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ryan king

From: Will Mulvany [Will.Mulvany@sw.co.uk]
Sent: 15 February 2012 14:57
To: ldf
Subject: SDCS Further Consultation January 2012 - Diocese of York
Importance: High
Attachments: FINAL_SDCS_rep_form_Jan_2012.pdf

Dear Sir

Please find attached representations in respect of the above on behalf of our client the Diocese of York.

Please acknowledge safe receipt.

Regards

Will Mulvany MA MRTPI
Planning
For and on behalf of Sanderson Weatherall LLP

Direct Line: 0113 221 6136
Mobile: 07889 075 388
Email: will.mulvany@sw.co.uk

Please note the new email and web addresses.

Sanderson Weatherall LLP
25 Wellington Street, Leeds, West Yorkshire LS1 4WG
Tel: 0113 221 6000 Fax: 0113 221 6192 www.sw.co.uk



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16/02/2012

Selby District Submission Draft Core Strategy

Consultation on Proposed Changes

January 2012

Representation Form

Planning and Compulsory Purchase Act (2004), Town and Country Planning (Local Development) (England) Regulations 2004 and (Amendment) Regulations 2008 and 2009

Part A

An Examination in Public into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 in front of an Independent Inspector.

The examination has been suspended to allow the Council to address the following three topics, as set out in the Inspector's Ruling:

- (i) The strategic approach to Green Belt releases;
- (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;
- (iii) The overall scale of housing development over the plan period.

The Council is now carrying out a consultation directly with participants on the changes to the Core Strategy arising from its consideration of these three topics.

Subject to the outstanding matters above, the examination into the other "Matters and Issues" identified by the Inspector has been completed. All parties have had the opportunity to participate in the hearing sessions and the Inspector has the information necessary to enable him to prepare his report. Consequently no further evidence should be submitted to the examination at this stage; any further evidence received by the Programme Officer is likely to be returned.

When the examination resumes, hearing sessions will be arranged which will focus solely on the above matters. As already stated, the suspension should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 hearing sessions.

Representations are therefore invited as part of this consultation on the Proposed Changes to the Submission Draft Core Strategy.

Please complete separate copies of Part B of this form for each of your separate points. 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 Wednesday 15 February 2012**

Email to: ldf@selby.gov.uk

Fax to: 01757 292229

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

The Tests of Soundness

Soundness is explained in PPS12 (Planning Policy Statement 12) in paragraphs 4.36 - 4.47, 4.51 and 4.52 and the boxed text. Specifically paragraph 4.52 states that to be sound a Core Strategy should be:

1 Justified

PPS12 provides that to be 'justified' a DPD (in this case the 'Core Strategy') needs to be :

- founded on a robust and credible evidence base involving:
 - evidence of participation of the local community and others having a stake in the area
 - research/fact finding - the choices made in the plan are backed up by facts
- the most appropriate strategy when considered against reasonable alternatives

2 Effective

PPS12 states that Core Strategies should be effective. This means:

- Deliverable - embracing:
 - Sound infrastructure delivery planning
 - Having no regulatory or national planning barriers to delivery
 - Delivery partners who are signed up to it
 - Coherence with the strategies of neighbouring authorities
- Flexible
- Able to be monitored

3 National Policy

The DPD (in this case the 'Core Strategy') should be consistent with national policy. Where there is a departure, the Local Planning Authority (LPA) must provide clear and convincing reasoning to justify their approach.

Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

Personal Details		Agents Details (if applicable)
Title		Mr
First Name		Will
Last Name		Mulvany
Job Title (where relevant)		Senior Consultant
Organisation	The York Diocesan Board of Finance (DBF)	Sanderson Weatherall LLP
Address Line 1	C/O Agent	25 Wellington Street
Address Line 2		LEEDS
Address Line 3		
County		
Postcode		LS1 4WG
Telephone No.		0113 2216136
Email address		will.mulvany@sw.co.uk

You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 4 - 6) to this part of the representation form.

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

Part B (please use a separate sheet (pages 4 - 6) for each representation)

Please identify the topic to which this representation refers:

- (i) The strategic approach to Green Belt releases;
- (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;
- (iii) The overall scale of housing development over the plan period.

Please state the specific Proposed Change number: **PC**

5.26-Appendix 2: Proposed Revised Policy CP2

(which can be found on the Published Schedule, CD2e)

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:

(Please note you should complete separate Part B (pages 4 - 6) of this form for each test of soundness you consider the Core Strategy fails.)

2.1 Justified

(Please identify just one test for this representation)

2.2 Effective

2.3 Consistent with national policy

Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Proposed Change, or provide any other comments please also use this box to set out your comments:

The changes to Policy CP2 are duly noted. However, whilst there might be a need to distinguish between different areas within an authority or possibly a housing sub-market, there is a clear discrepancy in the way that the Policy may be applied. It is therefore potentially inflexible in this regard and currently unsound.

The basis for provision is acceptable in principle. However, the Policy is slightly unclear as in cases such as our client who has land immediately adjacent to Selby/CSUA and as we have argued previously, could form part of both the Selby and DSV contribution.

The Policy identifies an increased housing provision need within and/or on the edge of the Contiguous Selby Urban Area (CSUA) (a change to 1500 dwgs from 1340 dwgs). It then goes on to state that the CSUA does not include the adjacent villages of Barlby, Osgoodby, Brayton and Thorpe Willoughby. That suggests that any site outside of the CSUA falls outside of the provision figure for the CSUA. The text allows allocation of sites on the edge of the CSUA which would include in Brayton. The intention is acceptable in principle, but the wording is confused in practice.

Also, a separate figure is given to Designated Service Villages (DSVs) (including Brayton) increasing this to 1780, a reasonable level of provision. The wording of Part E then almost appears to down play the significance of the requirement from the DSVs which appears at odds with the figure. More should be made of the importance of this contribution.

(If you are submitting this form as a hard copy please ensure all text is visible and continue on a separate sheet if necessary)

Question 4: Please provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy 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 CSUA is identified on Map 5. Cross-reference could simply be made to this and not to what/where is excluded.

Part E can be amended to refer by name to those villages that are DSVs. More importantly, the wording should reflect the important contribution that land in and around the DSVs will make to the District's provision. A differentiation may also be made to reflect the fact that certain DSVs are more sustainable and relate better to the Principal Town and therefore perform better than other, more peripheral DSVs.

(If you are submitting this form as a hard copy please ensure all text is visible and continue on a separate sheet if necessary)

PLEASE NOTE your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

Question 5: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?

5.1 Written Representations

5.2 Attend Examination

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

(If you are submitting this form as a hard copy please ensure all text is visible and continue on a separate sheet if necessary)

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 during the public examination period of the Core Strategy in order to ensure that it is a fair and transparent process.

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

Signed W Mulvany

Dated 13 February 2012