

Selby District

Submission Draft Core Strategy

Publication Version January 2011

Representation Form

Part A

In completing this representation form, you are providing a formal consultation response under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008 with regard to the Selby District Submission Draft Core Strategy DPD on grounds of soundness only.

Please complete separate copies of Part B (pages 3 and 4) of this form for each section, policy, table, map or diagram about which you wish to comment.

If you believe that a section, policy, paragraph, table, map or diagram is unsound with regard to more than one test of soundness please provide a separate representation for each test.

The Tests of Soundness

Soundness is explained in PPS12 (Planning Policy Statement 12) in paragraphs 4.36 - 4.47, 4.51 and 4.52 and the boxed text. Specifically paragraph 4.52 states that to be sound a Core Strategy should be:

1 Justified

PPS12 provides that to be 'justified' a DPD (in this case the 'Core Strategy') needs to be :

- founded on a robust and credible evidence base involving:
 - evidence of participation of the local community and others having a stake in the area
 - research/fact finding - the choices made in the plan are backed up by facts
- the most appropriate strategy when considered against reasonable alternatives

2 Effective

PPS12 states that Core Strategies should be effective. This means:

- Deliverable - embracing:
 - Sound infrastructure delivery planning
 - Having no regulatory or national planning barriers to delivery
 - Delivery partners who are signed up to it
 - Coherence with the strategies of neighbouring authorities
- Flexible
- Able to be monitored

3 National Policy

The DPD (in this case the 'Core Strategy') should be consistent with national policy. Where there is a departure, the Local Planning Authority (LPA) must provide clear and convincing reasoning to justify their approach.

Completed representation forms must be returned to the Council no later than 5pm on Monday 21st February 2011.

Email to: ldf@selby.gov.uk (Please save a copy to your computer prior to e-mailing your response)

Post to: LDF Team, Development Policy, Selby District Council, Civic Centre, Portholme Road, Selby YO8 4SB

Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

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Job Title (where relevant)		
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Email address		rob@peacockandsmith.co.uk

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

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

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

Please identify the part of the Core Strategy to which this representation refers:

Section No.	<input type="text" value="4"/>	Policy No.	<input type="text" value="CP1"/>	Paragraph No.	<input type="text" value="4.37 to 4.39"/>
Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

Question 1: Do you consider the DPD is:

1.1 Legally compliant Yes No

1.2 Sound Yes No

If you have entered No to 1.1, please continue to Q2. In all other circumstances, please go to Q3.

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

(Please note you should complete separate Part B (pages 3 and 4) of this form for each test of soundness the Core Strategy fails.)

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

Question 3: Please give details of why you consider the Core Strategy DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Please see response to Question 3 at the end of this form

Question 4: Please provide details of what change(s) you consider necessary to make the Core Strategy DPD legally compliant or sound, having regard to the test you have identified in Q2 where this relates to soundness. You will need to say why this change will make the Core Strategy DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In the light of the above comments, it is considered that the Core Strategy DPD can be made sound by the following changes.

Clause A [d] of Policy CP1 should be amended to read:

'In Green Belt, including villages washed over by Green Belt and major existing developed sites in the Green Belt, development must conform to national Green Belt policies'.

In addition, the second sentence of paragraph 4.37 should be amended to read:

'Only 'appropriate' forms of development identified in national guidance, such as affordable rural exceptions housing and acceptable forms of development on major existing developed sites in the Green Belt, will be permitted unless very special circumstances can be demonstrated.

In addition, it would be appropriate to include additional explanatory text referring to the previously designated major existing developed sites in the Green Belt; noting those which remain unchanged; indicating that such sites will be re-designated as major existing developed sites in the Green Belt, and referring to the need for a review of other sites as necessary through the Site Allocations DPD

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

PLEASE NOTE your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Question 5: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?

5.1 Written Representations

5.2 Attend Examination

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

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

The issues raised in this representation are significant in terms of both the approach to Green Belt policy and the delivery of new development on previously developed land, and their consideration at the oral part of the examination would be both necessary and justified.

Representation Submission Acknowledgement

I acknowledge that I am making a formal representation under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008. I understand that my name (and organisation where applicable) and representation will be made publically available during the public examination period of the Core Strategy in order to ensure that it is a fair and transparent process.

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

Signed Robert Smith for Commercial Estates Group

Dated 18 February 2011

Question 3

Policy CP1 provides [inter alia] that within the Green Belt, development must conform to national Green Belt policies. Paragraph 4.37 provides related explanatory guidance, indicating that only 'appropriate' forms of development identified in national guidance will be permitted, unless very special circumstances can be demonstrated.

This general approach requires that to be acceptable, proposals for the construction of new buildings in the Green Belt must be in accordance with the guidance contained in paragraph 3.4 of PPG2.

In this regard many proposals for new buildings, including those for agriculture, forestry, essential facilities for outdoor sport and recreation etc, may be capable of being considered on their merits in the light of paragraph 3.4 of PPG2 without the need for additional policy guidance in a Core Strategy [although lower order local policy guidance on such matters as design may be necessary]. Nevertheless proper reference to those circumstances where development would be acceptable would make the Core Strategy far easier to use and clearer .

For other types of development, related policy guidance in a Core Strategy is necessary. In the case of villages in the Green Belt, paragraph 2.11 of PPG2 requires the development plan to consider the status of settlements in the Green Belt, and to provide policy guidance on whether or not new infill development will be acceptable. This approach is adopted in the Core Strategy, which identifies Designated Service Villages and Secondary Villages within defined development limits [a number of which are in the Green Belt] and which provides specific policy guidance on development within them in Policies CP1, CP1A and CP2. Again, no issue is taken with the principle of this approach.

The final category of development identified in paragraph 3.4 of PPG2 as being 'appropriate' is the limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C to PPG2.

A pre-requisite of development on a major existing developed site in the Green Belt is that the site must be identified in the development plan, and in the case of Selby this is the approach adopted in the Selby District Local Plan which was adopted in February 2005. That plan identified a total of 6 such sites, and included a policy [Policy GB3] to guide infilling or redevelopment proposals. At February 2011, Policy GB3 remains in force as a saved policy and the characteristics and appearance of 3 of the previously identified sites remain generally unchanged [the other 3 having been redeveloped].

In contrast, the Core Strategy is silent on the issue of major existing developed sites in the Green Belt, an approach which [as indicated above] differs markedly from that adopted towards infill development in villages.

In this respect, not only is there no reference to major existing developed sites in the Green Belt in Policy CP1, there is a complete absence of any explanation or guidance on the point in the related explanatory text [paragraphs 4.37 to 4.39]. As currently drafted, the Core Strategy provides no policy guidance on the approach to be adopted towards such sites, nor is any information provided on whether [for example] the issue of major existing developed sites in the Green Belt is to be addressed in a future, lower order DPD. At February 2011, the Council's Site Allocations DPD Issues and Options is the subject of consultation, and this issue is not referred to in the published document.

There is therefore a policy vacuum in respect of this important element of Green Belt policy. Given the inclusion of major existing developed sites in the Green Belt as a specific category of 'appropriate' development [subject to compliance with paragraphs C3 or C4 of Annex C] in paragraph 3.4 of PPG2, the failure of the Core Strategy to address this issue conflicts with this important element of national policy guidance. In such circumstances, the Core Strategy DPD is considered to be unsound.

This representation should be read in conjunction with a separate, related representation by Commercial Estates Group, which contends that in addition, the Core Strategy DPD is unsound by reason of inadequate justification because the strategy is not the most appropriate when considered against reasonable alternatives.

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Please provide contact details and agent details, if appointed.

Personal Details		Agents Details (if applicable)
Title		Mr
First Name		Robert
Last Name		Smith
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Email address		rob@peacockandsmith.co.uk

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This general approach requires, that to be acceptable, proposals for the construction of new buildings in the Green Belt must be in accordance with the guidance contained in paragraph 3.4 of PPG2.

As indicated in related representations in respect of Policy CP1 and paragraphs 4.37 to 4.39 of the Core Strategy by Commercial Estates Group, additional policy guidance in a Core Strategy is necessary. In this regard, the Core Strategy identifies Designated Service Villages and Secondary Villages within defined development limits [a number of which are in the Green Belt] and provides specific policy guidance on infill development within them in Policies CP1, CP1A and CP2. This accords with the fourth indent point of PPG2 paragraph 3.4

However, the Core Strategy does not cover all the matters addressed in PPG2 paragraph 3.4. In particular it is silent on the issue of major existing developed sites in the Green Belt, an approach which differs markedly from that adopted towards infill development in villages. There is therefore a policy vacuum in respect of this important element of Green Belt policy, and as indicated in the related representation, the failure of the Core Strategy to address this issue is in conflict with national policy guidance. As a result, the Core Strategy is unsound for this reason.

In addition however, it is considered that the lack of any reference to major existing developed sites in the Green Belt means that the Core Strategy is not sufficiently justified, because the resultant strategy is not the most appropriate approach when considered against reasonable alternatives.

In this regard, the Selby District Local Plan adopted as recently as February 2005 designated 6 major existing developed sites in the Green Belt, and included a policy [Policy GB3] to guide infilling or redevelopment proposals. At February 2011, Policy GB3 remains in force as a saved policy. Three of the designated sites have been redeveloped [for employment, housing and roadside services respectively] whilst the characteristics and appearance of the remaining three sites are generally unchanged.

In such circumstances, the relatively recently adopted local plan policy in respect of major existing developed sites in the Green Belt may be regarded as having been relatively successful, having resulted in various forms of new development on previously developed land in the Green Belt, to the economic, social and environmental benefit of the District. In this regard, it is relevant to note that the justification for Local Plan Policy GB3 specifically referred to the fact that PPG2 [Annex C] recognizes that the limited infilling or

redevelopment of such sites may help to secure jobs and prosperity without prejudicing the Green Belt, and may also provide opportunities for environmental improvement.

Given [a] that Policy GB3 has been relatively successful [b] that three of the currently designated sites remain generally unchanged and could potentially benefit from limited infilling or redevelopment, and [c] that there may be other sites that could be worthy of designation as major existing developed sites in the Green Belt, it is considered that the absence of any reference to such sites in the Core Strategy is entirely inappropriate. Local Plan Policy GB3 and its related guidance derive directly from clear national policy guidance set out in PPG2, and the current development plan approach clearly constitutes a reasonable alternative to the 'do nothing' strategy that appears to be the aim [whether by intent or omission] of the Core Strategy.

In considering the question of the most appropriate strategy, there is a further important issue that should be taken into account, i.e. the potential for the re-use and redevelopment of previously developed land and the extent to which major existing developed sites in the Green Belt may be able to assist in meeting the identified 40% target of new dwellings on such land and as a result of conversions in the period to 2017.

With regard to the previously developed land target, paragraph 4.33 of the Core Strategy indicates that the Council will continue to pursue policies which give priority to PDL, subject to consistency with other elements of the strategy, with the aim of achieving the highest possible percentage. This is placed in context by Appendix 1, which indicates that the 40% target represents a reduction of 10% from that proposed at the draft Core Strategy stage, and which points to the fact that the availability of PDL in a rural area such as Selby is likely to be more uncertain than would be the case in a larger metropolitan area. Significantly, paragraph 5 of Appendix 1 suggests that the use of PDL will be encouraged in appropriate circumstances, 'particularly within settlements', suggesting that there may be opportunities for the redevelopment of PDL sites outside settlements, subject to compliance with other policies.

In such circumstances, the absence of any reference to major existing developed sites in the Green Belt is regarded as perverse and contradictory, and as a further reflection of the fact that the Core Strategy is not the most appropriate strategy when considered against a reasonable alternative, i.e. one which includes for the designation of major existing developed sites in the Green Belt.

For these reasons, the Core Strategy as considered to be inadequately justified, and that as a result it is unsound.

As indicated above, this representation should be read in conjunction with a separate, related representation by Commercial Estates Group, which contends that in addition, the Core Strategy DPD is unsound because it is not consistent with national policy.