

Further Representations to the Emerging Selby District Council Core Strategy Examination in Public following the Publication of the National Planning Policy Framework (“NPPF”)

1. The NPPF was released on the 27th March 2012 and immediately replaced 44 separate documents which provided guidance and statements of planning policy. In reference to the Inspector’s note of 4th April 2012 the NPPF provides new and updated material policy on the three specific points to be addressed in the reconvened Examination in Public of the Selby District Core Strategy.
2. I provide below commentary with regard these main issues and how they impact upon representations already submitted on behalf of my client, Samuel Smith Old Brewery (Tadcaster).
3. ***Green Belt***
4. The guidance in relation to making amendments to adopted areas of Green Belt remains broadly similar to that set out within PPG2: Green Belts. The NPPF maintains the requirement that the boundaries of established Green Belts should only be altered in exceptional circumstances, and that any such amendment should be progressed through a revision of the Local Plan.
5. The NPPF at paragraph 84 draws special attention to the need for local planning authorities to promote sustainable development patterns and that this should form part of the consideration of reviewing Green Belt boundaries.
6. The currently proposed Policy CPXX does not provide for this specific requirement when undertaking a review of Green Belt boundaries. The policy needs to ensure that the sustainable development patterns are clearly set out within the policy framework in CPXX so that the context in which possible future changes are considered accurately reflects the NPPF. An amendment to draft policy CPXX should make it clear that any boundary change under criteria D4 to E should include a full and thorough consideration of all options available (including channelling development toward urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary) in order to ensure that the

option not only represents the most sustainable approach but also that other options (or a combination of options) have been found to be demonstrably less sustainable.

7. *Housing*

8. The NPPF proposes a number of significant changes to advice contained previously within PPS3: Housing. In seeking to boost the supply of housing, the NPPF requires at paragraph 47 that local planning authorities ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing, including the identification of 'key sites' that are critical to the delivery of the strategy over the plan period. The District has not identified any key sites either within Tadcaster or the wider District that are critical to the proposed plan strategy. The Core Strategy should be focussed on the delivery of the overarching 'strategy' for the District, and it is therefore essential to identify these key sites now, rather than at a later stage of drafting the 'local plan' (for example the Site Allocations DPD).
9. The approach proposed within Criterion E of Policy CPXX is predicated upon the delivery of the Vision, Aims and Objectives of the Core Strategy, and, when read in conjunction with the guidance at paragraph 47 of the NPPF, it is reasonable that any sites critical to their delivery have to be identified within the Local Plan.
10. The NPPF goes on to require that local planning authorities should be able to demonstrate that there is an immediately deliverable 5-year supply of housing sites against housing requirements and an additional 5% (moved forward from later in the plan period). Clearly the recently released SHLAA 2012 provides the most up-to-date source of information on deliverable sites and provides for ample levels of potential supply to meet the requirement to identify such sources of supply.
11. The NPPF is clear¹ that sites with planning permission should be considered 'deliverable' unless there is clear evidence that they will not be delivered within 5 years. Whilst the most recent SHLAA does not note the status of individual sites in relation to planning permissions or their likely delivery, it is reasonable to assume that the total quantum of 'deliverable' housing sites within the 5 year increase and the Core Strategy in its current form does not address this.

¹ NPPF Page 12, footnote 11

12. The definition of 'deliverable' is clearly set out within footnote no. 11. To be deliverable, the site should be immediately available, currently in a sustainable location and achievable, with a reasonable prospect of development for housing in 5 years. The definition also requires that the development of the site is viable. There is no requirement for sites to have planning permission or for landowners to demonstrate that they are capable of achieving planning permission. Specifically with regard the Mill Lane site the proposal for 254 dwellings on the site should consequently be considered 'deliverable'.
13. The NPPF requires at paragraph 47 that where a planning authority with a record of "persistent under-delivery of housing" should increase this buffer to 20% (moved forward from later in the plan period) in order that a realistic prospect of achieving the planned supply is achieved.
14. We do not consider that Selby represents such an authority. The housing trajectory contained within the latest available SHLAA for the District shows supply falling below RSS requirements (largely adopted in the emerging development plan strategy) for the years 2008-09 to 2010-11. The trajectory presents a scenario of gradually increasing delivery from 2011 in line with expected improvements in market conditions. Consequently we do not consider that Selby represents such an authority.
15. Paragraph 48 of the NPPF allows for local authorities to make an allowance for windfalls. Windfalls have consistently made up a significant portion of new housing supply within the District. Consequently, a calculation of historic windfall trends, future trends and the availability of potential sites should be made when arriving at the global need for new residential development in the District.
16. Historic windfall rates are set out below. Whilst the council do not specifically monitor the delivery of windfall housing sites within the District, it is possible to estimate these through use of information contained within historic AMR's. In essence this is the subtraction of residential deliveries upon allocated sites from the total delivery for that year, the remainder is assumed to be windfall sites. The results of these calculations are set out in the table below:

AMR	Windfalls	Total	% Windfalls
2004-05	302	469	64
2005-06	580	633	92
2006-07	686	873	79
2007-08	345	585	59
2008-09	169	228	74
2009-10	163	270	60
2010-11	211	366	58
Average	351	489	69

17. Clearly windfalls have made up a substantial component of the supply of new housing in the recent past, and have accounted for an average of 351 dwellings every year, or 69% of total delivery. Clearly the above provides compelling evidence that this component of potential supply is significant within the local area and has consistently made a substantial contribution to new housing stock in the District.
18. The most recent SHLAA provides for a potential supply well in excess of housing requirements with circa 15.6 years of supply (at a rate for 450 dwelling per annum) being identified within the 0-5 year bracket. There is consequently ample potential supply to suggest that historic rates of windfall development will be maintained.
19. The statistics available from the District Council upon which the windfall statistics are based do not record the location of individual sites, and it is therefore not possible to assess where sites have been delivered within the gardens of residential dwellings. The Publication Version of the Draft Core Strategy² however states that garden curtilages have consistently provided approximately 10% of all completions over the last 10 years. This is therefore a reasonable discount to apply to projected future windfall trends, in order to take account of the NPPF's definition of windfalls.
20. Prudent planning consequently dictates that this source of housing supply should be taken into account in forming the strategy of the District with regard the overall need to allocate land for residential uses over the plan period.
21. A projection of this average rate of delivery over the 16 year plan period suggests that windfalls could account for circa 5,052 dwellings as a potential source of supply. Doing so has a significant impact of the need to allocate new housing when added to the

² Selby District Submission Draft Core Strategy – Publication Version 2011. Appendix 1, Paragraph 3

distribution set out and justified within the representations submitted to the 5th Set of Proposed Changes consulted upon in January- February 2012. I set out a summary table below, using the same format as the table contained within draft policy CP2 for ease of reference:

	%	Windfalls (16 yrs @ 351 p/a)	Minimum Requirement (16yrs)	Residual Minimum Requirement	DPA	Existing PP's	New Allocations Needed	% of Allocations
Selby	51	2576	3672	1097	69	1150	-54	-1
Sherburn	11	556	792	237	15	70	167	3
Tadcaster	4	202	288	86	5	140	-54	-1
DSV's	30	1515	2160	645	40	290	355	7
Secondary Villages	4	202	288	86	5	296	-210	-4
Total	100	5050	7200	2150	134	1946	204	4

22. The NPPF at paragraph 55 requires that new housing should be located so as to enhance or maintain the vitality of rural communities. With regard Tadcaster, the nature of previous representations clearly seeks the adoption of a sustainable strategy to guiding development within the town to locations that are likely to yield the highest possible benefits in relation to sustainability and support for the economy of Tadcaster.

23. The strategy proposed within my clients previous representations contains more than sufficient new housing development within the central area of Tadcaster having regard to the district's needs and the location of Tadcaster. The design, location and type of housing proposed is expressly intended to ensure that the vitality and viability of the town is maintained and enhanced. The detailed case studies referred to in these representations demonstrate that this approach, when compared with potential alternatives, is likely to result in an enhancement of the vitality of Tadcaster.

Employment

24. Paragraph 22 of the NPPF requires that the Local Planning Authorities should ensure that land allocations are regularly reviewed and that sites which have no realistic

prospects of development for its allocated employment use be considered on their merits for alternative uses. Plainly the NPPF increases the requirement for planning authorities to fully assess the need and requirements for employment allocations.

25. Our previous representations have expressed concern that the local planning authority has dismissed the Inspectors request to review the scale of employment development proposed for Tadcaster. This concern is heightened by the apparent failure of the Council to grapple at any level with an issue which was plainly related to the soundness of the emerging Core Strategy.

Plan Making

26. We have carefully reviewed the NPPF chapter with regard Plan Making and consider the points below to be particularly pertinent to the three issues that the Inspector wishes to discuss at the reconvened EIP, without prejudice to further additional representations that may be made as to the NPPF and the Core Strategy generally in accordance with the Inspector's timetable.
27. It is clear that through the NPPF that there is an even greater emphasis on ensuring that neighbourhoods, local organisations and businesses are meaningfully engaged with and that Councils arrive at their Local Plan strategies in collaboration with those parties. The Council's approach to the Core Strategy and my client particularly in relation to Tadcaster is in clear conflict with this essential part of the NPPF policy. Such a level of collaboration and engagement has not been sought or achieved by the local planning authority and the Core Strategy is not sound or soundly based in this respect and we refer back to our previous representations and the further fundamental difficulties that our client has had in the subsequent round of consultation in persuading the Council to engage at all with our client and our client's sustainable strategy for Tadcaster.
28. Paragraph 155 of the NPPF highlights the importance of this in achieving a collective vision and agreed priorities. This must also include the deliverability of any strategy. Specifically with regard to Tadcaster, this is a vital consideration. My client has repeatedly expressed its strong desire to secure a sustainable pattern of development for the town, as well as being able to provide and assist with the means and expertise to deliver this vision. This fundamental consideration has been ignored or overlooked by

the local planning authority and in the Core Strategy and this renders it unsound particularly when judged against the NPPF. The local planning authority have failed to engage with during the course of the plan making process.

29. The need to ensure that the appropriate level of housing and employment development is allocated to Tadcaster, and that the benefits of this development are fully secured to the advantage of the towns economy are key components of my clients vision for Tadcaster. The failure of the Council to engage meaningfully with my client in this regard has led to the preparation of disjointed and simplistic policies within the emerging Core Strategy that are likely to be harmful to the shared objective of achieving sustainable development.