

**Supplementary Submission – Selby LDF Core Strategy  
Examination in Public 21<sup>st</sup> September 2011**

**A.** This supplementary submission focuses on FAIRBURN and, in particular, its wrong classification as a D.S.V. The selection methodology has been applied inconsistently across parts of the district resulting in villages with superior services and facilities and more land availability than Fairburn classified as Secondary Villages. The input used for Fairburn during the selection process was incorrect and as a consequence the final recommendation was flawed.

As a former Councillor for over 30 years I served on both SDC and NYCC Planning Committees, and I was the chairman of the Yorkshire and Humber Regional Planning Committee during the preparation of the RSS. Nationally I was V- Chairman of the Local Government Association Planning Committee serving on various Working Parties with Planning Ministers including one on the LDF legislation. I also gave evidence to Parliamentary Select Committees on planning and transportation matters. For a number of years I was a member of a National Planning Forum whose purpose was to promote better understanding between national retailers and commercial interests and the planning system.

I have carefully considered the submissions made by Cllr. James Perry on this matter which set out objectively and in detail his analysis of why Fairburn has been wrongly classified as a D.S.V. I fully agree with his conclusions and that, on this basis alone the Core Strategy is unsound.

The crucial matter of an inadequate sewerage network was highlighted by most respondents. Complaints and correspondence on this subject are extensive as the problem has blighted the village for 10 or more years. These pleas have been dismissed in the strategy by stating "*There may be an area which requires reinforcement of water supply and the Sewerage Network, however, this will be dealt with at the planning application.*" This same meaningless assurance has been given in the past but over the years planning permission was granted for a further 90 houses on 4 small estates. Following the granting of permissions no conditions were attached requiring improvements to the sewerage system and a situation has been reached where sewage overflows in the main street and in gardens on a regular basis. Each of the 4 developments have made matters worse to such an extent that it has become harmful to the local amenity and adversely affects quality of life of some residents. The community have no confidence in a Core Strategy that recommends more development knowing that the outcome will seriously undermine their wellbeing and quality of life.

Over 100,000 visitors come to Fairburn Ings each year, which is an RSPB Nature Reserve and SSSI of Regional and National significance. These visitors are important to the sustainability of the RSPB Nature Reserve and the local economy. They come to bird watch, walk, and enjoy nature, there is also an education centre which attracts 3000 school children

yearly. Visitors do not come to Fairburn to experience the unpleasant odour of raw sewage. The local pub which is the only source of employment in the village is also heavily dependant these visitors.

It is necessary to bring the extent of the problem and the impact it has on the community to the attention of the Inspector. In order to do so I need to briefly make reference to correspondence spanning over 10 years between Yorkshire Water, SDC, other Agencies and local residents.

Mr. Senior of Waters Edge, in a letter dated 2008 to Yorkshire Water, wrote that "*I first complained about sewerage overflowing into my garden 8 years ago. Since then I have suffered an average of 9 spillages per year.*" Each spillage results in the leakage of raw sewage directly into Fairburn Ings Nature Reserve and SSSI.

Fairburn Parish Council complained to Yorkshire Water in 2002 requesting that they oppose any further development until the sewerage network is improved. In their reply, Yorkshire Water "*admitted that there was a problem but that there were no plans to upgrade the inadequate system.*" The Parish Council have also held public meetings with Yorkshire Water in an attempt to resolve the problem.

Angela Glyde of Silver Street, in a letter dated 2007, complained to Yorkshire Water about her premises and garden being "*ankle-deep in raw sewage.*" In reply, Yorkshire Water offered her £39.99 compensation and went on to say "*Regarding damage to your property and suspected contamination to your buildings and land, you should contact your insurers in the usual manner.*"

The Environment Agency, responding in 2006 to North Yorkshire Highways Dept. about highways draining into the Ings wrote, "*With regard to other discharges into various properties in the village, the EA is not directly responsible for these issues. The issue of nuisance, odour and potential leak risks fall within the remit of SDC Environmental Health Department. We are concerned if sewers are discharging into the water courses of Fairburn Ings.*"

Every discharge into Mr. Senior's garden drains directly into the adjacent Fairburn Ings.

These are a few examples which should confirm the seriousness of the sewerage problem and how the various authorities simply pass the buck to and from each other whilst offering no solution.

SDC has failed to address this problem in the Core Strategy and simply state "*It will be considered at the planning stage.*" SDC has failed to act on 4 previous occasions and the community have no confidence that the Council will do so this time. The question to be answered is how can SDC make such a statement when they have no idea what work is needed or the cost of putting the matter right? It is most unlikely that a contribution from a small 20 house site proposed as an alternative in the SADPD will do this or, if a planning contribution becomes a planning requirement

then, added to the housing, recycling, recreation etc, commuted sum requirements, then the development of this identified site will be unviable. Deliverability is a key element of sustainability and the soundness of the LDF. Unless the council can convince the Inspector that the LDF proposals for Fairburn – which must now include the preferred housing site, - can be delivered, then the CS will be unsound.

I apologise for the length and letter references but it is necessary to bring this sewerage problem and the future harm the classification of Fairburn as a DSV will have on the local community to the notice of the Inspector. Specific representations concerning the proposed allocation of FBRN10A will be made during the SADPD consultations but it needs to be said now that the inclusion of FBRN 10A would represent the very worst of the Town Planning system. The development is not justified, it is not based on fair and accurate evidence and it is not effective.

It is acknowledged that this inquiry cannot address the current sewerage problem but it has a duty to protect local sustainability and quality of life by not supporting development that would undermine them.

## **B. Consultation**

So far as Fairburn is concerned, the consultation process has failed the test of being a "*comprehensive process of engagement with the community*". (See page 3 para 2.7 of Advice note on the Assessment of Soundness.) All the 5 possible housing sites included in the CS consultation process were dismissed in the preferred options version which introduced a new site, FBRN10A after the consultation process had ended. It is a requirement that change should "*not impact on anyone who has not had the opportunity to comment*". Changes must also be "*realistic and capable of delivery*".

The community have not been given an opportunity to comment on the new site even though it will affect their lives. This site is Greenfield and in Green Belt. It is also in dual ownership. In order to gain access its development requires the demolition of a family home. Its development would impact adversely on the form and especially the character of Fairburn. It also conflicts with Government's policy against 'garden-grabbing'. It is a contentious site and bearing in mind the cost of replacing a perfectly good dwelling, together with the expected contribution to Council services including improvements to the sewerage network, then the deliverability of this site must be some doubt.

The consultation process has failed to satisfy the basic requirements of the Planning and Land Compensation Act 2004 and is, therefore, UNSOUND.

## **C. Green Belt**

The draft National Planning Policy Framework changes many existing Policy Guidance notes. The section related to Green Belt, however, remains much as it has been for many years, generally reinforcing PPG2. Thus confirming "*The Government attaches great importance to the Green Belt*" – Planning Minister.

The approach to Green Belt by neighbouring Leeds CC is to protect their Green Belt by halving the RSS housing allocation. This is the same former

West Riding Green Belt which covers Fairburn. Similarly, York City Council proposes to count windfall sites within their RSS allocation in order to protect their Green Belt. The actions of these neighbouring councils will add pressure for out-commuting and upon the Selby Green Belt.

When identifying sites, in its SADPD, SDC has failed to logically apply their own sequential test as set out in the CS to potential development sites within the village envelope. There are alternative and better sites both inside and outside the Green Belt in other parts of the district.

The approach taken by the Council in the CS/ SADPD is to tinker with Green Belt boundaries in cases where it suits, but to use the Green Belt as a constraint where it does not. The most obvious case is Escrick which apart from the lack of a railway station (common to most DSV s) must be the most sustainable settlement in the District.

The GB in Selby was not comprehensively reviewed during the preparation of the Local Plan work which began in the 1990s and was due to expire in 2006. Given this timescale the LDF process requires then a fundamental review of Green Belt boundaries should be undertaken throughout the district. This would enable sites and areas currently within the GB to be assessed for their suitability for allocation as strategic sites in the CS and in rural areas would ensure that the DSVs identified are fit for purpose.

## **D Conclusions**

That the Inspector is requested to

- 1 Conclude that the CS is Unsound.
- 2 Re - designate Fairburn as a Secondary Village.
- 3 Conclude so far as it is necessary to do so that on the evidence FBRN10A is unsuitable.
- 4 Conclude that the CS should include a comprehensive review of the GB
- 5 Accept that the council's estimate of the need for 32 dwellings in Fairburn over the plan period can be met from sites within the village envelope and that this would be consistent with the CS policies for limited development within Secondary Villages. (Subject to the sewerage disposal problems being satisfactorily resolved.)

**Roy Wilson MBE**