

**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (7th Set)  
November 2012  
Representation Form**

The Core Strategy has been subject to Examination by an independent Inspector at hearings in September 2011, April 2012 and September 2012.

The independent Inspector adjourned the Examination in Public (EIP) until 27 February 2013 in order for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy in accordance with the revised timetable (available at [www.selby.gov.uk/CoreStrategyEIP](http://www.selby.gov.uk/CoreStrategyEIP)).

The Council is therefore publishing further Proposed Changes to the Submission Draft Core Strategy, for consultation between 12 November and 28 December 2012.

The Submission Draft of the Core Strategy (May 2011) takes into account views gathered at the previous stages of consultation. The September 2011, April 2012 and September 2012 EIPs have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage (January 2011) and subsequent consultation on the previous 6 sets of Proposed Changes (January and June 2012). This is not another opportunity to make further representations on those matters.

**Representations are therefore invited as part of this consultation on the 7th Set of Proposed Changes to the Submission Draft Core Strategy and the Further Sustainability Appraisal Addendum Report.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the  
Council no later than 5pm on Friday 28 December 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

**Post to: Policy & Strategy Team, Selby District Council, Civic Centre,  
Doncaster Road, Selby YO8 9FT**

## Part A

### The Tests of Soundness

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### **Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### **Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### **Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

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**It will be helpful if you can provide an email address so we can contact you electronically.**

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.**



**Part B** (please use a separate sheet (pages 3-4) for each representation)

Please identify the Proposed Change (which can be found on the Published Schedule, CD2g) to which this representation refers to:

SEE SEPARATE SHEET

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

**Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

SEE SEPARATE SHEET

Continue overleaf

Question 3 continued

[Empty box for question 3 continuation]

(Continue on a separate sheet if submitting a hard copy)

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

- 4.1** Written Representations
- 4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary  
*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

The comments set out on the attached sheet are, for the most part, the culmination of submissions made in respect of the Submission draft of the CS and carried forward into debates at the various Examination sessions beginning in September 2011, as amended by Changes to the CS produced by the Council. In my view a small number of matters remains unsatisfactory, unnecessary or unresolved - in particular relating to the green belt review and review of development limits, which can usefully be debated at the resumed Examination in February 2013.

(Continue on a separate sheet if submitting a hard copy)

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed 

Dated 27th December 2012

(4)

## COMMENTS ON THE 7TH SET OF PROPOSED CHANGES TO THE SELBY DISTRICT CORE STRATEGY

### References

### Comments

PC7.2 (paras 4.39j and 4.39oo)

Paragraph 4.39j follows an (unchanged) comment in the preceding paragraph that the *overriding objective* of the CS is to accommodate development in the *most sustainable locations* as set out in the settlement hierarchy, including within the DSVs.

The Council has committed to carrying out a green belt review. Accordingly, paragraph 4.39j needs to be redrafted to be positively phrased to indicate that a green belt review will be carried out to ensure that sufficient deliverable/developable land is provided in the most sustainable settlements in the District (and to identify areas of Safeguarded Land to facilitate growth beyond the Plan period.

Paragraph 4.39oo is drafted positively, and is supported.

PC7.3  
(Policy CPXX Green Belt-  
sub-paras C and D)

Since the Council is committed to a green belt review, these sub-paragraphs are inappropriately drafted in that both allow the possibility of no such review being carried out. This would be inconsistent with the Council's position throughout the Core Strategy Examination in relation to the need to deliver appropriate levels of growth at Tadcaster and, elsewhere, to concentrate development in the most sustainable locations.

Paragraph 4.39g refers to RSS Policy YH9 which provides that *localised reviews of the green belt boundaries may be necessary in some places to deliver the Core Approach and Sub-Area policies*. It seems to me that Policy YH9, the text of paragraph 4.39g – together with the fact that most green belt boundaries within Selby were established many decades ago (including, in some cases, derived from the pre 1974 West Riding Development Plan) – in combination amount to the exceptional circumstances which justify a review of green belt boundaries. There is no need to refer to exceptional circumstances in the policy itself. Indeed, given the age of many green belt boundaries, their origins in plans produced by various (and in some cases long-abolished) Local Authorities and the extent to which boundaries have been “superseded” by built development within green belt, or otherwise rendered unreliable through anomalies, it could be argued that there was a need to demonstrate exceptional circumstances not to review them.

Sub-paragraph C should be redrafted positively as follows:

Prior to the adoption of a Site Allocations Local Plan, a review of existing green belt boundaries throughout the District will be carried out to ensure that:



- i. appropriate levels of development are accommodated in particular settlements to deliver the aims of the settlement hierarchy, and
- ii. in that settlement, sufficient land to meet the identified needs is not available outside the green belt, and removal of land from the green belt would represent a more sustainable solution than development elsewhere on non-green belt land

At the risk of repetition and stating the obvious, green belt policy is a policy to control the rate and direction of development: nothing more. Core Strategy green belt policy should not be drafted in a way in which it could be interpreted as taking precedence over delivering the 17 (unchallenged) Objectives of the Plan and the presumption in favour of sustainable development arising from NPPF (PC6.18)

To be consistent with the positive drafting of the policy, subparagraph D should be amended to replace the word *any* in the first line by *the*.

PC7.4  
(para 4.29)

The intention to review all development limits currently identified in the SDLP is supported, in particular, the commitment to review development limits in secondary villages in light of the reliance now proposed by the Council on unidentified windfall sites to “top up” housing delivery between the requirements of the Submission Core Strategy (c.450dpa) and the higher figure indicated by the Inspector as more appropriate at the conclusion of the September 2012 Examination (c.550dpa).

See also Additional Matter below.

PC7.8  
(CP1 Part A – footnote 2)

This footnote is unnecessary and unhelpful.

It is appreciated that the Inspector has expressed concerns (para 20 October 12<sup>th</sup> Notes) that inclusion of Escrick as a DSV might imply that some development on green belt land is inevitable.

However, the approach to the green belt review is set out in some detail in the CS as now proposed to be changed which makes it clear that the impact of further development on heritage assets, flood risk, landscape etc. will be taken into consideration – as well as availability of services/infrastructure/public transport – in assessing the suitability of settlements to accommodate further growth.

Byram/Brotherton, Monk Fryston/Hillam, Eggborough/Whitely and South Milford, which are also referred to in footnote 2, were all identified as DSVs in the Submission draft Core Strategy. They were at that time – and remain – settlements constrained to varying degrees by green belt. Prior to the publication of footnote 2, there has never been any suggestion that green belt needed to be highlighted as a particular constraint to development. The footnote implies that

particular weight will be given to green belt over and above other potential physical, visual, biodiversity etc. constraints. This is unjustified in planning terms particularly at this stage in the process since the other settlements to which the footnote refers have not been assessed during the Examination in terms of other potential constraints which may affect their suitability for development.

Following the adoption of the Core Strategy and completion of the green belt review and review of currently-adopted settlement development limits, the Council intends to consult upon a reconfigured Site Allocations DPD (to be entitled the Site Allocations Local Plan). The SADPD Preferred Options version of September 2011 pre-dates the publication of NPPF and also many changes to Core Strategy policy. In consequence of these policy changes, in our view, it will be necessary for the new Site Allocations Local Plan to adopt a more sophisticated approach to development land allocations in the rural areas.

Attention is also drawn to Policy CP1 which requires that the majority of new development will be directed to the towns and more sustainable villages.

In our view this more sophisticated approach will require the Council to take account of the *relative* sustainability of DSVs. Footnote 2 is unhelpful and counter-productive to such an exercise which we consider is the proper post-NPPF assessment of the suitability for development of all the settlements to which the footnote relates. It should be deleted.

## **ADDITIONAL MATTER**

It has become clear through the 7th Set of Proposed Changes that the Council intends to review all currently adopted settlement development limits and that this work will be carried out following the adoption of the Core Strategy and, it is assumed, concurrently with the green belt review and prior to the publication of the (reconfigured) draft Site Allocations Local Plan.

The green belt review will consider (a) the development limits round 5 of the 18 proposed DSVs and (b) washed-over settlements (11 in number). Since the currently washed-over settlements tend to be the smallest villages in the District, whether or not they remain washed-over or become inset villages, it is unlikely any changes to green belt boundaries or settlement limits will result in many opportunities for additional development. In relation to the remaining 13 proposed DSVs, it is likely that a review of development limits and assessments of the suitability of the settlements to accommodate growth will be carried out in tandem. In relation to all of the DSVs, any new green belt boundaries/settlement limits would be expected to appear in the new Site Allocations Local Plan.

There are, however, approaching 40 rural settlements with adopted development limits which are not DSVs. Many of these settlements are identified in the Core Strategy as secondary villages where limited development is contemplated in given circumstances, including the conversion or redevelopment of farmsteads. As currently drafted, Policies CP1 (Part A) (b) and CP1A(b) provide that, to be acceptable, the acceptable forms



of development should be within development limits. Until these are reviewed, the development limits referred to are presumably the current development limits. It is not clear, however, when and by what process the review of the development limits for these secondary and smaller villages will take place. This needs to be clarified and a firm commitment to review the boundaries included in the Core Strategy. The footnote suggested at PC7.4 is inadequate particularly in light of the reliance now placed on the delivery of around 100 dwelling units per year throughout the Plan period from unidentified windfall sites.

To this Note is appended an extract from the 1991- published Alteration No.1 (Village Envelopes) to the adopted Selby Rural Areas Local Plan. The extract sets out the purpose of and criteria for defining village envelopes. At the time the document was prepared, a new Local Plan had just been adopted which made adequate provision for housing within the Plan period. The villages envelopes (development limits) were not intended to identify additional housing land (para 3.3) but to apply to the end of the Plan period - 1996 (para 3.5). Plainly those circumstances have changed and, equally plainly, some of the criteria used to define the village envelopes are inconsistent with current policy or lack the refinement necessary to encourage high quality development which is sympathetic to the character of the surroundings. In many cases, the development limits have been breached by planning permissions granted locally or on appeal.

A proposed change to Policy CP1A (b) is suggested for the consideration of the Council (and, if appropriate, the Inspector) which would deal with the most difficult elements of the Core Strategy policy applicable to secondary villages pending the review of development limits:

It is suggested that the first sentence of Policy CP1A(b) should be amended as follows (additional words in bold)

*Proposals for the conversion and/or redevelopment of farmsteads to residential use within **currently-adopted Development Limits (or, pending a review of Development Limits, within or adjacent to existing Development Limits)** will be treated on their merits according to the following principles.*



## PURPOSE OF VILLAGE ENVELOPES

- 3.1 The purpose of village envelopes is to supplement existing local plan policies by indicating more clearly the boundary of villages beyond which development could not realistically be regarded as infill or rounding off, but which would instead result in their undesirable outward expansion. Infilling is taken to mean the filling of a small gap in an otherwise built-up frontage and development in the form of 'rounding-off' will generally only imply where the land is already substantially surrounded on three sides by existing built development.
- 3.2 The use of village envelopes or development limits within which appropriate development will be acceptable is a device widely used by planning authorities. It provides a basis for consistent decision making and offers clear guidance to everyone involved in the development process, whether they be the local planning authority, parish councils, local residents, developers, landowners or Planning inspectors dealing with appeal cases.
- 3.3 Village envelopes should not be perceived as identifying housing land over and above that which would be permissible if village envelopes were not prepared. In his Report following the Public Local Inquiry the Inspector agreed with the District Council that there can be no justification for increasing housing land allocations in the Local Plan area. Equally village envelopes should not restrict development opportunities which would reasonably expect to be permitted under existing policies. The scope for some limited development to take place in the identified settlements, within defined parameters, is considered an important aspect of the Local Plan. Such development will assist maintain rural services and contribute towards achieving a choice of housing type and location in the District while still ensuring that the overall character of the area is conserved.
- 3.4 Where land has been included within a village envelope it does not necessarily imply that development will be acceptable. It will still need to satisfy the criteria of PROPOSAL HSG4 and normal development control considerations eg suitable access arrangements, avoidance of tandem development, appropriate siting, scale and design and protection of amenity space. In many settlements in the plan area which are essentially linear, this will tend to imply that development will be limited to frontage only.
- 3.5 The village envelopes will apply for the duration of the Rural Areas Local Plan which expires in 1996. In many cases they may be maintained either intact, or with modified boundaries in a District-wide Local Plan which is currently under preparation.
- 3.6 The District Council has previously defined the parameters of development for the settlements of Chapel Haddlesey, West Haddlesey, Hirst Courtney and Newland on an 'ad hoc' basis as interim planning guidance. Such guidance only defined the limits of development at either end of the respective villages as opposed to the drawing of boundaries encompassing entire settlements. The village envelope proposals for these settlements have been largely drawn to accord with the earlier interim planning guidance.

## CRITERIA FOR DEFINING VILLAGE ENVELOPES

4.1 Every settlement covered by a village envelope has been individually appraised and the boundaries have been drawn having regard to the particular site characteristics. However, to ensure a consistent approach between villages the following set of criteria for defining boundaries have been applied:

a) Sites of Amenity and Conservation Value

When defining village envelopes regard is given to the need to protect sites of nature conservation importance, scheduled ancient monuments, village greens and other pockets of valuable amenity land such as woodlands, many of which are covered by Tree Preservation Orders.

b) Physical Boundaries

Wherever practicable and appropriate boundaries have followed well defined physical features such as walls, fences, hedgerows, roads and streams. Apart from being readily discernible and less open to dispute these boundaries usually represent the transition between village or town and the neighbouring countryside. However, where curtilages are extensive and partially or wholly undeveloped and where they back onto countryside it is frequently considered appropriate to define a tighter boundary which more closely conforms to the existing built up limits of a village than garden curtilages.

c) Buildings on the Edge of Settlements

Similarly where houses stand on the outer roadside edge of a village the envelope is frequently drawn tighter than the curtilage boundary. This indicates that housing which would effectively result in ribbon development by extending the built up area fronting the roadside, would not be considered acceptable.

d) Buildings set in Spacious Grounds

Where buildings such as halls, large houses or hotels, stand on the edge of villages set in spacious grounds their inclusion within the envelope depends upon the extent to which they appear to relate with the overall physical fabric of the village. Usually, their relative isolation attributable to their spacious setting justifies their exclusion. Where a particular property is associated with a parkland estate the importance of retaining this historical association and limiting new development has influenced the defining of boundaries.

e) Farmsteads

Farmsteads and associated outbuildings present their own particular problems because of their diverse forms and often sprawling nature. Commonly a number of farmsteads are located within or on the fringe of each village. In some instances, farmsteads although contiguous with a village are excluded from the envelope because their rural characteristics predominate and they appear to relate more strongly with the countryside than with the village. Where it is proposed to include or partially include a farmstead the principal means of determining boundaries have been firstly to consider the extent of built development either side of the farm and secondly to differentiate between modern agricultural buildings and their traditional counterparts. Generally agricultural buildings of modern construction are excluded whereas traditional stone or brick built farm buildings which normally front the roadside, and which have historically been long associated with the settlement, are contained within the village envelope.

f) Institutional Uses

Institutional uses such as hospitals and schools and their grounds are commonly excluded, except where they are deemed to comprise an integrated element within the village framework. In some instances the buildings are contained within the envelopes whereas the grounds are excluded.

g) Industrial Uses

Industrial uses operating from premises which extend beyond the otherwise perceived village boundaries are omitted from the village envelope where it is felt their inclusion could distort the pattern of village development should the land be subject to subsequent pressure for housing.

h) Planning History

The planning history of a site is also an important consideration when defining boundaries. Where permission has previously been refused for development on the basis that the site falls outside the village limits, then it is likely, given unchanged circumstances, that such land will be excluded from the village envelope. Conversely where sites on the edge of villages have outstanding permission for housing or are allocated for development then the site would normally be included in the built up limits.