



Summons and Agenda for the

Extraordinary Council Meeting

to be held on

29 MAY 2012

at

6.00pm



To: All District Councillors

cc: Chief Officers
Directors

You are hereby summoned to attend the Extraordinary Meeting of the Selby District Council to be held in the Council Chamber, Civic Centre, Doncaster Road, Selby on **TUESDAY 29 MAY 2012** starting at **6.00pm**. The Agenda for the meeting is set out below.

Chief Executive
21 May 2012

Opening Prayers

AGENDA

1. Apologies for Absence

To receive apologies for absence.

2. Disclosures of Interest

To receive any declarations of personal or prejudicial interest in any items set out in the Agenda.

3. Local Development Framework: Core Strategy Examination in Public, National Planning Policy Framework consistency and further proposed changes

The report updates the Council on the progress of the Core Strategy through the Examination in Public (EIP) which took place in April 2012 and sets out further proposed changes required in order to address issues raised at the April EIP and ensure consistency with the new National Planning Policy Framework (NPPF). Pages 1 to 49 attached.



Public Session

Report Reference Number: C/12/ 2

Agenda Item No: 3

To: Extraordinary Council
Date: 29 May 2012
Author: Helen Gregory, Policy Officer
Lead Officer: Keith Dawson, Director of Community Services
Executive Member: Councillor Mark Crane, Leader of the Council

Title: Local Development Framework: Core Strategy Examination in Public, National Planning Policy Framework consistency and further proposed changes.

Summary:

This report updates the Council on the progress of the Core Strategy through the Examination in Public (EIP) which took place in April 2012 and sets out for approval the further proposed changes required in order to address issues raised at the April EIP and ensure consistency with the new National Planning Policy Framework (NPPF).

It highlights the Inspector's concerns and sets out the key issues and options relating to proposed policy changes. An assessment is provided on how the Submission Draft Core Strategy (SDCS), as amended by proposed changes, is consistent with the new NPPF and any further changes that are required.

Councillors are requested to endorse the changes to the Core Strategy.

The report sets out the next steps for consultation and the reconvened EIP in September. Further information is also provided about the procedural steps which need to be taken to progress the Core Strategy to adoption.

Recommendations:

- I. To approve the content of this report as the basis for:**
 - **the Council's position statement for the September 2012 EIP**
 - **the Submission Draft Core Strategy National Planning Policy Framework Part 2 compliance statement**
- II. To approve in principle the actions in the schedule at Appendix 5 as the basis of the 6th Set of Proposed Changes.**
- III. To authorise the Director of Community Services, after consultation with the Leader of the Council, to agree precise wording of text and policies**

for the 6th Set of Proposed Changes.

- IV. To authorise the Director of Community Services, after consultation with the Leader of the Council, to agree a schedule of officer responses to representations received on the NPPF as a basis for the council's case at the September 2012 EIP.
- V. To authorise the officers representing the Council at the reconvened EIP in September 2012 to make additional modifications¹ to the Core Strategy policies before and during the reconvened EIP in September 2012.
- VI. To authorise the Director of Community Services, after consultation with the Leader of the Council, to propose main modifications relating to the Core Strategy Policies to the Inspector before and during the reconvened EIP in September 2012.
- VII. To authorise the Director of Community Services to deal with any procedural issues not covered by existing delegations to enable effective conduct of the reconvened EIP in September 2012.
- VIII. To note that the documents will be subject to public consultation between 7 June and 19 July 2012 and that they will be considered alongside representations received at the reconvened EIP in September 2012.

Reasons for recommendations:

A formally adopted Core Strategy is an essential part of the Council's Local Development Framework and is needed for the proper planning of the District of Selby.

The recommendations seek to assist the progress of the Core Strategy towards adoption and will contribute towards the implementation of the statutory development plan within the timescale agreed with the Government Inspector.

1. Introduction

- 1.1 Council approved proposed changes to the Selby District Core Strategy on 13 December 2011 (report ref C/11/7) in the light of the suspension of the EIP in September 2011 in order to address concerns raised by the Inspector.
- 1.2 The proposed changes were subject to consultation in January and February 2012 and the Executive Meeting on 5 April 2012 (report ref E/11/59) was provided with an update on the representations received, and the next steps.
- 1.3 The EIP hearing sessions took place on 18 and 19 April in order for the Inspector to examine further the main issues. The Agendas for the 4 separate sessions are available on the Core Strategy EIP web pages of the Council's website. The Inspector carried out two accompanied sites visits to Olympia Park and Tadcaster on 20 April.

¹ see paragraph 4.6 for definitions of additional and main modifications and section 6 for procedures

- 1.4 This report provides an update on the key issues from the April EIP and the publication of the NPPF on 27 March and sets out the further proposed changes that are required. There will be a further period of consultation on the changes between 7 June and 19 July 2012 and the EIP will be reconvened on 5 and 6 September 2012 to consider the issues.
- 1.5 The Report is therefore in two parts; Part 1 dealing with issues raised by the inspector at the April EIP and Part 2 the issues as a result of the assessment of consistency between the Core Strategy policies and the new NPPF.
- 1.6 The Leader provided Council in April with an update on the latest developments from the EIP and the impact of the recently published National Planning Policy Framework on the Core Strategy. Council noted the need to move quickly to make any necessary amendments to the Core Strategy and, to facilitate a speedy response, agreed to hold an Extraordinary meeting on 29 May 2012 and to temporarily suspend the constitutional requirement for Policy Review Committee to first comment on the report.

PART 1 APRIL EIP ISSUES

2. Background

- 2.1 The reconvened EIP in April was for the purpose of considering the following three topics in the light of the further work undertaken by the Council, and considering the responses to the consultation on the Council's proposed changes:
- (i) The strategic approach to Green Belt releases
 - (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt
 - (iii) The overall scale of housing development over the plan period
- 2.2 In addition, because the NPPF had been published on 27 March the Inspector also examined the consistency of the Council's proposals, on the three topics, with that framework.
- 2.3 Additional sessions have been arranged in September in order to re-examine all other elements of the Core Strategy in the light of the NPPF.
- 2.4 The Council must assess whether the Core Strategy policies are consistent with the NPPF and if any further changes are required to ensure consistency.
- 2.5 The Inspector has published two notes explaining the process which are available on the Core Strategy EIP web page.
- 2.6 The Inspector asked all third parties for comments on the implications of the NPPF for the Core Strategy and the deadline for submission of those comments was 11 May 2012. Twelve responses were received. These have been considered by officers as part of the Council's assessment, and are dealt with in Part 2 of this report at Section 4 below.

- 2.7 The Council's assessment and further proposed changes will be then the subject of further consultation prior to the September 2012 EIP. The consultation period and further hearing sessions also provide an opportunity for the Council to consider any further changes which are necessary in the light of the discussion of the 3 topics at the April EIP (see Part 1 below).

3. Key Issues

(a) Duty to Cooperate (DTC)

- 3.1 Section 110 of the Localism Act 2011 introduces a 'duty to cooperate' between adjoining local authorities. The Department of Communities and Local Government and the Inspector had confirmed that, because the Selby Core Strategy had been submitted prior to s110 being enacted (15 November 2011), the Council did not have to comply with the requirement because it is not retrospective. However, a number of representations to the January/February proposed changes suggested that the provision does apply because the Proposed Changes consultation is part of the plan preparation process and took place after the 15 November 2011.
- 3.2 The Council published a statement on the 13 April 2012 setting out that it does not accept the provisions apply. It also provided further information on the assessment of 'strategic matters' and outlined the extent of cooperation in order to meet any such requirement if it was judged that the provisions did in fact apply.
- 3.3 The Council's statement invited the Inspector to make a judgement and this request was reiterated at the first session of the EIP in April 2012.
- 3.4 The Inspector published his ruling on 27 April 2012 in which he concluded that the s33A duty to cooperate does not apply to the Submission Draft Core Strategy (SDCS) or to the changes proposed by the Council which post-date the coming into force of this provision.
- 3.5 This ruling deals only with the *legal* duty to cooperate in terms of compliance with S33A of the 2004 Act. It does not address the policies of the National Planning Policy Framework which relate to the duty to cooperate. Part 2 of this report refers to DTC issues in the light of the NPPF.

(b) The Overall Scale of housing development over the plan period

- 3.6 At the September EIP the Inspector concluded that the Council's case for relying on the Regional Spatial Strategy figure was not sufficiently robust and the Council should reconsider the overall housing target in the light of the most up-to-date evidence. The Council commissioned Arup Consultants to undertake a robust and rigorous review of all of the available sources of evidence on future housing growth requirements. They considered the various sources of evidence on population growth, household formation, the housing market, housing completions, housing land availability, and the economy.
- 3.7 Their full report (November 2011) is available (and a further paper is

attached to Executive Report E/11/43 on 1 December 2011). They recommend that 450 dwellings per annum (dpa) over the plan period is the most robust figure to use based on the 2004 government sub-national population projections (SNPP) which most accurately reflect current and expected market conditions.

- 3.8 Responses by other parties to Proposed Changes reiterated previous opinions that the Council should be using the 2008 SNPP. The Council commissioned Arup in March 2012 to consider any new evidence since their original assessment in November 2011. Their report is also available (April 2012) and was submitted to the Inspector prior to the April EIP recommencing.
- 3.9 Arup remained of the view that the 2004 SNPP was robust. They also considered the 2008 SNPP and the 2010 SNPP (which had been published on 21 March 2012). Arup considered the representations, reviewed the North Yorkshire Strategic Housing Market Assessment 2011 and other data on migration and household size for example. Arup concluded that even using the latest 2010 SNPP release the housing target should be about 450 dpa. The Council also considered that the approach taken was consistent with the NPPF.
- 3.10 The discussion at the EIP was inconclusive in terms of the elements of the evidence base which the various parties could agree upon. The Inspector asked for the Council and other participants to formulate a Statement of Common Ground regarding the population and household demand data.
- 3.11 Officers have met with participants along with Arup consultants (for the Council) to develop this technical paper for submission to the Inspector by 31 May. Officers have accepted that the latest population projections are the starting point but that there is disagreement between the parties about the assumptions on household size/migration to be used in translating these into numbers of households.
- 3.12 Whereas other parties consider that the figure should be higher (between 500 and 550 dpa), the Council remain of the view that the figure should be about 450 dpa which is aspirational but realistic and provides for objectively assessed needs in accordance with NPPF.

(c) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt

Background

- 3.13 At the 2011 September EIP the Inspector considered that from evidence given at the hearings by agents of landowners in Tadcaster, it was clear that the Council could not deliver the housing and employment land that it argues is necessary to meet Tadcaster's needs without releasing land from the Green Belt.
- 3.14 Notwithstanding the above conclusion, the Inspector highlighted concerns about whether the scale of growth proposed for Tadcaster was fully supported by the evidence.
- 3.15 During the suspension, the Council revisited the evidence base and

reviewed whether the level of growth can be accommodated. Further details are contained in previous Executive and Council reports, and other Background Papers to the Core Strategy.

- 3.16 The revised Policy CP2 sets out that Tadcaster and Sherburn in Elmet now have 7% and 11% of the District's housing requirement respectively which reflects the evidence base and overall methodology for distribution of housing requirements across the District. This is not a redistribution of requirements.
- 3.17 In addition, to provide flexibility, the Council also amended Policy CP3 to ensure close monitoring and remedial actions if the numbers were not being delivered within certain timescales.
- 3.18 Further, the Council introduced a new Policy CPXX on Green Belt setting out the framework for undertaking a Green Belt review and clarifying the exceptional circumstances which would have to be met to allow alterations to the Green Belt boundaries to accommodate housing and employment growth.
- 3.19 However, further representations from third parties as part of the Proposed Changes consultation in January/February 2012 and at the April EIP highlighted that even if land were available, and it was allocated in the SADPD and given planning permission, a local landowner was likely to seek to purchase the land to prevent development coming forward.
- 3.20 The Inspector considered there were unusual circumstances in Tadcaster and he considered that it was necessary to include a contingency or provide a 'Plan B', to ensure that the Core Strategy was sound in its ability to deliver its proposals. He asked the Council to reflect on this and propose further amendments to the Core Strategy in Tadcaster.
- 3.21 A number of alternative proposals were submitted by other parties at the EIP including reducing the level in Tadcaster and transferring the housing requirement to other settlements. Options put forward were:
- Reducing the level in Tadcaster because it is too high and the reduced level can be accommodated through a detailed scheme that was presented
 - the DSVs in the northern sub-area to take the development, and /or identifying an extra DSV in Escrick to serve this purpose
 - re-distributing to other villages adjacent to Selby town to complement growth there
 - increasing the allocation to Sherburn In Elmet due to the level of land available / being promoted by landowners / developers

Some further details are contained in Appendix 1

Consideration of Options

- 3.22 The Executive, Policy Review and Council have already considered a number of alternative options of accommodating Tadcaster's housing requirement following the September EIP in the light of addressing the Inspector's concerns on the level of growth at Tadcaster and deliverability

issues.

- 3.23 The preferred option (Option A, 1a to 1c) was chosen - which sought to accommodate Tadcaster's needs through: identifying further sites in Tadcaster on non-Green Belt land through the SHLAA update; working with landowners / last resort CPO to bring existing sites forward (mechanisms incorporated into revised Policy CP3); and establishing exceptional circumstances for a Green Belt review to deliver the plan's vision, aims and objectives if the alternative sites on non-Green Belt land would be less sustainable overall (new Policy CPXX).
- 3.24 However it is clearly of concern to the Inspector that the Core strategy is flexible enough to ensure delivery if these plans fail. As such the Council needs to consider a "Plan B".
- 3.25 The following alternatives (Option B) were considered in November/December by Executive and Policy Review (and agreed at Council in December) and were subject to Sustainability Appraisal:
2. Reduce numbers at Tadcaster and increase housing figures at Selby
 3. Reduce numbers at Tadcaster and share the increase between Selby and Sherburn in Elmet
 4. Reduce numbers at Tadcaster and increase figures at Sherburn in Elmet.
 5. Reduce numbers at Tadcaster and increase figures for the 3 settlements closest to Selby town (Barlby/Osgodby, Brayton and Thorpe Willoughby).
 6. Reduce numbers at Tadcaster and increase figures in the Designated Service Villages.
- 3.26 The Addendum to the Sustainability Appraisal is available as a Core Document (ref CS/CD17h) and the outcome of that appraisal needs to be taken into account in choosing the Plan B, in addition to ensuring that the Plan B accords with the vision, aims and objectives of the Core Strategy.
- 3.27 Option B6 was rejected because that would undermine the overall strategy. The alternatives within Option B2-5, which would redistribute development to other settlements, were not supported by the Executive at that time.
- 3.28 However, in the light of the Inspector's request, Council is now asked to re-consider these options in order to ensure that there is a contingency / Plan B in the Core Strategy.

Delivery of Tadcaster sites - Plan B / Contingency

Proposals

- 3.29 Officers remain of the view that the level of growth identified in Policy CP2, as distributed through the settlement hierarchy is the most sustainable option and the appropriate level, and is based on the evidence. Any further reductions at Tadcaster would be contrary to the Core Strategy and Regional Spatial Strategy which says that the Local Service Centres should

accommodate local needs.

- 3.30 However it is clear that the Core Strategy must incorporate flexibility to ensure the proposed strategy can be delivered, and if not precisely in line with the broad numbers envisaged in Policy CP2 then the plan should incorporate an alternative approach.
- 3.31 As such, the proposed 'Plan B' involves the Site Allocations DPD identifying sufficient / additional land to deliver the requirement in Tadcaster and the release of further sites should those not come forward, and then the release of additional sites in settlements in accordance with the hierarchy in Policy CP1 in the event that those do not come forward. The sites would be released after a certain time period following the adoption of the SADPD.
- 3.32 The Plan B being proposed retains the overall strategy and intentions of Policy CP2 and provides flexibility to ensure the required housing is delivered in line with the NPPF.
- 3.33 The full revised text (which also includes the Council's approach to possible future purchase of land for development purposes) and amended Policy CP3 is attached at Appendix 2. The additional section being added to set out Plan B is reproduced below:

“CC In Tadcaster, due to the potential land availability constraint on delivery, the Site Allocation DPD will allocate land to accommodate the quantum of development set out in Policy CP2 in three phases as follows:

Phase 1: the preferred sites in/on the edge of Tadcaster which may include Green Belt releases in accordance with Policy CPXX. Phase 1 will be released on adoption of the SADPD.

Phase 2: a second choice of preferred sites in/on the edge of Tadcaster which may include Green Belt releases in accordance with Policy CPXX. Phase 2 will only be released in the event that Phase 1 is not at least one third completed after 5 years following the release of Phase 1.

Phase 3: a range of sites in/on the edge of settlements in accordance with the hierarchy in Policy CP1. Phase 3 will only be released after 3 years following release of Phase 2 and only in the event that delivery of Phase 1 and Phase 2 is less than 50% of their combined target yield.”

Strategic Environmental Assessment and Sustainability Appraisal (SEA/SA) of the Contingency

- 3.34 The SEA Directive states that the environmental report should consider reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.
- 3.35 Appendix 3 of this report provides an extract from the SA Addendum. The detailed sustainability appraisal of the options (Option A, 1a-1c and Option

B 2-6) may be found in Appendix B of the SA Addendum (Core Document reference CS/CD17h).

- 3.36 The above revision to Policy CP3 as the plan's contingency, is a combination of all the options which were subject to SA. Overall, looking at all the options, there are neutral and or positive effects from directing new development in accordance with the hierarchy of settlements; for example improving accessibility to culture, leisure and recreation facilities and improving quality of housing available to all. Therefore the contingency is considered sustainable overall.
- 3.37 The strategic nature of the Core Strategy policies has made more detailed assessments difficult: due to the size and location of site allocations being unknown at this stage, uncertainties were identified in the appraisals regarding the effects on biodiversity, heritage, flood risk and the promotion of brownfield sites. However, other Core Strategy Policies seek to minimise and/or mitigate any potential adverse effects. These issues will be considered in more detail as part of any additional work to the Site Allocations DPD.
- 3.38 In conclusion, the SA as a strategic assessment, with numerous unknowns to consider, does not demonstrate that the policies are not sustainable. Instead it flags those issues to consider at the appropriate time when allocating sites in the Site Allocations DPD.

(d) Windfalls

- 3.39 There was debate at the EIP regarding the monitoring of windfalls and how such sites are taken into account as part of the housing land supply calculations.
- 3.40 Agents presented a case that windfalls should be used to discount the overall housing target and therefore reduce the amount of allocations that would be required. One cited the case that because Newton Kyme Papyrus Works site has planning permission for 140 dwellings which falls within the northern sub-area, then this should be taken off the Tadcaster requirement for 360 dwellings.
- 3.41 The NPPF (paragraph 48) says that LPAs may make an allowance for windfalls in their 5 year land supply. It does not allow for windfalls to form part of the housing land target:
- “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 expected future trends, and should not include residential gardens.”*
- 3.42 As such it is quite clear that windfalls are an issue for supply and not part of the housing target.
- 3.43 Officers accept that historically there has been a high proportion of completions from non-allocated sites. However, historic performance is not

necessarily an indicator of future potential and it is considered that windfalls will not continue to provide a significant or reliable source of supply at the scale experienced in the past, and therefore the Core Strategy should not make an allowance for windfalls in the housing target in Policy CP2.

- 3.44 However it would be helpful to expand the existing text which deals with windfalls in the Core Strategy (paragraph 5.28) to explain the above position on windfalls and that windfall permissions and completed development will be taken into account when considering the amount of land to be allocated in the future SADPD.

Tadcaster and Windfalls

- 3.45 An agent took the view that because the 'calculation' of Tadcaster's proportion of housing distribution is based on the identified need in the Strategic Housing Market Assessment (SHMA) pooling together Tadcaster parish and the northern sub-area then any windfall permissions in the northern sub-area should be used to discount against the Tadcaster's new allocations requirement. This would not be appropriate for a number of reasons.
- 3.46 The SHMA evidence has been used as an indicator to inform the broad distribution of housing requirement to Sherburn and Tadcaster. It is a mechanism used as part of a wider methodology and does not define the specific numbers of homes that are needed there.
- 3.47 Background Paper 3 (and superseded versions which are on the background paper archive webpage) clearly set out how the various proportions for all the layers in the settlement hierarchy have been derived.
- 3.48 It is not therefore appropriate to discount windfalls in the northern sub-area. Further it is not sustainable to rely on windfalls in the northern sub-area to be used to reduce the development which ought to be provided in the Local Service Centre. This would be contrary to the plan's strategy.
- 3.49 The complex and detailed issues are covered variously in the Core Strategy, background papers and other EIP submissions. However officers will include further clarification in the position statement to assist the Inspector and EIP participants.
- 3.50 The Inspector has, since the EIP, asked for further information from the Council regarding their definition of windfalls and to provide a more detailed breakdown of the monitoring data relating to past completions. This technical paper will be provided by officers by the 31 May.

(e) Employment land availability in Tadcaster

- 3.51 The scale and distribution of economic growth was debated at the September 2011 EIP in the context of Policy CP9 which established an overall District-wide requirement for 37 – 52 hectares of employment land and the precise location of sites to be determined through the Sites Allocation DPD. The Core Strategy text (and Figure 12) suggests the broad distribution for Tadcaster to be 5-10 hectares based on the Employment Land Studies that have been undertaken.

- 3.52 At the April 2012 EIP the Inspector raised specific concerns about the lack of evidence presented by the Council on land availability for employment sites. He suggested that a further update to employment land supply be provided and additional text might be added in the Core Strategy to set out the approach to delivering employment sites in the light of the clear problems in the town.
- 3.53 The evidence indicates difficulties in delivering the 5-10 hectares of employment land in Tadcaster set out in the text (Figure 12 of the SDCS). The latest information indicates that there are no sites currently available to deliver employment land of this scale in the town. Officers indicated that the Council plans to undertake a joint Housing and Employment Land Availability Assessment as part of the SADPD, which is consistent with the NPPF as Policy CP9 provides flexibility by stating that the precise location of sites to be allocated will be undertaken in the SADPD.
- 3.54 In order to make it clear that the strategic policy provides the appropriate flexibility, and that the precise scale and location of sites will be determined through the SADPD taking into account the most up-to-date evidence on land availability in the settlements, it is proposed to amend and reformat criterion (i) of Policy CP9 as follows (in red):

- “1. Providing for an additional 37 – 52 ha of employment land across the District in the period up to 2026 2027 (PC5.42),**
- 2. Providing for including 23 ha of employment land as part of a mixed strategic housing / employment expansion the Olympia Park mixed strategic housing/employment site (PC1.35) to the east of Selby to meet the needs of both incoming and existing employment uses.**
- 3. The precise scale and location of smaller sites in Selby, Tadcaster, Sherburn in Elmet and rural areas will be informed by an up-to-date Employment Land Availability Assessment and determined through a Site Allocation DPD.”**

- 3.55 The entire proposed wording for Policy CP9 is provided in Appendix 4, which also takes into account amendments proposed as a result of the assessment against NPPF in Part 2 below.
- 3.56 In addition, in response to the Inspector’s request for further clarification in the Core Strategy of how the Council expects employment growth to be delivered in Tadcaster, it is proposed to amend the supporting text to Policy CP9 to provide further analysis and emphasise the key points from the evidence base. The detailed wording of the text is proposed to be agreed under delegated authority (see recommendations above).

(f) The strategic approach to Green Belt releases

- 3.57 The Inspector’s view at the September 2011 EIP was that the over-arching strategy for the District should establish the principles that will govern any

Green Belt boundary reviews that are deemed necessary at the Site Allocations DPD (SADPD) stage. The Council considered a revised approach and published for consultation a new Policy CPXX as part of the January / February consultation on Proposed Changes.

- 3.58 The proposed new Green Belt policy covered the following general points:
1. the general extent of the Green Belt will be protected and control of inappropriate development within the Green Belt;
 2. reference to Major Developed Sites in the Green Belt;
 3. that a Green Belt review will be undertaken at a lower DPD stage;
 4. establish the broad scope of the review; and
 5. as part of the review what exceptional circumstances need to exist if boundaries are to be altered.
- 3.59 Following the consultation and prior to the April EIP the Council published an NPPF Compliance Statement Part 1 (3 Topics) which assessed the policy's consistency with the NPPF.
- 3.60 That paper proposed further changes to the Green Belt policy to take account of the NPPF. The proposed changes included:
- deletion of reference to Major Developed Sites;
 - incorporation of wording to refer to review of all village boundaries; and
 - minor text changes to bring detailed wording more in line with that used in the NPPF.
- 3.61 Debate at the April EIP seemed to indicate that the principle of the Council's proposed new policy was accepted, however the Inspector did have some concerns about the lack of clarity in Part E of the amended policy.
- 3.62 The Council has redrafted the wording and circulated to all parties who were at the hearing session in order to seek views prior to the further consultation in June. The following rewording does not materially change the policy but simplifies the last criterion in the spirit of the Inspector's comments and is provided for information:

“E. Under Criterion D4 (above), the SADPD may in exceptional circumstances allocate land in the Green Belt to deliver the Policies, Vision, Aims and Objectives of the Core Strategy by accommodating the identified development needs in the established settlement hierarchy, where such need cannot be met on non-Green Belt land, or where removal of land from the Green Belt offers a significantly more sustainable option overall. Safeguarded land may also be identified to secure options for delivery in future plans.”

Other Green Belt issues

- 3.63 An agent had raised the issue that windfalls should be taken into account when determining the level of allocations required and further, that windfalls

coming forward on non-Green Belt land outside Tadcaster in other parts of the District / in the northern sub-area should be used as a reason for not needing to take land out of the Green Belt in Tadcaster.

- 3.64 It is considered that the assessment of land availability and delivery / supply would be properly part of the future assessment of whether there are exceptional circumstances to alter Green Belt boundaries in the planned review. The review methodology is the proper place for the level of detail referred to and not the strategic policy in the Core Strategy.

(g) Status of Villages

(i) Consideration of Change from Designated Service Villages (DSVs) to Secondary Village status

Fairburn and Appleton Roebuck

- 3.65 The Inspector expressed concerns over the status of these two villages and asked the Council to further reflect on whether the evidence supported their designation as DSVs.
- 3.66 Officers have reviewed the evidence base upon which the Council relied to designate both Fairburn and Appleton Roebuck as DSVs. Officers have also reviewed any new evidence, including the information that has been submitted by other parties during the EIP process. Officers have also taken account of the debate at the EIP and views of the Inspector. In addition an assessment has been made against the guidance in the new NPPF.

Fairburn

- 3.67 The evidence presented in the Council's Background Paper 5 and Background Paper 6 recognises that local services were an important factor in giving weight to the designation of Fairburn as a DSV. Access to public transport has already been considered as poor and requires improvement. Taking account of the new information put forward, and statement of common ground agreed between the Council and objectors, the re-assessment of Fairburn suggests that it should be reclassified as a Secondary Village, essentially due to the loss of services (the shops).

Appleton Roebuck

- 3.68 In Background Paper 5 the Council accepted that Appleton Roebuck does not meet the "minimum criteria" for the level of services to justify DSV status. However in Background Paper 6 the Council explained how Appleton Roebuck plays a leading role in the area due to its school, church and other services that should be nurtured in the interests of the local community. Appleton Roebuck is the largest of the villages and hamlets in this rural part of the District.
- 3.69 NPPF Para 55 encourages Councils to exploit such a scenario by stating: *'To promote sustainable development in rural areas, housing should be*

located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'. The designation of Appleton Roebuck as a Designated Service Village fulfils this role and is consistent with NPPF.

- 3.70 Therefore the Council remains firmly committed to Appleton Roebuck's appropriate recognition as a Designated Service Village in the hierarchy of settlements. Further support is given by the Parish Council which recognises that in the longer term the best way to safeguard existing services and to foster additional facilities is to welcome an appropriate quantum of development to increase viability.

(ii) Change from Secondary Village to DSVs status

Escrick

- 3.71 There was further debate at the April 2012 EIP regarding whether Escrick had been correctly identified as a Secondary Village. Objectors contended that it met the criteria for DSV status and that its status should be changed.
- 3.72 The Council however established that although Escrick is recognised as a sustainable settlement (Background Paper 5) it did not meet the criteria for designation as a Designated Service Village due to its physical constraints - there isn't currently room to expand taking into account the Green Belt, the site of interest for nature conservation and Historic Park and Garden (Background Paper 6).
- 3.73 However, it was also accepted that, because the Council is now committed to undertaking a Green Belt review, this may offer the opportunity in principle to overcome one of the constraints – i.e. alter boundaries of the Green Belt to accommodate growth if there are exceptional circumstances (under the new Policy CPXX, Green Belt).
- 3.74 The designation of Escrick as a DSV does not mean that the boundary will change or that it will be allocated further development. That will be assessed and decided through the Green Belt review and as part of the Site Allocations DPD, which will both be subject of further consultation in due course and of course the SADPD will be subject to another EIP.
- 3.75 As such, officers consider that Escrick should be added to the list of DSVs in the light of the new Green Belt review policy.

Summary of key issues and main changes following EIP

- 3.76 In summary, in light of all the above issues from the April EIP, the following is a list of key issues and changes required:
1. **The overall scale of housing development over the plan period** – accept 2010 based SNPP as the basis of housing requirement, but disagree with other parties on assumptions (e.g. migration) and policy objectives for the components of the methodology for determining the most appropriate housing target for the District to deliver the vision, aims and objectives of the plan. No change to 450

dpa.

2. **The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt**

- Introduction of a Plan B /Contingency for delivering the housing requirement for Tadcaster. Proposed changes to Policy CP3 to introduce staged phasing of release of sites.
- Additional text explaining evidence and approach to employment land supply at Tadcaster and revisions to Policy CP9 to link scale of allocations in the SADPD to land availability evidence

3. **The strategic approach to Green Belt releases** – no material changes to the policy – only wording changes.

4. Additional text to expand on approach to dealing with **windfall** development as part of housing land supply.

5. Retention of **Appleton Roebuck** as a Designated Service Village

6. Downgrading of **Fairburn** to a Secondary Village

7. Upgrading of **Escrick** to Designated Service Village status

3.77 The changes required form part of the schedule at Appendix 5 (which also incorporate changes in then light of NPPF consistency below)

4. PART 2 NPPF Compliance

4.1 The Core Strategy must meet all the tests of soundness set out in the NPPF including being consistent with national policy. The September 2012 EIP has been scheduled to examine the Core Strategy in the light of the new guidance in the NPPF (and other national policy e.g. Travellers policy document) published in March 2012.

4.2 The Council published a NPPF Compliance Statement, Part 1, The 3 Topics prior to the April EIP and those issues were debated at the hearing sessions in relation to those topics. The Council must now publish Part 2 of the Compliance Statement, relating to the remainder of the Core Strategy for consultation purposes.

4.3 Officers have undertaken a detailed analysis of the Core Strategy against the NPPF and taken into account the views expressed by other participants on Core Strategy / NPPF consistency which have been submitted by the 11 May deadline set by the Inspector. Officers have formulated a schedule to identify those areas of the Core Strategy which they consider are consistent and identified those areas where there is an element of potential inconsistency.

4.4 Officers consider that there are no significant consistency issues but have identified some further changes to the wording of both text and policies in a number of circumstances in order to ensure a closer fit to the NPPF and to meet the consistency with national policy test of soundness.

- 4.5 The detailed schedule will be published as an appendix to the compliance statement and form the basis of the 6th set of proposed changes. A table is provided in Appendix 5 which sets out the changes which Councillors are requested to approve in principle and, where relevant, specific wording is provided in further appendices for approval.
- 4.6 The proposed changes include both main modifications (which the Council must request that the inspector make) and additional modifications (which the Council may make). It does not however cover all the consequential additional modifications that will be necessary prior to adoption for example to remove reference to superseded Planning Policy Statements and Planning Policy Guidance Notes and replace with reference to the NPPF. There will also be some additional modifications where minor amendments to text are suggested to improve consistency with the NPPF.
- 4.7 All detailed wording changes will be agreed under delegated authority (see recommendations above) in order to produce the schedule of changes for consultation.
- 4.8 The key topics are highlighted below:
- Introduction of new model policy for the presumption in favour of sustainable development (see also below)
 - Updating references to Local Plans instead of Development Plan Documents, including further definitions in line with NPPF
 - Introduction of reference to neighbourhood plans and community right to build orders for example to reflect the changing planning context
 - Highlighting the strategic planning across local boundaries and the Duty to Cooperate (see also below)
 - Removal of PDL targets from policy and transferring it to the text as an indicator (CP1 and CP3)
 - Linking affordable housing to meeting specific local community needs and setting out the approach to market housing / rural exception sites (CP5/CP6)
 - Replacement travellers Policy CP7 to remove details and refer to national policy considerations (see also below)
 - Further references to Infrastructure requirements and to a charging schedule (e.g. Community Infrastructure Levy) – CP8
 - Adding caveats to protecting employment sites and text to refer to further evidence as well as providing greater emphasis on supporting the rural economy – CP9 and CP10 (also see below)
 - Change in emphasis of Policy CP12 to extend scope to promoting sustainable development not just for the purposes of tackling climate change
 - Additional text to consider identifying suitable areas for Renewable

Energy and Low Carbon development in a future DPD – CP14

- Add references to strengthen objectives and policies in a number of areas including to directing development to land of least environmental quality and protecting agricultural land for example, and including references to minerals
- Including more specific references in the text and design policy CP16 to augment design considerations and refer to design review panels

Presumption in favour of sustainable development

- 4.9 There is a specific requirement that local plans include a model policy on the presumption in favour of sustainable development (see Inspector's note on the Core Strategy EIP web page). The proposed policy is provided in Appendix 6.

Duty to Cooperate (DTC)

- 4.10 It is necessary to incorporate into the plan the evidence to demonstrate how the Core Strategy has met the policies of the National Planning Policy Framework which relate to the duty to cooperate.
- 4.11 It is proposed to incorporate additional text in the Core Strategy based on the evidence provided in the DTC Compliance statement submitted to the Inspector on 13 April and considered at the April EIP.

Travellers

- 4.12 The Government published the 'Travellers national policy' in March 2012 and therefore the NPPF does not deal with travellers. The Core Strategy must comply with all national policies.
- 4.13 The SDCS Policy CP7 on gypsies and travellers provided a detailed policy for consideration of allocating sites and determining planning applications as this was not covered by national policy at that time.
- 4.14 Because the new national policy provides a considerable level of detail it is appropriate that the Core Strategy policy is amended to provide a more strategic policy by removing unnecessary detail and deferring to national policy considerations.
- 4.15 It is therefore proposed to delete the SDCS original text and policy (and associated previous proposed changes) and replace with new text and policy, which is provided in Appendix 7.

Supporting the Rural Economy

- 4.16 Paragraph 28 says that "*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development*". Whilst the SDCS Vision foresees a diverse economy, and objectives seek to support rural regeneration and develop the economy, and Policies CP9 and CP10

encourage rural diversification, neither entirely embrace the direction of travel of the new national policy. Further, Policy CP10 is relatively narrowly focussed on farm diversification rather than wider rural diversification.

- 4.17 It is therefore proposed that Policy CP9 (scale and distribution of economic growth) is re-formatted and expanded to take on board a more positive approach to encouraging sustainable rural businesses. It is also proposed that Policy CP10 is retained but that it is amended to clarify that it relates to farm diversification.
- 4.18 The revised Policy CP9 is provided in Appendix 4. The detailed wording of the accompanying text can be agreed under delegated authority (see recommendations above) prior to consultation. The policy incorporates the other proposed changes as a result of issues raised in Part 1 of this report.

Third Party Representations on NPPF compliance issues

- 4.19 As set out above, the officers' assessment of NPPF compliance has taken into account views provided by third parties who have submitted representations to the Inspector's consultation on the NPPF by the 11 May deadline.
- 4.20 Officers have considered all representations received and are preparing a more detailed response, which highlights where further changes are required as well as where no changes are proposed, with an outline of the reasons. This schedule will be agreed under delegated authority (see recommendations above) as the basis for the Council's case at the September 2012 EIP.

Sustainability Appraisal (SA)

- 4.21 Changes that are not significant will not require further sustainability appraisal work. SAs are to inform policy making and consider the impacts of reasonable alternatives. The overall direction of the Core Strategy has not changed significantly since the SA/SEA addendum, and therefore there is no need to undertake a full SA/SEA reassessment. Changes are mainly limited to updating the phraseology of the Core Strategy to reflect more up-to-date wording of the NPPF.
- 4.22 In considering policy changes and the introduction of the contingency in delivering housing (Policy CP3) officers have considered the impacts in line with the SA Framework of previous assessments and conclude overall that there is generally no change to previous SA/SEA findings.
- 4.23 The addition of Escrick and the loss of Fairburn as Designated Service Villages (DSVs) will not change the outcome of the SA/SEA, as at the strategic Core Strategy level those settlements have been justified by the level of services and facilities, access etc. However the impact of development in general is dependent largely on the specific location of such development and the Core Strategy is rightly not sufficiently detailed to establish that. As such the effects of development on the DSVs remains uncertain and a more detailed assessment will be undertaken at the appropriate time in the Site Allocations DPD.

- 4.24 The rewritten policy on travellers (Policy CP7) is less detailed than previously, thus reducing certainty for the SA/SEA to accurately assess. As an overarching policy this remains appropriate in the Core Strategy, as a more detailed assessment will be undertaken at the appropriate time in the Site Allocations DPD when specific sites are presented.
- 4.25 Officers do not consider that there is a need to undertake any further SA work at this stage.

RSS

- 4.26 The revocation of RSS has yet to take place. The SDCS includes a statement in the front explaining the relationship of the SDCS to the currently extant RSS. In the event that the RSS is revoked / abolished prior to adoption of the Core Strategy then the Council will make additional modifications as necessary to remove anomalous references to the RSS.

5. Weight to be attached to Core Strategy

- 5.1 Policy Officers are currently assessing the weight to be attached to Core Strategy policies (and SDLP policies in the light of the NPPF). In due course this will be published on the Council's website as an interim statement of the Council's position in order to assist development management in advance of the Core Strategy being adopted later in the year.

6. Next Steps and Legal Issues

- 6.1 In accordance with the notes published by the Inspector and in line with the timetable published on the Council's website, the proposed changes (including a position statement) and NPPF compliance statement Part 2 will be made available for consultation for 6 weeks between 7 June and 19 July 2012.
- 6.2 The Proposed Changes agreed by Council will be considered at the EIP alongside the representations that will be made by other parties. The purpose of the September 2012 EIP is for the Inspector to re-examine the Core Strategy in light of the test of soundness specifically regarding consistency with national policy. The consultation also covers the 6th set of proposed changes which relate to changes arising out of the debate at the April EIP and it is expected that these issues will also be heard. The Inspector will publish his Agenda nearer to the time.
- 6.3 The Inspector will produce his report following the end of the reconvened EIP. The Inspector must recommend adoption where the Inspector considers that it would be reasonable to conclude that the document satisfies the statutory requirements and can be considered sound. During the examination the local planning authority will have the power to request recommendations for modifications from the Inspector that would make the document suitable for adoption. If the local planning authority does not make this request, the Inspector will be unable to recommend any

modifications

- 6.4 Officers have already requested that the Inspector considers the first five sets of Proposed Changes as the Main Modifications the Council wish him to take into account (correspondence is available to view on the SDC, Core Strategy EIP WebPages).
- 6.5 Following the consultation period on the sixth set of proposed changes, which is the subject of this report, Council will consider (under delegated authority (see above recommendations) whether they comprise a further request to the Inspector for him to consider those as modifications. It should be noted however, that the Council may request further modifications up to and during the EIP in accordance with the delegations approved by Council (see above recommendations).

7. Conclusions

- 7.1 A number of further changes are proposed to the Core Strategy in order to ensure meet the soundness test of consistency with national policy. In addition changes are proposed to meet the Inspector's concerns raised at the April 2012 EIP. However, they do not cumulatively alter the overall strategy and do not represent a significant change to the Core Strategy which was submitted for examination.
- 7.2 The schedule of proposed changes and other associated documents will be subject to six weeks consultation prior to being examined at the September 2012 EIP. The Inspector will provide his report and this will be considered by the Council in due course. Subject to the necessary procedures, it is envisaged that the Core Strategy will be adopted by the end of 2012.

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Background Documents

Inspector's Notes dated 10 October 2011, 14 October 2011, 4 April 2012 and 10 April 2012

Core Strategy, Submission Draft, May 2011 (and associated Core Documents including Composite Set of Proposed Changes)
SA Addendum (Core Document ref CS/CD17h)

Agendas and Minutes from:

Executive 24 November 2011 (E/11/42)

Policy Review Committee 24 November 2011 (PR/11/9)

Executive 1 December 2011 (E/11/43)
Council 13 December 2011 (C/11/7)
Executive 5 April 2012 (E/11/59)

Appendices:

- Appendix 1 Third Party Alternative Options
- Appendix 2 Revised Policy CP3 -Plan B / contingency
- Appendix 3 SEA/SA Addendum Extract
- Appendix 4 Revised Policy CP9 Economy and employment land
- Appendix 5 NPPF Compliance Assessment and Proposed Changes Schedule
- Appendix 6 Model policy for Presumption in Favour of Sustainable Development
- Appendix 7 Revised CP7 - Travellers

Appendix 1

Summary of Third Party Distribution Options

1. *Reducing Tadcaster's' requirement*
 - 1.1 A local landowner has objected to the level of housing development proposed for Tadcaster in revised Policy CP2 (500 dw over the 16 year plan period with 360 dw on new allocations). Their view is that the figure should be 288 dw and only 148 dw on new allocations are needed. They suggest that this could be delivered by their own existing site at Mill Lane, implementing their new vision which included housing scheme on the Council central car park and by ensuring windfall development is taken into account through reducing the amount of new allocations which need to be found.
 - 1.2 Officers did not consider this approach to be a reasonable alternative because:
 - the Council's view is that 7% is the appropriate amount for reasons set out in previous reports and background papers.
 - it is not appropriate to discount Tadcaster's requirement by planning permissions elsewhere in the northern sub-area.
 - the SHLAA evidence considers that the two Mill Lane sites together will only deliver 104 dwellings.
 - the detailed scheme for the town put forward by agents is more appropriate for consideration at the Site Allocation DPD (a proposal for delivery not a reasonable alternative to determining distribution).
2. *Re-distributing Tadcaster's requirement to villages in the northern sub-area*
 - 2.1 Officers did not consider this is a reasonable alternative because:
 - the Council's view is that 7% is the appropriate amount for reasons set out in previous reports and background papers
 - there are insufficient numbers of DSVs and they are small and relatively remote which means it would be inappropriate and unsustainable and contrary to the strategy of the plan for them to be expected to accommodate an additional requirement in addition to what they already have allocated to them through the DSV requirement in Policy CP2
 - the northern sub area is the least self-contained sub-area and increasing allocations in the villages there would lead to unsustainable travel patterns (as evidenced by various other background papers) contrary to the plans' key aims and objectives
 - would not support the town's regeneration and could contribute to Tadcaster's' population decline

3. *Re-distributing Tadcaster's requirement to the 3 villages adjacent to Selby town*
- 3.1 The Council's view is that 7% is the appropriate amount for Tadcaster, for the reasons set out in previous reports and background papers.
- 3.2 The Council has already submitted a statement to the EIP (28 September 2011) on their position regarding Barlby/Osgodby, Brayton and Thorpe Willoughby, which includes the following views:
- It is acknowledged that the three villages might be expected to accommodate future housing growth in excess of the level that would be appropriate in other villages owing to their greater sustainability and close proximity to Selby. However growth should be complimentary to growth in Selby, and not risk creating a 'Greater Selby or result in a level of growth greater than that planned in Local Service Centres. The Councils priority is to maintain the separate identity of all three settlements and to ensure that growth is focussed on Selby.
 - The complimentary role of the three villages is clearly articulated in both Policy CP1 and the supporting text (see paras 4.17 and 4.25 bullet point 6). The three villages are specifically referred to by name in Policy CP1 and are treated differently to the other Designated Service Villages by the expressed recognition of the scope for growth in them to complement growth in Selby. It is not considered that the soundness of the Core Strategy would be improved by identifying a separate tier within the settlement hierarchy which could potentially overcomplicate the settlement hierarchy.
 - The Council also remains of the view, as set out in Written Statement No. 3, that decisions regarding the precise scale and location of development in all the Designated Service Villages, should be taken through the Site Allocations DPD, based on local circumstances and in consultation with local communities.
 - In this respect it should be noted that the emerging Site Allocations DPD earmarks 39% of planned housing growth in Designated Service Villages to Barlby/Osgodby, Brayton and Thorpe Willoughby combined.

Appendix 2

Revised Policy CP3 and supporting text changes

- 5.55a To facilitate Tadcaster's own growth in light of the potential land availability issue, the Site Allocation DPD will seek to allocate additional sites in 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 SADPD.
- 5.55b If after 5 years Phase 1 sites have not delivered at least a third of their expected yield, 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.
- 5.55c 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 together have not delivered at least 50% of their expected combined yield after 3 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.
- 5.55d In the event that land ownership problems continue and prevent delivery of Phase 1 and 2, then the Council will consider an early review of the Local Plan² in accordance with Para 153 of NPPF, and consider alternative delivery methods such as an Area Action Plan and/or Neighbourhood Plan, or other relevant approach.
- 5.55e This multi-layered approach to ensuring delivery of the Core Strategy should ensure that each settlement succeeds in delivering its own housing need.

² The 'Local Plan' comprises the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. It includes the Core Strategy and other planning policies which under the regulations would be considered to be development plan documents. The term includes old policies which have been saved under the 2004 Act.

	Policy CP3 Managing Housing Land Supply
A.	<p>The Council will ensure the provision of housing is broadly in line with the annual housing target and distribution under Policy CP2 by:</p> <ol style="list-style-type: none"> 1. Monitoring the delivery of housing across the District. 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. 3. Investigating necessary remedial action to tackle under-performance of housing delivery.
B.	<p>Under-performance is defined as:</p> <ol style="list-style-type: none"> 1. Delivery which falls short of the quantum expected in the annual target over a continuous 3 year period; or 2. Delivery which does not accord with the distribution specified in Policy CP2 with particular emphasis on delivery in the Principal Town and Local Service Centres over a continuous 3 year period; or 3. Situations in which the housing land supply is less than the required Supply Period as defined by latest Government policy.
C.	<p>Remedial action is defined as investigating the underlying causes and identifying options to facilitate delivery of allocated sites in the Site Allocations DPD by (but not limited to):</p> <ol style="list-style-type: none"> 1. Arbitration, negotiation and facilitation between key players in the development industry; or 2. Facilitating land assembly by assisting the finding of alternative sites for existing users; or 3. Identifying possible methods of establishing funding to facilitate development; or 4. Identifying opportunities for the use of statutory powers such as Compulsory Purchase Orders. Identify opportunities for the Council to purchase and/or develop land in partnership with a developer
CC.	<p>In Tadcaster, due to the potential land availability constraint on delivery, the Site Allocation DPD will allocate land to accommodate the quantum of development set out in Policy CP2 in three phases as follows:</p> <p>Phase 1: the preferred sites in/on the edge of Tadcaster which may include Green Belt releases in accordance with Policy CPXX. Phase 1 will be released on adoption of the SADPD.</p>

	<p>Phase 2: a second choice of preferred sites in/on the edge of Tadcaster which may include Green Belt releases in accordance with Policy CPXX. Phase 2 will only be released in the event that Phase 1 is not at least one third completed after 5 years following the release of Phase 1.</p> <p>Phase 3: a range of sites in/on the edge of settlements in accordance with the hierarchy in Policy CP1. Phase 3 will only be released after 3 years following release of Phase 2 and only in the event that delivery of Phase 1 and Phase 2 is less than 50% of their combined target yield</p>
D.	In advance of the Site Allocations DPD being adopted, those allocated sites identified in saved Policy H2 of the Selby District Local Plan will contribute to housing land supply.
E.	In the event of a shortfall in the cumulative target (identified in Policy CP1) for the provision of housing on previously developed land being identified, or anticipated, the Council will take remedial action wherever opportunities can be identified to do so.

NB Section E is removed to text as an indicator in light of NPPF consistency – See schedule in Appendix 5

Appendix 3

Extract from Sustainability Appraisal (SA) Addendum

Sustainability Appraisal

1. The SEA Directive states that the environmental report should consider reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme and give an outline of the reasons for selecting the alternatives dealt with. The consideration of 'alternatives' is synonymous with 'options' in the SA Addendum Report.
2. In the consideration of alternative options for the issue of land availability at Tadcaster, SDC considered several options. The alternative options were all broadly appraised against the SA Framework and the results and recommendations were fed back to SDC to assist them in selecting their preferred option.
3. All the sub-options which were considered as outlined in the main committee report at Section 3 (1a-1c and 2-6) included the following **broad options**:
 - No fundamental change to the overall spatial strategy.
 - Changing the overall housing figure to 450 dwelling per annum (dpa) rather than 440 dpa.
 - No change to the existing hierarchy of settlements remains.
 - No change to the general split between the levels of the settlement hierarchy, however changes are made to the exact split of housing between Sherburn-in-Elmet and Tadcaster (from 9% in each, to 11% in Sherburn-in-Elmet and 7% in Tadcaster)
4. The sustainability appraisal of the sub-options (1a-1c and 2-6) is presented in Appendix B of the SA Addendum (Core Document reference CS/Cd17h). The SA of the options concluded that Options 1c and 6 perform the worst against the SA Framework. Option 1c performs badly against biodiversity objectives and does not encourage the use of brownfield land. These options are less likely to encourage development in close proximity to existing public transport facilities and other services. However, when considering Option 1c it should be recognised that the aim of the policy option is to facilitate development at Tadcaster, which is considered to be a more sustainable settlement than other settlements such as the Designated Service Villages. Tadcaster also has less constraint than Selby town when it comes to flood risk. Option 1b performs very well, but it should also be recognised that as the site allocations for this Option are known there are less uncertainties for this Option, and this is reflected in the appraisal³.
5. Uncertainties were identified in the appraisal predominantly due to the size and location of additional site allocations being unknown at this stage.

³ However, the April EIP 2012 evidence suggested there may be uncertainties about the deliverability of this option

Consequently it was not known when appraising the options whether the size of any additional allocated sites would trigger the need for developer contributions. It was recommended that, wherever possible, additional sites are allocated in the Site Allocations DPD above the thresholds for developer contributions so as to minimise adverse effects on education and healthcare provision, greenhouse gas emissions, and maximise benefits to affordable housing and culture, leisure and recreation facilities.

6. In addition, as the location of any additional allocations was not known when appraising the options, uncertainties were identified regarding the effects on biodiversity, heritage, flood risk and the promotion of brownfield sites. Other Core Strategy Policies largely seek to mitigate against any potential adverse effects, however these issues should be considered in more detail as part of any additional work to the Site Allocations DPD. The Level 2 Strategic Flood Risk Assessment (SFRA) should inform the selection of any additional sites to avoid allocations to flood risk zones.
7. SDC has incorporated sub Options 1a to 1c in the revised Core Strategy. Options 1a and 1b are incorporated into revised Policy CP3 and 1c is included in the new Green Belt policy (Policy CPXX).
8. Amended Policies CP2 and CP3, and the new Green Belt Policy (Policy CPXX), have been appraised against the SA Framework. The appraisals are provided in Tables 2 – 4 of the SA Addendum (Core Document reference CS/Cd17h).
9. Policy CP3 discusses the process and mechanism for managing housing supply and therefore it is anticipated to have an overall neutral effect on all SA objectives. A subsequent SA of sites which are brought forward in accordance with this policy would be assessed at the Site Allocations DPD stage.
10. It should be noted that the effects of the revised policy CP3 are not considered to change from the SA of the previous version of Policy CP3, as set out in the Core Strategy Submission Version SA Report.
11. The revisions to Policies CP2 and CP3 do not result in any changes to the conclusions of the previous SA, however the proposed changes to the Core Strategy result in some additional negative sustainability effects due to the possibility of developing on Green Belt land which would not encourage the development of previously developed land. However, these negative effects must be weighed up against SDC's overall objective of directing development to the more sustainable settlements, and only releasing land from the Green Belt where the need cannot be met on non-Green Belt land or where Green Belt land offers a significantly more sustainable option.

Overall findings

12. Policies are generally considered to be sustainable, with positive effects predicted against each SA objective (as detailed in the Selby District Submission Draft Core Strategy SA Report). The principal negative effects highlighted by the SA relate to greenhouse gas emissions and resource use associated with new development. Any new development will result in greenhouse gas emissions and resource use and Policies CP12, CP13 and

CP14 should be effective at reducing the effects to some degree. Negative and uncertain effects have been identified relating to new development sites in the District.

13. Risk of flooding is a major issue for Selby District and the Council has commissioned a Strategic Flood Risk Assessment (SFRA) in order to identify the extent of the problem. The Level 1 SFRA was completed in November 2007. As a significant number of potential development sites in Selby and other sustainable locations are likely to fall within higher flood risk areas, a PPS 25 'Sequential Test' and a Level 2 Flood Risk Assessment has also been undertaken. The Sequential Test reveals that Sherburn in Elmet, Tadcaster and a number of the larger villages are relatively unconstrained in flood risk terms and can absorb the amount of new development required in these areas on low flood risk land. Selby is however relatively constrained and the Sequential Test has concluded that there is insufficient, reasonably available, low – medium flood risk land to accommodate the scale of growth required either within the existing built up area or through urban extensions without relying on an inappropriate amount of growth in villages. The Level 2 SFRA has concluded that the proposed development of the strategic sites at Olympia Park in Selby will be suitable subject to appropriate mitigation. The Site Allocations DPD will need to include more specific flood mitigation policies in line with the recommendations made in the Level 2 SFRA.

Uncertainties

14. The strategic nature of the Core Strategy policies has made prediction of the significant effects difficult, and this is demonstrated by the historic built environment and biodiversity objectives (SA12 and SA13) where the nature and level of effects will be very much dependant on the locations of the sites chosen for development. However, it is not just these objectives which are affected, and the uncertainties identified throughout the appraisal are illustrated in Table 5 of the SA Addendum.
15. As well as the uncertainty that arises due to the lack of detail with regards to the location of the proposed development, many of the effects that have been questioned are due to the need for certain options to be complemented by others in order to enhance the positive effects or reduce negative effects. For example, Policy CP10 will encourage rural economic diversification (SA2), however this will require the appropriate infrastructure to facilitate economic growth (Policy CP8).
16. Uncertainties have also arisen when it is now known whether housing thresholds on sites would trigger requirements under the Developer Contributions SPD. The Council should consider using the Site Allocations DPD to set higher density/ha targets in more sustainable villages and thereby securing greater developer contributions to support those settlements.

Summary and conclusions

17. The identified potentially adverse effects relating to the sustainability of the

Core Strategy policies were predominantly associated with new development. Both housing and employment development will increase the use of natural resources and is likely to produce an increase in greenhouse gas emissions. The operation of the new development and associated traffic flow increases will most likely contribute to an increase in greenhouse gas emissions. However, other Core Strategy policies aim to minimise these effects where possible.

18. Due to the high level, strategic nature of many of the Core Strategy policies, the appraisal has identified a relatively high level of uncertainty when predicting the effects. This is often down to the necessary lack of detail provided in the options with regard to the locations for future development.

Appendix 4

Revised Policy CP9

Policy CP9 Scale and Distribution of Economic Growth

Support will be given to developing and revitalising the local economy **in all areas** by:

A. Scale and Distribution

1. Providing for an additional 37 – 52 ha of employment land **across the District** in the period up to ~~2026~~ **2027 (PC5.42)**,
2. **Providing for including 23 ha of employment land** as part of a ~~mixed strategic housing / employment expansion~~ **the Olympia Park mixed strategic housing/employment site (PC1.35)** to the east of Selby to meet the needs of both incoming and existing employment uses.
3. The precise **scale and** location of smaller sites in Selby, Tadcaster, Sherburn in Elmet and rural areas will be **informed by an up-to-date Employment Land Availability Assessment and** determined through a Site Allocation DPD.
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.
5. **Encouraging re-use of premises and intensification of employment sites to accommodate finance and insurance sector businesses and Encouraging high value knowledge based activities in Tadcaster.**

B. Strategic Development Management

6. 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.
7. Safeguarding existing **Established Employment Areas (PC3.11)** and allocated sites **unless it can be demonstrated that there is no reasonable prospect of a site being used for that purpose.**

~~vi) Encouraging rural diversification in line with Policy CP10.~~

8. Promoting opportunities relating to recreation and leisure uses.

C. Rural Economy

9. Supporting the development of activities and re-use of existing buildings directly linked to existing rail infrastructure at the former Gascoigne Wood surface mine.
10. Supporting the re-use of **buildings and infrastructure on (PC4.24)** former mine sites and other commercial premises outside Development Limits, with economic activities appropriate to their countryside location, including tourism, recreation, research, and low-carbon/renewable energy generation.
11. Supporting local employment opportunities to support sustainable economic growth and expansion of businesses and enterprise in rural areas
12. Supporting development and farm diversification in accordance with Policy CP10
13. Resist loss of local services and support development and expansion of local services and facilities in accordance with Policy CP11

Appendix 5

Proposed Changes and NPPF Compliance

Proposed Changes taking into account:

1. *Further reflection on April EIP issues*
2. *Officers assessment of NPPF Consistency issues*
3. *Third party highlighted issues as a result of 11 May consultation*

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
Chapter 1 and General	Change description of LDFs to Local Plans	<p>To conform to NPPF and ensure Core Strategy up-to-date and reflect changes in planning system</p> <p>Para 153 - Any additional development plan documents should only be used where clearly justified – SADPD is clearly justified to deal with site specific issues and DMDPD to set out detailed policies – will be part of Local Plan.</p>	<p>Add text in Chapter 1 to incorporate explanation about new planning system and Localism Act 2011.</p> <p>Amend LDF diagram and policy context diagram</p> <p>Also include NPPF definition of 'development plan' and 'Local Plan'.</p> <p>Consequential changes throughout document to amend SADPD/DM DPD to refer to them as Local Plans</p> <p>Incorporate reference to Neighbourhood Plans, Community right to build orders etc</p> <p>Add general reference that references to plans and strategies and organisations</p>

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
			means any successor document or body to future proof the plan
Chapter 1 and General	Neighbourhood plans	Various references to neighbourhood plans	Include text to explain relationship between the Core Strategy and neighbourhood plans, and scope of NPs e.g. green space protection etc.
General	Update references re. PPSs etc. to NPPF references throughout	To ensure complies with national policy	Update references throughout Core Strategy re. PPS etc. to NPPF
Chapters 1 and 2 and General	Demonstrate that strategic planning across boundaries, with neighbouring authorities has been addressed in the Core Strategy	To comply with the 'duty to cooperate' - paras 178 to 181	Add text to Chapters 1 and 2 (and other chapters where appropriate) to explain how strategic matters and cross boundary issues have been addressed within the Core Strategy. This will be based on the 'DTC Statement' already published by the Council (13 April 2012) and submitted to the EIP. It includes relationship to RSS and Selby's role in the region and the interim LCR spatial strategy.
Chapter 3 Objectives (see also other policies below)	Provide specific references to those elements in NPPF as necessary	Objectives are generally consistent with NPPF but it would be helpful to add further specific references to provide closer fit to latest terminology Para 69 – planning for people as well as places/community Para 109 – noise and soil	Add further specific references to provide closer fit to latest terminology: 'people' emphasis to complement 'places' focus objective 12 – place that meets needs of community - facilitating social interaction objective 16 – noise/light/soil pollution

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
		Para 112 – economic benefit of best agricultural land Para 123 - noise pollution Para 125 – light pollution Paras 142 to 149 - minerals	objective 17 - best agricultural land objective 15 protecting natural resources including safeguarding minerals/coal reserves
New Policy LP1	New model policy required in all Local Plans regarding the presumption in favour of sustainable development	Paras 11-16 Inspectors' note PINS Model policy required Para 79 Para 119	Insert new reasoned justification and text for presumption in favour of sustainable development – see Appendix 6 Consider level of detail required in text – eg ref to bird and habitats directives etc
CPXX	Redrafting of Part E (does not change the thrust of the policy)	To respond to concerns over clarity of wording from April EIP	Amend Part E (see main report)
CP1	Some wording changes to more closely reflect NPPF regarding: <ul style="list-style-type: none"> • Rural communities • Affordable housing • Special circumstances for isolated dwellings • Previously developed land target • land with the least environmental 	Para 20 – meet business needs/21 st century Para 55 to emphasise promote sustainable development in rural areas To closer fit specific wording in NPPF – use special circumstance to cover essential rural workers needs and isolated dwellings Para 111 – consider need for locally	Amend Policy CP1: <ul style="list-style-type: none"> • Add 'maintaining the vitality of rural communities' to policy • Change 'exceptional' to 'special' circumstances and expand explanatory text re. isolated dwellings etc. re. NPPF tests • Delete Part C and down grade to indicator in text. Amend wording in

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
	or amenity value	<p>derived PDL target</p> <p>Para 54 – cross refer to rural exceptions affordable housing</p> <p>Para 110 - Plans should allocate land with the least environmental or amenity value</p>	<p>paras and Appendix 1 of Core Strategy to reflect no longer intend to resist green field based purely on PDL delivery</p> <ul style="list-style-type: none"> • Add cross reference to Policy CP6 (rural exceptions sites) • Add reference to land with the least environmental or amenity value
CP1	<p>Designated Service Villages</p> <ol style="list-style-type: none"> 1. Escrick 2. Appleton Roebuck (no change) 3. Fairburn 	<p>April EIP Inspector asked the Council to further consider its position on these 3 villages in the light of new evidence.</p> <p>Officers have reviewed the evidence base and Council's case and recommend the changes</p>	<ol style="list-style-type: none"> 1. Escrick Upgrade Escrick from a Secondary Village to a Designated Service Village (DSV) as a result of the Council's introduction of the new green belt review policy. 2. Appleton Roebuck Retain Appleton Roebuck as a DSV based on original assessment, views expressed at the EIP and support of local community and consistency with NPPF. 3. Fairburn Further evidence agreed after September EIP regarding level of services and poor access to public transport means Fairburn no longer meets DSV criteria – change to Secondary Village.
CP1A	No changes to Policy which deals with garden land and windfalls, but	Para 53 – approach to garden land	No changes required to Policy but review text at paras 4.42 to 4.49 to ensure

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
	clarify text.	Para 55 - vitality of rural; communities Para 111	approach is clear and up-to-date with reference to NPPF.
CP2	No change to housing target to remain at 450 despite agreeing to use 2010 SNPP No change to distribution strategy proposed between the settlements Contingency introduced to Policy CP3 requires a cross reference / explanation in CP2 Further explanation regarding approach to windfalls Cancel previous changes which introduced phasing	April EIP – links with CP3 contingency NPPF sustainable development / up to date evidence / meet objectively assessed needs Windfalls debate at EIP and NPPF para 47 NPPF is silent on phasing. Previous report highlighted we are removing phasing from CP2	Revised CP2 footnotes to explain link to CP3 Additional text at para 5.28 explanation regarding approach to windfall Further proposed change to cancel previous changes which introduced phasing (and amend Figure 9 – trajectory)
CP2A	No changes required	Consistent with para 21 - identify strategic sites for local and inward investment	No changes required
CP3	Need for incorporation of a Tadcaster contingency / Plan B in the light of Inspector's concerns about delivery of new development Further clarification to text re. 5 year land supply Some wording changes to more	Amended policy consistent because: April EIP and NPPF to ensure meeting identified needs and plan is aspirational but realistic – para 154 and plans should be deliverable para 173 and para 47 set out a housing implementation strategy setting out how to maintain delivery	Revised Policy CP3 regarding the contingency / Plan B – see Appendix 2 No change to CP3 regarding 5 years supply but amend text to refer to 5% / 20% buffer in relation to monitoring and assessment Delete original Part C re. PDL target and down grade to text. Amend Paras 5.53 to

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
	closely reflect NPPF regarding previously developed land target.	Core Strategy needs amending because: Para 47 – LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% or 20% buffer (if there has been a record of persistent under delivery of housing) Para 111 – consider need for locally derived PDL target	5.55 and Appendix 2 to reflect change of target to an indicator
CP4	No changes required	Policy consistent because: Para 50 – LPAs should plan for a mix of housing Para 159 – LPA s should have a clear understanding of housing needs-prepare a SHMA, and identify scale and mix of housing	No proposed changes.
CP5	Linking affordable housing to meeting specific local community needs (parish surveys) / eligibility criteria Include an affordable housing trajectory	Policy consistent because: Para 50 - LPAs should plan for a mix of housing, and where there is an identified, set policies to meet this need Para 173 – plans should be deliverable /	Incorporate definitions from NPPF glossary into text. Incorporate affordable housing trajectory into housing trajectory

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
		<p>careful attention to viability</p> <p>Para 174 – sets out local standards for affordable housing</p> <p>Paras 205 to 206 – use of conditions and obligations</p> <p>Policy sets framework, based on evidence but takes account of market conditions over time. Appropriate to rely on further SPD for detailed guidance on implementation.</p> <p>Needs amending because:</p> <p>Para 47 - for market and affordable housing illustrate the expected rate of housing delivery through a housing trajectory</p> <p>Glossary definition of affordable housing links to meeting communities needs</p>	
CP6	<p>Deleting reference to settlements with less than 3000 for rural exceptions</p> <p>Adding reference to eligible households with local connections / relate to and meeting needs of local community</p>	<p>Consistent because:</p> <p>Glossary - definition of affordable housing and rural exceptions</p> <p>Needs amending because:</p> <p>NPPF does not define rural settlements as 3000 population</p>	<p>Incorporate definition of rural exceptions sites from NPPF glossary into text to clarify scope of policy</p> <p>Amend criterion (ii) and text to refer to parish surveys / eligibility linked to local connections in order to meet local community need</p>

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
		<p>Para 54 – consider market housing in rural schemes</p> <p>Note that there is no local evidence upon which to base a new requirement / approach to mixed market and rural affordable exceptions schemes in this strategic level document at this stage. But appropriate to include a reference that future DPD will consider including such a policy in the light of further research and consultation</p>	<p>Delete 3000 from policy</p> <p>Add text to explain approach to mixed market housing / rural exceptions sites in future DPD</p>
CP7	Replacement travellers policy to remove details and refer to national policy considerations	<p>Travellers national policy document</p> <p>Previous SDCS policy detailed as not covered by national policy, now national policy has details so SDCS policy reverts to a strategic policy</p>	Delete original text and policy and replace with new - See Appendix 7
CP8	Infrastructure requirements and reference to developing a properly tested charging schedule (e.g. CIL) in future DPDs	<p>Para 21 – policies should recognise and seek to address potential barriers to investment</p> <p>Para 31 – cross boundary transport strategy</p> <p>Para 41 – infrastructure requirements – cross boundary</p> <p>Para 43 expansion of electronic</p>	<p>Amend / expand text to explain CIL and cross boundary infrastructure issues etc. and refer to more specific technologies e.g. re. para 43</p> <p>Amend policy to provide further clarity</p>

Policy / Section	Change required	Reason	Proposed Change
		<p><i>Includes cross reference to NPPF paragraph number where appropriate</i></p> <p>communication networks, telecommunications, high speed broad band</p> <p>Para 156 re new infrastructure and reference to CIL / cross boundary issues</p> <p>Para 175 – CIL /charging mechanisms</p>	
CP9	<p>Clarification of link between future DPD determining precise scale / location with employment land availability assessment.</p> <p>Wider scope to encompass supporting rural economy in NPPF</p> <p>Improved closer consistency with detail of NPPF</p>	<p>April EIP – issue regarding land availability in Tadcaster and ability to deliver 5-10 hectares of employment land</p> <p>To ensure meeting identified needs and plan is aspirational but realistic – para 154 and plans should be deliverable para 173</p> <p>Para 20 meet needs of business in 21st century</p> <p>Para 22 avoid protection of employment sites</p> <p>Para 28 – supporting a prosperous rural economy</p> <p>(see also CP10 below)</p>	<p>Amend reasoned justification to provide further explanation of evidence base and expectation of the various settlements.</p> <p>Redraft policy as set out in Appendix 4 to:</p> <p>Establish clear link between scale and location to Strategic Employment LAA and SADPD</p> <p>Incorporate wider rural economy issues in line with NPPF (see also bullets below re. Para 28)</p> <p>Adding text to criterion (v) – safeguarding employment sites unless not suited to their purpose.</p>
CP10	<p>This ‘rural diversification’ policy really deals with farm diversification but NPPF is more about wider rural economy.</p>	<p>Para 28 –</p> <ul style="list-style-type: none"> • supporting a prosperous rural economy 	<p>Amend policy to refer to farm diversification</p> <p>Cross refer to CP9 (with its expanded scope to include rural sustainable growth)</p>

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
	However, have proposed some changes to CP9 to incorporate wider rural issues so CP10 can be retained as a farm policy	<ul style="list-style-type: none"> • support sustainable growth and expansion of all types of business in rural areas • promoting development and diversification of agricultural and other land-based businesses • support sustainable rural tourism and leisure and expansion of tourism/visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres • promoting retention and development of local services and community facilities 	Review text to ensure consistent with NPPF Merge criteria (b) and (c) and expand to cover NPPF scope
CP11	Widen scope to meet requirements of NPPF for promoting the rural economy - that proposed services will be received positively in order to create a strong sustainable community.	<p>Broad strategic level policy consistent with NPPF with more detailed site specific policies to be provided in future SADPD/DMDPD</p> <p>Needs amending because:</p> <p>Para 70 (2) – communities abilities to meet day-to-day needs</p> <p>Policy currently protects services and promotes new to meet needs of proposed development rather than the</p>	Expand last part of CP11 (A)

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
		<i>needs of existing communities??</i>	
CP12	Re-branding of policy Part A to refer to general sustainability principles in first part not just in relation to climate change	<p>Generally consistent with NPPF but needs amending to incorporate reference to:</p> <p>Para 35 – sustainable transport – best available technologies</p> <p>Para 110 allocate land of least environmental quality</p> <p>Para 112 – use of poorer quality agricultural land in preference to higher quality</p> <p>Para 120 – development appropriate to its locations – re pollution risks, land instability e.g.</p> <p>Para 17 – core planning principles - promote mixed use developments</p> <p>Para 47 - LPAs to set out their approach to density</p> <p>Para 35 – promote sustainable transport modes / incorporate facilities for charging plug-in and other ultra-low emission vehicles</p>	<p>Amend text and Policy CP12 and text and Policy CP16 (design) to refer to sustainable development principles / requirements as appropriate.</p> <p>Add specific reference to density in CP12 Part A Part (c)</p>
CP13	No changes required	Generally consistent with NPPF, Paras 17, 93, 95, 96, 97	No changes required

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
CP14	Changes required to text and policy regarding identifying suitable areas for renewable and low carbon energy sources as well as cross reference to green belt issues	<p>Generally consistent with NPPF but needs amending to refer to:</p> <p>Para 97 - consider identifying suitable areas for renewable and low carbon energy sources, and support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning</p> <p>And Para 91 green belt requirements</p>	<p>Text to consider identifying suitable areas for renewable and low carbon energy sources in future DPD and cross refer to neighbourhood plans</p> <p>Green belt – need to add in cross reference to Policy CPXX as point iv in first part of policy CP14 (iv)</p>
CP15	Generally consistent with NPPF but would be helpful to include further references to specific topics	<p>Generally consistent with NPPF because:</p> <p>Paras 109 – 125 – conserving and enhancing the natural environment</p> <p>Paras 126 – 141 – conserving and enhancing the historic environment</p> <p>Needs amending because:</p> <p>Would be helpful to add particular reference to issues such as:</p> <p>Para 75 - public rights of way and access</p> <p>Para 125 - light pollution</p> <p>Para 109 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or</p>	<p>Add reference to:</p> <ul style="list-style-type: none"> • public rights of way and access • light / soil / noise pollution in text for CP15 and /or in the objectives <p>and review text</p>

Policy / Section	Change required	Reason <i>Includes cross reference to NPPF paragraph number where appropriate</i>	Proposed Change
		being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability Para 76 – local green space and areas of tranquillity	
CP16	Generally consistent but further refs needed to ensure closer fit to specifics	Paras 56 to 68 – requiring good design Para 35 sustainable transport – best available technologies Para 16 -place to meet the needs of the community Para 109 – levels of pollution – contribution to or risks from Para 123 – noise pollution Para 9 - seeking positive improvements in the quality of the built, natural and historic environment - replacing poor design with better design	Amend policy and text to incorporate: <ul style="list-style-type: none"> • Seeking positive improvements in design • Promoting opportunities for meetings • Strong community centres • Active street frontages Add text to refer to design review panels
Chapter 8			Any consequential updates to targets and indicators

Appendix 6

Presumption in favour of sustainable development

Add new reasoned justification and policy:

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 (paragraph 15). The following policy is therefore included in the Core Strategy.

3.7 [add further text as appropriate in light of other NPPF consistency issues]

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.

Planning applications that accord with the policies in the Local Plan [Footnote 1] (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

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:

- **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**
- **Specific policies in that Framework indicate that development should be restricted.”**

Footnote 1

The ‘Local Plan’ comprises the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. It includes the Core Strategy and other planning policies which under the regulations would be considered to be development plan documents. The term includes old policies which have been saved under the 2004 Act.

[Explanatory Note - This therefore includes the SDLP ‘saved’ policies until such time as superseded. which were initially saved under the 2004 Act on adoption in 2005 and then ‘extended’ on 8 February 2008 by Direction of the Secretary of State (NB the SDLP was prepared under the requirements of the Town and Country Planning Act 1990). It also includes the RSS until abolished by Order using powers taken in the Localism Act]

Appendix 7

Travellers Policy

Delete existing text and policy and replace with the following:

Travellers

Introduction

- 5.99 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 also a need to make appropriate provision for travellers that is made up of Gypsies, Travellers and showpeople who live in or travel through Selby District
- 5.100 The Government advises through the National Planning Policy for Traveller Sites (March 2012) that Local Plan should provide criteria for the location of sites as a guide for future site allocations. The guidance provided in the NPPF 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 SADPD will devise an appropriate site selection methodology once a long-term need is established.

Context

- 5.101 The evidence base provided by the RSS is a regional study of accommodation needs undertaken in 2006 which indicated a shortfall of 57 pitches in North Yorkshire. The RSS notes that the figures were to be superseded by the findings of local Gypsy and Traveller Accommodation Assessments (GTAAAs).

Relevant Strategic Objectives

3, 4, 5, 6, 8, 9 and 17

- 5.102 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.
- 5.103 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. Showmen

have different needs than those of other 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.

- 5.104 The North Yorkshire GTAA (accepted by the Council in 2010)⁴ sets out a figure for need, but that needs updating to reflect the NPPF 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 DPD. 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.
- 5.105 “Windfall” applications for traveller sites/pitches/plots may also be submitted from time to time (ie 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 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.
- 5.106 All traveller development will be considered on the basis of the policy in conjunction with up to date needs assessments and Government guidance⁵. The Government guidance sets out detailed Development Management criteria and so it is unnecessary to repeat that in 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 and to ensure a high quality development, provide appropriate access, parking and on-site amenity for residents, and ensuring any on-site employment uses are compatible with residential and neighbouring uses.

⁴ Gypsy and Traveller Accommodation Assessment North Yorkshire Sub-region – 2007/8, ARC4 May 2008

⁵ Planning for travellers, DCLG, March 2012 www.communities.gov.uk

Policy CP7 Travellers

- 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 sites and/or broad locations for growth to accommodate additional traveller sites/pitches/plots required through a Site Allocations DPD, in line with the findings of up to date assessments or other robust evidence.**
- B. Rural Exception Sites that provide traveller accommodation in perpetuity will be considered in accordance with CP6. Such sites will be for residential use only.**
- C. Other applications for traveller development will be determined in accordance with national policy.**