

**SELBY DISTRICT LOCAL DEVELOPMENT FRAMEWORK  
CORE STRATEGY EXAMINATION**

**INSPECTOR'S MATTERS AND ISSUES**

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**MATTER 1. PROCEDURAL MATTERS AND LEGAL COMPLIANCE**

- 1.1 Does the Core Strategy meet all of the legal requirements under section 20(5)(a) of the Planning and Compulsory Purchase Act 2004?
- 1.2 Has the Core Strategy been the subject of suitably comprehensive and satisfactory Sustainability Appraisal, Strategic Environmental Assessment and Appropriate Assessment?
- 1.3 Are there satisfactory linkages with the Sustainable Community Strategy and other local strategies?
- 1.4 Has the Core Strategy emerged from an open and transparent process that demonstrates how and why it was selected, in consultation with the public and other stakeholders?
- 1.5 Are the relationships between the Core Strategy and the Selby District Local Plan, especially the policies that are to be saved, adequately explained?
- 1.6 What changes to the Core Strategy are necessary as a result of the May 2011 Court of Appeal judgement in *Cala Homes (South) Limited v SSCLG*, and how does the Council intend to make such changes?

**MATTER 2. SPATIAL DEVELOPMENT STRATEGY – Policy CP1**

*Overall strategy*

- 2.1 Does the Spatial Development Strategy accord with the national and regional policy framework? If there are any divergences, is there a local justification supported by a robust and credible evidence base?
- 2.2 Is the Spatial Development Strategy based on a sound assessment of the socio-economic and environmental characteristics of the area and the impacts of the proposals, particularly in terms of the balance between sustainability objectives and the treatment of flood risk? Does the chosen strategy have the support of the Environment Agency?

2.3 How and to what extent will the Spatial Development Strategy contribute towards the key challenge of moderating unsustainable travel patterns and improving self-sufficiency in the District? In particular, are the amount and the location of housing, employment and other development the most appropriate to meet this objective? How will the achievement of this objective be monitored and managed?

2.4 Are the functional relationships of the District with adjacent areas properly considered? What are the most important cross-boundary issues and how they are being addressed?

2.5 Is the Spatial Development Strategy sufficiently flexible to respond to a variety of unexpected or changing circumstances in the future? What are the main risk factors?

#### *Settlement hierarchy*

2.6 Is the settlement hierarchy justified by the evidence and is it the most appropriate to achieve the spatial vision? In particular:

- (i) does the treatment of settlements close to Selby (Barlby/Osgodby, Brayton and Thorpe Willoughby) as Designated Service Villages suitably reflect their role and potential for development, and
- (ii) is the evidence to justify the distinction between those settlements listed as Designated Service Villages and the unlisted Secondary Villages robust and credible, notably with regard to Appleton Roebuck, Camblesforth, Eggborough/Whitley, Escrick, Fairburn, Hambleton, Hemingbrough, Kellington, Ulleskelf.

#### *Key Diagram*

2.7 Is the maintenance of Strategic Countryside Gaps between Selby and the surrounding villages based on a robust and credible assessment of their function and landscape value?

#### *Policy CP1*

2.8 In relation to Tadcaster and Sherburn in Elmet, is there sufficient guidance to enable an appropriate balance to be struck in DPDs between growth to meet local needs and increased opportunities for out-commuting?

2.9 Is there sufficient and credible evidence to support the contention that the scale of growth envisaged for Designated Service Villages, and the limited development permitted in Secondary Villages, is appropriate to support rural sustainability and meet local needs?

2.10 Is it sufficiently clear that the guiding principles in Part A of policy CP1 should be applied to the allocation of land addressed in Part B? Are

there any guiding principles to assist the resolution of the potential conflicts inherent in Part B (ie between the sequential approaches to the allocation of land on the basis of (i) its brownfield/greenfield status and (ii) the assessment of flood risk)?

2.11 Is there sufficient clarity in policy CP1 to the approach to affordable housing on rural exception sites? Is the approach consistent with policy CP6?

2.12 Are the approaches to the re-use and the replacement of buildings in the countryside consistent with national policy in PPS4?

2.13 Is the target for the proportion of housing development on previously-developed land in the period to 2017 (policy CP1 Part C) realistic and achievable? How will assessment of the priority which is given to development on previously-developed land be measured after 2017 in the absence of a target?

#### *Green Belt*

2.14 Is the approach to possible changes to the Green Belt boundary consistent with national and regional policy? Should guidance be provided on the treatment of major developed sites in the Green Belt?

2.15 Does the Core Strategy establish appropriate and robust guiding principles to enable potential localised Green Belt reviews to be undertaken in DPDs? Why does policy CP1 not refer to the possibility of localised Green Belt reviews?

2.16 Given the greater potential for out-commuting from Green Belt settlements because of their proximity to surrounding cities, is the possibility of Green Belt reviews consistent with the self containment key objective?

#### *Managing residential development - Policy CP1A*

2.17 Is there robust and credible evidence that the types of residential development acceptable in Secondary Villages will result in an appropriate balance between maintaining vitality whilst restricting the amount of housing provided in less sustainable settlements? What is the scale of windfall development likely in Secondary Villages, and what impact will this have on the overall sustainability strategy?

2.18 Has the Council reviewed the "Development Limits" for Secondary Villages (ie those settlements where Development Limits will not be reviewed in the Site Allocations DPD) to ensure that they are appropriate and up-to-date? If not, is there any mechanism proposed for such a review? How will the plans showing Development Limits for these villages be incorporated into the LDF?

**MATTER 3. HOUSING SCALE, DISTRIBUTION AND SUPPLY – Policies CP2, CP3, CP8**

*Housing requirement*

3.1 Does a housing requirement derived from the Regional Spatial Strategy remain appropriate having regard to more recent indicators of need and demand, including the Government's latest household projections?

*Housing land supply*

3.2 Is the housing land supply based on a robust and up-to-date evidence base, given that the SHLAA database was compiled in 2008? Has any assessment been made to establish the extent of significant changes since that date?

3.3 Given the significant proportion of sites in the SHLAA where the landowner's intentions are "Not Known" (especially in Tadcaster), is the evidence about the deliverability of the housing land supply robust?

*Scale and distribution of housing - Policy CP2*

3.4 Is the distribution of housing between settlement groups in policy CP2 founded on robust and credible evidence, and is the policy unduly prescriptive? Why is the policy not consistent with Figure 8 (in terms of both the time period and the distribution of the housing requirement to settlement groups)?

3.5 What is the justification for proposing a similar amount of housing development at both Tadcaster and Sherburn in Elmet despite their very different histories and recent patterns of growth?

3.6 What is the evidential basis for reducing commitments by 10% to allow for non-delivery?

3.7 Is it appropriate to include a reference to 23 ha of employment land in the policy governing the scale and distribution of housing?

*Managing housing land supply - Policy CP3*

3.8 How does the evidence on housing land availability in the SHLAA (which categorises deliverability in terms of periods of 0-7 and 8-17 years) inform the assessment of a 5 year supply sought by policy CP3 (and PPS3)? Is the policy consistent with national policy in PPS3, particularly in the absence of any requirement to provide a supply of specific developable sites for years 6-10 and, if possible, for years 11-15?

3.9 Overall, where is the evidence that the spatial distribution of housing proposed in the Core Strategy is deliverable within the time frames identified in PPS3 having regard to the housing land supply identified in the SHLAA?

3.10 Does the “delivery of housing” in policy CP3 relate to actual house completions (as is suggested by reference to the housing trajectory in part A) or to the supply of deliverable land for housing (as might be inferred from part B)? Does part B represent the “remedial action” referred to in part A, or is it a separate matter?

3.11 Why is it necessary to prepare an SPD to manage the bringing forward of sites if a shortfall is identified? Is it also the intention (paragraph 5.52) to prepare another (or is it the same) SPD to manage the release of sites allocated in the Site Allocations DPD? Is it not possible to set out a process to address such matters in the Site Allocations DPD? Is the proposed approach consistent with PPS3?

3.12 Is it appropriate to continue to rely on unimplemented SDLP Phase 2 allocations to make up any shortfall in the 5 year supply prior to the Site Allocations DPD being adopted? How would such a process be managed, and how would decisions about “greatest conformity” with the Core Strategy be made?

#### *Infrastructure delivery*

3.13 Does policy CP8 have sufficient regard to scheme viability and the need for flexibility in implementation? Is it consistent with the Infrastructure Delivery Plan? Have the implications of delivery by means of a Community Infrastructure Levy been considered?

### **MATTER 4. STRATEGIC DEVELOPMENT SITE – Policy CP2A**

4.1 Is the selection of the Olympia Park strategic development site sound and founded on a credible and robust evidence base? How has the judgement which balances flood risk against sustainability/ countryside/ settlement form matters been reached?

4.2 Is the Olympia Park strategic development site consistent with national policy in PPS25 and have the Environment Agency’s concerns been overcome?

4.3 Is the Olympia Park strategic development site consistent with national policy in PPS4, particularly with regard to proposed B1 office development?

4.4 Is there a robust and credible evidence base to demonstrate that the proposal can be delivered over the plan period? What stage has been reached with matters such as landowner/developer agreements, the availability of funding for new infrastructure, the phased release of land, the masterplanning process?

4.5 Is it clear which key items of infrastructure are essential for delivery of housing and employment land at Olympia Park and when and

how they will be provided? What stage has been reached in discussions with the key infrastructure operators/providers?

4.6 Has the economic viability of the proposal been robustly demonstrated? Are the assumptions that have been made about the key variables (including land values, infrastructure and abnormal costs, profit margins, income) realistic?

4.7 Are the implementation programmes and monitoring mechanisms for a phased delivery reasonable and realistic? Does reference to the "release" of employment land in policy CP2A (ii) give sufficient clarity about what is required?

4.8 Are all the specific requirements of policy CP2A realistic and achievable?

4.9 What are the implications of any significant delays in delivery of Olympia Park? Does the Core Strategy provide a robust strategy with appropriate contingencies that can adjust to such delays?

## **MATTER 5. SPECIFIC HOUSING NEEDS – Policies CP4, CP5, CP6, CP7**

### *Housing mix*

5.1 Does policy CP4 ensure that an appropriate mix of house types and sizes which reflects current needs will be provided? How will measurement against the policy objective be assessed?

### *Affordable housing*

5.2 Does the Council propose to amend the Core Strategy to reflect the recent (June 2011) change to PPS3 which revised the definition of affordable housing to include "affordable rented housing"?

5.3 Is the need for affordable housing supported by robust evidence, including an up-to-date Strategic Housing Market Assessment? Are the affordable housing targets, thresholds and proportions fully justified and supported by an informed assessment of their economic viability? Does the revised PPS3 definition of affordable housing have any material bearing on viability and the achievement of targets?

5.4 Does policy CP5 and the accompanying text provide sufficient guidance on the provision of affordable housing, in line with national policy, particularly in terms of:

- (a) the overall amount of affordable housing to be provided (including separate targets for social-rented and intermediate affordable housing), and the size and type of affordable housing;

- (b) the range of circumstances in which affordable housing will be required (including indicative site size thresholds and proportion of affordable housing);
- (c) the approach to seeking developer contributions to facilitate the provision of affordable housing?

*Rural exception sites*

5.5 Is policy CP6 consistent with policy CP1, in that many settlements with less than 3,000 population are Designated Service Villages in which small scale housing within Development Limits would not be an exception to normal planning policy?

5.6 Is policy CP6 in line with national policy in PPS3 in respect of addressing the needs of the local community?

*Travelling community*

5.7 Is the scale of additional accommodation for gypsies and travellers based on a robust and up-to-date assessment of need? Does it cater for the need likely to arise over the plan period? Should the scale of provision be included in policy CP7?

5.8 Are the criteria for site selection in policy CP7 consistent with national guidance? Is it appropriate to exclude potential sites in the Green Belt, locally important landscape areas and areas of high flood risk? Does the policy allow for the provision of private sites by the travelling community?

**MATTER 6. THE ECONOMY AND EMPLOYMENT – Policies CP9, CP10, CP11**

*Employment land*

6.1 Is the strategy for providing employment land soundly based, up-to-date, fully justified and supported by evidence, and does it reflect national policy and other economic strategies?

6.2 Does policy CP9 and the accompanying text give sufficient guidance about the scale, location and timing of additional employment land to guide subsequent DPDs? Why is it necessary to have a wide range in the employment land requirement?

6.3 Are the amounts of employment development proposed at Tadcaster and Sherburn in Elmet based on sound and credible evidence, particularly in light of their very different histories and recent patterns of growth?

6.4 How will the aspirational aspects of policy CP9 such as “giving priority to higher value .....jobs” and “encouraging high value knowledge based activities...” be implemented?

6.5 Is the policy of safeguarding existing employment sites soundly based, robust and in line with national policies which allow for re-use for other purposes in certain circumstances?

6.6 Does policy CP9 give sufficient support to investment in the major energy generation plants in the District?

#### *Town centres*

6.7 Is the proposed retail hierarchy soundly based, clearly expressed and supported by robust and credible evidence? Is it resilient and able to respond to changing economic circumstances?

6.8 Is policy CP11 consistent with national policy in PPS4, particularly with regard to the sequential approach to the location of town centre uses?

6.9 Does policy CP11 and the accompanying text give sufficient guidance about the nature, scale, location and timing of additional town centre retail and other development to guide subsequent DPDs?

6.10 How will the extent of town centres be defined, and how will opportunities for new retail and other development be identified?

6.11 Does the strategy for Tadcaster and Sherburn in Elmet in policy CP11 properly reflect the evidence about their different retail offer and economic circumstances?

### **MATTER 7. SUSTAINABLE DEVELOPMENT, ENERGY AND THE ENVIRONMENT – Policies CP12 to CP16**

#### *Transport and travel*

7.1 Is the transport/travel strategy sufficiently robust and consistent with national policy in PPG13? Is the transport/travel strategy complementary to the Local Transport Plan? What approach is to be taken to setting levels of parking?

#### *Sustainable development*

7.2 Having regard to the other policies of the plan, are all the criteria of CP12 necessary and expressed in an appropriate manner?

7.3 What mechanisms will the Council use to “give preference” to the re-use of buildings and the use of previously-developed land (part A (b) of



policy CP12)? Should the term 'previously-developed land' be prefaced with "appropriately remediated"?

*Energy efficiency*

7.4 Is the requirement for all developments above a minimum size to derive 10% of their energy needs from renewable, low carbon or decentralised sources in policy CP13(a) justified by the evidence base?

7.5 Is the requirement for strategic and key development sites to derive the majority of their energy needs from renewable, low carbon or decentralised sources in policy CP13(b) justified by the evidence base? Is there sufficient clarity to the phrase "key sites identified in future DPDs"? Have the implications for scheme viability been adequately tested?

7.6 How will the "highest viable level" of the respective standards in policy CP13(c) be assessed?

*Low carbon/renewable energy*

7.7 Is the first section of policy CP14 capable of meaningful implementation (in terms of the relationship between part (i) and parts (ii) and (iii)) and is it consistent with national policy in PPS22? Is it clear what is meant by "local amenity"?

7.8 Is it appropriate to express the renewable energy target in terms of installed capacity rather than (i) energy produced or (ii) CO2 emission reductions? Does the 32 megawatt target remain current?

*Protecting the environment*

7.9 Is policy CP15 consistent with national policy in PPS5 in relation to the protection of heritage assets?

7.10 Is section 3 of policy CP15 capable of meaningful implementation (in terms of the relationship between parts (b) and (c)) and is the approach to biodiversity consistent with national policy in PPS9?

*Design*

7.11 Is policy CP16 sufficiently robust in seeking locally distinctive development? Why is "appearance" not included in the criteria in part (a)?

7.12 Is the reference to "off-site" landscaping for large schemes in policy CP16(d) appropriate and capable of implementation?

7.13 Is it realistic to expect all new housing development to achieve the standards set out in policy CP16 (i) to (iii)? Have the viability implications of achieving these standards been tested? How will any demonstration that such standards are not practicable or viable be implemented, particularly for small schemes?

**MATTER 8. MONITORING AND IMPLEMENTATION**

8.1 Are the arrangements for monitoring the policies of the Core Strategy adequate, effective and soundly based, including the outcomes, proposed indicators and targets used?

8.2 Does the Core Strategy specifically identify the remedial actions to be taken if policies are not being successfully implemented? Is there sufficient guidance about the stages at which remedial actions would be triggered?

8.3 What provision has been made in the Core Strategy and associated documents for alternative strategies to be implemented, and do the policies include sufficient flexibility and contingencies to take account of unexpected changes in circumstances?

8.4 Is the Infrastructure & Delivery Plan (IDP) soundly based, effective, comprehensive and up-to-date? Does it identify the key elements of infrastructure which are crucial for the delivery of the strategy, including key delivery partners? Are there sufficient links between the IDP and the Core Strategy?

8.5 Given the uncertainty over educational funding expressed in the IDP, are the mechanisms to secure additional education provision sufficiently robust to not act as a constraint to housing delivery?

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