

applied the methodology consistently, i.e. accessibility section scores are above the 1-6 possible scores allocated in the matrix. Further, the later modification of the SHLAA for the assessment of greenfield allocations release is at odds with the methodology itself, which in its introduction states "methodology will also be used to help inform any phasing or managed release policy". It therefore appears incongruous to further amend the methodology at this stage, if it is fit for purpose, for obscure reasons. The methodology is itself at variance with guidance issued, in terms of the SHLAA and not including scoring (reflecting the PAS guidance⁸). However it then goes on to score allocated sites under the modified methodology with a mixture of scoring methods which in practice makes it almost impossible to assess sites side by side in a rigorous manner.

- 3.3. It would seem to us that there are other fundamental anomalies within the ERYC SHLAA. While guidance states that the 'scope' of the assessment with regards to particular types of land should not be narrowed down by existing policies designed to constrain development⁹. ERYC have incorrectly used guidance para 21 in the SHLAA in applying this

⁴ *Statement of Community involvement: Table 3.2 Interests and Groups to be Involved Identifies Parishes to be involved in all stages.*

⁵ *Accepting an item was in the forward plan, however we would take the view that this is not a proactive approach.*

⁶ *Strategic Housing Land Availability Assessments Practice Guidance July 2007 CLG (SHLAAPG) para 15 and note re standard methodology "to ensure that the Assessment findings are robust and transparently prepared" and "However, where a different methodology is used, the Assessment report will need to explain the approach chosen and the reasons for doing so."*

⁷ *Strategic Housing Land Availability Assessment Report 2009 Para 2.5.*

⁸ *Strategic Housing Land Availability Assessment Frequently Asked Questions Planning Advisory Service, Local Development Framework Seminars January/February 2008 question 20.*

⁹ *SHLAA PG para 21.*

to the individual site assessment clearly asserting assessments are carried out in "policy off" mode¹⁰. ERYC we believe should have applied para. 38¹¹ on each site appraisal in accordance with PAS guidance¹² and include those policies in PPS3¹³, RSS12¹⁴, the JSP¹⁵ and latterly the draft consultation core strategy¹⁶. These policies restrict development in JSP DS4 settlements / supporting villages and resist development which relies on long distant commuting.

- 3.4. Indeed this application of para. 38 is demanded by logic. The inclusion of a site in the SHLAA is a statement that in principle the site is suitable for housing and a published strategic housing land availability assessment is a 'material consideration'¹⁷. It follows that where policy indicates particular sites are unsuitable they should be excluded from the SHLAA at an early stage.
- 3.5. Within para. 38 the Guidance states that; Sites allocated in existing plans for housing or with planning permission for housing will generally be suitable for assessment, although it may be necessary to assess whether circumstances have changed which would alter their suitability. ERYC have not revisited allocated sites and merely passported through the SHLAA to the release phase. Circumstances have drastically changed since the allocation and we would cite the following policy objections to including the legacy allocations in South Cave;
- 3.5.1. The site was originally included in BBC local plan due to the "urgent requirement for housing overriding all other considerations"¹⁸; this site remains to be developed after the surrounding development was built out and remains so some 30 years after it's first permission on appeal. The policy only remains saved due to the lack of progress in firstly the JSP and latterly the LDF.
- 3.5.2. National policy, firstly PPS3 and at regional level through RSS12, the JSP and latterly the new LDF have dramatically changed focus to sustainable development

¹⁰ ERYC Report to Cabinet SHLAA Dec 2009 para 2.1.

¹¹ SHLAA PG para 38 Sites allocated in existing plans for housing or with planning permission for housing will generally be suitable, although it may be necessary to assess whether circumstances have changed which would alter their suitability. For other sites, the following factors should be considered to assess a site's suitability for housing, now or in the future:

*policy restrictions – such as designations, protected areas, existing planning policy and corporate, or community strategy policy (see paragraph 21 above.

¹² HLA FAQ PAS, January/February 2008 FAQ question 17.

¹³ PPS3 relevent policies are dealt with in our para 3.6.

¹⁴ Regional Spatial Strategy 12 Yorkshire and the Humber policies are dealt with in our para 3.7.

¹⁵ Adopted Joint Structure Plan saved policies are dealt with in our para 3.8.

¹⁶ Draft Consultation Core Strategy policies are dealt with in our para 3.9.

¹⁷ SHLAA FAQ PAS, January/February 2008 question 15. " It should be kept in mind that inclusion of a site in the SHLAA indicates that it is considered suitable in principle for housing (because the assessment of deliverability/developability includes suitability). To include non-runners will therefore present a misleading signal and may prove an embarrassment if their inclusion is subsequently argued at appeal to demonstrate that they were considered suitable in principle for housing when the SHLAA study took place".

¹⁸ The inclusion within the 1996 Local Plan of these fields for housing under POLICY H1dj "Land to the South of The Stray" was effectively to sustain an expired outline planning permission, as noted in Paras. 4.25 and 4.8 in the Local Plan. Further this outline permission, won on appeal in 1980 had, as a main flawed premise, the urgent need for housing land which overrode all objections raised by the authority. The Stray was only complete in 1998 and this land under consideration remains undeveloped 30 years later.

that does not place reliance on the use of the private motor car and which takes into account with far more weight environmental factors especially flooding and which we set out in appendix 1.

- 3.5.3. These changes to national, regional and local policy introduced since these allocations in South Cave were made, provide a material change of circumstances which alters the legacy allocations suitability to the extent that they should not remain in the SHLAA as suitable sites.
- 3.6. SHLAA Guidance Para. 38 For other sites, the following factors should be considered to assess a site's suitability for housing, now or in the future:
- policy restrictions – such as designations, protected areas, existing planning policy and corporate, or community strategy policy (see paragraph 21 above); ERYC appear to incorrectly consider national policy designations only and do not taken into account the body of relevant local policy. Once these are taken into account no site would be included as suitable.
 - physical problems or limitations – such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination; the village lies in a valley bottom with drainage from the Wolds passing through a small drainage tunnel under the A63. The floods in 2007 highlighted the issue that further development would exacerbate the problem. This particular site SCAVE 16 has a ransom strip (see also Para 39) onto the Stray spine road, restricted access onto the A1034 Station Road which is likely to be resisted and in common with SCAV 11 and 16, a defective junction on Little Wold Lane/ Beverley Road where the vision splay is not in the control of the landowner.
- 3.7. SHLAA Guidance Para 39. A site is considered available for development, when, on the best information available, there is confidence that there are no legal or ownership problems, such as multiple ownerships, ransom strips – therefore the site cannot be said to be available with ransom strips onto The Stray.
- 3.8. Following a review, SHLAA Guidance Para 45 states if there are still insufficient sites, then it will be necessary to investigate how this shortfall should best be planned for either through the identification of broad locations for future housing growth, and/or the use of a windfall allowance. We would argue if a shortfall is to be made up, then either broad allocations are used or other sites better suited as identified in the SHLAA should be brought forward. ERYC seem to indicate this approach is likely in the SHLAA 2010 report.
- 3.9. Para 51 states that where a windfall allowance can be justified, this should be based on an estimate of the amount of housing that could be delivered. One way to determine a realistic windfall allowance is to estimate the housing potential by calculating the average annual completion rate from the source, and coming to an informed view as to:
- 3.9.1. whether the annual rate is likely to increase or decrease; - In South Cave windfall sites coming forward have been stable for a number of years and though the recession.
 - 3.9.2. whether the pattern of redevelopment is likely to remain the same, grow or decline; - Again appears to be stable in the past but likely to reduce over time due to availability and the restriction by policy.
 - 3.9.3. whether current market conditions are likely to stay the same, worsen or improve in the future. – Conditions are likely to improve marginally over the next few years and the momentum has maintained through the recession.

4. Conclusion

- 4.1. We consider ERYC did not satisfactorily consult on the revised SHLAA methodology either in respect of the main SHLAA.
- 4.2. Contrary to the Core Strategy consultation draft, the release of Greenfield sites in South Cave would affect the intention of new policy and is contrary to existing policy in the PPS3, JSP, and RSS (before RSS was withdrawn). This body of policy should carry overwhelming weight when considering the suitability of sites in South Cave through the SHLAA process.

Extant planning policy has already identified that DS4 villages would not be used for strategic housing and should only address local housing need.

conclusion. As we have noted in Para. 3.3 of our letter dated 22nd November 2010, SHLAAA PG para.38 purports that - *sites allocated in existing plans may be subject to circumstances which have changed and which may alter their suitability.*

8.9.2010 response

2. 83.5% of respondents to our survey disagreed with the need to build a further 65 dwellings and 70.6% did not want any new dwellings built at all, with 22% wanting less than 30 dwellings.

Flooding

1. South Cave village topography is currently not conducive to further large development. Pluvial runoff from three sides has caused flooding and sewage overflows in the past. South Cave lies in a valley running east to west causing all rainfall to flow westwards through the village. Development of all of the proposed sites will affect areas further to the west of the village and potentially create further flood risks in the current zone 3 flood risk area. The SHLAA methodology does not address such issues. Flooding was a concern of 18.8% of respondents to our survey and 99.3% thought development should not take place where it increases flooding risk to other homes. No development should be considered until flood alleviation plans have come to fruition.

Sustainability

1. The use of and reliance on private motor cars is shown to be prevalent within South Cave (1.6 cars per household with 77.2% travelling to work in a car and 95.4 % shopping outside the village using the car) and further development will exacerbate the issue.
2. The size of South Cave means there is an inability to increase public transport.
3. There is no direct rail access as a sustainable form of transport and those that do use the train use the car to get there (81%) .
4. Further development in South Cave will not achieve ERYC low carbon energy policy objectives as the densities and size is too small and further development will actually increase the carbon footprint of the village with long distance (23km) commuting.

Infrastructure

1. Increased traffic and congestion from developments is a problem identified by 31.9% of respondents
2. Parking concerns for new developments are identified and 39.4% of respondents already have problems.
3. Overall 93.9% experience difficulties with the infrastructure of the village.
4. The planning system has failed to provide the infrastructure required even after 435 dwellings have been built since 1980 and we would like to see an infrastructure delivery plan if further development is imposed.

Site Specific Allocations

1. We point to a number of serious flaws in the methodology of the SHLAA process, not least the ambiguous and opaque manner in which weighting has been attempted and the reliance on a number of different scoring methods and colour which gives a misleading impression. A number of criteria cannot be assessed unless a proposal is forthcoming and we suggest a number of new assessments to aid the sustainability assessment.
4. SHLAA (Strategic Housing Availability Assessment) - After following ERYC assessment methodology, none of the sites are suitable for development.
5. South Cave already meets and exceeds development provision (5 dwellings per year) without further allocation.