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## Ryan King

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**From:** Stuart Pashley on behalf of programmeofficer  
**Sent:** 03 December 2012 10:58  
**To:** Helen Gregory; Ryan King  
**Subject:** FW: 20970.A3.CH.kb.LtrSelbyCouncil.121203 - ActionItem:00003:B1UY1  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** 20970.A3.CH.kb.ltrselbycouncil.121123.pdf

Hi Helen, Ryan,

Please find attached Barton Willmore's comments on the 7<sup>th</sup> set of proposed changes.

Thanks,  
Stuart

**Stuart Pashley**  
Programme Officer

Mobile: 07976 071909

Please [click here](#) to view the Selby District Core Strategy page of the website.

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**From:** Kathy Bond [REDACTED]  
**Sent:** 03 December 2012 10:38  
**To:** programmeofficer  
**Subject:** 20970.A3.CH.kb.LtrSelbyCouncil.121203 - ActionItem:00003:B1UY1

Please find attached a copy of a letter of which a hard copy will follow in tonight's post.

Regards

**Kathy Bond**  
Branch Secretary

Planning . Design . Delivery  
**bartonwillmore.co.uk**  
3rd Floor, 14 King Street  
Leeds, LS1 2HL

Phone: 0113 2044 777

Web: [www.bartonwillmore.co.uk](http://www.bartonwillmore.co.uk)

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06/12/2012

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# BARTON WILLMORE

By email and post to: [programmeofficer@selby.gov.uk](mailto:programmeofficer@selby.gov.uk)

3<sup>rd</sup> Floor  
14 King Street  
Leeds  
LS1 2HL

t 0113 2044 777

Mr. Stuart Pashley  
Programme Officer  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
North Yorkshire  
YO8 9FT

20970/A3/CH/kb

23<sup>rd</sup> November 2012

Dear Stuart

**SELBY CORE STRATEGY – CONSULTATION ON 7<sup>TH</sup> SET OF PROPOSED CHANGES AND ASSOCIATED ANNEXES**

**HARWORTH ESTATES LTD, FORMER SELBY MINE SITES AND KELLINGLEY COLLIERY SITE**

On behalf of our client Harworth Estates, we set out below our representations on the 7<sup>th</sup> Set of Proposed Changes to the Submission Draft Core Strategy and associated Annexes.

**Context**

Harworth Estates has previously submitted representations to the Selby LDF Core Strategy and Site Allocations DPDs in respect of the Company's landholdings within the Selby district as follows:

- The Gascoigne Wood Interchange ("The Gascoigne Wood site");
- The Riccall Business Park ("the Riccall site");
- The Whitemoor Business Park ("the Whitemoor site");
- The Former Stillingfleet Mine ("the Stillingfleet site");
- The Former Wistow Mine ("the Wistow site"); and
- Kellingley Colliery ("the Kellingley site").

In respect of the Core Strategy, Written Statements were submitted and the relevant EIP Hearing Sessions attended on behalf of Harworth Estates in September 2011. Further to the debate at the Hearing Session on 28<sup>th</sup> September 2011 in relation to Policy CP9: "Scale and Distribution of Economic Growth," the Selby District Council ("the Council") published a proposed modification to the Policy which was subsequently supported by Harworth Estates in representations submitted in February 2012.

In March 2012, the Coalition Government published the National Planning Policy Framework (NPPF) which replaced a whole suite of national planning policy statements and guidance notes. The Council consulted on the implications of the NPPF for the Core Strategy in April 2012 and Barton Willmore submitted representations on behalf of Harworth Estates.

Representations were also submitted to the 6<sup>th</sup> Set of Proposed Changes and associated documents and following this Barton Willmore attended the EIP in September 2012 to discuss the proposed changes.



## Comments on the 7<sup>th</sup> Set of Proposed Changes

### *Comments on Policy CP9*

Overall Harworth Estates supports the proposed changes to Section C (Rural Economy) of Policy CP9. The proposed changes have resulted from liaison with Selby DC and NYCC and make the Policy clearer in terms of the nature of development and sites that the Council will support for employment uses in rural areas.

In particular, the identification of support for small scale rural development, re-use of existing buildings and infrastructure, and development of well-designed new buildings is welcomed and is in line with the suggestions made in representations by Harworth Estates. This approach is supported by Paragraph 28 of the NPPF which makes clear that in order to promote a strong rural economy, plans should support the sustainable growth and expansion of **all** types of business and enterprise in rural areas and Paragraph 157 of the NPPF states that Local Plans should plan positively for the development and infrastructure required in the area.

In his speech to the National House Building Council on 22<sup>nd</sup> November 2012, Deputy Prime Minister, Nick Clegg, stressed the importance of the need for a more diverse private sector with entrepreneurs and small and medium sized firms, spread across the Country and an economy where firms seeking to grow can find the staff.

In order to achieve this, local planning authorities need to provide flexible and positive Local Plans which support economic development in all areas, not just the major cities and towns.

Notwithstanding the above, it is noted that the types of uses previously listed under Section 2 included research and low carbon/renewable energy generation and these uses are no longer listed under the revised policy wording. The Council has not justified why these types of uses have now been excluded. In line with the recognition at Paragraph 28 of the NPPF, that all types of business and enterprise should be supported, it is considered that the Policy should be revised as follows in order to be compliant with national planning policy, positively prepared and therefore sound:

***"4. Rural tourism and leisure developments, research, low carbon/renewable energy generation, small scale rural offices or other small scale rural development."***

### ***Comments Annex F Proposed revised Policy CP9 & Text post-September 2012 EIP***

Paragraph 6.26 makes reference to PPS4 which has now been replaced by the NPPF. The reference should therefore be removed.

The supporting text to Policy CP9 states that the Council supports the reuse of the former Gascoigne Wood mine for uses linked to the existing rail infrastructure at the site. This is supported by Harworth Estates, as too is the recognition at paragraph 6.29 of the former mine sites at Whitemoor and Riccall as locations for meeting the needs of existing indigenous employment.

Paragraph 6.29 also refers to the Stillingfleet and Wistow sites describing them as "remote" and "not considered suitable for re-use for large scale or intensive economic activities." It is noted that the previous reference described the sites as "more remote" which is considered to be more accurate in the context of their comparison with the Whitemoor and Riccall sites. The Stillingfleet and Wistow sites are no more remote than many other sites located within rural areas of the Selby district.

Whilst paragraph 6.30 implies that re-use of these former mine sites would be acceptable (provided that mining legacy issues are considered and no public safety issues arise from their

beneficial re-use), given that the specific reference to former mine sites has now been excluded from Policy CP9, it is not clear what type of activities/uses would be supported at the sites. Accordingly, in order to provide clarity cross reference should be made in the supporting text to the relevant sections of Policy CP9 as follows:

"The remaining two former mine sites at Stillingfleet and Wistow are **more** remote and are not considered suitable for re-use for large scale or intensive economic activities. **The types of uses that may be considered suitable are those set out Section C of Policy CP9 which apply to rural areas.**"

#### **Comments on Policy CP14**

Further changes are now also proposed to Policy CP14 (low carbon and renewable energy). These changes are in line with Harworth Estates' previous representations and discussion at the EIP in September and amongst other things, the Policy now reflects the NPPF in relation to renewable energy projects in the Green Belt.

Harworth Estates therefore supports the proposed changes on the basis that they are considered to be sound and consistent with national planning policy.

However, further clarity is requested in respect of heading 'B'. Currently Policy 14 as worded suggest that the Council will only support community-led initiatives for renewable and low carbon energy developments being taken forward through neighbourhood plans. There is no support offered to schemes being brought forward by the private sector.

It is not clear whether the criterion set out under this header applies to all development proposals or just those which are community-led initiatives. It is presumed that the criteria should apply to all renewable and low carbon energy developments including that brought forward by the private sector, however, the policy is currently ambiguous because the paragraph is under heading B. It is therefore suggested that it is amended as follows:

*"B. The Council will support community-led initiatives for renewable and low carbon energy developments being taken forward through neighbourhood plans including those outside any identified suitable areas.*

*C. All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria..."*

*D. Schemes may utilise..."*

We would be grateful if you could acknowledge this letter as 'duly made' and keep us informed at all future stages of the Local Plan process. In the meantime, should you have any further queries please do not hesitate to contact me on the above telephone number.

Yours sincerely

  
**CLAIRE HARRON**  
Associate

Enc: Completed Comments Form

Cc: Tim Love Harworth Estates Limited  
Adam Murray Harworth Estates Limited

## **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.

	Personal Details	Agents Details (if applicable)
Name	TIM LOVE	CLAIRE HARRON
Organisation	HARWORTH ESTATES LIMITED	BARTON WILLMORE
Address	C/O BARTON WILLMORE	3RD FLOOR, 14 KING STREET, LEEDS, LS1 2HL
Telephone No.		0113 204 4777
Email address		

**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:

PC7.23, PC7.26, PC7.27 AND PC7.28

**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 SEPERATE LETTER DATED 30TH NOVEMBER 2012

Question 3 continued

(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).

HARWORTH ESTATES WISHES TO CONTINUE TO ATTEND THE EIP TO DISCUSS ITS REPRESENTATIONS WITH THE INSPECTOR IN RESPECT OF THE WORDING OF POLICY CP9 AND THE SUPPORTING TEXT.

(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

30/11/2012