7.7, page 66 – NYSHMA11

<sup>21</sup> Paragraph D.20, page 141

- 3.26 In addition, the 2008 based sub national population projections for Selby District (2008 – 2026) estimate the annual average addition of households resulting from natural change (i.e. excluding in-migration) to be 190. Clearly any assessment of new household formation derived from survey methodology needs to be triangulated against official data sources as required by SHMAPG2.
- 3.27 The SHMA09 then considers past trends in new household formation based on survey data that suggests that in the previous 5 years 1,266 households formed in Selby District (253 each year) containing 1,450 adults<sup>22</sup> equating to 1.14 adults per household, and thereby indicating a very high proportion of new single person households. Paragraph D21 then erroneously suggests this is derived by dividing 1,450 by 253. In paragraph 22 it is then suggested that applying this same ratio of adults per household to the 3,972 individuals who wanted to form a new household would generate 1,734 households. However  $3,972 / 1,734$  would equate to an average household size of 2.29 persons not 1.14. The use of this figure is remarkably close to the average household size of 2.32 used by ONS as the baseline for their household projections.
- 3.28 The SHMA09 uses an annual estimated rate of household formation of 347 based on an apportionment of 1,734 households over a five year period. However, based upon the average household size suggested by the survey, (1.14 persons) the appropriate rate of household formation would be 697 households per annum. This discrepancy in the application of assumed household size in the rate of household formation is not explained, albeit it the authors may have considered that their survey findings did not appear to triangulate in respect of other estimates of new household size. This discrepancy has implications in respect of the application of the affordability assessment that follows in step 2.2.
- 3.29 At step 2.2 (Proportion of new households unable to buy or rent in the market) the SHMA09 applies an affordability test based on the income and savings of households expected to form. As was demonstrated in step 2.1 however there were serious discrepancies regarding the assumed household size (which will have a bearing on income) and the time period over which these households were expected to form (5 years). It is difficult to estimate the incomes of future newly forming households unless potential household members are interviewed specifically. Even then, fieldwork may become rapidly out of date as these are mainly young people whose circumstances change quickly. In particular account needs to

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<sup>22</sup> Paragraph D.21, page 141

be taken of any contribution to the future household's income from partners not currently resident with the individual respondent.

- 3.30 The SHMA09 appears to base its affordability test on current incomes of predominantly single person households with only vague intentions about forming a new household. Consequently it suggests that 87.5% could not afford to rent or buy in the open market<sup>23</sup> which equates to 304 newly forming households per annum in need of affordable housing. However, it is considered unlikely that any housing market could function if the vast majority of newly forming households were unable to exercise choice in the manner suggested. The NYSHMA11 comments as follows in this regard:

*"The 2009 SHMA found that in Selby 87.5% of households expected to form over the next 5 years would not be able to afford to rent or buy in the open market. This proportion is very high when compared against the proportions identified in the 2011 SHMA research and set out in section 8 of the main report."*

(Paragraph 7.12 – Appendix 8, NYSHMA11, page 68 – emphasis added)

In this regard it must be noted that the estimated proportion of households expected to form over the next 5 years across the other 7 authorities in North Yorkshire who would be unable to rent or buy on the open market was 47%<sup>24</sup>. It is therefore surprising that affordability issues are considered to be so acute in Selby District given the evidence in the NYSHMA11 that housing costs are at the lower end of the spectrum in comparison with the other authorities in North Yorkshire.

- 3.31 The NYSHMA11 also commented on the methodology employed in the SHMA09 to calculate new household formation:

*"Step 2.1: A different methodological approach was adopted to calculate new household formation. Whilst the 2011 North Yorkshire calculation used evidenced levels of household formation rates over recent years from the survey and projected these forwards the 2009 SHMA uses a combination of historical rates and aspirations of households to form the estimated number of newly forming households, derived from the 2008 household survey."*

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<sup>23</sup> Paragraph D.25, page 141

<sup>24</sup> Paragraph 8.50, page 215

It is evident that this methodological contortion has served to inflate the supposed level of housing need amongst newly forming households as income data in respect of households *who expect to form over the next 5 years* has been applied to the actual rate of household formation over the preceding 5 years.

- 3.32 In consideration of the capacity of the private rented sector in Selby District the SHMA09 at paragraph B.37 states that based on survey data a total of 3,194 households have moved into the private rented accommodation within the past five years. The data suggests that 16.7% of these comprised newly forming households<sup>25</sup>. Therefore over a five year period preceding the survey a total of 533 households formed, and moved into the private rented sector, equating to an average of 107 households per annum. Clearly these households did manage to form and therefore the findings are somewhat at odds with the suggestion in the SHMA09 that only 43 newly forming households annually would be able to afford to buy or rent at market prices.
- 3.33 Similarly in Table D8 in consideration of the annual supply of affordable housing in Selby District the SHMA09 reports that based on RSL and LA lettings data, the average annual number of lettings made over a three year period to newly forming households was 49 and 69 respectively. Therefore on average 118 social housing lettings were made annually to newly forming households.
- 3.34 The 118 newly forming households who moved straight into social rented accommodation presumably did so based on an assessment of their housing needs and inability to afford market housing solutions. Therefore it is suggested that a minimum of 34.7% of all newly forming households require affordable housing as demonstrated by their move into social rented accommodation.
- 3.35 It is likely that some of the newly forming households that moved into the private rented sector would be dependent upon housing benefit payments to meet all or part of their rental costs. Unfortunately it is not possible to determine this from the SHMA09. If all newly forming households moving into the private rented sector were dependent on housing benefit to meet their rent, then this number of households (107) when added to those who moved directly into social rented accommodation (118) would equal 225 household per annum, or 64.8% of all newly forming households.

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<sup>25</sup> Paragraph B.37, page 95



- 3.36 The proportion of newly forming households unable to afford to rent or buy on the open market therefore lies in the range 34.7% to 64.8% of all newly forming households. The mid-point would equate to 49.8% of all newly forming households which would correlate closely with the 47% of newly forming households assessed in the NYSHMA11. For the purposes of this re-assessment it is therefore assumed that 47% of all newly forming households (163 per annum) are unable to rent or but on the open market.
- 3.37 At step 2.3 (Existing households falling into need) SHMAPG2 recommends use of the housing register and LA/RSL data to identify those households who, whilst previously adequately housed, fell into housing need, and for the resultant figure to represent an annual flow of existing households requiring affordable housing to be incorporated into the modelling process. Partnerships are advised to examine recent trends, including households who have entered the housing register and been housed within the year, as well as households housed outside of the register such as priority homeless household applicants. It must be noted that step 1.1 was amended to remove the annual flow of future homeless households from the assessment of current housing need.
- 3.38 Annex C to SHMPAG2 cautions that whilst surveys may also capture useful information about existing households falling into need:

*“There are unlikely to be very large numbers of these types of households captured by a survey and so findings should be treated as indicative”.*

(Paragraph 48, Annex C, SHMPAG2)

The guidance sets out a framework that uses secondary data wherever feasible and appropriate.

- 3.39 Despite this caution within guidance the SHMA09 uses survey data to suggest that over the past five years 429 households moved into social rented housing from another tenure because they fell into need, equating to 86 households annually. Elsewhere in the SHMA09 however data is available in accordance with the recommendation of SHMAPG2. Table D8 records that based on RSL and LA lettings data the average annual number of lettings made over a three year period to existing households who moved into social renting from another tenure was 50 and 61 respectively. Therefore on average 111 social housing lettings were made annually to existing households who fell into need. In the interests of consistency with step 2.2, this figure will be used in the reassessment of housing needs within Selby District.

### Stage 3: Affordable Housing Supply

- 3.40 Step 3.1 requires an estimate of the number of affordable dwellings vacated by current occupiers that are fit for use by other households in need. This represents households identified as currently in need as recorded as part of the backlog in Stage 1. Logically, if a household in need is able to move to an alternative property in order to resolve this need then they in turn will free up a property that can be used to satisfy another household's unmet housing requirement. SHMAPG2 cautions that it is important to establish the net levels of housing need as otherwise the movement of these households within affordable housing will have a nil effect in terms of housing need. It is evident that a targeted development of new build housing provision would be particularly effective both in resolving identified needs and in maximising a beneficial chain of household moves throughout the affordable housing stock.
- 3.41 Paragraph D.30 of the SHMA09 suggests that 349 households are currently occupiers of affordable housing in need, but erroneously refers to table D.6 as providing justification for this. The figure of 347 households as referred to in D.6 relates to the annual estimate of new household formation as recorded at Step 2.1. In table D.7 assessment is made of the households in need moving within the affordable housing dwelling stock in order to determine whether this has any impact on available supply. The SHMA09 concludes there is zero net overall impact from these households moving and consequently no dwellings are factored into the affordable housing supply.
- 3.42 However such an approach is not consistent with either the requirements of SHMAPG2 or the methodology adopted by the NYSHMA11 which correctly states that:

*"This step discounts the number of households already living in affordable housing from the calculation of the backlog of need, as the movement of such households from one affordable home to another (to meet their needs) will have a nil effect on the total affordable homes needed (i.e. the affordable home vacated will be released to accommodate another household)."*

(Paragraph 8.57 – NYSHMA11)

Therefore it is entirely consistent with SHMAPG2 to include a figure of 349 affordable dwellings currently occupied by households in need within the calculation of affordable

housing supply and consequently this is the number used in this re-assessment for step 3.1.

- 3.43 Step 3.2 requires consideration of the amount of surplus stock that could be brought back into use to provide affordable housing. SHMAPG2 suggests that a void rate of less than 3% does not indicate available surplus stock. Using HSSA data the SHMA09 records 37 vacant LA and RSL properties which equates to a rate of approximately 1% of the available stock. On this basis the assertion in the SHMA09 that there are no surplus properties would appear to be reasonable.
- 3.44 Step 3.3 is concerned with the committed supply of new affordable units and the impact these will have on ameliorating current housing needs. Paragraph D.33 states that based on recent trends, the model assumes a new build rate of 50 affordable dwellings per annum. An examination of Table D1 with the SHMA09 however reveals that these figures were in fact omitted from the needs assessment model and so have served to increase the backlog of unmet need by 250 dwellings. Furthermore, analysis of the Annual Monitoring Reports for Selby District in the period since the SHMA09 was commissioned (2008 – 2010) indicate that a total of 193 affordable dwellings have been completed, thereby exceeding the estimated annual average. In the re-assessment that follows a committed affordable housing supply of 250 dwellings has been assumed.
- 3.45 At step 3.4 no affordable housing units are assumed to be taken out of management.
- 3.46 Step 3.5 represents the total affordable housing stock available which is calculated by summing steps 3.1, 3.2 and 3.3 and then deducting step 3.4. The assumptions (and it would appear omissions) made by the SHMA09 conclude that the total affordable housing stock available is zero. However, as has been demonstrated by paragraphs 3.42 and 3.44 it would seem reasonable to assume an affordable housing supply comprising 349 dwellings currently occupied by households in need, and a further committed development programme of 250 dwellings for modelling purposes. Therefore a figure of 599 dwellings is used in the re-assessment at step 3.5.
- 3.47 Step 3.6 is concerned with the annual supply of social re-lets (net) which represents the contribution toward addressing affordable housing need made by the current supply of affordable housing. The SHMA09 uses a figure of 246 lettings per annum which is drawn from an analysis of CORE letting data for both the LA and RSL's in Selby District. It is not

transparent how the figure of 246 has been derived. Table D8 records the annual average lettings of LA and RSL stock, excluding those households that moved within the social rented stock, as well as those who moved in from outside of the district. Whilst SHMAPG2 recommends use of the average rate of lettings over a three year period, as LA CORE data was not collected until 2007/08 it seems reasonable to base the estimated supply for the two years for which both LA and RSL lettings data was available (2006/07 and 2007/08). Over this period the annual average rate of lettings to newly forming and existing households in Selby District was 255.

- 3.48 Over the same period a total 74 lettings of social rented accommodation were made to households who originated outside the district, an average of 37 per annum. The SHMA09 does not make clear why this supply was excluded from the assessment, and clearly these were dwellings that could have been made available to local households in need instead. For the purposes of the needs re-assessment these are added to the supply of 255 dwellings thereby indicating a potential annual supply of affordable housing of 292 dwellings.
- 3.49 Step 3.7 is concerned with the annual supply of intermediate affordable housing for re-let or resale at sub-market levels. SHMAPG2 suggests this information should be available from LA, RSL and other providers' lettings/void systems. Table D.10 in the SHMA09 records an annual average of 13 re-sales or re-lets per annum over the three year period 2005/06 – 2007/08. The source of this data is not quantified; however for the purpose of the re-assessment this figure has been retained in the modelling as it is not possible to derive any alternative estimate.

#### **Stage 4: The Housing Requirements of Households in Need**

- 3.50 The SHMA09 refers to a detailed analysis of the individual requirements by households in need by property size (no. bedrooms) and designation (general needs and older) having been carried out. Whilst this information is incorporated into the SHMA09 it follows the estimation of annual housing need at stage 5, and is therefore considered an output of, rather than an input into the final assessment findings.
- 3.51 SHMAPG2 contains three additional steps, Step 4.1 (choices within the affordable housing stock), Step 4.2 (Requirement for affordable dwellings of different sizes), and Step 4.3 (The private rented sector). This last step is overlooked completely by the authors of the SHMA,

all of the resultant need identified at stage 5 is considered necessary to be met via the provision of additional affordable housing development.

- 3.52 SHMAPG2 acknowledges that information about the private rented sector is hard to obtain, but urges partnerships to better understand how this sector is used to accommodate need. It acknowledges that some households in need may choose to live in the private rented sector (possibly with the use of housing benefit), or housing that would be classed as unsuitable, even though they are eligible for affordable housing. The SHMA09 completely overlooks this stage of the assessment process and assumes instead that all of the resultant need identified at stage 5 can only be resolved through the development of additional affordable housing.

#### Stage 5: Estimate of Net Annual Housing Need

##### Needs Assessment Table Re-modelling

- 3.53 Figure 1 below re-models the needs assessment table of the SHMA09 based on the conclusions reached within the preceding paragraphs of Section 4 of this Statement. Where it has been possible to re-calculate certain stages of the SHMA09 the resulting numerical findings have been incorporated in Figure 1 below – replacements and comments in respect of the SHMA09 stages are highlighted in italics and underlined text.

<b>Figure 1 – CLG Needs Assessment Summary</b> (adapted from Table D.1 of the SHMA09)	
<b>STAGE 1: CURRENT NEED</b>	
<b>Step:</b>	<b>Base</b>
1.1 Homeless Households and those in temporary accommodation: <i>Note: Number of homeless households and those in temporary accommodation as of 31/03/09.</i>	<u>20</u>
1.2 <i>plus</i> Overcrowding and concealed households:	74
1.3 <i>plus</i> Other Groups <i>Note: Whilst the re-assessment does not alter this figure the Statement has highlighted that the SHMA09 conclusion for this step is likely to represent an inflated level of backlog need from other tenures; unfortunately it is not possible to accurately re-assess this step.</i>	2554
1.4 Total current housing need (gross) equals:	2,628
Number who cannot afford to rent / purchase in the open Market (2,628 x 39.9%) equals:	1,049

Plus homeless households (20) equals:	1,084
<b>STAGE 2: FUTURE NEED</b>	
2.1 New household formation (gross per year)	347
<i>Note: Whilst the re-assessment does not alter this figure the Statement has highlighted that the survey findings in this regard do not appear to be based on a sound methodological approach.</i>	
2.2 Number of new households requiring affordable housing:	<u>163</u>
<i>Note: Step 2.1 x 47% (Average for NYSHMA11)</i>	
2.3 Existing households falling into need:	111
<i>Note: Average number of existing households moving into social rented housing</i>	
2.4 Total newly arising need (gross per year):	<u>274</u>
<b>STAGE 3: AFFORDABLE HOUSING SUPPLY</b>	
3.1 Affordable dwellings occupied by households in need:	<u>349</u>
<i>Note: Whilst the re-assessment does not alter this figure the Statement has highlighted that the survey findings in this regard do not appear to be based on a sound methodological approach.</i>	
3.2 Surplus Stock:	0
3.3 Committed supply of new affordable units:	<u>250</u>
3.4 Units to be taken out of management:	0
3.5 Total affordable housing stock available (3.1 + 3.2 + 3.3 – 3.4)	<u>599</u>
3.6 Annual supply of social re-lets (net):	<u>292</u>
3.7 Annual supply of intermediate affordable housing:	13
3.8 Annual supply of affordable housing (3.6 + 3.7):	<u>305</u>
<b>STAGE 4: THE HOUSING REQUIREMENTS OF HOUSEHOLDS IN NEED</b>	
<i>Note: The SHMA09 completely overlooks this stage of the assessment process and assumes instead that all of the resultant need identified at stage 5 can only be resolved through the development of additional affordable housing.</i>	
<b>STAGE 5: ESTIMATE OF ANNUAL HOUSNG NEED</b>	
<b>5.1 NET SHORTFALL/SURPLUS OF AFFORDABLE UNITS</b>	
<i>Note: The first step is to calculate the total net current need by subtracting total available stock (Step 3.5) from total current gross housing need (step 1.4) assuming a one to one relationship between households and dwellings.</i>	
1.4 (1084) minus 3.5 (599) equals <u>485</u>	
<i>Second, the net figure derived should be converted into an annual flow using assumptions about the number of years that will be taken to address the backlog. SHMPAG2 suggests that there may be particular merit in linking quotas to the remaining time periods of adopted housing policies in</i>	

*local plans. It also cautions that a time period of less than 5 years (20%) should be avoided. Whilst a longer period may be justified an assumption of 5 years has been assumed in line with the SHMA09.*

$485 \times 20\% = 97$

*Finally, the net annual housing need is calculated by first, summing the annual quota to the annual arising housing need figure (calculated at step 2.4) and second, subtracting the future annual supply of affordable housing (step 3.8) from this total.*

*Annual quota (97) + 2.4 (274) minus 305 equals 66*

**Overall annual shortfall of affordable housing: 66**

*This revised shortfall is significantly lower than the SHMA09 suggested net shortfall of 378 units per annum (409 when adjusted; though the application of a 'sub-area supply / demand adjustment' by the SHMA09 to the BNAM is not in accordance with the SHMAPG2 or the GPG 2000 and is not appropriate).*

*Whilst this re-assessment of the numerical findings of the SHMA09 is indicative and based in some circumstances on the application of alternative assumptions, it does highlight the potential for the SHMA09 to have considerably inflated the annual level of need for additional affordable dwellings.*

*This re-analysis has attempted to re-apply methodology which aligns with that set out in SHMAPG2 in an attempt to illustrate the shortcomings of the conclusions drawn by the authors of the SHMA09.*

- 3.54 The re-assessment by this Statement of the SHMA09 needs assessment table whilst by no means definitive, seeks to provide a reasonable approximation of affordable housing need in the Selby District in accordance with the recommended methodologies comprised within SHMAPG2. It highlights that conclusions in relation to the proportion of affordable housing to be sought upon housing developments within the area should not be drawn with sole reference to the SHMA09 findings, particularly in light of the reassessment by this Statement (Figure 1) indicating that the annual affordable housing shortfall within the Selby District area is actually likely to be significantly less than that suggested by the SHMA09.
- 3.55 In district wide terms the revised needs assessment annual affordable housing shortfall of 66 dwellings set out in Figure 1 above can be compared to the annual dwelling target of 450 dwellings per annum to suggest an affordable housing requirement equivalent to 15%

of all dwelling completions. It is evident however that not all of these should be expected to be provided by way of developer contributions alone, especially where there may be issues in respect of development viability and competing demands for other planning obligations.

- 3.56 In the circumstances therefore it would seem entirely appropriate for part B of policy CP5 to seek a target rate of affordable housing provision from developer contributions on market housing sites of 10% as this would correlate with the amount of provision considered viable by the EVA. In the expectation of continuing development of affordable housing from other sources, including HCA funded programmes and the Councils own strategies and investment there would appear to be the potential for a broad ratio of 15% affordable to 85% market housing to be achieved over the lifetime of the Local Plan.

#### **Re-assessment of Housing Need in Sherburn in Elmet (2011)**

- 3.57 That the authors of the SHMA09 should be aware of the prescribed methodology within SHMAPG2 with regard to the application of both primary and secondary data in the modelling of housing needs was confirmed in respect of a re-assessment of affordable housing need in Sherburn in Elmet in connection with a planning application submitted in 2011 (2011/0893/EIA).
- 3.58 The purpose of the report was to provide an up to date analysis of housing need in the settlement and review the extent to which affordable housing was required on an annual basis over the five year period 2011 – 2016. Whilst a number of inputs into the housing needs model were amended, what is of fundamental importance in connection with the re-assessment of housing need across the district is that for the first time the authors correctly applied the methodology prescribed in SHMAPG2.
- 3.59 At step 3.1 (Affordable dwellings occupied by households in need) an allowance of 28 dwellings was incorporated reflecting those households currently residing within affordable housing who need to move to resolve that need. At step 3.6 (Annual supply of social lets) the average number of new LA and RSL lettings over the period 2008/09 to 2010/11 was used (41 lettings) but the number of households originating from outside the district (8) were still removed from the calculation of supply.
- 3.60 No allowance was made at step 3.3 (committed supply of new affordable units) as the objective of the exercise was to determine the outstanding requirement for additional



affordable housing. However, if any allowance had been made for affordable dwellings currently under construction then it is evident that the overall level of assessed need would have been reduced further.

- 3.61 Unlike the SHMA09, the re-analysis of affordable housing need in Sherburn in Elmet correctly applies each step in the modelling process in accordance with SHMAPG2 in that current need is deducted from available supply before calculation of an annual quota, and that this is then added to annual arising need before deducting available annual supply.
- 3.62 As a result of the re-analysis undertaken, the annual assessed shortfall of affordable housing in Sherburn in Elmet was reduced from 43 dwellings to 15. On this basis the authors of the report suggested that the appropriate affordable housing target for the settlement should be reduced to 15.1% which is clearly in very close accordance with the conclusion of the district wide reassessment of affordable housing need undertaken in this section.

## **4.0 CONCLUSIONS AND SUMMARY**

- 4.1 This representation has sought to consider the extent to which Policy CP5 of the published Selby Core Strategy complies with the National Planning Policy Framework and is submitted in response to the inspectors note dated 10<sup>th</sup> April 2012 inviting representations regarding the soundness or (legal compliance) of the published CS having regard to the contents of the NPPF.
- 4.2 Policy CP5 does not comply with paragraphs 17, 47, 50, 154, 157, 159, 173 and 177 of the NPPF. It does not provide a practical framework within which planning decisions can be made with a high degree of predictability and certainty. It does not provide a clear indication of a how a decision maker should react to a development proposal. It is not based on an objective assessment of the need for market and affordable housing and does not identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand. It does not provide competitive returns to willing landowners and developers that will ensure development is deliverable and the policy target has been established without full consideration of the costs associated with infrastructure provision and other intended local standards.
- 4.3 Detailed consideration has been given to the extent to which the Selby SHMA09 represents an objective assessment of affordable housing need as required by the NPPF and whether the methodology adopted complies with CLG guidance on the preparation of a Strategic Housing Market Assessment (SHMAPG2) which has not been replaced by the NPPF and remains extant.
- 4.4 The SHMA09 does not follow CLG guidance and as a consequence serves to considerably over-estimate the net additional affordable housing required in the district annually. It concludes that the annual shortfall in affordable housing provision is equivalent to 84% of the proposed dwelling numbers for the district.
- 4.5 A reassessment of affordable housing need in the district has been undertaken having regard to the application of the required methodology in SHMAPG2 and seeking to triangulate the outputs derived both with secondary data sources and the findings of the North Yorkshire Strategic Housing Market Assessment. When adjustment is made to the housing needs model to reflect CLG methodology the outstanding level of housing need

identified is reduced significantly. Based on the reassessment undertaken it is suggested that the annual shortfall in affordable housing provision is equivalent to 15% of the proposed dwelling numbers for the district.

- 4.6 An Economic Viability Assessment was undertaken to inform the amount of affordable housing that could be supported by way of developer contributions from market housing sites under policy CP5. The assessment concluded that 10% affordable housing provision was viable based on the market conditions prevailing at the date of the study. Current market conditions remain broadly consistent with those exhibited at the date of the study.
- 4.7 The EVA suggested that the proposed target of 40% under CP5 would only be achievable if housing market conditions reverted to those experienced at the 'height of the market' in 2007. There is nothing to suggest that a reoccurrence of such conditions is either feasible or desirable as an outcome. To do so would run counter to the sustainable development objectives of the NPPF that seeks to provide the supply of housing required to meet the needs of present and future generations, take account of market signals such as land prices and housing affordability, and cater for housing demand and the scale of housing supply necessary to meet this demand. Therefore it would be counter intuitive to propose an affordable housing target that would only be achievable if the Council had failed to deliver against the objectives of the NPPF.
- 4.8 Therefore part A of policy CP5 should be amended to reflect a revised objective to secure a general 15/85% ratio of affordable to market housing across the lifetime of the local plan. Part B of policy CP5 should be amended to reflect the findings of the EVA that indicate the only 10% affordable housing provision is viable by way of developer contributions on new market housing sites. In the expectation of continuing development of affordable housing from other sources, including HCA funded programmes and the Councils own strategies and investment there would appear to be the potential for the broad ratio of 15% affordable to 85% market housing in amended part A of policy CP5 to be achieved over the lifetime of the Local Plan with this level of developer contribution.
- 4.9 The NPPF is a material consideration in the determination of planning applications. Only Local Plans adopted since 2004 and in accordance with the provisions of the Planning and Compulsory Purchase Act may be afforded full weight, and then only up until 26<sup>th</sup> March 2013. In other cases, (or after the expiry of the 12 month period), the weight to be attached

to policies will depend upon their 'degree of consistency' with the NPPF.<sup>26</sup> Similarly, weight 'may' be placed by decision takers upon emerging Plan policies, depending upon the stage of preparation, the extent of 'unresolved objections' to policies, and their 'degree of consistency' to policies in NPPF.<sup>27</sup>

- 4.10 The Selby Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004 and in any event policy H4 (affordable housing) was not saved beyond 7<sup>th</sup> February 2008 as no direction to extend it was received from the Secretary of State. Given the conflict of policy CP5 with several paragraphs of the NPPF it should be afforded extremely limited weight in the determination of planning applications until such outstanding objections have been resolved through the plan making process.

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<sup>26</sup> Annex 1, Paragraph 215, page 48, NPPF

<sup>27</sup> Paragraph 216, page 48, NPPF



Policy & Strategy Team  
Selby District Council  
Civic Centre  
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19<sup>th</sup> July 2012

**BY POST & EMAIL**

Dear Sir / Madam,

**Selby District Local Development Framework: Further Proposed Changes to the Submission Draft Core Strategy**

Further to the publication of the further Proposed Changes to the Submission Draft Core Strategy for consultation, I am pleased to provide comments on behalf of Peel Environmental Ltd. Peel Environmental Ltd is currently working with UK Coal on a proposed renewable energy project within the Selby District. We note that the proposed changes out for consultation have a number of implications for such projects within the district and we would like to make the following comments regarding Policy CP14: Low-Carbon and Renewable Energy.

**Proposed Change 6.85 (PC6.85)**

Policy CP14 regarding Low-Carbon and Renewable Energy now states the following which incorporates proposed change 6.85;

*"The Council will support new sources of renewable energy and low-carbon energy generation and supporting infrastructure 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 (...)"*

Peel Environmental Ltd does not consider that this policy as amended is sound as it is not compliant with National Planning Policy and is not positively prepared. We consider that it does not provide for circumstances whereby low-carbon and renewable energy schemes are proposed in areas which are not designated for such proposals. As such, Peel Environmental Ltd considers that the policy as amended is overly restrictive on low-carbon and renewable energy proposals, which would be contrary to National Planning Policy contained within the recently published National Planning Policy Framework (NPPF). In particular, paragraph 98 of the NPPF specifically accounts for proposals outside of designated areas and this is not reflected within the proposed change as set out in the Selby Core Strategy. Peel Environmental Ltd considers that in order to make the policy compliant, it needs to be amended to reflect a criteria-based approach which can be utilised for such schemes which are proposed in areas outside of those designated within the plan. If a criteria-based approach is not included within

the proposed policy then this could be seen to overly restrict proposals for low-carbon and renewable energy generation and would not be compliant with national policy.

We propose that the policy be amended as follows (with the proposed amendment underlined and highlighted in bold);

*"The Council will support new sources of renewable energy and low-carbon energy generation and supporting infrastructure 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. **Outside of these areas proposals will need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.**"*

**Proposed Change 6.86 (PC6.86)**

Policy CP14 regarding Low-Carbon and Renewable Energy is also amended through proposed change 6.86, which states the following;

*"In areas affected by Green Belt, 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."*

Peel Environmental Ltd considers that this proposed change is not truly reflective of national planning policy and as such we do not consider that the policy is sound as it is currently drafted. We consider that the proposed change is again overly restrictive on low-carbon and renewable energy proposals and as such is not positively prepared.

Paragraph 91 of the NPPF states the following;

*"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

We propose that the policy be amended as follows (with the proposed amendment underlined and highlighted in bold);

*"In areas affected by Green Belt, **elements of many renewable energy projects will compromise 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."*

In addition, Peel Environmental Ltd considers that additional text could be incorporated into the supporting text for the policy to reflect the guidance in the NPPF which states that **"very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."**

I trust the above comments will be considered as part of the plan process, however if you have any queries regarding the above, please do not hesitate to contact me.

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Yours sincerely



**Rachael Copping MRTPI**  
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19 July 2012

Dear Sirs

## **CORE STRATEGY NPPF COMPLIANCE**

These representations are made jointly on behalf of Daniel Gath Homes and Yorvik Homes (hereafter referred to as 'both housebuilders') following previous consultation on the NPPF and the compliance with the Core Strategy. Representations were previously made to the Council regarding the restrictions of Policy CP1A for windfall development limiting all new development to brownfield sites within defined development limits.

Evidence was previously provided to the Council to demonstrate that insufficient land exists which meets this criteria and therefore Policy CP1A restricts windfall development under its current provisions. A copy of the previous representations made to the Council detailing this are included with this letter for your attention and the points raised within are considered relevant for consideration.

### **The blanket restriction of the development of gardens in secondary settlements**

As a result of the representations made to the Council, Policy CP1A has not been amended, however they have partially addressed the garden issue in the supporting text confirming at paragraph 4.47 that garden land can be developed within DSVs. This acknowledgement is supported by both housebuilders, however it is considered that reference within Policy CP1A would be more appropriate.

Notwithstanding the inclusion of garden development within DSVs the same paragraph also confirms that 'Residential development in Secondary Villages will be more restrictive so that development on garden land will be resisted'.

In this respect I reiterate my previous comments in this matter. Paragraph 53 of the NPPF confirms that, 'Local Planning Authorities should consider the case for setting out policies to resist **inappropriate** (our emphasis) development of residential gardens, for example where development would cause harm to the local area'.

Paragraph 53 therefore provides that any policies which are proposed should only seek to resist 'inappropriate' development of residential gardens, not a dismissal of all garden sites, including development of those which may be appropriate. This clearly demonstrates that the aims of paragraph 53 are not to restrict all development of residential gardens, only where it may be inappropriate. The example given in paragraph 53 is where this would cause harm to the local area, thereby implying that justification should be given for any restrictive policy and that the policy should not be generic and only apply to areas where necessary.



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With regards the current policy as set out in Policy CP1A a restriction to all greenfield development in secondary settlements (including gardens) is based on an ideology of providing for no garden development in smaller settlements, it is not based on ensuring that only inappropriate development is restricted and indeed no evidence is provided to demonstrate that garden development in secondary settlements would be inappropriate. The variety of secondary settlements is so diverse in layout, design, historical interest and size that it is not possible to generically state that developing gardens in all of these settlements would be inappropriate. It is therefore considered that the policy should not restrict all garden development but only that which is inappropriate.

**The limitations of restricting all development within historical tightly drawn development limits.**

Furthermore the policy retains the proposal to require all new development to be within the defined development limits, however there is no indication that development limits will be amended. In order to be effective as identified in paragraph 182 of the NPPF the Core Strategy windfall policy must provide more flexibility to enable the delivery of sites as planned. The current development limits as drawn are very tight around the existing settlements and provide no opportunities for development within them. The requirement to protect the intrinsic value of the countryside is noted, however this is not relevant to all pieces of land not currently located within development limits, many of which offer no value to the countryside.

Many sites on the edge of settlements are equally as sustainable as sites located within the development limit (indeed in some cases a site on the edge of the development limit may be located closer to facilities than a site located within a development limit) and many of them make little or no contribution to the character of the countryside.

It is therefore maintained that the policy should allow for development adjacent to the development limits of settlements.

**Conclusion**

In order to ensure that the Core Strategy is compliant with the NPPF it is considered that Policy CP1A should be reworded as follows.

- a) In order to ensure that speculative (windfall) housing contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle, within or adjacent to 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 development of gardens).

In Secondary Villages – conversions, replacement dwellings, redevelopment of previously developed land, redevelopment of greenfield sites which would not harm the character of the area, infilling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.

Yours sincerely \_\_\_\_\_

**STUART NATKUS**

Associate

Cc: Matthew Gath - Yorvik Homes  
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11 May 2012

Dear Sirs

## **CORE STRATEGY NPPF COMPLIANCE**

These representations are made jointly on behalf of Daniel Gath Homes and Yorvik Homes (hereafter referred to as 'Both Housebuilders'), Both Housebuilders are local with a proven track record of delivering high quality homes within Selby District over the last 15 years.

Both Housebuilders develop sites of upto approximately two acres within existing settlements as windfall developments, with the scale of allocated sites being such that they only enable development by major housebuilders.

As a result of the draconian policies contained within the Selby District Local Plan (SDLP) (now considered out-of-date) and the implementation of its policies since the amendment to the definition of Previously Developed Land, the opportunities for development for Both Housebuilders have been extremely limited, with applications regularly being refused based on the principle of development (predominantly the development of greenfield sites).

## **Background**

In order to demonstrate this in more detail it is necessary to highlight the Council's housing policy contained within the SDLP and specifically within policy H2A. Policy H2A establishes the principle of residential development and limits new housing to Previously Developed Land within existing development limits. Historically windfall developments in the district have arisen from the redevelopment of gardens, areas of open space and redevelopment of farmsteads, with limited previously developed sites being available across the district. Following the amendment to the definition of Previously Developed Land in PPS3, the Council determined that Policy H2A therefore prohibited development of gardens (contrary to the guidance in PPS3).

The result of this approach has resulted in Both Housebuilders being severely limited in providing new properties which, in the past, have made an important contribution to the housing stock in Selby and choice and variety in the market place.

Indeed this approach has resulted in a significant shortfall in housing which can be delivered in forthcoming years. The table below highlights the impact that this approach has had upon the determination of planning applications in the district and provides an insight into the lack of deliverable sites to be delivered in the future.

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Location	2010 windfall approvals	2011 windfall approvals
Selby	27	3
Sherburn-in-Elmet	4	2
Tadcaster	2	8
DSV's	132	33
Other locations	87	36
<b>Total</b>	<b>252</b>	<b>83</b>

Source: [www.publicaccess.selby.gov.uk/publicaccess](http://www.publicaccess.selby.gov.uk/publicaccess)

Included within the 2010 approvals were two sites which provided 77 dwellings as amended layouts to previous approvals, therefore not adding to the housing stock. Similarly these figures include barn conversions and agricultural workers' dwellings, rather than new market housing.

The figures for the approval of windfall housing in 2011 show that this approach only provided 46 new dwellings to settlements identified within the Core Strategy for future growth.

This approach is continued in the draft Core Strategy, whereby policy CP1A again seeks to restrict windfall development to that within development limits and on brownfield site with limited development on greenfield sites in the Designated Service Villages (specifically referenced as relating to farmsteads not gardens). In secondary villages a blanket restriction to the development of greenfield sites is provided other than those involving conversion/redevelopment of farmsteads, therefore restricting new housing on all other greenfield sites.

With regards to the Core Strategy and compliance with the NPPF, Both Housebuilders have concerns over the restrictions included in Policy CP1A as drafted and its non-compliance with the NPPF. The concerns regarding this policy and the NPPF relate to three elements. These are as follows:

- The blanket restriction of development of gardens and greenfield sites; and
- The limitations provided by tightly drawn development limits and the lack of available sites.

### **The Blanket Restriction of Development of Gardens and Greenfield Sites**

The Core Strategy currently restricts all garden development within secondary settlements and implies (by its lack of reference) that development of gardens in Designated Service Villages is inappropriate. The implications of this on delivery are evident to see as it continues the current policy approach of the SDLP, which in turn will therefore continue the current low levels of delivery. Notwithstanding these concerns, this approach is completely contrary to the guidance in the NPPF.

Paragraph 53 of the NPPF confirms that, *'Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'*.

This paragraph does not provide a mandatory requirement to restrict all development of gardens and confirms that Councils should only 'consider' setting out policies, not require Councils to set out policies as standard. This is a vital part of Paragraph 53 as it provides clear guidance that the redevelopment of gardens is not restricted by national guidance and that restriction should not be a mandatory approach. Similarly, the second part of Paragraph 53 provides that any policies which are considered should only seek to resist 'inappropriate' development of residential gardens. Again, the distinction drawn highlights that the aims of this paragraph is not to restrict all development of

residential gardens, only where it may be inappropriate. The example given in Paragraph 53 is where this would cause harm to the local area, thereby implying that justification should be given for any restrictive policy and that the policy should not be generic to all settlements and only apply to those where necessary.

With regards to the current policy, as set out in Policy CP1A, a restriction of development on all greenfield sites is proposed and no reference to inappropriate development made. Furthermore, the approach taken applies to all settlements. No assessment is made as to which settlements the development of gardens would have a detrimental impact upon and those in which development would have no impact upon.

No assessment has been made by the Council as to which settlements would render such a restriction suitable, thereby no evidence is available to demonstrate that the current approach restricting development in all settlements is made upon an assessment of any harm which could be caused. Consequently the policy, as written, is flawed and does not comply with the NPPF.

**The Limitations Provided by Tightly Drawn Development Limits and the Lack of available Sites**

The Council's evidence base utilised for assessing future housing sites includes the SHLAA, which highlights the lack of sites which meet the requirements of Policy CP1A available within the district. Although many of these sites are suitable, sustainable and fully compliant with the NPPF, they do not comply with the Council's policy as drafted. Having assessed the SHLAA, it is not considered that Policy CP1A, as drafted, enables the delivery of windfall sites as proposed.

In order to be effective, as identified in Paragraph 182 of the NPPF, the Core Strategy windfall policy must provide more flexibility to enable the delivery of sites as planned. The current development limits as drawn are very tight around the existing settlements and provide no opportunities for development within them. The requirement to protect the intrinsic value of the countryside is noted, however this is not relevant to all pieces of land not currently located within development limits.

Many sites on the edge of settlements are equally as sustainable as sites located within the development limit (indeed in some cases a site on the edge of the development limit may be closer to facilities than a site located within a development limit) and many of them make little or no contribution to the character of the countryside. The proposed Policy should reflect this and where appropriate allow development on the edge of settlements.

**Conclusion**

In order to ensure that the Core Strategy is compliant with the NPPF it is considered that Policy CP1A should be reworded as follows (changes in bold):

- a) In order to ensure that speculative (windfall) housing contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle, within **or adjacent to** 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 development of gardens**).

In Secondary Villages – conversions, replacement dwellings, redevelopment of Previously Developed Land, **redevelopment of greenfield sites which would not harm the character of the area**, infilling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.



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20263/A3/SN/ds

19 July 2012

Dear Sirs

### **CONSULTATION ON THE SELBY CORE STRATEGY AND COMPLIANCE WITH THE NPPF**

These representations are made on behalf of TEJ properties to the Selby Core Strategy and its compliance with the National Planning Policy Framework (NPPF). TEJ Properties have land interests at Church Fenton Airbase (CFA). CFA is currently designated as a secondary village in the Selby District Local Plan (SDLP), a designation continued into the Core Strategy. These representations propose that this designation, and the methodology utilised to formulate the designations, are outdated given the contents of the NPPF. In turn, it is therefore considered that CFA is designated as a Designated Service Village (DSV) either in isolation or as one of a cluster of settlements.

Comments were submitted to the Council in this regard to this matter on 11 May, a copy of which is included as part of these representations for consideration. In summary this considered that the sustainability tests included within the NPPF could be attributed to CFA to demonstrate its suitability as a DSV. This assertion was based on the sites current allocation for employment and Paragraph 22 of the NPPF which confirms that:

**'Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'**

Primarily the representations focussed on Paragraph 55 of the NPPF which makes provision for such developments in rural locations, confirming that:

**'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a nearby village.'**

Again this approach in the NPPF acknowledges that development in rural areas need not be considered unsustainable due to its location and level of services immediately within the settlement itself. In this respect the development at CFA clearly complies with Paragraph 55, whereby the development of this site will aid in maintaining the vitality and viability of local shops and services in neighbouring settlements whilst also providing opportunities to provide new facilities to support the neighbouring settlements.



Both Ulleskelf and Church Fenton are located in very close proximity to CFA and are accessible on foot, by bicycle and public transport, thereafter providing train services to the wider area. Access to the site requires people to pass through either settlement and CFA as a DSV with redevelopment would provide increased residents whom would assist in securing and enhancing the vitality and viability of these neighbouring settlements (Church Fenton within a mile radius and Ulleskelf within 1.25 miles radius of the site) in accordance with Paragraph 55 of the NPPF.

### **Conclusion**

The Council's assessment of CFA as a secondary settlement was made in advance of the NPPF and as such utilises an assessment which is no longer considered to be in accordance with the most up-to-date national guidance. For the reason outlined in the above submission it is considered that an assessment should be made against the criteria included within the NPPF and weight given to the paragraphs listed above and in the attached letter previously sent to Selby DC in determining the sustainability of settlements and their suitability. Consequently it is considered that CFA should be redesignated as a DSV.

I trust these comments will be taken into account in the Council's considerations regarding compliance with the NPPF and reserve the right to comment on any future amendments to the Core strategy in this respect.

Yours faithfully



**Stuart Natkus**  
Associate Planner

Enc. Letter to Selby DC dated 11 May 2012



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20263/A3/SN/ds

11 May 2012

Dear Sirs

**CONSULTATION ON THE SELBY CORE STRATEGY AND COMPLIANCE WITH THE NPPF**

These representations are made on behalf of TEJ properties to the Selby Core Strategy and its compliance with the National Planning Policy Framework (NPPF). TEJ Properties have land interests at Church Fenton Airbase (CFA). CFA is currently designated as a secondary village in the Selby District Local Plan (SDLP), a designation continued into the Core Strategy. These representations propose that this designation, and the methodology utilised to formulate the designations, are outdated given the contents of the NPPF. In turn, it is therefore considered that CFA is designated as a Designated Service Village (DSV) either in isolation or as one of a cluster of settlements.

In order to designate settlements as DSVs the Council produced Background Paper Number 5, which assessed the Sustainability of rural settlements. This assessment has been superseded by the NPPF and its revised guidance on sustainability and the development of sites within rural areas. It is therefore considered that the NPPF does provide further tests to Background Paper five which are up-to-date and require settlements to be assessed against them for the Core strategy to be considered sound.

CFA is currently allocated for employment uses and/or a residential college in the SDLP, an allocation which targeted a specific end user which was not forthcoming. Recently the policy has been accepted by the Council as being outdated and residential development allowed on part of the airbase for nine dwellings. The site has been vacant for a number of years and has a number of existing buildings which, without an allocation and/or redevelopment, will continue to fall into disrepair, in turn having a detrimental impact upon the area and neighbouring residents.

Sites such as CFA with an existing allocation are recognised in Paragraph 22 of the NPPF which confirms that:

**'Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'**

The proposed development is clearly supported by this text, whereby the existing allocation has no reasonable prospect of being delivered. It therefore should not be an impediment to development of the site and weight should be given to this paragraph in determining the future identification of the settlement as a DSV and the ability to develop the site.

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### Promoting Sustainable Transport

Background Paper 5 utilised sustainable transport modes and distances to employment and local facilities to determine the sustainability of settlements within the District. The approach used was uniform to all settlements assessed despite the varying geographic and demographic profiles of different settlements in the district.

Paragraph 29 of the NPPF acknowledges that:

**'The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'**

This therefore recognises that not all settlements are identical and not all sites are located in the centre of towns and cities yet that does not mean they cannot be sustainable. In accordance with this paragraph an assessment needs to be made of each individual settlement rather than utilising a generic approach to assess settlements which offer differing sustainability attributes and does not take into account their respective individualities.

CFA is located within close proximity to a variety of public transport facilities and has a footpath providing direct access to Church Fenton for both pedestrian and cyclist facilities to enable access to local services.

The site has a bus stop located outside the entrance to the airbase which provides future residents with dedicated school buses to both Kirk Fenton Primary School in Church Fenton and Tadcaster Grammar School. Furthermore, this bus stop is utilised by the 492/493 service offering public transport links to both Ulleskelf and Church Fenton and beyond to Sherburn-in-Elmet, Tadcaster and Pontefract.

From both Church Fenton and Ulleskelf trains are available directly to Leeds and York, which in turn provide access to the wider rail network.

As listed above there are existing sustainable transport options available to present and future residents. As a rural area the frequency is expected to be lower, as acknowledged in paragraph 29 of the NPPF. This however cannot make a scheme unsustainable. Future development of the site can enhance sustainable transport options through contributions. These could include bus shelters, improvements to the footpaths/lighting leading to Church Fenton and/or cycle parking at Ulleskelf and Church Fenton train stations to enhance and encourage cycle use.

This approach is advocated further in Paragraph 34 which confirms that development which:

**'Generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this framework, particularly in rural areas.'**

Details of the sites location, public transport facilities and the facilities and services provided in the area are demonstrated on the attached plan.

### CFA in Relation to Other Settlements

This aforementioned plan also shows the location of the site between Ulleskelf and Church Fenton, two proposed Designated Service Villages in the Core Strategy. Background Paper 5 makes no assessment of a cluster of sites being designated or the inter-relationship of settlements.

With regards to the location of the site between two settlements, Paragraph 55 of the NPPF makes provision for such developments in rural locations, confirming that:

**'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a nearby village.'**

Again this approach in the NPPF acknowledges that development in rural areas need not be considered unsustainable due to its location and level of services immediately within the settlement itself. In this respect the development at CFA clearly complies with Paragraph 55, whereby the development of this site will aid in maintaining the vitality and viability of local shops and services in neighbouring settlements whilst also providing opportunities to provide new facilities to support the neighbouring settlements.

Both Ulleskelf and Church Fenton are located in very close proximity to CFA and are accessible on foot, by bicycle and public transport, thereafter providing train services to the wider area. Access to the site requires people to pass through either settlement and CFA as a DSV with redevelopment would provide increased residents whom would assist in securing and enhancing the vitality and viability of these neighbouring settlements (Church Fenton within a mile radius and Ulleskelf within 1.25 miles radius of the site) in accordance with Paragraph 55 of the NPPF.

In respect of this fundamental change it is considered that the Council previous assessment is considered not to comply with the NPPF and that CFA should be reconsidered in light of this and as such designated as a DSV either in isolation or as part of the neighbouring settlements.

#### **Conserving and Enhancing the Natural Environment**

Paragraph 111 of the NPPF supports the Core Principles by confirming that *'Planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'*

In this respect, the availability of brownfield land and the sustainability that redevelopment of CFA could provide should be taken into consideration, particularly given the limited availability to previously developed sites as identified in the SHLAA.

#### **Conclusion**

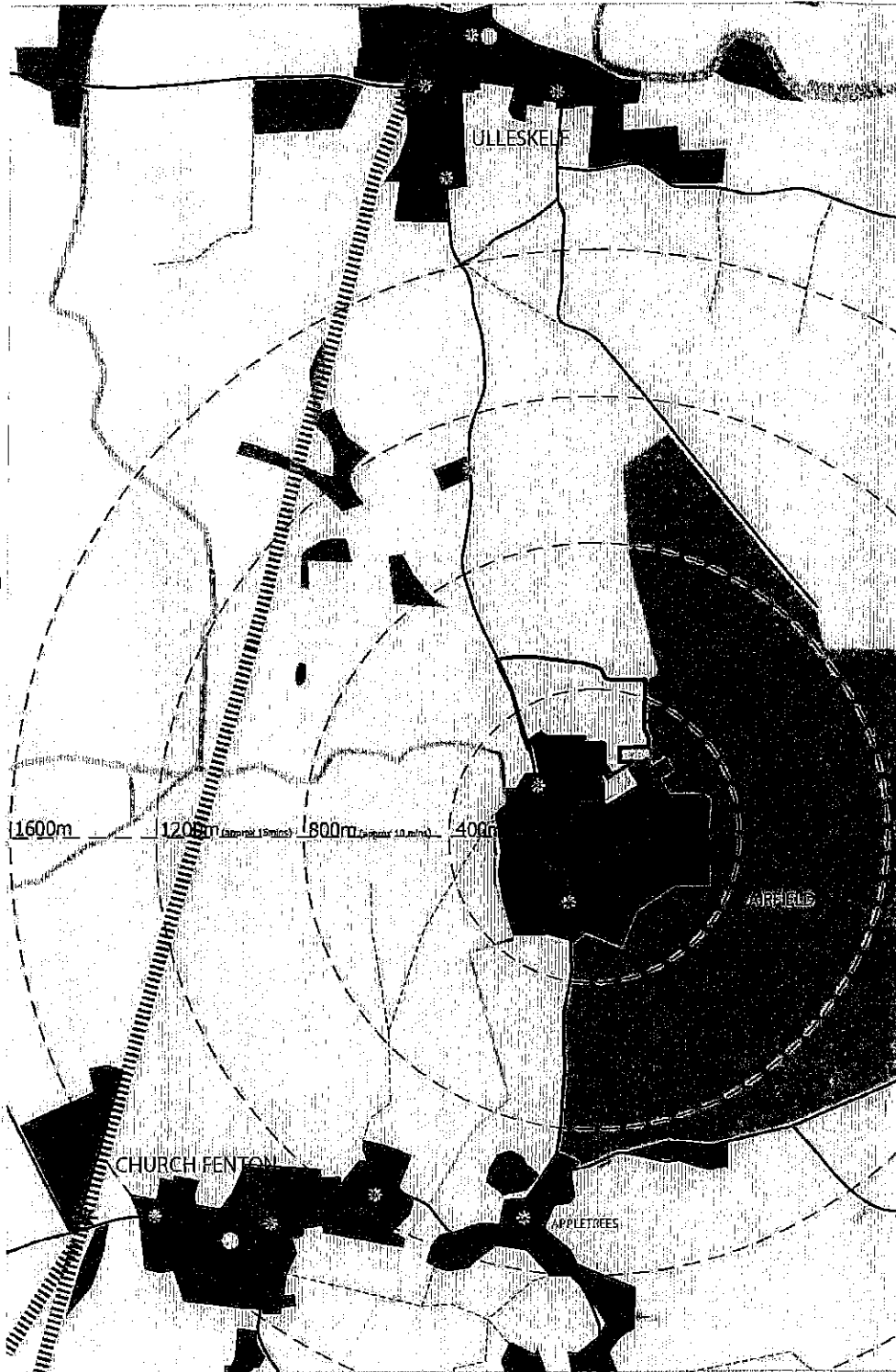
The Council's assessment of CFA as a secondary settlement was made in advance of the NPPF and as such utilises an assessment which is no longer considered to be in accordance with the most up-to-date national guidance. For the reason outlined in the above submission it is considered that an assessment should be made against the criteria included within the NPPF and weight given to the paragraphs listed above in determining the sustainability of settlements and their suitability. Consequently it is considered that CFA should be redesignated as a DSV.

I trust these comments will be taken into account in the Council's considerations regarding compliance with the NPPF and reserve the right to comment on any future amendments to the Core strategy in this respect.

Yours faithfully

  
**Stuart Natkus**  
Associate Planner

Enc sustainability plan



LEGEND

- Site Boundary
- Existing Development
- Airfield
- Forest
- Sports Ground
- School
- Watercourses
- Railway Station
- Bus Stop
- Place of Worship
- Post Office
- Village Hall

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The scaling of this drawing cannot be assured

Revision	Date	Drn	Chk

Project  
Church Fenton  
Location Selby  
Drawing Title  
Facilities and Movement Plan

Date	Scale	Drawn by	Check by
11.05.12	NTS	RL	JB
Project No	Drawing No	Revision	
30263	ind10		

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(89)

**ryan king**

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**From:** Michael Edgar [michael.edgar@dlpconsultants.co.uk]  
**Sent:** 18 July 2012 16:36  
**To:** ldf  
**Cc:** Roland Bolton (forward)  
**Subject:** Selby Core Strategy Proposed 6th Changes Modification Representations  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Attachments:** YK1879-further\_submission\_v6.pdf

Dear Sir / Madam,

Please see attached the representations made by DLP Planning Ltd in response to the sixth set of proposed changes on the Core Strategy.

It remains DLP's case that the Core Strategy remains unsound as is not positively prepared, justified by evidence or consistent with the advice in the NPPF particularly in relation to housing requirements and cross-boundary participation.

DLP would also wish to be in presence at the next hearing session into the Core Strategy Examination addressing these matters.

If you require any further information in addition to the attached document please do not hesitate to contact my Director, Roland Bolton, or in his absence me.

Many thanks.

**Michael Edgar**  
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23/07/2012



89

**Examination of Selby Core Strategy  
Further submission on Council's Position Statement, 6<sup>th</sup> Set of Proposed  
Changes to the Core Strategy including the Framework and  
Statement of Common Ground**

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**EXAMINATION OF SELBY CORE STRATEGY**

Further Submission on 6<sup>th</sup> Set of Proposed Changes to the Core Strategy including  
Council's Position Statement

Prepared by  
**DLP Planning Ltd**

July 2012

**1 Introduction**

- 1.1 The purpose of this paper is to address the issues raised by the 6<sup>th</sup> set of Proposed Changes to the Selby Core Strategy and the accompanying Council's Position Statement. DLP do not consider the Plan to be sound on that it is neither the positively prepared, justified by evidence of consistent with national policy. This written response sets out the differences between the Council and DLP on the issues of the overall level of housing requirement and the required approach to be in conformity with the Framework. DLP wish to attend the Examination to give oral evidence and respond to emerging information and how it is being used to inform the Core Strategy.
- 1.2 DLP's case as set out in our original representations remains the same although this paper seeks to update this approach by reference to the 2010 based population projections.
- 1.3 The Council's case as now stated in the Position Statement, Section 3 in particular, is in effect a complete change in their justification for the level of housing proposed in the Core Strategy and so it is necessary to comment on this paper in full.
- 1.4 The production of a Statement of Common Ground was limited by the Council not wishing to agree any facts, included those published by the Government for any other authority area besides Selby. This lies at the heart of the difference in approach. DLP consider that for Selby the influence of the travel to work areas of Leeds and York stretch across the District and that decisions regarding the levels of housing supply must be taken in this context.
- 1.5 This means an understanding of the common evidence base between these three authorities and decisions being made that clearly take into account decisions and policies being followed in other parts of the housing market areas.
- 1.6 DLP are of the view that it was in recognition of these issues that the Framework includes both the policy duty to co-operate between LPA's, and the requirement to seek alternative sites for development when it cannot be accommodated with Local Authority boundaries.



Submissions to the 6<sup>th</sup> Set of Proposed Changes to the Core Strategy & Council's Position Statement

## 2 The Household Projections

### Government Household projections

- 2.1 A summary of the Government issued household growth projections is set out below.

**Table 1 Table 1. Summary of Household Growth Projections**

Data source	Forecast average annual household growth	Date range of projections
2004-based CLG Household Projections	450	
2006-based CLG Household Projections	500	2006 to 2026
2008-based CLG Household Projections	550	

### Assumptions on Migration and Natural Change in the Sub National Population Projections

- 2.2 There are differences in migration and natural change assumptions between the various ONS Sub National Population Projections, as set out in the following Table 2.

**Table 2 Differences in Natural Increase and Net Inward Migration Assumptions for Sub National Population Projections with Base Years of 2004, 2008 and 2010.**

Projections	Average annual natural increase	Average annual net inward migration	Date range of projections
2004-based Sub National Population Projections		660	2004-2026
2008-based Sub National Population Projections	180	730	2008-26
2010-based Sub National Population Projections	230	670	2010-26

### Migration

- 2.3 Table 3 below shows rates of past net internal migration to / from Selby District (this includes domestic and international migration).

**Table 3 Table 3: Net Annual Internal Migration To / From Selby District (Source: Home Office Migration Statistics, May 2012 Quarterly Release)**

Year	Net annual internal migration to / from Selby District
Mid 2003-2004	300
Mid 2004-2005	500
Mid 2005-2006	700
Mid 2006-2007	1000
Mid 2007-2008	1000
Mid 2008-2009	300
Mid 2009-2010	500

- 2.4 DLP can agree these figures on the understanding that they are from a different source of information to that used by DLP in the next section. DLP have used the data in the CLG live tables "Revised Table 2a Moves within England and Wales Registered during the year ending June 2008". This is a square matrix showing origin and destination Local Authority and provides the level of detail necessary for DLP to undertake the analysis on the impact of future policies on migration flows. The Council have been unable to agree these figures used by DLP. In DLP's opinion the difference is likely to be explained by the fact that above figures are mid-year while the Moves within England" figures are end of year.

**3 The Position of the Council**

- 3.1 The Council's position is that the objectively assessed housing requirement needs to take into account policy paragraph 3.7 of the Council's Position Statement. ~~There is no such requirement in the Framework. In fact the Framework clearly requires an objective assessment of need followed by a separate and evidenced assessment of the impact of provision (paragraph 14).~~
- 3.2 Paragraph 152 of the Framework sets out a clear methodology which separates out consideration of impact of meeting the objective assessment of the required housing need (a social element of sustainable development as defined by paragraph 7 of the Framework) from consideration of its likely impact. There are three tests that must be applied before an authority is deemed to not be able to meet its housing requirement. These are:
  - a. Consideration of alternative sites including ones outside of the area.
  - b. Consideration of mitigation
  - c. Consideration of compensation
- 3.3 The Council have clearly not followed this process. The housing requirement has been discounted without the impact of the higher level being appropriately tested as required by the Framework.
- 3.4 The Council's original case as presented in the Arup Report was that the 2004 based household projections represented the most reliable evidence base because the migration levels contained within that projection represented a better long term trend than that included in the 2006 based household projections, the 2008 based household projection and the 2010 based population projections. The Council's consultants still maintain that the 2004 projections are robust and DLP would agree that they were robust at the time of publication, but would argue that they have been superseded by projections which have been improved both in terms of methodology and accuracy.
- 3.5 The Council's position has now completely changed, and it seeks to rely on the 2010 population projections and a level of migration that is below all of the recent population and household forecasts.
- 3.6 The justification of the lower level of migration is "the economy". It is unclear why the economy will have the prolonged impact on migration that the Council is claiming.
- 3.7 Although the Council state that there is disagreement in terms of household size between parties (paragraph 3.6 of the Position Statement) the Council have offered no alternative to the household formation rates in the 2008 projections. The Council have offered no evidence of why an alternative household size should be used or how it should be modelled.
- 3.8 Reviewing the Council's case in terms of its support for the 450 dwellings a year, this appears to be entirely based upon altering the expected level of migration and making no change to household size.
- 3.9 The main element of migration for Selby is domestic movements, not international.

- 3.10 The DLP research included in the original submissions highlighted that the largest movements into and out of Selby are from York, Leeds and East Riding.
- 3.11 In terms of what would prevent the future levels of migration the following are possible causes and DLP's response to them:
- a. The Government population projections for these areas are incorrect. These are nationally produced and are the best available. The projections are subject to consultation and the Council have made no reference to these projections being objected to at the time. At no time have the Council or their consultants suggested that there are fundamental issues with these projections.
  - b. That household formation will slow down as people cannot afford to create new households and so pressure for migration will decrease. The CLG household projections 2008 have already been reduced by 300,000 to take into account the impact of affordability. This is a 6.4% reduction in the projected increase of 4,672,000 households 2006 to 2026 (Town & Country Planning Tomorrow Series Paper 11 "New and novel household projections for England with a 2008 base – summary and review). DLP do not consider it appropriate to apply a further reduction in household formation on top of that already applied without demonstrating a significant evidential basis to support such an approach.
  - c. Selby's economy will perform comparatively poorly so fewer migrants will be attracted to the district than say to Leeds and York. In this case the Council are not arguing against the population projections or the household projections but simply that those people and households forecast to live in Selby will choose to live somewhere else. DLP evidence is that "somewhere else" is most likely to be York, Leeds and East Riding. The implication that the in migration figure for Selby is too high means that the out migration figure for Leeds and York is also too high as Selby is suggesting that these Cities will retain more of their population. DLP would suggest it was precisely in order to address these cross boundary issues at any stage of the plan process that the Government included paragraphs 178 to 181 of the Framework.
- 3.12 DLP's conclusion on the Council's position is actually simple:
- a. The Council cannot demonstrate objectivity in determining the housing requirement – their position now is simply one that adjusts the net migration assumption in order to result in a requirement of 450 dwellings.
  - b. The choice of a net migration figure is not supported by paragraph 159 of the Framework which requires LPA's to "take account of migration" unless the circumstances in paragraph 152 and 178 to 181 apply.
  - c. The neither the higher SHMA requirement of 596 or the 2010 Sub National Population based requirement of approximately 550 dwellings a year have been tested as required by paragraph 152 of the Framework to demonstrate that an alternative strategy would not be more appropriate, or that any claimed adverse impact could not be mitigated or compensated.

*Submissions to the 6<sup>th</sup> Set of Proposed Changes to the Core Strategy & Council's Position Statement*

- d. The implications of reducing the net migration into Selby have not been identified and agreed with neighbouring authorities as required by paragraph 179 of the Framework.
- e. The suggestion that under provision of housing in Selby will decrease either the number commuters or the commuting distances is not supported by any evidence. Such an outcome is only possible if the Council can demonstrate that additional homes will be made available in York and Leeds to accommodate the required levels of workers to meet their future employment needs. The Council have failed to produce evidence that these cities will be providing dwellings in addition to the latest household projections. Comparing the published planned levels of housing provision against the Government projections suggest that this is not the case.
- f. The Council have produced no evidence on the future jobs/employment balance in Leeds and York to support the contention that the levels of housing being promoted will have the claimed positive impact on commuting patterns. The failure to establish that the needs of the population will be met closer to these cities is actually more likely to lead to increased rather than decreased travel distances. There has been a long history of constraint of supply both within these locations and the surrounding rural districts – this joint approach of undersupply has increased commuting distances into and beyond Selby.
- g. Lastly the Council argue that the potential reduction in commuting should be given greater weight than meeting the projected requirements of the population.
  - i. Such a balance seems contrary to Core Principle of the Framework set out in paragraph 17 that every effort should be made to objectively identify and then meet housing needs.
  - ii. The Framework does allow this argument to be made but paragraph 14 requires the Council to identify what level of increased commuting would occur, and demonstrate that the impacts of this increased commuting would have a significant effect that would outweigh the benefits of meeting the country's housing needs. It has simply not provided the evidence to support this position. DLP have invited the Council to provide evidence on this matter by encouraging them to look at existing and future levels of jobs and workers in Leeds and York but the Council have refused to consider implications of their policies beyond the district's boundaries.

#### **4 The position of DLP planning**

##### **The DLP approach**

4.1 The position of DLP was derived from what we considered was the proper interpretation of PPS3, the draft NPPF and is now fully compliant with the approach set out in the Framework. This approach may be summarised as follows:

- a. LPA's should meet objectively assessed needs unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework either as a whole or a particular policy within the Framework (paragraph 14)
- b. LPA's should boost significantly the supply of housing (paragraph 47)
- c. Housing demand and need should be objectively assessed and met in full (paragraph 47)
- d. Assessment of demand and needs should:
  - i. include working with neighbouring authorities where market areas cross boundaries
  - ii. meet household and population projections taking account of migration and demographic change
  - iii. ensure supply necessary to meet demand (paragraph 159)
- e. If demand is not to be met then the Council need to demonstrate that they have considered:
  - i. alternative locations
  - ii. mitigation
  - iii. compensation (paragraph 152)

##### **Significantly increase the supply of housing.**

4.2 The supply of housing over the last decade has varied as is illustrated by reference to the SHMA and the CLG Live tables on completions. Both highlight the gradual increase in the level of supply in the period to 2007/08.

4.3 The question before the Inspector is whether the proposed level of 450 dwellings for the plan period represents a "significant increase in supply of housing".

4.4 It is important for the Inspector to consider exactly what the Government is seeking to achieve by requiring a "significant" increase in supply. The Framework could have simply stated that there was a need to increase supply or substantially boost supply but it does not it requires a significant increase in the supply. The choice of words is important in this context which deals with the statistics of future dwelling provision compared with previous rates of dwelling provision. In this context "significant" does have a particular meaning. A "significant" change in statistical terms means that the difference between the resulting policy and the previously observed value is too large to be attributed to chance.

4.5 It is a simple test to establish if the proposed levels of housing represent a "significant" increase in supply. To undertake this analysis one can use the standard deviation as this is a statistic which tells you how tightly all the

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various examples are clustered around the mean in a set of data – in this case past completion rates.

- 4.6 One standard deviation above or below the mean accounts for somewhere around 68 percent of the recorded completions. Two standard deviations away from the mean accounts for roughly 95 percent of past and expected future completions. Three standard deviations accounts for about 99 percent of past and expected future completions.
- 4.7 In order for a result to be significant it should normally be at least two standard deviations from the mean.
- 4.8 The table below sets out this calculation. DLP have used both the net completions recorded in the SHLAA but have also undertaken the calculation on for longer period for which the CLG live tables have been used.

**Table 4 The calculation of a significant increase in the supply of dwellings**

Net Housing Completions	Figure 4. 2: Net Housing Completions, 2003/4 – 2009/10, Selby	Table 253 Housebuilding: permanent dwellings started and completed, by tenure and district, 2009/10
1998/99		220
1999/00		270
2000/01		310
2001/02		200
2002/03		170
2003/04	226	300
2004/05	469	360
2005/06	633	430
2006/07	873	820
2007/08	583	540
2008/09	222	230
2009/10	270	260
mean	468	342.5
Standard Deviation	246	183
Significant at 68% (one standard deviation from mean)	714	525
Significant at 95% (two standard deviation from mean)	960	708

- 4.9 It is clear from the above assessment that the level of housing being proposed by the Council cannot be described in any terms as being a significant increase in the supply of dwellings. To this extent the Core Strategy cannot be considered to be in conformity with the Framework.

**An objective assessment of housing demand: The official 2008 based Household Projections**

- 4.10 The latest household projections are the 2008 based projections released in 2010.
- 4.11 The results of these projections for this district and the surrounding districts are set out in table 5 below.

- 4.12 The 2008 projections have been amended before release to take into account reduced levels of international in migration and depressed household representative rates. The latter reduces the number of households by 300,000 households nationally for the projection period.
- 4.13 The comparison of these most up to date household projections to the extent RSS are shown in table 6

**Table 5 Extract from CLG - Table 406: 2008 based Household projections by district, England, 1991- 2033**

Households .000	2001	2006	2008	2013	2018	2023	2028
East Riding of Yorkshire UA	131	141	144	154	165	176	187
York UA	77	81	84	91	97	104	110
North Yorkshire	238	248	252	266	281	297	311
Craven	23	24	24	26	27	29	31
Hambleton	35	36	37	38	40	41	43
Harrogate	63	66	67	71	75	80	84
Richmondshire	18	19	20	21	22	23	24
Ryedale	21	22	23	24	25	26	28
Scarborough	47	48	49	51	53	55	58
Selby	31	32	33	36	39	41	44
West Yorkshire	855	900	918	981	1,049	1,113	1,174
Bradford	181	189	192	205	220	234	248
Calderdale	81	84	86	91	96	102	107
Kirklees	159	164	167	175	185	195	204
Leeds	302	325	334	365	394	421	447
Wakefield	132	138	139	146	154	161	168



**Table 6 Extract from CLG Table 406: Household projections by district, England, 1991- 2033 compared to RSS dwelling requirement.**

	Total dwelling change 2011 to 2026	annual dwelling change 2011 to 2026	RSS	Difference between CLG and RSS
East Riding of Yorkshire UA	31,312	2,087	1,150	-937
York UA	18,746	1,250	850	-400
North Yorkshire	43,466	2,898	3,170	272
Craven	4,738	316	250	-66
Hambleton	4,326	288	280	-8
Harrogate	12,566	838	390	-448
Richmondshire	2,884	192	200	8
Ryedale	3,296	220	200	-20
Scarborough	6,180	412	560	148
Selby	7,622	508	440	-68
West Yorkshire (Met County)	187,048	12,470	10,970	-1,500
Bradford	40,994	2,733	2,700	-33
Calderdale	15,450	1,030	670	-360
Kirklees	27,604	1,840	1,700	-140
Leeds	81,164	5,411	4,300	-1,111
Wakefield	21,218	1,415	1,600	185

- 4.14 Although a summary of the Government projections, the Council have been unable to agree these figures and no explanation has been provided as to why. This, DLP believe, demonstrates that the Council's approach is not an objective one.
- 4.15 DLP are of the opinion that the difference between the 2008 household projections and the 2004 based requirements in the wider region means that the assumption on levels of net in migration to Selby are underestimated.
- 4.16 In terms of patterns of migration, DLP established in their original submissions that Leeds and York are the most important settlements, and the table above suggests an increasing level of under provision in these two cities unless there is an agreement for these cities to increase the numbers of dwellings to be provided locally above that in the RSS. To date both cities have published reports arguing for lower levels of provision than the RSS.

#### **The population projections**

##### ***The 2008 Sub National Population Projections***

- 4.17 The 2008 based household projections above are the national implications of the 2008 SNPP.
- 4.18 The recently published SHMA however has revisited these 2008 based SNPP and used these to model the housing requirement for North Yorkshire. The SHMA describes the SNPP 2008 as the "Core Scenario" and this suggests an annual dwelling requirement of 596 (SHMA figure 7.14). This is reduced to an annual rate of 547 taking into account vacant stock (SMHA figure 7.15). The SHMA describes the trend based scenario as "representing the most robust approach in calculating potential future demand" although it goes onto state

that the last few years have shown the impact of external factors (SMHA paragraph 7.165).

- 4.19 The SHMA also models a natural change scenario (190 dwellings a year) and an Employment led scenario (403 dwellings a year) both of which use the 2008 SNPP as a base. The SHMA does not use either of these scenarios in the later part of their analysis on housing policy but uses the figure of 547 dwellings a year which assumes a successful policy on reducing vacancy.
- 4.20 DLP would conclude that the "objectively" assessed dwelling requirement in the SHMA is 596 dwellings a year.
- 4.21 This is the figure against which the Inspector can consider the impact of policies including the policy to reduce vacancy.

**The 2010 Sub National Population Projections**

- 4.22 The most recent population projections are the 2010 based Sub National Population Projections.
- 4.23 The summary of these projections are given in Table 7 below:

**Table 7 Selby: Summary of SNPP 2010 for the period 2011 to 2026**

Selby	Persons
Total migrants	10,800
Total international migrants	1,700
Average migration	720
Total population at start	83,200
Total population at end of period	97,900
Total population change 2011 to 2026	14,700

- 4.24 Table 8 below sets out the differences between the population projections that were used to inform the RSS (the 2004 based), those which are the basis for the 2008 household projections and the most recent release.

**Table 8 Selby: Comparison of SNPP of 2004, 2008 and 2010 for the period 2011 to 2026**

Selby	Persons		
	2004	2008	2010
Projection year			
Total migrants	10,200	12,100	10,800
Total international migrants	859	1,600	1,700
Ave migration	680	807	720
Total population at start	82,300	83,100	83,200
Total population at end of period	93,200	98,200	97,900
Total population change 2011 to 2026	10,900	15,100	14,700
Difference from 2004 projection due to change in migration	0	1,900	600
Difference from 2004 projection not due to migration	0	2,300	3,200

- 4.25 The difference between the total population at 2026 between the 2008 SNPP and the more recent 2010 SNPP is 300 persons.

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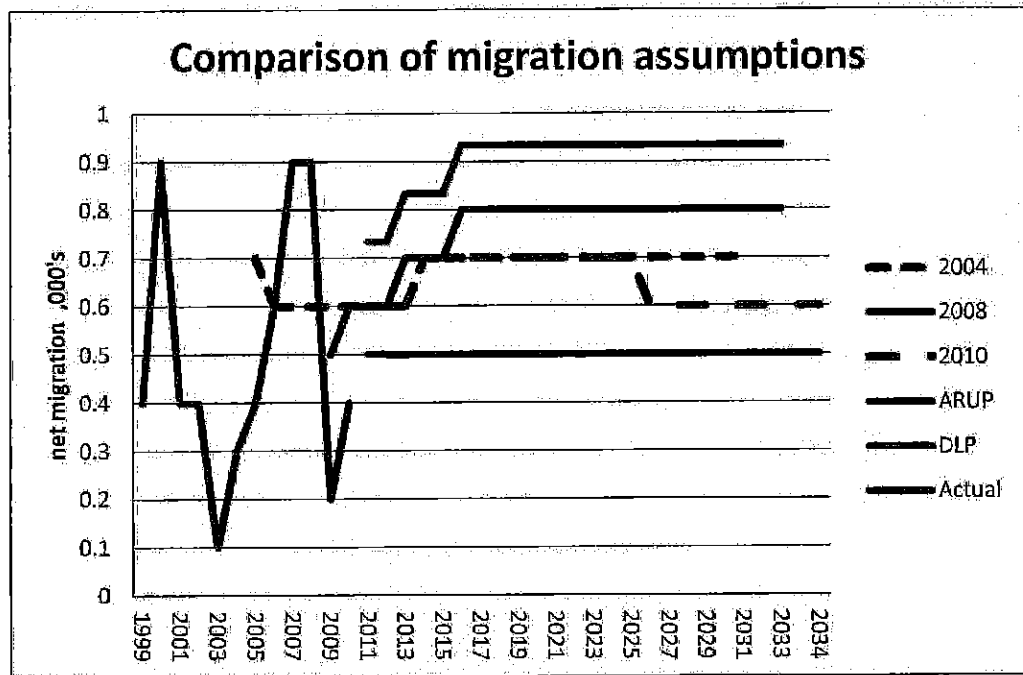
- 4.26 Although a summary of the Government projections, the Council have been unable to agree these figures and no explanation has been provided as to why.
- 4.27 Originally the Council argued that the 2004 projections were the most robust because the migration rates contained within them were more representative of the future pattern of migration. The above table demonstrates that the levels of migration used in the 2004 and 2010 projections are very close, and as such the Council have now changed their position and are arguing that the 2004, 2008 and 2010 population projection have all used a level of migration that is too high and that a reduced level of migration should be used.
- 4.28 The Council's analysis does not take into account the impact of the known policies being pursued by York and Leeds despite having the same consultant advising on this matter.
- 4.29 The approach DLP have taken is that the NPPF requires an objective consideration of migration. Despite the original statements of the Council's consultant the migration levels in the 2004 and 2010 household population projections are not significantly different and as such there is a strong case to use the resulting level of housing.
- 4.30 The evidence in Table 6 and calculated in detail in DLP's Matter 3 submission is that the consequences of the more up to date assessment of housing demand and need in the surrounding areas are most likely to have the impact of increasing rather than decreasing net migration.
- 4.31 DLP also note that while the migration is lower in the 2010 based projections the final population is very similar to the 2008 projections. This would strongly suggest that the 2008 household projections may also be given some weight in determining the overall level of housing.

***Summary regarding migration***

- 4.32 The past levels of net national migration are set out in the chart below. These record moves within the United Kingdom and do not take into account losses or gains from international migration.
- 4.33 This shows the two peaks of net in migration of 900 persons occurred in 1990 and again in 2007 and 2008.
- 4.34 The lowest level of out migration occurred in 2008 and the lowest level of in migration occurred in 2009. Both in and out migration levels have started to increase since these lows.
- 4.35 This chart does not include net international migration and it is this which is the difference between the chart and the figures in the agreed statement. They are also end of year rather than mid-year. Both sets of figures are correct in our view being published by the government.
- 4.36 This chart is different to that in the SoCG which is based upon mid-year figures rather than end of year. The Council have provided no explanation as to why mid-year figures are preferred and why it was insisted that the mid-year figures were included as opposed to these. Both are from the same Government source.
- 4.37 The chart below shows the migration assumptions for the three SNPP of 2004, 2008 and 2010.

- 4.38 This chart also includes the position of the Council that net migration will decrease to an average of 500 persons per year. This is lower than the SNPP assumptions.
- 4.39 The chart also illustrates the potential impact of what they consider is the known level of planned undersupply in Leeds and York as set out in detail in DLP's submission on Matter 3 (August 2011).
- 4.40 The chart below simply illustrates the published data but includes the DLP and Council proposed levels of migration which could not be agreed with the Council. No reason has been given for not agreeing these facts.

Chart showing migration assumptions for Selby



- 4.41 The average level of migration into Selby for each of the projections during the plan period is set out below in table 6. Again the Council could not agree to the table below or the chart above but no reasons were given.

Table 9 Summary of migration assumptions on the SNPP

net migration	Average migration
SNPP 2004	670
SNPP 2008	752
SNPP 2010	648
ARUP	500
DLP	904

**Assumptions on household size**

- 4.42 Household projections as produced by the CLG and the Chelmer model do not use average household size to generate assessments of housing need.
- 4.43 The average household size for the whole of North Yorkshire at 2026 will be 2.18 according to the 2008 household projections.

4.44 The average household size as generated by the model used in the SHMA (appendix 8 fig 6.5) was 2.41 in 2008 which is forecast to reduce to 2.26 in 2026.

**Table 10** Extract from Table 404 of the 2008 Household projections by household type and region, England, 2001-2033 for Yorkshire and the Humber:

Year	All households (as defined in the census) ('000,s)	Private household population ('000,s)	Average household size (persons/ household)
1991	1987	4859	2.45
2001	2069	4892	2.36
2002	2086	4918	2.36
2003	2100	4944	2.35
2004	2119	4982	2.35
2005	2143	5025	2.35
2006	2164	5060	2.34
2007	2184	5094	2.33
2008	2203	5130	2.33
2013	2339	5349	2.29
2018	2485	5569	2.24
2023	2623	5787	2.21
2028	2755	5995	2.18
2033	2879	6179	2.15

4.45 The Council have been unable to agree the above extract from the Government publication.

**Assumptions on Vacancy**

4.46 The DLP work and the North Yorkshire SHMA have been based on a vacancy level in the total stock of housing of 3%. The Council have not been able to agree an appropriate level of vacancy.

**Economic forecasts**

4.47 The SHMA suggest that there an increase of jobs in the district in the period of 1,100 with almost half (500 new jobs) being created in the first year 2011/12 (SHMA appendix 8 figure 3).

4.48 The Council have referred to unpublished figures from the Regional Economic Model. DLP have requested the details of this model but this has been refused. We have made alternative enquires amongst other consultants who have in the past used the model or work with it and as a result of these enquires DLP would strongly object to any weight being given to the output of this model as there are serious questions as to its appropriateness and its current operation.

4.49 DLP consider that economic projections which extend the current recession over the whole of the plan period to be unrealistically pessimistic. Such an approach is in direct conflict with paragraph 7 of the Framework to building a strong responsive and competitive economy.

**Impact on commuting patterns**

4.50 The Council claim in their Position Statement that the justification for a lower level of housing provision is to reduce commuting (paragraph 3.8) and places

this objective higher than meeting the nation's housing needs. DLP would dispute that this is the correct balance; nevertheless it is important for the Inspector to note that the Council have not produced any evidence as to what the impact of providing the higher level of housing would be in terms of impact on commuting.

- 4.51 Table 11 below sets out the increase in the working age population from the 2010 based projections. In calculating the additions to the labour force the economic activity rate from the SHMA has been used.

**Table 11 Change in working age population and future workers as a result of the 2010 base SNPP**

AGE GROUP	2010	2026	change	change in working age population	Additional workers (SHMA 74.4% appendix 8 figure 3 10)
0-4	5000	5300	300		
5-9	4600	5800	1200		
10-14	5000	6200	1200		
15-19	5400	5500	100	100	74
20-24	4200	3600	-600	-600	-446
25-29	3900	4300	400	400	298
30-34	4300	5500	1200	1200	893
35-39	5800	6700	900	900	670
40-44	6600	6500	-100	-100	-74
45-49	7100	5900	-1200	-1200	-893
50-54	6100	6200	100	100	74
55-59	5500	7100	1600	1600	1190
60-64	5900	7200	1300	1300	967
65-69	4300	6100	1800		
70-74	3300	4900	1600		
75-79	2600	4800	2200		
80-84	1800	3200	1400		
85-89	1100	1900	800		
90+	600	1300	700		
All ages	83200	97900	14700	3700	2753

- 4.52 This information demonstrates that meeting the 2010 based SNPP will not lead to a large increase in the workforce and for some age groups notably the 20 to 24 and the 40 to 49 there will be a decrease in the number of workers.
- 4.53 The pessimistic employment projections in the SHMA suggest an increase over the plan period of 1,100 (Figure 3. 11: Forecast New Job Creation, Selby, 2011 to 2026). This would suggest that meeting the 2010 based projections could potentially result in some 1,653 additional commuters traveling outside of the districts boundary.
- 4.54 Table B of Background Paper 1 (January 2007) sets out that of the 38,814 workers who lived in Selby that travelled to work some 18,946 crossed the

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district boundary to work. It should be noted that at this time there were only 31,365 people working in Selby (residents plus in commuters).

- 4.55 The overall increase in journeys out of the district based upon this evidence will be under 9%. The largest additional flow (on a pro rata basis) would be an additional 554 movements into Leeds in addition to the 6,350 recorded in 2001.
- 4.56 It is DLP's view that even if this was to be the impact of meeting the 2010 based housing requirement then it is not possible to conclude that this change is significant and that its effect demonstrably outweighs the benefits of providing the required level of dwellings.
- 4.57 If we are incorrect in the assessment of the significance of this impact, then paragraph 152 requires three tests to be passed before a lower housing requirement can be set.

***Alternative locations***

- 4.58 It has been DLP's stated position that increasing the level of provision in Sherburn in Elmet would increase the sustainability of the Core Strategy. In terms the potential increase of some 554 additional job related movements to Leeds this still seems to be a very appropriate strategy. This is because the settlement is well served by public transport to Leeds, and as such development here will provide a real choice of modes of transport in accordance with paragraph 29 of the Framework. Being closer to Leeds the settlement will reduce the travel distance and hence minimise the length of journey to work in accordance with paragraph 36 of the Framework.
- 4.59 DLP understands that the earlier proposed strategic site to the west of Selby now has a developer involved. That developer is in the process of resolving the access issues that were identified in the SHLAA relating to the site. In this respect the question marks over the deliverability of that land are being resolved and such growth should be encouraged as it would provide suitable for housing for workers in Selby in particular.
- 4.60 Other alternative locations for housing would be either in Leeds or York but the Council have not entered any discussions with these Councils about these cities accommodating a higher level of provision to allow Selby to reduce its migration.

***Mitigation***

- 4.61 The impact of additional number cross boundary movements could be mitigated by placing development close to the boundary of Leeds and York shortening the distance travelled or by increasing concentrations of development at sustainable transport hubs.
- 4.62 By locating development in areas which themselves have a high degree of service and employment provision (like Sherburn in Emmett) travel distance to other facilities could reduce and a wider choice of transport modes would be on offer.
- 4.63 There is of course the ability to use Travel Plans to also address the impact of all patterns of travel generated by the development. This might include enhanced provision of non-car modes.
- 4.64 Lastly the impact could be mitigated by reducing the level of in commuting to Selby from Wakefield (2,951 in commuters), Leeds (1,717), East Riding (1,733 in commuters) and York (1,682 in commuters). The figures for in

commuting are from Table B of Background Paper 1 January 2007. This could be achieved by providing suitable housing for these workers to live and work in Selby.

***Compensation***

- 4.65 The impact on the environment in terms of increased numbers of out commuters could be compensated by encouraging a higher degree of fuel efficiency within the new developments.



**5 A review of recent decisions by the Planning Inspectorate on appeals and development plans**

5.1 Appeal Decision APP/X1165/A/11/2165846 paragraph 52 considered the competing claims as to the reliability of each of the projections including the 2003 based projections and concludes:

*Taking all of this into account, I consider that it would be unreasonable not to reduce the Proposed Changes version of the RS housing requirement figure to reflect the more recent evidence of the 2008-based CLG household projections, but premature to attempt to calculate any further reduction based on the raw data provided by the ONS population projections. In my judgment the CLG 2008-based household projection figures constitute the most reliable up-to date figures, and therefore the best evidence on which to base my assessment of Torbay's housing supply position. I share the appellant's view that it is reasonable to apply an increase of 6%, in order to translate the number of projected households into the number of dwellings required, taking account of vacancies and occupation as second*

5.2 Appeal Decision APP/X1165/A/11/2145178 paragraph 63 also considered the competing claims as to the reliability the projections and states:

*In contrast to the circumstances surrounding the future of the RSS, the DCLG household projections (2008 to 2033) are both Current and of relatively recent origin. I have no reason to doubt their reliability.*

**The approach taken in Central Lancaster**

5.3 The Central Lancaster Core Strategy proposed to lower the level of housing provision below that set in the RSS and the Inspector clearly indicated that this would result in the plan being unsound. While not reported in the decision letter the background to this is significant because the Inspector did consider the impact of the 2008 based projections.

5.4 In the case of Central Lancaster Core Strategy paragraph 8.7 of the consultation document refers to the household projections. The CS concluded that because the 2008 based household projections are lower than the 2006 based projections there is justification to review the housing requirement as set out in the RSS. However, it was the 2003 based projections which informed the final RSS requirement. This is confirmed in paragraph 6.30 of the RSS Panel Report (Appendix EPP1). The 2003 based projections indicated an increase of 1,318 net additional households per annum (2004 to 2026). The latest 2008 based projections indicate that the number of households in Central Lancashire is set to grow from 145,000 in 2008 to 168,000 in 2026. This equates to growth of 23,000 households, or 1,278 net additional households per annum. This is a 4.7% reduction from the 2003 based figure which the Inspector did not consider to be a material difference and the Inspector did not seek to reduce the housing requirement on the base of this evidence.

**The approach taken in North Somerset (prior to the Framework)**

5.5 The North Somerset Core Strategy proposed to lower the level of housing provision below that in the draft RSS and while the Inspector accepted this argument (paragraph 29 of decision notice) based upon the impact of the economic recession he only did so because in the short term there was an additional supply of 3,000 potential dwellings identified in the SHLAA (paragraph 30) and on the understanding that improvements to the economy would require very significant changes to the Core Strategy (paragraph 31).

These changes would require a comprehensive review of the Core Strategy and cooperation with neighbouring authorities.

- 5.6 The Inspector was very clear that this comprehensive review was required to be undertaken within the next 5 years (paragraph 32).

**6 Summary of DLP planning's position**

- 6.1 DLP's approach to the setting of the housing requirement is that the requirement should be objectively assessed according to the Framework. Once this has been undertaken then any reduction should be based upon an analysis of the negative impact of providing that higher level of development. Only if this analysis identifies a significant impact which demonstrably harms the objectives of sustainable development, which cannot be resolved by a change in the strategy in terms of distribution, mitigated against or compensated, should the figure be reduced.
- 6.2 DLP have calculated that the 2010 SNPP for Selby to be 581 dwellings a year (see table 12 below).
- 6.3 DLP argue (paragraphs 3.3.5 to 3.3.11 of their original submission on matter 3) for the higher level of in migration based upon the approach being adopted towards housing provision in the surrounding areas compared to the most recent (2008 based) Household Projections. The two authorities which have strong links to the district in terms of migration are Leeds and York. The calculated impact of the undersupply suggests that Selby's proportion of the increased level of net out migration that would result would be 134 persons a year (89 persons a year from Leeds and 45 persons a year from York).
- 6.4 The impact of the 2010 SNPP on these two locations are set out in the tables 12 and 13 below. Table 12 uses the average household size from the relevant SHMA while table 13 uses the average household size for the published 2008 household projections as published by the Government. Both tables suggest that there is / will be an undersupply in both Leeds and York if the current policy positions remain changed.
- 6.5 DLP are of the opinion that having established substantial migration flows between Selby, York and Leeds the consequences of these flows must be objectively assessed if the CS is to be found in accordance with the Framework and hence sound.
- 6.6 DLP have assessed the potential impact of increasing the housing supply in terms of increased commuting above and even using the "pessimistic" level of employment growth in the SHMA, the impact cannot be regarded as significant.
- 6.7 In addition DLP have identified how this limited adverse impact can be reduced by small amendments to the Core Strategy as well as mitigation and compensation measures.
- 6.8 The above represents an objective assessment of the districts housing needs in full accordance with the Framework.

**Table 12 Implied housing requirements from SNPP 2010 utilising average household size from SHMA for Selby and York**

	total population at 2011 (2010 based)	total population at 2026 (2010 based)	average household size	436059,1133	vacancy rate in total stock	total dwellings required including 3% vacancy	total dwellings at 2011 (CLG live table 100)	Inferred dwelling requirement using average HH size	Inferred annual dwelling requirement	Proposed dwelling requirement in emerging plans	under/oversupply compared to 2010 SNPP
Leeds*	789,000	885,200	2.15	411,721	3	424,073	336,880	87,193	5,813	4,300	-1,513
Selby	84,100	97,900	2.26	43,319	3	44,618	35,900	8,718	581	450	-131
York	198,700	216,800	2.11	102,749	3	105,831	83,900	21,931	1,462	782	-680

\* Leeds SHMA - Figure 6.2: Population, household size and household estimates for 2010 and 2026  
 + North Yorkshire SHMA average Household size from figure 7.5

**Table 13 Implied housing requirements from SNPP 2010 utilising average household size**

	total population at 2011 (2010 based)	total population at 2026 (2010 based)	average household size	total occupied dwellings at 2026	vacancy rate in total stock	total dwellings required including 3% vacancy	total dwellings at 2011 (CLG live table 100)	Inferred dwelling requirement using average HH size	Inferred annual dwelling requirement	Proposed dwelling requirement in emerging plans	under/oversupply compared to 2010 SNPP
Leeds	789,000	885,200	2.18	406,055	3	418,237	336,880	81,357	5,424	4,300	-1,124
Selby	84,100	97,900	2.18	44,908	3	46,256	35,900	10,356	690	450	-240
York	198,700	216,800	2.18	98,450	3	102,433	83,900	18,533	1,236	782	-454

**7 Conclusion**

- 7.1 DLP consider that in policy terms the Core Strategy should be in full accordance with the Framework.
- 
- 7.2 DLP have calculated that the 2010 SNPP for Selby to be 581 dwellings a year (Table 12).
- 7.3 DLP continue to argue that the Framework requires Plans to be prepared and approved in the full knowledge of the consequences not only for the district but also the surrounding areas. In this case the known policy positions of York and Leeds cannot simply be ignored. The failure of the Council to even engage in agreeing the basic facts regarding the levels of provision and need in these two locations mean that their simple assertions that policies regarding housing supply between these locations are not related cannot be given weight. There is clear evidence that the housing markets of York, Leeds and Selby are interconnected and that the evidence produced to date to demonstrate that there is adequate cooperation between these authorities to ensure housing demand and need is met in full as required of the Framework.
- 7.4 Taking into account the impact of the undersupply in Leeds and York suggests that Selby's proportion of increased out migration from these locations would result in a higher dwelling requirement of approximately 600 dwellings a year.
- 7.5 This figure has been tested in terms of impact on commuting patterns which the Council suggest is the reason for a lower level of provision. It has been demonstrated that the impact is not significant enough to outweigh the clear benefit of housing the nation's population. Furthermore it has been suggested from the beginning of the Examination that a higher level of provision in Sherburn in Elmet could have benefits in terms of more sustainable patterns of travel to work by both shortening distances and increasing choice of travel mode. The impact of possible increased movements across the boundary of the district for work may be both mitigated and compensated. In these circumstances there should be no reduction from the objectively assessed demand and need.
- 7.6 The approach undertaken by the Council is not in accordance with the Framework for the following reasons:
- a. The Council have not approached the plan in terms of positively seeking to meet the development needs of the area; it has chosen to undersupply according to their own assessment of the most recent projections without setting out how meeting the higher level would significantly and demonstrably outweigh the benefits.
  - b. There is no agreed evidence base for the Housing Market Area or the impact of policies in Leeds and York
  - c. The level of housing provision is based on a reduced level of migration compared to the projections and the Council have provided no evidence that they have sought to accommodate these migration levels by adopting a different policy within the plan or by negotiating that these will be accommodated at their source locations or indeed alternative destinations.

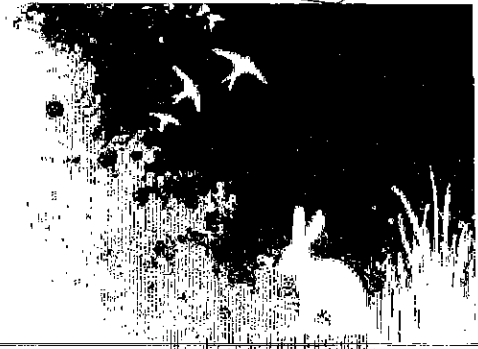
- d. The level of housing has been reduced without defining the extent of the claimed impact in terms of increased commuting or considering mitigation or compensation measure to address this alleged impact.

7.7 In light of the above the choice for the Inspector is to:

- a. Conclude that differences are too small to matter, or that a reduction of housing in Selby does not have to be made up elsewhere. This would mean that the tests set out in paragraph 14 and 152 which Councils are to undertake before decreasing supply are easily passed and require little evidence.
- b. Increase the dwelling requirement. It is accepted that this may require further delay as consultation takes place but is the preferred option.
- c. Approve, but request early review of the Core Strategy to better accord with the Framework; it is difficult to see the advantage of this approach. The North Somerset Core strategy was different in this respect as the duty to cooperate that was so obviously missing and hence the requirement for a quick review was only in the legislation at that time. There is now a policy requirement to cooperate throughout the plan process as set out in the Framework and it is clear this has not been undertaken. There is little indication that cooperation in any meaningful sense will come forward for an early review.
- d. Find the CS unsound. While this is not a preferred option it may be the only way that the Inspector can signal the importance of applying the whole of the Framework.



**Yorkshire  
Wildlife Trust**



Helen Gregory,  
Selby District Council,  
Civic Centre,  
Doncaster Road,  
Selby,  
North Yorkshire  
YO8 9FT.

18<sup>th</sup> July 2012

**Subject: The 6<sup>th</sup> set of Proposed Changes to the Submission Draft Core Strategy**

Dear Helen,

Thank you for consulting the Yorkshire Wildlife Trust on the above. The Yorkshire Wildlife Trust works across the Yorkshire and Humber region managing 92 reserves and with a membership of over 33,500. The YWT is the second oldest of the 47 Wildlife Trusts which work in partnership to cover the whole of the UK. The Trust's principal vision is to work for a Yorkshire rich in wildlife, valued and enjoyed by people.

Overall, we are of the opinion that the proposed changes to the Draft Core Strategy are broadly in line with, and appropriate to the planning intentions of the NPPF. We wish to make the following comments on these particular proposed changes:

**Chapter 1 (proposed change number PC6.4) – Add text in Chapter 1 to incorporate explanation about new planning system and Localism Act 2011.**

In addition to socio-economic implications under the new planning system, it would be worthwhile to also explain how the District Council can work with communities to achieve gains for biodiversity and the natural environment under this planning system and the Localism Act 2011. In the planning section of the Trust's website there is a document on Localism and how to incorporate biodiversity information into Neighbourhood Plans see <http://www.ywt.org.uk/sites/yorkshire.live.wt.precedenthost.co.uk/files/Planning%20Leaflets%20draft%20-%20Neighbourhood%20plans.pdf>

**Chapter 2 (proposed change number PC6.11) – Add text to beginning of Chapter 2 to explain how strategic matters and cross boundary issues have been addressed within the Core Strategy as set out in Appendix 2.**

This is a particularly important addition to comply with the 'duty to cooperate' paragraphs 178-181 of the NPPF. This duty has been primarily seen by local authorities and business leaders as achieving strategic priorities from a socio-economic viewpoint. We believe that the duty to cooperate has also significant potential to successfully plan for biodiversity at a landscape-scale across local authority boundaries, as described in paragraph 117 of the NPPF. In this regard, the Yorkshire Wildlife Trust is advocating "Living Landscapes" across Yorkshire for the promotion, restoration and re-creation of priority habitats and ecological networks. The duty to cooperate mechanism has a key role to



Yorkshire Wildlife Trust is registered in England No. 409450 and is a registered charity No. 210627

*Love Yorkshire, Love Wildlife*

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# Yorkshire Wildlife Trust

implement Green Infrastructure initiatives, particularly in the absence of Regional Strategies in England, and this could be highlighted further within this section. The fact that the European designated site, the Lower Derwent Valley is on the border of Selby District, City of York Council, and East Riding of Yorkshire Council makes this issue even more relevant and important.

Chapter 3 (proposed change number PC6.13) - *Add to the end of Objective 7 "giving preference to land of lesser environmental value"*

We agree that in the promotion of the efficient use of land, preference should be given to land of lesser environmental value. It is important to emphasise here that previously developed land may have a high biodiversity value, despite being designated as a "Brownfield" site. Such environmental value can be often overlooked when compared to Greenfield sites.

Chapter 3 (proposed change number PC6.15) – *Add reference to "protecting natural resources including safeguarding known locations of minerals resources"*

This is a welcome reference. Inappropriately planned development has often inhibited the future extraction possibilities of mineral resources, particularly with the increased pressure on land use in England. Safeguarding policy should help ensure that the planning system in Selby retains the flexibility to identify sites which have the least impact on the environment, as outlined in paragraphs 142-149 of the NPPF.

CP9 (proposed change number PC6.72) – *Insert two new paragraphs into paragraph 6.25*

We support the intention within these paragraphs to maintain the viability of rural communities so as to reduce the need to travel for economic and social services that can be accommodated in a local rural environment. It is important to recognise that different policies and measures will be required in different communities throughout Selby, and also the opportunities to maximise sustainable rural transport solutions will vary depending on the degree of urbanity of particular areas. This is outlined further in Section 29 (Chapter 4 – Promoting sustainable transport) of the NPPF.

CP9 (proposed change number PC6.73) – *Insert new paragraphs below paragraph 6.31*

These new paragraphs state that employment development outside the Designated Service Villages will be carefully assessed against development management, environmental and highways criteria. Regarding environmental criteria, the benefits of the local natural environment can be worked with to encourage sustainable employment opportunities, such as rural tourism and leisure developments. The character of the local countryside can then be of economic benefit but also respected (NPPF – Section 28).

CP12 (proposed change number PC6.81) – *Add new criterion to part A*

The new criterion makes reference to ensuring development proposals respond to land characteristics to minimise risks of erosion, subsidence and instability, and to exploit opportunities for reclamation and reinstatement of contaminated land. This is to correspond to paragraph 120 of the NPPF. The NPPF also refers to the need to take



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cumulative effects of pollution into account, whether on health, the natural environment or general amenity. We would recommend that this additional paragraph discusses measures to reduce such cumulative impacts of numerous developments over time within certain areas of the District.

CP14 (proposed change number PC6.83) – *Amend 7.56*

This discusses the appropriateness of identifying suitable areas for renewable and low carbon sources based on further evidence. It would be also very useful in this paragraph or elsewhere to state the District Council’s current position on hydraulic fracturing/fracking techniques used to release natural gas, petroleum and other substances for extraction. There has been considerable interest in the technique by its proponents in northern England, including in Yorkshire. Detractors of the practice point to potentially serious environmental impacts, including contamination of ground water and risks to air quality. We would be therefore very interested to note the present perspective of the District Council on this potential energy source. Recent Petroleum Exploration and Development licences have been granted by DECC in Yorkshire see <http://og.decc.gov.uk/assets/og/data-maps/maps/landfields-lics.pdf> and it may be advisable for the authority to have policies in place before planning applications are put in to develop potential reserves.

CP15 – (proposed change PC6.88) – *Add “areas of tranquillity, public rights of way and access,” after ‘locally distinctive landscapes’ in criterion 5.*

In addition, local distinctive landscapes should be seen as a significant part in the development of Green Infrastructure networks in Selby and beyond its borders to help biodiversity adapt to climate changes and development pressures. The Wildlife Trusts nationally with the RTPi have recently released a document on Green Infrastructure and biodiversity which may be very useful for the council in developing their GI strategy so that biodiversity is incorporated as suggested by the NPPF, the document can be downloaded from our website <http://www.ywt.org.uk/news/2012/07/10/planning-healthy-and-natural-environment>.

We hope these comments are useful to you, and please get in touch if any clarification is required.

Yours sincerely,

Sara Robin

Conservation Officer (Planning)  
Yorkshire Wildlife Trust  
Telephone: 01904 659570  
Email: [sara.robins@ywt.org.uk](mailto:sara.robins@ywt.org.uk)



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# BARTON WILLMORE

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Mr. Stuart Pashley  
Programme Officer  
Selby District Council  
Civic Centre  
Doncaster Road  
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20970/A3/CH/ds

16<sup>th</sup> July 2012

Dear Stuart

**SELBY CORE STRATEGY – CONSULTATION ON 6<sup>TH</sup> SET OF PROPOSED CHANGES AND ASSOCIATED DOCUMENTS**  
**HARWORTH ESTATES LTD, FORMER SELBY MINE SITES AND KELLINGLEY COLLIERY SITE**

On behalf of our client Harworth Estates, we set out below our representations on the 6<sup>th</sup> Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.

### Context

Harworth Estates has previously submitted representations to the Selby LDF Core Strategy and Site Allocations DPDs in respect of the Company's landholdings within the Selby district as follows:

- The Gascoigne Wood Interchange ("The Gascoigne Wood site");
- The Riccall Business Park ("the Riccall site");
- The Whitemoor Business Park ("the Whitemoor site");
- The Former Stillingfleet Mine ("the Stillingfleet site");
- The Former Wistow Mine ("the Wistow site"); and
- Kellingley Colliery ("the Kellingley site").

In respect of the Core Strategy, Written Statements were submitted and the relevant EIP Hearing Sessions attended on behalf of Harworth Estates in September 2011. Further to the debate at the Hearing Session on 28<sup>th</sup> September 2011 in relation to Policy CP9: "Scale and Distribution of Economic Growth," the Selby District Council ("the Council") published a proposed modification to the Policy which was subsequently supported by Harworth Estates in representations submitted in February 2012.

In March 2012, the Coalition Government published the National Planning Policy Framework (NPPF) which replaced a whole suite of national planning policy statements and guidance notes. The Council consulted on the implications of the NPPF for the Core Strategy in April 2012 and Barton Willmore submitted representations on behalf of Harworth Estates. A copy of these representations is enclosed for review by the Planning Inspector.

### Comments on Council's Response to Representations on the Implications of the NPPF

We note that the Council has prepared a table summarising its responses to the representations received in relation to the implications of the NPPF on the Core Strategy. Barton Willmore's representations are summarised as follows:



Barton Willmore LLP, a limited liability partnership Registered office: Beansheaf Farmhouse, Bourne Close, Calcot, Reading, Berkshire, RG31 7BW Registered in Cardiff Number OC342692

Bristol Cambridge Cardiff Ebbsfleet Edinburgh Leeds London Manchester Reading Solihull

*"Objection to CP9 in relation to the presumption of sustainable development should mean that the mine sites are considered within the policy for redevelopment. HE refer to the mine sites grid connections and opportunity for Renewable Energy which they say is supported in NPPF."*

This summary is incorrect. Barton Willmore's representations in fact supported Policy CP9 on the basis that on the whole it is considered to be consistent with the NPPF subject to a minor addition to the Policy to include support for well designed buildings for economic use in rural areas. This would bring the Policy in line with the Paragraph 28 of the NPPF which is unequivocal in its support for not only the reuse of buildings for economic uses which support economic growth in rural areas, but also the development of well designed buildings for such purposes.

The summary also fails to acknowledge the representations put forward in relation to the need to include an additional policy within the Core Strategy in favour of sustainable development.

In terms of the Council's response to the representations made this simply states:

*"Policy CP9 (ix) supports the re-use of the mine sites for economic activities appropriate to their countryside location. Consistent with NPPF."*

In fact as proposed the Policy currently only supports the re-use of buildings and infrastructure at mine sites for economic activities appropriate to their countryside location. It makes no reference to support for new buildings for such activities. As such Harworth Estates maintains its position that the Policy should be amended as follows to accord with the NPPF:

*"xi. supporting the re-use of buildings and infrastructure and development of well designed new buildings on 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."*

#### **Comments on the 6<sup>th</sup> Set of Proposed Changes**

Harworth Estates is pleased to note that further to its previous representations, the Council is now proposing to add a new policy on the presumption in favour of sustainable development to the Core Strategy based on the national model as suggested.

The Council proposes to revise Policy CP9 (scale and distribution of economic growth) to 'adopt a more positive approach to encouraging sustainable rural businesses and provide wider scope for supporting the rural economy in line with the NPPF'. Harworth Estates welcomes this but retains its position that the policy should be amended to allow for development of well designed new buildings as set out above.

Changes are now also proposed to Policy CP14 (low carbon and renewable energy). It is now proposed to include a provision that to be supported new sources of renewable energy and low carbon generation have to fall within identified suitable areas designated in future Local Plan documents or Neighbourhood Plans. Harworth Estates objects to this on the basis that the Council has misinterpreted the NPPF and the policy would not be positively prepared and therefore unsound. Paragraph 98 of the NPPF states that:

*"Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."*

(9)

Therefore it is clear that commercial scale low carbon/renewable energy generation developments outside of identified suitable areas should be supported by the Council provided that it meets the relevant site/location criteria. Accordingly, the Policy should be amended as follows in order to make it sound;

*"The Council will support new sources of renewable energy and low-carbon energy generation and supporting infrastructure 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 or meets the site/location criteria set out in these Plans"*

Additional text is also proposed relating to Green Belt sites which requires applicants to demonstrate very special circumstances if projects are to proceed. This misquotes paragraph 91 of the NPPF which refers only to **elements** of many renewable energy projects comprising inappropriate development. It also fails to identify that certain 'projects' are excluded from the definition of inappropriate development in the NPPF, including the extension or alteration of buildings provided that they do not result in disproportionate additions over and above the size of the original buildings and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In its current form the additional text is unsound on the basis that it does not accord with the NPPF and is not positively prepared. If the Council considers it necessary to re-quote the NPPF then the proposed additional text should be amended as follows:

*"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

We would be grateful if you could acknowledge this letter as 'duly made' and keep us informed at all future stages of the Local Plan process. In the meantime, should you have any further queries please do not hesitate to contact me on the above telephone number.

Yours sincerely



**CLAIRE HARRON**  
Associate

Enc: Previous Representations to NPPF Consultation

Cc: Tim Love Harworth Estates Limited

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# BARTON WILLMORE

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20970/A3/CH/kb  
30th April 2012

Dear Stuart

**SELBY LDF CORE STRATEGY – NPPF CONSULTATION**  
**HARWORTH ESTATES LTD. FORMER SELBY MINE SITES AND KELLINGLEY COLLIERY SITE**

We refer to the note from the Planning Inspector of 10 April 2012 in respect of the above. Further to this on behalf of our client Harworth Estates, we set out below our representations on the implications of the NPPF in relation to the Council's published Core Strategy and Harworth Estates' previous representations.

**CONTEXT**

Harworth Estates has previously submitted representations to the Selby LDF Core Strategy and Site Allocations DPDs in respect of the Company's landholdings within the Selby district as follows;

- The Gascoigne Wood Interchange ("The Gascoigne Wood site")
- The Riccall Business Park ("the Riccall site")
- The Whitemoor Business Park ("the Whitemoor site")
- The Former Stillingfleet Mine ("the Stillingfleet site")
- The Former Wistow Mine ("the Wistow site")
- Kellingley Colliery ("the Kellingley site")

In respect of the Core Strategy, Written Statements were submitted and the relevant EIP Hearing Sessions attended on behalf of Harworth Estates in September 2011. Further to the debate at the Hearing Session on 28<sup>th</sup> September 2011 in relation to Policy CP9: "Scale and Distribution of Economic Growth," the Council published a proposed modification to the Policy which was subsequently supported by Harworth Estates in representations submitted in February 2012.

**COMMENTS ON THE NPPF**

Harworth Estates welcomes the opportunity to submit representations on the implications of the NPPF for the Selby Core Strategy and more particularly for Policy CP9 which specifically relates to several of the Company's sites. The Policy as currently proposed supports the development and revitalisation of the local economy by amongst other things;

*"vii. Supporting the development of activities and re-use of existing buildings directly linked to existing rail infrastructure at the former Gascoigne Wood surface mine;*

*xi. supporting the re-use of buildings and infrastructure on 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."*



The overall message of the NPPF is set out at paragraph 14 which confirms that *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."*

~~Paragraph 15 goes on to make it clear that policies in Local Plans should adopt the above approach so that it is clear that development which is sustainable can be approved without delay. In this respect all Plans should be based upon and reflect the presumption in favour of sustainable development.~~

Pursuant to the above, Harworth Estates considers that an additional policy should be included within the Core Strategy which sets out the clear presumption in favour of sustainable development. It is noted that PINs have published a model policy as follows;

*"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 Local Plan (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 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."*

In addition to the presumption in favour of sustainable development, there are several sections of the NPPF that are relevant to Harworth Estates' previous representations on its current landholdings within the Selby district as set out below.

#### *Core Planning Principles*

One of the Core Principles set out at paragraph 17 of the NPPF is that planning should;

*"support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy."*

Further to the above, the NPPF offers clear support for the reuse of buildings and infrastructure for low carbon/renewable energy generation at sites such as the former Selby mine sites which contain valuable existing grid connections should therefore be given clear support in Local Plans. In this regard Policy CP9 recognises the potential future use of such sites for the purposes of low carbon/renewable energy generation and therefore complies with this core principle of the NPPF.

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### *Supporting a prosperous rural economy*

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity and support sustainable new development. In this regard Local Plans should;

- *"support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *Promote the development and diversification of agricultural and other land-based rural businesses;*
- *Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in rural service centres..."*

In light of the above, whilst continuing to support Policy CP9, Harworth Estates does however object to its specific restriction to the reuse of buildings and infrastructure only, on the basis that this would be contrary to the NPPF and therefore unsound. The NPPF is unequivocal in its support for not only the reuse of buildings for economic uses which support economic growth in rural areas, but also the development of well designed buildings for such purposes. It is therefore requested that the following addition be made to Policy CP9 in order to ensure that it is compliant with national planning policy as set out in the NPPF;

*"xi. supporting the re-use of buildings and infrastructure and development of well designed new buildings on 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."*

### *Promoting Sustainable Transport*

The NPPF seeks to maximise the use of sustainable transport solutions whilst at the same time recognising that such opportunities will vary from urban to rural areas. In respect of rail transport paragraph 31 encourages local authorities to develop strategies for the provision of viable infrastructure required to support sustainable development, *"including large scale facilities such as rail freight interchanges"*. It is therefore considered that section vii of Policy CP9 which offers support for rail associated development at the Gascoigne Wood site is consistent with the NPPF

### *Annex 1: Implementation*

Annex 1 of the NPPF sets out how its policies should be implemented. It is noted that paragraph 216 allows local planning authorities to give weight to relevant policies in emerging plans according to:

- *"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that can be given)."*



Harworth Estates considers that in relation to the determination of any planning applications at former mine sites that are submitted prior to the adoption of the Core Strategy significant weight should be given to Policy CP9. This is on the basis that the Core Strategy is at a very advanced stage with the EIP having commenced; the only currently unresolved objection to the Policy relates to a minor change of the wording to reflect the NPPF as set out above and further to this the Policy will be entirely consistent with the NPPF.

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**Summary**

Overall, the NPPF sets out an unquestionable emphasis on a pro-growth agenda which should include positive support from local planning authorities towards economic growth in rural areas. As such the NPPF adds further weight to the case for redevelopment of the Gascoigne Wood and former Selby mine sites for appropriate economic uses, including not only the reuse of the existing buildings and infrastructure but also the development of well designed new buildings. As such Harworth Estates considers that Policy CP9 of the Selby Core Strategy is on the whole consistent with the NPPF, subject to a minor addition to the Policy to include support for well designed buildings for economic use in rural areas.

We would be grateful if you could acknowledge this letter as 'duly made' and keep us informed at all future stages of the LDF process. In the meantime, should you have any further queries please do not hesitate to contact me on the above telephone number.

Yours sincerely

  
**CLAIRE HARRON**  
Associate

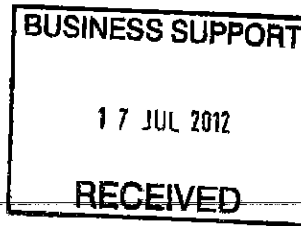
Cc: Tim Love Harworth Estates Limited



# STILLINGFLEET PARISH COUNCIL

Clerk to the Council: Mr J. D. Birch, Ivy Dene, Main Street, Deighton, YORK YO19 6HD

Policy and Strategy Team  
Selby District Council  
Civic Centre  
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16<sup>th</sup> July 2012

## **Representation on Selby District Submission Core Strategy Consultation on Further Proposed Changes (6<sup>th</sup> Set) June 2012**

Letter No.1

Stillingfleet Parish Council has the following representation:-

### **Policy CP9**

#### **Proposed change PC6.74**

**C. Rural Economy Clause 2** refers to the re-use of buildings and infrastructure on former mine sites.

The Proposed Change is unsound on all four of the four tests.

The original consent on Stillingfleet mine site is by NYCC for mineral purposes with a Condition for it to be restored to a condition capable of agricultural production and all plant, buildings and machinery shall be removed from the site.

The Proposed Change is to add the heading under Rural Economy of, "Developments which bring local employment opportunities or sustainable economic growth or expansion of businesses and enterprise in rural areas."

The Core Strategy states on the page previous to the statement of CP9 that Stillingfleet and Wistow mine sites are more remote and are not suitable for re-use for large scale/intensive economic activities. They therefore do not offer sustainable development as required by NPPF and, after the issuing of NPPF, mine sites without a planning permission by Selby DC are no more suitable than anywhere else in open countryside.

The necessary change to make the Proposed Change to the Submission Draft Core Strategy sound is to delete from Clause 2 "former mine sites and other".

### **Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name and organisation and representation will be made publicly available (including on the Council's website) in order to ensure that it is a fair and transparent process. I agree with this statement and submit the above representation for consideration.

  
JD Birch  
Parish Clerk

Copies to Cllr E Casling and Cllr I Reynolds

# STILLINGFLEET PARISH COUNCIL

(92)

Clerk to the Council: Mr J. D. Birch, Ivy Dene, Main Street, Deighton, YORK YO19 6HD  
[REDACTED]

Policy and Strategy Team  
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16<sup>th</sup> July 2012

## **Representation on Selby District Submission Core Strategy Consultation on Further Proposed Changes (6<sup>th</sup> Set) June 2012**

Letter No.2

Stillingfleet Parish Council has the following representation:-

### **Policy CP16**

#### **Proposed change PC6.95**

**Paragraph 7.77** The Proposed Change is to delete "VDSs" and replace with "documents" in the 4<sup>th</sup> sentence.

The Proposed Change is unsound on the first, second and fourth of the four tests.

Stillingfleet produced a Village Design Statement after several years of community effort. The VDS was eventually adopted by Selby DC as a Supplementary Planning Document.

This clause should recognise the importance of the community effort and participation that went into the creation of the Village Design Statement. None of the other documents has been written in that way so the distinction should be recognised.

The necessary change to make the Proposed Change to the Submission Draft Core Strategy sound is that the clause should read "VDSs and other documents".

### **Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name and organisation and representation will be made publicly available (including on the Council's website) in order to ensure that it is a fair and transparent process. I agree with this statement and submit the above representation for consideration.

[REDACTED]  
J D Birch  
Parish Clerk

Copies to Cllr E Casling and Cllr I Reynolds

# STILLINGFLEET PARISH COUNCIL

92

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16<sup>th</sup> July 2012

## Representation on Selby District Submission Core Strategy Consultation on Further Proposed Changes (6<sup>th</sup> Set) June 2012

Letter No.3

Stillingfleet Parish Council has the following representation:-

### Policy CP16 Design Quality Proposed change PC6.99


The Proposed Change is unsound on the first, second and fourth of the four tests.

Stillingfleet has a Village Design Statement that has been adopted by Selby DC as a Supplementary Design Document, but recently Selby DC granted consent for a development and part of their decision specifically contradicted what was contained in the VDS. This suggests that it is necessary to specifically state that Selby DC is to follow its own stated policies and guidance. Furthermore, where a village has both a VDS and a Conservation Area, the definition of the character of the village contained in the VDS will often be the only clear definition of character available, and essential, for those wishing to apply conservation policies in a consistent and more objective manner.

In order to enhance community cohesion and promote good design quality, the necessary change to make the Proposed Change to the Submission Draft Core Strategy sound is to the second paragraph of CP16 after design codes insert “, VDSs” and to add to the end of this paragraph “and, in the exceptional event that approval is granted where this is not so, cogent reasons will be provided as to why such guidance has been disregarded or contradicted”, so that this paragraph reads, “Where appropriate schemes should take account of design codes, VDSs and Neighbourhood Plans to inform good design and, in the exceptional event that approval is granted where this is not so, cogent reasons will be provided as to why such guidance has been disregarded or contradicted.”

### Representation Submission Acknowledgement

I acknowledge that I am making a formal representation. I understand that my name and organisation and representation will be made publicly available (including on the Council's website) in order to ensure that it is a fair and transparent process. I agree with this statement and submit the above representation for consideration.

  
J D Birch  
Parish Clerk

Copies to Cllr E Casling and Cllr I Reynolds

# STILLINGFLEET PARISH COUNCIL

92

Clerk to the Council: Mr J. D. Birch, Ivy Dene, Main Street, Deighton, YORK YO19 6HD

Policy and Strategy Team  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO8 9FT

16<sup>th</sup> July 2012

## Representation on Selby District Submission Core Strategy Consultation on Further Proposed Changes (6<sup>th</sup> Set) June 2012

Letter No.4

Stillingfleet Parish Council has the following representation:-

### Policy CP16 Design Quality Proposed Change PC6.99

The final paragraph of CP16 is unsound on the first, second and fourth of the four tests.


The final paragraph proposed at the end of CP16 expresses a worthy hope in a weak manner, but it does not indicate what will happen if a scheme fails to reflect the principles of **nationally recognised design benchmarks**.

To make the Submission Draft Core Strategy sound (and in view of the proposed addition of "enhancing community cohesion" to the first paragraph) it is necessary to alter the final paragraph that has been added to CP16 as follows:

Delete "should seek to" and substitute "must", so that this final paragraph reads, "Development schemes must reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved."

### Representation Submission Acknowledgement

I acknowledge that I am making a formal representation. I understand that my name and organisation and representation will be made publicly available (including on the Council's website) in order to ensure that it is a fair and transparent process. I agree with this statement and submit the above representation for consideration.

  
J D Birch  
Parish Clerk

Copies to Cllr E Casling and Cllr I Reynolds

# STILLINGFLEET PARISH COUNCIL

92

*Clerk to the Council:* Mr J. D. Birch, Ivy Dene, Main Street, Deighton, YORK YO19 6HD  
[REDACTED]

Policy and Strategy Team  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO8 9FT

16<sup>th</sup> July 2012

## **Representation on Selby District Submission Core Strategy Consultation on Further Proposed Changes (6<sup>th</sup> Set) June 2012**

Letter No.5

Stillingfleet Parish Council has the following representation:-

### **Policy CP9**

### **Proposed change PC6.74**

#### **C. Rural Economy**

Stillingfleet Parish Council is particularly supportive of the addition of the final paragraph, "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."

#### **Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name and organisation and representation will be made publicly available (including on the Council's website) in order to ensure that it is a fair and transparent process. I agree with this statement and submit the above representation for consideration.

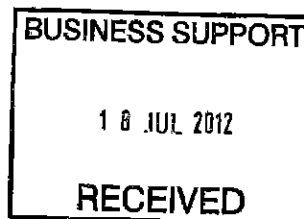
[REDACTED]  
J D Birch  
Parish Clerk

Copies to Cllr E Casling and Cllr I Reynolds

# STILLINGFLEET PARISH COUNCIL

Clerk to the Council: Mr J. D. Birch, Ivy Dene, Main Street, Deighton, YORK YO19 6HD

Policy and Strategy Team  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO8 9FT



17<sup>th</sup> July 2012

## Representation on Selby District Submission Core Strategy Consultation on Further Proposed Changes (6<sup>th</sup> Set) June 2012

Letter No.6

Stillingfleet Parish Council has become aware of a letter from North Yorkshire County Council dated 14<sup>th</sup> February 2012 to the Policy Team at Selby District Council regarding the submission draft core strategy amendments of CP9 and therefore Stillingfleet Parish Council has the following representation:-

### Policy CP9

**C. Rural Economy Clause 2** refers to the re-use of buildings and infrastructure on former mine sites.

The Proposed Change is unsound on all four of the four tests.

The letter from North Yorkshire County Council dated 14<sup>th</sup> February 2012, referred to above, asserts that "to include the re-use of buildings and infrastructure on the former mine sites at Wistow and Stillingfleet as acceptable forms of development in the Core Strategy should not be adopted" and the reasons are given in detail.

This submission by North Yorkshire County Council appears to have been ignored or discounted and, if it is not now satisfactorily resolved at this stage, it would appear to be of interest to the Inspector.

The necessary change to make the Proposed Change to the Submission Draft Core Strategy sound is to delete from Clause 2 "former mine sites and other".

The Chairman of Stillingfleet Parish Council, Paul Elmhirst, is prepared to appear in person before the Inspector to press the points raised by Stillingfleet Parish Council.

### Representation Submission Acknowledgement

I acknowledge that I am making a formal representation. I understand that my name and organisation and representation will be made publicly available (including on the Council's website) in order to ensure that it is a fair and transparent process. I agree with this statement and submit the above representation for consideration.

[REDACTED]  
J D Birch  
Parish Clerk

Copies to Cllr E Casling and Cllr I Reynolds



**APPLETON ROEBUCK & ACASTER SELBY PARISH COUNCIL**

Clerk to the Council: Mrs Fiona Vicary  
Honeysuckle House, Marsh Lane, Bolton Percy  
York YO23 7BA



Mr A McMillan  
Policy Officer  
Selby District Council  
Doncaster Road  
Selby  
YO8 9FT

4<sup>th</sup> July 2012

Dear Andy,

**RE: APPLETON ROEBUCK STATUS AS A DESIGNATED SERVICE VILLAGE**

The Appleton Roebuck and Acaster Selby Parish Council would like to reiterate their commitment to Appleton Roebuck becoming a Designated Service Village.

In 2010 the Parish Council submitted comments on Selby District Council's Draft Core Strategy document. Many of the comments made then are still relevant now and your attention is brought to the following points:

- In putting forward this proposal, the Parish Council is not seeking any significant expansion of the village but to ensure that modest, planned growth can occur over the timescale of the LDF to provide affordable housing, to meet local housing needs and to at least maintain the population base of the village. It is necessary to do this to sustain existing services as household size reduces.
- The Parish Council accepts that in SDC's Core Strategy the majority of new residential and employment development and services is to be directed to Selby and thereafter to the market towns of Sherburn and Tadcaster and following that to Service Villages but it is notable that, apart from Appleton Roebuck, there is no other Service Village proposed in the north west sector of the District.
- National Policy recognises that in rural areas service centres can comprise a group of settlements not just a single settlement and the Parish Council suggests that in the north west sector of the District the settlements of Acaster Selby, Bolton Percy, Colton, Bilborough and Appleton Roebuck can properly be treated as a group of settlements for the purposes of promoting sustainable patterns of development. The settlements have close links with each other and for their continued wellbeing it is necessary to main services by targeting new development in the most efficient way possible.
- This is supported by Section 55 of the National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- The school in Appleton Roebuck is at the centre of the community and the centre for primary education for the group of settlements listed above. This is amply demonstrated by the current school roll which shows that 39% of children live in the villages listed above or in the surrounding countryside outside Appleton Roebuck. The Importance of modest growth over time is also demonstrated by the fact that 20% of the children attending the village school live in houses built in Appleton Roebuck since 2000.
- The range of services and facilities available in Appleton Roebuck village and Parish comfortably exceeds what is available in the surrounding settlements. This suggests

**APPLETON ROEBUCK & ACASTER SELBY PARISH COUNCIL**

Clerk to the Council: Mrs Fiona Vicary  
Honeysuckle House, Marsh Lane, Bolton Percy  
York YO23 7BA



- that Appleton Roebuck should be regarded as a service village for the group of settlements and the place where new development and investment should be concentrated consistent with the scale of development in the group and the rural location.
- Appleton Roebuck is a stable community, that is to say, there is an extremely low turnover of population but there needs to be continued modest growth if the village is to remain a sustainable community.
- There needs to be continued modest growth within the catchment area of the school to ensure its future. Appleton Roebuck rather than any of the other villages in the group is the most sustainable location for such growth.
- The Parish Council does not consider that the long term needs of Appleton Roebuck, the Parish and the surrounding settlements can properly be met throughout the life of the Local Development Framework other than by upgrading the settlement to the status of a Service Village.

Based on the above points, and in line with the NPPF, the Parish Council therefore supports the designation of Appleton Roebuck as a Service Village under Policy CP1 of Selby District Council's Core Strategy. This status would allow some scope for additional residential and small scale employment growth to support rural sustainability.

In recent years development in Appleton Roebuck has primarily taken place in the gardens of existing properties or where one house has been replaced with several others. A number of issues have arisen with this type of development, for example the current parking issues on the highway outside Grayson Cottages. The Parish Council would prefer to move away from this type of development in order to focus on providing the most sustainable solution for future growth.

It is worth noting that the Parish Council has set up a working group made up of Parish Councillors and members of the village community to identify and recommend appropriate development sites within or adjacent to Appleton Roebuck to meet with the development requirements of Selby District Council's LDF (the target is currently ten houses over a fifteen year period). The working group will report its findings to the Parish Council for ratification before submitting to Selby District Council.

I enclose the following documents as evidence of the Parish Council's commitment to Appleton Roebuck becoming a Designated Service Village.

- Minutes of the May 2012 Parish Council meeting. Point 8 includes the resolution to continue to work towards becoming a Designated Service Village.
- The comments form for the Consultation Draft Core Strategy for Selby District, February 2010.

If you have any questions or need any further information regarding the Parish Council's commitment to Appleton Roebuck becoming a Designated Service Village, please let me know.

Yours sincerely



Mrs Fiona Vicary  
Parish Clerk  
Appleton Roebuck & Acaster Selby Parish Council

**APPLETON ROEBUCK & ACASTER SELBY PARISH COUNCIL**  
Clerk to the council: Mrs Fiona Vicary, Honeysuckle House,  
Marsh Lane, Bolton Percy, York, YO23 7BA



**Minutes of the proceedings of the Appleton Roebuck and Acaster Selby Parish Council meeting held in the Parish Rooms on 2 May 2012**

**PRESENT**

Cllr Keith Scott (Chairman for May meeting only), Cllr Janet Flint (Chairman elected at Annual Meeting of the Council), Cllr Peter Lawrence, Cllr Neil McVey, Cllr Jo Gilchrist, Cllr Roger Birkley, Mrs Fiona Vicary (Clerk)

Parishioners: 4

**01 APOLOGIES**

Cllr Bob Tate, Cllr Trevor Phillips, District Cllr Richard Musgrave

**02 ACCEPTANCE OF MINUTES OF 4 APRIL 2012**

The minutes were accepted as a true and accurate record.

**03 MATTERS ARISING**

Matters arising 07 – the next school governors meeting is in a fortnight. Cllr McVey will raise the issue of cutting the hedge at this meeting.

06 The annual audit – a meeting needs to be arranged with the Internal Auditor.  
**Action** Clerk.

07 To provide an update on affordable housing – Selby District Council has confirmed that it is not in a position to convert any further properties from rental to shared ownership. Disappointment was expressed in both the take up of the properties and Selby District Council's and Broadacres' management of the allocations process. It was felt that the process was slow and unclear. **Action** Cllr Flint to write to Selby District Council to express this disappointment.

10 To report an update from Yorkshire Water to lay a hardcore base and erect a bollard by the pump station – Cllr McVey confirmed that that the legal documentation does not mention the upkeep of the access road. Local residents have expressed a desire for a hardcore surface but the Parish Council would prefer something better. A meeting will be held between the Parish Council and Yorkshire Water to discuss the issues. **Action** Cllr McVey.

**04 DECLARATIONS OF INTERESTS**

Cllr Scott declared a personal interest in item 16a (as a friend of the applicant) and a prejudicial interest in item 16b (as the planning applicant). Cllr McVey declared a prejudicial interest in item 16b (as a neighbour).

## **05 FINANCE MATTERS**

- a) Received income from hire of Parish Rooms, total £120.
- b) Received income for burial plot, £80.
- c) Received first installment of precept from Selby District Council, £4250.
- d) The Parish Council resolved to approve the following payments:
  - Npower Limited (account H6950001, street lighting electricity), £223.38
  - Npower Limited (account H6950002, street lighting electricity), £42.55
  - Eastern Counties Fire Protection (annual service of fire equipment in the Parish Rooms), £111.60
  - Clerk's April wages, £238.56
  - Additional hours worked by Clerk, £144.13.
  - Clerk's April expenses, £72.47
  - Cleaner's April wages, £56.00

The Parish Council resolved to increase the Clerk's hours from six hours a week to nine hours a week. This will take effect from May 2012 and will be reviewed in three months.

## **06 THE ANNUAL AUDIT INCLUDING THE APPROVAL OF THE RISK ASSESSMENT DOCUMENT**

The Parish Council resolved to approve the risk assessment document. This will be reviewed as required, but at least annually.

The Parish Council resolved to maintain the total fixed assets and long term assets figure, on the accounting statements required for audit purposes at £195,870.

## **07 CONSIDERATION AND APPROVAL OF THE ANNUAL ACCOUNTS OF THE PARISH COUNCIL**

The Responsible Financial Officer presented the annual accounts and the accounting statements required for audit purposes. The annual accounts were presented unaudited as a meeting had not yet been held with the Internal Auditor. It was resolved to approve the annual accounts.

**08 TO RESOLVE WHETHER TO CONTINUE TO WORK TOWARDS ATTAINING DESIGNATED SERVICE VILLAGE STATUS**



During the Examination in Public of Selby District Council's Core Strategy, the Inspector stated that he remains to be convinced that Appleton Roebuck should be a Designated Service Village.



It was resolved to continue to work towards becoming a Designated Service Village and the Parish Council would ask the community if this is supported. **Action** Clerk to create a questionnaire with support from Parish Councillors and Selby District Council.

**09 CONSIDERATION OF A GRANT REQUEST TO HELP WITH THE COSTS OF A BOILER FOR ST JOHN'S CHURCH, ACASTER SELBY**

It was resolved to turn down the grant request as the boiler has already been paid for. Cllr Flint will clarify the PCC's position on funding and report back at the next meeting. **Action** Cllr Flint.

**10 CONSIDERATION OF A GRANT REQUEST TO HELP WITH THE COSTS OF A BARRIER FOR THE VILLAGE GREEN**

It was resolved to turn down the grant request.

**11 THE RENEWAL OF NYCC'S LOCAL BUS CONTRACTS AND HOME TO SCHOOL TRANSPORT**

North Yorkshire County Council undertakes to review bus service contracts on a four year rolling programme; the next area covered will be in the district of Selby. Current contracts for passenger transport services and home to school transport services of mainly 8 seats and under will terminate in April 2013 and the invitation for replacement contracts will be sent to operators in August 2012.

Information about current passenger transport services is available at [www.northyorks.gov.uk/businfo](http://www.northyorks.gov.uk/businfo) If any parishioners have any comments on the current services, please contact [transport@northyorks.gov.uk](mailto:transport@northyorks.gov.uk)

**12 THE CONSIDERATION OF AN EVENT TO CELEBRATE THE QUEEN'S DIAMOND JUBILEE**

Cllr McVey proposed an event to celebrate the Queens' Jubilee on the 3<sup>rd</sup> June on the village green. Ideas to commemorate the event included planting a tree or

installing a wooden bench. These ideas will be discussed at a later meeting. Permission was granted to use the village green.

If the Parish Council organise the event, then there is Jubilee insurance that can be taken out free of charge from the current insurers, Aon Limited. It was resolved to form a sub-committee to organise the event and the insurance to be taken out. **Action Clerk.**

An outline of costs will be presented to the Parish Council at the next meeting. **Action Cllr McVey.**

**13 AN UPDATE ON THE MANAGEMENT OF THE JAMES CAMPNEY TRUST**

The management of the James Campney Trust appears to be under the control of the vicar incumbent of Bolton Percy. It is the opinion of the church that a rationalisation between the James Campney Trust and the Dame Mary Lindsay Charity occurred at some point during or after 2006. A meeting will be arranged to discuss the issues between all parties. **Action Clerk.**

**14 THE RENEWAL OF THE PARISH COUNCIL'S INSURANCE POLICY**

It was resolved to renew the insurance policy with Aon Limited. The premium cost, including the addition of Officials Indemnity and Libel & Slander is £1728.72.

**15 THE DATE FOR THE ANNUAL PARISH MEETING**

It was resolved not to hold the Annual Parish Meeting this year due to time constraints. The main users of the Parish Rooms have already submitted their comments for consideration during the Annual Meeting of the Council.

**16 PLANNING**

a) Revision to application 2008/1088/FUL proposed bedroom over the garage at 10 Malt Kiln Lane, Appleton Roebuck, York. The Parish Council resolved to return no comments.

b) Amended plans and information regarding the demolition of existing dormer bungalow and the erection of 8no. dwelling houses at 18 Malt Kiln Lane, Appleton Roebuck, York. Cllrs Scott and McVey left the room for the duration of the discussion and decision. The Parish Council resolved to send the following comments: The Parish Council's comments are that this development doesn't conform to current policy. The development is set forward from the existing building line and there are concerns about the single track road that leads to the access to the development and

that the provision of a passing place doesn't wholly alleviate our concerns and request that the North Yorkshire Highways Authority are made aware of these access issues.

**17 CORRESPONDENCE**

- a) Santander has confirmed that the signatories on the Parish Council's bank accounts have been updated.
- b) Armed Forces Day – Fly a flag.
- c) North Yorkshire Fire Service has no objection to the premises licence application.
- d) A request from Askham Bryan College to work with community groups.
- e) Recruitment of two co-opted independent members of the North Yorkshire Police and Crime Panel.
- f) Selby District AVS – sustainability training programme.
- g) Details of the NALC's "People In Action" conference.
- h) The White Rose update is available electronically on request.
- i) NYCC has sent the orders for the grass cutting grants, Appleton Roebuck £718.90 and Acaster Selby £1368.74. **Action** Clerk to apply for grants.
- j) Letter of resignation from the Parish Council from Cllr Tate. Selby District Council will be notified and a notice of vacancy will be put on the Appleton Roebuck noticeboard. **Action** Clerk.

**18 PARISHIONERS COMMENTS**

The grass has not been cut in Acaster Selby. **Action** Clerk to contact the contractor. Could all users of the Parish Rooms please remember when displaying pictures, to use the notice boards and not use sticky tape on the walls.

**19 DATE OF NEXT MEETING**

Wednesday 6<sup>th</sup> June 2012 at 7:30pm in the Parish Rooms.

The meeting closed at 10:45 pm.



**Comments Form  
Consultation Draft Core Strategy  
for Selby District  
February 2010**



Office use  
ID No:

**Find out more and Let us Know your Views.....**

Consultation on the Draft Core Strategy begins on Thursday 18 February 2010 and comments should be submitted by **1 April 2010**.

Details of consultation events are available through the Council's Citizenlink newspaper, the local press, and our website [www.selby.gov.uk](http://www.selby.gov.uk).

Copies of the accompanying evidence base including the Sustainability Appraisal Report and Background Papers can also be viewed on our website or at Access Selby, contact centres in Sherburn in Elmet and Tadcaster and local libraries in the District.

You can now submit your comments directly online and we will keep you informed about future stages of the LDF. Please go to our dedicated consultation website for the LDF at <http://selby-consult.limehouse.co.uk> to register your details and submit comments.

Alternatively you can complete a comments form (like this one) which is available from the Core Strategy pages of our website [www.selby.gov.uk](http://www.selby.gov.uk) and e-mail to [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk). Comments forms are also available from the 'consultation points' referred to above and may be posted to the LDF Team, Development Policy, Selby District Council, Civic Centre, Portholme Road, Selby YO8 4SB. Faxed comments, using this form should be sent to (01757) 292090.

**Please submit your comments by 5pm on Thursday 1 April 2010**

**Please provide your contact details below. We do not accept anonymous comments.**

a) Personal details		a) Agent details if you are using one	
Name	Mrs S Brambles (Clerk to the Council)	Name	
Organisation	Appleton Roebuck & Acaster Selby Parish Council	Organisation	
Address	'The Brambles' 3 Southfield Grange Appleton Roebuck York	Address	
Postcode	YO23 7EH	Postcode	
Tel	[REDACTED]	Tel	
Fax		Fax	
Email	[REDACTED]	Email	



**Please tell us on which part of the document you are commenting:**

**Section Number / Paragraph(s) / Policy Number**

Policy CP1

**Do you agree with this text / policy? Yes / No / Partly - Not in relation to Appleton Roebuck**

**Please add any comments below**

*What is wrong with it? How should it be changed? Does anything need adding?*

These representations concern the implications of Policy CP1, which designates Appleton Roebuck as a "secondary village", for the future wellbeing of the settlement. Our reading of the draft document suggests there is little scope under Policy CP1A(b) for development to be approved during the life of the Local Development Framework which the Parish Council considers to be vital to the sustainability of the settlement and of surrounding settlements which rely on Appleton Roebuck for a range of services.

There is currently permission only for 16 new houses in the village 4 of which are almost ready for occupation. The Parish Council is not aware of any sites within the Development Limits which meet the criteria for development set out in Policy CP1A(b) other than brownfield sites currently used for employment or community purposes which help to sustain the viability of the village. There is no opportunity within the policy to review the Development Limits or to designate an employment site to serve the village (for example, by consolidating existing industrial developments on Acaster airfield, which lies within the Parish) or to recognise the desirability of redeveloping farmsteads within the village which remain greenfield by definition.

The Parish Council therefore objects to the current designation of Appleton Roebuck and proposes that it should be re-designated as a Service Village under Policy CP1A(a). In putting forward this proposal, the Parish Council is not seeking any significant expansion of the village but to ensure that modest growth can occur over the timescale of the LDF to provide affordable housing, to meet local housing needs and to at least maintain the population base of the village. It is necessary to do this to sustain existing services as household size reduces.

The Parish Council accepts that under Regional Spatial Strategy policy the majority of new residential and employment development and services is to be directed to Selby and thereafter to the market towns of Sherburn and Tadcaster and following that to Service Villages but it is notable that the Core Strategy currently does not identify any Service Village in the north west sector of the District.

National Policy recognises that in rural areas service centres can comprise a group of settlements not just a single settlement and the Parish Council suggests that in the north west sector of the District the settlements of Acaster Selby, Bolton Percy, Colton, Bilborough and Appleton Roebuck can properly be treated as a group of settlements for the purposes of promoting sustainable patterns of development. The settlements have close links with each other and for their continued wellbeing it is necessary to main services by targeting new development in the most efficient way possible.

The school in Appleton Roebuck is at the centre of the community and the centre for primary education for the group of settlements listed above. This is amply demonstrated by the current school roll which shows that 39% of children live in the villages listed above or in the surrounding countryside outside Appleton Roebuck. The Importance of modest growth over time is also demonstrated by the fact that 20% of the children attending the village school live in houses built

in Appleton Roebuck since 2000.

Within the village and Parish are, for the size of the settlement and in comparison with the other villages in the group, is a good range of services, employment opportunities and community infrastructure, for example:

### **Service facilities and employment opportunities**

Post Office<sup>1</sup>  
2 Public Houses  
Petrol Filling Station/Garage/MOT Testing Centre  
Vehicle Bodywork Fabrications Business  
Diving School including film/TV program makers  
Lawnmower maintenance workshop  
Holiday caravan site  
Bus repair and maintenance business  
Carpet fitting and manufacturing business  
Joiners/building contractors  
Livery Stables

### **Community facilities**

2 Churches  
Chapel  
Tennis Courts<sup>2</sup>  
New detached classroom at the school available for community use  
Village Hall/Parish Room

### **Community groups**

Drama group  
History group  
Good Companions (Senior Citizen Group)  
Pre-School Playgroup  
Little Apples (Playgroup for younger children)  
Youth Club  
Parent Teacher Association  
Appleton Roebuck Fund Raising Group  
Tennis Club  
Badminton Club<sup>2</sup>  
Community Responders for Ambulance Service

The range of services and facilities available in Appleton Roebuck village and Parish comfortably exceeds what is available in the surrounding settlements. This suggests that Appleton Roebuck should be regarded as a service village for the group of settlements and the place where new development and investment should be concentrated consistent with the scale of development in the group and the rural location.

**Public Transport**

Appleton Roebuck is served by 7 buses per day (mon-sat) to/from York. A review of the service with the prospect of it extending to Tadcaster is due in May of this year. We consider that this is a satisfactory level of service at this time. However we would like to have our service to Tadcaster re-instated as soon as possible.

**Village Store/Shop**

There is currently no general store/ village shop in Appleton Roebuck. For sometime, however, the Parish Council has been committed to the provision of a shop and various sites and premises have been considered. Premises offered by a local landowner for this purpose have not yet become available and the Parish Council is currently considering using the Parish Room for this purpose, as it already does for the provision of the Post Office service.

A community-based shop is proposed as the Parish Council recognises the difficulty of finding tenants or managers to run a new shop in a rural community. The Parish Council is in contact with Stillington Parish Council (in Hambleton) where a community-run shop opened approximately 2 years ago and has proved extremely successful. The Parish Council hope to build on Stillington's experience.

**Notes:**

<sup>1</sup> The Post Office, which provides key services in rural communities, has been omitted from the list of village facilities in Background Paper No.5

<sup>2</sup> In common with many rural areas, recreational facilities in the locality are not concentrated in one settlement. Here, football and badminton facilities are provided at Bishopthorpe and Copmanthorpe and the "local" cricket field is at Bolton Percy.

**Please copy / print extra sheets and use a new sheet for each section / policy**

**Please add any further comments you may have about the Draft Core Strategy including:**

- Any omissions
- The Background Papers / Reports
- The Sustainability Appraisal

### **CS Background Paper No.5 : Sustainability Assessment of Rural Settlements**

The Sustainability Assessment is based on a now somewhat elderly but similar Assessment prepared by the East Riding of Yorkshire Council which is no longer used in the planning process as a material planning consideration. It was an early attempt to assess the relative sustainability of rural settlements but it is now recognised by that Council, by Appeal Inspectors and more widely that it has some serious shortcomings and lacks the sophistication to be used as a basis for planning policy.

Similarly, Background Paper No. 5 draws conclusions (including the designation of Appleton Roebuck as a secondary village) from very basic information. To be fair, the shortcomings of Background Paper No. 5 are recognised within the document.

For example, settlement classification by size and basic local services need to be considered not just on a settlement by settlement basis but in relation to the level of services in groups of villages which identify with one another. Classification by accessibility seems to the Parish Council, in relation to Appleton Roebuck, to be flawed. In relation to classification by access to local employment opportunities, the Parish Council considers that "access" should be assessed by reference to a combination of distance and transport modes, not just distance: also (as is acknowledged in the document) local employment opportunities including agricultural opportunities, are difficult to quantify.

Any errors or rankings based on incomplete information in the five separate classifications covered in the Background Paper are compounded in the summary of relative sustainability ranking at Table 7. Specifically, the Parish Council does not accept that Appleton Roebuck's overall ranking (No. 4 – least sustainable settlement) is a true representation of its importance as a Service Centre in the relatively sparsely populated north west sector of the District.

Put simply, Appleton Roebuck may not be sustainable in comparison with – say – Brayton or Barlby but that begs the question – how are the small settlements in the north west sector of the District to be properly serviced in the future – not from Brayton or Barlby, we suggest.

### **In Summary**

- There is no land currently available for development within the Development Limits of Appleton Roebuck.
- The Parish Council does not want to see any local facilities lost, which would be a consequence of the redevelopment of brownfield sites within the village.
- Appleton Roebuck is a stable community, that is to say, there is an extremely low turnover of population but there needs to be continued modest growth if the village is to remain a sustainable community.
- There needs to be continued modest growth within the catchment area of the school to

ensure its future. Appleton Roebuck rather than any of the other villages in the group is the most sustainable location for such growth.

- The Parish Plan, approved in January 2005 after lengthy consultation in the village, promotes development which is necessary to maintain activity in the village at least at its present level. The Plan recognises that more affordable housing is required and that any new market housing should be predominantly small units rather than large houses.
- The Parish Council does not consider that the long term needs of Appleton Roebuck, the Parish and the surrounding settlements can properly be met throughout the life of the Local Development Framework other than by upgrading the settlement to the status of a Service Village.

**Please sign and date the form**

Signed Keith Scott (Chairman AR & AS PC)

Date 31<sup>st</sup> March 2010

If you have any questions or need some further information please contact the Local Development Framework Team on 01757 292034 or by email to [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk).

Please return this form **no later than 17.00hrs (5pm) on Thursday 1 April 2010** to the LDF Team, Development Policy, Selby District Council, Civic Centre, Portholme Road, Selby, North Yorkshire, YO8 4SB

**Please answer a few more questions on the attached sheet which will help us to improve the way we consult in the future**

**Help us to help you....We will separate this sheet from the form so you cannot be identified**

<i>Please tick</i>	<b>How did you find out about this consultation exercise?</b>	<b>How would you like to be kept informed in the future?</b>
By email direct from us		✓
On the Council's website		
At 'Access Selby' or other Council office		
At local library		
Local Press Notice		
Local Newspaper Article		
Poster		
'Citizenlink' Council newspaper (through letter box)		
Supermarket handout		
Drop-in session		
Other (please state)	Letter from SDC dated 18/02/10	

<i>Please tick</i>	<b>How did you view the Core Strategy document?</b>	<b>How would you prefer to view the documents in future?</b>
As a hard copy from us		
As a hard copy at a library/council office		
As a hard copy printed off the website		
As a hard copy printed from CD supplied	✓	✓
On-screen on Council's main website		
On-screen on Council's Consultation website		
On-screen from CD supplied		
Only looked at summary leaflet		
Other (please state)		

**What else can we do to make it easier for people to get involved with the LDF?**

<b>Please tell us which age group you fall into:</b>			<b>Please answer the following:</b>
Under 18		35-44	Do you consider yourself to have a disability? Yes / No
18-24		45-55	Are you: Male / Female
25-34		Over 55	<b>Thank you for your time and comments</b>

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**helen gregory**

---

**From:** Julian Bedford [REDACTED]  
**Sent:** 03 July 2012 12:49  
**To:** ldf  
**Subject:** Proposed Development at Appleton Roebuck.

**Follow Up Flag:** Follow up  
**Flag Status:** Red

---

We wish you to be aware that we are very much in favour of the proposed future development in the village of Appleton Roebuck. We sincerely hope that these plans make go ahead.

Dr. & Mrs J.J.A. Bedford





**helen gregory**

---

**From:** May Price [REDACTED]  
**Sent:** 07 July 2012 17:06  
**To:** ldf  
**Subject:** Proposed change planning status of Escrick

I do not support the proposed change of status for Escrick. Escrick should remain a secondary village for many reason.

---

The village has small local businesses and housing and these are completely reliant on the road system mainly the A19. Unfortunately the A19 carries a full complement of traffic and there are many times when the road is so overwhelmed that all the traffic is stationary. There is not another alternative road system that will take the traffic into York or Selby. Other roads can be affected by flooding, and traffic from surrounding villages, so this traffic then has to come onto the A19 making the journeys on this road extremely slow.

There is no brown sites left in Escrick – all land suitable for building has been built on and there is only green belt around the village.

York Council have plans for a proposed anerabic digester and glass houses on the old mine area (this is actually in Wheldrake Parish) and the road that gives access to this area is from the A19. If this proposal is passed then there will be even more traffic on the A19; lorries bringing in the recyclable materials and there will also be traffic for the produce. Although the access is in the York side of the village the impact will be felt all along the A19.

The facilities in the village, i.e., the schools, doctors, eateries, etc., will all have to be increased to cope with any additional dwellings and again this will result on further demands on the A19.

Please keep Escrick as a Secondary village

May Price  
Carr Lane  
Escrick



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**helen gregory**

---

**From:** Melisa Burnham [Melisa.Burnham@northyorks.gov.uk]  
**Sent:** 10 July 2012 12:17  
**To:** ldf  
**Subject:** Selby District LDF Draft Core Strategy- further proposed changes.

Dear Helen,

Thank you for consulting us on the further proposed changes to the submission Draft of the Core Strategy. North Yorkshire County Council Highways do not have any further comments to make in relation to these changes.

Kind Regards  
Melisa Burnham

Mrs Melisa Burnham  
Senior Engineer  
Highways and Transportation  
North Yorkshire County Council  
County Hall  
Race Course Lane  
Northallerton

Access your county council services online 24 hours a day, 7 days a week at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).

**WARNING**

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of North Yorkshire County Council.

This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone, notify the sender at the above address and then destroy all copies.

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Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Data Management Team ([datamanagement.officer@northyorks.gov.uk](mailto:datamanagement.officer@northyorks.gov.uk)) who will process your request.

North Yorkshire County Council.



**helen gregory**

---

**From:** Phil Back [phil@philback.co.uk]  
**Sent:** 15 July 2012 18:04  
**To:** ldf  
**Subject:** Core Strategy submission  
**Attachments:** FINAL\_SDCS\_Rep\_Form\_June\_2012.pdf

---

On behalf of the Tadcaster and Villages Community Engagement Forum, please find attached an endorsement of your modification in relation to Policy CP3.

Phil Back

~~~~~  
**Phil Back Associates Ltd**

***Research that counts***

Boston House  
212-214 High Street  
Boston Spa  
WETHERBY  
LS23 6AD

Tel 01937 848867  
Mob 07957 200357  
web [www.philback.co.uk](http://www.philback.co.uk)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager or the sender.

Mae cynnwys y neges hwn yn gyfrinachol ac wedi ei fwriadu ar gyfer y person neu'r personau y cyfeiriwyd y neges atyn nhw. Os nad chi yw'r sawl oedd i dderbyn y neges, yna gwaherddir chi rhag ei ddefnyddio, ei ddsbarthu, anfon ymlaen, argraffu neu gopïo heb dderbyn caniatâd ysgrifenedig yr awdur.

Tha am post-dealain seo agus fiosrachadh sam bith na chois d'iomhair agus airson an neach no buidheann ainmichte a-mh'ain. Mas e gun d' fhuair sibh am post-dealain seo le nearachd, cuiribh fios dhan manaidsear-siostaim no neach-sgr'lobhaidh.



# Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (6th Set) June 2012 Representation Form

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the Council no later than 5pm on Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**  
**Fax to: 01757 292229**  
**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

|               | Personal Details                                       | Agents Details (if applicable) |
|---------------|--------------------------------------------------------|--------------------------------|
| Name          | Phil Back                                              |                                |
| Organisation  | Tadcaster and Villages Community Engagement Forum      |                                |
| Address       | 24 Church Crescent<br>Stutton<br>TADCASTER<br>LS24 9BJ |                                |
| Telephone No. | 01937 848867                                           |                                |
| Email address |                                                        |                                |

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

policy CP3, para 4.39f

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

The Tadcaster and Villages Community Engagement Forum (CEF) is a local partnership bringing together elected representatives from the County, District and Town Councils alongside other partner agencies working in the area, parish councils in the surrounding villages, and members of the local community. Its remit is to work to improve overall quality of life in Tadcaster and to this end it has carried out research into the opinions of local people, and of local retailers in Tadcaster, to help use develop a responsive strategic approach that tackles local needs and priorities in a co-ordinated and strategic way.

We are interested in the proposed policy CP3 outlined in the Revised Core Strategy. We agree with Selby District Council on the need for an increased level of housing provision in Tadcaster, not least to provide the possibility of additional footfall for retailers struggling with a low customer base, and also because of a general shortage of available housing to enable younger people to find homes for themselves within their own community. Tadcaster is well placed for commuting to either Leeds or York and could go some way to meeting local housing need even if the economy requires people to seek employment outside the district. New housing in Tadcaster will also help to revitalise the local housing market and will encourage existing landlords to maintain rents at a competitive level affordable within the local community.

Since it seems unlikely that existing land supply in Tadcaster will be forthcoming to allow development of new housing, or that the number of homes currently being kept empty will be reduced, the CEF has discussed the other options available to planners. Given the importance we attach to new housing development, we take the view that the release of land currently in the Green Belt is the least difficult option available to the Council.

The site proposed as an alternative for development is currently designated as Green Belt, and whilst we approach this designation with some reluctance, we do not see that the Green Belt is greatly damaged by releasing this site for development - though we do not wish to set a precedent in this respect. The Green Belt designation itself attaches to Leeds, and the boundary has been drawn many years ago and without regard to Tadcaster's own development needs. Bringing this site into the town envelope would not expand Tadcaster inappropriately in respect of local topography, and the boundary can be drawn so as to minimise the impact of development on the amenity and vista to be obtained approaching the town from the west side of Smaws Hill on the A 659.

Continue overleaf



Question 3 continued

Handwritten text: *... ..*

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations                       **4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

Empty response box for Question 4.3

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

**Signed**

Phil Back

**Dated**

15th July 2012



**helen gregory**

---

**From:** Robert Oakland [REDACTED]  
**Sent:** 24 June 2012 22:36  
**To:** ldf  
**Subject:** Change of Escrick Village status

**Follow Up Flag:** Follow up

**Flag Status:** Red

---

We find it very disturbing that in a democratic society, that a small group of avaricious individuals, most of whom as far as we are aware, do not live in the village, can, despite almost total opposition, be the driving force behind the change of status of the village. They have done this for no other reason than to benefit financially from the change. Surely the opinion of the majority of the residents must count for something and we would totally support the Parish Council in its efforts to have the change of status reversed. Nothing in regard to the village has happened to explain or justify the change in the council's thinking. In fact the A19 between York and Selby already struggles to cope with the volume of traffic and this could only make matters worse. Selby has clearly visible sites within the bypass would be more suitable for housing than for proliferating business parks and industrial developments which stand empty through lack of demand.

Sent on behalf of Jill, Graham & Robert Oakland



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**helen gregory**

---

**From:** Sophie Cockman [REDACTED]  
**Sent:** 04 July 2012 00:41  
**To:** ldf  
**Subject:** Objection: Selby District Council Proposal to change planning status of Escrick  
Dear Sir/Madam

---

I am writing to object to the proposed change of planning status for Escrick.

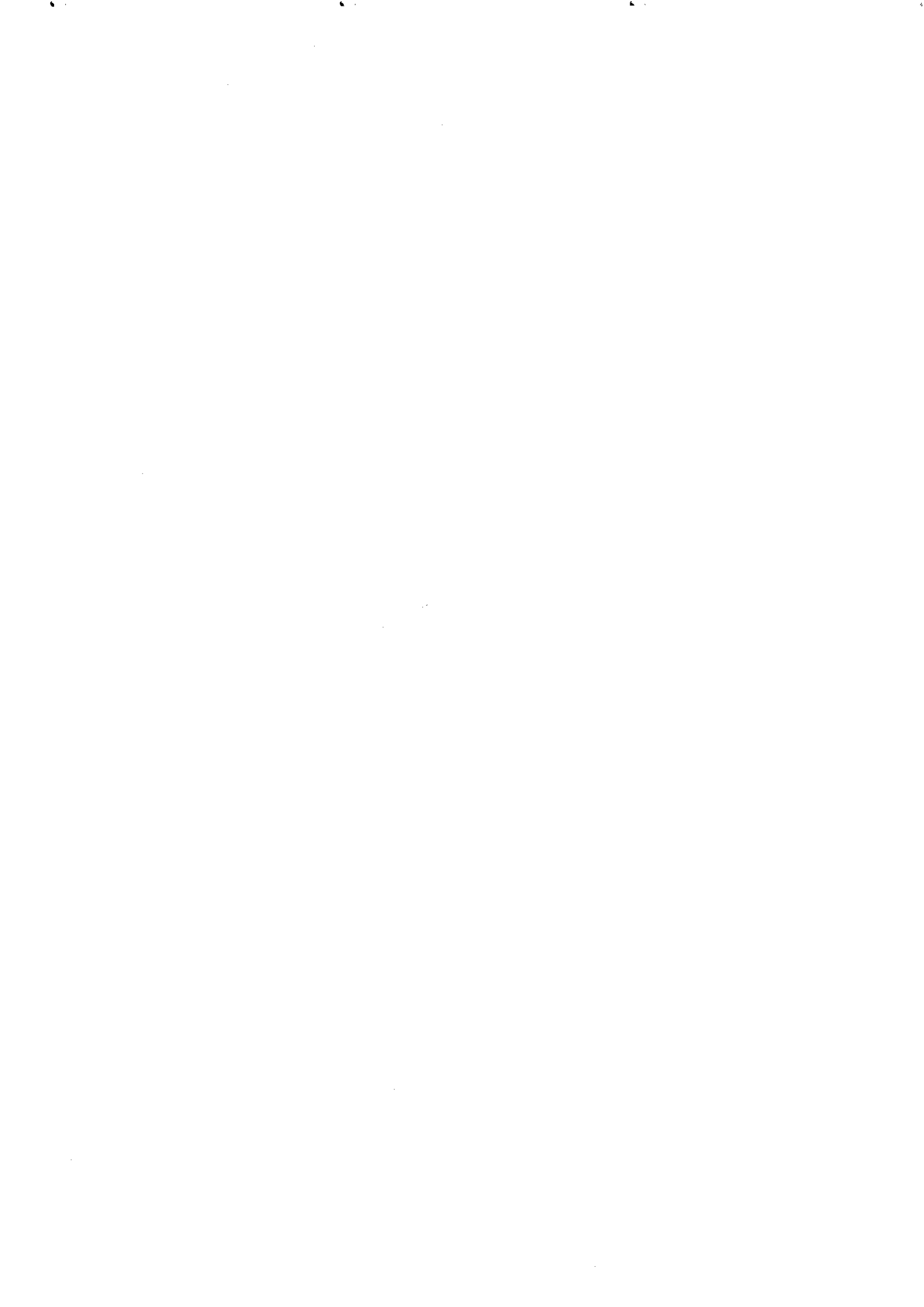
I believe Escrick should remain a secondary village for the following reasons:

- \* The infrastructure of the village will not support any significant development
- \* Any significant development would not be in keeping with the present mix of development
- \* Further development of the village would increase the risk of local flooding due to increased demands on the drainage system

Please could this email be noted as an official objection to the proposed change of planning status to Escrick.

Regards

Sophie Cockman  
(8 Derwent Court, Escrick, YO19 6JL)



**helen gregory**

**From:** Roger & Caroline [REDACTED]  
**Sent:** 10 July 2012 21:47  
**To:** ldf  
**Subject:** Proposal to change planning status of Escrick

Dear Sirs

~~We believe that Escrick should remain as a Level 4 'Secondary village'.~~

I was born and brought up in Escrick but moved away some years ago. My husband and I moved back in to the village last year to enjoy a country village surrounded by green fields.

While there has been some small local housing developments Escrick has maintained it's rural village feel and is small enough for everyone to know their neighbours if they choose.

This was clearly demonstrated during the Jubilee celebrations when many villagers met on the village green for a proms style celebration following a family games afternoon. This was an intimate social occasion which involved the whole village.

Surrounding villages which have seen significant building development, such as Riccall, Barlby and Hemingbrough, have all lost their rural charm and friendliness.

We feel that if Escrick was changed to Level 3 status it would grow out of proportion and loose all the qualities for which we moved back in to the village. We believe Escrick should stay a Level 4 – 'Secondary village'.

Please could you bring our views to the attention of those who will be in a position to vote of this proposal.

Thank you.

Caroline and Roger Wandless

25 Skipwith Road, Escrick  
[REDACTED]





### Part A

#### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

#### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

|               | Personal Details                  | Agents Details (if applicable)                    |
|---------------|-----------------------------------|---------------------------------------------------|
| Name          | BARRY STEPHENSON /<br>BOB PADGETT | ALISTAIR FLATMAN                                  |
| Organisation  | % agent                           | ID PLANNING                                       |
| Address       |                                   | ATLAS HOUSE<br>31 KING STREET<br>LEEDS<br>LS1 2HL |
| Telephone No. |                                   | 0113 243 6116                                     |
| Email address |                                   | alistair@idplanning.co.uk                         |

**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**

**Part B (please use a separate sheet (pages 3-4) for each representation)**

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC 6.55

**Question 1: Do you consider the Proposed Change is:**

1.1 Legally compliant

Yes

No

1.2 Sound

Yes

No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

2.1 Positively Prepared

(Please identify just one test for this representation)

2.2 Justified

2.3 Effective

2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

We consider PC 6.55 is legally compliant and sound and welcome the inclusion of this text into the Core Strategy.

Continue overleaf

Question 3 continued

[Empty response box for Question 3]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1 Written Representations
- 4.2 Attend Examination

4.3 If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

N/A

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

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I agree with this statement and wish to submit the above representation for consideration.

Signed [Redacted Signature]

Dated 15 June 2012.





# Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (6th Set) June 2012 Representation Form

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the Council no later than 5pm on Thursday 19 July 2012**

Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)  
Fax to: 01757 292229  
Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT

## Part A

### The Tests of Soundness

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#### Justified

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### Effective

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### Consistent with national policy

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

|               | Personal Details                                              | Agents Details (if applicable) |
|---------------|---------------------------------------------------------------|--------------------------------|
| Name          | John Hamlin                                                   |                                |
| Organisation  |                                                               |                                |
| Address       | 3, Southlands Close<br>Escrick<br>North Yorkshire<br>YO19 6JE |                                |
| Telephone No. |                                                               |                                |
| Email address |                                                               |                                |

It will be helpful if you can provide an email address so we can contact you electronically.

You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.

**Part B (please use a separate sheet (pages 3-4) for each representation)**

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

PC6.32

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared
  - 2.2 Justified
  - 2.3 Effective
  - 2.4 Consistent with national policy
- (Please identify just one test for this representation)

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

**Not Legally Compliant:**

The proposed change in the status of Escrick from a Secondary Village to a Designated Service Village would appear to post-date SDC's assessment of the Draft Core Strategy's compliance with the Localism Act 2011. It is therefore unclear whether SDC has fulfilled its duty to cooperate on all cross boundary issues with the City of York as a neighbouring LPA regarding the proposed change to the status of Escrick given the late timing of this change. This is relevant as Escrick is more economically aligned with York than Selby (ref. SDC Core Strategy Background Paper No.1). Escrick is also located within the current York Green Belt and it is unclear whether SDC's DSV proposal for Escrick has been tested as compatible with the City of York Council's own Green Belt plans. Proposed change PC6.32 should therefore be removed.

**Not 'Sound':**

SDC's proposed change to the status of Escrick is not justified if it is in response to anticipated difficulties in achieving an adequate housing development strategy for Tadcaster. The SDC Draft Core Strategy states that finding opportunities for new development is a key challenge to ensure the future health of Tadcaster. Changing the designation of Escrick (which Core Strategy Background Paper No.6 states is a village that is compact in form with significant character in a Conservation Area with strong environmental and landscape constraints to development which militate against expansion) is therefore inappropriate. An appropriate response would be to adopt a more positive strategy to the development of Tadcaster. Proposed change PC6.32 should therefore be removed.



Question 3 continued

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(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

[Large empty rectangular box for writing]

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

[Redacted signature box]

Dated

16 July 2012



**helen gregory**

---

**From:** Ingrid Home Email [REDACTED]  
**Sent:** 24 June 2012 12:57  
**To:** ldf  
**Cc:** [REDACTED]  
**Subject:** Proposal to change the planning status of Escrick

**Follow Up Flag:** Follow up  
**Flag Status:** Red

---

Dear Sirs

Please accept this email as confirmation that both my husband and I are against the proposal to change the planning status of Escrick village to a designated service village.

Escrick is a small historic village with a good small community feel. This is what brought us to the area just over a year ago. We actively chose not to move to larger villages.

We feel a change in status will bring more house building and expansion which will radically alter the character of Escrick, to it's detriment.

Further more a reason we also chose Escrick was to permit our son to be in the Fulford school catchment area. Expansion of this village is likely to result in Escrick no longer being in this catchment. This will mean we will have to move house again, accept a significant loss in the value of our house, in order to put our child's education first.

We both grew up in a small village and wanted him to have the benefits that can provide in a small community.

Thank you,

Mr and Mrs Jenner  
12 Dower Park, Escrick YO19 6JN

Sent from my iPhone



BUSINESS SUPPORT  
13 JUL 2012

ESCRICK PARISH COUNCIL SURVEY RECEIVED

Do you support the proposed change in status of Escrick from a Secondary Village to a Designated Service Village?  Yes /  No (please circle as appropriate)

Comments

If development is planned which meets the needs of local / Escrick residents, eg. need for bungalows, then I think village status redefining and bypass would be most beneficial. A bypass is urgently now needed to link to the Designer Outlet rear access / A64 junction. Surrounding villages are expanding beyond our control, yet

Name and Address

Escrick is significantly and adversely affected by the traffic flows. This is the "double whammy" effect of trying to resist change in Escrick to suit the interests of the few, eg. residents affected by bypass development near their properties

If you require further copies of the form, please contact our Clerk Vicky Cumberland on 720118 or they can be printed from the website [www.escrick.org](http://www.escrick.org)

Please return the form to any of these addresses:

Escrick Post Office 8 The Glade 25 Wenlock Drive 5 Dower Chase

29 The Glade 35 Skipwith Road 18 Dower Chase

Let's look to developing an "Escrick Housing Trust" to permit controls on who can live in new developments i.e. Bungalows are urgently needed for aging population

