



# THE HOME BUILDERS FEDERATION

Policy and Strategy Team  
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Selby, YO8 9FT

Date: 19<sup>th</sup> January 2015

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**Sent by Email only**

Dear Sir / Madam,

## **Plan Selby: Sites and Policies Local Plan (Initial Consultation)**

1. Thank you for consulting with the Home Builders Federation (HBF) on the initial consultation on the Plan Selby Sites and Policies document.
2. The HBF is the principal representative body of the house building industry in England and Wales and our representations reflect the views of our membership of multinational PLCs, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year including a large proportion of the new affordable housing stock.
3. We would like to submit the following comments to the questions identified within the consultation document.

### **Question 3: Duty to Co-operate Statement**

4. Paragraph 1.1 of the Council's Duty to Co-operate statement (DtC statement) identifies there are few remaining strategic issues to be dealt with as these were addressed by the adopted Core Strategy. Whilst the HBF accepts that the Core Strategy does deal with issues which are likely to be of cross-boundary significance the compliance of the Core Strategy with the duty was not tested at examination. It is acknowledged that the Core Strategy was accompanied by DtC statements, however, these were not explicitly referred to in the Inspector's report who notes he was not required to assess compliance with the duty in this case (paras 14 & 15 of the Inspectors report). The recent High Court Judgement involving Selby DC and Samuel Smith Old Brewery agrees with the approach taken by the Inspector. It therefore remains unclear whether or not the Council would have fulfilled the legal requirements of the duty within the Core Strategy.

5. In complying with the duty the Council must have regard to the plans of neighbouring authorities. This is particularly important considering the state of flux in plan preparation currently being experienced within York, Harrogate and Doncaster. The Plan Selby document provides the opportunity for the Council to consider whether it can or should assist any of its neighbouring authorities in meeting any of their unmet needs or indeed, following the production of an NPPF compliant Strategic Housing Market Assessment, any neighbouring authority will be required to assist in meeting any of the unmet needs from Selby.
6. It is also noted that the Leeds Site Allocations DPD is currently being progressed. This document may also raise issues requiring collaborative working.
7. It is therefore essential that the Council continues to work collaboratively with neighbouring authorities on all strategic matters irrespective of whether they are dealt with in the Core Strategy. In this regard the Council's commitment to on-going dialogue is supported. Whilst the duty is not a duty to agree it is important that this dialogue consists of more than consultation and meetings. It is the efficacy of the engagement throughout the plan making process and the outcomes which flow from such engagement which will determine whether the duty has been met.

#### **Question 7: Calculation for allocations**

8. To ensure consistency between the Core Strategy and the 'Plan Selby' document the HBF recommends that the same base date of 2011 should be utilised. It is, however, recognised that Appendix C of the Core Strategy suggests that the base dates between the documents would differ and the Council anticipated adopting the 'Plan Selby' document in 2015. Given the wording of Appendix C the HBF could not support a base date which is later than 2015.
9. The broad principles employed in the calculation appear consistent with those set out within paragraph B4, Appendix C of the Core Strategy. The 10% discount applied to existing planning permissions to account for potential non-delivery from such permissions is generally considered acceptable. This approach is supported by a number of recent appeal decisions including; Rothley (APP/X2410/A/13/2196928) and Honeybourne (APP/H1840/A/12/2171339). The HBF is, however, of the opinion that allocations over and above the overall plan requirement should be made to account for any under-delivery. This is especially important given the recent under-performance of the plan against the housing requirement.

#### **Question 8: Overall amount to allocate**

10. The plan identifies a minimum housing requirement of 450dpa, the plan should therefore seek to exceed this requirement. The HBF is firmly of the opinion that additional site allocations over and above the minimum housing target should be made. The scale of such over-allocation should be based upon a number of factors not least the track record of delivery against

previous requirements and the potential for the sites allocated to be delivered. Given the recent history of under-delivery within Selby the HBF concludes that as a minimum a 10% buffer should be included within the allocations.

11. To increase delivery across the whole of the plan area the HBF recommends a wide range of sites are provided, both in terms of size and location. This will ensure that the sites appeal to a wide cross section of the development industry and housing market avoiding saturation effects. In this regard the HBF recommends that the buffer comprises of both enlarged sites as well as additional smaller sites.

12. The HBF also support the provision of contingency sites which could be released in the event of non-delivery from other sites. It is recommended that such sites are released via a criteria based policy. The definition of under-performance within Part B of Policy SP6 could be considered as triggers for the release of contingency sites. However the HBF consider that this would be a reactive, rather than proactive, measure. It is therefore recommended that an appropriate trigger would be based upon the annual review of the five year supply, as required by the NPPF (paragraph 47), anticipating whether a shortfall could occur, rather than waiting for a shortfall to arise over a three year period.

**Question 9: Distribution of development across Designated Service Villages**

13. The HBF does not wish to comment upon the exact distribution of development across the Designated Service Villages. It is, however, considered that the use of percentage growth figures could offer an appropriate starting point for minimum growth figures providing they are not used in isolation of other evidence. The HBF recommends the final minimum growth figures also take account of the sustainability credentials of individual, or groups of closely related, settlements. This should include an assessment of access to services and facilities, as well as the constraints and opportunities for growth presented by each settlement and its location.

**Question 22: Development Limits**

14. The HBF recognises the need to maintain the character of settlements and the role that the 'development limits' boundaries can play. It is, however, important that the development limits are not drawn tightly as this will effectively limit the growth potential of settlements and constrain local needs as well as the overall housing requirement being met. In this regard the HBF recommend that the development limits be loosely drawn enabling sympathetic development to take place.

**Question 24: Safeguarded Land**

15. The HBF supports the provision of safeguarded land. Paragraph 85 of the NPPF is clear that safeguarded land can be utilised; *'.....in order to meet longer-term development needs stretching well beyond the plan period'*. Neither the NPPF nor NPPG define *'well beyond the plan period'* but it is

clear that the government do not wish to see regular reviews of the Green Belt (NPPF paragraph 83). In this regard the HBF recommends that sufficient safeguarded land is provided to ensure that further amendments to the Green Belt are not anticipated at plan review and therefore a minimum of 15 years of development land beyond the plan period would appear appropriate.

16. The Council will be aware that safeguarded land can only be released upon plan review. To provide flexibility within the plan the Council may wish to consider allocating some of this land as contingency land which could be released if allocations are not performing as anticipated (see our response to question 8 above).

### **Question 26 a, b, c & h: Climate Change / Renewable Energy**

17. The Government's Housing Standards Review is seeking reduce the proliferation of local standards and replace the majority with new Building Regulations. The Ministerial Statement by Stephen Williams MP (13<sup>th</sup> March 2014) and the recent consultation upon the *Housing Standards Review*, published in September 2014, indicate that in terms of energy this will solely be dealt with through the Building Regulations. In this regard the Council will be unable to include a policy requiring higher levels of energy efficiency or renewable energy generation from dwellings. The review also signals that the Code for Sustainable Homes will be wound down.

18. In terms of other elements of the Code for Sustainable Homes, such as water efficiency, these will also be dealt with through the Building Regulations but an optional higher standard can be applied, if justified, through the Local Plan process. To include the higher optional standard the local authority would need to provide evidence of the need for such a standard.

### **Question 31: Housing Mix**

19. The HBF recognises the need for the plan to respond to the evidence which is presented by the SHMA. In terms of house types, sizes and tenures it is recommended that a flexible approach is taken. It is important that any policy relates to the plan area as a whole and does not place prescriptive percentage requirements on new developments. Such prescription does not allow sufficient flexibility to deal with the individual characteristics of sites or changing needs and aspirations over time.
20. The HBF is supportive of providing specialist accommodation such as care homes or housing for older people providing this is not a requirement for each allocation. Blanket policy requirements will not adequately address the specialist needs of such accommodation. The HBF recommends specialist housing is promoted through specific allocations which are located where the need arises and relevant services and facilities can be readily accessed or provided.

### **Question 33: Design**

21. Design is an important element of the development process which brings benefits not only to the individual development but to the wider area. It is,

however, important that the plan does not seek to introduce additional local standards as this would be contrary to the Government's push through the Housing Standards Review to reduce the proliferation of such standards. In terms of Lifetime Homes and Secured by Design these are to be dealt with through the Building Regulations. With regards Lifetime Homes, the Government has indicated (*Housing Standards Review - Technical Consultation, Sept 14*) there will be an optional accessibility standard which equates to an amended version of Lifetime Homes. Whilst the details of the accessibility standards are still being considered it is clear that to implement such optional standards the Council must justify their inclusion.

22. In terms of layout, orientation etc. the Council may wish to encourage the use of Building for Life 12 (BfL12) in new developments. The HBF, however, recommends that this is not made a mandatory requirement for all new developments.

**Information**

23. I trust that the Council find the foregoing comments useful as it continues to prepare the Plan Selby document. I would be happy to discuss these comments further if required. I would also like to be kept informed of future consultations upon the Local Plan or other related documents.

Yours sincerely,

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