

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.

	Personal Details	Agents Details (if applicable)
Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation	The Grimston Park Estate	Carter Jonas LLP
Address Line 1	<input type="text"/>	Regent House
Address Line 2	<input type="text"/>	13-15 Albert Street
Address Line 3	<input type="text"/>	Harrogate
County	<input type="text"/>	North Yorkshire
Postcode	<input type="text"/>	HG1 1JX
Telephone No.	<input type="text"/>	01423 523423
Email address	<input type="text"/>	paul.leeming@carterjonas.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.

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.

Please see attached representations

(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.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination. For further information on the stages see The Planning Inspectorate website (http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm)

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 Grimston Park Estate (GPE) has land holdings and property interests in the District, particularly around Tadcaster.

Comments on behalf of GPE to the Core Strategy are wide ranging from basic principles through to the wording of policies and some of the figures. It is considered that attendance at the appropriate hearings at the Examination will enable these matters to be considered more efficiently and effectively than through Written Representations.

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

Carter Jonas LLP

Dated

18 December 2011



**CARTER
JONAS**

The Property People

Regent House
13-15 Albert Street
Harrogate HG1 1JX
T: 01423 523423
F: 01423 521373

SELBY CORE STRATEGY

SUBMISSION DRAFT

PUBLICATION VERSION JANUARY 2011

REPRESENTATIONS

on behalf of

THE GRIMSTON PARK ESTATE

Land at Tadcaster and Ulleskelf

18 February 2011

CONTENTS

1.0	INTRODUCTION	1
2.0	PREVAILING POLICY CONSIDERATIONS	4
3.0	GENERAL COMMENTARY	13
4.0	THE CURRENT CONSULTATION	17
5.0	SUMMARY AND CONCLUSIONS	32

1.0 INTRODUCTION

- 1.1 Carter Jonas LLP welcomes the opportunity to comment upon the Submission Draft Core Strategy Publication Version of January 2011, and the components of the Evidence Base and the “Living Draft” Infrastructure Delivery Plan.
- 1.2 These representations are submitted on behalf of our client, The Grimston Park Estate, with respect to their land and interests in the north west of the District. These should be considered alongside our comments upon the concurrent consultation of the Affordable Housing Supplementary Planning Document and the representations to the forthcoming Site Allocations DPD Issues and Options Draft which will be formally consulted upon during March and April 2011.
- 1.3 Carter Jonas LLP has been involved with Selby Council in the preparation of the Core Strategy for several years and has participated in the Evidence Base through participation on Working Groups for the Strategic Housing Land Availability Assessment (SHLAA), the Strategic Housing Market Assessment (SHMA) and, most recently, the Employment Land Refresh (ELR).
- 1.4 Throughout this process we would the approach of the Council’s planning team has been positive pragmatic and collaborative.
- 1.5 The following representations should be seen in the context of previously submitted comments to the Issues & Options of December 2008 and the Consultation Version of February 2010. On this basis we consider it appropriate to briefly set out the comments to the most recent consultation of 2010 as this forms the basis of our response to the current documents:
 - Council officers are to be commended for a well structured and thorough document.
 - A number of areas within the introductory section could be improved in particular by describing and explaining relationships to adjoining areas through appropriate maps and narrative. Also it would be useful for the spatial portrait to describe the different parts of the District, from a District wide perspective.
 - A spatial framework in CP1 sets out an appropriate hierarchy, although we would question the Council’s consideration of Ulleskelf as a secondary village given the direct rail access to both York and Leeds.
 - Tadcaster is appropriately identified as a second tier Local Service Centre capable of accommodating development which will support the regeneration and viability of the town.

- There was a question mark regarding the identification of specific sites and locations being deferred to subsequent Development Plan Documents, given uncertainty over the future progress of these documents and a proposed revision to the Local Development Scheme. Such uncertainty should be removed and the matter clarified as quickly as possible.
- a major failing of the CP1 is that it does not provide a framework for the review of development limits or Green Belt boundaries.
- it is welcomed that the Council has suggested that Tadcaster should accommodate around 530 dwellings over the plan period. The uncertainty surrounding the subsequent DPD's raises concerns about ensuring the availability of a five year supply of deliverable housing land across the District.
- the Council's recognition to focus upon the provision of family homes and other accommodation is welcomed, rather than concentrating more flats in high density developments. There needs to be recognition by the Council regarding the consequences upon the need to identify sufficient land to accommodate this development.
- concerns regarding the Council's targets for Previously Developed Land against a background of seeking to stop development in back gardens and that the primary source of brownfield land is from employment uses.
- Policies on economic development again focus development into the three principal settlements and support rural diversification. However, the document does not have regard to PPS4 which was published prior to this public consultation.
- In supporting economic diversification the Core Strategy does not mention or support provision of the appropriate infrastructure such as high speed broad band.
- In terms of the Quality of Life policies at Chapter 7 we have specific concerns regarding the Council's interpretation of PPS1 and the Supplement on Climate Change. Policy CP12 appears largely generic merely repeating national guidance and duplicating other policy and content within the Core Strategy. It could be deleted.
- Minor clarifications and changes were suggested to the subsequent policies on resource efficiency and renewable energy. Policies on design and the broader environment should have regard to the (then) newly published PPS5.

1.6 In responding to the current Publication Draft Core Strategy, we have full regard to the Regional Spatial Strategy (RSS); work undertaken upon the Review including the latest guidance from the NHPAU and other evidence including the Council's Background Papers, the SHLAA/SHMA and Economic Viability Assessment (EVA), and the Employment Land Study.

1.7 Against this broad background, our representations are set out in the following format:

- **Section 2** outlines the prevailing policy context;
- **Section 3** provides a general commentary upon the progress of the document;
- **Section 4** sets out our response to the various policies; and
- **Section 5** sets out our summary and conclusions.

1.8 A copy of the Council's response form with regards to the issues of soundness is appended to this statement.

2.0 PREVAILING POLICY CONSIDERATIONS

2.1 Selby Council's LDF needs to be in broad conformity with a range of planning policy considerations including Government Guidance, RSS and its component Evidence Base and our response to the Consultation is informed by these. As such it is considered appropriate to briefly give a flavour of them as these inform our representations to the Publication Draft Core Strategy.

Government Guidance

2.2 Following the General Election of May 2010, the coalition Government has announced a raft of proposed changes to planning including an overhaul of the development plan system in line with the Localism agenda. Principal amongst these is the revocation of the Regional Spatial Strategies and production of Neighbourhood Plans. A timetable is set out for the passage of legislation and the anticipated introduction of measures by April 2012. Against this background, the following briefly sets out the key documents insofar as the current consultation is concerned.

2.3 Revised **PPS12 Local Spatial Planning** was issued in June 2008. This sought to simplify the consultation stages and the tests of 'soundness' for the preparation of LDF documents. It states that the Core Strategy should reflect the needs and requirements specific to the District and be flexible to changing circumstances.

2.4 Flexibility is considered central to a robust Core Strategy capable of adjusting to accommodate changing circumstances. In this context paragraph 4.14 states that the Core Strategy:

'should not need to be updated simply because there has been a change in the housing numbers [in the regional spatial strategy]'.

2.5 Paragraph 4.52 sets out the tests of soundness PPS12:

To be "sound" a Core Strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

"Justified" means that the document must be:

- *founded on a robust and credible evidence base*
- *The most appropriate strategy when considered against the reasonable alternatives*

"Effective" means that the document must be

- *Deliverable*
- *Flexible*
- *Able to be monitored*

- 2.6 Normally sites or detailed site boundaries should not be identified within the Core Strategy; PPS12 does recognise that the Core Strategy can be used to identify “areas of search” or strategic locations for development where they are central to the attainment of the strategy and may require a long lead in, as well as to enable the provision of key infrastructure improvements. Favoured sites should be shown to best tie to the vision identified (para. 4.6 and 4.7).
- 2.7 The Core Strategy is required to be supported by evidence of what physical, social and green infrastructure is needed to enable development (para 4.8 and 4.9). Information should look at who will provide infrastructure and when it will be provided, working towards the aspiration of aligning infrastructure provision with the delivery of the Core Strategy.
- 2.8 Turning to other guidance: **PPS1 Sustainable Development** states that the overarching objective of the planning system is sustainability; in social, physical, economic, energy, environmental and aesthetic terms. Within the document these aspirations are held to be equally applicable to urban and rural settings and environments.
- 2.9 Various supplements have been published to support PPS1 including an Annex on Climate Change.
- 2.10 **PPG2 Green Belts** sets out the purpose of including land in the Green Belt, these being:
- To check the sprawl of large built up areas;
 - To prevent towns from merging into each other;
 - To assist in safeguarding the countryside;
 - To preserve the setting and character of historic towns; and
 - To assist the process of urban regeneration by encouraging the recycling of derelict and other urban land.
- 2.11 When setting Green Belt boundaries, in accordance with guidance contained in PPS12, paragraph 2.8 of PPG2 is clear that the boundaries set must endure and should:

‘be carefully drawn so as not to include land which it is unnecessary to keep permanently open. Otherwise there is a risk that encroachment on the Green Belt may have to be allowed in order to accommodate future development. If boundaries are drawn excessively tightly around existing built up area it may not be possible to maintain the degree of permanence that Green Belts should have. This would devalue the concept of the Green Belt and reduce the value of local plans in making proper provision for necessary development in the future’.

2.12 Reflecting the need for Green Belt boundaries to endure, paragraph 2.12 of PPG2 states that:

‘to ensure protection of Green Belts within this longer timescale, this will in some cases mean safeguarding land between the urban area and the Green Belt which can be required to meet longer term development needs... In preparing and reviewing their development plans authorities should address the possible need to provide safeguarded land’.

2.13 Annex B to PPG2 sets out further guidance on the process of identifying safeguarded land. It considers that such land should be identified in suitable locations having regard to matters such as transport and accessibility.

2.14 Government Guidance relating to Housing is contained in **PPS3 Housing**. When published this provided a step change in how housing delivery should be managed. It states that housing delivery should reflect a more responsive approach to land supply so that delivery is assured. As a consequence it is less dogmatic on housing density and the use of brownfield land than its predecessor, requiring Local Planning Authorities to demonstrate how they can be certain that through the planning process, the framework will be set to deliver necessary housing in the correct locations.

2.15 Overall the emphasis is upon providing high quality housing for all in suitable locations; widening opportunities for home ownership; improving affordability by increasing the supply, mix and choice of housing; and the creation and maintenance of sustainable urban and rural communities.

2.16 To the individual this means that:

‘everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.’ (Para. 9).

2.17 PPS3 requires that local authorities maintain a five year supply of housing land and identify a (minimum) fifteen year supply of housing sites from the date of adoption, preferably longer. Therefore it may be necessary for the Sites & Policies DPD to identify sufficient land through to 2027/28; this would represent just over fifteen years’ supply from the anticipated adoption date of early 2012.

2.18 A number of modest changes to PPS3 in June 2010 removed the requirement for housing targets, minimum development densities and modified the definition of what constitutes brownfield land; in particular to address the issue of “garden grabbing”.

2.19 Employment and economic development matters are covered in **PPS4 Planning for Sustainable Economic Growth** (December 2009). This represents a shift towards a

more positive and holistic interpretation of economic growth which acknowledges the role of all sectors in producing and delivering growth; a step forward given the thinking in previous guidance. PPS4 is focused on: raising productivity, improving accessibility, the consideration of a wider test of 'need', promoting social inclusion, building prosperous communities, creating additional employment and linking employment with housing provision including the delivery of investment in all locations.

2.20 Policy EC1.1 entitled '*Using Evidence to Plan Properly*' calls for joint and cooperative working between authorities (and stakeholders) in the preparation of a robust evidence base which should be proportionate to the importance of the issue. In preparing the local evidence base, EC1.3 suggests that it should be informed by the regional assessments, assessing the detailed need for land or floorspace for economic development along with an assessment and review of existing site allocations, preferably undertaken alongside preparation of the SHLAA.

2.21 Policy EC2.1 requires that policies in the development plan should:

- Set out a clear economic vision;
- Support existing business sectors and accommodate emerging and new sectors, allowing for a quick response to changes in economic circumstances;
- Take into account the location and industry specific requirements of business;
- Place and co-locate developments which generate substantial transport movements in locations which are accessible, avoid congestion and preserve local amenity;
- Enable the delivery of sustainable transport and other infrastructure needed to support planned economic development, where necessary providing advice on phasing and programming of delivery;
- Safeguard land from other uses, identifying land for a broad range of economic development including mixed use; and
- Consider how different sites can be delivered including the use of compulsory purchase and other planning tools.

2.22 A timetable has been produced suggesting a comprehensive review and simplification of range of national Planning Policy Statements.

Recent Changes

2.23 Whilst a potential policy vacuum at the strategic level arises Ministerial guidance and correspondence from the Government's Chief Planning Officer reveals a number of specific matters:

- Primacy of the development plan: Planning decisions must continue to have regard to the development plan and other material considerations;
- Adopted DPD's and saved local plan policies will provide the statutory planning framework;
- Policies and Proposals within the LDF should be based upon a robust and reliable evidence base, this includes evidence which was prepared at the Regional level to inform the spatial strategy;
- Core strategies and DPD's should continue to reflect the aspirations and decisions of the local community and businesses and address issues such as housing and economic development; and
- Council's must identify sufficient sites to deliver their housing ambitions for at least fifteen years and maintain a five year housing supply;

2.24 During December 2010 the Localism Bill was introduced to Parliament setting out the proposals to change decision making and to remove layers of administration. A key component is to enable local authorities more freedom and flexibility through a "general power of competence", providing "increased confidence to do creative, innovative things to meet local people's needs".

2.25 A number of rights and powers are introduced for communities to participate in running local facilities and amenities and to hold a referendum on particular issues.

2.26 Among a range of measures are proposed reforms to the planning system: confirming the revocation of Regional Spatial Strategies; the right for communities to draw up a "neighbourhood development plan"; changes to the monitoring regime of local plans; limiting the discretion of Inspectors to change documents; and giving local authorities a "duty to cooperate". The latter point recognises that not all decisions can be made at a local level and there are very strong reasons for neighbouring local authorities or groups of authorities to work together in the interests of their residents.

2.27 A White Paper entitled "Local Growth: realising every place's potential" (October 2010) provides some flesh to the bones of the "Localism" Agenda in particular how the "duty to cooperate" will emerge. . At the heart of this agenda is a shift in certain key areas:

- A presumption in favour of "sustainable development";
- Shifting decision making power to local communities;
- A move towards meeting housing demand rather than housing need;
- Promoting efficient and dynamic markets in particular through the supply of land and providing incentives for places which go for growth; and

- Support for investment and activity which removes barriers to growth.

2.28 There is an increasing emphasis in the terms of “sustainable development” placing greater weight on economic viability (and deliverability), more so than (but not at the expense of) the environmental, social and aesthetic considerations.

Yorkshire and Humber Plan 2008

2.29 Whilst the intent is to revoke the Regional Spatial Strategy as adopted in May 2008 it remains a valid and material consideration to the extent where the Council are utilising the Evidence Base and maintaining the broad policy framework.

2.30 Leeds is identified as the Regional city which should be a focus for housing, employment, shopping, leisure, health and cultural activities and facilities in the Region as well as acting as the hub for the City Region. Reflecting this role **Policy H1** requires Selby Council to deliver 390 homes per annum for the initial period to 2004 and 2008, with uplift to 440 homes per annum for the period 2008-2026.

2.31 **Policy E1** seeks the creation of a successful and competitive regional economy with Leeds at its heart and as the engine for economic growth. Across the Region annual job growth targets have been set. For Selby District the number of jobs is expected to fall by 60 per year (i.e. 1,200 in the period to 2026). This is explained in broad terms through Table 11.2 which looks at employment by Land Use; suggesting that Selby District will see an increase in retail /leisure jobs (+30) along with health & education (+10) but a net decrease as a result of losses in Industry (-20) and other uses (-90) for example construction and agriculture.

2.32 **Policy YH7** urges a transport oriented approach for the identification and phasing of development sites having regard to the capacity of existing transport infrastructure and the potential for deliverable improvements. Consistent with national guidance the policy gives first priority to the re-use of previously developed land and buildings, second to suitable infill opportunities and third to extensions to the relevant town or urban area. Supporting paragraph 2.56 highlights the importance of facilities such as railway stations, park and ride sites and public transport /bus corridors which can act as nodes for development to encourage modal shift and increase the use of public transport.

2.33 **Policy YH9** specifically addresses the issue of Green Belt in the Yorkshire and Humber Region, suggesting that their broad extent should not be changed. Part C is specific to the York Green Belt primarily to confirm the inner boundaries. Part D is specific to the West Yorkshire Green Belt, suggesting that a (strategic) review may be required to deliver longer term housing growth, with Part B suggesting that localised reviews may be necessary to deliver the core approach.

- 2.34 Selby District falls to be considered under two sets of sub area policies, within the Leeds City Region (the principal economic driver of the Region) and as part of the York Sub Area.

Leeds City Region

- 2.35 **Policy LCR1** is specific to the Leeds City Region including the City and District of Leeds and highlights the role of Leeds as the regional city in particular (LCR1 A2) to

“develop the role of Leeds as a Regional City, by accommodating significant growth in homes and jobs and continuing to improve the city centre’s offer of higher order shops and services”.

- 2.36 Reflective of this it supports role of Leeds (and Bradford) as the engine of the Regional economy and that the benefits of growth should be spread across the region to the other major and principal towns, including developing complementary and supporting roles for the overlapping parts of the York Sub-Area.

- 2.37 In achieving the transport aims LCR1 suggests that strategic patterns of development should seek to maximise opportunities which favour non-car modes and reduce the overall need to travel. Under LCR1E, the patterns of development seek to encourage growth in the south of the City Region and manage growth across the north with a greater emphasis upon delivering affordable housing.

- 2.38 Leeds City Region (LCR) was awarded Forerunner status. A number of publications have been released following the launch of the forerunner including the Housing & Regeneration Strategy & Investment Framework (November 2009). It recognises that the LCR is facing some the most significant economic challenges for a generations including, declining economic output, rising unemployment , increasing business failure rates in particular with SME’s and stalling renaissance projects across the city region.

- 2.39 In response the SIF sets out a vision for the LCR which seeks:

“A City Region working together promoting distinctive, aspirational and connected places that meet the needs of a growing sustainable and competitive economy. “

- 2.40 This sets out five priority aims of:

- accelerating the delivery of sustainable communities housing growth and a move towards a low carbon economy;
- delivering a balanced housing supply ...reflecting economic growth and regeneration priorities;

- extending housing choice and affordability;
- achieving innovative and efficient solutions; and
- achieving more aspirational economic outcomes.

York Sub Area

- 2.41 All of Selby District is contained within the York Sub Area, although it is noted that there are particularly strong economic and housing market linkages to the Leeds City Region (as discussed above).
- 2.42 York is regarded as dominating the Sub-area which has seen a population growth of some 10% since 1982, with the remainder of the Sub Area growing by nearly 15%. Tourism is seen as the major generator of activity in the City supported by an economy diversifying into bioscience and IT/digital clusters.
- 2.43 Much of Selby (District)'s growth resulted from the coalfield and good connection to Leeds and York for commuting. Selby (town) is identified as the principal focus of housing and employment growth for the District, with economic diversification and increased job opportunities to address issues resulting from the decline of the coal industry.

Regional Spatial Strategy – 2009 Update

- 2.44 Following the adoption of the RSS the Regional Assembly embarked upon an immediate review of the RSS in order to consider the delivery of higher housing numbers to address affordability and economic growth considerations.
- 2.45 Principal; to the Review was the consideration of housing numbers following the release of the 2006 mid-year population estimates. The upshot of the exercise resulted in estimates to increase the housing requirements by between 18% and 35%. With a potential increase in the annual housing requirement to 28,300 from the current level of 22,260.
- 2.46 No detailed outputs were specified for Selby District, although a simple extrapolation would suggest that the Core Strategy may be required to achieve between 520 and 600 dwellings per annum.

Leeds City Region Local Enterprise Partnership (LEP)

- 2.47 Leeds City Region LEP is at an early stage of progression having established and appointed a Board. To date it has not formally published any guidance although we understand that work on a sub-regional strategy (Local Strategy Statement) is advanced; it is unlikely to be published before late Autumn 2011.

York & North Yorkshire LEP

- 2.48 An LEP partnership was approved for this sub-area in early February 2011. It focuses upon the rural North Yorkshire Districts; this includes Selby and the City of York along with the adjoining parts of the East Riding. Complementarity with the Leeds LEP is a key aspect.
- 2.49 Within the Case for Recognition submitted in December 2010 a range of traditional Economic Development outputs are indicated rather than place specific spatial outputs for Selby District. These include promoting the City of York as the sub regional centre and ensuring the delivery of jobs and growth through removing barriers and restraints, promoting enterprise and raising aspirations. There is a focus on sectors of the economy including food and agriculture, business tourism and the visitor economy, along with delivering rural programmes and coastal regeneration.

3.0 GENERAL COMMENTARY

- 3.1 Changes and reforms to the planning system are on-going and will be in place by Spring 2012. At its heart “Localism” seeks to provide greater freedom to local authorities to reflect the needs and demands of the local community and to follow local priorities. In doing so local authorities are required through the “duty to co-operate” to deal with strategic issues with adjoining authorities in a coherent and consistent manner.
- 3.2 In general terms (and irrespective of the contents of the draft Core Strategy document) we have a number of concerns with the present consultation. These relate to:
- A housing requirement which is not consistent with RSS and the most recent evidence
 - Coherence with other strategies and no evidence of the “duty to co-operate”.
- 3.3 These issues are raised on the grounds of “soundness” particularly the presentation of an appropriate evidence base to underpin the Core Strategy and consequently in terms of procedure.

RSS/IRS

- 3.4 Generally, our view is that the Council’s approach with the on-going process of revocation of the RSS is appropriate. Clearly the RSS went through public consultation, a rigorous Examination in Public and was eventually adopted in May 2008. The Examination considered and debated in detail the Evidence Base which included the housing numbers and employment. For that reason the Council has retained the evidence base to inform its strategy.
- 3.5 It is important to note however, that adoption of RSS was predicated on the basis of an immediate review to take into account the revised projections emerging from the 2006 mid-year population projections published by ONS. Much of this work was based around forecasts provided by NHPAU which considered the additional requirements on the back of revised (mid 2006) household formation rates, securing economic growth and addressing the issue of affordability. In broad terms this indicated that population and household growth would be between 18% (lower) and 36% (upper) above the adopted RSS figures.
- 3.6 To put this in perspective, RSS requires Selby District Council to consider provision of some 390 units (net additional dwellings) per annum to 2008, increasing for the remainder of the (RSS) period to 440 per annum. Selby Council is following this line. A simple extrapolation of the revised household estimates would suggest a requirement between 520 and 600 dwellings per annum.

- 3.7 PPS3 sets out two prerequisites for the LDF – to ensure a five year supply and demonstrate a fifteen year supply; on the latter we consider that given the timetable set out in the most recent Local Development Scheme (October 2010) and the adoption of the Site & Allocations DPD (possibly 2013) that provision is made for the period through to 2028. The resulting requirements are set in the following Figure:

Figure 1 Housing Numbers

	Selby DC	NHPAU Lower	NHPAU Upper
Annual	440	520	600
5 year supply	2,200	2,600	3,000
15 year requirement*	7,480	8,840	10,200

[*period 2011 to 2028]

- 3.8 Whilst the RSS Review has stalled, the revised housing figures remain a material consideration. In our view the District Council should be seeking to increase the housing numbers not restrict itself to the RSS figures.
- 3.9 A helpful outline of the Council’s approach to this is set out in the Background Paper No.9 “Local Housing Target” (BP9) of January 2011 and the Council’s narrative in Background Paper No.11 “Changes Made following Consultation on the Draft Core Strategy” (BP11) also of January 2011. In broad terms the Council recognises in BP9 (para 2.1) that there is a case for increasing the housing target with the more recent nationally produced household figures and the evidence from the SHMA. Indeed para 2.3 asserts that between 2011 and 2026 Selby will witness an increase in over 8,000 households some 530 pa. Additionally the SHMA indicates an annual housing need of 409dpa over the next five years. As a result there is recognition that there is a need for the housing requirement to increase.
- 3.10 In subsequent parts, the Council pragmatically indicates that a reduction in housing numbers is not justified (in contrast to the two neighbouring urban authorities York and Leeds) but then rules out the case for an uplift to the housing numbers on the basis that they have not been tested. This argument is counterintuitive given the Council’s acknowledgement (and acceptance) of the likelihood of the trends going in no direction but upwards.
- 3.11 Such an approach is contrary to PPS12 which suggests that the Core Strategy should not require a review just because housing numbers may change. There is an overwhelming case for an increase in housing numbers and it is not appropriate for the Council to shy away from accepting this position.

Duty to Co-operate

- 3.12 On an associated matter, it is becoming evident in the emerging Core Strategies that a number of the LEP partner authorities, chief amongst them Leeds and York City Councils, are seeking to justify a substantial reduction in housing numbers; among other reasons for political expedience.
- 3.13 Discussions with the both Leeds and North Yorkshire LEP Secretariats indicate a current hiatus given that the organisations are still “bedding down”. Consequently there is no formalised timetable to deliver a vision or (sub-regional”) strategy for the Leeds City Region, nor is one presently proposed. In comparison for example the Greater Manchester LEP is due to publish a draft “Sub regional Strategy” early this summer.
- 3.14 In the absence of a sub-regional (LEP) strategy, we are concerned by the actions of the adjoining authorities to reduce housing numbers. Such action will fail to address (and may even compound) the issue of affordability and undermine economic growth strategies and will increase pressure on Selby District to provide more housing.
- 3.15 In our view this may also undermine one of the principal objectives of the Selby Core Strategy – to reduce out-commuting. Clearly if the LEP strategies seek to focus economic growth activity into Leeds and York (City Centres) as the regional centres, whilst reducing their housing numbers, there may be a mismatch between housing provision and job opportunities which rather than reducing out migration may exacerbate it.
- 3.16 Advice from a number of sources gives some steer for local authorities that wish to diverge from the RSS for example on housing numbers; in particular the Planning Officers Society Advice Paper “Planning Post RSS Revocation” (October 2010). Broadly this seeks to advise local authorities to co-operate and prove that it is able to demonstrate a coherent and agreed strategic framework with its neighbours. There is no such evidence currently presented to inform the Core Strategy.
- 3.17 In all we consider this approach fails to acknowledge the “duty to co-operate” as set out in the emerging Localism Bill. For that reason we consider that the Core Strategy document is in danger of lacking coherence (with other strategies) and is therefore unsound.

Conclusions on General Commentary

- 3.18 In light of the above we consider that the Core Strategy as currently drafted is fundamentally unsound, on the basis of housing numbers (evidence base) and a failure to demonstrate a “duty to co-operate” (coherence), against the tests set out in para 4.52 of PPS12.

- 3.19 To address these two issues and in order to make the document sound we would suggest that the Core Strategy should identify the more recent evidence base and consequently seek to secure an increased housing requirement with consequential changes to the policies. This is dealt with in more detail in the next section.
- 3.20 On the second matter of coherence with other strategies, we would suggest that, as a matter of procedure, evidence is presented with suitable text that there is on-going dialogue with the LEP's and adjoining authorities.

4.0 THE CURRENT CONSULTATION

- 4.1 Within the following section we run through the contents of the Core Strategy and the relevant policy considerations. In commenting we have regard to our previous comments and the Council's Core Strategy Background Paper No.11 "Changes Made following Consultation on the Draft Core Strategy" (BP11).
- 4.2 In all we have found the document clear, well-structured and easy to follow; again we commend the Council for the production of the document. Our comments on the document therefore are limited to a number of particular areas.

Section 1 Introduction

- 4.3 Our previous comments on this section related to a number of measures including the RSS, the place making agenda and the spatial focus.
- 4.4 In all we consider that the issues raised previously have been largely addressed. The section is informative and provides a useful context and narrative about the District.
- 4.5 The Council's position with regards to the RSS is pragmatic and measured, although we have suggested amendments to the housing requirement.
- 4.6 We would suggest that the Council should take account of the measures and obligations contained in the Decentralisation and Localism Bill (which is currently before Parliament) as the Core Strategy progresses to ensure it remains robust. We have made various comments in this regard throughout this response.
- 4.7 An area where we require clarity, and is an issue which was raised previously, is about the Sustainable Community Strategy which appears to only run for a part of the Core Strategy period.
- 4.8 With the shift to the Localism agenda we have concerns with the reference to the Sustainable Community Strategy and the Council's reliance upon that document. We raised this point during the previous consultation in April 2010 (para 3.8 onwards) and would repeat the point here. Whilst we understand the requirement to co-ordinate the investment priorities and decisions of the various partner organisations particularly so following the Autumn 2010 Comprehensive Spending Review and the cuts to be imposed on public sector expenditure over the coming years, it is not clear how the SCS is a document reflecting the needs and priorities of the community (emerging from a broad consultation on requirements) rather than a corporate agenda set out by the Council and its partners on the LSP.

- 4.9 Furthermore given that the emerging LEP is to be business/private sector-led (rather than the public sector oriented LSP and RDA) it would be appropriate for the Core Strategy to reflect on this change in emphasis.

Section 2 Key Issues and Challenges

- 4.10 A general improvement to this section is noted and many of our comments have been addressed which ensures that the matters relate to the District. The provision of more detailed analysis and maps is appropriate and helpful.

Section 3 Vision Aims and Objectives

- 4.11 Our previous comments were generally supportive of the Vision and Aims which are suitably concise, although we note that the number of objectives has actually increased.
- 4.12 As a whole the section is more positively worded and the Core Strategy is seen as an opportunity to guide and promote growth in the District.
- 4.13 We would suggest that the first objective should be amended to reflect the change in emphasis from assessment of “needs” and to catering for demand for housing as reflected in the recent Local Growth White Paper. This could be addressed by making reference to the needs and “demands” of the community.
- 4.14 Giving brief consideration to the objectives we would suggest that a similar change is required to objective 5. In line with the emerging LEP agenda we would suggest that objective 9 includes a phrase of “removing barriers to growth”.

Section 4 Spatial Development Strategy

- 4.15 Within this section we welcome the clarification regarding the abandonment of the Selby Area Action Plan, and the Council’s confirmed position (LDS v4) that it will pursue a District-wide Allocations DPD to be an appropriate solution. Again reference to the RSS derived hierarchy is appropriate; although we would suggest that reference to a “slower pace” of growth for rural areas (para 4.3) should be removed. It is contrary to the guidance in PPS4 and the activity of the York and North Yorkshire LEP which strives to encourage rural diversification and growth.

Settlement Hierarchy

- 4.16 Broadly the approach of defining the Principal town, Local Service Centres and Designated Service villages is appropriate. Our concern with the approach to the “Villages and Countryside” is that the emphasis appears to be to “no development anywhere” which we strenuously object to.

- 4.17 Paragraph 4.13 and the associated Figure 6 Key Diagram are useful. We accept the settlement hierarchy and welcome the inclusion of Ulleskelf as a Designated Service Village; it has been the subject of a number of changes throughout the process.

Spatial Development Strategy

- 4.18 Most of the development for the District is to be focussed towards Selby. Elsewhere development should be proportionate to the size and function of the settlement, and the ability of the locality to accommodate the development with appropriate mitigation where necessary.
- 4.19 We consider that parts of this section particularly para 4.18 are unduly negative seeking to “limit” growth. We consider such an approach is unwarranted and not in keeping with guidance in PPS1 and PPS3 whereby the priority is to set out a strategy for the planned location of new housing and jobs which contribute to achieving sustainable development. In our view the Core Strategy approach to the Local Service Centres should be in a similar vein (i.e. positive) as that set out for Selby. The Core Strategy should direct growth to the Local Service Centres to improve their ability to serve the local communities and the catchments as well as to enhance the vitality and viability of the two centres.
- 4.20 From reading across the document the issues for Tadcaster are similar to that of Selby requiring regeneration and growth, albeit different local circumstances; it requires housing growth along with jobs to reinvigorate and sustain the town centre and other facilities.
- 4.21 Sherburn has accommodated substantial growth and needs to see a corresponding improvement in shopping and community facilities. This should not retercicit future growth in the settlement.
- 4.22 Earlier comments suggest (at paras 3.6 and 3.7 and Figure 1 above) that the Council should be striving to achieve higher levels of housing growth. We would suggest that in order to meet the requirement to accommodate (housing) development of the levels we have set out in either the upper or lower NHPAU projections that development should not be “limited”.
- 4.23 Likewise we would suggest the approach to Designated Service Villages should be more positively worded.
- 4.24 A set of “Other Locational Principles” is set out. We raised a number of concerns to these matters previously.
- 4.25 For **(a) *Previously Developed Land*** (PDL) we were concerned about the Council’s selection of a 50% target across the District. We considered this to be unrealistic given the rural nature of the District and the apparent lack of brownfield land as a source of

development. Retention of this target would mean a substantial element of housing coming forward in Selby will need to be on brownfield land.

- 4.26 In the present market circumstances however, the high density schemes (i.e. flats) brownfield sites are no longer viable on the basis of development costs and the availability of mortgage finance to pay for them. This is resulting in many such schemes not coming forward or the subject or revised applications seeking lower density family housing which the market can accommodate and matches demand.
- 4.27 It is noted that Selby Council has reduced the PDL target to 40%; however this is due to the removal of garden land from the PPS3 definition rather than the Council acknowledging our position. We would suggest that a target of 30% would be more realistic and would be consistent with Hambleton District to the north.
- 4.28 Of the other matters, we concur with the general views on **(c) accessibility** (para 4.35), but would suggest that reference is also made to buses as the predominant form of public transport across the District. Railway services are important for a number of specific settlement including Ulleskelf
- 4.29 Turning to **(e) Green Belt**, we largely agree with the Council's comments between paras 4.37 and 4.39. We consider that it would be appropriate to insert reference to the Boundary Review for the Green Belt being undertaken as part of the preparation of the Site Allocations DPD. The Council's comments in BP 11 are noted.
- 4.30 On point **(f) Character of Individual Settlements** it is noted that character appraisals have been undertaken for the smaller villages as well as the strategic sites in Selby. It is not clear how the two settlements of Tadcaster and Sherburn have been dealt with as the Background Paper No10 "Landscape Appraisals" (BP10) of January 2011 makes no reference to them. There is no other reference on the Council's website.
- 4.31 A key part of the LDF process is "front end" loading and ensuring that there is a coherent and comprehensive evidence base which is proportionate to the task. We would question why Tadcaster and Sherburn are excluded as they are second tier settlements identified to accommodate development and in our view more than the Core Strategy is putting forward. We consider that on this basis the Evidence Base is not credible or robust on this matter and we consider the document to be unsound.
- 4.32 Discussions with the LDF team indicate that the matter will be dealt with through the Site Allocations DPD. We accept this position, but maintain our comment on a procedural point.
- 4.33 Turning to **Policy CP1**, we consider that Part A is suitably worded. For Part B we would

suggest that there needs to be clarification for around the status of greenfield sites within settlements where this may be allocated public open space or similar. For Part C we consider the PDL target should be 30%.

- 4.34 **Policy CP1A** is a newly inserted policy to manage the release of windfall sites. We would suggest that the Council should have regard to demonstrating the need for a five year supply of available housing land when referring to this policy. We consider that were the Council is unable to maintain a five year land supply consistent with the settlement hierarchy then this should trigger the release of suitable Phase 2 sites, not the Site Allocations DPD process. We consider the basis for this policy therefore to be unsound.

Section 5 Creating Sustainable Communities

- 4.35 We have no comments upon the introductory paragraphs.

The Scale and Distribution of Housing

- 4.36 With regards to the **scale** of the housing requirement, we welcome the Council's recognition that the RSS evidence base is robust and supports a minimum housing requirement of 440 dwellings per annum. However in line with our comments at para 3.6 and 3.7 above, we consider that the Council should increase its housing requirement in light of the more recent evidence including the 2006 mid-year estimates.
- 4.37 A substantial body of evidence was published as part of the RSS Review and commissioned by the Regional Assembly (Ecotec et al) with regards to the 2006 mid-year estimates, the link between housing and jobs, along with the potential effect of the economic downturn on the delivery of both. Much of the evidence establishes that the housing requirement should be around the upper end of the NHPAU estimates of 600 dwellings per annum.
- 4.38 Clearly there has been an effect upon the ability/capacity of the development industry to build houses in response to a loss of market confidence, availability/affordability of development finance and the demand for housing on the back of restrictions on mortgage finance for purchasers. As the economy recovers these matters will be addressed.
- 4.39 A key message from the RSS Update evidence is that the housing demand and need has not gone away, it is merely suppressed. Comments in the Core Strategy (and BP9) suggest that the SHMA indicates that to satisfy the recognised housing need in the District (of 400 or so units per annum) would represent 90% of the housing requirement (para 5.16). We would suggest that to resolve this issue therefore the Council should increase its housing requirement. Similar comments were made in our previous consultation suggesting that the Council should increase the housing requirement for the first five years of the Core Strategy and review the position thereafter.

- 4.40 With regards to the **distribution** of housing growth, given our comments on the scale of housing and the need to increase the housing requirement we consider that the Council reconsider its approach for policy CP2. PPS3 is clear at para 4.14 that the Core Strategy should not require a review simply because of a change in housing numbers. As currently stated Policy CP2 is quite prescriptive and indicates exactly how many houses should be built in which settlement. We consider this approach lacks flexibility and does not account for the availability and viability of sites which may come forward through the SHLAA and the Site Allocations DPD. Consequently the policy as drafted is unsound.
- 4.41 A more appropriate approach would be similar to that set out in the adopted Core Strategy for Harrogate which ascribes proportions of development to particular settlements or hierarchy, and does not prescribe dwelling numbers. In order to emulate this approach would not require substantial change to the Core Strategy, merely judicious editing and reordering of the text principally to bring figure 8 “proportion of new housing development” before Figure 7. A proportionate approach is set out and explained in various parts of the text explaining that the evidence base and response to consultation suggests that a more dispersed housing distribution (than the RSS) is preferred (para 5.7), along with the dispersal of existing population and housing need.
- 4.42 Text relating to the strategies for the main settlements of Selby, Tadcaster and Sherburn are set out at paras 5.12 to 5.18. Our previous comments questioned the reliance for the delivery of growth in Selby upon two strategic extensions, and we note that one of the strategic sites has fallen away. We have also questioned the suitability of the evidence base which does not include an assessment of Sherburn and Tadcaster which will accommodate around one fifth of development in the District. On this basis we would suggest that the Council amends the first part of Policy CP2a along the lines of:

“A. Provision will be made for the delivery of a minimum of 600 dwellings per annum and associated infrastructure in the period 2010 to 2026. Based upon the hierarchy set out in Policy CP1 new housing within the District will be distributed as follows:

<i>Selby Urban Area</i>	<i>57%</i>
<i>Sherburn</i>	<i>9%</i>
<i>Tadcaster</i>	<i>9%</i>
<i>Designated Service Villages</i>	<i>20%</i>
<i>Secondary Villages and Countryside</i>	<i>5%”</i>

- 4.43 We would then suggest that the actual housing numbers are then removed from the policy as it is too prescriptive.

4.44 Should the Council remove the table from CP2, the scale and distribution of housing numbers can then be monitored through the housing trajectory and assessment of growth in the settlements through the Annual Monitoring Report. We suggest that this would be more appropriate to the guidance in PPS3 and the emerging provisions in the Decentralisation and Localism Bill regarding the use of monitoring tools.

4.45 In line with this change we would suggest that Figure 7 be amended. Over the period 2010 to 2026 we suggest the Council should make provision for 9,600 new dwellings to include the following numbers

<i>Selby</i>	<i>5,472</i>
<i>Sherburn</i>	<i>864</i>
<i>Tadcaster</i>	<i>864</i>
<i>Designated Service Villages</i>	<i>1,920</i>
<i>Secondary Villages and Countryside</i>	<i>480</i>

4.46 We would also question the Council's assumption that existing commitments should include (Phase 2) sites already allocated in the Selby District Local Plan. PPS1 and PPS3 seek to ensure the delivery of development in sustainable locations. On this basis we would suggest that the intention to carry forward such allocations ahead of the Site Allocations DPD may be at odds with principles of deliverability and seeking to locate new development in sustainable locations. A statement from the Council would be appropriate on this matter. For example there are a number of extant allocations in Tadcaster which have not been delivered even during the recent boom years. We would suggest that the Council takes a realistic approach as to when (and if) these sites will come forward. These issues are matters which can be considered through the Site Allocations DPD through the identification of sites and subsequent phasing of delivery.

4.47 Our previous representations suggested that it was not appropriate to rely upon two major urban extensions to satisfy the requirements of the Selby area. It would appear that the Council and the landowners of the Olympia Park site have undertaken significant amount of work as demonstrated by the Evidence Base and the policy format. It would appear that the second urban extension has fallen away; the revised text for **Provision CP2B** appears to reflect our previous comments regarding relying upon a mix of smaller sites.

4.48 We would suggest that this provision should also make reference to the need to amend the provisions of to indicate that the identification of such sites will require amendments to the Development Limits.

4.49 With regards to Provision **CP2C**, this is currently unsound. For a start we would suggest

that the words “more limited” are unnecessary and can be removed. For both Sherburn and Tadcaster it is appropriate to suggest that the options should be considered through the Site Allocations DPD; a consultation event will follow closure of the Core Strategy.

- 4.50 In both cases the selection of options may require consideration of and localised amendments to the Green Belt boundary. Guidance in PPG2 (and PPS12) is quite precise suggesting that such reviews of the Green Belt should be long term and permanent (i.e. for a period of beyond the Core Strategy). It is appropriate therefore that the CP2C places a marker on this issue and creates a policy hook for the subsequent Allocations DPD to make reference to changes to the development limits, the Green Belt limit, and if necessary the definition of areas of land to be “safeguarded” for future development. To address this provision we suggest that CP2C be amended as follows:

“CP2C Options for meeting the housing requirement for Sherburn in Elmet and Tadcaster will be considered in a Site Allocations DPD; this will include phasing, along with a localised review of Green Belt boundaries and development limits. Provision will be made for safeguarded land, if necessary.”

- 4.51 With regards to CP2D, we consider that this be widened to cover the “Rest of the District” i.e. Designated Service Villages and Countryside /Secondary Village, again making reference to the requirement to amend development limits.

Olympia Park Strategic Development Site

- 4.52 Our comments regarding this are contained above in relation to CP2B.

Managing Housing Land Supply

- 4.53 Figure 9 identifies the proposed Housing Trajectory. Broadly we welcome the Council’s pragmatic approach to this matter which seeks to make good the shortfall in construction between since 2008 and recognises the need to raise completion rates in subsequent years and this can be monitored through the maintenance of a five year supply.
- 4.54 We would suggest that the trajectory (Figure 9) is amended to take into account the changes we propose to Policy CP2 regarding housing requirements.
- 4.55 With regards to Policy CP3, it would appear that our comments from the earlier consultation (April 2011) remain valid. For Provision A, it would be appropriate for CP3 to make reference to the role of the AMR in monitoring, particularly in light of the provisions of the Localism Bill. We would also suggest that the five year supply be applied in accordance with the distribution as we proposed above (in CP2A) to ensure that development comes forward broadly in line with the spatial strategy.
- 4.56 For Provision B we note the role of Phase 2 sites, but would comment again that only one

site remains in Tadcaster for 103 dwellings which has not come forward yet.

- 4.57 For Provision C we consider that the Council reconsiders its approach for PDL to more realistic levels and changes the focus of the approach which appears to indicate that the Council will “fabricate” and “facilitate” brownfield sites to achieve the targets. Whilst there is a presumption in favour of recycling brownfield sites, the target should not be viewed as a goal in its own right but as one measure in securing sustainable patterns of development.

Housing Mix

- 4.58 In all we consider that the Council’s approach in CP4 is pragmatic and based upon the most recent SHMA. In broad terms the policy justification recognises the need for family homes and bungalows rather than flats. This suggests that the Council will need to take into account the need for lower density schemes and consequently how much land should be identified through the Site Allocations DPD.

Providing Affordable Housing

- 4.59 Delivery of new homes and in particular affordable homes is a key national priority and we are supportive of the underlying principle of providing a proportion of affordable housing to help meet the housing needs within the district. However, as drafted we consider Policy CP5 to be unsound; it is not justified, effective, or consistent with national government guidance.
- 4.60 As discussed earlier the Strategic Housing Market Assessment (SHMA) states that there is an affordable housing need within the district of 409 affordable homes (gross) per year over the plan period. One of the key mechanisms for the delivery of affordable housing is through Section 106 agreements. This figure clearly cannot be achieved by only delivering 440 dwelling per annum as advocated within Policy CP2. Neither will the shortfall be met by exception sites or directly funded provision. Therefore, fundamentally we consider that the Council should be looking to increase the housing provision within the district to meet its long term affordable housing needs.
- 4.61 For Policy CP5 to be sound it needs to be justified (i.e. must be founded on a robust and credible evidence base) and effective (meaning that it is deliverable and capable of flexibility). We welcome that the Council has carried out viability testing and we broadly accept the methodology and findings of the Economic Viability Appraisal (EVA), especially the consideration of not just residual land values but also cash flow which is important in the current economic climate. However, we consider that there are significant gaps in the Council’s interpretation of the evidence base, which means that the policy is not robust.
- 4.62 Policy CP5 states that the ‘b) Council will negotiate for on-site provision of affordable

housing up to 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings (or sites of 0.3 ha) or more, 'and 'c)On sites below the threshold, a commuted sum will be sought to provide affordable housing within the district. The target contribution will be equivalent to the provision of 10% affordable housing units.”

- 4.63 Paragraph 29 of PPS3 makes clear that Local Planning Authorities need to take into consideration economic viability when setting a target for affordable housing. The policy must be deliverable and not merely aspirational. We consider that there is no sound justification for affordable housing percentage, which for implementation purposes will inevitably be regarded as a target.
- 4.64 The EVA states that in summer 2009 the seeking of a 40% affordable housing split 50% social rented and 50% intermediate tenure would mean that only 20% schemes remained marginally viable. According to the EVA at the height of the market in Q1 2007 - 81% of schemes are viable. However, this is based on a number of unrealistic assumptions:
- Building costs being reduced by 11%
 - Revenues increased by 20%
 - Build rates doubled
 - Section 106 remaining at the very low baseline position of £2,000 per dwelling.
- 4.65 Firstly, we consider that these conditions are highly unrealistic and are not an accurate prediction of future conditions. Whilst we recognise the cyclical nature of the housing market, we do not consider that it is realistic that the conditions above would be present even at the top of the market. There is a long-term trend for increasing BCIS costs, regardless of any short downward movements, once the regulations, and costs for achieving higher Code for Sustainable Homes, Lifetime Homes, and other Building Regulation Standards etc have been factored in. Paragraphs 7.50 – 7.52 of the Core Strategy expresses the Council's intention to achieve these higher codes.
- 4.66 In addition to the Council has expressed an aspiration for developments to secure 10% of their energy supply from decentralised, renewable, or low carbon sources. The EVA is clear that even a modest increase in building costs of 15% would mean that only 4% of schemes would be partially viable and a modest increase in Section 106 contributions of £3000 per dwelling would mean that only 9% of schemes remain partially viable.
- 4.67 On this basis, the EVA does not support the Council's assumption that in 'good market conditions a proportion of 40% affordable housing would be achievable on a high proportion of sites and this figure' (Core Strategy: para 5.87). Therefore, we do not consider the affordable housing target of 40% is justified because it is unlikely to be achievable for the majority of sites in the lifetime of the document.

- 4.68 The delivery of a continuous and stable supply of housing is a critical issue and this depends largely on ensuring that schemes remain economically viable. As currently drafted Policy CP5 will potentially depress land values to the extent that land owners will not release land for development and the housing delivery agenda will stall.
- 4.69 In para 5.86 the Council recognises that market conditions will not always permit this target to be met and provision will be a matter of negotiation. However, numerous Inspector decisions have shown that any affordable housing target must be credible and realistic – ***‘it is not acceptable to simply rely on clauses that promise flexibility’*** (EVA: para 3). This approach is not effective as it provides uncertainty for a developer to know exactly how much affordable housing will be sought and make difficulties in land acquisition. In addition, the implication of this approach is the vast majority of schemes will require viability assessments to be carried out which would be unreasonably onerous and will significantly slow down the planning process.
- 4.70 In order to address these points we would suggest that **Policy CP5** should set an individual target for each of the 3 major settlements and remaining sub areas. The affordable housing requirement should be proportionate to the housing needs of individual settlements and sub areas, based on up-to-date evidence of housing need and financial viability. To provide certainty, the policy should require the provision of (X) % of affordable housing unless abnormal site requirements are present. If there are abnormals, which require a reduction in provision, then the application should be accompanied by a viability assessment. However, it critical that level of provision sought should be realistic for the majority of the lifetime of the plan.

Rural Housing Exceptions Sites

- 4.71 **Policy CP6** sets out the circumstances where housing can be built in the rural areas for purely affordable housing as an exception to “normal planning policy”. This would appear to be an oxymoron. As stated in our earlier Consultation Response (February 2010) we are opposed to the principles of this policy and consider it unsound; it is not justified or the most appropriate in the circumstances.
- 4.72 In order to create sustainable communities it is not appropriate to seek to restrict housing sites to affordable tenures only. Our representations to the earlier Further Issues and Options suggested that there was no place for such an exceptions policy and that the Council should seek to identify appropriate sites within the smaller settlements capable of accommodating both market and affordable housing to ensure that a balanced housing provision is maintained.
- 4.73 Our view is that the inclusion of an element of market housing in such schemes would ensure that more affordable housing is provided as it can provide some cross subsidy and will contribute to the sustainable community agenda by promoting a mix of tenures in new housing development. On this basis sites are more likely to come forward.

- 4.74 It is noted that this is not considered in the Affordable Housing Options which the Council has rejected, we consider therefore that the Council has not fully explored all strategies and the policy is therefore unsound.
- 4.75 Comments have been made to the Council's Affordable Housing SPD under separate cover.

The Travelling Community

- 4.76 No comments are provided at this stage to either the Policy CP7 or the justification narrative; although we retain the right to comment in the future.

Access to Services, Community Facilities and Infrastructure

- 4.77 This proposed policy seeks to deal with physical, community and green infrastructure, making reference to the Community Infrastructure Levy.
- 4.78 It is appropriate that Policy CP8 requires that development should provide infrastructure and community facilities required in connection with the development.
- 4.79 National guidance is clear that new development should not be required to address existing deficiencies in the network. A review of the evidence base does not make clear where there are weaknesses and gaps in current infrastructure provision (with the exception of Open Space).
- 4.80 It would be appropriate for the Council to set out its position on the Community Infrastructure Levy given the recent legislation which stipulates a timetable requiring Council's to adopt the CIL process.

Section 6 Promoting Economic Prosperity

- 4.81 Comments to the previous consultation (February 2010) raised concerns regarding reference to PPG4. This issue has been addressed.
- 4.82 It is helpful and appropriate that the Employment Land Study has been updated as part of this process. Announcing that up to 900 hundred new jobs will be created in 2011 should be welcomed.

Scale and Distribution of Economic Growth

- 4.83 Broadly we consider that the work undertaken on the Employment Land Refresh is appropriate. Figure 12 indicates that between 5-10 hectares should be provided in Tadcaster and some 5 ha in the Rural Areas. It is not made clear whether this is in addition to existing allocations. In Tadcaster for example it is noted that the employment

site off London Road is severely constrained in the short to medium term.

- 4.84 Policy CP9 sets out the broad strategy with nine provisions focussing activity to the east of Selby including the main allocation safeguarding existing and allocated sites whilst encouraging more efficient use of existing sites, and high value knowledge based activity in Tadcaster. (Rural diversification is covered in CP10).
- 4.85 Overall the theme of this Policy CP9 is supported as an aspirational approach to economic development.

Rural Diversification

- 4.86 Recognition is given to the broad rural nature of much of Selby District and the particular importance of maintain and enhancing a thriving rural economy.
- 4.87 Policy CP10 recognises the problem of reducing the need to travel with the reliance in many rural areas upon the private car for most journeys, alongside the need to access employment opportunities. We would suggest that the policy be reworded in section 2 so that the words “not harm” are replaced with “maintain and enhance”, otherwise the remainder of the policy would appear to be contrary to national guidance.
- 4.88 Alongside support given to rural diversification it would be appropriate for the Core Strategy to support the provision of suitable infrastructure such as the availability of broadband to encourage such diversification. This would be consistent with the emerging strategy of the York & North Yorkshire LEP.

Town Centres and Local Services

- 4.89 A general improvement to the policy justification has been provided with regards to the spatial issues affecting the District and the place making agenda. We consider the policy approach to be sound and welcome the Council’s pragmatic approach to dealing with Tadcaster and recognising that it serves a wider catchment than “the North West of the District”.
- 4.90 A pragmatic approach is advocated and it is prudent to acknowledge the long term vacancy rates which may affect the health of the centre and future vitality and viability. We would suggest that the justification at Para 6.56 be changed to “reducing” the vacancy rate; as worded the justification would run counter to national policy.

Section 7 Improving Quality of Life

- 4.91 In response to the previous draft document (April 2010) we considered that there was a fundamental error in the Core Strategy as there was no focus upon delivering sustainable patterns of development, which is, after all, the statutory function of the planning system.

We suggested clarification of the need to separate adaptation and mitigation in accordance with PPS1, and the guidance in the supplement to PPS 1 on what should be contained in the LDF Core Strategy policies.

Promoting Sustainable Patterns of Development

- 4.92 Policy CP12 has been amended in line with our comments and we consider reference to “Climate Change” can be removed from the wording.

Improving Resource Efficiency and Renewable Energy

- 4.93 Reading Policies CP13 and CP14 together we consider that our earlier comments of February 2010 have been addressed.

Locally Distinctive Environments

- 4.94 An important part of the spatial strategy for the District is maintaining the assets which are protected through international, national and regional designations as well as those of local interest and value to the community. To some extent these are helpfully indicated on Map 8.
- 4.95 However, we would request that this diagram is removed in its present form. As a start it would be more appropriate to describe it as Environmental/Cultural Assets.
- 4.96 It is important to acknowledge that there are two Green Belts in the District – the defined outer edge of the York Green Belt along with the West Yorkshire Green Belt. It is important to distinguish that this is merely a planning tool not an asset – the Green Belt has no landscape value and is merely a policy tool which has a number of statutory objectives. We consider that the reference to the general extent of the Green Belts on Figure 6 the Key Diagram is adequate, and that there is no need to include it within Map 8.
- 4.97 Likewise the Locally Important Landscape Area has no statutory designation and is superfluous. It’s designation is not supported by the current evidence base, and the guidance suggests such designations be removed.
- 4.98 With regards to the Nature Conservation Sites, it would be appropriate for the diagram to separate international designations from national and regional sites.
- 4.99 In line with the subsequent policy CP15 It would be appropriate for the plan to indicate the general locations of Conservation Areas and Historic Parks and Gardens; presumably there are too many Listed buildings to warrant individual mentions.

Protecting and Enhancing the Environment

- 4.100 It would be appropriate for Policy CP15 to make reference to the cultural environments as well as the historic asset.

Design Quality

- 4.101 We consider that it is important for the Core Strategy to include an overarching Policy on Design Quality. We consider that numerous parts of this policy are duplicated elsewhere and could be deleted.

Section 8 Implementation

- 4.102 Some 50 or so indicators are set out for monitoring and measuring delivery and performance of the various Core Strategy policies.
- 4.103 In line with the emerging contents of the Localism Bill we would suggest that the Council revisit the purposes of the monitoring indicators and the shift towards monitoring activity which informs the community of progress not of targets to Whitehall.

Infrastructure Delivery Plan

- 4.104 An IDP has been produced as part of the Core Strategy. It is noted that this is a “living draft” which is hindered by current funding uncertainties. We reserve the right to comment upon this document as an “on-going” basis.

5.0 SUMMARY AND CONCLUSIONS

- 5.1 Carter Jonas LLP welcomes the opportunity to submit representations to the Publication Draft Core Strategy. Our comments have been submitted with regards to the “soundness” of the document as required by the guidance in PPS12.
- 5.2 In making these comments we welcome the Council’s pragmatic, positive and collaborative approach to the document.
- 5.3 As a general comment the Council has taken a prudent approach in adopting the broad spatial strategy set out at the regional level. We consider however that the Core Strategy subsequently fails to take into account of the most recent evidence in the form of 2006 mid-year population estimates, and its own SHMA. The document is unsound on this matter. We would advocate that the Core Strategy secure an annual requirement of 600 dwellings.
- 5.4 With the intended revocation of the RSS there is little evidence of a strategic co-operation between the various local authorities, particularly adjacent urban authorities seeking to justify reductions in housing numbers. This fails to demonstrate coherence with other plans and strategies and is therefore unsound. It fails to recognise the “duty to co-operate” which will be enshrined in the Decentralisation and Localism Bill. As a general comment it will be appropriate for the Core Strategy to accommodate the measures and obligations which will emerge from the Bill as it passes in to statute.
- 5.5 Turning to the particular policies, we welcome **CP1 Spatial Strategy** which identifies Tadcaster as a Tier 2 Settlement and Ulleskelf as a Tier 3 Settlement. We have suggested a number of modest changes to the policy wording to be more positive.
- 5.6 For **CP2 Distribution of Housing** we consider as worded it is unsound and too prescriptive (lacking flexibility). A number of changes are proposed in relation to the housing requirement (CP2A), removing the prescriptive housing numbers and replacement with a proportionate distribution similar to that contained in the Harrogate Core Strategy. There needs to be a more explicit policy hook referring to review of Green Belt boundaries for the identification of new allocations ns and safeguarded land for Tadcaster and Sherburn (CP2C). Minor changes are required to CP2D.
- 5.7 There are significant failings in the Evidence Base with no landscape appraisal (BP10) for either Sherburn or Tadcaster.
- 5.8 For **CP3 Managing Supply** being mindful of comments upon the Housing Requirement and consequent changes to the trajectory, we consider that reference should be made to the AMR for monitoring, and we would suggest that the PDL target is reduced to a more

realistic level of 30%.

- 5.9 On **CP4 Housing Mix** we recognise the need to provide family homes and bungalows away from high density schemes.
- 5.10 For **CP5 Affordable Housing**, we would advocate different targets for different parts of the District. Separate comments are submitted on the Affordable Housing SPD.
- 5.11 **CP6 Exceptions Sites** is an oxymoron and should be deleted. There is no justification for a policy which allocates site as an “exception” to planning policy. Sites in smaller settlement should be allocated for housing and respond to the sustainable communities’ agenda by providing a mix of open market and affordable housing.
- 5.12 For **CP8 Services and Infrastructure**, we recognise the IPD is a working draft and will comment accordingly.
- 5.13 With **CP9 Economic Growth** it is not clear whether the employment requirements are for additional land or take into account existing employment allocations. This should be clarified. Reference should be made to the requirement to review allocations through the Site Allocations DPD.
- 5.14 **CP10 Rural Diversification** should be amended to reflect national guidance and promote the roll out of broadband, consistent with the LEP objectives.
- 5.15 **CP11 Town Centres** is supported albeit with modest changes to the justification.
- 5.16 Provisions within the revised **CP12 Promoting Sustainable Patterns of Development** address our previous concerns, although reference to “Climate Change” should be removed.
- 5.17 For **CP15 Protecting and Enhancing the Environment** we advocate a number of changes to Map 8 in particular removal of the Green Belt and LILA designations and that nature conservation sites be differentiated according to their status, along with the inclusion of cultural heritage assets with consequent changes to the policy text. .
- 5.18 For **Implementation and Monitoring**, it would be appropriate for the provisions of the Decentralisation and Localism Bill to be taken into account.
- 5.19 Minor spelling and grammatical mistakes occur throughout the text which we consider could be addressed through proofreading.