

3rd October 2017
Aberford SAP Further Questions Response 031017.doc

Ms Helen Wilson BA(Hons)
Programme Officer
c/o Vashiullah Bodiyat
Leeds City Council
Planning Policy
Leonardo Building
Rossington Street
Leeds, LS2 8HD

Kathryn Jukes BA (Hons) DipTP MRTPI
E: k.jukes@directionsplanning.co.uk
T: 01423 525456
M: 07908 666530

14 Raglan Street
Harrogate
North Yorkshire
HG1 1LE

Sent via email only

www.directionsplanning.co.uk

Dear Mrs Wilson

FURTHER QUESTIONS TO THE COUNCIL IN RELATION TO THE SELECTIVE REVIEW OF THE CORE STRATEGY ON BEHALF OF ABERFORD AND DISTRICT PARISH COUNCIL

Thank you for the opportunity to respond to the further questions posed by the Inspector to the Council concerning the selective review of the Core Strategy. Please find below our comments in relation to the various questions posed by the Inspector to the Council.

A. What is the effect of the selective review of the CS on the soundness of the SAP?

It appears the Council are intent on extending the CS period and reviewing the housing requirement. To date the work the Council has completed suggests the housing requirement set out in the CS will need to be amended, not just to reflect the change to the Plan period, but also to address changes in the objective assessment. If the CS is updated to reflect the changes to the Plan period and housing requirement then the SAP will be unsound at the point the amended CS is adopted, because it will no longer be in conformity with the CS. This is because the SAP will no longer provide for the annual requirement by virtue of the difference in the timeframe covered by the SAP and CS, and as the CS will identify a different annual target to the SAP.

B. What are the implications, if any, of proceeding with the SAP examination now that a selective review of the CS is underway?

If the SAP examination proceeds in light of the CS review then there is a good chance, based on the Council's initial work, that the SAP will identify too much land to meet development needs, and in particular the housing requirement. This is of grave concern, given the Council is currently identifying land to be removed from the Green Belt. Our concern is due to how the Council would find it hard to resist development of the land released from the Green Belt between the adoption of the SAP and the adoption of the revised CS. This would be contrary to the NPPF, which promotes the efficient use of land because it is likely that land within the Green Belt would be developed ahead of brownfield land or else areas identified for regeneration, such as the Aire Valley.

C. What are the implications, if any, of not proceeding with the SAP examination now that a selective review of the CS is underway?

If the SAP were to be withdrawn then the Council could focus on preparing a Local Plan, which would incorporate both the CS review and the allocation of land. This would allow the Green Belt to remain protected until such time as the Council had made clear the implications of extending the Plan period and updating land requirements to meet both employment and housing needs. On this basis, the process would be compliant with paragraphs 83, 84 and 85 of the NPPF, which we believe it would not be if the SAP examination were to continue. This is because the SAP currently proposes the release of land from the Green Belt on the basis that the current CS sets out the exceptional circumstances for the designation to be amended, i.e. development needs. If the CS review suggests less land is needed and that there is no need to

remove land from the Green Belt to meet development needs then there are no exceptional circumstances to justify the change in designation, which is contrary to paragraph 83 of the NPPF.

We believe the lack of a five year land supply in light of not having an up to date Plan is not of sufficient justification to suggest the SAP process should continue given that Plans should not be used as a means of restraining development. Instead, Plans should promote the presumption in favour of sustainable development, which means supporting sustainable development. Typically, sites that come forward as planning applications where a five year land supply exists are sustainable and should be supported by the Plan strategy in any event. As Green Belt land is not subject to the presumption in favour of sustainable development under paragraph 14, footnote 9 of the NPPF then it would continue to be protected until such time as a new Local Plan was in place.

D. If the selective review were to conclude that the annual housing requirement is lower going forward than set out in the adopted CS, is there potential that land may be released from the green belt through the SAP to meet the requirements of the adopted CS, that may not have been necessary had the selective review concluded first?

The initial work the Council has undertaken suggests this scenario is a very real possibility. Given the requirements of paragraph 83 of the NPPF then we believe it is not appropriate for the SAP process to continue given development requirements form the exceptional circumstances the Council is relying upon to justify the need to release land from the Green Belt. Especially, as some of the Green Belt land proposed for release is considered to be relatively unsustainable, including the proposed new settlement at Parlington.

In the circumstances it is therefore considered that the SAP should be withdrawn in order to allow the Council to prepare a Local Plan that would release only land that was necessary to meet development needs.

E. If so, how is this to be addressed?

Once land has been released from the Green Belt then we cannot see how it can be returned to the Green Belt. Any land that was released, but not needed to meet development needs identified through a review of the CS would therefore need to be protected by policy to prevent its development.

In the event the Council could not demonstrate a five year land supply in the future then any policy would prove to be ineffective from preventing the development of the land. This has already been borne out by a number of permissions that have been secured at Appeal for land across Leeds that was subject to the Protected Area of Search policy.

The only way to prevent Green Belt land from being developed is for it not to be released from the Green Belt in the first place.

Yours sincerely



Kathryn Jukes BA (Hons) DipTP MRTPI
Director