

SELBY DISTRICT – SUBMISSION DRAFT CORE STRATEGY

(Publication Version January 2011)

Representation Form

Preliminary note – These Representations are drafted on the basis that the original submission form contains a significant error. It states at section B of the form that if you believe a part of the draft Core Strategy is not legally compliant then you must go to question 2. However, question 2 deals with whether or not you believe a part of the Core Strategy is unsound. It suggests that the wording below part 1.2 of this form should actually refer to part 1.2 and not part 1.1 as printed.

These Representations are drafted on the basis that the wording should refer to part 1.2. They are submitted as a word document and have not been submitted on separate official forms because of the large volume of Representations. However, they do follow exactly the same format as on the form.

In part, the Representations focus on the Core Strategy in general terms but as a resident of Fairburn many of the Representations focus solely on Fairburn. Through these Representations my aim is to prove to you that Fairburn is at best a Secondary Village. In addition to commenting on the deficiencies of the Core Strategy reference has been paid to a number of the background papers and evidence base.

Please note that given that these Representations were only finalised less than 24 hours before their submission deadline of 21st February the intention is to now present the same to the residents of Fairburn and the Parish Council in the forthcoming weeks. If the residents are in agreement, a letter of support from all residents who agree with my Representations will follow. This will be scanned and emailed to ldf@selby.gov.uk.

Contact Details

Cllr Mr James Perry

9 Fairfield

Fairburn

WF11 9LB

Part B - Representations (individually numbered for ease of reference)

Representation number 1

Section No Policy No. Paragraph No. [1.21]

Map No. Figure No. Other

1.1 Legally compliant Yes No

1.2 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

The wording at paragraph 1.21 which reads “At this stage minor amendments may be made where appropriate in response to comments received, but the Council is unlikely to make major changes to the Strategy and its policies except in exceptional circumstances where the Core Strategy is demonstrably unsound.” is in itself unsound on grounds of flexibility.

If a part of the Strategy and/or a policy fails to meet the test of soundness pursuant to PPS12 then, regardless of whether that part requires a minor or major change to be made, a change to the policy must be made. Only in circumstances where an alteration can be deemed de minimis should an alteration to an unsound part of the policy not be made. This is likely to be the case if a very minor alteration would lead to disproportionate expense.

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.

Remove the word wording from “At this stage minor amendments may be made where appropriate in response to comments received, but the Council is unlikely to make major changes to the Strategy and its policies except in exceptional circumstances where the Core Strategy is demonstrably unsound.” Replace with the words,

“At this stage, in response to comments received, amendments may still be made where appropriate. These amendments shall be permitted in circumstances where the Core Strategy and/or its policies are not legally compliant or are deemed demonstrably unsound”

Question 5

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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

This suggested amendment is fundamental to the entire Core Strategy. It does not make sense that in circumstances where major parts of the policy are legally non-compliant and/or unsound they might not be altered. There is far too much discretion at paragraph 1.21 as currently drafted and the entire process would be flawed if the suggested amendment is not made.

Representation number 2

Section No Policy No. Paragraph No.

Map No. [4] Figure No. Other

1.3 Legally compliant Yes No

1.4 Sound Yes No

2.1 Justified [x]

2.2 Effective

2.3 Consistent with national policy

Question 3

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

Map 4 is the first document within the core strategy which confirms that Fairburn will be classed as a Designated Service Village. Fairburn is then mentioned throughout the document as a Designated Service Village and it is all these references to Fairburn’s current classification I wish to comment on. The main premise is that Fairburn should not be a Designated Service Village because the decision made and the policy adopted for selecting which villages should be classed as Designated Service Villages was not founded on a robust and credible evidence base. Further, there is no evidence that the local community

has participated in this decision making process until after the decision to classify Fairburn as a Designated Service Village has already been made, and in terms of research and fact finding the choices made in selecting Fairburn as a Designated Service Village are backed up by falsehoods not facts.

Fairburn should not be classed as a Designated Service Village but should be a Secondary Village with defined development limits. Selecting Fairburn as a Designated Service Village is not considered to be the most appropriate strategy to adopt when considered against reasonable alternatives; here, a number of other villages within the region are more suitable candidates.

In support, I refer to Background Paper No. 5 which assesses the relative sustainability of smaller rural settlements in Selby District. This is the key document used for determining the classification of a number of villages for the region as part of the Core Strategy process. In doing so, this document focuses on four key indicators which are size, basic local services, accessibility and local employment. I have worked through each indicator below and I made specific points regarding Fairburn to support my contention that Fairburn should not be classed as a Designated Service Village but a poorly sustained Secondary Village.

Size

In terms of size Fairburn falls into category 5 of 5 which means for the villages surveyed it is the sixth smallest village in its group. I understand that this was based on 23 villages in the region which have a population of between 600 and 2000. These facts are detailed in Background Paper No. 5.

Basic Local Services

In terms of basic local services regard is paid to four key services which are a local post office, a general store, a primary school and a doctor's surgery. Table 2 of Background Paper No. 5 provides the evidence in support which as it stands is incorrect. Fairburn has a very small Primary School. It is one of the smallest in the region and is nearing capacity. Consequently, it could not sustain further development of family homes in the village which is what affordable housing focuses on.

Albeit pupil numbers fluctuate from year to year at any school, as more family homes are built in a village it is inevitable that this will put pressure on that village's primary school and its ability to accommodate children living in these new developments. I understand that Fairburn is currently close to its capacity which it cannot exceed because of the physical limitations of the school building. This is not a school with the benefit of a huge playing field or open fields around it which could be purchased for the development of extra classrooms. Unlike many schools even Portacabins could not be used due to the severe lack of space. All Fairburn Primary School has is a small playground vital to the pupils. Consequently, there is no space for additional classrooms to sustain any growth and so it would mean the school would have to be situated across more than one site, which is totally impractical for any Primary School. Therefore, it does not make any sense to award a point in Background Paper No. 5 to any village for simply having a school in their village unless that school can sustain an increase in its numbers. After all, background Paper No. 5 is about sustainability and I am surprised to see that it fails miserably to properly apply this indicator as part of its overall assessment. It is obvious that development of 235+ houses in Fairburn will ensure the school reaches its maximum capacity and will leave children in the village having to

travel to their Primary School. Every family in Fairburn should have the option of sending their child to the village school. Anything less and not only do the educational needs of the village become unsustainable but also the character of Fairburn's youngest community (its children) will alter. The close community spirit the pupils currently enjoy, because most of the pupils live in the village, will be lost as children will have to seek their education in other villages.

Taking into account the above, I cannot understand why sustainability reports for the primary schools were not commissioned when the evidence for Background Paper No. 5 was being collated. In my opinion, Fairburn should not get a point allocated towards its total for Primary School education because a point should only be allocated if it has a sustainable primary school which it does not. In contrast, Cliffe primary school, which is much larger than Fairburn's, has a large playing field and is surrounded by fields. I submit that Cliffe does have a sustainable primary school.

It is also worth noting that the majority of affordable housing is traditionally ear-marked for families (3 bed-terrace houses) and so any affordable housing development is likely to result in an increase in pupil numbers for the local primary school. This may be sustainable in other villages within the region (such as Cliffe) but it is certainly not sustainable for Fairburn Primary School.

Further, Fairburn does not have a general store or a post office as has been wrongly indicated in the paper. A point should not be allocated under these indicators.

In contrast, Cliffe also has a general store which has not been detailed in the table. This is situated on York road and was in situ at the time when the paper was initially published. Surprisingly, Cliffe is currently categorised as a Secondary Village. The inaccuracies I have discovered in table 2 are based only on villages I have some knowledge of. I have not checked the details for every single village, however my discovery regarding Fairburn and Cliffe raises the question as to the accuracy of the evidence generally for this background paper.

Accessibility

In terms of accessibility, Background Paper No 5 correctly classifies Fairburn as having poor accessibility by public transport to service centres (principal service centres being Selby, Goole and Pontefract; local centres being Sherburn-in-Elmet, Tadcaster and Knottingley.) Fairburn does not have a train station and there is no bus service to the closest and cheapest train station to Leeds which is Micklefield (a metro train station.) The quickest option in terms of catching a train is to catch a bus to South Milford train station which runs, for the majority of the day, every two hours.

A 5 minute car journey from Fairburn to South Milford takes 17 minutes by bus going via three other villages. Indeed, you actually have to travel away from South Milford before you turn back to travel towards it. Consequently, there is no incentive to opt for taking public transport over using a private car.

For your information, it also takes 26 minutes to travel to Sherburn on the same bus journey (a 7 minute car journey) and an hour to travel to Tadcaster (a 20 minute car journey) going via 14 villages. I doubt there are many, if any, who travel to Tadcaster.

Further, to get to Selby (our main town for the region) from Fairburn you need to change buses for 5 days of the week (Fairburn has no Sunday service) save for the 496 service on a Monday which sets off from Fairburn at 1020 and arrives in Selby at 1115. Not only does this service only run on a Monday but the return journey, of which there is only one, means you

enjoy less than 3 hours in Selby a week. The return bus leaves at 1400 returning to Fairburn at 1455.

Moreover, because you have to travel further to get to key destinations for the region (such as Selby, South Milford, Sherburn and Tadcaster) it means the cost of catching the bus is far higher than for other villages. I suspect that when I am catching a bus to South Milford (which I rarely do because the journey is so difficult) I am paying for the privilege of travelling away from South Milford first before I travel towards it.

Moving to an analysis of the actual bus routes themselves in Fairburn, the bus route uses two buses, numbers 492 and 493, which are Arriva bus services. If you study the timetable for these services it is clear that only Barkston Ash and Towton on the route endure a worse service than Fairburn by these two particular buses. For large parts of the day the 492 and 493 bus services leave out Fairburn on their routes. However, in respect of Barkston Ash and Towton, both of these villages also benefit from a 494 service travelling from Tadcaster to Selby (our region's main service centre with National Rail Links and one of our region's other largest settlements.) Consequently, even Barkston Ash and Towton have a far better service than Fairburn.

Indeed, it is worth studying these routes; comparing each village to Fairburn. The 492 and 493 bus services go through the following villages (please note the additional detail.)

Pontefract – out of area

Ferrybridge – out of area

Brotherton – Designated Service Village with Byram. The population is greater than Fairburn by approximately 200 people.

Byram – Designated Service Village with Brotherton. The population is greater than Fairburn by over 800 people.

Fairburn – Designated Service Village.

Burton Salmon – Secondary Village with defined Development Limits. The population is presumably less than Fairburn although I am unsure about this given that Burton Salmon was not even considered as part of the information gathered for Background paper number 5. This is despite it having a school, a bus service as good as Fairburn's and open land all the way around it.

Hillam – Designated Service Village with Monk Fryston. Combined with Monk Fryston the population is greater than Fairburn by approximately 800 people.

Monk Fryston – Designated Service Village with Hillam. Combined with Hillam the population is greater than Fairburn by approximately 800 people.

South Milford - Designated Service Village. The population is greater than Fairburn by over 1000 people.

Sherburn – Local Service Centre. The population is greater than Fairburn by over 6000 people.

Church Fenton – Designated Service Village. The population is greater than Fairburn by approximately 300. It also has a railway station with excellent services to York and Leeds.

Barkston Ash – Secondary village with defined development limits. The population is slightly less than Fairburn's but the bus routes are far better than Fairburn's.

Saxton - Secondary village with defined development limits. The population is slightly less than Fairburn's but the bus service is better.

Towton - Secondary village with defined development limits. The population is slightly less than Fairburn's but the bus routes are far better than Fairburn's.

Ulleskelf – Designated Service Village. The population is slightly more than Fairburn's population but the bus and rail routes are far better than Fairburn's.

Stutton – Secondary village with defined development limits. They have a smaller population but their bus service is similar to Fairburn's.

Tadcaster – Local Service Centre. The population is greater than Fairburn by over 5400 people.

Moreover, nine villages have been given a rating of “poor” at Table 4 of Background Paper No 5 (the paper that deals with bus services for the region), one of which is Fairburn. It is also worth comparing each village's bus service to that of Fairburn's to illustrate how poor the bus service through Fairburn is in comparison with other villages.

Hemingbrough – Designated Service Village. The population is greater than Fairburn by over 1100 people. There are 7 buses a day which run to Selby, the main town for the district.

Cawood – Designated Service Village – The population is greater than Fairburn by over 600 people. There are 13 buses a day to York (including the designer outlet) and 14 buses a day to Selby which run past 2200hrs. This also includes a Sunday service which Fairburn doesn't have.

Cliffe – Secondary village with defined development limits. The population is greater than Fairburn by over 300 people. There are 7 buses a day which run to Selby.

North Duffield – Designated Service Village. The population is greater than Fairburn by over 300 people. Eight buses a day run to York and four buses to Selby as well as four buses on a Sunday to York.

Wistow – Secondary village with defined development limits. The population is slightly smaller than Fairburn's yet despite this there is an excellent bus service which is identical to Cawood's.

Beal – Secondary village with defined development limits. It has a population which is smaller than Fairburn's by approximately 100 people. There are 10 buses a day to Selby (our major district centre) and 11 buses to Wakefield (a major district centre in its region.) There are also 5 to Pontefract (a major district centre in its region.)

Barlow – Secondary village with defined development limits. It has a population which is smaller than Fairburn's by approximately 200 people. There are 6 buses a day to Selby (our major district centre.)

Appleton Roebuck – Designated Service Village. It has a population which is smaller than Fairburn's by less than 100 people. There are 5 buses a day to York (the major district centre in its region.)

In conclusion, I would submit that Fairburn has the worse bus service of all the villages in the region by some distance including all of the Secondary Villages used for the purposes of compiling Background Paper No.5. It could be argued that it should be given an introduced

category 5 rating because its bus service is far worse than the other category 4 villages for this particular indicator.

Access to Local Employment Opportunities

The detail submitted for Table 5 of Background Paper No 5 is utterly defective. Firstly, none of the actual details, in terms of calculations made, have been given. There are no measurements given in terms of distances and no indication is given confirming which large settlement (considered to have good employment opportunities) is close to the villages that were used for the paper. Secondly, the results appear to be based on the number of jobs rather than the quality of the jobs in a particular area. There could be a lot of low paid jobs in a particular area and it is unfair to give equal weighting to an area which may have fewer jobs but they are better paid jobs with better prospects. The calculation is too simplistic for it to have any merit.

Thirdly, a special mark should surely be awarded to Settlements who themselves are classed as Employment Locations (however large or small) such as Eggborough, Hensall, Escrick and South Milford. Escrick should really score as a category 1 village rather than a category 2 village for this reason. Another reason why Escrick should be classed as a Designated Service Village.

Overall conclusion – Incorrect score given for Fairburn

At Table 7 Fairburn is given an overall ranking of 3 based on the scores given in this paper. However, one of the category 2 scores is incorrect for Local Services for Fairburn because there is no shop or post office. This score should be downgraded from category 2 to category 3. As a consequence this would give it an overall ranking of 4 because only one indicator (the grossly defective indicator for Employment Locations) would be left in the highest two categories. I would actually go as far to say that if the Employment Locations assessment was properly undertaken Fairburn would be awarded a category 3 or 4 for that particular indicator as well. This is because they are not within 5 miles of a decent Major Employment Location such as York or Leeds.

Consequently, working through the table at Table 7 of Background Paper No 5 I make the following points:-

1. Escrick should be a Designated Service Village before Fairburn is considered. It sits at position 11 out of 29 using the criteria in Paper No. 5 whereas Fairburn's true position is number 26 or lower if you consider its revised score, the fact that it has the very worse bus service and its employment opportunities in terms of locations is not particularly great. Escrick is also a smaller employment location and my submission is further reinforced when considering suitable sites in Escrick ear-marked for development. See Representation No. 4. for full details.
2. Camblesforth should be a Designated Service Village before Fairburn is considered. It sits at position 14 out of 29. I know little about the amenities in Camblesforth but I have considered the suitable sites ear-marked for development. I believe the Representations made at Representation No. 4. further reinforce my point.
3. Wistow should be a Designated Service Village before Fairburn is considered. It sits at position 19 out of 29. It also has a fantastic bus service running to the major settlements in the area. This service is ideal for residents living in affordable housing who rely heavily on public transport. Again, a number of suitable sites were ear-marked for development and I comment on this at Representation No. 4.

4. Cliffe should be a Designated Service Village before Fairburn is considered. Revising its total score to properly reflect their true position i.e. take into account that they have a village shop, would rank Cliffe at position 19 or 20, equal with Wistow. It also has a decent bus service to Selby the major district centre for the region which Fairburn doesn't have. Further, Representation No. 4 pays regard to Cliffe which has suitable sites ear-marked for development.
5. Stutton, Barlow and Beal all have similar scores to Fairburn (if you take account of Fairburn's revised total) but Fairburn, by far, has the worse public transport out of the four. Therefore, Stutton, Barlow and Beal should all be considered as being Designated Service Villages before Fairburn is considered. As the Core Strategy will focus a lot of its attention on affordable housing, public transport will be of paramount importance if the residents of affordable housing are to secure employment and enjoy decent prospects for their futures. Fairburn does not have the infrastructure to meet the need. It would be costly and not economically viable (the sewerage already needs updating and expansion would be required.)
6. If you study the methodology for the Core Strategy everything for the region stems from Selby being its centre; then Sherburn in Elmet and Tadcaster, which provide key supporting-roles. Thereafter, the plan indicates that Barlby/Osgoodby, Brayton and Thorpe Willoughby will all support Selby and much of the development will take place in these 7 key areas. Fairburn is a great distance away from all 7, cut-off from them because of its poor public transport links (5 of the 7 mentioned are more than 10 miles away.) In stark contrast, Escrick, Camblesforth, Wistow, Cliffe, Stutton, Barlow and Beal are all well-connected to these 7 key areas and are better placed to ensure development happens organically from the region's core rather than sporadically throughout the region. When taking into account how poor the public transport links are in Fairburn these villages score higher when applying the sustainability data for Background Paper No. 5. than Fairburn. It is my opinion that it will be far cheaper to develop the region organically from its core using these villages as Designated Service Villages rather than Secondary Villages because the existing infrastructure need only be extended rather than implemented as it would need to be in Fairburn. At a time of economic uncertainty the cost of development remains a major consideration and the cheaper suggested alternative may be the only affordable option.

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.

Update Paper No. 5; remove the inaccurate scores and correctly score the villages to determine which villages should rightly be classed as Designated Service Villages and which should be classed as Secondary Villages. Consider carrying out further assessments for primary schools and scoring for access to employment.

Once the revisions have been made remove Fairburn from the list of Designated Service Villages and replace the same with one of the seven more sustainable villages in the region detailed above.

The result would be to move Fairburn from a position where it is considered Less Sustainable to Least Sustainable. This is where Fairburn rightly sits in the settlement hierarchy for the region.

It is also worth mentioning Background Paper No 6 which repeats the findings at Table 7 of Background Paper No 5 giving Fairburn an overall classification of 3 when, as explained above, this should be a category 4 rating. The report is also not based on the correct facts and needs to be altered in line with a revised Background Paper No. 5.

Once all the amendments are made to the tests; the scores have been recalculated and the list for Designated Service Villages and Secondary Villages is amended to fairly reflect the changes; a detailed written reason must be given for each village as to why they have been classified in a particular way.

I would also submit that it is fundamental to ensure that the sustainability indicators are fair both in terms of the tests themselves, the way they are scored and the selections that are made for each village. As matters currently stand the tests are unfair, the scoring of those tests is wrong and no reasons have been given for why one village has been given a particular classification over another village. Further, no written comparisons have been made between the villages. Where are the official documents that record the reasons for the current selections?

I would also be interested to know whether the potential sites for all villages were sourced before the sustainability criteria used in Background Paper No.5 was finalised. I can see from the paperwork that both took place at relatively the same time. However, if sites were sourced first then during the scoping stage of this process there was the potential to work backwards to achieve the results SDC wanted rather than start by selecting the Designated Service Villages first and then looking at the sites where development could take place. I am not saying this has happened but I am saying that the process is spoiled if sites were found first. This is because the mere temptation to ensure Fairburn is classed as a Designated Service Village (by tailoring the criteria to ensure it was selected) would be great if the people making the decisions at the time that to classify Fairburn as a Secondary Village would be to potentially lose approximately 20% of the solution (235 houses from the required development of 1500.) The people making the decisions on which villages should be Designated Services Villages, should, at the time of making their decisions, have had no knowledge of potential sites for development. This is because sustainability and classifying a village has nothing to do with suitability for development. As disproportionate as the figure of 235 houses is for Fairburn (Fairburn is a population of around 600. It should build no more than approximately 20 houses) I can see that to close off that option might present a problem in terms of meeting the housing need for this Core Strategy across the region. However, having discovered all the other potential sites ear-marked for development, which I refer to in detail at Representation No. 4, I do not actually think that removing the Fairburn sites would hamper SDC's ability to deliver the strategy.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn Parish Council because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that that the process is a fair and transparent one. Fairburn should not be a Designated Service Village. It should be a Secondary Village for the life of the 2010 to 2026 Core Strategy.

The above points are crucial and given the number of points to be made it would be better to attend the examination.

Representation number 3

Section No Policy No. Paragraph No. [4.13c]

Map No. Figure No. Other

1.5 Legally compliant Yes No

1.6 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

For the same reasons given at Representation No. 3 any reference to Fairburn being a Designated Service Village cannot be considered Effective. The infrastructure delivery planning (I am presuming that this encompasses all the Background Papers) is unsound.

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.

See answer to Representation number 3 for my suggested changes.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn Parish Council because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that that the process is a fair and transparent one.

Representation number 4

Section No Policy No. Paragraph No. [4.26]

Map No. Figure No. Other

1.7 Legally compliant Yes No

1.8 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

The phrase “.....appropriate scale development on greenfield land may therefore be acceptable in Designated Service Villages” is concerning. It is too vague and does not lay down a test for the necessary criteria required to be considered an ‘appropriate scale development.’ It results in the strategy being unreasonably flexible and it also cannot be properly monitored if the test for such development is not properly defined.

The paragraph also pays regard to the Site Allocation DPD and from that document you can see the sites which are to be considered for Fairburn (235 houses across 5 sites.) All of the large sites identified in that document are on protected Green Belt and having regard to the wording of Policy CP1A I submit that in Fairburn’s case even short-listing these sites as potential sites for development is a clear and flagrant breach of policy CP1A. It breaches the policy for the following reasons:-

1. The proposals for Fairburn do not contribute to the form and character of the village (paragraph b. of the policy) In support I would comment that in percentage terms, if you were to distribute the housing equally between the Designated Service Villages based on population (and in doing so you pay regard to the fact that Barlby/Osgoodby, Brayton and Thorpe Willoughby are ear-marked to take the brunt of the development to support Selby) this would leave you with development in Fairburn for only a very small number of houses. Consequently, even if just one of the three large sites suggested for Fairburn were used the number of houses ear-marked to be built on a single site would still be disproportionately too many in terms of the overall demand for the region. Indeed, this is the case even before you consider that all sites are on Green Belt land. I submit that it would be disproportionately unfair to develop so many houses in Fairburn on any one of these large sites.
2. The proposals for Fairburn do not protect local amenity (paragraph c.) Fairburn is a small village and wishes to remain a small village to protect the pleasantness of its appearance. There are already not enough houses with driveways within the village and such houses rely on off-road parking to park their cars. The proposals, if implemented, would mean more people, more cars, more traffic, greater strain on the water supply and on the sewerage which is already in desperate need of repair and

modernisation. It would also put strain on the local school (see points made above) which is almost at capacity. The character of the school would be greatly affected as would the general character and appearance of the village.

3. The proposals for Fairburn do not preserve and enhance the character of the local area (paragraph c.) Cheap, affordable housing, condensed into small areas within the village do not conform with the style and appearance of the housing which is already in situ. The suggested developments would ruin the look of the village and damage its good character.
4. The proposals for Fairburn do not comply with normal planning considerations (paragraph c.) As indicated above, the proposals focus on areas of Green Belt which should remain protected from development. The Core Strategy document does not explain why this Green Belt land is to be used instead of ordinary brownfield sites across the region. Why should the focus be on losing Green Belt to affordable housing in a village which cannot sustain such development? This is especially the position when there are other brownfield options across the region. It is submitted that the process should be a two-stage process where all brownfield sites are located first and if the need is not going to be met through these sites then and only then should a move be made to source suitable Green Belt sites.
5. The proposals for Fairburn do not pay any regard to the principles contained in Fairburn's Village design statement (paragraph c.) Adopted on 27th September 2005 as part of the Current Selby District's Local Plan, Fairburn's Village Plan and Design Statement 2005 is one of only a few design statements to be adopted by Selby District; presumably because it accurately reflects the District Council's strategy for Fairburn. Fairburn is an important village for the region and it is important to maintain its character especially because of the Ings, one of the Country's most important SSSI's. This document is a key document as Supplemental Planning Guidance is a material consideration in determining planning applications and appeals. The Fairburn design statement is aimed at all those who are likely to make changes to the area including statutory bodies, public authorities and public utilities. There are numerous points which can be made with reference to the Village Plan and Design Statement one of which is that removing the old A1 was done, in part, to increase social cohesion between both sides of the village. The side closest to Fairburn Ings has always been the wealthiest side of the village because of the views over the Ings. Part of the plan's aim was to bring the two sides closer together, in terms of social cohesion, once the motorway was removed. If affordable housing is to be built at the poorer side of the village on a large scale (a plot for 92 houses and one for 35+) then it will damage the village's social cohesion which has only recently been established. According to facts and figures on SDC's website, about the ward, Fairburn suffers from multiple deprivation falling within the country's most deprived 25% of the population. Any additional affordable housing will destroy the social cohesion and keep the village firmly rooted within this deprivation banding.
6. Moreover, affordable housing, usually of a red brick construction is not suitable for the side of the village closest to Fairburn Ings. Red brick is a material traditionally used for affordable housing because it is cheap. Any development built at that side of the village must be built using materials in keeping with the character of the village. I submit that such development at the side where Fairburn Ings is situated would have to be built from expensive magnesium limestone. I believe this would make any large-scale developments of affordable housing not economically viable.
7. The scale of the proposals for Fairburn have not been properly assessed in relation to the density, character and form of the local area (paragraph d.) See points made above for further details.
8. The scale of the proposals for Fairburn are not appropriate to the role and function of the village within the settlement hierarchy (paragraph d.) Fairburn is firmly rooted towards the bottom of the settlement hierarchy as explained above. Its role within the

settlement hierarchy is secondary at very best and it does not appear to have any sort of primary function.

9. The proposal for Fairburn which is washed over by Green Belt does not accord with national Green Belt policy (paragraph d.) All of the large sites ear-marked for development are on Green Belt land.

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.

To make the Core Strategy sound the Site Allocations DPD has to explain on a regional basis how it decided which sites to promote over others and why. The task of calculating which villages should be service villages and which should be secondary villages was precise whereas the process for determining the sites for development is practically none existent. This is despite sites being identified for all the Designated Service Villages and for a number of the current Secondary Villages.

I am surprised to read that there is more land available in many other villages; both for Designated Service Villages and Secondary Villages. However, I focus my attention again on villages I believe should be Designated Service Villages before Fairburn is considered. The main ones as highlighted above are Escrick, Camblesforth, Wistow and Cliffe which score far higher than Fairburn when applying the criteria set out in Background Paper No 5. Stutton, Barlow and Beal are also possibilities. Background Paper No 5 confirms that they would all make better Designated Service Villages than Fairburn. However, my findings are further reinforced when looking at these villages in the context of the Strategic Housing Land Availability Assessment (2009) and the land considered suitable for development. I have only studied Cliffe, Escrick, Wistow and Camblesforth for the purposes of these Representations.

I note that Cliffe, in the Strategic Housing Land Availability Assessment (2009), has three areas of land where development could take place but this is not even being considered because it is currently classed as a Secondary Village. That is grossly unfair. It is surely appropriate to spread the burden of affordable housing and development across villages where development could take place; especially when the village in question is a sustainable village with far better amenities and the alternative (Fairburn) only has land on Green Belt to offer.

Further, and perhaps even more surprising is the case of Escrick which has a site ear-marked that is 16.78 hectares; approximately 4 times larger than that which Fairburn can offer. Further, the houses in Fairburn would be crammed into small areas surrounded by larger already established houses with good sized gardens. These houses would reduce in value as a result of the development. In contrast, the Escrick development is in just one area and so an estate could be built to meet the need which could house its own separate infrastructure because of its size. It would be easy for the development in Escrick to still be sympathetic to its surroundings and to complement the existing size and look of the other houses.

Developing in Fairburn in this way would be a move completely out of keeping with the ethos of the Village Plan; totally disproportionate in terms of spreading the burden between the Designated Service Villages and unfair when noting that there are larger sites available in

villages which should for sustainability reasons have been classed as Designated Service Villages before Fairburn in the first place.

A similar story can be seen within the paper for Wistow which has a staggering 8 available plots that total approximately 44 hectares of land. This is the same village that has a fantastic bus service and all the amenities a growing village requires, save for a doctor's surgery; although one can still be easily reached by taking a short bus journey.

Camblesforth has approximately 8 hectares of land that could be developed on (twice as much as Fairburn) according to the document and again has far, far better amenities.

In conclusion, the selection process is flawed as it currently stands. Determining the sites for the Site Allocations DPD needs to be supported by properly defined criteria especially in circumstances where the proposed land is to be built on Green Belt.

Given all the facts I have found and all the comparisons I have made I genuinely cannot understand why the above villages are not being classed as Designated Service Villages.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn Parish Council because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that that the process is a fair and transparent one.

It is important that I discuss with the Inspector how flawed the process is in terms of site allocation for affordable housing and housing in general. It is important that it is understood that Fairburn has been elevated to a status which is well beyond its sustainability.

Representation number 5

Section No Policy No. Paragraph No. [4.26]

Map No. Figure No. Other

1.9 Legally compliant Yes No

1.10 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

The points made within Representation number 4 are repeated here but on the basis that the Site Allocations DPD is not justified and also the meaning of “scale development” as referred to at paragraph 4.26 is not justified. I do not believe either concept is properly defined as the same should be supported by scoring criteria similar to the sustainability Background Document No. 5 process. Consequently, I submit that there are concepts within the Core Strategy which are not founded on a robust and credible evidence base. This is because there is no scoring criteria. There is also no evidence base at all for choosing one site over another, which in contrast has been carried out when choosing one village over another. The choices made for scale development on Greenfield Land and the Site Allocation DPD have not been explained at all and consequently are not backed up by any facts.

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.

Firstly, I would amend the final scores given for the villages in Background Paper No. 5 and redo the entire process (see above.) Thereafter, Fairburn would be rightly reclassified as a Secondary Village and either Escrick, Camblesforth, Wistow or Cliffe would be upgraded to a Designated Service Village.

Then, before any decisions are made regarding the sites to be developed within the Designated Service Villages, scoring criteria should be established for the purposes of ranking, in order of suitability, all areas of land where development could take place for sites which have been shortlisted. At the moment it seems that only the sites have been shortlisted and there is no ranking of these sites in terms of the most suitable down to the least suitable. That exercise needs to be carried out to give the region a degree of certainty. If these loose ends are not tied it could result in the housing market in Fairburn stalling because people will be reluctant to move to these villages because of the uncertainty surrounding development proposals. A ranking system indicating the likelihood of an area being developed based on its suitability in comparison with the other sites would promote confidence and a degree of certainty.

The starting point for the criteria would be to look at how many houses the Designated Service Villages are to build together (approximately 1500) and then for each individual Designated Service Village to work out the ratio of how many houses should be built in that village by looking at the population as a percentage of the entire population for all the Designated Service Villages. If there is a shortfall when an allocation for a particular village is made, then you look at allocating the shortfall to any of the Designated Service Villages which still have capacity for development based on their ear-marked sites. You start with the largest development first and work through each village determining whether there is capacity until hopefully the shortfall is met. If however there is still a shortfall, then and only then should you start to consider Green Belt land. An example should help to illustrate the point I am trying to make here.

For example, if there are 10 Designated Service Villages and 1000 homes need to be built then if one of those Designated Service Villages currently houses 20% of the population of

all the Designated Service Villages population then it would only be fair, if possible, for that village to build 200 homes.

If this village only had room to build 180 houses then you would see whether one of the other 9 Designated Service Villages had capacity to take the additional 20 houses. You would start from the largest of the 10 villages in terms of its population which still had capacity for development and work through to the smallest. Please note that if a village had capacity for more than its percentage share of the development (i.e. the village above had room for 210 houses but its fair allocation was only 200) and there was still a shortfall after all 10 villages had taken their allocations then you would consider using the surplus (in this example 10 houses) to build on.

If there was still a shortfall after this process then all suitable Green Belt sites which fall within the boundaries of the Designated Service Villages would then be considered on the basis that exceptional circumstances had been triggered and on the basis that without some development on Green Belt land housing targets would not be met. Selecting Green Belt for development would then be based on a separate more stringent set of criteria for Green Belt land which would encompass National Green Belt policy. Every individual Green Belt site would be scored in terms of suitability first and then the top scoring site would be given the remaining allocation of houses if the development in question would allow this. You would start by building on the most suitable piece of Green Belt land working down the list until at some point the housing need is finally met.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn Parish Council because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that that the process is a fair and transparent one.

Representation number 6

Section No Policy No. Paragraph No. [4.35]

Map No. Figure No. Other

1.11 Legally compliant Yes No

1.12 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

“National guidance stresses the importance of new development being accessible by mode of transport other than the private car and whether the need to travel is minimised”

Paragraph 4.35 states that for new developments the same have to be accessible by modes of public transport. The Site Allocation DPD has allocated 235+ potential new houses for Fairburn. Firstly, the public transport service is incredibly poor (see above) and so if the importance of good public transport has been stressed in National guidance the Core Strategy’s application of this guidance cannot currently be Consistent with national policy.

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.

To meet the principle highlighted above Fairburn needs to be downgraded to a Secondary Village.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn Parish Council because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that that the process is a fair and transparent one.

Representation number 7

Section No Policy No. Paragraph No. [4.37]

Map No. Figure No. Other

1.13 Legally compliant Yes No

1.14 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

This paragraph talks of the importance of protecting the open character of Green Belt and stressing that only “appropriate” forms of development on Green Belt such as affordable rural exceptions housing will be permitted *unless* very special circumstances can be demonstrated. If special circumstances are present then the housing need not be affordable housing.

The Fairburn Site Allocations DPD has shortlisted four large sites on Green Belt land all of which are greater than 0.4 hectares (the benchmark for 100% affordable housing.) As I read things you can only build 100% affordable housing in small areas and you can only build on Green Belt land if the housing is affordable *unless* “very special circumstances” (para 4.37) apply. It therefore follows that as a starting point “very special circumstances” would have to apply to build on the three large sites in Fairburn because they are too large for merely affordable housing. Therefore, it follows, that short-listing these sites at such an early stage without paying any regard to what these “very special circumstances” actually are confirms that this part of the core strategy is not based on credible evidence and cannot be justified.

If planning for these Green Belts can be relaxed because exceptional circumstances are present then building such large quantities of housing whether affordable or otherwise would, in any event, destroy the character of the village and place too much strain on the village’s infrastructure. The Design Plan for the village should be consulted for further guidance.

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.

The four sites for Fairburn need to be removed from the Site Allocation DPD to ensure the approach set out at paragraph 4.37 is actually met.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 8

Section No Policy No. Paragraph No. [4.39]

Map No. Figure No. Other

1.15 Legally compliant Yes No

1.16 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

Paragraph 4.39 confirms that where there are difficulties in accommodating the scale of growth required consideration will be given to undertaking localised Green Belt boundary reviews. It states that reviews will need to balance the relative need for new development within each settlement against the value of Green Belt as assessed against the basic purposes of the Green Belt, as well as other considerations such as the effect on landscape, biodiversity and access to the natural environment.

Shortlisting Green Belt sites before the reviews described above have taken place, and before it has been determined whether there are difficulties in accommodating the scale of growth required, means that the sites short-listed for Fairburn are not founded on a robust and credible evidence base. The choices made regarding sites is not the most appropriate strategy to have adopted when the reasonable alternative of determining first whether there are any difficulties in accommodating the scale of growth required should have been carried out. This is particularly the case when the land shortlisted for Cliffe, Escrick, Camblesforth and Wistow is not all on Green Belt land and yet all of this land has been totally disregarded. This is despite it being larger in size than the whole of Fairburn.

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.

The Green Belt sites shortlisted for Fairburn need to be removed and it needs to be established first whether there are difficulties in accommodating the scale of growth required before any review of these sites is carried out.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 9

Section No Policy No. Paragraph No. [4.39]

Map No. Figure No. Other

1.17 Legally compliant Yes No

1.18 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

For the reasons set out in Representation 8 the concept is not legally compliant because decisions regarding potential Green Belt land have been made before reviews required by law have been carried out. The procedure has not been properly defined and so it is unclear what the procedure actually is.

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.

The Green Belt sites should be removed from the Fairburn Site Allocations DPD altogether until such time as brownfield sites have been allocated for the region. This should have been a two-stage process. Then, if there is still a need for Green Belt sites to be used, reviews can take place to determine the suitability of each Green Belt site across the region and the same can be ranked in suitability order.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 10

Section No Policy No. Paragraph No. [4.47]
Map No. Figure No. Other

1.19 Legally compliant Yes No
1.20 Sound Yes No
2.1 Justified
2.2 Effective
2.3 Consistent with national policy

Question 3

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

Paragraph 4.47 pays regard to development of Greenfield sites but only if they help sustain local employment opportunities, services, facilities and affordable housing. The sites for Fairburn are far too large even if only one site was used. There are no new employment opportunities to cater for, no decent services to maintain, it would put too great a pressure on the village's facilities and there is already enough affordable housing in the village.

Consequently, this part of the core strategy cannot have been founded on robust and credible evidence as the choices made when short-listing sites for Fairburn are not backed up with any facts based on any set criteria.

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.

Remove the Green Belt sites from the Fairburn Site Allocation DPD.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 11

Section No Policy No. Paragraph No. [4.49]

Map No. Figure No. Other

1.21 Legally compliant Yes No

1.22 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

See previous points made above concerning national Green Belt policy and SDC's obvious failure to take into consideration the Fairburn Village Plan and Design Statement when making decision.

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.

Remove the Green Belt sites from the Site Allocation document.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 12

Section No Policy No. [CP1A] Paragraph No.

Map No. Figure No. Other

1.23 Legally compliant Yes No

1.24 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

Reference to this policy has already been made within the body of Representation No. 4. The same points apply for this Representation. The policy wording itself may be sound but the method adopted to implement the policy is not. The policy wording should set out precisely the method to be adopted to implement the policy and ensure that the same is a fair method. It is too vague and not properly defined.

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.

Redraft the policy ensuring any new version properly particularises the procedure to be adopted in implementing the policy.

Downgrade Fairburn from a Designated Service Village to a Secondary Village.

Remove the Fairburn Green Belt sites shortlisted for development.

Question 5

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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 13

Section No Policy No. Paragraph No. [5.20]

Map No. Figure No. Other

1.25 Legally compliant Yes No
1.26 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

The paragraph fails to properly define how, in practice; there will be continued smaller scale growth in a number of larger, more sustainable villages. I submit that having studied the proposed allocation of housing in Fairburn against the overall development of housing for all the Designated Service Villages the proposals for Fairburn are not continuing, they are not small scale growth, it is not a larger village in any event and it is not a particularly sustainable village.

It follows then that this part of the Core Strategy is not based on robust and credible evidence and the choices made here are not supported by any facts. There is no explanation for why they have done this. The method used to implement this part of the policy must be flawed.

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.

Properly define what the criteria is for continued smaller scale growth in the larger, more sustainable villages drawing references to the areas which have been shortlisted and why they have been shortlisted. Draft a procedure for how decisions will be made under this paragraph and then carry out the procedure.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 14

Section No Policy No. Paragraph No. [5.22]

Map No. Figure No. Other

1.27 Legally compliant Yes No
1.28 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

A review of the boundary of Fairburn should take place only if Brownfield sites across all the allocated Designated Services Villages do not meet the development quota allocated to it. Again, the Core Strategy is lacking in detail in terms of precisely how this exercise is to take place. I submit that the sites identified in Fairburn should not have been identified until such time as the Core Strategy had identified all the Brownfield sites for development. The process is flawed.

Question 4

houses than initially envisaged in the main towns. Consequently, all reference to these sites needs to be removed from this first stage of the process.

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.

Downgrade Fairburn to a Secondary Village and remove the Green Belt sites from the Site Allocation DPD.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 16

Section No Policy No. [CP6] Paragraph No.

Map No. Figure No. Other

1.31 Legally compliant Yes No

1.32 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

This policy is not legally compliant as it does not define what small scale “rural affordable housing” is.

The policy is not legally compliant as it also conflicts with the Affordable Housing SPD (December 2010) which states that the Rural Housing Exceptions Sites Policy applies only to Secondary Villages. Here, in this Policy it states that the policy applies to any village where the population of the village is less than 3000.

It is currently not legally compliant because the application of the policy has not been properly defined.

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.

Define within the Core Strategy what small scale rural affordable housing means when it is applied in circumstances where the rural housing exceptions sites policy (CP6) is employed.

Define whether the CP6 policy applies to all villages with less than 3000 people or whether it just applies to Secondary Villages.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 17

Section No Policy No. Paragraph No. [7.30]

Map No. Figure No. Other

1.33 Legally compliant Yes No

1.34 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

Paragraph 7.30 talks about an overriding objective of the Core Strategy which is to limit the need for residents to travel outside the region to work. It states that the economic prosperity and housing land supply policies tackle the issue by directing new development to the most sustainable locations. Firstly, I find it odd that this objective is paramount and yet for Background Paper No. 5 and the Employment Location Indicator detailed therein regard is paid in a positive way to the number of available jobs in York, Castleford, Pontefract and Goole all of which are deemed Major Employment Locations for the purposes of the sustainability report and yet all of which are situated outside the region. If SDC want people to work in the region by limiting the need to travel outside the region to work then little positive regard should be paid to these jobs when considering sustainability for this Core Strategy. The villages that score well under this indicator (because people in these villages travel outside the region to work at one of the Major Employment Centres) are positively contributing to their overall sustainability score. This in turn contributes to these villages being classed as Designated Service Villages and consequently, these villages will then be developed on and the people who come to live in these villages to live in the new developments are likely to seek employment outside the region because the closest jobs are jobs in Employment Locations situated outside the region. It follows then that the Employment Locations Indicator within Background Paper No. 5, because it pays regard to Major Employment Locations outside the region (in fact, 4 out of 5 listed are outside the region), is going to hamper the Core Strategy's overriding objective of keeping the region's residents in this region when it comes to employment. Fairburn (see Background Paper No. 1) is already situated in an area which has the highest number of commuters in the region that work outside the region. It is also within 6 miles of 2 of the Major Employment Locations that are situated outside the region. The number of commuters working outside the region will only increase if development takes place in Fairburn, thus seriously hampering SDC's overriding objective.

In any event, the choices made under this paragraph here are not backed up with any facts in the case of Fairburn. There are proposals to build 235+ houses in the village on Green Belt land and yet Fairburn is one of the least sustainable villages in the region. How can it possibly be the case that "new development" will be built by "the most sustainable locations." Fairburn is one of the least sustainable locations in the region. As detailed above, it has no shop, no post office, a poor sewerage system, a primary school nearly at capacity with no ability to extend and a very poor bus service. If the village remains a Designated Service Village and if the proposed sites are built on, then in the case of Fairburn, this paragraph of the Core Strategy is not justified. Further, Selby, Sherburn in Elmet and Tadcaster cannot be considered a hub for Fairburn as a rural economy, community or social infrastructure as detailed within the paragraph. Fairburn struggles to get its residents to these places let alone be offered any sort of support from them. This part of the Core Strategy is also not justified.

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.

Draft a paragraph 7.30 which provides precise details as to how decisions concerning this part of the Core Strategy are going to be made. Redesign the Employment Locations Indicator in Background Paper No. 5 to better support the overriding objective detailed in this paragraph.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 18

Section No Policy No. [CP12] Paragraph No.

Map No. Figure No. Other

1.35 Legally compliant Yes No
1.36 Sound Yes No

2.1 Justified

2.2 Effective

2.3 Consistent with national policy

Question 3

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

Part A c) of the policy states that the Council, to address the causes and potential impact of climate change, will achieve the most efficient use of land without compromising the quality of the local environment.

In respect of Fairburn this is not the case and the way in which this part of the policy is being implemented is not based on credible evidence, nor are the choices made, in respect of this policy, backed up by any facts. Building affordable housing on the sites in question would compromise the quality of the local environment. The sheer number of houses on each site would scar the look of the village. For a village which has approximately 610 people development of 235+ houses would have a serious impact on Fairburn's climate. It would result in more street lighting, more waste, more light and noise pollution and more pressure placed on the sewerage system.

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.

Define precisely what is meant by the phrase “without compromising the quality of the local environment.” Use the definition to set out criteria when assessing a proposed site.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Representation number 19

Section No Policy No. Paragraph No.
Map No. Figure No. Other

1.37	Legally compliant	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
1.38	Sound	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
2.1	Justified			<input checked="" type="checkbox"/>	
2.2	Effective			<input type="checkbox"/>	
2.3	Consistent with national policy			<input type="checkbox"/>	

Question 3

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

At the very beginning of this Representation Form I paid regard in my preliminary note to the fact that the official Representation Form is defective. That incorrect form was put forward as the form to use from the 11th January when the papers were issued to Thursday 17th February when it was removed from Selby’s website and amended. This was as a result of SDC conceding by email that they had issued a defective form. That only gives residents 4 days to use the correct form which does not make the process just and reasonable. For the process to be legally compliant the documentation issued as part of the process has to make sense and there has to be sufficient time given to respond. The form fails on both counts. The error in the original form will have put residents off submitting official responses in accordance with the criteria because they will not have understood what was required. A few

of the residents on Fairburn have commented that they did not understand the form or what they were required to do to complete it. It could also mean that residents have submitted defective Representations.

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.

Circulate the correct form with a covering letter explaining the previous error and extend the consultation process to enable residents sufficient time within which to respond. Perhaps, given the complexity of the document, hold a few workshops which will help the residents understand what is involved.

Question 5

5.1 Written Representations 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*

I consider it necessary to attend the Examination in Public on behalf of Fairburn because there are a number of Representations that are important, including this one, and collectively it is necessary for the Inspector to consider and appreciate each Representation so that questions may be asked and further information considered before any decisions are made. It will ensure that in terms of Fairburn and the Core Strategy generally the process is a fair and transparent one.

Conclusion

Having studied all the relevant documentation I could find regarding the Core Strategy I am of the opinion that the Core Strategy in parts cannot be considered legally compliant, nor demonstrably sound. Many of the policies do not provide details of the procedure to be followed or state that written reasons will be given for decisions made. In terms of Fairburn, this village has been wrongly classed as a Designated Service Village when it is quite clearly a Secondary Village. Furthermore, the sites currently shortlisted for development in Fairburn should not have been considered because they are on Green Belt land and should not be developed on for the reasons given above.

It is also noted that there is a corridor down all the major motorways for the purpose of accommodating Gypsies and Travellers. This is described as the Buffer Zone. From documents I have read there is a requirement that such a site be situated 2km (Walking Distance) from a Designated Service Village or a Supporting Village (i.e. Sherburn-in-Elmet or Tadcaster) or a major town (i.e. Selby.) This means that a Gypsy site cannot be located 2km from a Secondary Village. It has to be a Designated Service Village or larger. Therefore, I note that downgrading Fairburn to a Secondary Village would mean that a strip of the A1 (400 metres either side of it) which runs between Fairburn and Brotherton would have to be disregarded. I note that the SDC intend to place a site along the Buffer Zone and it is unclear from the documents whether the sites for this have been located yet. I presume

though that until the status of all villages has been finalised SDC are not in a position to finalise their shortlist of potential traveller's sites situated within the Buffer Zone.

I also understand that there is currently an Appeal application being considered concerning a resident in Brotherton who wishes to have a number of pitches granted for travellers. I note that because this site lies within the Buffer Zone that application could succeed once Byram/Brotherton and Fairburn are finalised as being Designated Service Villages. This suggests that as soon as one site is allocated there is the potential for others once the local community has accepted the situation.

However, I would stress that the sustainability criteria detailed in Background Paper No. 5 which is pursuant to national policy defines all the scoring criteria to be used when determining whether a village is fit to be considered a Designated Service Village or not. The criteria is not concerned with whether a village could meet the needs of Gypsies and Travellers. However, whether it can or not should not be taken into consideration when determining a village's suitability as a Designated Service Village.

It should also be noted that I have had an opportunity to consider the points raised by Roy Wilson MBE in his letter dated 14th February 2011 and the Parish Council's letter. I agree with the content contained therein and support the same.

Further, I have also responded to the Affordable Housing SPD (December 2010) and there is a crossover of many of the points I have made. I ask that neither document is considered in isolation when reviewing the Representations made.

In conclusion, I am firmly of the opinion, having considered all the evidence that Fairburn should be classed as a Secondary Village because it is not sustainable if significant development was to take place. Indeed, after considering these Representations, should Fairburn not be downgraded to a Secondary Village by SDC and the proposed Green Belt sites for development be removed from SDC's development plans then as a Solicitor, I will myself judicially review the decisions SDC have made. If that becomes necessary (which I hope it will not) then I reserve the right to refer to these representations when determining the question of costs. I put you on notice that you will become responsible for the costs of any Court proceedings I have to issue and given the complexity of the issues I estimate that the same are likely to be significant.

Finally, could you please send me copies of your minutes recording your initial decision to classify Fairburn as a Designated Service Village rather than a Secondary Village. Please also confirm which individuals made the decision if the minutes do not confirm this. I need to appreciate how the decision was made and why.

Yours faithfully,

James Perry

21/02/2011