

Council's responses to the Representations to the Inspectors consultation on Compliance with the National Planning Policy Framework

7 June 2012



Introduction

The National Planning Policy Framework (NPPF) was published on the 27th March 2012. The Selby Core Strategy Examination in Public (EIP) hearing sessions resumed on the 17th April 2012. In order for comments to be made on NPPF compliance, in advance of the hearing sessions the Inspector asked for comments to be made on the three matters (Housing figures, the role of Tadcaster and the Green Belt) by the 13th April 2012 to be discussed at the hearing sessions. The Inspector also asked for comments on the remaining text and policies of the Submission Draft Core Strategy to be submitted by the 11th May 2012.

The table below summarises the representations received on the 11th May 2012 to the Inspectors consultation and the Council's response.

Since the April 2012 EIP hearing sessions, the Council has also considered Core Strategy compliance with the NPPF and reviewed other matters which the Inspector requested the Council address following the discussions at the April 2012 EIP. The Council has published a 6th set of Proposed Changes, which address matters raised at the April 2012 EIP and NPPF compliance issues.

The 6th set of Proposed Changes should be referred to when reviewing the Council's response to the comments in the table below, as many of the NPPF compliance issues have been highlighted within that document.

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Representor	Rep Summary	COUNCIL'S VIEWS	ACTION
NPPF Compliance Consultation (11 May 2012)			
Mr Ian Hinchey (x3)	<p>Highlights issues regarding the Olympia Park strategic site in relation to;</p> <ul style="list-style-type: none"> - Floodrisk in terms of future risk from the proposed development and existing flood defences. - The use of allotments, contaminated land issues and future remediation of contaminated land by the land owner. - Process of consultation has not been transparent. - Community safety. - Future access issues surrounding Ousebank and the properties curtilage and the site boundary. 	The Council considers these issues to be non NPPF related, however are proposing to change Map 6 in CP2 A to reflect the correct boundary of the site.	Amend Map 6 to clarify extent of designation.
Harworth Estates	Objection to CP9 in relation to the presumption of sustainable development should mean that the mine sites are considered within the policy for	Policy CP9 (ix) supports re-use of mine sites for economic activities appropriate to their countryside location. Consistent with NPPF.	No change

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	<p>redevelopment.</p> <p>HE refer to the mine sites grid connections and opportunity for Renewable Energy which they say is supported in NPPF.</p>		
Dacres Commercial	SDC should include a policy in favour of sustainable development.	<p>Agree.</p> <p>Model policy proposed.</p>	<p>Model policy proposed to be included in SDCS - See new LP1.</p>
	'up to date' projections should be used – SDC 450 not compliant with the Core Planning Principles of NPPF and para 6 and 7.	<p>Already considered at EIP. Using latest 2010 SNPP, SDC remain of the view that 450 dpa is the most appropriate figure and is therefore consistent with NPPF</p>	<p>No change</p>
	General support for the approach on the Green Belt policy.	Noted	For noting only
The Coal Authority	<p>Refer to para 143 and 144 – Coal is a mineral of national importance and that LPA's should safeguard all coal resources licensed for extraction. This duty applied to all LPA's not just MPA's.</p>	<p>The Council is proposing to add "protecting natural resources including safeguarding known locations of minerals resources" to objective 15</p>	<p>Refer to proposed changes.</p>

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	<p>Unstable land para 120 and 121 include the assessment of physical constraints of land and instability.</p>	<p>The specifics relating to land instability and other physical constraints are more suitably dealt with in SADPD/ DMDPD but a general reference in the Core Strategy could usefully be added. The Council is proposing a change to CP12 by adding a new criterion.</p>	<p>Refer to proposed changes.</p>
<p>Barton Willmore obo Daniel Gath Homes & Yorvic Homes</p>	<p>CP1 and 1A</p> <ul style="list-style-type: none"> - proposes a blanket restriction of gardens and Greenfield sites. - Residential gardens are not in compliance with NPPF. - No assessment undertaken by the Council on a settlement basis would render such restriction suitable? - The limitations provided by tightly drawn development limits and the lack of available sites. - There aren't many of these sites available to be considered within the District 	<p>Policy CP1A proposes a varied and sustainable approach to garden land and Greenfield sites depending on the location in the District. Such a local approach is consistent with NPPF.</p> <p>The Council is proposing minor changes to the supporting text which supports CP1A to ensure it is clearer where Greenfield land development could be appropriate.</p>	<p>Refer to proposed changes.</p>

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Barton Willmore obo TEJ Properties	<p>Response in relation to Church Fenton Airbase.</p> <p>SDLP secondary village designation is outdated given the NPPF. SDC should consider CFA designation as a DSV in isolation or in part as part of Church Fenton/Ulleskelf cluster refers to para 55 of NPPF i.e group settlement development in one village may support others nearby.</p>	<p>Objection relates to CFAB being a DSV. Not an NPPF consistency issue. CS settlement hierarchy compliant with NPPF. Not appropriate to link CFAB and Ulleskelf/CF as a cluster and designate as a DSV in this way – this is not what the NPPF seeks to achieve.</p>	No change
	<p>Refers to para 22 of NPPF and CFA employment allocation should be revaluated and not protected in the long term as set out in NPPF.</p>	<p>CFAB is not an employment allocation but a Special Policy Area in the SDLP. This is in any case a site specific issue outside the scope of the SDCS.</p>	No change
Natural England	<p>Support CP15 in increasing net gains in biodiversity.</p>	Noted	No change
	<p>Proposed change to CP1 to reflect NPPF 'encourage use of PDL provided not of high environmental value' this is currently not included within the policy.</p>	<p>The Council is proposing to include a reference to land with the least environmental or amenity value within CP1 to be more aligned to NPPF.</p>	Refer to proposed changes.

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	CP15 – amended to reflect para 75 NPPF – Public Rights of Way and Access	The Council is proposing to include a reference to public rights of way and access within CP15.	Refer to proposed changes.
	Para 76 refers to areas of Local Green Space in the CS. Similarly areas of tranquillity not identified.	The Council is proposing to include a reference to local green space and areas of tranquillity within CP15.	Refer to proposed changes.
Steve & Trisha Wadsworth	<p>CS does not do enough towards achieving sustainable development.</p> <p>Does not identify housing supply for present and future generations including the backlog required due to previous inadequacies of supply.</p>	No clear reference to NPPF. Principles of sustainable development are dealt with in existing Core Strategy and through proposed changes such as model policy in favour of sustainable development. Housing targets reflect up to date need based on historic delivery and future growth.	No change
Indigo Planning obo Connaught Consultancy Services LLP	There is a higher housing need in line with the most up to date projections. The proposed housing target is too pessimistic and should take account of past under delivery. Propose a higher housing target is	Already considered at EIP. Even using latest 2010 SNPP, SDC remain of the view that 450 dpa is the most appropriate figure and is therefore consistent with NPPF.	No change

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	needed in the beginning of the plan period.		
	Due to under delivery in recent years a 20% 5 year supply buffer should be used as suggested in para 47 NPPF.	The Council is proposing to include a reference to the 5 year supply and relevant 'buffer' in the text accompanying CP3.	Refer to proposed changes.
	In response to SSOBT Windfalls discussion at EIP: NPPF states LPA's MAY make allowances of windfalls in the 5 year supply (emphasis added). There is no requirement or expectation that they should do so. Object to the use of windfalls in projections of land supply.	Comment noted	For noting only
	We welcome reference to the settlement hierarchy rather than the specific housing distribution figures. In line with our submission to the Proposed Changes to the Core Strategy, we suggest that after 'where such need cannot be met on non-Green Belt Land' the following is inserted 'in either the Principle Town or Local Services Centres' to make clearer that non green belt land in Sherburn and Selby should be considered before green belt release in	Tadcaster needs to meet its own needs locally. CP2 and CP3 are explicit in the housing distribution being met in the settlement hierarchy. CPXX allows this to take place if necessary through a GB review. If the suggested wording were used it would create a paradox and undermine CPXX itself and the Core Strategy approach to distribution.	No change

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	Tadcaster.		
Directions Planning obo South Milford PC	<p>CP1A – Paragraph 53 of the NPPF now required LPAs to consider the case for including policies to resist development on garden land, this should be included within the CS give it will affect the development strategy across the whole of the District.</p> <p>The SHLAA should be reviewed in light of para 48 to exclude garden land calculation.</p>	<p>Policy CP1A is consistent with NPPF as it sets out the Council's position on garden land.</p> <p>The Council is proposing to change the text which supports CP1A to ensure it is clearer</p> <p>Issue for SHLAA not Core Strategy and will be reviewed when the SHLAA is updated.</p>	No change
	CP2 – housing need should be based on SHMA and most up to date projections, this is not the case.	Already considered at EIP. Even using latest 2010 SNPP and considering latest NYSHMA, SDC remain of the view that 450 dpa is the most appropriate figure and is therefore consistent with NPPF	No change
	Figure 9 – NPPF required LPA's to include a trajectory for affordable housing as well as market housing.	The Council is proposing a change to incorporate an affordable housing trajectory into Figure 9 to ensure compliance with the NPPF.	Refer to proposed changes.
	CP3 – Para 153 and 174 of NPPF make clear that SPD's should not introduce	The Council is proposing to change figure 1 (LDF documents) to conform to the NPPF and	Refer to proposed changes.

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	<p>matters that should be addressed in policies. Criterion B release of phasing to be determined through allocations DPD - it is inappropriate for this to be set out in the SADPD.</p> <p>Criterion C should state what 'remedial action' might be taken in the event of a shortfall.</p>	<p>ensure that future DPDs form part of Local Plan – this is different to SPDs.</p> <p>Policy CP3 does this already.</p>	
	<p>CP5 – reference to SPD should be reviewed in light of NPPF 'especially where SPD's are intended to require financial contributions from development.</p>	<p>para 153 - Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. – CP5 sets out requirements and the contribution requirements – SPD will aid implementation of CP5.</p> <p>Therefore consistent with NPPF</p>	<p>No change</p>
	<p>CP6 – para 54 no refers to the need for</p>	<p>The Council does not propose to change the</p>	<p>Refer to proposed</p>

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	LA's to consider whether it is appropriate for market housing to be provided through development of Rural Exception Sites in order to increase supply of affordable housing. Such an assessment and subsequent amendment to CP6 will therefore need to be made.	Core Strategy policy but is adding text setting out the Council's approach.	changes.
	CP7 – sites for travellers are no longer appropriate in the green belt – this policy should be reviewed in light of new national guidance. The council may wish to refer to the approach by Ryedale DC.	The Council is proposing to revise the policy.	Refer to proposed changes.
	CP10 – appears overly restrictive in light of NPPF.	The Council recognises that CP10 is overly restrictive in the light of NPPF and the Council is proposing to delete CP10 and revise CP9.	Refer to proposed changes
	CP12 – Reviewed in light of para 97 NPPF requires SDC to demonstrate it has take account of climate change beyond the plan period.	Para 97 does not require LPA's to take account beyond the plan period but Para 99 refers to the need to take account of climate change over the longer term. Core Strategy policies seek to achieve sustainable development to manage climate change and	No change

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		are NPPF compliant.	
	CP13 - should be reviewed in light of para 97 of NPPF in particular the last bullet point. The need for LPAs to identify opportunities where development can draw energy from decentralised sources. Only on the basis of such evidence could SDC ensure development conforms to para 96.	CP13 sets out such opportunities therefore compliant with para 97 Para 96 is for applicants	No change
	CP14 – Please see comments relating to CP12 and 13.	CP14 compliant but note that Council is proposing to add text regarding suitable areas for renewable and low carbon energy	No change in the light of this representation
	CP15 – should be reviewed with regards to para 113,114 and 115 of NPPF.	Para 113 is about criteria based policies for protecting nature conservation sites - not appropriate for Core Strategy although CP15 covers these points strategically Para 114 – CP15 already compliant re distinctive landscapes Para 115 is about AONB and National Parks so doesn't apply to SDC	No change
	CP16– NPPF new requirement for Local	The Council is proposing to amend the policy	Refer to proposed

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	Plans to support improvements in design by replacing poor design with better design. This will need to be reflected in the CS as the current CS does not refer to architecture or innovative design.	and text of CP16 to incorporate positive improvements to design and a reference to supporting replacing poor design with better design.	changes.
	CPXX – the inspector has already recommended that the Policy be revised following discussions. Any revisions should be mindful of Section 9 of the NPPF.	CPXX NPPF compliant	No change
	<p>Strategic Matters – NPPF refers to a number of strategic matters which requires collaboration between the neighbouring authorities. If the DTC is to be met in terms of soundness these strategic matters will needs to be addressed in the CS.</p> <p>In particular the RSS will shortly disappear (which may be well before the hearing reconvene) so it is necessary for the CS to set out the role of district within the region, and to include ant polices within the RSS that require retention. It is understood that certain LAs in the LCR have pledged to save RSS policies on an interim basis. If</p>	The Council is proposing to add new text to the Core Strategy setting out how the plan has been developed in a cooperative manner and Selby's role in the region and refer to the ISS. It is however not appropriate to incorporate the RSS policies in the Core Strategy.	Refer to proposed changes.

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	<p>the Council considers any RSS policies with particular reference to Selby need to be retained on an interim or a long term basis, in corporation within the Selby Core Strategy is now necessary.</p>		
	<p>Status of CS should now be renamed Local Plans.</p>	<p>Agreed and the Council is proposing to amend all references to DPDs to Local Plans throughout the plan.</p>	<p>Refer to proposed changes</p>
<p>LDP Planning obo Linden Homes North</p>	<p>CP2A Olympia Park does not comply with para 47 of NPPF where council need to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years of housing against their housing requirements with a 5% buffer to ensure competition.</p> <p>Even large builders would only be looking for a delivery maximum of 50 units per year on sites of this scale. It is therefore considered questionable whether allocating 1000 houses to Olympia Park would meet to requirements of this element of the</p>	<p>Not an NPPF compliance issue.</p>	<p>No change</p>

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	NPPF.		
	<p>Employment land para 22 of NPPF policies should avoid the long term protection of employment allocations where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. A significant part of Olympia Park site has been historically identified through SDLP for employment purposes and has not come forward for development. Given its lack of delivery it is considered that the allocation of a high percentage of the Districts employment land at Olympia Park is questionable.</p> <p>Given the market has shown no interest in the site the last planned period, the justification of allocating the site is questionable in light of NPPF</p>	<p>There are two employment allocations in the SDLP (BAR/1 and BAR/1A) which form part of the proposed CP2A strategic development and the remainder of the SDS site is covered by a freight transshipment Special Policy Area.</p> <p>These have been reviewed as part of the Core Strategy and will be replaced with the mixed use site. Therefore NPPF compliant.</p>	No change
	CP5 Affordable Housing – the principal of delivering affordable housing across the District does not meet the requirements of NPPF in terms of the need to provide	<p>The viability issues were debated at length at the EIP and the NPPF does not alter the Councils position.</p> <p>The Policy clearly states that the actual</p>	No change

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	<p>choice and create sustainable balanced communities. There is however a requirement for LPAs to develop a policy that is both desirable and realistic given data available in the Councils EVA. The EVA concluded in the current market conditions, at the date of the study, a target rate for affordable housing provision of just 10% was attainable,. Consideration of average house prices in Selby District shows some fluctuation over the intervening period. Therefore it is apparent that 10% affordable housing remains the reliable and deliverable target in policy terms. The EVA does consider 40% affordable housing provision viable if the housing market reverted to 'the height of the market' conditions prevailing in 2007. However there is nothing to suggest that the market will be returning to its height soon.</p>	<p>amounts will be negotiated at the time and further guidance will be provided by SPD.</p> <p>This is NPPF compliant</p>	
	<p>A target provision of 10% affordable housing should be sought in CP5 which would provide both decision maker and applicant the 'high degree of certainty and predictability' required by the NPPF. It is</p>	<p>The viability issues were debated at length at the EIP and the NPPF does not alter the position.</p> <p>The Policy clearly states that the actual amounts will be negotiated at the time and</p>	<p>No change</p>

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	therefore concluded that strategic policy CP5 of the SDCS is misleading and further details is required at this stage and should not be left to the development of Affordable Housing SPD.	further guidance will be provided by SPD. This is NPPF compliant CP5 sets out requirements and the contribution requirements – SPD will aid implementation of CP5.	
	CP5 and 10% contribution. It is not clear from the policy or the draft Affordable Housing SPD how this commuted sum payment should be calculated or how it can be justified. This element of the policy is therefore uncertain and would leave a developer unsure as what is required in terms of a contribution. This approach is contrary to the requirements of paragraph 173 of the NPPF. Furthermore the NPPF makes it clear that that scale of obligations and policy burdens should be contained within the Local Plan and not set out in supplementary planning documents.	The viability issues were debated at length at the EIP and the NPPF does not alter the position. The Policy clearly states that the actual amounts will be negotiated at the time and further guidance will be provided by SPD. This is NPPF compliant	No change
	CP7 – in its current form does not meet the requirements of NPPF supporting guidance.	The Council is proposing to revise CP7 in line with NPPF.	Refer to proposed changes.

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	<p>There is now a need for a 5 year supply of Gypsy and Traveller sites.</p> <p>Given the cross boundary movement of the travelling community, the council should consider the position within the region in accommodating affordable plots that are often found in rural locations. In light of new guidance, it is considered the current wording of CP7 should be found unsound until further studies are undertaken by the council.</p>		
	<p>CP9&CP10 are considered together, as they need to reflect the need for the Council to address the greater support government is giving to economic development within towns and rural areas. These policies fail to meet the requirements of para 21 and 28 of NPPF. Therefore, CP10 needs amending to reflect that the Council will support economic growth in rural areas and that it is not simply restricted to agricultural</p>	<p>The Council is proposing to delete CP10 and revise CP9 to ensure consistency with NPPF – the revised CP9 supports rural employment development.</p>	<p>Refer to proposed changes.</p>

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	enterprises, recreation or tourism schemes. As Selby is a rural authority, it must be at the heart of the Council's CS that support will be given to a variety of sustainable economic developments across the District.		
	Furthermore, CP10 refers to economic development in the green belt, which the council may feel it appropriate to consider giving applicants greater guidance. Whilst NPPF has more restrictions on the green belt, the NPPF does not preclude economic development that does not fall within the definition of agriculture, recreation or tourism development. Para 89 makes provision for the reuse, extension or replacement of existing buildings regardless of their use. It is considered that Policies CP9 and CP10 fail to promote and support sustainable economic development as set out in the NPPF and are likely to be found unsound.	<p>The Council is proposing to delete CP10 and amend and strengthen Policy CP9 to be more closely aligned to NPPF.</p> <p>Policy CP1 criterion (d) of Part A requires that development must conform to Policy CPXX and national green belt policy.</p> <p>Part B of Policy CPXX says that planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.</p> <p>Therefore the Core Strategy is consistent with NPPF.</p>	Refer to proposed changes.
	CP11 – considered in principle meets the	The Council is proposing changes to CP11 to	Refer to proposed

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	<p>requirements of NPPF, however the section in CP11 that refers to 'local shops and services outside established town centres', it should be made clearer that, in line with the NPPF (Paragraph 70), proposed services will be received positively in order to create a strong sustainable community. Given Selby is a rural authority and in light of the significant support the NPPF gives to promoting the rural economy CP11 should be amended.</p>	<p>ensure consistency with NPPF.</p>	<p>changes.</p>
	<p>CP13 criterion 3 gives developers uncertainty.</p>	<p>Do not agree. The Council has previously amended the text and policy with regard to section (c) of CP13 and this is considered to be NPPF compliant.</p>	<p>Refer to previous proposed change PC4.35</p>
	<p>CP14 does generally reflect the guidance within NPPF however it is considered that point 2 of paragraph 97 of the NPPF is not considered in the CS as CP14 does not consider RE impact on the landscape or the cumulative impact it could have on the landscape or the visual amenity of residents.</p>	<p>CP14 provides for protection of the environment which encompassed landscape so is considered NPPF compliant at this strategic level.</p> <p>In addition the text (para 7.56) states that further DPD/SPD will provide guidance on detailed issues such as "siting and design, landscape and cumulative impact"</p>	<p>No change</p>

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	<p>RE in the green belt – applicants need to demonstrate very special circumstances to support applications for RE in the green belt, it is considered that reference to this element of the NPPF should be incorporated into the CS. Therefore, this policy does not meet the requirements of the NPPF in the present form.</p>	<p>The Council is proposing amendments to CP14 to add a reference to the Green Belt.</p>	<p>Refer to proposed changes.</p>
	<p>The NPPF does not preclude the development of garden land.</p> <p>The NPPF does not make reference to a specific percentage of housing that needs to be built on brown field land.</p> <p>In light of garden land the Council should incorporate a new policy into the CS.</p>	<p>Policy CP1A is consistent with NPPF as it sets out the Council's position on garden land.</p> <p>The Council is however proposing to change the text which supports CP1A to ensure it is clearer.</p> <p>The PDL target in CP1 and CP3 is also proposed to be removed.</p>	<p>No change</p>
	<p>Landscape – the CS does not comply with para 114 of the NPPF which requires LAs to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management</p>	<p>Policy CP15 covers protection and enhancement of biodiversity and green Infrastructure and CP16 promotes access to GI and therefore the Core Strategy is consistent with NPPF.</p>	<p>Refer to proposed changes.</p>

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	of networks of biodiversity and green infrastructure – until an appropriately worded policy is incorporated into the CS to guide applicants in protecting landscape, the document should be found unsound.		
	LDP have also submitted a critique of CP5 and SHMA09 against NPPF to support their case.	<p>Do not accept their critique of the SHMA09 and Council considers that it has been undertaken in line with relevant guidance and is robust and will be reviewed in due course. Account can also be taken of the latest NYSHMA.</p> <p>The Council considers that the evidence base is up-to-date and is proportionately consistent with NPPF.</p>	No change
Carter Jonas obo Grimston Park Estate	Broadly consistent with NPPF.	Comment noted	For noting only

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	Reference should be made in the Core Strategy to the NPPF.	The Council is proposing changes to update the Core Strategy to ensure appropriate references to the NPPF.	Refer to proposed changes.
	Para 15 and 16 NPPF refer to engaging communities in neighbourhood planning.	The Council is proposing changes to incorporate references to Neighbourhood Plans in the Core Strategy to ensure consistent with NPPF.	Refer to proposed changes.
	Concerns over the cumulative impact of the changes made to the Core Strategy since Submission Draft.	The Council is proposing a number of changes to the Core Strategy in order to ensure consistency with national policy. In addition changes are proposed to meet the Inspector's concerns raised at the April 2012 EIP. However, they do not cumulatively alter the overall strategy and do not represent a significant change to the Core Strategy which was submitted for examination.	No change
Jennifer Hubbard	The CS will need to be amended to include a "presumption in favour of sustainable development"	The Council is proposing to include a model policy in the Core Strategy to ensure consistency with NPPF.	Refer to proposed changes.
	The CS will need to be reviewed throughout	The Council has undertaken this assessment	No change

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	to ensure that where policies refer to subsequent SPDs these can be fully justified and that the additional material proposed to be included in the SPDs cannot be incorporated within the relevant CS policy.	and consider that all references to SPD remain appropriate and are consistent with the NPPF.	
	It is made clear in NPPF (paras 150-172) that all CS policies should be based on up to date information. The evidence base for CS policies will therefore need to be reviewed before the reconvened autumn Examination particularly with respect to housing needs, affordable housing requirements and to introduce an assessment of the needs of different groups in the community (eg. older people, people with disabilities and people wishing to build their own homes).	The Council considers that the evidence base is up-to-date and is proportionately consistent with NPPF.	No change
	Irrespective of the Duty to Co-operate, it is now clear following the City of York Core Strategy Inspector's preliminary Notes expressing concern about the content of the CS, CYC's response and deliberations at a	The Council's case on housing numbers and Green Belt issues and NPPF compliance was debated at the April EIP. Refer to other submissions on DTC and NPPF Compliance and Arup reports.	No change

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	<p>recent Exploratory meeting called by the Inspector, that CYC does not currently propose to meet identified housing requirements within the city. The York Green Belt extends – in general terms – from the edge of the built up area of the city to the city's administrative boundary. Any shortfall in provision in York will, accordingly, place pressures on the surrounding Districts including Selby and in these circumstances it is necessary for Selby to have a clear view based on discussions with York, how and to what extent it might (or might not) address any development pressures arising in the city.</p>		
	<p>CP1 NPPF does not require preference to be given to the reuse of rural buildings for employment purposes, and this reference should be deleted from CP1A(c).</p>	<p>The Council consider that CP1 remains consistent with NPPF as Para 28 says planning policies should support economic growth in rural areas to create jobs and Para 51 says change of use to housing should be approved provided that there are not strong economic reasons why development would be inappropriate.</p>	<p>No change</p>

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	<p>CP1A Paragraph 53 of the NPPF requires local authorities to <i>consider the case for setting out policies to resist inappropriate development of residential gardens</i>. Presumably the Council will consider this issue prior to the reconvened autumn Examination. If it is considered a specific policy is necessary, it would naturally fall within Policy CP1A.</p>	<p>Policy CP1A is consistent with NPPF as it sets out the Council's position on garden land.</p> <p>The Council is however proposing changes to the text which supports CP1A to ensure it is clearer.</p>	<p>No change</p>
	<p>CP2 The assessment of housing need should be based on the most up to date SHMA and projections, as required by NPPF.</p>	<p>Already considered at EIP. Even using latest 2010 SNPP and NYSHMA, SDC remain of the view that 450 dpa is the most appropriate figure and is therefore consistent with NPPF</p>	<p>No change</p>
	<p>Figure 9 should be amended to include a trajectory for affordable housing.</p>	<p>The Council is proposing a change to incorporate an affordable housing trajectory into Figure 9 to ensure compliance with the NPPF.</p>	<p>Refer to proposed changes.</p>
	<p>CP3 This policy should confirm that a 5 year supply of deliverable sites for housing</p>	<p>The Council is proposing to include text within the supporting text to CP3 to include a</p>	<p>Refer to proposed changes to text.</p>

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	will be maintained (NPPF para.47).	reference to the 5 year supply and relevant 'buffer'.	
	CP5 Further guidance in the form of a SPD raises the prospect of additional and increased requirements coming into play at some unspecified future date(s) which have not been tested by public debate. This will introduce uncertainty into the delivery of affordable housing and in consequence is likely to <i>add unnecessarily to the financial burdens on development</i> (NPPF para. 153). Either the reference to an Affordable Housing SPD should be deleted from Policy CP5 or the policy should be much clearer about the content of any SPD (preferably the former).	The approach in CP5 is NPPF compliant - para 153 - Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. CP5 sets out specific requirements and the SPD will aid implementation of CP5.	No change
	CP6 NPPF para.54 requires Planning Authorities to consider whether, in rural areas, allowing some market housing <i>would facilitate the provision of significant additional affordable housing to meet local needs</i> . This is a new policy approach which is not restricted to affordable housing on rural exception sites. The Council needs to	The Council is proposing to add a reference to the inclusion of market housing on rural exception sites. to the supporting text of Policy CP6 and so is NPPF compliant	Refer to proposed changes.

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	<p>consider whether the introduction of market housing into the type of schemes envisaged by NPPF is appropriate for Selby, particularly in light of the positive approach required for all CS policies. If the Council considers this approach is desirable (and if not, it will have to justify this) then there will be a need for a new CS policy or an amendment to Policy CP6. Policy CP5 would also need to be amended to provide for an element of market housing</p>		
	<p>CP9 - NPPF (paras 18-21 in particular) sets out the government's expectations that planning policy will encourage, support and plan proactively to meet the development needs of – by implication – all businesses. There is nothing in NPPF to support a policy which gives priority to higher value businesses (CP9(ii)) – whatever they may be - and unless there is clear evidence to justify the need for this element of Policy CP9, it should be deleted.</p>	<p>The Council considers that the employment evidence base is up-to-date and is proportionately consistent with NPPF.</p> <p>ELR10 and the ELR07 highlight the key growth sectors within the District to be within high value uses in the plan period. This is one (of the many) elements of local growth sectors the CP9 supports.</p> <p>CP9 more widely supports all businesses and is NPPF compliant.</p>	<p>No change required in light of this assessment.</p>
	<p>Similarly, if CP9 (v) is to be retained, it</p>	<p>The Council is proposing to amend criterion</p>	<p>Refer to proposed</p>

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	<p>should be made clear the circumstances in which it is necessary to safeguard employment sites. NPPF takes a contrary approach, stating that planning policies should not provide such long term protection.</p>	<p>(v) regarding safeguarding land in the revised CP9 to ensure it more closely reflects NPPF.</p>	<p>changes.</p>
	<p>CP10 - NPPF (para. 28) sets out clearly the approach to be taken to rural diversification. Policy CP10 should be amended as it is over-restrictive.</p>	<p>The Council proposes to delete CP10 and revise CP9 to ensure consistency with NPPF - revised CP9 supports rural employment development and is therefore NPPF compliant.</p>	<p>Refer to proposed changes.</p>
	<p>CP12 I have two queries regarding CP12(b): first, to what is preference being given under this policy? Second, how it <i>best use</i> to be interpreted? Preference to re-use rather than redevelopment (if this is what is intended) is not necessarily sustainable. In terms of <i>best use</i>, even if there were to be consensus on what this means in respect of a particular building or piece of land, realistically, how could the LPA refuse permission for an alternative but equally</p>	<p>The policy is not intended as a detailed DM policy in itself upon which to determine planning decisions. Instead, Policy CP12 Part A sets the framework for preparing further DPDs and the reference to preference for re-use/best use/adaption reflects the intentions of making the most efficient use of existing resources (land and buildings) in order to promote sustainable development. It is therefore an appropriate strategic policy and compliant with the thrust of the NPPF. Policy CP12 does not</p>	<p>No changes in the light of this representation (but refer to other proposed changes to CP12 in light of NPPF)</p>

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	acceptable use or development?	seek to prevent redevelopment so there is no conflict with NPPF.	
	CP12 could usefully be reviewed to meet the clearly expressed policy objectives of NPPF paras. 93-100. Consideration should also be given to introducing into this policy a requirement for electric (vehicle) charging points within residential developments. This could include a requirement for 13 amp sockets to be provided within all domestic garages; weatherproof external 13amp charging points to be provided on the outer walls of all houses with in-curtilage parking spaces only and public (or car club) charging points to be provided within larger residential developments.	The Council is proposing to amend CP12 in the light of these NPPF policy objectives.	Refer to proposed changes.
	CP14 The first part of the policy should be redrafted to reflect the positive approach of NPPF. We suggest it should read:	Do not agree that the suggested reformatting of the policy is necessary to make the policy more NPPF compliant. The Council is proposing to include text and to the Policy of CP14 to refer to the future identification of suitable areas for renewable	No changes to structure of policy in the light of this representation but refer to proposed changes regarding identification of

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	<p><i>The Council will support new sources of renewable energy and low-carbon energy generation provided that development proposals:</i></p> <ul style="list-style-type: none"> <i>i) are designed and located to protect the environment and local amenity, and</i> <i>ii) impacts on local communities are minimised, or</i> <i>iii) it can be demonstrated that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity.</i> <p>Consideration should be given to identifying in the CS areas within the District which are suitable for renewable and low carbon energy developments. The policy should also express positive support for community-led initiatives.</p>	<p>and low carbon energy sources.</p>	<p>suitable areas.</p>
	<p>CP15</p> <p>The policy should be re-drafted to reflect the hierarchy of features and areas referred</p>	<p>Paragraph 113 refers to the need for criteria based policies and that is more appropriate for the future DMDPD</p>	<p>No change.</p>

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	<p>to at</p> <p>NPPF paras. 113-115 and the policy should confirm that the highest level of protection will be afforded to areas carrying national designations.</p> <p>A criteria-based approach for assessing development proposals affecting areas or sites falling within this policy should also be set out clearly.</p> <p>It is not appropriate to rely on a lower order Plan to identify <i>locally distinctive landscapes</i> [and] <i>open spaces</i>. Selby District is small enough for these areas to be known and identified in a CS policy.</p> <p>The protection of playing fields does not sit easily within policy CP15 and it would be unusual for a Local Plan to contain a blanket policy protecting all playing fields. A criteria based approach would be more appropriate, setting out the circumstances in which the reuse/redevelopment of playing fields would (or would not) be permitted. This could be incorporated in Policy CP8.</p>	<p>Para 114 requires LPAs to set out a strategic approach to planning positively for the creation, protection, enhancement and management of network of biodiversity and green infrastructure. Policy CP15 (and CP16) performs this function.</p> <p>Para 114 also refers to distinctive landscapes but in the context of coasts so is not applicable to Selby. However, Policy CP15 refers to identifying such features (and open spaces/playing fields) which provides the appropriate strategic framework within which to prepare further, site specific and detailed policies in other DPDs.</p> <p>It should be noted that a number of SDLP policies deal with nature conservation, landscape and open space etc, which are retained as part of the Local Plan.</p> <p>CP8 refers to the provision of community facilities and is proposed to be amended to strengthen it.</p> <p>Para 115 refers to National Parks and AONB which are also not relevant to Selby.</p> <p>The Core Strategy in all these respects is</p>	

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		therefore NPPF compliant.	
	<p>Policy CP16</p> <p>Here again, the policy should be redrafted to make it clear that, rather than <i>proposals for all new development will be expected to contribute to achieving quality design.....</i>, that the Council will support proposals for all new development that contributes to achieving high quality design etc. etc.</p> <p>At CP16(d), the all-embracing requirement to provide off-site landscaping for large sites should be omitted. There is no requirement in NPPF for this and whether off-site landscaping is necessary will depend on individual circumstances.</p>	<p>The Council is proposing to amend the policy and supporting text of CP16 to incorporate positive improvements to design and a reference to supporting replacing poor design with better design.</p> <p>The CP16 criterion (d) has already been discussed at the September 2011 EIP and a previous Proposed Change (PC4.41) amends the criterion by adding "where appropriate". This is consistent with NPPF.</p>	Refer to proposed changes.
	<p>Policy CPXX Green Belt</p> <p>There is a fundamental problem with CPXX</p>	The Green Belt Policy has been discussed at the April EIP. CPXX sets out the framework for where changes to Green Belt boundaries	Refer to proposed changes.

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	<p>Green Belt as set out in the January 2012 Composite Proposed Changes document and this has been compounded by NPPF green belt policy. NPPF (at para. 83) states:</p> <p><i>Local planning authorities with Green Belts in their area should establish green belt boundaries in their Local Plans which set the framework for green belt and settlement policy. Once established, green belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the green belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.</i></p> <p>(our emphasis)</p> <p>Paragraph 84 reiterates the need to promote sustainable patterns of development when</p>	<p>are appropriate through a Local Plan as required in NPPF.</p> <p>However a minor change for clarity is being proposed.</p> <p>The Council considers that CPXX is NPPF compliant.</p>	

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	<p><i>drawing up or reviewing green belt boundaries and should consider the consequences for sustainable development of channelling development.... towards locations beyond the outer green belt boundary (please refer here to comments made above in relation to York's Core Strategy).</i></p>		