

For and on behalf of  
**Various Clients**

**Submission on adequacy of Sustainability Appraisal**

Selby Core Strategy

Prepared by  
**DLP Planning Consultants**

March 2013



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Various Clients  
Selby Core Strategy  
Adequacy of the Sustainability Assessment

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## 1.0 Introduction

- 1.1 This is a response to the submission made on behalf of Selby District Council regarding the adequacy of the Sustainability Assessment (SA) and whether the assessment:
  - a. Was required to consider alternative levels of housing provision and;
  - b. Constrained the inspector from being able to recommend a higher level of housing provision above the 450 dwellings a year currently within the Core Strategy (CS).
- 1.2 It should be noted that the original SA would not have been required to consider the environmental impact of different levels of housing provision as this would have been set in the Regional Spatial Strategy (RSS) and appropriately assessed in the RSS's Sustainability Assessment.
- 1.3 According to the revision now issued by the council (Examination Document SDC/30) the 450 dwellings "objectively assessed" housing need is based upon the latest ONS projections. However the council consider there is credible up-to-date evidence and that these government projections are wrong in respect of the projected migration rates and the ONS projections are too high and consider that a reduced level of migration should be used in calculating future housing need.
- 1.4 The council accept that the most up to date ONS household projections would require some 550 dwellings.
- 1.5 In the council's submission they have argued that because they have determined that the objectively assessed need is 450 dwellings a year, then this becomes an "objective" of the plan and as such the council do not have to consider alternatives as there are in fact no alternatives available to be considered as the council is "right" (paragraph 10 of Examination Document SDC/30).
- 1.6 The council's claim to be "right" with regard to the reduced level of projected migration has been robustly challenged by the evidence submitted by DLP. This submission concerns itself however with the agreement put forward by the council that:
  - a. the dwelling figure the council have decided upon represents an "objective" of the plan
  - b. the level of dwelling provision as determined by a council must therefore fall outside the scope of the SA and as such there is no need to consider of alternative levels of dwelling provision

## 2.0 Is the 450 dwellings defined as an "objective" of the plan

- 2.1 The objectives of the plan are set out in paragraph 3.5 of the 7<sup>th</sup> set of amendments which state:

*5. Providing an appropriate and sustainable mix of market, affordable and special needs housing to meet the needs of District residents, particularly young people and older people.*
- 2.2 The text supporting policy CP2 as set out in the 7<sup>th</sup> proposed changes does not describe the 450 dwellings as being an "objective" of the plan but as a way of addressing the strategic objectives which are set out below paragraph 5.9 as follows:

### *Relevant Strategic Objectives*

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1, 3, 4, 5, 6, 7, 8 and 14

2.3 In the section on housing mix again the CS states that the objective of the plan is:

*5.56 Both national planning guidance and local strategic objectives aim to ensure that all the housing needs of the local population are adequately met.*

2.4 In Examination Document SDC/30 the 450 dwellings a year is not described as an “objective” but as a “target” in paragraph 5.4b to meet objectively assessed needs.

2.5 In simple terms the council’s submission that the delivery of 450 dwellings is an “objective” of the plan is not factually correct. At no point in the CS is the dwelling requirement in policy CP2 of 450 dwellings described as an “objective” of a plan.

2.6 What is made clear in Examination Document SDC/30 (5.5c) is that the minimum requirement of 450 in Policy CP2 is expected to be exceeded by the addition of windfalls and either meet or exceed the levels of housing required by the level of migration in the government’s 2008 based household projections. The council cannot logically argue that the 450 dwellings a year will meet the objective set in CS paragraph 3.5 (5) and paragraph 159 of the framework as such a figure would meet all need and demand therefore it would be extremely unlikely that future house building would exceed such a figure by over 105 dwellings a year.

2.7 The council in Examination Document SDC/30 acknowledge the effect of Policy CP2 will be different from delivering 450 dwellings a year because they are expecting demand (and by implication the migration that drives demand) will be higher than modelled by their consultants to derive the 450 dwelling requirement.

2.8 In this respect the “objective” of the CS is clearly not the 450 dwellings that the council are claiming.

2.9 The figure of 450 dwellings a year in CP2 and the impact of Policy CP3 will combine to deliver an unknown level of housing.

2.10 The original Sustainability Assessment was not required to consider the appropriateness of the overall level of housing as this was taken directly from the RSS. It is appropriate to note that the original SA to the CS does not actually refer to the number of dwellings to be provided and undertakes no quantitative analysis of the impact of the proposed level of provision on the important issues of commuting or meeting local needs locally. The SA does however state in the executive summary under Social impacts:

*Housing in the District is in fairly high demand and is exacerbated by the rising population and easy commute to major employment centres such as Leeds and York. Across Selby District as a whole, demand outstrips supply for all property types. Accordingly, there is a need to maintain the delivery of a variety of dwelling types and sizes to reflect the range of demand for open market dwellings.*

2.11 In the assessment of meeting the SA objective Policy CP2 “Quality housing available to all (SA8)” the SA states:

*The policy provides an approximate annual average rate of additional housing over a 16-year period, which will aim to meet local housing needs*

2.12 There is no evidence given to support this statement within the SA although it is noted in response to the first assessment of CP2 that reference is made to the housing requirement being in accordance with the RSS figure.

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- 2.13 The requirement of 450 dwellings a year within Policy CP2 of the plan is not as claimed by the council an objective of the plan, but forms an element of the policy response to meeting the housing needs and demand in the area.
- 2.14 The council's attempt to elevate this policy derived figure to the status of an objective is simply an attempt to try and remove the figure from a suitable level of scrutiny which should be undertaken in any SA namely:
  - a. How and where will the migrants be housed if they are not accommodated in Selby?
  - b. What are the impact on future available labour force and consequential impact on commuting and economic growth?
- 2.15 The SA should have provided an assessment of the proposed dwelling figure in these terms and offered an explanation of why other alternatives were less suitable.

### **3.0 Should plans consider alternative levels of population projections as part of an SA?**

- 3.1 The council's position is that one cannot consider alternative population projections as part of an SA as there can only be one correct figure.
- 3.2 The framework does allow for different levels of housing requirement to be considered within a district as a response to assessed environmental impact (Framework paragraphs 152 and 179).
- 3.3 The council suggest that the proposed housing requirement is an "objective" and as such different levels of provision should not be considered as part of the SA.
- 3.4 The council state that the difference between alternatives and objectives is set out in the Statutory Instrument 2004 No. 1633 ENVIRONMENTAL PROTECTION "The Environmental Assessment of Plans and Programmes Regulations 2004" part 3 12 (2) which states:
  - (2) The report shall identify, describe and evaluate the likely significant effects on the environment of—*
    - (a) implementing the plan or programme; and*
    - (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.*
- 3.5 These regulations transpose into English law the EU directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.
- 3.6 Regulation 12 2 a) and b) and schedule 2 reflect Article 5 and Annex 1 of the directive. Article 5 (1) states:
- 3.7 Article 5(1)
  - Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.*

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- 3.8 In its guidance on implementation (Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the environment ), the EU commission states in paragraph 5.11:

*The obligation to identify, describe and evaluate reasonable alternatives must be read in the context of the objective of the Directive which is to ensure that the effects of implementing plans and programmes are taken into account during their preparation and before their adoption*

- 3.9 The guidance on implementation provides the following advice in paragraph 5.13 on the identification of alternatives:

*The text of the Directive does not say what is meant by a reasonable alternative to a plan or programme. The first consideration in deciding on possible reasonable alternatives should be to take into account the objectives and the geographical scope of the plan or programme. The text does not specify whether alternative plans or programmes are meant, or different alternatives within a plan or programme. In practice, different alternatives within a plan will usually be assessed (e.g. different means of waste disposal within a waste management plan, or different ways of developing an area within a land use plan). An alternative can thus be a different way of fulfilling the objectives of the plan or programme. For land use plans, or town and country planning plans, obvious alternatives are different uses of areas designated for specific activities or purposes, and alternative areas for such activities. For plans or programmes covering long time frames, especially those covering the very distant future, alternative scenario development is a way of exploring alternatives and their effects. As an example, the Regional Development Plans for the county of Stockholm have for a long time been elaborated on such a scenario model.*

- 3.10 The guidance contradicts the submission made by the council that the requirements for alternatives do not refer simply to alternatives within a plan (although this usually maybe the case) but can require consideration of alternative plans.

- 3.11 For plans covering long timeframes, and the CS would be included in such a definition, the guidance specifically suggests that alternative scenarios are a way of generating alternatives and assessing their effect.

- 3.12 The example of the Stockholm Plan (the latest edition of which is the RUFs 2010) is of particular relevance as it is a land use plan and in table 1 on page 37 it sets out the high and low alternatives for population and employment trends between 2010–2030. The following pages 38 and 39 discuss the implication of both scenarios. On page 53 the plan discusses the range of housing and apartments that will be required to meet these alternatives and states that the municipalities need to plan to facilitate the additional housing according to the Low alternative, and be prepared for the High alternative, by 2030.

- 3.13 In the section 5 of the plan “Environmental assessment – separate compilation for RUFs 2010 it states:

*The plan’s structure is motivated by the expected growth of the economy and population, which is estimated to be somewhere between the plan’s two development alternatives – High and Low. This means that the population of Stockholm County may increase by 260,000–445,000 from 2010 to 2030.*

*According to the environmental impact report, the exhibition proposal was assessed to mean that the region has a substantially smaller environmental impact in 2030 than if the region developed according to the other alternatives studied*



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- 3.14 The EU guidance does not support the council's position that by defining a dwelling requirement as an "objective" it absolves the SA from considering the impact of alternative levels of dwelling provision.
- 3.15 The example provided by the EU guidance expressly set out a range of dwelling requirements which are to be accommodated and assessed both the impact of this range and other alternatives in their Environmental Assessment.

## **4.0 Conclusion**

- 4.1 The dwelling requirement of 450 dwellings a year is not an "objective" of the CS. It is not defined as such within the CS or the SA.
- 4.2 The council states that it expects a higher level of dwelling provision from Policy CP2 and CP3 than the 450 dwellings a year referred to in CP2. If the council expects that a higher level of dwellings will be provided then 450 dwellings a year cannot be the objectively assessed requirement in terms of the framework. This is because the objectively assessment dwelling requirement is meant to meet the demand and need for housing in full. If 450 dwellings was sufficient to do this then there would be no expectation that higher levels of provision would result.
- 4.3 The 450 dwellings a year in CP2 is part of a policy approach that will deliver a higher but unspecified level of housing.
- 4.4 The original SA states that the 450 dwellings a year would not meet market demand.
- 4.5 There is clearly a range of alternative projections based on the most up to date evidence which make different assumptions regarding the level of migration.
- 4.6 Decisions made regarding the level of future migration have implications for the area's population and for the population of other areas and the SA should provide a clear explanation as to how these decisions have been reached and what alternatives have been considered and why they have been rejected.
- 4.7 The suggestion that an "objectively assessed" dwelling requirement undertaken by a council is an absolute and that alternative scenarios should not be generated and investigated as part of the SA is rejected. This is one of the purposes of the SA as is demonstrated by the example referred to in the guidance on the EU Directive.
- 4.8 There must be a serious concern that the SA with all its amendments does not provide an adequate or coherent evidence base and it is inappropriate for a member of the public to have to undertake a "paper chase" to establish how a particular decision such as the level of housing provision to be provided in the plan was reached and what alternatives were considered.



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- 4.9 Lastly the SA itself is completely devoid of any quantitative research regarding the level of housing required, or the impact of the proposed level of housing on important issues such as meeting housing need, meeting the needs of the future economy or impact on commuting. This is perhaps unsurprising as at its inception there was no requirement for the SA to consider the issue of the overall level of dwelling provision at the time of its original inception. This was because at the time of the original SA the overall level of housing was considered and fixed by the RSS. This is no longer the case and the decision maker now has to be convinced that the SA in its present form meets the requirements of the Directive and the Regulations.

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