



The Planning  
Inspectorate

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# Report to Selby District Council

by **Martin Pike** BA MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 19 June 2013

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO  
SELBY DISTRICT CORE STRATEGY LOCAL PLAN**

Document submitted for examination on 5 May 2011

Examination hearings held between 20 September 2011 and 27 February 2013

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## Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Selby District Core Strategy
dpa	dwellings per annum
DC	District Council
DCLG	Department of Communities and Local Government
DPD	Development Plan Document
DSV	Designated Service Village
GTAA	Gypsy and Traveller Accommodation Assessment
HA	Highways Agency
IHP	Interim Housing Policy
LCR	Leeds City Region
LDF	Local Development Framework
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework (also "the Framework")
NY&Y	North Yorkshire and York sub-region
NYSHMA	North Yorkshire Strategic Housing Market Assessment
ONS	Office for National Statistics
ppa	persons per annum
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement
PPTS	Planning Policy for Traveller Sites
REM	Regional Econometric Model
RS	Regional Strategy
SA	Sustainability Appraisal
SADPD	Selby District Site Allocations Development Plan Document
SALP	Selby District Site Allocations Local Plan ( <i>new name for SADPD</i> )
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SDLP	Selby District Local Plan
SFRA	Strategic Flood Risk assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNPP	Sub-National Population Projections
SPD	Supplementary Planning Document
SV	Secondary Village
YHP	The Yorkshire and Humber Plan

## Non-Technical Summary

This report concludes that the Selby District Core Strategy Local Plan provides an appropriate basis for the planning of the District over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

All the modifications were proposed by the Council and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Include a model policy on the presumption in favour of sustainable development;
- Increase the overall provision for housing to a minimum of 450 dwellings per annum and clarify that most windfall housing will be additional to the allocations;
- Include a policy on the Green Belt to give strategic guidance to any Green Belt review necessary at Site Allocations Local Plan stage;
- Revise the list of Designated Service Villages and amend the approach to development in Secondary Villages and the countryside;
- Revise the policy on housing delivery to reflect the positive approach sought by national policy;
- Include a strategy to overcome land supply problems at Tadcaster;
- Make adjustments to ensure that the delivery of development is not unduly constrained by viability issues;
- Amend the rural exceptions policy to reflect current national policy;
- Amend the approach to gypsy and traveller provision in response to changes to national policy;
- Adjust the approach to employment development to ensure consistency with national policy;
- Delete or amend certain requirements relating to energy efficiency and building design which exceed national standards.

## Introduction

1. This report contains my assessment of the Selby District Core Strategy Local Plan in terms of section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 182 of the National Planning Policy Framework ("the Framework") makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the May 2011 Submission Draft Core Strategy (CS) which is the same as the document published for consultation in January 2011.
3. Towards the end of the hearing sessions in September 2011 the Council requested that I suspend the examination for 7 months to enable it to re-assess its approach to (and produce additional evidence on) a range of matters and to consider possible further changes to the CS. This request was opposed by a number of representors, one of whom produced written submissions arguing that, instead of a suspension, the CS should either be withdrawn or found unsound. I gave careful consideration to all the representations, both written and verbal, before agreeing to the request for suspension.<sup>1</sup>
4. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council has requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
5. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.
6. The Council has proposed a large number of additional modifications which do not materially affect the policies of the Plan. Under the new section 23(3) of the 2004 Act which came into force in January 2012, these can now be made by the local planning authority on adoption without the need to be examined. Because these additional modifications do not go to soundness and are solely a matter for the Council, I generally make no reference to them in this report. However, the main modifications necessary to make the plan sound include some extensive passages of explanatory text. Not every sentence of this text represents an essential part of a main modification, though for ease of comprehension the Appendix includes the text in full.

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<sup>1</sup> For a more detailed explanation see 'Inspector's Ruling on Request for Suspension of Examination' (INSP/6)

## Assessment of Legal Compliance

### *Process of policy formulation*

7. At the hearings in September 2011 a representor challenged the means by which the Council introduced a new policy (CP1A, which seeks to manage residential development) at a late stage in the preparation of the CS. Policy CP1A was considered by a group of three Councillors tasked with progressing the Local Development Framework (LDF), the Chair of which declared a prejudicial interest. The Council acknowledged at the time that this late declaration of interest was prejudicial and tried to retrieve the situation by carrying out an independent review of the decision process by involving three Councillors not connected with the LDF.
8. The representor argues that this review process was not truly independent and does not cure the legal taint of bias. It also contends that because the review did not consider the planning merits of policy CP1A, which it believes to be contrary to national policy, the review was flawed - it submits that a fresh decision should have been taken on the merits of the policy. The Council argues that the corrective action it took in formulating policy CP1A was independent and removed any bias. Moreover, irrespective of the merits of the corrective action, it submits that the planning merits of the policy are being considered during the CS examination and, as a consequence, the judgement that will be reached in this report about the soundness of the policy will remove any defect that might have occurred earlier.
9. Public consultation on the Submission Draft CS, which included policy CP1A, was undertaken immediately prior to its submission in May 2011 and modifications to the policy were consulted upon during the examination. These representations were taken into account at the various hearing sessions when the purpose and detailed wording of policy CP1A was discussed. Consequently the planning merits of policy CP1A have been subject to detailed scrutiny during the examination and I have been able to reach a properly informed conclusion on its soundness. Because the tests in section 20(5) of the 2004 Act have been satisfied in respect of policy CP1A, it is not necessary for me to determine whether or not the corrective action taken by the Council removed the acknowledged bias in the formulation of policy CP1A.

### *Consultation and community engagement*

10. The same representor argues that the manner in which policy CP1A was introduced, culminating in the decision by three Councillors which was legally flawed, demonstrates a lack of proper consultation and accountability. A related issue is the Council's treatment in CS paragraphs 1.19-1.20 of the proposed Interim Housing Policy (IHP), the forerunner to policy CP1A, where it is contended that the consultation response is summarised incorrectly. In addition, the fact that the consultation exercise was conducted in connection with the IHP rather than policy CP1A is said to be a clear indication that the consultation process for the CS itself was inadequate.
11. At the examination the Council documented its view of the consultation response to the IHP (SDC/13 - although this is headed "Statement of Common Ground", agreement with the representor was never secured). This broadly

confirms the summary given in CS paragraphs 1.19-1.20, though it would perhaps have been more accurate to preface the first sentence of paragraph 1.20: *The balance of responses from across the spectrum of interests, from developers to Parish Councils, was generally in favour of the proposed interim policy...* with the words "Of those who expressed a discernible view, ....". In any event this matters little in light of the Council's proposal to delete from the CS the lengthy section on the preparation process which includes these paragraphs.

12. That leaves the matter of the appropriateness of the consultation process leading to the introduction of policy CP1A. It appears that the Council perceived the need for an IHP to guide windfall development as a result of (i) responses to the consultation on the Draft CS and (ii) changes to PPS3 in July 2010 which removed residential gardens from the definition of previously-developed land. The Council states that IHP consultees were advised that their responses would assist in finalising the CS. Consultation appears to have been thorough and there is no suggestion that it was not. Thus whilst the gestation of policy CP1A (via an IHP which was ultimately not adopted) is unusual and somewhat confusing, it arose in response to matters which an evolving CS would be expected to take into account (ie the results of earlier consultation and a change in Government policy) and its link to the CS was made clear. And, most importantly, all parties have had the opportunity to comment fully on policy CP1A through the consultation on the Submission Draft CS which is before this examination. In circumstances where the need for policy CP1A arose relatively late in the preparation of the CS, I conclude that the consultation process was suitably fair, open and thorough.
13. The Statement of Community Involvement (SCI) was adopted in December 2007 and consultation has been compliant with the requirements therein. Additional consultation has been carried out where necessary, as illustrated above and in connection with the post-submission proposed modifications. I conclude that consultation has complied with the requirements of the relevant Regulations and the Framework.

#### *Duty to Cooperate*

14. Section 33A of the 2004 Act, which came into force in November 2011, imposes a legal duty on local planning authorities to cooperate with Councils and other bodies to address strategic cross-boundary issues when preparing Local Plans. The duty applies at plan preparation stage and is not retrospective; because the CS was submitted for examination in May 2011, it is not subject to the section 33A requirements.
15. At the April 2012 hearings some representors argued that work carried out by the Council to address the matters which led to the suspension, which included further consultation and SA, amounted to further plan preparation to which section 33A applies. However, the 2004 Act distinguishes plan preparation (section 19) from examination (section 20). The work carried out by the Council is a direct response to concerns about unsoundness which arose during the examination. It falls squarely within the ambit of section 20, which provides a mechanism for rectifying a plan which has procedural shortcomings and/or is unsound. The Council's role in this process is limited, for its proposed changes can only be adopted if recommended as modifications by an

Inspector. Although these modifications are subject to the same procedural requirements as were carried out at plan preparation stage, they derive from the testing process at examination. As section 33A applies only to plan preparation, the duty to cooperate does not apply to modifications arising at examination stage.<sup>2</sup>

#### *Ability to make Main Modifications*

16. At the September 2012 hearings a representor argued that because of my ruling that the section 33A duty to cooperate does not apply to this plan, I do not have the power to recommend main modifications to the CS under section 20(7B) and 20(7C) of the 2004 Act. It was submitted that the power to recommend modifications which would make a plan sound is only available where an Inspector concludes that the criterion in section 20(7B)(b) has been met, namely that the local planning authority has complied with any duty imposed by section 33A in relation to the plan's preparation. In this case because I found that the duty to cooperate did not apply, I have not concluded that the authority has complied with the duty. In such circumstances, it is argued that the criterion in section 20(7B)(b) cannot be fulfilled and the section 20(7C) provision which allows for modifications necessary to achieve soundness cannot be engaged.
17. In my view the crux of this issue is the interpretation of the phrase "any duty imposed under section 33A in relation to the document's preparation." The section 20(7)(b)(ii) and 20(7B)(b) references to "any" duty must logically allow for circumstances in which such a duty does not apply. If this were not so, the word "the" rather than "any" would have been used. Accordingly, I am only obliged to form a view on whether there has been compliance with the duty to cooperate in cases where the duty has been found to apply. In circumstances where the duty does not apply, the logical consequence of the representor's reasoning is that an Inspector would have to recommend non-adoption even if a plan was found sound. This does not make sense. I conclude that sections 20(7)(b)(ii) and 20(7B)(b) do not prevent me recommending that the CS be adopted with modifications to make it sound (under sections 20(7B)(b) and 20(7C)).<sup>3</sup>

#### *Sustainability Appraisal and Strategic Environmental Appraisal*

18. There is concern that the Sustainability Appraisal (SA) (and the associated Strategic Environmental Appraisal (SEA)) are not suitably comprehensive or satisfactory because they purport to justify decisions which are considered by some representors to be unsustainable. This argument goes fundamentally to the soundness of individual policies, the very substance of this examination, rather than to any specific shortcomings in the manner in which these policies were treated in the SA. The point about any material changes necessary to make policies sound not being subject to SA and SEA has been addressed by the Council during the examination, when the necessary appraisals have been carried out.

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<sup>2</sup> For a more detailed explanation see 'Inspector's Ruling on S33A Duty to Cooperate' (INSP/12).

<sup>3</sup> For a more detailed explanation see 'Inspector's Ruling on Ability to Recommend Main Modifications' (INSP/17).

19. Two representors made submissions at and after the February 2013 hearing session that the Council has not properly undertaken SA on its proposed modifications to the CS because it has not assessed the reasonable alternative of a higher number of dwellings being provided than originally proposed. This arises because the modified plan quantifies the level of windfall development likely to arise over the plan period and adds it to the housing trajectory (though not to the dwelling target). Two main arguments are made.
20. The first is that the objectively assessed housing need that was subject to SA (450 dwellings per annum (dpa)) should have included the quantified windfall allowance (of at least 105 dpa) because the resultant higher figure (about 555 dpa) is the objectively assessed level of housing required by the latest household forecasts. This matter is examined in detail under Issue 2 below, where it is concluded that the Council's housing need figure of 450 dpa is an appropriate minimum figure (at least for the first 10 years of the plan period). The suggestion that 555 dpa represents an alternative quantum of need which should have been subject to SA is not correct. The housing need is established through evidence and then the strategy considers alternative ways of delivering it; SA does not require alternative objectives or alternative need figures to be assessed. The idea that the objectively assessed need effectively rises to 555 dpa as a result of windfalls being quantified confuses need with anticipated delivery. The CS does not plan on windfalls to meet the need.
21. The second argument is that the delivery of windfalls is now proposed as part of the strategy, representing a significant component of the potential housing supply; there is no acknowledgement within the SA appraisals that the quantified level of windfalls, in conjunction with the allocations, will have its own effects and may lead to (for example) unsustainable demands on infrastructure and unsustainable travel patterns. The question here is whether the greater clarity about the scale of windfall development in the latest version of the CS, and the consequences of this for the SA process, should have been specifically addressed in the two SA Addenda.
22. In practice the likely stated yield from windfalls has not significantly changed. The Submitted CS indicates that windfalls have been a substantial source of housing land supply in recent years (over 150 windfalls in 2009/10, nearly 50% of the total annual requirement, is given as an example). The 2010 SA considers the policy options for windfall development, refers to past "high levels of windfall" and acknowledges that the CS policies will enable windfalls to continue to come forward. Whilst the latest evidence has given greater certainty to, and quantified more precisely, the likely future yield, the end result is not significantly different to that which appears to have been considered by the SA at the time of CS submission.
23. In policy terms, windfalls have always been part of the expected delivery. Although minor adjustments have been made during the examination to the policy that aims to manage windfall development (CP1A), the Submission CS acknowledged that an unspecified amount of windfall development would be additional to the housing requirement (which at that time was 440 dpa). As the plan recognises, the location of windfall development is inherently unpredictable so its effects on infrastructure, travel patterns and so on cannot be assessed in detail or with any precision. Thus the quantification that has emerged during the examination does not change the overall spatial strategy,

which establishes principles to direct and control housing development that includes both allocations and windfalls. Taking all these factors into account, I conclude that the SA carried out prior to and during the examination satisfies the requirements of Regulation 12(2) of the Environmental Assessment of Plans and Programmes Regulations 2004.

#### *Other legal requirements*

24. My examination of the compliance of the Core Strategy with other legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

Local Development Scheme (LDS)	The Core Strategy is identified within the October 2010 approved LDS which sets out an expected adoption date of October 2011. The slippage arising from suspension of the examination and changes to national policy is detailed in the Council's Annual Monitoring Report.
Appropriate Assessment (AA)	The Habitats Regulations Screening for AA (February 2010) and the subsequent AA (December 2010) are satisfactory.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the November 2010 SCS.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

## **Assessment of Soundness**

### **PREAMBLE**

25. In part the extended length and complexity of this examination has resulted from the necessity to keep in step with the Coalition Government's reforms of the planning system. At certain important milestones in this process it has been necessary to have regard to significant policy changes, including the Ministerial Statement "*Planning for Growth*" and other impending policy changes in March-June 2011, and publication of the National Planning Policy Framework ("the Framework") in March 2012. The views of all participants in the examination were sought on the evolving policy changes insofar as they affect the assessment of the soundness of the CS and its policies. A similar process was carried out when new household projections were released in April 2013. The report takes all these matters into account.

26. The CS was submitted at a time when the July 2010 decision of the Secretary of State for Communities and Local Government to revoke Regional Strategies (RSs) had been overturned in the High Court.<sup>4</sup> Consequently throughout most of the examination the Yorkshire and Humber Plan (YHP) remained a part of

<sup>4</sup> Cala Homes (South) Ltd, R (on the application of) v Secretary of State for Communities and Local Government & Anor [2011] EWCA Civ 639.

the development plan. Nevertheless against the background of imminent YHP revocation, the Council reviewed the CS and the evidence base on which it was founded. It concluded that although the policies and context provided by the YHP would not apply after revocation, the YHP evidence base remained robust and relevant, particularly since the YHP evidence had been subject to a process of consultation and examination.

27. Formal revocation of the YHP took place on 22 February 2013, a few days before the final hearing session. All participants were given prior opportunity to make written representations on the implications of revocation for the CS and the matter was discussed at the hearing on 27 February 2013. The Council identified a number of modifications to be made to the CS to reflect YHP revocation.<sup>5</sup> These comprise minor changes to the text and the Council's view that they represent "additional modifications" is correct.
28. In September 2011 the Council published for consultation its Preferred Options Site Allocations DPD (SADPD)<sup>6</sup>, the second part of its LDF, which identifies sites to accommodate the majority of the development proposed in this CS. During the CS examination many respondents made reference to the choice of sites in the SADPD. As I explained at the time, in due course the SADPD/SALP will be subject to a separate examination and I have not taken into account representations concerning the selection of individual sites. My consideration of the SADPD is limited to the contribution it makes to the evidence base for the CS, particularly with regard to the deliverability of certain elements of the strategy.

## MAIN ISSUES

29. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified seven main issues upon which the soundness of the plan depends.

### **ISSUE 1 – WHETHER THE OVERALL SPATIAL DEVELOPMENT STRATEGY IS SOUND HAVING REGARD TO THE CONTEXT AND NEEDS OF THE DISTRICT**

#### *Overall Strategy*

30. The first section of the plan describes the characteristics of the District and the problems and issues it faces. It is derived from an extensive evidence base of studies on socio-economic and environmental matters and the results of community engagement throughout the plan-making process. The plan identifies a number of key challenges for Selby District, including moderating unsustainable journey-to-work patterns, providing affordable housing and strengthening the economy. These are to be delivered in the context of constraints such as flooding and climate change and the need to improve the image of the District through protecting and enhancing the natural and built environment.

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<sup>5</sup> SDC Submission to the Inspector in Response to Consultation on Revocation of Yorkshire and Humber Regional Strategy and implications for Selby Core Strategy, 22 February 2013.

<sup>6</sup> Towards the end of the examination the Council renamed this plan the "Site Allocations Local Plan" (SALP).

31. In general the CS plans for the scale of growth proposed for Selby District by the former YHP. Until it was revoked in February 2013 this was the most up-to-date part of the development plan and, because the YHP had been tested at examination, the Council believes that the amounts of development directed to Selby are appropriate. Furthermore, the Council considers that the evidence base underpinning the YHP provides a sufficiently robust foundation on which to plan for Selby's future.
32. Representatives of the development industry argue that part of the YHP evidence base has been superseded by recent forecasts which suggest an appreciably higher population for the District by 2026 and a consequent need for more dwellings. Because of an apparent disparity between the population figures on which the YHP dwelling target was based and these more recent forecasts, the Council was asked to re-evaluate the housing target during the period of suspension. This is discussed more fully under Issue 2. As to the scale of employment development, the Council has responded to recent evidence on growth prospects from sub-regional and other studies and proposes a land supply derived largely from its employment land study. This is broadly supported by representors and appears sound.
33. Turning to the distribution of this growth, there is a clear settlement hierarchy based on Selby as the principal town of the District, two smaller local service centres (Sherburn-in-Elmet and Tadcaster) and numerous rural settlements. About two-thirds of the population live in the rural parts of the District, where most of the recent growth has taken place. The spatial development strategy seeks to reverse this trend by directing the majority of future development to Selby, the main focal point of the District which has recently had major infrastructure investment in a by-pass and modern flood defences. Development in local service centres is set at a level which maintains or enhances local services and facilities and meets some local housing needs. Limited growth is proposed in villages which have a good range of services (Designated Service Villages - DSV), whilst in the smaller and less sustainable Secondary Villages (SV) no provision is made for planned growth.
34. Although there was significant public support for a more dispersed pattern of new development, the evidence suggests that a concentration of growth at Selby represents the most sustainable option and best meets the key challenges facing the District. It also conforms to the former YHP, which aimed to reverse the long term trend of population growth and investment away from cities and towns. As well as an urban renaissance in the larger towns and cities, the YHP sought a rural renaissance which concentrated growth on the principal towns and local service centres which act as focal points for rural communities. Notwithstanding YHP revocation, this strategy remains relevant and consistent with the Framework.
35. The risk of flooding is a major constraint to development in many parts of the District, including Selby. A Level 1 Strategic Flood Risk Assessment (SFRA) demonstrated that it is not possible to accommodate all the housing and employment land requirements on land at the lowest risk of flooding if wider sustainability and regeneration objectives are to be achieved. A Level 2 SFRA and the associated PPS25 Sequential and Exception Tests investigated various options for large-scale development at Selby and played a major role in the selection of a single strategic development site. The Environment Agency was

involved throughout the process and does not object to the outcomes. Whilst there is some lack of transparency in the process of selecting the site at Selby, as discussed under Issue 3, the overall strategy has taken full account of flood risk and an appropriate balance has been reached between this and wider sustainability factors.

36. Another potential constraint is the capacity of the highway network to accommodate large scale growth. Two junction improvements would be required to accommodate the scale of development proposed for Selby; the local highway authority is satisfied that suitable measures to mitigate the impacts can be secured. The Highways Agency (HA) has identified capacity issues at various locations on the strategic highway network. Whilst detailed studies of the impacts of the development anticipated in the CS have not been carried out, the HA has conducted a strategic network analysis and is content that, in principle, these impacts can be adequately mitigated. An important aspect of the overall approach is to limit travel demand through the provision of a range of sustainable travel options secured through Travel Plans.
37. Given the 'dormitory' role that much of Selby District plays in the extensive Leeds city region and smaller York city sub-area, it is important that the nature and extent of cross boundary linkages are understood and that arrangements exist for cross-border working with neighbouring authorities. Until recently the regional planning mechanism provided such a vehicle. Since the demise of regional working a range of sub-regional bodies has emerged on which the Council participates, as detailed under Issue 2.
38. The former regional body responsible for the YHP stated that the Draft CS generally reflected the YHP strategy and found no significant discrepancies between the CS and the achievement of the outcomes of the YHP. Whilst this carries little weight since YHP revocation, it does demonstrate that an independent assessment of the strategy had not found it wanting. Taking all these matters into account, and subject to the detailed consideration of certain specific issues below, the overall spatial development strategy is sound.

#### *Presumption in favour of sustainable development*

39. The Framework indicates that, to be positively prepared, Local Plans should be based upon and reflect the presumption in favour of sustainable development which lies at the heart of national policy. A specific development management policy is recommended; to ensure full compliance with the Framework, the Council proposes to add this policy (and associated text) to the CS (**MM1**).

#### *Designation of Service Villages and Secondary Villages*

40. Policy CP1 lists the Designated Service Villages (DSVs) which are considered to have scope for small scale residential and employment growth. To help it establish the distinction between DSVs and Secondary Villages (SVs), the Council undertook a detailed sustainability analysis which took into account size (above a minimum population of 600), range of services provided, accessibility by public transport and proximity to employment locations. The analysis evolved during the preparation of the CS and has a broad measure of support. The Council rightly indicates that the overall rankings are merely a guide and should not be used uncritically.

41. In general all but the lowest ranked villages have been regarded as sufficiently sustainable to merit DSV designation. Camblesforth and Wistow have subsequently been excluded because almost all the suitable land is at high risk of flooding and fails the Level 2 SFRA sequential test. There is some opposition to the inclusion of Hambleton, Hemingbrough and Kellington, though no compelling reasons for removing these settlements are provided. And whilst, on their own, Osgodby and Whitley do not warrant DSV status, they are very close to Barlby and Eggborough respectively; given the functional interrelationships with their larger neighbours, the process of linking them together makes sense. Thus in all these instances the CS is sound.
42. Escrick sits in the middle of the sustainability rankings and its wide range of facilities and relatively good accessibility justify DSV status. It was initially excluded from DSV designation because it is tightly constrained by Green Belt and landscape designations and because housing growth would be likely to add to its function as a commuter settlement for York. But that approach predetermines decisions which would more properly be taken at the Site Allocations DPD stage, when the relative merits of limited expansion could be judged in the round against the policies of the CS and potential locations in other DSVs. Nevertheless, in recognition of the particular importance of Green Belt policy, it is appropriate to highlight that at Escrick (and certain other DSVs), any land releases from the Green Belt would be part of a wider Green Belt review and would have to comply with policy CPXX. **MMs 2 and 3** address these matters.
43. Given the large number of villages in Selby District, their differing attributes and the range of facilities they provide, it is inevitable that certain settlements are on the borderline between DSVs and SVs. The Council's sustainability analysis identifies Appleton Roebuck as a 'least sustainable' village (Document CS/CD22d and Addendum), even taking account of the change to the 'facilities' category because of its part-time post office.<sup>7</sup> However the Council designates Appleton Roebuck as a DSV (CS/CD22e and Addendum), for two reasons. Firstly, it is the largest and most central of the small villages in a relatively extensive and isolated area between the Rivers Ouse and Wharfe which does not contain any other DSVs, so it functions as a minor service centre for a wider area. Secondly, and notwithstanding the objection from a major landowner, there is strong support for this designation from the Parish Council. Thus DSV designation is broadly consistent with paragraph 55 of the Framework, which indicates that in areas where there are groups of smaller settlements, the vitality of rural communities can be maintained or enhanced by development in one village which may support services in others nearby.
44. Fairburn was initially included as a DSV because it scored just above the lowest ranked villages in the sustainability assessment. Following confirmation that the shop and post office have closed, Fairburn drops into the lowest overall ranked group of villages, most of which are designated as SVs. Whilst historically Fairburn has been classified as a service village, its facilities are very limited and it functions predominantly as a dormitory settlement for nearby towns in West Yorkshire. Unlike Appleton Roebuck, there are other DSVs nearby (Brotherton/Bryam is very close and South Milford not much

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<sup>7</sup> Although the post office only opens once a week, it should not be discounted because it does provide a facility within the village for persons who have weekly transactions to make.

further) which provide development opportunities in the wider area. There is also a sewerage problem, with intermittent overflows of raw sewage in part of the village; despite appearing to be a maintenance rather than a capacity issue, no solution is in sight. And though there is some support for DSV status, local opinion appears to be predominantly against this designation. Taken overall, the evidence militates against DSV designation. Accordingly, **MM4** proposes deletion from policy CP1 of Fairburn as a DSV.

45. Church Fenton Airbase comprises the unused part of a little-used military airbase, a few streets of dwellings and a range of other buildings but very little in the way of facilities, for which residents have to travel to Church Fenton, Ulleskelf (both identified as the "least sustainable" of DSVs) and further afield. There is little merit to the argument that the sustainability tests included in the Framework justify this settlement being classified as a DSV rather than a SV. The objective analysis carried out to inform the identification of DSVs is soundly based on sustainability criteria and is the type of rational, evidence-based analysis which underpins the strategy as being "positively prepared" and "justified". Because of its relatively isolated location, the notion that development at the airbase would help support facilities in these other villages would simply be compounding the unsustainable pattern of development that has been prevalent in much of the District in the recent past. The fact that most of the available land is previously-developed, and has in the past been allocated for specific employment uses, does not make it suitable for new residential development – the policy in the Framework which enables employment land to be put to alternative use is predicated on the need to support sustainable communities. No such purpose would be served in this case. Consequently, Church Fenton Airbase is correctly identified as a SV.

#### *Villages adjoining Selby*

46. Barlby/Osgodby, Brayton and Thorpe Willoughby are the largest and most sustainable DSVs because of their size, range of facilities and proximity to the services and employment opportunities available in nearby Selby. The Council intends that they should fulfil a complementary role to Selby in the spatial development strategy and acknowledges that they may have scope for providing significantly more development than the other DSVs. For this reason, and because they would perform a different role to other DSVs, there is a case for identifying them as a separate tier in the settlement hierarchy.
47. The Council's preferred approach, however, is to give priority to the regeneration and expansion of Selby town and to maintain the separate identity of these three villages. This is consistent with the overall objectives of the plan and avoids over-complicating the settlement hierarchy. Moreover, policy CP1 recognises the different role of the three villages to other DSVs and policy CP2 does not place any limit on the scale of development within individual DSVs. Accordingly the plan allows for decisions about the scale and distribution of development between Selby town and the three villages to be made at Site Allocations Local Plan (SALP) stage in light of up-to-date land availability and sustainability criteria. This approach is sound.

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*Development in Secondary Villages and countryside*

48. Policy CP1 seeks to limit residential development in SVs to within defined development limits, whilst in the countryside stricter controls over all development apply. The broad thrust of parts A(b) and A(c) of CP1 has not changed from the submitted CS, though the detailed wording has been revised to better reflect the subtle changes to policy introduced in the Framework. **MM5** introduces revisions which ensure the approach is consistent with national policy.

*Green Belt*

49. The treatment of the Green Belt in the submitted plan was inadequate. The principle of possible localised Green Belt boundary reviews to accommodate the scale of growth was stated in the text, but the plan failed to give strategic guidance on how decisions about Green Belt releases would be made and failed to mention the important 'exceptional circumstances' test required by national policy. It is the role of this Core Strategy to set out the factors that will govern any Green Belt boundary reviews that are deemed necessary at the SALP stage. As a result, a specific Green Belt policy (CPXX) and associated text has emerged and been refined at various stages during the examination. This seeks to balance protection of the Green Belt against the benefits of securing development which would deliver the aims of the settlement hierarchy.
50. Some objectors argue that the plan should be more positive and definitive by stating that a Green Belt review *will* take place. But that would predetermine a decision which should properly be taken at SALP stage, when land allocations to meet the housing and employment requirements will be made. Given the importance of protecting the Green Belt, decisions about localised boundary reviews should only be taken if and when it is established beyond doubt that the exceptional circumstances necessary to justify Green Belt releases exist.
51. The counter argument is that no Green Belt releases should be contemplated because there will always be sufficient developable land available in sustainable locations outside the Green Belt. Again those decisions are best left for the SALP, where the benefits of growth which is needed to sustain a particular Green Belt settlement can be balanced against growth in a non-Green Belt location which would do little to sustain the Green Belt settlement in question. As to whether it is appropriate to safeguard land for longer term development, this is a requirement of paragraph 85 of the Framework when new Green Belt boundaries are defined. The fact that any review is likely to be "localised" does not obviate the need to consider whether safeguarded land should be identified in the few locations where Green Belt releases might occur.
52. Policy CPXX closely aligns with the policies in the Framework and identifies the most likely situation in which 'exceptional circumstances' might be found to exist in Selby. It provides the strategic guidance necessary to inform the identification of land for development at SALP stage. And because the former PPG2 policy relating to the identification of major developed sites does not feature in the Framework, which instead has a more general provision relating

to all previously-developed sites, there was broad agreement that a specific policy for major developed sites is not required in the CS. Although the changes to the submitted plan are significant, they do not represent a major change of strategy; rather they are the elaboration which is necessary to ensure that the Core Strategy is consistent with national policy and can properly fulfil its strategic role. This is achieved by Policy CPXX and new paragraphs 4.39b – 4.39p (MM6).

### *Strategic Countryside Gaps*

53. The Selby District Local Plan (SDLP) applied similar principles of Green Belt designation to the gaps between neighbouring settlements outside the Green Belt by means of 'strategic countryside gaps'. The CS proposes to retain the strategic gaps between Selby urban area and the three nearby DSVs as a means of avoiding coalescence and protecting the separate identity of the village communities. The gaps between the urban area and Barlby and Brayton villages are especially narrow and are subject to strong development pressures.
54. The strategic gaps are shown diagrammatically on the Key Diagram and the Selby Map. They are not specifically mentioned in a CS policy, though policy CP15 allows for locally distinctive landscapes and open spaces to be identified through other plans. Whilst the gaps are not of great landscape quality, the separate identity of the villages close to Selby is valued highly by those communities. The Council intends to undertake a review of the strategic gaps at SALP stage and acknowledges that adjustments could be made if part of a gap is required for development. This would allow the merits of retaining the strategic gaps to be factored into consideration of the flood risk, sustainability and other matters relevant to the allocation of land in the wider Selby area.

### *Policy CP1A*

55. Clear guidance on the types of windfall residential development which will be accepted in settlements is provided in policy CP1A, which aims to balance the overall strategy of focusing on urban regeneration with the need to maintain the viability of smaller communities. The policy includes a restriction on the development of residential garden land in the less sustainable SVs, but no such restriction in the larger settlements. This approach is an appropriate response to the overall strategy and is consistent with paragraph 53 of the Framework, which enables authorities to devise policies to resist inappropriate development of residential gardens.

## **ISSUE 2 – WHETHER THE PROVISION FOR HOUSING IS SOUND IN TERMS OF ITS SCALE, DISTRIBUTION AND DELIVERY**

### *Scale of housing provision (1) – population/housing projections and SHMA*

56. At the time of CS submission the Council relied solely on the evidence which informed the RS, primarily the 2004-based Department of Communities and Local Government (DCLG) household projections. The RS proposed a target of 440 dwellings per annum (dpa) for Selby District and this figure was used in CS policy CP2 to determine the scale of future allocations. However, the RS figure came with two important caveats: the Examination Panel found that

there was insufficient evidence to recommend housing figures for the 2021-2026 period, and policy H2 of the RS stated that a partial review of housing growth should be completed by 2011, taking account of the latest household projections and other evidence. This region-wide review has not taken place. Coupled with more recent household projections and other evidence presented to the September 2011 hearings, there was a significant question about the robustness of the RS housing target. The Council commissioned a study during the period of suspension which re-assessed the housing target in light of recent evidence.

57. A SHMA for Selby District was published in 2009 and one for North Yorkshire in November 2011; the North Yorkshire study (NYSHMA) uses Selby-specific survey data from the 2009 study and up-dates this with later secondary data sources. The NYSHMA uses 2008-based DCLG household projections in its analysis, which are derived from 2008-based Sub National Population Projections (SNPP).<sup>8</sup> The 2008-based DCLG projections forecast average household growth of 550pa over the 2008-2026 period, significantly higher than the 2004-based DCLG figure of 450pa. As with all such forecasts, the 2008 household figure is predominantly a trend-based projection based on the previous 5 years. The NYSHMA used the same 2008-based demographic data to arrive at a forecast household growth of 519pa to 2026.
58. Interim projections based on the 2011 Census emerged at the end of the examination; because the Census is a robust data source these latest figures are important, though they only cover the period 2011-2021. There is little change in the growth in population between the 2008- and 2011-based SNPP projections, though the actual population in 2011 is over 1,000 persons lower than the 2011-based figures. However there is a significant reduction in household growth; DCLG 2011-based projections predict an average growth of 460 households per annum to 2021, which compares with 535pa for the same period using the 2008-based figures. The Council extrapolates this to 470 new households per annum over the longer 2006-2026 period (which is broadly equivalent to the 550pa growth under the 2008-based projections).
59. The slower growth in households in the latest projections is largely a result of lower household representative rates, with average household size decreasing at a much slower rate than had previously been forecast. This is believed to be mainly a result of the economic recession and the inability of young persons to form households due to affordability problems and lack of access to housing finance. It is not known whether this is a long term change in the aspirations of this age group or a relatively short term response to recent economic circumstances.

#### *Scale of housing provision (2) – migration and duty to cooperate*

60. The main component of population and household growth in Selby is in-migration. The 2008-based forecasts follow a sustained period of economic

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<sup>8</sup> Despite criticisms of the NYSHMA methodology, it generally complies with the latest practice guidance. The district-level approach to Selby is appropriate given the identification of sub-areas within the Selby-specific SHMA. Better data on the sub-regional housing market area which includes Leeds would have improved the robustness of the SHMAs, but this would have substantially increased the scope and size of the studies. Overall the SHMA evidence base is proportionate.

growth and indicate high levels of net in-migration to Selby, rising to 800 persons per annum (ppa) from 2016. However, historic demographic data suggest that migration is highly susceptible to fluctuations in the economic cycle, reducing significantly in times of recession. For example, in the period 2006-2008 at the height of the economic boom, net in-migration was about 1,000 ppa; this compares with an average of 500 ppa in the three previous years and 400 ppa in the two years since the downturn. Moreover, evidence of internal migration (excluding international migration, which is only a small part of total migration into Selby) annually between 1999 and 2011 shows substantial fluctuations around a mean of about 500 ppa. For the slightly shorter period of 2001 to 2010, total net in-migration averages 550 ppa.<sup>9</sup>

61. Predicting the scale of future in-migration when the full effects of the 2008 recession are unclear is not straightforward. Nevertheless, there is considerable merit to the Council's argument that a level of household growth based on trends at the peak of the economic cycle (as in the 2008 DCLG forecast)<sup>10</sup> is unrealistic over the plan period. Indeed, the 2010-based SNPP population projections show a fall in average net in-migration from 730 to 670 ppa to 2026, though this is largely offset by increases in natural change. And as indicated above, the base population at 2011 is lower than was forecast in the 2008- and 2010-based projections. Thus in the most recent forecasts there is a discernible downward trend from the peak in 2008.
62. Migration into Selby occurs mainly from the surrounding towns and cities (notably Leeds and York) and is accompanied by substantial outflows of Selby residents who commute to work in these large urban areas. Selby has the highest proportion of population working outside the district in the Yorkshire and Humber region. Its residents also have the longest average journey to work in North Yorkshire and the highest proportion of car-based commuters. The effect of rising transport costs could exert a downward pressure on internal migration as people are dissuaded from moving out of the surrounding towns and cities by high commuting costs; indeed, the sharp increase in vehicle fuel costs which occurred in 2010 is not yet fully reflected in the migration figures. Weak economic conditions in the surrounding cities, which are planning for lower levels of growth than occurred in the period prior to 2008, could also reduce net migration from these centres.
63. Migration into Selby will also be influenced by the policies of the authorities from which potential migrants originate. Some objectors argue that because Leeds and York are not planning to meet their own housing needs, migration to Selby will continue at a high level. The evidence here is uncertain – both authorities are now planning dwelling provision which is broadly in line with the former RS target, which used the 2004-based DCLG projections, but is lower than that suggested by the 2008-based projections (2011-based data on population and household growth was not provided for these areas). Both

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<sup>9</sup> Many different figures were presented at the examination and there was limited agreement on which should be used. Because variations to individual year figures can arise from rounding and whether they are mid-year or end-year, the best reflection of trends can be derived from a lengthy series of figures produced on a consistent basis.

<sup>10</sup> It is acknowledged that the 2008-based DCLG household projections include a downward adjustment based on Labour Force Survey data indicating a decline in household representative rates, but the rate of decline in the 2011-based projections appears to be much greater.

Councils contend that they aim to fully meet their objectively assessed needs, and neither has raised any objection or concern about the strategy for Selby. The housing figures for Leeds and York come from emerging plans which have yet to be tested at examination, so it is not known whether they are sound.

64. The assessment of cross-boundary housing needs is the main strategic matter to which the duty to cooperate applies (paragraphs 178-181 of the Framework). Clearly this Core Strategy was prepared before the legal duty to cooperate came into force and at a time when the RS was the mechanism for tackling cross-boundary issues. Since then Selby DC has participated in various strands of sub-regional bodies which aim to coordinate cross-boundary working based on the Leeds City Region (LCR) and North Yorkshire and York (NY&Y).<sup>11</sup> The CS complies with the spatial priorities of the LCR Interim Spatial Strategy and there is no conflict with the emerging NY&Y Sub Regional Strategy. With each authority currently intending to meet its own housing needs, it is reasonable to conclude that the main duty to cooperate requirement of the Framework is satisfied.
65. The important point for this examination is that neither Leeds nor York is asking Selby to take unmet need from its area. It would not be appropriate for Selby, as the destination for migrants from neighbouring large centres, to plan unilaterally for higher levels of in-migration based on a possibility that these centres may not fully meet their own needs. In broad terms, concentrating growth in the regional and sub-regional centres represents a sustainable strategy; if this proves impossible or impractical then the unmet need may have to be accommodated in surrounding rural districts such as Selby. In addition, higher than necessary levels of in-migration would be contrary to one of the key objectives of the Core Strategy, the moderation of unsustainable travel patterns. Thus initially the onus is on the authorities from which most migrants would originate to establish whether they can meet their own housing needs.

*Scale of housing provision (3) – NYSHMA employment scenario*

66. The NYSHMA also provides an employment-led scenario in which the projected growth in population is aligned with Yorkshire & Humber Regional Econometric Model (REM) job forecasts. For most authorities in Yorkshire this results in an increase in households above the demographic forecasts. In Selby, however, the employment-led scenario is based on REM forecasts which predict only a small level of employment growth to 2026 and, as a result of constrained employment opportunities, give a lower average household growth of 403 per annum. It is also pertinent that the later Autumn 2011 REM output presents a worsening picture, forecasting a reduction of almost 1,500 jobs in Selby by 2026. The REM-based forecast of the NYSHMA suggests that the number of jobs available in Selby to 2026 would be lower than the labour force growth projected under the SNPP projection. One consequence is that if the DCLG 2008-based forecast of 550 households per annum was realised, it might be accompanied by a substantial increase in out-commuting from the District.

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<sup>11</sup> The Council proposes to add a lengthy section of text to the beginning of Chapter 2 to explain how it has fulfilled the duty to cooperate; this is based on its "Duty to Cooperate Compliance Statement" dated April 2012 (CS/CD63). Whilst this is an important part of the CS evidence base, the CS would not be unsound if it did not include this additional text – hence it is not a "Main Modification".

67. The REM-based forecast comes with two caveats. Firstly, it takes no account of future jobs growth proposed in the Core Strategy, so the employment-led scenario does not in itself represent a robust basis for determining household growth over the plan period. Secondly, recent REM forecasts have been somewhat erratic, with sharp changes between issues (as demonstrated in the paragraph above), which is believed to reflect the volatile economic times. Nevertheless, the employment-led scenario acts as an important counter-balance to the demographic projections and illustrates how an unduly high level of in-migration could be contrary to the 'increasing self containment' aim of the Core Strategy.

*Scale of housing provision (4) – sensitivity testing*

68. In response to uncertainties about the accuracy of the trend-based population and household projections as a result of the effects of the economic recession and conflicting signals from the employment-led scenario, the Council's consultants undertook sensitivity testing of the 2008-based and 2010-based population projections. The modelled scenario used actual migration figures for 2009 and 2010 and assumed net in-migration increasing to 500 people by 2014 and staying at this level to 2026. Applying these assumptions to the 2008-based projections gives an average annual household growth of 425 per annum over the plan period; carrying out the same exercise for the 2010-based projections, which predict a higher increase in natural change, household growth rises to 451 per annum.
69. This exercise confirms the assertion in the NYSHMA that household projections are highly sensitive to assumptions on migration. As a result the Council maintains that the five year periods prior to 2008 or 2010, which focus on the boom years prior to the current recession, are not a sound basis for identifying future growth over the plan period. Instead the Council argues that the period prior to 2004, which encompassed a less deep recession followed by recovery, are more like the economic conditions today. Despite acknowledging that the 2004-based projections are now somewhat dated, the Council believes that they are a better indicator of future growth in Selby than some later projections. This view is reinforced by the lower growth predicted in the most recent (2011-based) projections.
70. Whilst there is considerable merit in the 'economic conditions' aspect of the Council's case, there is also a significant potential for error in relying on forecasts based on a population structure which existed so many years ago. However, two factors overcome this problem. The first is the sensitivity testing which uses an up-to-date base population but caps net migration at 500 a year. Given the severity of the current recession and consistent predictions that recovery will be slow, it is reasonable to assume that net in-migration over the first 10 years of the plan is unlikely to be significantly higher than that which occurred over the previous 10 years – ie averaging about 500 persons a year. The second is the slower decline in the rate of household formation predicted by the 2011-based forecasts, which leads to a reduced dwelling requirement for a given population.
71. However, predicting what will happen in the 2021-2027 period is highly problematic, especially as the latest 2011-based forecasts only cover a 10 year period. Based on past trends the evidence points to an increase in

migration if this turns out to be a period of sustained growth, but to what level is not known and there are far too many imponderables for this to be a sound conclusion.

*Scale of housing provision (5) – conclusion*

72. The significant disparity between the demographic and employment-led forecasts, coupled with uncertainty about the timing and speed of recovery from recession, mean that at present it is difficult to predict with any confidence the scale of future growth. Based on all the evidence the best estimate is a need for at least 450 dpa over the first 10 years of the plan period, perhaps increasing by an unknown amount for the last 5 years. This scale of growth assumes that the cities of Leeds and York will cater for their own objectively assessed requirements, as they currently intend. The CS proposes a minimum target of 450 dpa over the whole plan period (as summarised in **MM7**), so there is potentially a shortfall in the later years of the plan. Rather than propose an arbitrary increase in the dwelling requirement to cater for the later years, the sensible approach is to recommend a review towards the end of the first 10 years when a much clearer picture of need in the 2021-2027 period will have emerged.
73. This conclusion has been informed by two other significant factors. Firstly, the Council's dwelling target excludes windfall sites, which in the recent past have been the main source of supply. Whilst the better identification of sites in the SHLAA and their subsequent allocation through the SALP should appreciably reduce windfall development in future years, it will nevertheless continue to be a reliable source of supply. The Council believes that at least 105 dwellings will be provided on windfall sites each year, which will mostly be additional to the 450 to be provided on planned-for sites (**MM8**). This potentially introduces a substantial buffer above the planned-for supply and contributes substantially to the requirement of the Framework to significantly boost the supply of housing.
74. The second factor is the very positive approach of the CS towards the release and management of land for housing development. Firstly, in a further response to the national imperative to boost housing supply, the release of land for housing will not be phased (**MM9**). Unless there is a technical reason, the allocations made at SALP stage will all become available for development at that time, so land supply should not be a constraint. Secondly, policy CP3 sets out a range of specific measures to be taken by the Council if delivery falls short of the annual target over a 3 year period, or if a 5 year supply does not exist. Consequently, if there is market demand for more than 450 dpa in the early years of the plan, there is no reason why a higher number should not be delivered. A 10-year review would ensure that any potential shortfall towards the end of the plan period would be addressed long before the supply of land is exhausted.

*Scale of affordable housing provision*

75. One aspect the above analysis does not address is the need for affordable housing. The Selby SHMA identified a need for 409 affordable dwellings per annum to 2014; the NYSHMA did not re-examine this figure in detail, but suggested it was unlikely to have decreased since 2009. Because affordable

housing is mainly delivered in association with market housing on larger sites, it is unlikely to comprise more than a third of the total new housing supply each year (including windfalls), as demonstrated by the housing trajectory. Thus it is clear that the full affordable housing needs of Selby will not be fully met through new housing provision.

76. The NYSHMA suggests that the new category of Affordable Rent might play a significant role in affordable housing provision in Selby, though further analysis is required to test its potential. The fact that Selby District, with its lower house prices, faces less severe affordability issues compared with surrounding districts lends support to the notion that Affordable Rent could become a viable means of increasing affordable housing delivery. However, there is no indication of the extent to which affordable housing stock might increase in Selby as a result of this new form of provision.
77. That aside, the main means by which affordable housing could be boosted is a substantial increase in the supply of market housing. But this would conflict with the requirement to meet the overall objectively assessed housing need and, unless accompanied by a commensurate increase in employment development, would be contrary to the CS aim of moderating unsustainable journey-to-work patterns and increasing self containment. The Framework accepts that it may not be possible to meet all the objectively assessed needs if they would not be consistent with other policies. At Selby there are sound reasons why the full need for affordable housing is unlikely to be met during the plan period.

#### *Distribution of housing - general*

78. Just over half the new housing is proposed within or adjacent to Selby, the principal town within the District, which represents the maximum level of growth that this settlement could comfortably take. 18% is directed to the two local service centres of Sherburn-in-Elmet and Tadcaster (see below), and about 29% to the next tier in the settlement hierarchy, the 18 DSVs. This distribution is consistent with the strategy of concentrating development in the most sustainable settlements in the District. However it contrasts markedly with the existing dispersed population, for the 2011 Census reveals that over two-thirds of residents live outside the three main towns.
79. The current pattern of dispersal is reflected in the need for affordable housing, with the Selby SHMA indicating that 59% of this need originates outside the three main towns. Many objectors felt that a greater proportion of housing should go to the DSVs, both to meet the affordable housing needs where they arise and to contribute better to the vitality of these villages. But a continuation of the process of dispersal would be inherently less sustainable than focusing as much development as possible on higher order settlements. Indeed, in this context it might be argued that the 29% of housing growth proposed for the DSVs is rather high, though this figure does include development at the three villages close to Selby which would complement the town's growth. Overall the distribution of housing achieves an appropriate balance between concentration and dispersal. Apart from the distribution between Tadcaster and Sherburn-in-Elmet (see below), the amended figures in policy CP2 (**MM11 and MM12**) are largely a result of the increase from 440

dpa to 450 dpa and the plan period being rolled forward one year, together with an element of 'rounding' to avoid spurious precision.

*Distribution of housing - Tadcaster and Sherburn-in-Elmet*

80. The submitted CS proposed an even distribution of growth between the two local service centres, apportioning 9% to each. The basis for the distribution was a combination of meeting local needs and creating balanced communities. However the evidence from the Selby SHMA points to a proportionate need for affordable housing amounting to 4% for Tadcaster and 11% for Sherburn-in-Elmet. The Council felt that Tadcaster merited substantially more housing than suggested by the affordable housing need because very limited growth over many years is contributing to a lack of investment in the town which, in relation to its size and range of facilities, is failing to properly fulfil its local service centre role. By comparison, Sherburn-in-Elmet has fewer facilities and less infrastructure but has grown rapidly in the recent past and has a high level of current housing commitments.
81. The availability of land for development in Tadcaster is severely constrained. As outlined below, most of the sites identified as potentially suitable in the eastern half of the town, which is outside the Green Belt, are unlikely to be available during the plan period. To address this problem, sites in the Green Belt around the western part of the town are being promoted for housing. Clearly it is the task of the SALP to investigate individual sites in detail and determine which should be allocated. Nevertheless the Council acknowledges that, in principle, Green Belt releases may be necessary at Tadcaster if a significant scale of new housing development is to occur. Given the importance ascribed by national policy to protecting the Green Belt, the argument that Tadcaster requires a much higher level of new housing than can be justified by the housing need figures is difficult to sustain, even allowing for the limited growth of the past and the need for regeneration.
82. Although the affordable housing need for Tadcaster represents only 4% of the district-wide need, there is limited opportunity for affordable housing within the few DSVs in the adjoining northern rural area of the District. The Council argues that this element of housing need (3%) should be transferred to Tadcaster as it is the nearest service centre. With much of the affordable housing need which arises in the rural parts of the district being met in Selby town as a result of the urban focus, the case for meeting the need from the northern area in a nearer town has considerable merit. And the resulting 7% distribution of new housing to Tadcaster represents a reasonable balance between the urgent need to regenerate the town and protection of the Green Belt. **MM10** addresses these matters.
83. At Sherburn-in-Elmet the increase in the proportion of new housing from 9% to 11% is a direct response to the affordable housing need for the town as identified in the Selby SHMA. There is no obvious constraint to the delivery of housing land in Sherburn-in-Elmet and many sites are being actively promoted by developers. However, because the surrounding western rural area contains a number of DSVs where the rural affordable housing needs could be met, there is no rational basis for increasing this figure further. Moreover, the absence of many key services in the town and the limited opportunities for expanding its small town centre militate against greater housing growth unless

part of a comprehensive planned expansion. Again, **MM10** details this change.

*Delivery of housing - general*

84. The revised housing trajectory summarises the projected delivery of dwellings over the plan period (**MM13**). Policy CP3 seeks to manage the housing land supply and identify at an early stage any causes of under-performance; a range of remedial actions are proposed which are intended to facilitate delivery where under-performance is found. Although the policy has been re-worded to better reflect current circumstances, the broad thrust is unchanged apart from (as mentioned above) the removal of remedial action in the event of an over-supply of housing (**MM15**).

*Delivery of housing - Tadcaster*

85. The land supply situation in Tadcaster is highly unusual. The town is the only sizeable settlement in the District to experience a fall in population in recent years as a consequence of very limited new residential development. The centre of Tadcaster has a higher proportion of vacant shops than the national average and both convenience and comparison floorspace are under-represented; coupled with low pedestrian flows, the centre lacks vibrancy and is in urgent need of regeneration. The role of new housing in contributing to the revitalisation of the town has long been recognised. A number of large sites abutting the urban area have been allocated for housing in past plans but have not been developed because of the unwillingness of owners to release their land. Concerns about the delivery of allocated land were considered by the Inspector who 10 years ago examined the SDLP; he acknowledged the attitude of landowners but felt that such commitments should remain, believing development would take place *"if necessary by the Council taking a more proactive approach as advised in PPG3"*.
86. It was established at the examination that even allocated sites which are presently controlled by landowners willing to release land may not actually be developed. At least two such peripheral sites have had planning permission for housing in the past which has since lapsed. One of the sites with planning permission was acquired by a national house-builder, but was never built. A former District Councillor was told by a representative of the house-builder that his company had resold the land to a party wishing to keep it undeveloped at a price which was significantly higher than the acquisition cost plus the profit the company would have made from building the houses. Representatives of the main landowner seeking to protect land at Tadcaster did not dispute this account.
87. This casts a significant doubt over the developability of any peripheral land allocated for development at Tadcaster, for it is quite conceivable that this practice could be repeated. The up-dated SHLAA already discounts many large sites suitable for housing, including those between the south-eastern limits of the town and the A64 by-pass, because they are controlled by landowners unwilling to develop. A large site to the north is presently available but, even if the potential technical constraints are overcome, the possibility of its acquisition by a party seeking to protect it from development cannot be ruled out. To meet the clear need for new housing in Tadcaster

there is potentially a strong case for the Council, probably in partnership with a developer, attempting to acquire suitable land by compulsory purchase. Policy CP3 identifies this as one possible course of action, although a successful outcome is not assured.

88. Because these long-standing land supply issues in Tadcaster have the potential to thwart a small but important part of the overall strategy, I asked the Council to devise a contingency plan. As a result, a three-phased approach to land supply at Tadcaster was introduced and refined during the examination. The full allocation for Tadcaster would be released on sites on the edge of the town in the usual manner in the SALP; these could include Green Belt sites if there was compliance with Green Belt policy. If less than a third of the requirement was developed in five years, a further tranche of sites on the edge of the town would be released. If less than half the requirement was built in a further three years, the allocation would be moved to other settlements in accordance with the settlement hierarchy (**MM14 and MM16**). This is a proactive and positive strategy which, in conjunction with the remedial action identified in policy CP3, offers the best prospect of securing much needed development at Tadcaster. Nevertheless if land availability difficulties prevail, the strategy should ensure that the required dwellings would be built, albeit not in the preferred location.

### **ISSUE 3 – WHETHER THE SELECTION OF THE OLYMPIA PARK STRATEGIC DEVELOPMENT SITE IS JUSTIFIED BY THE EVIDENCE AND HAS A REALISTIC PROSPECT OF BEING DELIVERED**

#### *Selection of Olympia Park*

89. The selection process which identifies Olympia Park as the sole Strategic Development Site is thorough and based on sound planning principles. In the context of a strategy which seeks to focus growth on the principal town of Selby, much of which is at high risk of flooding, the challenge is to identify sites in which an appropriate balance can be achieved between flood risk and other sustainability and land use objectives. The context for this analysis is the Sequential Test and Exception Test of the Framework, which aims to steer development to areas with the lowest probability of flooding which are reasonably available.
90. The most recent Sequential Test analysis (CS/CD34) suggests that there is theoretical capacity to provide almost all the 2,340 dwellings required for Selby on Flood Zone 2 (medium risk) land. About 575 of these dwellings are expected to come from within the existing urban area. Of the land outside the urban area some is clearly inappropriate, either because it would (in isolation) be poorly related to the existing built-up area or because it has major access problems. However, two of the possible strategic sites identified by the Council (E and F) have the potential to provide about 1,200 dwellings on medium flood risk land. The Council discounts these sites because significant development on either would erode the countryside gap between Selby and Brayton village, potentially leading to the coalescence of the two settlements.
91. The Olympia Park site is wholly within Flood Zone 3a (high risk), though as it benefits from modern defences which provide long term protection, the risk of

flooding is considered to be a low residual risk. Nevertheless measures would be required to minimise that risk, which include directing the most vulnerable (ie residential) uses to areas where the depth of flood water would be least, and incorporating safe places and other measures within buildings to mitigate the impacts of flooding. The application of the Exception Test to this site demonstrates that there would be considerable sustainability benefits through the opportunity to provide a comprehensive mixed use development in a sustainable location close to Selby town centre. The Test also establishes that a significant proportion of the site is previously-developed land and that the development would be safe and not increase flood risk elsewhere.

92. The Environment Agency has been closely involved in the flood risk elements of the CS and its site selection process. It is satisfied that the Council has carried out the Strategic Flood Risk Assessments and applied the Sequential and Exception tests in an appropriate manner using the best available flood risk information. As a technical advisor, it did not seek to comment on the weight given to flood risk against other sustainability factors, though it did remark that it would have had greater concerns had the Council preferred certain other residential sites in Flood Zone 3a where there is a higher risk of flooding.
93. In the absence of a fully reasoned or weighted analysis of the sustainability factors which led to the selection of Olympia Park over other residential sites with a lower risk of flooding, there is some lack of clarity and transparency to the decision making process. Nevertheless it is apparent that development at Olympia Park would bring significant sustainability and regeneration advantages and that, of all the options considered, the choice of this site has the greatest overall support from the local community. Ultimately it is a matter of planning judgement and there is no cogent evidence that, in exercising its judgement, the Council has reached a conclusion which is unsound.

#### *Deliverability of Olympia Park*

94. Plans for a mixed use development at Olympia Park have been under serious consideration for at least five years and a number of detailed studies have been produced which examine the feasibility of various options. It is evident that this is a complex site to deliver and that there are significant abnormal costs arising from poor ground conditions, contaminated land, the need to bridge the railway and the provision of flood alleviation measures. A viability appraisal submitted on behalf of the landowners purports to demonstrate that the scheme is viable but makes no allowance for the costs of community infrastructure provision (school places, affordable housing and so on). This appraisal has been reviewed by the District Valuer, who concludes that the scheme should be able to support between £30-35m of community infrastructure provision. The landowner representatives have not disputed the District Valuer's conclusions.
95. There are two main differences between the appraisals. The District Valuer uses a lower residential build cost (based on a well respected industry database) and a lower profit margin. On both counts the District Valuer's approach seems reasonable – separate provision is made for the abnormal build costs so the industry-standard figure should be appropriate, while a

profit on cost of 21% (rather than 26%) is generally regarded as sufficient – indeed, schemes are often found to be viable with still lower profit margins. Whilst no calculations have been produced to establish whether the £30-35m is sufficient to fully provide the community infrastructure needs arising from the development, including 40% affordable housing, the landowners are aware of the scale of the likely requirement and have not said that it is undeliverable. Based on this limited evidence, and given the commitment of the landowners to bring this site forward, the scheme appears to be deliverable. Thus the selection of Olympia Park as the sole Strategic Development Site is sound.

96. This conclusion is reached with a degree of caution, however. The CS rightly stresses the importance of creating an inclusive residential community with infrastructure provision which fully accords with policy. This goes to the heart of the sustainability issue, for without such provision the resultant community is unlikely to be truly mixed or inclusive. Indeed, there is a risk that failure to deliver the required level of community infrastructure could threaten the balance of the judgement on the selection of Olympia Park. If viability factors were to result in, say, substantially less than 40% affordable housing being delivered, there might be a case for re-assessing the Olympia Park allocation and considering whether an alternative strategy would be more sustainable overall. For example, if certain alternative housing sites on the fringe of Selby with fewer constraints and lower flood risk could also viably deliver the full range of community infrastructure provision, it is conceivable that, on balance, Olympia Park might no longer be the most sustainable strategic development option for the expansion of Selby.

#### *Other matters*

97. The part of policy CP2A which seeks the majority of energy requirements on this site to be derived from decentralised and renewable or low carbon sources is broadly consistent with national policy. However, the Framework does include the caveat “unless it can be demonstrated..... that this is not feasible or viable”. **MM17** makes the appropriate adjustment to the policy. The concern about noise from existing industrial operations and the railway is a detailed matter that would be addressed during the planning application stages; the requirement in part (xii) of policy CP2A that development should protect the viability of existing businesses is an appropriate safeguard for current operations.
98. The accusation from some local residents that the scheme would involve theft of their land seems to result from a misunderstanding, for the existing residential properties on Ousebank are outside the strategic site as defined in the CS and landowner representatives confirmed that residents' land would not be involved. Their concern about the risk of flooding and height of flood defences has been considered in detail by many bodies including the Environment Agency, who (as noted above) do not object to the principle of the development. Of course the construction of a major development very close to these properties in what is presently a quiet backwater would undoubtedly have a significant impact and bring about a substantial change, but that in itself is not sufficient reason to find this strategic allocation unsound. The many detailed objections – including concerns about trespass, rights of access, the use of existing pedestrian and vehicular routes, loss of amenity, fear of crime, and so on - are all matters capable of resolution at the

planning application stage. Moreover, the existing national and local planning policy framework is sufficiently robust to be confident that the effect on existing residents, whilst significant, should not be outside normally accepted standards and limits. The claims made about breaches of human rights were carefully examined but found not to be substantiated.

99. It is true that the juxtaposition of the proposed employment land and the existing Potter Group logistics facility, with its railhead, presents an opportunity for the future comprehensive development of the two sites. However the traffic and other impacts of the Olympia Park scheme have been assessed independently from the logistics facility and it is unclear what any such comprehensive development might involve. For this reason, and as the Potter Group has no intention in the short term of redeveloping its site, it is appropriate that at present the Potter Group land remains outside (albeit largely surrounded by) the Strategic Development Site. As to the Potter Group's concern about a possible lack of grant funding for the link road to its site, which it sees as a potential threat to the deliverability of the project, the developer gave assurances that provision of the road was not dependent on grant assistance. Policy CP2A is clear that the road link must be provided in advance of residential development south of the railway line and, in the absence of evidence that the road cannot be delivered, the CS is sound.

#### **ISSUE 4 – WHETHER THE PLAN MAKES ADEQUATE PROVISION FOR THE ACCOMMODATION NEEDS OF ALL SECTIONS OF THE COMMUNITY IN TERMS OF AFFORDABILITY AND TYPE**

##### *Affordable housing*

100. The Council's SHMA (CD24) demonstrates that affordability is a major problem throughout the District, with the annual need for affordable housing being almost equivalent to the total (market plus affordable) average annual housing target. The delivery of affordable housing is largely dependent on provision in conjunction with market housing, so need is likely to outstrip supply over the plan period. In these circumstances it is understandable that, as part of the objective of securing a sustainable mix of housing to meet the needs of District residents, the Council aims to secure the highest possible proportion of affordable housing from market housing schemes.
101. The Council's economic viability assessment (CD25) reveals significant variations in affordability across the District. The study also suggests that at the baseline date (mid 2009), when the housing market was at a very low point in its cycle, it would be difficult to viably deliver any affordable housing. Because the CS policy has to endure over the plan period, different assumptions were tested about the deliverability of affordable housing as a result of variations in costs and revenues. This analysis suggests that the 40% affordable housing sought by policy CP5 would only be achieved if the market returned to the high point in its cycle (early 2007). But this analysis does not appear to tally with current practice: the Council produced evidence of recently permitted schemes where the proportion of affordable housing ranged between 33% and 44%.
102. Former YHP policy H4 set a provisional target of over 40% affordable housing

in North Yorkshire districts. Policy CP5 treats this proportion as a maximum target figure, indicating that the actual amount will be determined by negotiation having regard to viability, abnormal costs and other requirements. There was criticism from the house-building industry that 40% is not only unrealistic in current market conditions, but that it flies in the face of ever-increasing requirements for other infrastructure provision. However, in light of the scale of the need, the conflicting evidence to the examination about what is currently achievable, and recognising that viability is likely to improve over the plan period as the housing market recovers, the 40% maximum figure is a sensible and sustainable approach. A 40% maximum target also allows for site specific judgements to be made about the relative importance of competing demands, thereby allowing the overall package of community and infrastructure provision to be tailored to meet the particular needs of individual local communities.

103. The introduction in June 2011 of a new category of "affordable rented housing" means that the split between social rented housing and intermediate housing sought in the published CS is unlikely to match future provision. The implications of this new form of tenure are not yet known, so the plan can only reflect the current position. **MM18** sets out the latest target ranges for social rented and intermediate housing provision, as derived directly from the SHMA, and then acknowledges the need for further evidence to establish the required future tenure split. By requiring the tenure split (and housing type) to be based on the latest evidence of local need, policy CP5 has the flexibility to accommodate future changes.
104. Affordability is a significant problem in the rural parts of the District. Because housing sites tend to be smaller than in urban areas, the Council has investigated a reduction in the previous site size threshold of 15 dwellings. The supplementary viability evidence (CS/CD26) broadly supports the 10 dwelling threshold proposed in policy CP5. Yet even a 10 dwelling threshold is unlikely to secure affordable housing in the smaller settlements from which much of the need arises, so there is justification for a target commuted sum equivalent to 10% of affordable housing which will allow limited off-site provision to help sustain these rural communities. Because the viability of small sites varies significantly, it is necessary for the policy to require "up to" a 10% contribution (**MM19**).

#### *Rural exception sites*

105. In small rural communities, the Framework promotes the delivery of small sites solely for affordable housing in locations where new dwellings would not normally be permitted. Given the imbalance between the sizeable need for affordable housing in the rural parts of the District and the limited opportunities for provision under policy CP5, there is a strong case for the inclusion in the CS of a rural exception sites policy. To ensure consistency with policies CP1 and CP1A, **MM21** is necessary to define correctly the locations where the exceptions to normal planning policy would apply. The Framework also enables Councils to consider whether allowing some market housing would provide a means of securing significant additional affordable housing to meet local needs in rural areas. This new provision seems ideally suited to the circumstances in Selby, and policy CP6 is modified to incorporate it and ensure compliance with national policy (**MM20**).

*Travelling community*

106. Former YHP policy H6 required, as an interim measure, the provision of 57 gypsy and traveller pitches across North Yorkshire by 2010; thereafter it sought adequate provision as determined by local authority gypsy and traveller needs assessments. The 2008 North Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA) identifies a need for 20 pitches in Selby District by 2015. Whilst this study provides the most up-to-date figure of need, the Council acknowledges that it is no longer adequate given the recent national policy requirement (in Planning Policy for Traveller Sites – PPTS) to identify a five-year supply of deliverable sites and further developable sites for at least years six to ten.
107. The CS defers the identification of pitch targets for gypsies and travellers and plot targets for travelling showpeople to the SALP. Ideally this target-setting should already have been carried out, for it is part of the strategic planning for the needs of the whole community which is best addressed in a core strategy. Nevertheless, in the absence of up-to-date information about travellers' needs, this deferral is an acceptable approach – it would not have been desirable to further delay the rest of the plan while a current traveller assessment was prepared. However, the Council should ensure that a proper (PPTS compliant) study is available to inform the preparation of the SALP.
108. The submitted CS included criteria to guide the selection of sites in the SALP and the assessment of individual applications for traveller sites. The Council has chosen to delete these from the modified plan on the basis that detailed criteria are provided in PPTS and there is no need to repeat unnecessary detail in the plan. In so doing the Council has foregone an opportunity to impose its own local requirements for gypsy and traveller sites and will be obliged to accept without question any future changes to national policy (though forthcoming Local Plans may introduce a local policy in due course). Nevertheless the approach is not intrinsically unsound; **MM22** sets out the amended text and the modified policy CP7, including the necessary provision for a five year supply of sites and locations for future growth.
109. As to broad locations for sites, it was intimated that the travelling community prefers sites close to the main transport routes, which are mainly in the western part of the District. However, this aspiration should not override other important planning considerations such as protection of the Green Belt. The Council has demonstrated in Background Paper 13 (CS/CD22I) that there are sizeable tracts of the District outside the areas of constraint from which sites could be identified. Thus there is no reason to doubt that sites to meet the reasonable requirements of travellers are capable of being found at SALP stage.

**ISSUE 5 – WHETHER THE PLAN ESTABLISHES A SOUND FRAMEWORK FOR THE FUTURE EMPLOYMENT AND RETAIL NEEDS OF THE DISTRICT***Employment strategy*

110. The CS is underpinned by a thorough analysis of the economy of Selby District and its relationship to the sub-region. An historic concentration of employment in the manufacturing, energy and agriculture sectors has been

supplemented in recent years by growth in distribution and services. Nevertheless, there are insufficient jobs overall to meet the needs of the resident population and significant out-commuting takes place. The CS identifies restructuring the local economy towards a modern service and knowledge based economy as a key challenge and a major priority for the creation of a more self-contained and sustainable way of life for District residents. It seeks to support the expansion of established sectors which are expected to experience growth over the plan period, including financial/business services and distribution, whilst also targeting sectors such as higher education/science and low carbon energy for which there are skills within the workforce. This strategy is broadly supported by local residents and key stakeholders and is sound.

111. An up-to-date study of existing employment land identifies a substantial potential supply, though most of this is constrained in the short to medium term. The Framework stresses that planning policies should avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose, and that land allocations should be regularly reviewed. In recognition of the importance of deliverability, and to provide some flexibility and choice for investors, the CS proposes an aspirational approach to employment land in the three main towns. The target is presented as a range of land provision rather than a specific figure; about 60% is proposed for the Selby area, the remainder being split equally between Tadcaster and Sherburn-in-Elmet. A small amount of land is also proposed to meet the need for small scale employment growth in the rural areas.
112. The proposed amount and distribution of employment land reflects the overall approach of the CS and its focus on the main towns. The concentration at Selby would build on the settlement's 'principal town' status; the identification of the bulk of the land at the Olympia Park Strategic Development Site, with smaller sites being sought within and abutting the existing urban area, gives a degree of choice of sites and is a suitable approach. Moreover, the policy CP2A requirement that access to the Olympia Park employment land must be provided before the main residential area is developed should ensure that a large area of employment land is available at an early stage of this strategic development.
113. There was opposition to the allocation of an equal amount of employment land to Tadcaster and Sherburn-in-Elmet. During the examination it was apparent that, as with housing, the severely constrained nature of the land supply at Tadcaster means that delivering 5-10ha of employment land may require sites currently in the Green Belt. The need for an allocation of this scale was also questioned on sustainability grounds, representors arguing that Tadcaster has relatively poor public transport accessibility. On the other hand, there was support for an increase in employment land at Sherburn-in-Elmet which would build on the success of substantial growth in recent years and compensate for the very limited amount of land currently available in the settlement. It is argued that Sherburn-in-Elmet is an attractive location for investors because of the availability of a sizeable workforce, its proximity to the Leeds city region, and its good access to major trunk roads and by public transport.
114. The Council acknowledges the difficulty in identifying employment land at Tadcaster and proposes greater flexibility in the plan by indicating that the

scale as well as the location of small sites in Tadcaster and Sherburn-in-Elmet (and other locations) will be informed by an up-to-date land availability assessment prepared at the time of the SALP. In addition, the 5-10 ha of employment land in each settlement is described as an indicative distribution rather than a specific requirement.

115. Given the need for regeneration at Tadcaster, an important component of which is more land for employment, there is no compelling case for reducing the land quantity in the CS even though availability is uncertain. Nor is there a strong argument for increasing the indicative figure at Sherburn-in-Elmet: because it has higher levels of commuting and is less self-contained than Tadcaster, the sustainability argument does not necessarily favour Sherburn-in-Elmet despite its better public transport links. Subject to **MM24** which introduces greater clarity, flexibility and consistency with national policy, the employment land provision is consistent with the Framework's focus on deliverability and is sound.
116. Some representors contend that the allocation of employment land to the rural areas is not consistent with the strategy of urban concentration. In general terms this is true, though the CS indicates that part of this allocation is likely to be suitable for Eggborough, an attractive employment location close to junction 34 of the M62, and for research and development uses along the A19 corridor north of Selby. Given the small size of the indicative land supply for the rural areas, the desirability of providing employment locations which focus on specific opportunities and increase choice, and a degree of local support for meeting the needs of rural communities, this element of the employment land provision is consistent with the Framework's support for a prosperous rural economy.
117. Turning to more specific aspects of the employment strategy, the submitted version of policy CP9 supported the re-use of former mine sites with economic activities appropriate to their rural location, including tourism, research and low carbon/ renewable energy generation. However the text stated that, despite the presence of large electricity connections to the national grid (a rare asset), Stillingfleet and Wistow mine sites are not suitable for large scale/ intensive economic activities because of their remote location. The text also acknowledged the significance of Drax and Eggborough power stations to the local economy and the need for further investment in energy infrastructure.
118. There was much debate at the examination about the most appropriate way to treat in policy CP9 the wide range of employment activities mentioned in the supporting text. Various refinements of the initial policy were proposed until it became apparent that a better and more inclusive approach for this strategic plan is to reduce the specificity and instead to express in more general terms instances where support for economic activity is likely to be forthcoming. This was accompanied by a process of rationalisation which involved the incorporation into CP9 of the policy on rural diversification, CP10.
119. The modified policy CP9 incorporates much of the policy in the Framework (paragraph 28) which aims to support economic growth in rural areas. Relevant elements of paragraph 21 are also addressed in the policy – a broad strategy for sustainable economic growth and a strategic site are promoted, key business sectors in certain locations are identified, and a generally

supportive approach is taken to existing employment sites. The absence of references to power stations or former mine sites in the revised policy does not make it unsound, for these issues are better addressed strategically by the wider ranging, more generalised wording now proposed. **MM25** ensures that the policy is sound.

120. Energy generation from wind turbines is specifically mentioned in paragraph 6.27; any implied support for wind energy in paragraph 6.26 is at a highly generalised level and is not inappropriate. Paragraph 6.27 refers in broad terms to the economic opportunities presented by the shift to the low carbon and renewable energy sector, with wind turbines (as one part of this sector) being accurately described as "controversial". Importantly, the critical policy relating to renewable energy development, CP14, addresses the balanced judgement that has to be made between support for new sources of renewable energy and the objectives of protecting the environment and local amenity. Consequently the treatment of wind energy generation in the CS is sound. As to the concern that the plan should deal with energy usage and energy production as separate matters, that is the function of policies CP13 (improved resource efficiency) and CP14 (low carbon/ renewable energy generation), the latter including a reference to micro generation schemes. Thus there is sufficient clarity in the way that the CS deals with these matters.

#### *Retail and town centres*

121. The overall approach to the hierarchy of town centres and their respective roles is uncontroversial and reflects the findings of the Retail, Commercial and Leisure Study (CS/CD29). This study also provides a useful evidence base for site-specific policies in future DPDs.

122. The addition of **MM26** is a suitably brief reference to the implementation difficulties that have beset Tadcaster town centre and helps to explain the disjunction between the high quality townscape and the acknowledged limitations of the retail offer. The reference in policy CP11 to strengthening the role of Tadcaster is appropriate in the context of diversifying the range of town centre uses; the inclusion of more detail is not necessary given the strategic nature of the CS.<sup>12</sup> The requirement for proposals to be "of an appropriate scale" is a reference back to the evidence base of the retail study and does not imply significant additional retail floorspace. It is pertinent to separately identify the two strands (regeneration and heritage protection) which should be the focus of activity for Tadcaster town centre (**MM27**).

## **ISSUE 6 – WHETHER THE POLICIES ON SUSTAINABLE DEVELOPMENT, ENERGY AND THE ENVIRONMENT ARE APPROPRIATE AND JUSTIFIED**

### *Sustainable development*

123. Whilst the promotion of sustainable development to address the effects of

<sup>12</sup> Various publicly and privately promoted proposals to regenerate Tadcaster town centre have been mooted for more than 20 years but have failed to materialise, due in part to a long-running dispute between the councils involved and a major landowner, Samuel Smith Old Brewery (Tadcaster). Other than to repeat the exhortation of the previous Inspector examining the Selby District Local Plan, who in 2002 urged the parties to agree and progress a comprehensive scheme for the town centre, it is not the role of the Core Strategy or this report to attempt to resolve these complex issues.

climate change is rightly a prime objective of the CS, there is considerable duplication between policy CP12 and other policies of the plan; it also repeats substantial parts of national policy. In these circumstances there is little merit in the argument that it is important to have a comprehensive policy to deal with sustainable development. Nevertheless, the inclusion of a largely unnecessary policy does not make the plan unsound.

124. As to the detailed wording of policy CP12, **MM28** addresses concerns about the implementation of this part of the policy by clarifying that part A is intended to guide the Council in preparing its subsequent DPDs. **MM29** recognises the reality that not all the criteria of part B will be relevant to every development proposal. The addition of 'appropriate remediation' to the use of previously-developed land would be an unnecessary level of detail in a strategic policy such as this. Similarly, a specific reference to the availability of existing electricity grid connections at former Selby mine sites would not be consistent with the strategic, District-wide application of the criteria. Subject to the above modifications, policy CP12 is sound.

### *Energy*

125. National policies promote measures to improve energy efficiency and increase renewable energy capacity in accordance with local requirements which are consistent with the Government's zero carbon buildings policy and adopt nationally described standards. The Council has not commissioned specific research or studies which set local targets, so it relies largely on the evidence base produced at regional and sub-regional level. Thus policy CP13(a) repeats the former YHP policy ENV5 requirement for all developments above a minimum size to derive 10% of their energy from renewable, low-carbon or decentralised sources. However, the policy omitted to include the caveat from ENV5 (and the Framework) "unless this is not feasible or viable". **MM30** addresses this shortcoming and is necessary to make policy CP13 sound.
126. Whether there is local justification for strategic development sites and key sites to derive the majority of their energy needs from renewable, low-carbon or decentralised sources is debatable in the absence of a detailed study. Nevertheless for Olympia Park (the only specific site in the CS to which policy CP13(b) applies), the large scale of the development, its mixed use nature and its proximity to existing or planned energy schemes does provide a rare opportunity for substantially more than 10% of energy to be derived from locally produced sources. Because the "viable and feasible" amendment also applies to this element of the policy, the aspirational approach is reasonable.
127. The requirement that developers employ the "highest viable level" of the Code for Sustainable Homes on residential development and BREEAM on other development (policy CP13(c)) is fraught with practical difficulties and implies the need for viability appraisals down to the level of a single dwelling. **MM31** replaces this with a requirement that up-to-date national regulatory standards are employed until replaced by specific local requirements through further Local Plan documents or SPDs.
128. The Council proposes to modify the policy on low carbon and renewable energy (CP14) to achieve greater consistency with the Framework. Most of the changes, whilst desirable, are not essential to make the plan sound; the

exception is the additional paragraph concerning renewable energy projects in the Green Belt. The other necessary modification concerns the interpretation of the criteria in part B of the policy: to be capable of meaningful interpretation, criterion (i) is mutually exclusive from criteria (ii) and (iii), so the "and" at the end of (i) should be replaced by "or" (**MM32**).

129. In part C of policy CP14, the types of generation illustrated in the 'range of available technology' are examples and are not intended to exclude other technologies from being considered, so there is no reason why specific recognition should be given to the existence of electricity grid connections at former Selby mine sites. The target of 32 megawatts of renewable energy by 2021 comes from former YHP policy ENV5 and relates to installed capacity; it has not been replaced by a locally derived target. Because 'megawatts of installed capacity' is the measure used for assessing progress against the target, any other form of measurement (such as actual power produced or reduction in carbon dioxide emissions) would not be appropriate. The examples include both major projects and micro-generation schemes and there is no compelling need to deal separately with projects of differing scale.

### *Environment*

130. Many minor changes are proposed by the Council to the policy that aims to protect the environment (CP15) to satisfy the particular requirements of statutory consultees and others. Most relate to descriptive passages of supporting text or additional detail in the policy and have no bearing on the soundness of the plan. However, parts 3(b) and 3(c) require amendment to be consistent with the approach to biodiversity in paragraph 118 of the Framework and to ensure that the policy can be implemented (**MM33**). As part 3 of the policy is to be read as a whole, the amended policy appropriately reflects national policy in terms of the approach to development which affects nature conservation interests.

131. There is no local evidence to demonstrate that the various housing design and quality benchmarks specified in the last part of policy CP16 would be achievable and viable. In these circumstances it would be unduly onerous and unreasonable for developers to have to demonstrate why particular schemes could not meet these standards. The proposed modification (**MM34**), which would make this part of the policy aspirational by seeking the principles of these benchmarks to be reflected in housing developments, gives suitable recognition to the value of these standards in raising design quality.

## **ISSUE 7 – WHETHER THE INFRASTRUCTURE REQUIREMENTS AND THE MECHANISMS FOR IMPLEMENTATION AND MONITORING ARE SUFFICIENTLY ROBUST TO ENSURE EFFECTIVE DELIVERY OF THE STRATEGY**

132. Policy CP8 establishes the principle that infrastructure required to meet the needs of new development should be provided in phase with that development. However, the submission version of the policy was unduly prescriptive; the change from "must" to "should" and the addition of "scheme viability" (**MM23**) to this policy is a necessary acknowledgement that, in some cases, flexibility may be required if development is to proceed.

133. Chapter 8 of the CS sets out the process for monitoring of targets and key indicators, while Figure 13 identifies performance indicators for each CS policy, specifying the intended outcome and how the individual targets will be assessed. Some consequential changes to this table are required as a result of the modifications necessary to make the CS sound; because all the changes which go to soundness follow directly from the main modifications, it is not necessary to separately identify them in this report.
134. The CS is accompanied by an Infrastructure Delivery Plan (IDP) and Addendum (CS/CD19 + 19a) which provide detailed information on the investment plans of a range of infrastructure providers in both the public and private sectors. It is evident that the constraints and opportunities which arise as result of past and planned infrastructure provision have been taken into account throughout the evolution of the CS. In terms of infrastructure, there are no obvious obstacles to the delivery of the policies of the CS.
135. Overall the monitoring process set out in Chapter 8 and Figure 13, which builds upon the Council's existing Annual Monitoring Report procedures, is appropriate and consistent with the Framework's focus on positive preparation and deliverability.

## Overall Conclusion and Recommendation

136. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
137. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Selby District Core Strategy Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Martin Pike*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are generally expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*. For ease of reading, large blocks of additional text are not underlined.

The page numbers and paragraph numbering below refer to the Submission Draft Core Strategy and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	25	3.5	<p><i>Insert new text and Policy after paragraph 3.5:</i></p> <p>3.6 The National Planning Policy Framework (March 2012) states that Local Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally (paragraphs 14 and 15 of the NPPF).</p> <p>3.7 The presumption in favour of sustainable development is a thread that runs through the Core Strategy, which is a place-based and people-focused approach to develop communities in a sustainable way: it balances meeting development needs of the District against adverse impacts. Section 2 of the Core Strategy highlights the key issues for the District as meeting development needs, moderating unsustainable travel patterns, concentrating growth in the Selby area, providing affordable housing, and developing the economy. The Vision, Aims and Objectives and the policies in the Core Strategy seek to establish the presumption in favour of sustainable development and provide the framework for local implementation of that presumption.</p> <p>3.8 In addition to the suite of policies the following over-arching policy is included in the Core Strategy.</p> <p>3.9 The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.</p> <p><b>Presumption In Favour Of Sustainable Development</b></p> <p><b>LP1 When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</b></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> <li>○ Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</li> <li>○ Specific policies in that Framework indicate that development should be restricted." </li></ul>
MM2	39-40	CP1 Part A(a)	<p>Add footnote "2" to the following settlements: <b>Sherburn-in-Elmet, Tadcaster, Bryam/Brotherton, Eggborough/Whitley, Monk Fryston/Hillam, South Milford</b></p> <p>Add after Note 1: <b>2</b> These settlements are to varying degrees constrained by Green Belt. It will be for any Green Belt review, undertaken in accordance with Policy CPXX, to determine whether land may be removed from the Green Belt for development purposes.</p>
MM3	40	CP1 Part A(a)	<p>Add to the list of Designated Service Villages: <b><u>Escrick</u><sup>2</sup></b></p>
MM4	40	CP1 Part A(a)	<p>Delete from the list of Designated Service Villages: <b>Fairburn</b></p>
MM5	40	CP1 Parts A(b)-A(c)	<p>Amend policy CP1 to read:</p> <p><b>(b) Limited amounts of residential development may be absorbed inside Development Limits of secondary villages where it will enhance or maintain the vitality of rural communities and which conforms to the provisions of Policy CP1A and Policy CP6.</b></p> <p><b>(c) Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy CP9; or meet rural affordable housing need (which meets the provisions of Policy CP6), or other special circumstances.</b></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM6	41	4.41	<p><i>Insert new text and policy after Policy CP1:</i></p> <p><b>Green Belt Review</b></p> <p>The area covered by Green Belt is defined on the Proposals Map. For the avoidance of doubt, the boundary line shown on the Proposals map is included in the Green Belt designation. Where there are different versions of maps that contradict one another, the most up to date map from the Council's Geographic Information System has authority.</p> <p>The NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, as part of the Local Plan process, and that any review of boundaries should take account of the need to promote sustainable patterns of development.</p> <p>The text accompanying Core Strategy Policy CP3 notes the land supply issue at Tadcaster (and other locations) which has limited the potential delivery of housing in otherwise very sustainable locations. The Council is seeking to protect the settlement hierarchy and considers that the most sustainable option is to ensure that the Principal Town, Local Service Centres and DSVs in the settlement hierarchy provide for the appropriate level of growth in accordance with NPPF paragraph 85 "<i>ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development</i>". This is especially true in Tadcaster where it is vitally important in order to deliver the Core Strategy Vision, Aims and Objectives to meet local needs and support the health and regeneration of the town.</p> <p>The overriding objective to accommodate development where it is needed to support the local economy (alongside other town centre regeneration schemes) cannot take place elsewhere in the District and still have the same effect on securing Tadcaster's (and other settlements') longer term health. Core Strategy Policies CP2 and CP3 seek to bring land forward in the most sustainable locations within Development Limits in Selby, Tadcaster, Sherburn and the DSVs. The current, 2011 SHLAA generally demonstrates sufficient sites to achieve this; however the Core Strategy must be pragmatic, flexible and future-proofed. Therefore, if sites are not delivered and other options for facilitating delivery fail, the Council must consider an alternative sustainable option.</p> <p>Thus the need for a Green Belt review is most likely to arise if sufficient deliverable/ developable land outside the Green Belt cannot be found in those settlements to which development is directed in accordance with the settlement hierarchy <i>and</i> if development in alternative, non Green Belt settlements/ locations is a significantly less sustainable option (because the needs of the particular settlement to which the development is directed outweigh <i>both</i> the loss of Green Belt land and any opportunity for that development to take place on non-Green Belt land elsewhere). A Green Belt review may also consider identifying areas of Safeguarded Land to facilitate future growth beyond the Plan period. The Council considers that this constitutes the exceptional circumstances that justify a need to strategically assess the District's growth options across the</p>

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			<p>Green Belt.</p> <p>Such a review would seek to ensure that only land that meets the purposes and objectives of Green Belt is designated as Green Belt – it would not be an exercise to introduce unnecessary additional controls over land by expanding the Green Belt for its own sake. Similarly, the review would not seek to remove land from the Green Belt where it is perceived simply to be a nuisance to obtaining planning permission. The review may also address anomalies such as (but not exclusively) cartographic errors and updates in response to planning approvals, reconsider “washed over” villages against Green Belt objectives, and consider simplifying the on-the-ground identification of all the Green Belt boundaries by identifying physical features that are readily recognisable and likely to be permanent.</p> <p>The review would be carried out in accordance with up to date national policy and involve all stakeholders, and take into consideration the need for growth alongside the need to protect the openness of the District. It would examine Green Belt areas for their suitability in terms of the purpose of Green Belt in accordance with the NPPF.</p> <p>The review may also consider</p> <ul style="list-style-type: none"> <li>• the relationship between urban and rural fringe; and</li> <li>• the degree of physical and visual separation of settlements.</li> </ul> <p>This could supply a schedule of areas for further investigation where sites may be considered for suitability for development, and be subject to a Sustainability Appraisal. This may consider other policy/strategy designations such as the 2005 Local Plan, sustainability criteria such as accessibility to services, facilities and public transport, heritage assets, landscape character, nature conservation and also flood risk. The Green Belt review and Sustainability Appraisal would then undergo public consultation.</p> <p>The Local Plan will be the mechanism to respond to the Review and establish a robust Green Belt that should not need to be amended for many years. It will:</p> <ul style="list-style-type: none"> <li>• Define the Green Belt boundary using landmarks and features that are easily identifiable on a map and on the ground.</li> <li>• Review those settlements that are ‘washed over’ by Green Belt and those that are ‘inset’ (i.e. where Green Belt surrounds the village but the village itself is not defined as Green Belt).</li> <li>• Allocate sites to deliver the development needs in this Plan period.</li> <li>• Identify areas of Safeguarded Land that are not to be developed in this Plan period, but that give options for future plans to consider allocations.</li> </ul> <p>Additional detail and a comprehensive review programme may be developed by a Review Panel made up of interested parties</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>(similar to the existing Strategic Housing Land Availability Assessment Stakeholder Working Group).</p> <p><b>Policy CPXX Green Belt</b></p> <p><b>A. Those areas covered by Green Belt are defined on the Proposals Map.</b></p> <p><b>B. In accordance with the NPPF, within the defined Green Belt, 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.</b></p> <p><b>C. Green Belt boundaries will only be altered in exceptional circumstances through the Local Plan. Exceptional circumstances may exist where:</b></p> <ul style="list-style-type: none"> <li><b>(i) there is a compelling need to accommodate development in a particular settlement to deliver the aims of the settlement hierarchy, and</b></li> <li><b>(ii) in that settlement, sufficient land to meet the identified needs is not available outside the Green Belt, and</b></li> <li><b>(iii) removal of land from the Green Belt would represent a significantly more sustainable solution than development elsewhere on non-Green Belt land.</b></li> </ul> <p><b>D. To ensure that Green Belt boundaries endure in the long term, any Green Belt review through the Local Plan will:</b></p> <ul style="list-style-type: none"> <li><b>(i) define boundaries clearly using physical features that are readily recognisable and likely to be permanent</b></li> <li><b>(ii) review washed-over villages</b></li> <li><b>(iii) ensure that there is sufficient land available to meet development requirements throughout the Plan period and identify safeguarded land to facilitate development beyond the Plan period.</b></li> </ul> <p><b>E. Any amendments to the Green Belt will be subject to public consultation and a Sustainability Appraisal, and assessed for their impact upon the following issues (non-exhaustive):</b></p> <ul style="list-style-type: none"> <li><b>• any other relevant policy/strategy; and</b></li> <li><b>• flood risk; and</b></li> <li><b>• nature conservation; and</b></li> <li><b>• impact upon heritage assets; and</b></li> <li><b>• impact upon landscape character; and</b></li> <li><b>• appropriate access to services and facilities; and</b></li> <li><b>• appropriate access to public transport.</b></li> </ul>

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MM7	45	5.4	<p><i>Delete paragraph 5.4 and replace with new text:</i></p> <p>5.4 Following the announcement of the intended abolition of Regional Strategies, the Council reviewed the merits of alternative housing requirements. In line with paragraph 158 of National Planning Policy Framework (NPPF, March 2012) - which requires authorities to consider relevant and up to date evidence about the economic, social, and environmental characteristics and prospects for the area, and that assessments should take a full account of relevant market and economic signals - the Council further reviewed the evidence base including the latest Sub National Population Projections, the Household Projections, and strategic housing market assessments in line with NPPF (paragraph 159) requirements.</p> <p>5.4a A number of scenarios were modelled including lower than projected migration and economic forecasts. Based on recent evidence, this suggests that weaker economic conditions in the period 2008-9 to 2009-10 have coincided with lower than forecast levels of net migration. These weaker conditions are forecast to persist for several years. This cautious approach was verified to a degree by the ONS downward adjustments to the migration component in the 2010-based population projections which suggest that the net inward migration was overestimated in the 2008-based population projections.</p> <p>5.4b The models balanced the key objectives of the Core Strategy, economic forecasts, available evidence on past completions and future land availability, as well as constraints on development. The assessment concluded that, even though it was not based upon them per-se, a housing target very similar to the 2004 projections was most appropriate as it reflects more closely the economic factors and migration affecting the District. Consequently, the Core Strategy provides a robust target of 450 dwellings per annum (dpa) on average over the plan period to meet the objectively assessed need in full.</p>
MM8	45	5.5	<p><i>Insert new text after paragraph 5.5:</i></p> <p>5.5a The 450 dpa housing target is intended to be a minimum requirement to be met by taking account of: those dwellings built between the base date of the Core Strategy and the new base date of the Site Allocations Local Plan; existing commitments (at the base date of the Site Allocations Local Plan); and new allocations.</p> <p>5.5b The Council has not made any allowance for future contribution from windfalls in calculating the number of dwellings to be provided through new allocations after taking account of existing commitments. This means that over the life of the plan, on the basis of evidence of historic delivery which shows that even in the leanest years the supply of windfalls on previously-developed</p>

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			<p>land has been at least 105 dpa, windfalls are likely to add to the total delivery of homes, in excess of the planned-for target. Indeed, 105 windfalls per annum represent around 23% additional growth over the objectively assessed need.</p> <p>5.5c Total development on allocations and windfalls together are anticipated to exceed 555 dpa. This means that the 2006 and 2008 household projections of 500 dpa and 550 dpa respectively may be attained, even though these are considered to overestimate the actual level of identified need.</p>
<b>MM9</b>	45	5.6	<p><i>Insert after paragraph 5.6:</i></p> <p>In order to boost significantly the supply of housing in accordance with paragraph 47 in the NPPF, it is not considered necessary to incorporate measures to control an 'over supply' of housing, or to phase the release of allocated sites. Special measures are however incorporated into the policy to increase housing delivery in Tadcaster in view of the recent history of low completions. Together, the policies in the Core Strategy will ensure that the District contributes towards the national objective of a step-change increase in sustainable house building.</p>
<b>MM10</b>	48	5.17-5.18	<p><i>Delete paragraphs 5.17-5.18 and replace with new text:</i></p> <p>5.17 The proportion of development allocated to Sherburn in Elmet and the Tadcaster area corresponds with that identified through the 2009 SHMA in order that these Local Service Centres meet the local needs identified. The Tadcaster figure of 7% includes the identified affordable need in the 'Northern sub-area' owing to the low number of Designated Service Villages (DSVs) in the sub-area and limited development opportunities in surrounding villages. There are limited opportunities for new housing in these DSVs and this is compounded by the geographical remoteness of the Northern sub-area (partly due to the configuration of the rivers which make access tortuous). The scale of envisaged growth in the DSVs here may not cater for affordable need (with an increased reliance on rural exception sites) and as such Tadcaster should also provide for meeting the needs of the rest of the Northern sub-area.</p> <p>5.18 This is not the case for Sherburn because the Western sub-area contains more DSVs which by their location, nature and scale could reasonably be expected to cater for the identified need in that sub-area.</p>
<b>MM11</b>	50	5.28	<p><i>Delete paragraph 5.28 and replace with new text:</i></p> <p>Paragraph 48 of the NPPF states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and</p>

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			<p>expected future trends, and should not include residential gardens.</p> <p>Windfalls have been a significant source of housing land supply in recent years. Over the period 2004/05 to 2010/11 windfalls accounted for around 69% of completions which held back the release of allocated sites because the Council was always able to demonstrate a healthy 5-years supply of housing land. In 2011, however, all the SDLP Phase 2 sites were released to boost the 5 year supply.</p> <p>The Site Allocations Local Plan will allocate sufficient land to meet the housing target. At the baseline date of 2011, there are about 1,820 existing outstanding permissions which will contribute to the housing target in the Core Strategy, as set out in the table in Policy CP2. The remainder (the majority) will be allocated in the Site Allocations Local Plan.</p> <p>Over the Core Strategy Period to 2027, contributions from non-allocated sites will continue to provide a reliable source of supply. In the light of both past delivery rates and opportunities for future contributions from such sites, it is estimated that these will contribute to overall housing supply within a range of 105 and 170 dwellings per annum above the 450 dpa target, from around 2016. The table in Policy CP2 and the housing trajectory diagram show a figure of a minimum of about 105 dpa as the expected contribution from these as yet 'unknown windfall' sites on top of the 450 dpa planned-for homes.</p> <p>Between the Core Strategy being adopted and the Site Allocations Local Plan adoption, the 450 dpa target will be delivered from planning permissions on existing allocated SDLP Phase 2 sites (released in 2011 to boost supply) and other existing commitments ('known windfalls'), as well as a significant contribution from the Strategic Development Site at Olympia Park in Selby which is released on adoption of the Core Strategy.</p> <p>The Site Allocations Local Plan will determine the precise amount and location of land to be allocated to meet the Core Strategy housing requirements. The level of new allocations needed will be calculated by taking into account, at the Site Allocations Local Plan base date:</p> <ul style="list-style-type: none"> <li>o Those dwellings built since the start the Core Strategy plan period (2011); and</li> <li>o Existing, deliverable commitments from the 5 year land supply.</li> </ul> <p>Therefore, on adoption of the Site Allocations Local Plan, the strategy plans for the 450 dpa target to be made up of:</p> <ul style="list-style-type: none"> <li>• completions since 1 April 2011; and</li> <li>• deliverable commitments (planning permissions) from the 5 year supply (known deliverable and viable sites) as at 31 March of the base date of the Site Allocations Local Plan; and</li> </ul>

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			<ul style="list-style-type: none"> <li>the remainder (the majority) made up of new allocations.</li> </ul> <p>In addition, a minimum of 105 dpa are the unknown 'windfalls' which are expected to be delivered over and above the 450 dpa target (a reasoned assumption based on the past 7 years' windfall figures). These provide additional flexibility to significantly boost housing supply and surpass the minimum need identified.</p>
MM12	51	CP2 Parts A-C	<p><i>Amend policy CP2 to read:</i></p> <p><b>A. Provision will be made for the delivery of a <u>minimum of 440 450 dwellings per annum and associated infrastructure in the period up to 2026 March 2027.</u></b></p> <p><b>B. After taking account of current commitments, housing land allocations will be required to provide for a target of <del>4864</del> <u>5340</u> dwellings between <del>2010</del> <u>2011</u> and <del>2026</del> <u>2027</u>, distributed as follows:</b></p> <p><i>Insert amended Table – see end of Appendix</i></p> <p><b>C. In order to accommodate the scale of growth required at Selby 1,000 dwellings <del>and 23 ha of employment land</del> will be delivered through <u>an a mixed use urban extension to the east of the town, in the period up to 2026 2027</u>, in accordance with policy CP2A. Smaller scale sites within and/or adjacent to the boundary of the Contiguous Urban Area of Selby to accommodate a further <del>1,350</del> <u>1,500</u> dwellings will be identified through <del>a the</del> <u>the Site Allocations DPD part of the Local Plan.</u></b></p>
MM13	57	5.43	<p><i>Insert revised Housing Trajectory (see end of Appendix) after paragraph 5.43.</i></p>
MM14	58	5.44	<p><i>Delete paragraph 5.44 and replace (in part) with new text:</i></p> <p>The SHLAA indicates that across the District there is ample available land to accommodate the quantum of development set out in the Core Strategy. However, the spatial distribution of such sites is more limited in some parts of the District which may affect the delivery of housing targets. The spatial distribution is also a key aim of the Core Strategy and so the Council must also take steps to ensure that delivery is spatially appropriate as well as sufficient in numbers. Therefore the Council will monitor development in each settlement to ensure that delivery is consistent with the overall distribution set out in Policy CP2.</p> <p>Specifically in Tadcaster, land ownership issues have limited the potential delivery of housing in an otherwise very sustainable location. The existing population is disadvantaged through this lack of growth; there has been a loss in population in Tadcaster and the town's sustainability will continue to suffer if the situation does not improve. The Selby Retail, Commercial and Leisure Study shows that Tadcaster is significantly under</p>

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			<p>performing: it is notable that Tadcaster Town Centre is under-represented in terms of both convenience and comparison floorspace. The amount of vacant floorspace at nearly 13% is higher in Tadcaster than a national average of less than 10%. The Council considers that reasonable housing (and employment) development alongside other town centre regeneration proposals may help reverse the decline.</p> <p>The Council considers that the sustainability of Tadcaster and its need for growth, together with the lack of available land (due to ownership issues) would constitute the exceptional circumstances required to undertake a Green Belt review. Although the Green Belt only restricts the western side of the town, land within the Limit to Development, and land adjacent to the Limit to Development on the east, has been confirmed as unavailable for the plan period. Therefore it is reasonable to reconsider the Green Belt around Tadcaster (and other areas) to facilitate sustainable growth in this plan period and to safeguard land for future plan periods through the Site Allocations Local Plan. Policy CPXX deals with this issue.</p> <p>The Site Allocations Local Plan will provide more detail on the location of future allocations to meet the housing requirement. Policy CP3 below demonstrates how the supply represented in the Site Allocations Local Plan will be managed to ensure a plentiful choice throughout the Plan Period.</p> <p>To facilitate the appropriate level of growth in Tadcaster, in light of the potential land availability issue, the Site Allocations Local Plan will seek to allocate additional sites in and around the town to provide maximum flexibility. Sites will be in three phases, with sufficient land to meet the quantum of delivery set out in Policy CP2 in each phase. Phase 1 sites will be released immediately upon adoption of the Site Allocations Local Plan.</p> <p>If, after five years, allocated and windfall sites have delivered less than a third of the minimum dwelling requirement in Tadcaster, then a second phase of sites shall be released. This should provide sufficient time for development to be brought forward having regard for the depressed market and reasonable development timescales.</p> <p>Should delivery still be frustrated after three years from release of Phase 2, (which is consistent with other monitoring and intervention policies), then it will be necessary to provide for the overall quantum of development elsewhere in the District. To do this, a third phase of sites will be identified in the settlement hierarchy. Phase 3 will only be released if Phase 1 and Phase 2 sites and windfalls together have delivered less than 50% of the minimum dwelling requirement for Tadcaster after three years of the release of Phase 2. The Council may also assess options for the purchase of land and/or review its assets to facilitate the availability of sites.</p> <p>This multi-layered approach to ensuring delivery of the Core Strategy should ensure that each settlement succeeds in delivering its appropriate level of growth.</p>

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MM15	60	CP3	<p><i>Delete policy CP3 and replace with new parts A, B, C and D:</i></p> <p><b>A. The Council will ensure the provision of housing is broadly in line with the annual housing target and distribution under Policy CP2 by:</b></p> <ol style="list-style-type: none"> <li><b>1. monitoring the delivery of housing across the District</b></li> <li><b>2. identifying land supply issues which are causing or which may result in significant under-delivery of performance and/or which threaten the achievement of the Vision, Aims and Objectives of the Core Strategy</b></li> <li><b>3. investigating necessary remedial action to tackle under-performance of housing delivery.</b></li> </ol> <p><b>B. Under-performance is defined as:</b></p> <ol style="list-style-type: none"> <li><b>1. Delivery which falls short of the quantum expected in the annual target over a continuous 3 year period; or</b></li> <li><b>2. Where there is less than a 5 year housing land supply.</b></li> </ol> <p><b>C. Remedial action is defined as investigating the underlying causes and identifying options to facilitate delivery of allocated sites in the Site Allocations Local Plan by (but not limited to):</b></p> <ol style="list-style-type: none"> <li><b>1. arbitration, negotiation and facilitation between key players in the development industry; or</b></li> <li><b>2. facilitating land assembly by assisting the finding of alternative sites for existing users; or</b></li> <li><b>3. identifying possible methods of establishing funding to facilitate development; or</b></li> <li><b>4 identifying opportunities for the Council to purchase and/or develop land in partnership with a developer.</b></li> </ol> <p><b>D. In advance of the Site Allocations Local Plan being adopted, those allocated sites identified in saved Policy H2 of the Selby District Local Plan will contribute to housing land supply.</b></p>
MM16	60	CP3	<p><i>Insert new part CC in policy CP3:</i></p> <p><b>CC. Due to the potential land availability constraint on delivery in Tadcaster, the Site Allocations Local Plan will allocate land* to accommodate the quantum of development set out in Policy CP2 in three phases as follows:</b></p> <p><b>Phase 1: The preferred sites in/on the edge of Tadcaster which will be released on adoption of the Site Allocations Local Plan.</b></p>

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			<p><b>Phase 2: A second choice of preferred sites in/on the edge of Tadcaster which will only be released in the event that less than one third of the minimum dwelling requirement for Tadcaster has been completed after 5 years following the adoption of the Site Allocations Local Plan.</b></p> <p><b>Phase 3: A range of sites in/on the edge of settlements in accordance with the hierarchy in Policy CP1 which will only be released after 3 years following release of Phase 2 if completions are less than 50% of the minimum dwelling requirement for Tadcaster.</b></p> <p>* which may include Green Belt releases in accordance with Policy CPXX.</p>
<b>MM17</b>	55	CP2A	<p><i>Insert after "should" in line 4 of part xiv of policy CP2A:</i>  <b>(where feasible and viable)</b></p>
<b>MM18</b>	68	5.93	<p><i>Delete paragraph 5.93 and replace with new text:</i></p> <p>Evidence from the SHMA establishes an overall target of 30-50% intermediate housing and 50-70% for social rented housing. Following the introduction of the new affordable rented category, further evidence is required to establish the required tenure split of new social rented, affordable rented and intermediate housing for eligible households whose needs are not being met by the market. This will be set out through a combination of SPD and future Local Plan documents as appropriate, based on the Council's latest evidence of local need.</p>
<b>MM19</b>	69	CP5	<p><i>Amend part C of policy CP5:</i></p> <p><b>C. On sites below the threshold, a commuted sum will be sought to provide affordable housing within the District. The target contribution will be equivalent to the provision of <u>up to</u> 10% affordable units.</b></p>
<b>MM20</b>	70	5.97 and CP6	<p><i>Add text to end of paragraph 5.97:</i></p> <p>Small numbers of market homes may be allowed on Rural Exception sites at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding in accordance with the NPPF. Further assessment and consideration of the need to introduce a detailed policy will be undertaken through the Development Management Local Plan document.</p> <p><i>Add to end of policy CP6:</i></p> <p><b>Small numbers of market homes may be allowed on Rural Exception sites at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding in accordance with the NPPF. Future Local Plan documents will consider introducing a detailed policy and/or specific allocations for such sites.</b></p>

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MM21	70	CP6	<p><i>Amend the first paragraph and subsection (i) of policy CP6:</i></p> <p><del>In settlements with less than 3,000 population</del> <b>In the Designated Service Villages and the Secondary Villages, planning permission will be granted for small scale 'rural affordable housing' as an exception to normal planning policy where schemes are restricted to affordable housing only and provided all of the following criteria are met:</b></p> <p><b>i) The site is within or adjoining Development Limits in the case of Secondary Villages, and adjoining development limits in the case of Designated Service Villages;</b></p>
MM22	71-73	5.99-5.109 and CP7	<p><i>Delete paragraphs 5.99-5.109 and replace with new text:</i></p> <p>Introduction</p> <p>Core Strategy Objective 5 recognises the requirement to provide housing to meet the needs of all sections of the community. Current evidence suggests that there is a need to make appropriate provision for travellers - that is gypsies, travellers and showpeople who live in or travel through Selby District.</p> <p>The Government advises through the national Planning Policy for Traveller Sites (PPTS, March 2012) that Local Plans should provide criteria for the location of sites as a guide for future site allocations. The guidance provided in the PPTS is considered to be sufficient for a high level policy so it is not necessary to repeat those provisions in the Core Strategy. In terms of allocating sites, the Site Allocations Local Plan will devise an appropriate site selection methodology once a long-term need is established.</p> <p>Context</p> <p>The evidence base provided by the former RS is a regional study of accommodation needs undertaken in 2006 which indicated a shortfall of 57 pitches in North Yorkshire. The former RS noted that the figures were to be superseded by the findings of local Gypsy and Traveller Accommodation Assessments (GTAAAs).</p> <p>Current authorised provision to accommodate travellers in the District consists of two County Council owned sites (Common Lane, Burn and Racecourse Lane, Carlton) providing a combined total of 26 pitches, and one private site (Flaxley Road, Selby) which has the potential to provide up to 54 pitches, although it is not solely for traveller use. All of the sites are known to be at capacity, and the Council is investigating the level of demand to be met locally in partnership with the County Council.</p> <p>Although not recognised as a distinct ethnic group, showpeople travel extensively and therefore live almost exclusively in wagons. During the winter months these are parked up in what was traditionally known as 'winter quarters', although some family members now often occupy these yards all year round. Showpeople have different needs than those of other</p>

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			<p>travellers and as such are considered separately in needs assessments. However, in considering planning applications and site allocations, the same broad considerations inform decisions – in line with the national guidance.</p> <p>The North Yorkshire GTAA (accepted by the Council in 2010) sets out a figure for need, but that requires updating to reflect the PPTS requirement for maintaining a 5 year supply of sites. It is intended to allocate (a) new site(s)/pitch(es)/plot(s) for travellers through the Site Allocations Local Plan. The precise site size and location will be identified using up to date guidance and through consultation with travellers and other stakeholders. Where no specific parcels of land can be identified, the Council may consider setting out broad locations for growth.</p> <p>“Windfall” applications for traveller sites/pitches/plots may also be submitted from time to time (i.e. not on planned-for sites). These applications will be assessed on their own merits in accordance with tests set out in national policy, and other local policies such as Policy CPXX Green Belt, as appropriate. Applications will be considered fairly having regard for cultural and ethnic needs and aspirations, and balancing those with the needs and aspirations of the settled community and local capacity in services and facilities to accommodate such development.</p> <p>All traveller development will be considered on the basis of the policy in conjunction with up to date needs assessments and Government guidance. The Government guidance sets out detailed Development Management criteria and so it is unnecessary to repeat that in Policy CP7. Those criteria include issues such as: the inappropriateness of Green Belt locations; the flood risk sequential test; integration with neighbouring land uses and communities; limiting disruption to amenity; sustainable access to local services and facilities where there is capacity; local character such as existing land use, topography, landscape, wildlife and historic assets; ensuring a high quality development; providing appropriate access, parking and on-site amenity for residents; and ensuring any on-site employment uses are compatible with residential and neighbouring uses.</p> <p><i>Delete policy CP7 and replace with new policy:</i></p> <p><b>Policy CP7 Travellers</b></p> <p><b>A. In order to provide a lawful settled base to negate unauthorised encampments elsewhere, the Council will establish at least a 5-year supply of deliverable sites and broad locations for growth to accommodate additional traveller sites/pitches/plots required through a Site Allocations Local Plan, in line with the findings of up to date assessments or other robust evidence.</b></p> <p><b>B. Rural Exception Sites that provide traveller accommodation in perpetuity will be considered in accordance with Policy CP6. Such sites will be for</b></p>

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			residential use only. C. Other applications for traveller development will be determined in accordance with national policy.
MM23	78	CP8	Delete first paragraph of policy CP8 and replace as follows: <b>Where infrastructure and community facilities are to be implemented in connection with new development, it should be in place or provided in phase with development and scheme viability.</b>
MM24	86	CP9	Amend parts i to v and vii of policy CP9: <b>Policy CP9 Scale and Distribution of Economic Growth Support will be given to developing and revitalising the local economy <u>in all areas</u> by:</b> <b><u>A. Scale and Distribution</u></b> <ol style="list-style-type: none"> <li>1. Providing for an additional 37 – 52 ha of employment land <u>across the District</u> in the period up to <del>2026</del> <u>2027</u>. <u>including</u></li> <li>2. <u>Within this total, providing for 23 ha of employment land as part of a the Olympia Park mixed strategic housing/employment <del>expansion</del> site to the east of Selby to meet the needs of both incoming and existing employment uses.</u></li> <li>3. The precise <u>scale and</u> location of smaller sites in Selby, Tadcaster, Sherburn in Elmet and rural areas will be <u>informed by an up-to-date Employment Land Availability Assessment and determined through a Site Allocations <del>DPD</del> Local Plan.</u></li> <li>4. Giving priority to higher value business, professional and financial services and other growth sector jobs, particularly in Selby Town Centre and in high quality environments close to Selby by-pass.</li> <li>5. Encouraging <u>re-use of premises and intensification of employment sites to accommodate finance and insurance sector businesses and high value knowledge based activities in Tadcaster.</u></li> </ol> <b><u>B. Strategic Development Management</u></b> <ol style="list-style-type: none"> <li>1. Supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification.</li> <li>2. Safeguarding <del>existing</del> <u>Established Employment Areas</u> and allocated <u>employment sites unless it can be demonstrated that there is no reasonable prospect of a site being used for that purpose.</u></li> </ol>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b>3. Promoting opportunities relating to recreation and leisure uses.</b></p>
MM25	86, 88	CP9 and CP10	<p><i>Delete parts vi, viii and ix of policy CP9 and policy CP10, replace by new parts C and D of policy CP9:</i></p> <p><b>C. Rural Economy</b></p> <p><b>In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:</b></p> <ol style="list-style-type: none"> <li><b>1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings.</b></li> <li><b>2. The redevelopment of existing and former employment sites and commercial premises.</b></li> <li><b>3. The diversification of agriculture and other land based rural businesses.</b></li> <li><b>4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development.</b></li> <li><b>5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy CP11.</b></li> </ol> <p><b>D. In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.</b></p>
MM26	91	6.53	<p><i>Insert new paragraph after paragraph 6.53:</i></p> <p>Historically, there have been a number of regeneration schemes proposed for Tadcaster town centre, by the Council, landowners and the community. Unfortunately none of these have come to fruition. However the Council remains committed to the regeneration of the town centre and is willing to collaborate with other parties to support delivery of the Core Strategy objectives in this respect.</p>
MM27	93	CP11	<p><i>Amend part A of policy CP11:</i></p> <p><b>Tadcaster</b></p> <ul style="list-style-type: none"> <li>• <del>Promoting and enhancing the attractive historic core in association with future retail proposals.</del></li> <li>• <u>Promoting the regeneration of the town centre.</u></li> <li>• <u>Protecting and enhancing the attractive historic core.</u></li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification
MM28	101	CP12	<p>Amend first paragraph of Part A of policy CP12:</p> <p><b><u>In preparing its Site Allocations and Development Management Local Plans, To address the causes and potential impacts of climate change, to achieve sustainable development, the Council will:</u></b></p>
MM29	101	CP12	<p>Amend first paragraph of Part B of policy CP12:</p> <p><b>In order to ensure development contributes toward reducing carbon emissions and is resilient to the effects of climate change, schemes should <u>where necessary or appropriate:</u></b></p>
MM30	106	CP13	<p>Amend first paragraph of policy CP13:</p> <p><b>In order to promote increased resource efficiency <u>unless a particular scheme would be demonstrably unviable or not feasible,</u> the Council will require:</b></p>
MM31	106	CP13	<p>Delete part (c) of policy CP13 and replace by new part (c):</p> <p><b>c) Development schemes to employ the most up-to-date national regulatory standards for Code for Sustainable Homes on residential schemes, and BREEAM standards on non-residential schemes, until such time as replaced by specific local requirements through further SPDs or Local Plan documents.</b></p>
MM32	107	CP14	<p>Amend criterion (i) of policy CP14:</p> <p><b>i. are designed and located to protect the environment and local amenity <del>and</del> or</b></p> <p>Insert at the end of policy CP14:</p> <p><b>D. In areas designated as Green Belt, elements of many renewable energy projects will comprise inappropriate development and in such cases applicants must demonstrate very special circumstances if projects are to proceed and proposals must meet the requirements of Policy CPXX and national Green Belt policies.</b></p>
MM33	112	CP15	<p>Amend parts 3(b) and 3(c) of policy CP15:</p> <p><b>b) Ensuring developments retain, protect and enhance features of biological <u>and geological</u> interest and provide appropriate management of these features <u>and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site.</u></b></p> <p><b>c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate, <del>and ensuring any unavoidable impacts are appropriately mitigated and compensated for, on or off-site.</del></b></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM34	116	CP16	<p><i>Amend last section of policy CP16:</i></p> <p><del>Unless it can be demonstrated that it is not practicable or viable, all new housing developments should:</del></p> <p><del>i. Reflect 'Lifetime Neighbourhood' principles, and</del></p> <p><del>ii. Achieve the 'Very Good' standard of the 'Building for Life' assessment, and</del></p> <p><del>iii. Be constructed to Lifetime Homes Standards in order to provide adaptable homes, which meet the long term changing needs of occupiers.</del></p> <p>k) Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved.</p>

**MM12 - AMENDED TABLE AFTER PART A OF POLICY CP2**

(Rounded Figures)	%	Minimum require't 16 yrs total 2011-2027	dpa	Existing PPs 31.03.11	New Allocations needed (dw)	% of new allocations
Selby	51	3700	230	1150	2500	47
Sherburn	11	790	50	70	700	13
Tadcaster	7	500	30	140	360	7
Designated Service Villages	29	2000	130	290	1780	33
Secondary Villages	2	170	10	170	-	-
<b>Total</b>	<b>100</b>	<b>7200</b>	<b>450</b>	<b>1820</b>	<b>5340</b>	<b>100</b>

(NB – Notes to be inserted by Council as Additional Modifications)

**MM13 - REVISED HOUSING TRAJECTORY**

