

16 April 2012  
Comments to Inspector 160412.doc

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Dear Sirs

## **PUBLICATION OF NATIONAL PLANNING POLICY FRAMEWORK (1) IMPLICATIONS FOR APRIL 2012 HEARING SESSIONS**

It is understood that the Inspector has reconvened the examination over the course of 18<sup>th</sup> and 19<sup>th</sup> April in order to allow discussions to take place. The nature of the discussions will focus on the implications of the National Planning Policy Framework (NPPF) in so far as the new national planning policy might impact on the three matters that comprised the reasons for the original suspension, which are understood to be:

- the overall scale of housing development,
- the scale of housing and employment development proposed for (and redistributed from) Tadcaster, and
- the strategic approach to Green Belt releases.

Before the hearings on 18<sup>th</sup> and 19<sup>th</sup> April, the Inspector has provided an opportunity for representors to respond to these matters, and also provide comment in relation to any procedural matters that have arisen from the suspension process. I am therefore writing to set out how I consider the NPPF impacts upon the three reasons on behalf of South Milford Parish Council, and also to set out concerns in relation to the procedures.

### **Duty to Cooperate**

In our submission to the Proposed Changes dated 15<sup>th</sup> February 2012, we raised concerns in relation to Provision 110 of the Localism Act. It is understood that the Inspectorate to date has considered that the Duty to Cooperate does not apply where a local authority has submitted a development plan document before November 2011, such as in the case of the Selby Core Strategy. However, we believe that the Duty to Cooperate does apply to the consultation which was held in relation to the Proposed Modifications at the start of the year. This is because the Provision requires local authorities to engage constructively, actively and on an on-going basis in the process.

Our view is confirmed by the NPPF, as the NPPF includes a number of references to the Duty to Cooperate and situations where local planning authorities are required to consult on strategic matters or prepare policies with neighbouring authorities. These requirements form part of the NPPF and Annex 1 of the NPPF makes clear that the policies within it are to apply from the date of publication. This means that whilst Provision 110 may not apply to those development plan documents submitted to the Inspectorate before November 2011, the NPPF policies which require cooperate and consultation with neighbouring authorities do apply and must be conformed with.

As a result, it is necessary for Selby DC to demonstrate that it has met the requirements of the NPPF in terms of working with neighbouring authorities, considering strategic matters or assessing matters on scale wider than Selby district on matters set out in paragraphs inclusive of 54, 84, 117, 156, 159, 160, 178,179, 180,

181. Paragraphs 178 to 181 are of particular concern as these are included in a section entitled “Planning strategically across local boundaries”.

It is considered that the Duty to Cooperate now applies to Selby as the requirement is set out in the NPPF, not just Provision 110.

### **The Overall Scale of Housing Development, and The Scale of Housing and Employment Development proposed for (and redistributed from) Tadcaster**

We believe that our previous comments are still relevant, as we took account of the draft version of the NPPF, which included similar content to the final version of the NPPF.

I would however like to add that our comments in relation to the lack of credibility of the Arup report have been confirmed as a result of comments submitted by the City of York Council. Both Selby DC and the City of York Council have employed Arup to prepare evidence in support of the drafting of Core Strategies. However, the Reports conflict with each other and do not provide a consistent evidence base across the neighbouring authorities. For this reason, the Arup reports should be set aside as they do not provide reliable evidence on which to base the Core Strategy.

It should also be noted that whilst our previous representations concluded that the housing number should be reduced to follow the housing need identified in the SHLAA, a number of other representors suggested that the housing number should be increased. We are all however in agreement that the Arup Report is not credible. The housing target and an alternative basis on which it should be set is clearly appears to be a matter for discussion at the Hearings.

### **The Strategic Approach to Green Belt Releases**

The NPPF has introduced a number of subtle changes to Green Belt policy, which affects the way in which local planning authorities approach a review. Namely, paragraph 84 states that local authorities should look at the impacts of a review on urban areas within the inner limits, settlement inset into the Green Belt and those outside of the outer boundaries. We have already mentioned the issue this raises in relation to the Duty to Cooperate. It does however introduce a new requirement for Selby DC to review Policy CPXX in light of the changes to national policy and the reasons now stated that should form the considerations during the process of reviewing Green Belt boundaries.

### **Other Procedural Matters**

The original hearings were adjourned to provide the Council with time to propose amendments to the submission version of the Core Strategy and to consult upon the proposed changes. There was much discussion at the hearing, and we have subsequently submitted comments, concerning the nature of the proposed changes and the time involved in the adjournment. We feel the original concerns were correct and recent events only serve to confirm they are well founded, as it appears that the adjournment will require much longer than the initial six months that were agreed for the first set out proposed changes.

The publication of the NPPF now requires the reconvening of the examination to be postponed until later in the year in order for the Council to consider the implications of the new policy framework on the whole of the Core Strategy. Such consideration is likely to result in the need to review and consult upon a wide range of policies, particularly if the experience of other local authorities is reflected upon. For example, Ryedale has just started to consult upon amendments to the Ryedale Core Strategy in light of the NPPF, which has resulted in changes being made to three policies, including Gypsies and Travellers, AONBs and Heritage Assets. It is likely that Selby DC will need to amend policies relating to the same issues given the distinct policy changes introduced in the NPPF on these three matters.

## **In Conclusion**

Due to time constraints and circumstance, I have only been able to set out in this letter our comments in brief. I therefore look forward to discussing the matters in more detail with the Inspector during the course of the Hearings on 18<sup>th</sup> and 19<sup>th</sup> April.

Yours faithfully

A handwritten signature in purple ink, appearing to read 'K Jukes'.

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Director