

ryan king

From: Stuart Natkus [SNatkus@tldp.co.uk]
Sent: 01 April 2010 17:15
To: ldf
Subject: LDF representations

D & J Poulter Building Contractors
Wrigley Property Development
Mr Geoff Lunn
Daniel Gath Homes
Penny England

Follow Up Flag: Follow up
Flag Status: Red

Attachments: S25C-410040116110.pdf



S25C-41004011611
0.pdf (4 MB)

Dear Sirs

Please find enclosed part 1 of 2 of our LDF representations. These have previously been sent but I have just received a system undeliverable message, I have therefore reduced the size of the file.

Kind regards

Stuart

Stuart Natkus
Associate Planner

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ryan king

From: Stuart Natkus [SNatkus@tldp.co.uk]
Sent: 01 April 2010 17:15
To: ldf
Subject: FW: Message from 25C-4

Follow Up Flag: Follow up
Flag Status: Red

Attachments: S25C-410040116111.pdf



S25C-41004011611
 1.pdf (3 MB)

Dear Sirs

Please find part 2 of 2 f our LDF representations.

Kind regards

Stuart

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 Associate Planner

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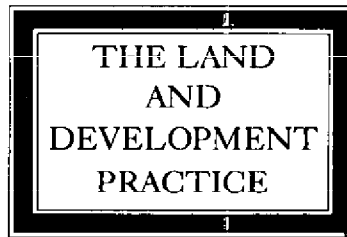
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D & J Poulter Building Contractors
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 Penny England



SELBY DISTRICT COUNCIL
 PLANNING

7 APR 2010

27 APR 2010

DATE RECEIVED
 & LOGGED

LAST REPLY
 DATE

TOWN PLANNING & ENVIRONMENTAL CONSULTANTS
 PROJECT DESIGN & MANAGEMENT - LAND & MINERAL SURVEYORS

Our Ref: 8628/SN/TW/0401

1st April 2010

Tony Hesselton
 Planning – Development Control
 Civic Centre
 Portholme Road
 Selby
 YO8 4SB

Dear Mr. Heselton,

Re: Representations on the Selby District Council Consultation Draft Core Strategy

The Selby District Council Consultation Draft Core Strategy ("the CS") was released for consultation on the 18th February 2010 with a deadline for representation to be received no later than 1st April 2010. The contents of this letter forms the views of The Land and Development Practice ("TLDP") on behalf of a number of our clients including local landowners, developers and local residents with recommendations made to ensure the future adoption of the Selby Core Strategy.

The representations in this letter will consider all of the CS policies in the order by which they appear within the CS. A general opinion will be given on all policies within the CS; however some policies will draw a more thorough assessment and response. Sections of the CS which do not draw any comment are deemed to be acceptable and do not raise any serious concerns.

Policy CP1

It is accepted that the majority of development should be focused upon the principle town of Selby in accordance with the Regional Spatial Strategy ("the RSS") and in recognition of Selby's importance as the districts economic hub. However, the significant restrictions

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placed on development within the district's villages is considered to be detrimental to the council's house building and affordable housing targets. Secondary villages are considered to be capable of accommodating growth and development which can bring various benefits including improved visual amenity, economic prosperity and meeting RSS and LDF targets.

The village of Stutton is located to the south of Tadcaster and has a similar relationship to this local service centre as do Thorpe Willoughby, Barlby, Brayton and Osgodby to Selby. The council have accepted that Tadcaster has lagged behind Sherburn in Elmet in terms of its recent growth and future growth is likely to be further restricted in the short to medium terms by issues of deliverability. Allowing the expansion and development of Stutton can help to bring prosperity to Tadcaster, whilst the proximity of Tadcaster to Stutton can ensure future development in Stutton is sustainable and located in close proximity to jobs, services and public transport.

Similarly the development of Church Fenton Airbase could also provide a large number of new dwellings in a location made sustainable by the village's proximity to Church Fenton, Selby, Tadcaster and Sherburn in Elmet. Church Fenton provides a number of services, employment opportunities, recreational uses and good public transport links, including a railway station with direct access into Leeds and York. The village is also located between the districts three largest settlements again providing quick and easy access by a range of transport modes to each of these sustainable towns.

The council highlight in the justification to policy CP1 the four approaches which were considered and the one which has been chosen. The approach which has been chosen is approach number 2 "*Infilling/redevelopment on previously developed land*". The text accompanying these approaches identifies a means to tighten development control in secondary villages should residential development exceed target levels. It is accepted that some control should be placed on development in less sustainable villages, however this should not be at the expense of meeting housing demand and contrary to markets forces. The council consider the restriction of development within garden curtilages; such a policy is not considered to be acceptable in light of current government guidance. If developments come forward within residential curtilage which are acceptable subject to all material considerations these should continue to be approved in accordance with national guidance.

Policy CP2

Policy CP2 and the justification to this policy highlight the number of properties required in Selby District up until 2026 and distribute these properties throughout the district. At the outset in paragraph 5.5 it is outlined that part of the RSS target has already been committed through existing unimplemented planning permissions. These commitments should not count towards the number of properties required by the RSS and the stance being taken by the council flies in the face of national policy guidance in Planning Policy Statement 3 'Housing', which states at paragraph 58:

In determining how much land is required, Local Planning Authorities should not include sites for which they have granted planning permission unless they can demonstrate, based upon robust evidence, that the sites are developable and are likely to contribute to housing delivery at the point envisaged.

There is no evidence provided to indicate that the commitments are developable and likely to contribute to housing delivery. As such these commitments should not reduce the future housing requirements of the district. The 10% reduction included by the council to account for non delivery is not justified by national guidance which clearly explains the correct stance to take.

Housing delivery in the district will be further restricted by the development of windfall sites. Paragraph 5.26 states that in accordance with paragraph 59 of PPS3, windfall sites will not be included in land supply calculations, however once they become commitments they will be taken into consideration and residential quotas reduced accordingly. This disregards the fact that housing delivery targets within the RSS should not be treated as a ceiling to development, this is outlined in policy H2 Section B Criterion 5, which is quoted below:

Adopting a flexible approach to delivery by not treating housing figures as ceilings whilst ensuring that development is focussed on locations that deliver the Plan's Core Approach and Sub-Area policies

In line with the guidance contained within the RSS it is not considered necessary to deduct windfall sites from future housing allocations. Overprovision caused by the development of windfall sites is acceptable and should not reduce future residential development and allocations. Allocations should only be reduced if windfall sites add a significant number of

additional properties to the market to the extent that the aims and objectives of the Core Strategy are compromised. In accordance with the guidance contained within PPS3 Selby District Council should maintain annual housing building targets at RSS levels. House building within the district should be continually monitored but annual levels should only be reduced in exceptional circumstances.

From viewing the allocations put forward as part of the Selby Housing Land Availability Assessment ("the SHLAA") it is apparent that the allocations available are unlikely to meet the RSS housing targets. The SHLAA includes allocations for 6339 properties within the primary villages to meet the CS target of 1495, however from undertaking a simple assessment of these allocations it is apparent that 3817 are on sites within flood zone 3 and/or within the Green Belt. Without considering all material planning considerations it is apparent that the majority of allocations are likely to be unviable or have significant restraints to development.

In order to ensure that delivery targets can be met, it is considered that the council have a choice to either promote secondary villages into the primary category or increase the housing distribution figures and the number of sites allocated within secondary villages. Either scenario will provide the council with a better range of allocations to choose from, allowing the council to bring forward the optimum sites from a planning perspective without reducing sustainability and stagnating sustainable villages. It is our contention that Byram, Brotherton, Camblesforth, Cawood, Church Fenton Airbase, Escrick Sutton and Ulleskelf should be promoted to the primary village classification, it is accepted that these villages are constrained by flood risk and Green Belt however this should not detract from the fact that potential site allocations exist within these settlements and that these allocations may be preferable to allocations within existing primary villages.

Included within the primary village classifications are Osgodby, Hillam and Wistow which are all classified as primary service villages due to their proximity to services provided by nearby settlements. It is considered that Stutton and Church Fenton Airbase have similar qualities and would have a similar relationship with nearby and more sustainable settlements. The promotion of these sites to primary villages would also ensure housing delivery can be achieved without detriment to sustainability.

Notwithstanding the above, the quota of properties to be provided in secondary villages must

be increased. It is not considered acceptable to allow these villages to stagnate without any planned residential growth given their size and relative sustainability. The CS sterilizes large and sustainable villages such as Byram, Brotherton, Camblesforth, Cawood, Church Fenton Airbase, Escrick, Stutton and Ulleskelf. The reasons for not focusing development on these villages is accepted, however the primary village designation does not automatically bring about substantial expansion. More sites are likely to come forward within the villages currently classified as primary villages as the villages listed above are constrained by issues such as flood risk and Green Belt. The opportunity should still be available for potential sites to come forward and be fully assessed for their acceptability within these villages, this is necessary to ensure housing delivery is met and sustainable villages continue to grow where that growth is acceptable.

For example, Camblesforth has been classified as a secondary villages because of flood risk within the area, however all five of Camblesforth's SHLAA representations have been made on sites which are within flood risk zone 2. PPS25 advises that residential development is acceptable within flood zone 2 and this level of flood risk can be mitigated at the design stage, by not classifying Camblesforth as a primary village the council are effectively disregarding 13.8 hectares of development land with no definitive restriction to development.

Furthermore Kellington, Carlton, Fairburn and Wistow have been classified as primary villages despite few of their SHLAA allocations being deliverable. For example three of the four allocations within Kellington are located within flood zone 3b, three of the four sites in Carlton are located within floodzone 3a and the remaining site would yield only 14 dwellings, four of the five Fairburn sites are located within the Green Belt and the remaining allocation again only yields 14 properties and finally five of the main allocations within Wistow, which could yield 1152 properties are also within floodzone 3b with the remaining three sites only yielding 116 properties.

There is a requirement for 4265 dwellings to be provided in Selby, Brayton, Barlby, Osgodby and Thorpe Willoughby by 2026, these properties are to be delivered through allocated sites and sustainable urban extensions to Selby. Selby District Council must accept that many of the allocated sites around Selby may never be delivered. Background Paper 7 provides an assessment of the options to extend Selby's urban area; this assessment concludes that urban extensions A and D are the most acceptable. Half of urban extension A is located with

flood zone 3a and would require a new bridge across Selby Dam; the site was first allocated within the Selby District Local Plan and is yet to be brought forward. Site D is entirely within flood zone 3a, requires a new railway bridge for access and has been promoted for a number of years without being delivered. From reviewing Selby's SHLAA allocations it appears that only 4 out of 25 can be developed outside of any flood zone, the remaining 21 will require the development of flood zone 2, 3a and/or 3b land; furthermore 17 out of the 25 allocations have a variety of issues potentially preventing their delivery. Selby District Council must consider whether 4265 homes can be provided in Selby and its adjacent villages in light of the numerous constraints.

A further 680 properties are required in Tadcaster, a village which has experienced growth of only 1.5% between 2001 and 2007 in comparison to Sherburn-in-Elmet's growth of 6.4% over the same period. The growth of Tadcaster has been restricted by the limited availability of land around the town. The CS accepts at paragraph 4.20 that this limited growth has undermined Tadcaster's role as a service centre, a situation which is exacerbated by the *'limited opportunities for new houses in surround villages'*. The promotion of Stutton to primary village would serve to ensure sufficient housing delivery is provided in the area, contributing to Tadcaster's total requirement and strengthening the town's role as a local service centre.

Allocations accounting for a total of 7058 properties would require development within flood zone 3a or 3b. Of these allocations 3205 are located within Selby, 544 are located in Tadcaster and 3309 are located within primary towns, these account for a large percentage of SHLAA representations within the district. Notwithstanding all other restrictions to deliverability the numbers highlighted above show definite potential to under provide, indeed it could be argued that sites should not be progressed within flood zone 3 especially as potential sites exist in Camblesforth and Ulleskelf in flood zone 2 and a site exists in Byram which is not within any flood risk zone. In total there are SHLAA allocations totalling 12157 dwellings within Selby, Tadcaster and primary villages with 7128 of these allocations being partly or wholly sited within flood zone 3. Therefore 58.6% of all allocations within these areas have serious flooding issues, flooding issues which irrespective of other factors will raise doubts over the deliverability of these sites.

Selby District Council need to ensure that sufficient sites come forward to meet the RRS

target of 7480 dwellings built before 2026. The restrictions placed upon deliverability within Selby, Tadcaster and many of the primary villages make meeting this target very difficult. Upgrading secondary villages to primary status will ensure more allocations can come forward for consideration. We would also recommend providing some allocations within secondary villages, as a minimum reinstating the provision of 21 dwellings per year to again allow for a more wide ranging consideration of potential residential sites.

Given that many allocations with Selby are already constrained by issues such as flood risk it is recommended that the council seek to review Green Belt boundaries where that review can ensure development and allocations are brought forward. TLDP therefore strongly supports paragraph 4.39 of the CS which states:

While the Strategy aims to maintain the overall extent of Green Belt, in locations where there are difficulties in accommodating the scale of growth required, consideration will be given to undertaking localised Green Belt boundary reviews, in accordance with the principles established in RSS.

In light of the statement outlined above we would recommend a full review of the Green Belt and development limit boundaries of all settlements in the District. Selby District Council need to ensure that sufficient sites come forward to meet the RRS target of 7480 dwellings built before 2026. The restrictions placed upon deliverability within Selby, Tadcaster and many of the primary villages make meeting this target very difficult. Reviewing Green Belt boundaries and development limits will ensure housing delivery targets can be met without compromising CS objectives. A prime example of this being Tadcaster, which although defined as one of the main locations for providing new housing is severely restricted by the Green Belt and the lack of sites within current development limits. This restriction is to such an extent that the SHLAA shows 0 delivery in years 0.7 of the plan period.

The council need to include a policy within the CS which outlines the need to review Green Belt and development limit boundaries, the token gesture at paragraph 4.39 is considered to be insufficient to facilitate the necessary changes. Implementing a policy within the CS which recommends a review of Green Belt and development limits would outline the council's

desire to bring forward such changes. Should Green Belt and development limits be amended in the upcoming Allocations Development Plan Document, these changes would be justified by a new policy within the CS.

It is apparent from reviewing the SHLAA that the majority of allocations within the district are beyond development limits. The deliverability of many allocations is severely compromised by existing development limits and Green Belt designations; conversely it can also be argued that the Green Belt and open countryside is under threat from inappropriate development. A policy to facilitate a Green Belt review will ensure such a review is undertaken with due regard to the development requirements of the district and the potential impact inappropriate development can have upon the open countryside and village settings.

Policy CP3

Policy CP3 is generally supported, housing allocations need to be monitored throughout the plan period with appropriate remedial action taken if housing delivery falls below the minimum RSS targets or significantly exceed the RRS target. Selby District Council need to be aware that the RSS targets are minimum targets and housing delivery need not be reduced should the RSS targets be exceeded. It is accepted that the aims and objectives of the plan need to be safeguarded and housing delivery should only be reduced if plan objectives are likely to be compromised.

The second section of Policy CPS highlights the remedial action to be taken should housing delivery not meet RSS targets. Should housing delivery fall below required levels a Supplementary Planning Document will be adopted to bring forward and test potential sites. A greater number of sites should be brought forwarded and tested in the first instance to ensure housing delivery does not fall below target levels. By increasing the number of primary villages and increasing the number of dwellings to be provided in secondary villages more allocations can come forward for consideration to ensure the provisions put in place at Policy CPS3 Section B are unlikely to be required.

We would highlight that most allocations brought forward in Selby District are on Greenfield sites and targets for developing on previously developed land are unlikely to be met. Bringing more allocations forward in a greater number of villages can solve the potential shortfall in developing previously developed land by providing a more diverse range of sites and

increasing the potential for previously developed sites to come forward. The Council's attempts to restrict development on residential curtilage is also likely to hinder the delivery of Brownfield sites. The development of garden curtilage can already be controlled by design policies which provide a basis to refuse developments which do not respect local character, scale, massing, design, layout etc. The justification to Policy CP1 on pages 25 and 26 does not need to draw upon the disadvantages of developing residential curtilages when such development also brings many benefits such as reducing the need to extend urban areas and ensuring Brownfield development targets are met.

Policy CP4

Policy CP4 is a fundamental policy which meets the aims and objective of Planning Policy Statement 3 and is therefore supported by TLDP.

Policy CP5

In terms of delivering affordable housing the Council currently rely upon a Developer Contribution Supplementary Planning Document for the delivery of affordable housing at a level of 40%. This was devised on the basis of the 2004 Housing Needs Assessment. Further to this the Council have commissioned DTZ to carry out an Economic Viability Appraisal, which was completed in September 2009.

In the preamble to policy CP5 the Council confirm that responses from the consultation period were generally supported. However those which were not supportive were from the development industry and largely based on the lack of evidence on delivery and viability. Notwithstanding the level of support given from outside of the development industry, the responses from within the industry should be given considerable weight as the issues of viability and deliverability are of paramount importance to any policy being sound. It is not simply a case of requesting a proportion of housing which is seen as desirable, it must be capable of implementation.

As a result of the consultation on the further options document and the viability assessment the Council have dismissed a number of their previous options for affordable housing and devised Policy CP5.

In summary this policy provides for

- An overall 40% provision of affordable housing, with a tenure split being based on the Councils most up to date evidence of need;
- A sliding scale of site thresholds for delivery, with Selby providing on sites over 10 dwellings or 0.3 ha, Service villages on sites of five dwellings or more or 0.15 ha in size and in all other areas developments of 3 or more dwellings or sites of 0.1ha;
- On all sites below this threshold outside of Selby a financial contribution will be sought;

On 29 November 2006 national planning policy regarding housing was revised in the form of PPS3, replacing PPG3 dated 2000 and Circular 6/98 Affordable Housing. Paragraph 29 of PPS3 states that local planning authorities should,

*“Set an overall (i.e. plan-wide) **target** for the amount of affordable housing to be provided. The target should reflect the new definition of affordable housing in this PPS. It should also reflect an assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured. Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, into account information from the Strategic Housing Market Assessment.*

Set out the range of circumstances in which affordable housing will be required.

The national indicative minimum site size threshold is 15 dwellings. However, Local Planning Authorities can set lower minimum thresholds, where viable and practicable, including in rural area. This could include setting different proportions of affordable housing to be sought for a series of site-size thresholds over the plan area. Local Planning Authorities will need to undertake an informed assessment of the economic viability of any thresholds and proportions of affordable housing proposed, including their likely impact upon overall levels of housing delivery and creating mixed communities. In particular, as the new

definition of affordable housing excludes low-cost market housing, in deciding proportions of affordable housing to be sought in different circumstances, Local Planning Authorities should take account of the need to deliver low cost market housing as part of the overall housing mix”.

Reverting again to paragraph 4.52 of PPS12 in order for the Core Strategy to be sound its policies on affordable housing must be ‘Justified, effective and consistent with national policy’.

PPS12 further elaborates that to be justified it must be ‘founded on a robust and credible evidence base.’

It is our contention that the amendments to affordable housing thresholds are not made on a sound evidence base and do not conform to national policy in the form of PPS3.

The circumstances surrounding the affordable housing policy and the thresholds set are almost identical to the Blyth Valley Core Strategy, which was quashed in the Court of Appeal, based on its affordable housing thresholds.

In the appeal by the Council two features of PPS3, which are relevant to the Selby Core Strategy, were cited as follows.

PPS 3 requires a Local Planning Authority’s plan-wide target for the amount of affordable housing to reflect an informed assessment of the economic viability of any proportions of affordable housing indicated in a plan policy and of any thresholds of numbers of houses on a site at which the proportion(s) will apply.

The Council in the Selby Core Strategy propose to significantly reduce the thresholds for affordable housing from sites of 0.5 hectares or more or developments of more than 15 dwellings as currently established in the DCSPD.

The guidance in PPS 3 clearly establishes that a viability study is required to demonstrate that the delivery of affordable housing is deliverable both in terms of the percentage of dwellings to be made affordable and that the threshold for providing affordable housing is

deliverable. The Council have commissioned DTZ to carry out a viability assessment of affordable housing in the district so that it can be determined what percentage of housing can be delivered as affordable.

Notwithstanding the calculations carried out, the DTZ report makes no reference to demonstrate at what threshold a sites size or yield needs to be viably deliver affordable housing. Rather than perform a viability test across the district and against sites of different sizes and different yields the Council have chosen to use a sliding scale of thresholds intimating that it is more viable to provide affordable housing in small settlements, hence requiring 2 out of 3 houses to be provided, whereas in Selby viable is considered to be on sites delivering over 10 houses. In order for this to be sound, calculations need to be made based on the delivery of three houses in all secondary villages, the sites of five dwellings in designated service villages and ten dwellings in Selby. Without these there is no evidence that any affordable dwellings are capable of being delivered in such small yields of development.

No evidence is given to explain why the Council consider that providing affordable housing is less viable in Selby where land values are significantly less than in some of the primary villages. Indeed the evidence base utilised by the Council (the DTZ viability report) confirms that 'site size plays an important role in viability with larger sites generally having a higher viability than smaller sites.'

The modelling carried out regarding the viability of delivering affordable housing utilises a baseline position of the current market conditions, an alteration to s106 payments, alterations in build costs, alterations in revenues and an assessment against market conditions at the height of the market. Furthermore having looked through the appendices there is no specific delineation between sites in Selby, designated service villages or secondary villages.

On this basis there is simply no evidence to demonstrate that the thresholds that have been given are based on any viability testing or modelling. There is no evidence in the DTZ report which distinguishes between different site sizes within different locations which relate to those proposed in the policy. The executive summary itself confirms that on smaller sites

affordable housing is difficult to provide, however the policy reduces all of its thresholds from the current threshold of 15 dwellings or sites of 0.5 hectares as defined in the DCSPD.

Previous concerns were raised that without any viability testing the approach manipulated affordable housing into areas where it was not viable, therefore sterilising growth of some settlements. The approach should be to establish a viable threshold to apply a relevant proportion to, rather than have varying thresholds dependant upon the area and the desirability to have affordable housing in that locality.

Despite the relevant evidence base being provided the chosen policy included within the Core Strategy makes no reference to its findings and continues to proceed with a policy derived prior to the evidence base being in place. The figures appear to have been arbitrarily selected with no evidence base for the reductions, other than a sliding scale based on the size of settlements affected. The reduced thresholds make no reference to land values in the smaller settlements or any of the factors in determining these figures and have not taken into account the economic viability of these figures in ensuring delivery.

Secondly, the likely impact on the “delivery” of housing (i.e. house-building) of setting such figures of affordable housing is to be taken into account in arriving at them.

Due to the current economic climate, an up-to-date survey is required in order to demonstrate that the Councils objectives can be achieved through the proposed policies.

The DCSPD currently allows for a reduction in the amount of affordable housing providing that the developer can demonstrate viability. The proposed policy in the Core Strategy also provides flexibility by stating that the target of 40% is negotiable on all sites above the relevant thresholds. 'The target percentage of affordable dwellings to be negotiated will reflect the anticipated housing market and viability levels over a short-term period (up to 3 years) and this will be subject to periodic amendment if the circumstances affecting viability change significantly.'

This flexible approach is again in complete conflict to the guidance advocated by DTZ which states in the executive summary that 'any affordable housing target must have been tested',

further adding 'it is not acceptable to simply rely on clauses that promise flexibility.' The approach in the Core Strategy is an approach similar to that used by the Inspector in allowing the Blyth Valley Core Strategy. However, this approach was dismissed in the Administrative Court, where by Collins J states that,

'It is equally important to bear in mind that the target set must be a target which is not flawed by any deficiency in the process which has led to it being imposed, and if it is a flawed target, it should not stand as one which is to be achieved.'

He then went on to say

'what is wrong in my view, is to let a policy be established which may be unsupportable on a proper consideration of all material factors. The 30 percent has been produced on the basis of material which is not supported by the guidance and which ignores a highly material factor, namely the economic viability of the relevant target.... In my judgement, that, in the circumstances of this case, means that there is a legal flaw.'

On that basis the policy in the Core Strategy was quashed.

Paragraph 29 of PPS3 clearly demonstrates that an informed assessment of viability is a central part of PPS3 regarding affordable housing and that it is not for the LPA to set unsubstantiated figures and thresholds.

In order to ensure that this is not the case the DTZ viability appraisal seeks to demonstrate what level of affordable housing is deliverable, by modelling various levels against a range of sites.

Section 5 of this report provides a number of scenarios demonstrating what level of affordable housing can be provided. Scenario one is a baseline position set at June 2009. Paragraph 5.5 of the report confirms that in current market conditions, 'it is extremely difficult to deliver any residential development before affordable housing contributions occur.' Across all three tenure splits only 55% of all sites tested were viable in current market conditions with 0% affordable housing, therefore demonstrating that 45 % of all schemes are unviable and will not come forward at all for residential development.

On the current basis of 40% affordable housing and a 50/50 split in tenure only 4% of schemes tested would be viable and 16% marginally viable. If this tenure were altered to a higher level of intermediate housing (70%) this would increase to 24% of sites being viable or marginally viable.

It is accepted that it is unreasonable to believe that 100% of schemes should be viable in order for a policy to be created and we would agree that 50% is a reasonable figure. On this basis the DTZ report confirms that only a 10% affordable housing requirement could be requested based upon 70% intermediate housing and 30% social rented housing.

Should s106 contributions be reduced this figure could increase to 20% with a 50/50 split in tenure, however should they increase 0% delivery would be achievable across all three tested tenure splits. The Councils current s106 requirements provide for approximately £2,000 per dwelling based on POS payments, the provision of waste and recycling facilities and contributions towards the PCT and education provision. The reality of the situation is that s106 payments are not going to reduce to £0, therefore this scenario should be given minimal weight.

The third scenario demonstrates that any increase in build costs would prohibit affordable housing being provided in all sites tested, whereas a 15% decrease would enable 30% affordable housing to be deliverable and a 25% decrease would enable 40% to be deliverable. The Core Strategy also provides for an increase in sustainable energy provision and requires developments to attain a high level of development with regards to the code for sustainable homes. In this regard it is highly likely that build costs are to increase rather than decrease, therefore again the figures in this scenario should be given minimal weight.

The fourth scenario makes reference to increases and decreases in revenue, which again demonstrates that a 5% decrease makes less than 50% of schemes viable, whereas a 5% increase makes 30% affordable housing provision a viable target in over half of sites tested and a 15% increase in revenue makes a 40% level of affordable housing viable in over half of the sites tested.

Despite this scenario demonstrating that an increase in revenue will improve the deliverability of affordable housing, there are concerns with this approach. The scenario

simply looks at an increase in revenue; however this would presumably come from an increase due to rising house prices. Should house prices rise then land values, materials and labour costs will rise, therefore an increase of 5% in revenue would not necessarily be an increase in margins of 5% and may not therefore increase available cash flow for the provision of affordable housing. Any assessment on the increase in revenue should also take into account the increase in build costs, which would significantly reduce the figures given in scenario four.

In all the scenarios tested the percentage figures given for deliverability include both green and amber sites; however amber sites are defined as marginally viable. In the current economic climate banks are looking for a greater rate of return on the money invested and therefore the marginal sites would not all be deliverable. It is therefore considered that although many of these sites may be developed, including all of the marginal sites as deliverable is an over inflation of what is actually deliverable. It is acknowledged that some of these sites may come forward, however it will not be all of them, this should therefore be reflected within the deliverability figures.

Notwithstanding the Councils evidence base, which clearly shows that 40% delivery is unviable in all scenarios tested, the proposed policy remains at 40%. Further to this the assessment clearly demonstrates that an increase in the percentage intermediate housing increases viability, with the least viable options in all scenarios being when social rented housing is a larger proportion of the delivery. However, again despite this clear evidence the Council propose to deliver a tenure split with 60% social rented accommodation. It is accepted that the SHMA may demonstrate a need for this type of tenure, however if this is the case then the target delivery figure for the number of affordable dwellings should be reduced as 40% with this split of tenure is the least viable of all.

Previous concerns over deliverability were based upon a lack of an evidence base in the form of a viability assessment. Despite this having been done its findings and recommendations clearly do not support the proposed policy.

The forty percent target is not shown as deliverable in any of the scenarios tested, the tenure split proposed by the Council is the least viable in all scenarios tested, the policy offers a flexible approach, which DTZ clearly state is unacceptable and no viability is utilised to

demonstrate that the sliding scale of site thresholds is viable, indeed it is confirmed in the evidence base that affordable housing is less deliverable on small sites.

The lack of evidence to demonstrate viability raises questions over delivery, should it not be viable to deliver 2 out of 3 houses in secondary villages then it will stifle growth and restrict development, severely impacting upon the Councils targets. The potential of this policy is that it could have an adverse impact on deliveries by rendering schemes unviable by ensuring that no houses are developed in the smaller settlements due to viability issues, therefore ensuring that the Council does not meet its deliverability targets as a direct result of the affordable policies.

The lack of information regarding deliverability to support the Core Strategy therefore demonstrates that there is no evidence base and therefore the test of soundness is failed.

Consequently we strongly disagree with the thresholds for affordable housing and feel that the rationale for the reduced thresholds is not made on a sound base of evidence. The thresholds are based on a sliding scale based on the size of settlement rather than a specific assessment of settlements and evidence that the delivery is viable. Affordable housing should be used to meet an identified shortfall and provided in a way so that it is achievable. As seen in the Blythe case an affordable housing target that is completely unviable and is not going to delivery its ultimate aim of more affordable housing is not considered to meet the test of soundness.

It is our view that the DCSPD currently sets a delivery figure at 40% for affordable housing. However, in order to obtain a test of soundness the Core Strategy should review this figure and the thresholds proposed.

Policy CP6

Policy CP6 is a relatively common policy which meets the aims and objective of Planning Policy Statement 3. The only comment TLDP would make is that there does not appear to be necessary to restrict this policy to settlements of less than 3000 residents. There is a lack of affordable housing throughout Selby District and should a 100% affordable housing development be proposed on the edge of Selby it should be determined at in light of a

similarly worded policy. Given that the larger settlements within Selby are more sustainable, 100% affordable housing schemes should be determined more positively in these locations.

Policy CP7

A separate submission has been made by TLDP in relation to this policy on behalf of the Towton Action Group.

Policy CP8

Policy CP8 is a fundamental policy which meets the aims and objective of national planning policy and is therefore supported by TLDP.

Policy CP9

This policy is supportive of economic development throughout the district and generally accords with the guidance contained within Planning Policy Statement 6 and Planning Policy Statement 7. It is therefore supported by TLDP.

Policy CP10

This policy supports the diversification of rural premises where this would not harm the character and appearance of the area. It does not limit what such premises can be diversified into alternative uses in compliance with the aims and objectives of both PPS4 and PPS7.

Policy CP11

The vitality and viability of the districts primary service centres needs to be improved in accordance with national policy guidance and the RSS. The focus of development on Selby, Tadcaster and Sherburn-In-Elmet is supported and policies which do not unduly restrict economic growth are considered to be beneficial to the future prosperity of these towns and the district as a whole. Supporting and facilitating the delivery of residential targets will also help to ensure future business growth is viable and the local economy can flourish.

CP12

This policy promotes the use of techniques which help to reduce and mitigate against the impacts of Climate Change. This is again a common policy which is supported by national planning policy.

CP13

Policy CP13 is based upon a policy successfully trialled by the London Borough of Merton in 2003 which is now implemented up and down the country. We support this policy and its link to the viability of future schemes however few developments are likely to include elements of renewable energy given constraints placed upon development by policy CP5 'Affordable Housing'. Policy CP5 requires developments of over 10 dwellings to provide 50% affordable housing, as outlined in this letter and by the viability appraisal released by DTZ many schemes, even in a buoyant market, would struggle to meet this affordable housing contribution. The affordable housing policy makes provision for the amount of affordable housing to be reduced should schemes be unviable. As the majority of schemes are being pushed to the limits of their viability by the affordable housing policy the requirements of policy CP13 are unlikely to ever be met. Schemes that can provide 50% affordable housing and still remain viable are then squeezed by policy CP13, again restricting development and making Selby an unattractive location for future development.

We support the provisions of policy CP13, a policy which has been successfully implemented up and down the country; however the effectiveness of policy CP13 is greatly restricted by the affordable housing demands placed on developers. If the percentage of affordable housing sought by Selby was to be reduced the effectiveness of policy CP13 would be increased.

CP14, CP15 and CP16

Policies CP14, CP15 and CP16 are general policies which ensure the highest possible standards of design and construction are implemented and the impact of any development on the environment is minimised. These policies promote high quality developments which deliver greater benefits to the natural and built environment without unduly restricting future growth and development. Policies CP14, CP15 and CP16 are all supported by TLDP.

I thank you in advance for taking our comments into consideration in respect of the draft Core Strategy and look forward to the opportunity to comment on the preferred options documents.

Yours Sincerely

THE LAND AND DEVELOPMENT PRACTICE

Stuart Natkus