

OPD/11

**michelle dinsdale**

---

**From:** Eamonn Keogh [ekeogh@turleyassociates.co.uk]  
**Sent:** 22 August 2012 18:00  
**To:** ldf  
**Cc:** 'Matthew Lamb'; 'Paul Fox'  
**Subject:** Olympia Park Draft Supplementary Planning Document (SPD); Framework Delivery Document and Masterplan  
**Attachments:** 120731 Reps on Draft SPD ISSUE.pdf

Dear Sirs,

Please find attached representations on the above document made on behalf of Potter Group Holdings Plc. If you have any queries regarding the representations or require a word version of the document, please do not hesitate to contact me.

Regards

**Eamonn Keogh**  
Director  
**TURLEYASSOCIATES**  
33 Park Place, Leeds, LS1 2RY  
T: 0113 386 3800 | F: 0113 244 3650  
M: 07500 012 094

[ekeogh@turleyassociates.co.uk](mailto:ekeogh@turleyassociates.co.uk)  
[www.turleyassociates.co.uk](http://www.turleyassociates.co.uk)

Think of the environment, please do not print unnecessarily

This e-mail is intended for the above named only, is strictly confidential and may also be legally privileged. If you are not the intended recipient please do not read, print, re-transmit, store or act in reliance on it or any attachments. Instead, please notify the sender and then immediately and permanently delete it. Turley Associates is a limited company registered in England and Wales Registered No 2235387 Registered Office 1 New York Street, Manchester, M1 4HD.

**POTTER GROUP SELBY**

**REPRESENTATIONS ON OLYMPIA PARK  
CONSULTATION DRAFT SUPPLEMENTARY  
PLANNING DOCUMENT; FRAMEWORK  
DELIVERY DOCUMENT AND MASTERPLAN**

**22 AUGUST 2012**

## CONTENTS

1.	Introduction and Summary of Representations	1
2.	Representations on Draft SPD	4
3.	Comments on the Draft Framework and Delivery Document - May 2012	15

TA Ref: POTY2000

LPA Ref:

Office Address: 33 Park Place  
Leeds  
LS1 2RY

Telephone 0113 386 3800

Date of Issue: 22 August 2012

## 1. Introduction and Summary of Representations

- 1.1 These comments are made on behalf of the Potter Group Holdings Plc (PGH plc) who own a substantial logistics site on the north bank of the River Ouse, relatively close to Selby Town Centre. The site is encompassed by the proposed Olympia Park Strategic Site allocation with the residential element of the strategic site to the west of Potters and the proposed employment site to the east. The site extends to 70 Acres and accommodates approx 650,000 sq ft of warehousing / storage space.
- 1.2 Potter Group are a national logistics company based in Ripon but with sites also at Droitwich, Ely, Knowsley, and York. The Selby site is one of the largest sites in the groups portfolio and is one of three with a rail freight facility which is a key strategic advantage the company has in a very competitive market.
- 1.3 The main access to The Potter Selby site is from the Barlby Road, across land owned by BOCM Pauls and over a level crossing on the railway between Selby and Hull. PGL have a right to use this access in perpetuity. There is also a possible secondary access for cars only from Barlby Road under a rail bridge (See Appendix 1), but this is not used by Potter Group staff.
- 1.4 The Potter site is an important logistics facility serving the local and regional economy. As well as the storage and transportation services run by The Potter Group, the site also accommodates a container transshipment facility utilising the rail head on the site.
- 1.5 Cemex hold a lease to 2033 on part of the site adjacent to area shown for a new school on the masterplan. Cemex use this site for the manufacture of bitumen road surface using the rail head to import aggregate. This is a noisy, dusty, dirty operation. The largest building on the site (315,000 sq ft) is used by Clipper to store and distribute goods for Tesco.
- 1.6 As well as being an important part of the supply chain in the economy, the site employs approximately 150 people c. 80 by Potter and c.70 by other occupiers but seasonally the third party employment can double. Staff are mainly drawn from the town and surrounding area.
- 1.7 The site currently operates without any restrictions on hours of use, noise emissions etc... This unencumbered use (along with the railhead) is an important part of this sites attraction to existing and potential users.

- 1.8 The site enjoys a recently (2011) obtained consent from Network Rail to extend the Railhead in order to accommodate longer trains and increase rail freight traffic in line with PGH's investment strategy at this location.
- 1.9 The proposed development of the Olympia Park Strategic Site will clearly affect the Potter site. The proposed residential element of the scheme will deliver residential properties immediately adjacent to the site and considerably closer than ever anticipated in dialogue with BOCM. This raises three principle concerns for The Potter Group:
- The relationship with the Strategic Site in general
  - Serious restriction on use and operation of the site due to proximity of new dwellings
  - The availability of an unrestricted access to the site.
- 1.10 The Potter Group has operated successfully from its Selby site since 1981. The Group has ambitious plans for growth and the Selby site, with its strategically important railhead, is an important part of that growth plan.
- 1.11 As the masterplan for The Olympia Park scheme has evolved, PGL have become increasingly concerned that the scheme will have a significant adverse impact on the continued use and operational viability of the site.
- 1.12 In recent years Potter Group has cooperated with the applicant to evolve a mixed use scheme that would suitably address its ongoing operational concerns while allowing for reasonable development. Since late 2010, BOCM have opted to evolve the scheme without PGH input and this resulted in a considerably more intensive proposal than ever tabled and one which is fundamentally unacceptable to PGH for the reasons outlined above and below.
- 1.13 That concern is fuelled by the failure of the Council and the promoters of the scheme to:
- i) recognise the importance of the PGL site as an important logistics facility;
  - ii) recognise the importance of the site as major employer in Selby;
  - iii) properly consider the potential impact of the scheme on the continued operation of the site (For instance, complaints from future residential occupiers; potential restrictions on HGV movements, limits on hours of operation);

- iv) properly understand the nature of the operations on the site and to consider the potential impact of operations on the Potter site on future residents or other uses such as the now proposed school adjacent to the Cemex Plant;
- v) factor in any consideration for the expansion and/ or intensification of use on the Potter site (for example proposed improvement to the rail head, 24 hour working, additional trains, stone crushing operation etc...)
- vi) address the very real and practical implications for the scheme of the PGH perpetual right of access over the level crossing and BOCM land.

These representations comment both on the draft SPD and on the Draft Framework Delivery Document (DFDD) as the SPD relies on the DFDD for support and justification. PGH have serious reservations that the proposed scheme as set out in the SPD and DFDD is viable and achievable and that this is the primary driver behind the increase in the amount of residential development in the scheme. The continued issues with viability of the scheme could lead to further increases in the amount of residential development to the continued detriment of operations on the PGH site

## 2. Representations on Draft SPD

2.1 The representations are set out below in tabular form following the sequence of the consultation draft document.

Paragraph	Comment
<p>1.11 Introduction</p>	<p>Reference is made as to new employment allocation supporting the continued expansion of the storage activities on the Potter site. However, no explanation is offered in the SPD as to how this will be facilitated as this land is not controlled by the Potter Group.</p> <p>Linked to this is the failure in the SPD to adequately explain the relationship and linkages between the proposed residential and employment element of the strategic site. In particular there appears to be no intention that the employment and residential elements will be developed in parallel. We do not believe it is possible to separate the two elements.</p>
<p>1.12 Consultation</p>	<p>The Council is not working closely with other stakeholders in preparing the SPD. Potter Group, as one of the landowners most affected by the proposal, has not been consulted or approached for its views prior to this consultation.</p>
<p>2.4 Location</p>	<p>As the paragraph states, the Potter logistics site is virtually enclosed by the Olympia Park scheme. It is, by default, part of the scheme although not included in the Core Strategy allocation.</p>
<p>2.5-2.13 Character</p>	<p>The section on character fails to adequately address the impact of the Potter site on the character of the local area. Points that should be referenced include:</p> <ul style="list-style-type: none"> <li>• Large buildings on the site that will be prominent to future residential properties;</li> <li>• Frequent HGV traffic accessing the Potter site on a 24 hr basis;</li> <li>• Unrestricted access to the site over a level crossing on the Leeds Hull railway - should be acknowledged in paragraph 2.11</li> <li>• Unrestricted 24 hr working, 365 days a year – including</li> </ul>

	<p>unrestricted use of the railhead.</p> <p>Acknowledging these characteristics is important as it has, or should have, a bearing on the future development of the Olympia Park Site both in terms of the impact of the Potter site on residential development and the potential impact of residential development on the future operation of the Potter site.</p>
<p>2.14 Ownership</p>	<p>Under the heading of ownership, any legal restriction or covenants over the site should also be referenced, for example the PGL right of access through the BOCM site and over a level crossing on the Leeds/ Hull rail line.</p>
<p>4.1.12 Economic growth</p>	<p>The early completion of the link road will assist in bringing forward the employment land but there are other more fundamental barriers to bring the employment land forward – such as poor ground conditions and poor existing utility infrastructure that are not addressed in either the SPD or the DFDD.</p> <p>The process of securing employment development could be improved by obtaining planning permission now, in conjunction with the application for residential development. This would ensure that all issues and impacts are properly assessed and addressed at this stage of the process so that delays further down line are avoided.</p>
<p>4.2.4 New road bridge</p>	<p>The provision of a road bridge over the Leeds / Hull railway line is the lynchpin for the delivery of residential development south of the railway line. The road bridge cannot proceed without the agreement of Network Rail and Potter Group.</p> <p>In response to the Hybrid Planning Application, Network Rail have commented that whilst they have no objection in principle to the proposed bridge over the railway, this is: “...<b>subject to all relevant legal agreement, grants of easements, basic asset protection agreements, method statements, a full programme of works, bridge agreements and bridge designs agreements being in place.</b>” No indication is given in either the SPD or the DFDD that such an agreements are in place.</p> <p>Previous consultation with NYCC has confirmed that under no</p>

	<p>circumstances would they accept combined Residential and Commercial traffic from a single access point as proposed.</p>
<p>4.2.1 to 4.2.7 Comprehensive scheme</p>	<p>Much is made of the desire to secure employment development on the Olympia Park site. Paragraph 4.2.3 says that:</p> <p style="text-align: center;"><i>...a comprehensive phased approach to development is essential in order to secure delivery within the timeframe envisaged in the Core Strategy. This will also ensure the provision of associated infrastructure and services is achieved in step with the development.</i></p> <p>However, the remainder of the SPD and in the DFDD is far from comprehensive and not at all reassuring about the delivery of employment development. The discussion about delivery of employment land focuses on the access road from the A63 by-pass to as a means of opening up the employment land providing access to the Potter site. There is no reference to other constraints, for example ground conditions, or how they will be resolved. In addition, there has been no undertaking given to the Potter Group that access across the new link road to their site will be unencumbered. In no way can a deliverable / financially viable proposal be suggested while key development constraints / costs are not included.</p> <p>Nor is there any certainty about delivery of the link road. The DFDD indicates that it is to be funded by public sector grant. To date applications for funding have been unsuccessful. It is important to note that any grant monies available are entirely dependent on employment generation schemes. Given that this application does not extend to the Employment Land, no grant monies will be forthcoming. There is no indication what alternative funding is available.</p>
<p>4.3.1 to 4.3.4 Consultation</p>	<p>Potter Group as one of the principal stakeholders affected by the proposed development has not been consulted on the on either the DFDD or latest version of the masterplan. The promoters therefore cannot satisfy the Council of the requirement in 4.3.3 that the views of stakeholders have been taken into account in the formulation of the masterplan.</p> <p>As an example of this lack of consultation, the latest version of the</p>

	<p>masterplan identifies an area for a new primary school and playing fields next to the entrance to the Potter site and adjacent to the rail head unloading area. Trains unloading in this area create noise and dust. Incredibly, the DFDD refers to the school as creating a barrier between residential areas and the noise emanating from the Potter site.</p>
<p>4.4.2 Highways</p>	<p>Paragraph 4.4.2 refers to the replacement of the existing level crossing on the Leeds Hull rail line as the preferred solution. This can only be achieved with the agreement of the Potter Group. To date no such agreement exists nor have serious discussions been held with the PGL to agree to this arrangement.</p> <p>There is no guarantee that the proposed alternative access from the A63 Bypass can be delivered. See comments above at 4.2.1 to 4.2.7.</p>
<p>4.4.3 Highways</p>	<p>In paragraph 4.4.3 reference is made to the need for the new road bridge over the railway line and the link road from the A63 by-pass to be completed prior to the <b>occupation</b> of the dwellings south of the railway line.</p> <p>We object to this proposal. Policy CP2A clearly states</p> <p><i>Both the new link road and road bridge are required to be constructed in advance of residential <u>development</u> south of the railway line.</i></p>
<p>4.4.4 Access arrangements</p>	<p>Our highway consultants have assessed highways and transport information submitted with the application for the remodelling of the existing mill and the hybrid application. Their conclusion is there are a number of serious shortcomings with the access proposals, as presented on the masterplan. In particular:</p> <ul style="list-style-type: none"> <li>• The proposed roundabout as submitted does not comply with the recommendations of TD16/07 "Geometric Design of Roundabouts" particularly with regard to approach widths, entry deflection, exit width, etc... Hence, as submitted, it cannot be assumed that this access will operate safely and satisfactorily once completed;</li> <li>• The proposal to serve the proposed residential development from a single point of access is inconsistent with the recommendations of Manual for Streets;</li> </ul>

	<ul style="list-style-type: none"> <li>• The access from Barlby Road serving the proposed service yard has insufficient width to satisfactorily accommodate the anticipated turning manoeuvres into and out of the access;</li> <li>• The residential/public house access has insufficient width to satisfactorily accommodate the anticipated turning manoeuvres into and out of the access;</li> <li>• The single point of access serving the Potter Group and residential development will result in an undesirable mix of traffic on the access road and significant increases in traffic conflict.</li> </ul>
<p>4.4.7 Road bridge</p>	<p>The new road bridge will provide the only access to the proposed residential development south of the railway line. No evidence is presented in either the draft SPD nor the DFDD that any agreement has been reached with Network Rail that will guarantee their agreement to the road bridge. Furthermore the current proposals assume a single access point for all commercial HGV traffic, residential traffic, pedestrian footfall and emergency access which is clearly contrary to all acceptable development principles.</p>
<p>4.5.3 Traffic impacts</p>	<p>Although the most significant traffic impacts are expected to be associated with the residential element of the proposal, it is important that the Transport Assessment considers the development of the Strategic site as a whole. Otherwise, the interaction of impacts between the residential and employment elements cannot be properly considered or assessed. The transport statement for the Selby Farms employment land submitted with the hybrid application states that the transport impacts of the employment land are not assessed within the Environmental Statement. Subsequent development of employment land and the existing PGH site could be constrained by traffic impacts arising from the interaction between the residential development and employment development that have not been properly taken into account.</p>
<p>4.5.4 Closure of level crossing</p>	<p>There is a constant assumption through the SPD and the DFDD that access to the Potter site from the Barlby Road over the level crossing will automatically be closed once the link from the A63 by pass is complete. However, this is not a certainty, in which case HGV traffic would continue to use the Barlby Road access in which case traffic to</p>

	<p>the Potter site, including HGV traffic, would pass through residential areas and past the entrance to the proposed school.</p>
<p>4.6.1 to 4.6.18 Flooding</p>	<p>The risk of flooding is highlighted as an issue that must be addressed to a high degree of certainty. However, the related issue of insurance which has a critical bearing on the marketability of the site is not addressed.</p> <p>Areas that are at risk of flooding, even when protected by modern up to date flood defences, will attract high insurance premiums or, in the worst cases, houses in such areas cannot be insured. This may detract potential occupiers and make the site unattractive to housebuilders.</p> <p>Our investigations as to the contents of the Weetwoods FRA confirm these risks.</p>
<p>4.8 Affordable housing</p>	<p>The DFDD gives no indication as to what level of affordable housing will be provided on the scheme. Likewise the planning application for the development of the site currently outstanding with the Council provides no indication of the level of affordable housing to be provided, or of any other planning obligations that will be provided.</p> <p>We fail to see how the Council and the promoters of the scheme can continue to maintain that the scheme is viable when there is no certainty that the scheme will deliver any affordable housing or other normal planning contributions.</p>
<p>4.12.8 Potter Group</p>	<p>These paragraphs might have carried a greater degree of certainty if the either the Council or promoters of the scheme had engaged with the Potter Group about its current operations on site and its proposals for the future.</p>
<p>4.12.9 Level Crossing</p>	<p>Paragraph 4.12.9 wrongly assumes that the Potter Group will use the link road from the by-pass when constructed and relinquish its rights to use the level crossing over the rail line. As yet neither the promoters of the scheme nor the Council have approached Potter Group to discuss this issue. It cannot be assumed therefore that PGL will automatically give up its rights over the Leeds/ Hull rail line once the link road from the by-pass is constructed. Potter Group operations for over 30 years have utilised the existing access without detriment to the operation or use of</p>

	the site.
4.12.10 Future development of the Potter Site	<p>Paragraph 4.12.10 rightly acknowledges that the Potter Group may expand its business or increase the working hours on the site. Indeed, only recently PGL have agreed an extension to the rail head at the site with network rail so that the facility can accommodate 750m freight trains. In addition, the site can potentially accommodate other operations such as waste recycling. The site is currently licensed to handle the recycling of 4,400 tonnes of paper, cans, plastic, and drink cartons.</p> <p>The paragraph also, rightly, points to the need for the Olympia Park proposals to avoid creating conflict with current activities or placing unreasonable restrictions on future expansion, for example by locating residential properties too close to operational land potentially giving rise to future complaints. Yet this is exactly what successive versions of the masterplan for the site have proposed.</p> <p>The Design Evolution presented in the DFDD illustrates how early versions of the masterplan proposed substantial buffers of open space and B1 buildings between proposed residential areas and the Potter site. The DFDD presents the increase in the residential element of the scheme as a result of a planning requirement to maximise residential development on the site. However, the underlying reason for the increase in the quantum of residential is to improve scheme viability – confirmed by the notation on the ‘Masterplan Evolution Stage Three’ and ‘Stage Four’ on pages 51 and 53 of the DFDD.</p> <p>The fact the applicant is a promoter of the application and not the future developer of housing at this location underlines this.</p>
4.12.11 Noise buffer	<p>We fail to understand the rationale for the location of the school in close proximity to the unloading area for crushed aggregate for the Cemex plant on the Potter site. We also fail to understand the rationale that somehow the school will act as a noise buffer between the Potter site and new residential areas. This simply puts the noise and dust impact onto the school.</p>
5	<p>Under the heading of delivery, this section should begin by setting out the potential risks to delivery – or the constraints to development. The</p>

<p>Delivery</p>	<p>SPD, in the main, avoids this central issue. The key constraints to delivery include:</p> <ul style="list-style-type: none"> <li>• Viability – see below</li> <li>• Rights of access of Potter Group across the BOCM land and over the Leeds Hull rail line;</li> <li>• Rights of access of Ousbank residents across BOCM land;</li> <li>• The agreement of Network Rail to the road bridge over the rail line and timescales for its provision;</li> <li>• Ground conditions – particularly on the Selby Farms land; and</li> <li>• 24 hour, 365 day operation of the Potter site;</li> <li>• Desire for an emergency access route along the riverbank and across Potter Group land.</li> </ul> <p>The cumulative impact of these constraints and their resolution is central to the timing of delivery if not the actual delivery itself.</p>
<p>5.1 - 5.4 Viability</p>	<p>Viability is now a key planning consideration of development proposals. Paragraph 173 of the National Planning Policy Framework (NPPF) begins by stating that:</p> <p style="text-align: center;"><i>“Pursuing sustainable development requires careful attention to viability and costs in plan making. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”</i></p> <p>Viability has, from the outset been a key driver of the content of the Olympia Park proposals. The narrative set out in the DFDD suggests that the increase in the number of residential units from the initial 600 proposed in the first masterplan (Oct 2009) (page 47 of the DFDD) to the current 1000 is down to planning considerations. From their involvement in the initial stages of the masterplan, PGL know this is not the case. Faced with ever increasing costs of development, the only way the viability gap could be plugged was by increasing the amount of residential development.</p>

	<p>The treatment of the key issue of viability in the draft SPD is misleading.</p> <p>Given that Olympia Park is a strategic allocation in the Core Strategy and accounts for a significant element of the Core Strategy housing requirement, it is essential that its deliverability is beyond doubt – otherwise a key objective of the Core Strategy will not be realised.</p> <p>As the draft SPD mentions at paragraph 5.2, the Framework Delivery Document (Nov 2010) submitted as part of the evidence base for the Core Strategy was a high level document. The figures presented in the viability section were broad generic estimates.</p> <p>The viability relies on its credibility on the basis it has been scrutinised and agreed with the District Valuer and this was the position the Council relied upon at the Core Strategy Examination. However, there is no indication in the latest version of the DFDD that the viability has been updated e.g. recently introduced school / playing fields, under grounding of cables etc....., nor that the District Valuer has seen or agreed any such update.</p> <p>The FDD submitted to the Core Strategy examination whilst on the one hand maintaining that the scheme was viable, also stated that no allowance had been made for significant Section 106 and other items including:</p> <ul style="list-style-type: none"><li>• Bridge ransom payment to Network Rail</li><li>• Section 106 contributions</li><li>• Affordable housing</li></ul> <p>The current DFDD takes this avoidance to even greater extremes. In particular, it focuses solely on the residential element of the scheme. There is no consideration of the viability of the employment proposals. This is important as it is known there are substantial and costly problems with ground conditions in the Selby Farms land that cannot be successfully resolved by funding from employment development alone. This completely undermines the comprehensive approach to the development of the Olympia Park site as a whole. The employment elements are put back for consideration to some indeterminate date in the future, with absolutely no guarantee of delivery.</p> <p>The DFDD also indicates that funding has been applied for</p>
--	--

	<p>(unsuccessfully to date) for the provision of the link road from the A63 By pass onto the employment land and to the Potter site. This begs the question, if the scheme is viable, as the Council maintain, why is public sector funding necessary for the link road and, if such funding cannot be secured, how will the link road be paid for?</p> <p>The latest version of the masterplan introduces some significant new elements into the scheme, for example a primary school that will have a major impact on the viability and, consequently the deliverability of the scheme.</p> <p>It is also significant that the promoters of the scheme cannot demonstrate developer interest in the site (despite having been to market) and that as a promotion vehicle only, there is an absence of evidence to demonstrate financial ability to deliver the development</p> <p>The draft SPD therefore fails to address the key issue of paragraph 173 of the NPPF and, as such, the evidence that the scheme is deliverable and viable is inconclusive.</p> <p>It is simply unacceptable and entirely contrary for the assessment of viability of the scheme to be left to subsequent phases of development.</p> <p>The scheme should be assessed now on the bases of prevailing policy and planning requirements to determine whether the scheme is broadly acceptable.</p> <p>If essential items of infrastructure cannot be provided, the Council may wish to take a view of the acceptability of the scheme. For example, what would the position of the Council be in the event the scheme cannot provide any affordable housing? The DFDD gives no commitment to the delivery of affordable housing.</p>
<p>5.6-5.7 Planning Obligations</p>	<p>These paragraphs indicate that the Council will subsequently negotiate with the developer of the scheme to secure a range of on-site and off-site provision. Paragraph 5.7 expects an open book approach</p> <p>This contradicts the assertion that the scheme is viable. If affordable housing and other Section 106 requirements cannot be provided, then the starting point is that the scheme is not viable and the Council will have to take a view on what requirements it will forego to make the</p>

	<p>scheme viable.</p> <p>However, whilst paragraph 173 of the NPPF advises that the scale of obligations and requirements imposed on a scheme should not be such as to prevent a willing landowner and willing developer from making a competitive return, this is not the only consideration.</p> <p>Paragraph 176 of the NPPF advises that:</p> <p><i>Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate condition or agreements.</i></p> <p>If the Olympia Park scheme requires significant off site works and other Section 106 contributions that are essential to the success of the scheme then the impacts of those requirement should be assessed now as required by sections 173 of 177 of the NPPF. If the scheme cannot support essential items of infrastructure or essential Section 106 obligations then the scheme will not be able to proceed. The Council should know the answer to this question now.</p>
--	--

### 3. Comments on the Draft Framework and Delivery Document - May 2012

<p>Site Analysis</p>	<p>On page 28, second column, the analysis correctly identifies the access to the Potter Group site through the BOCM Pauls site on Barlby Road. However, the analysis should also make clear that the access continues to the Potter Site from the level crossing across the BOCM land to the east of the railway – effectively cutting through the proposed residential area.</p> <p>On page 30, first column, under the heading of Highways, it is acknowledged that the existing level crossing prevents the development of the BOCM Pauls Land and that a bridge over the Leeds/Hull rail line is the only way to open up the area for residential development to “...replace the level crossing”. However, replacing the level crossing is not just a matter of physical works – there are also legal constraints to be overcome – Potters perpetual right to use the level crossing - and the construction of the link road from the A63 by-pass to be completed before development can commence south of the rail line.</p> <p>Furthermore past consultation with NYCC has confirmed the proposed bridge is NOT an acceptable combined solution.</p>
<p>Design Evolution</p>	<p>The design evolution is presented in a way that suggests the increase in the quantum of development, particularly residential, was a response to an increased planning requirement for more residential on the site.</p> <p>Potter Group was a party to the early stages of the masterplan evolution and is aware that the increase in the quantum of development was driven by the requirements to make the scheme viable - confirmed by the notation on the Masterplan Evolution Stage three and Stage Four on pages 51 and 53 of the DFDD.</p> <p>As the masterplan progressed, and residential use encroached upon PGH's boundary, Potter Group were not consulted on the increase in the quantum of residential development and more particularly on the increased proximity of residential development to the Potter site. The concerns of the Potter Group on this point</p>

	<p>have consistently been ignored by both BOCM and the Council.</p> <p>The preferred masterplan contains several proposals that completely contradict earlier proposals. Sensitive uses, including residential and more recently a primary school are now placed in close proximity to the Potter site. We are particularly concerned at the siting of the school so close to the entrance to the Potter site. This location is in close proximity to the unloading area for crushed aggregate for the Cemex facility. This is noisy operation that creates substantial clouds of dust and clearly not a process that should be close to a primary school and young children.</p>
<p>Phasing (pages 88-89 and pages100-102)</p>	<p>Phasing of development, particularly on a scheme with significant up front infrastructure costs, has a significant impact on scheme viability. Scheme viability can be disproportionately affected by an increase in development costs or reduction in income in the early stages of a project. However, this issue is not address in the document and not considered in Project Risk section on page 92.</p> <p>It is particularly relevant because the phasing plan assumes relatively high rates of sales in today's challenging market. Based on evidence of residential schemes in the region, a sales rate of 80 dwellings is very challenging. Even in a strong market, this level of sales is only likely in the event there are two or more housebuilders involved in the scheme. At present there are none.</p> <p>A sales rate of 40 dwellings per annum is more realistic, particularly in phase 1 of the scheme.</p> <p>Also given that, phase 1 housing cannot start until road bridge over the railway is completed in 2014, the first houses are therefore not likely to be completed until early 2015. The prospect of having 200 houses completed by 2016 is therefore unlikely. There is no evidence that any of this has been factored into the scheme viability</p>
<p>Viability (Pages 90-91)</p>	<p>Our substantive comments on this issue are presented in the representations on the Draft SPD.</p> <p>Whilst we recognise the need for commercial confidentiality on the issue of viability, the delivery of the Olympia Park scheme is</p>

	<p>central to the Core Strategy and has significant implications for the continued presence of the Potter Group on its present site. Given the protected position over Potter Groups access arrangements, the viability would need to address payments for the release of such rights.</p> <p>No evidence is presented in the DFDD that gives any confidence that the proposals as outlined can be delivered.</p> <p>In fact the evidence presented suggests there is significant uncertainty surrounding the delivery of key elements of infrastructure that are central to the proposals.</p> <p>In particular, even the broad, high level, cost and value information presented in the previous "updated masterplan and Delivery Framework" dated November 2010, is absent from this document. Under abnormal costs in the second column of page 90, the known significant costs to address the poor ground conditions on the Selby Farms employment land is omitted from the list.</p> <p>Although reference is made to the heavy burden of up-front infrastructure on the financing of the scheme, there is no attempt to explain how the proposed phasing of the scheme will impact on scheme viability. (See previous section)</p> <p>Under the heading of Funding, the document indicates that the early stages of up front infrastructure will place a heavy burden on finance for development. There has been an unsuccessful bid for funding from the RGF for the access road into Selby Farms Land. Two further bids to the Leeds City region and York and North Yorkshire LEP' are pending. These will continue to be unsuccessful while they do not include employment generating proposals / land and given these sit outside the application it cannot realistically be considered viable.</p> <p>The link road from the A63 By-pass is a critical element of the proposals. Without it there is no prospect of Potter Group being able to give up the use of the level crossing over the Hull Leeds Railway line</p>
--	---

BELFAST  
BIRMINGHAM  
BRISTOL  
CARDIFF  
EDINBURGH  
GLASGOW  
LEEDS  
LONDON  
MANCHESTER  
SOUTHAMPTON

[www.turleyassociates.com](http://www.turleyassociates.com)