

Public Session

Report Reference Number

Agenda Item No:

To: Extraordinary Council
Date: 6 November 2012
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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.

Summary:

This report updates the Council on the progress of the Core Strategy through the Examination in Public (EIP) at the reconvened sessions that took place on 5 and 6 September 2012.

It sets out for approval the further proposed changes required in order to ensure consistency with the new National Planning Policy Framework (NPPF) published during the Core Strategy process (in March 2012).

The Proposed Changes respond to the June/July 2012 public consultation on compliance between the Core Strategy and the NPPF and which were debated at the September 2012 EIP.

The remaining few changes require a further consultation exercise and the soundness issues will be examined at a reconvened EIP in February 2013.

The report sets out the key issues and next steps for consultation and provides a schedule of the 7th Set of Proposed Changes for approval for consultation.

Recommendations:

- I. To agree the 7th Set of Proposed Changes for consultation.**
- II. To note that the documents will be subject to public consultation between 12 November and 28 December 2012 and that they will be considered alongside representations received at the reconvened EIP in February 2013.**
- III. 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 February 2013 and to authorise Officers to make the necessary arrangements to allow the Inspector to progress the EIP and Reporting procedure.**

Reasons for recommendations:

A formally adopted Core Strategy is an essential part of the Council's Local Development Framework (now referred to as the Local Plan) 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 The Core Strategy remains subject to the examination process following formal Submission in May 2011. The previous report to Extraordinary Council on 29 May 2012 (reference C/12/ 2) provides further background to the process. In summary, following the enactment of the Localism Act 2011 and new National Planning Policy Framework (NPPF, March 2012) the process has been delayed whilst the Inspector examines the Core Strategy in the light of new Government policy and Regulations.
- 1.2 The April 2012 EIP considered three key topics and the NPPF, whilst the reconvened EIP hearing sessions which took place on 5 and 6 September 2012 were required in order for the Inspector to re-examine the Core Strategy in relation to the policies and soundness tests in the new NPPF. The Agendas for the 2 separate sessions are available on the Core Strategy EIP web pages of the Council's website.
- 1.3 The Council finds itself in new territory both in terms of exploring the subtleties of new national policy framework, and in exploring legal issues in the context of recently published Regulations. Whilst some level of debate over the policies in the Strategy was anticipated, the Council is in a hybrid LDF/Local Plan system and there is no clear guidance from the Government or Planning Inspectorate how that should operate. Consequently, the EIP process has been extended again to an unprecedented 4th session.

2. Background and Update on September 2012 EIP

- 2.1 The reconvened EIP in September 2012 was for the purpose of considering the Core Strategy in the light of the National Planning Policy Framework (NPPF). The Council published a Position Statement (31 August 2012) prior to the EIP to assist the Inspector and to use as a basis for discussion at the Hearing Sessions.
- 2.2 At the end of the 2 days, the Inspector highlighted that there remained a limited amount of issues that the Council need to reflect on. The Inspector agreed to provide a Position Statement on what his areas of concern were by mid-October.
- 2.3 The Inspector was clear however that any Main Modifications will require further consultation, and for consistency this consultation exercise should also include all Additional Modifications, any new evidence and any new Sustainability Appraisals.

- 2.4 “Main Modifications” are those which the Council must ask the Inspector to consider. The Inspector may then recommend Main Modifications as part of his report in order to make the Core Strategy sound. His ability to recommend Main Modifications is limited to those changes which are necessary to remedy unsoundness or legal compliance. “Additional Modifications” are those which do not materially affect the policies of the Core Strategy. These may be made without the need to be examined in public.
- 2.5 Although both the Main and Additional Modifications are open for re-consultation as part of the November/December consultation and at EIP, the Inspector will only consider the Main Modifications to the Plan and not the lesser Additional Modifications. It is for the Council, to make those Additional Modifications prior to adoption.

3. Legal Issues

- 3.1 One participant raised legal issues related to Section 20(7) of the Planning and Compulsory Purchase Act 2004 (as amended by s112 of the Localism Act 2011) which provides the Independent Inspector with powers to make Main Modifications to the Core Strategy where it is reasonable to conclude that the Local Authority complied with any duty imposed on the authority by section 33A.
- 3.2 The Inspector has previously ruled that the legal duty to meet Duty to Cooperate (under s33A) does not apply to the Submission Draft Core Strategy (SDCS) because it was submitted prior to the commencement date of 15 November.
- 3.3 The participant opined that the wording of the Act was such that because the LPA has not met the duty imposed then this does not allow the Inspector to make Main Modifications.
- 3.4 This is a legal issue which relates to the drafting of the Government’s primary legislation and how the section applies to those authorities with Core Strategies where the DTC does not apply. This would not just affect Selby Core Strategy.
- 3.5 There is no Government guidance either from the Planning Inspectorate or the Department of Communities and Local Government; although the Inspector indicated that this might be forthcoming (no timings are available). We await the Inspector’s legal view on the interpretation of the Act. In the meantime the Inspector has requested both the participant and Council to provide legal submissions on this point of law – but not until January 2013.
- 3.6 This represents a risk to the Council. Officers have instructed Counsel to provide a legal opinion and have requested an early view from the Inspector.

4. Next Steps

- 4.1 In order to respond to the Inspector’s remaining concerns in the light of debate at the EIP it is necessary for the Council to agree further changes to the Core Strategy to ensure the Core Strategy is found sound by the

Inspector. This 7th Set of Proposed Changes must be agreed and then subject to further consultation.

4.2 It has been agreed with the Inspector that the proposed changes will be made available for consultation for 6 weeks. Officers have proposed more than 6 weeks to take account of the Christmas period.

4.3 Officers of the Council have suggested the following timetable to the Inspector:

- 6 weeks consultation 12 November – 28 December 2012
- Legal Submissions in January 2013
- Final EIP hearing sessions on 27 February 2013 (and 28 February reserve / over-run)

4.4 The documents which will be subject to consultation are the 7th Set of Proposed Changes and the SEA/SA Addendum (October 2012) (see Section 6 below). This Council report will be added to the EIP 'library' as part of the Core Documents.

4.5 The purpose of the February 2013 EIP is for the Inspector to re-examine the Core Strategy only in light of the 7th Set of Proposed Changes which relate to changes arising out of the debate at the September 2012 EIP and in order to ensure consistency with the new National Planning Policy Framework (NPPF). It is not another opportunity to reopen debates on the other aspects of the Core Strategy that have already been heard at the EIP sessions. The Inspector will publish his Agenda nearer to the time.

5. Key Issues and Main Changes

5.1 Appendix 1 provides a full schedule of the draft 7th Set of Proposed Changes to the SDCS for consultation. It highlights which are the Main Modifications and Additional Modifications (see paragraphs 2.4-2.5 above for definitions). The key issues are summarised below:

(a) Green Belt Policy CPXX

5.2 The Green Belt policy was introduced and consulted upon in January 2012 following the September 2011 EIP. The principle and wording has already been debated at the previous hearing sessions and in response, the 7th Set of Proposed Changes simply provides some clarity of wording in the supporting text and proposes a rewording of the main policy to improve readability to reflect the policy intentions. The changes do not alter the Council's decision to review Green Belt and to allocate some sites for development where appropriate. It is merely a restructuring and simplification of the wording to emphasise that development of some Green Belt land in some settlements (for example Tadcaster) may be more appropriate than non-Green Belt land in other locations (such as transferring Tadcaster's growth to another settlement).

5.3 Rewording has already been debated at the EIP and, at the request of the Inspector, already been circulated to and subject to comments by other participants prior to publication for consultation (and being reported to Council) in order to streamline the process of consultation.

5.4 No comments from third parties have been received. The Inspector has provided his views on the proposed wording and these have been incorporated into the revision at *Appendix 1, Annex A*.

(b) Review of Development Limits

5.5 The Submission Draft Core Strategy already refers to the intention that the Site Allocation DPD will review the Development Limits of the three main towns and Designated Service Villages. In the light of changes to the development plan system and for completeness/consistency, it is now proposed to extend the review of Development Limits to also now include Secondary Villages (i.e. all Developments Limits around all settlements).

(c) Policy CP1A Garden Land

5.6 Respondents to the 6th set of changes and NPPF consultation in June/July considered that the approach in Policy CP1A which resisted development on garden land in Secondary Villages was overly restrictive and contrary to policies in the NPPF seeking to promote the rural economy.

5.7 Officers considered that it might be necessary to remove the differentiation between the Designated Service Villages (where development in garden land is acceptable) and Secondary Villages (where it is not) because of the inability to evidence the impacts of the effects of garden land development in one part of the settlement hierarchy compared to another. As such the Council's Position Statement (31 August 2012), which was published to assist debate at the EIP suggested that it may be necessary to amend Policy CP1A to remove the differentiation between the treatment of garden land in Designated Service Villages and Secondary Villages.

5.8 However in the light of debate and the views of the Inspector at the September 2012 EIP, it is now considered that the differentiation is justified by the existing strategy in the Core Strategy to treat the levels of the settlement hierarchy differently in order to focus development in the towns and Designated Service Villages, whilst only allowing limited amount of development in the smaller rural Secondary Villages. Several third parties remain of the view that restrictions in Secondary Villages should be lifted to make them equal to Designated Service Villages.

5.9 On reflection it is not considered necessary to change the policy in this respect and it is sound, and consistent with NPPF to retain the Policy as that submitted: that there remains differentiation between the Designated Service Villages (where development on garden land is acceptable in principle) and Secondary Villages (where it is not). There are however some minor word changes to the policy which are proposed to improve clarity – see *Appendix 1, Annex B*

(d) Policy CP2 (Housing numbers) and Treatment of Windfalls

5.10 Several objectors (house builders and their agents) continue to push for a higher annual housing requirement of 500-550 dwellings per annum (dpa),

although the Council continues to promote 450 dwellings per annum (dpa) as a realistic and achievable minimum target based on sound evidence. The Inspector has yet to form a view on this.

- 5.11 The issue of windfalls has been debated at great length at each of the hearing sessions. The Council has provided further information to the Inspector about past trends and provided amendments to text to clarify the definitions used and how supply of housing from non-allocated sites will contribute to the overall delivery of housing in the District over the Plan period.
- 5.12 The Council has been working on the basis that windfalls are additional to identified housing requirement set out in the Plan – i.e. are over and above the amount that will come forward on planned sites.
- 5.13 The Council's position (see Position Statement, 7 June 2012) was that the NPPF did not change that approach and only allowed for Local Planning Authorities to make an allowance for windfalls in the 5 year housing land supply (not in the planned for development in the Local Plan policy). As such in response to the NPPF, the Council proposed amended text to the Core Strategy to clarify that windfalls would continue to come forward and would be in addition to the 450 dpa on planned-for sites. However, because of the difficulty in quantifying the actual amount of windfalls likely to occur (by their nature unidentifiable sites) then the Council has not included an allowance for them.
- 5.14 However the Inspector made it clear at the September 2012 EIP that the new NPPF *does* allow windfalls to form part of the District's housing land supply over the Plan period, and considered it was possible to make an estimation of future likely contribution based on available evidence. He asked the Council to reflect on the evidence available to enable a projection to be made by quantifying the likely number of windfall completions per annum. This may demonstrate a more accurate picture of all housing delivery expected throughout the Plan period.
- 5.15 Officers have undertaken some further research using existing evidence in the light of paragraph 48 of the NPPF which states that:
- “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.”*
- 5.16 The Council's Position Statement produced for the previous changes/EIP (7 June 2012) set out the position that past trends are not necessarily an accurate prediction of future performance because of different planning contexts (the Selby District Local Plan control on development versus the new Core Strategy and positively planned allocations through the Site Allocations Development Plan Document) so that the opportunity for windfalls on non-allocated sites is likely to be fewer than in the past. However, the SDLP policies are more restrictive in terms of allowing development on previously developed sites only, whereas Core Strategy Policy CP1A provides the framework for managing residential

development in settlements which allows for development on non-allocated sites including Greenfield, which may provide some balance.

- 5.17 The Council consider therefore that the previous delivery of windfalls may not necessarily continue at the same high levels in the future. However, in the light of the Inspector's request to identify a realistic allowance, the following approach has been taken (in line with NPPF paragraph 48):
- 5.18 Any allowance should be realistic (not include residential gardens) having regard to:
- (i) historic windfall delivery rates
 - (ii) the Strategic Housing Land Availability Assessment
 - (iii) expected future trends
- 5.19 The best available evidence indicates that windfalls might be expected to contribute between 105 and 170 dwellings per year on top of the 450 dpa housing requirement. Further information is provided in Appendix 2 of this Council Report.
- 5.20 It is not proposed that windfalls are relied upon to deliver the 450 dpa housing requirement which is based on objectively assessed needs. Instead it is sensible to set out that on top of the 450 dpa - flexibility is provided (to meet the NPPF requirement to significantly boost housing supply) by referring in the Core Strategy to 450 dpa being provided on planned-for sites (those existing commitments and net allocations in Policy CP2) and that a minimum of about 105 dwellings per year are expected to be provided in addition on windfall sites. This does not change the Council's view on the Core Strategy Housing numbers; instead it simply quantifies the windfall element that is already anticipated.
- 5.21 In order to be clear on the approach to windfalls it is proposed to add a footnote to Policy CP2 which sets out the 105 dpa windfalls per annum is on top of the 450 dpa. Also it is already proposed to amend the housing trajectory (a previous published change) to include affordable housing and it is now considered appropriate to include the windfall element in the same graph. Additional modifications to the reasoned justification are also necessary.
- 5.22 The amended Policy CP2 also includes the specific reference to the 450 dpa being a minimum amount which meets the NPPF pro-growth agenda.
- 5.23 It should also be noted that there is a consequential amendment to correct a drafting error to Policy CP2. The previous set of changes only changed the text regarding the removal of phasing and not the policy.
- 5.24 See Appendix 1 Annex C for amended policy wording and trajectory graph.

(e) Policy CP5 Affordable Housing

- 5.25 No further issues were raised at the EIP hearing session on Policy CP5. However, to clarify that the small sites commuted sum off-site contribution to affordable housing is negotiable (consistent with the 40% target), the Council (in the Position Statement and raised at the EIP with the Inspector) suggested inserting "up to" before 10%.

(f) Policy CP6 Rural Affordable Housing

- 5.26 Objectors highlighted that the proposed change (PC6.55) regarding the Core Strategy approach to market housing on rural exceptions sites is better placed in the policy rather than being introduced as text.
- 5.27 The Council concur and now propose to add to the policy what the 6th Set of Proposed Changes already changed in the text to reflect the NPPF. It also incorporates additional amendments to improve readability. A previous change (PC3.10) is considered superfluous and is proposed to be deleted - *see Appendix 1, Annex D*

(g) Policy CP9 Scale and Distribution of Economic Growth

- 5.28 Objectors to the 6th Set of Proposed Changes and the NPPF consultation in June/July have raised issues regarding development in open countryside and whilst NPPF allows for well designed new buildings the Core Strategy currently only allows for re-use.
- 5.29 The SDC Position Statement published to assist discussion at the EIP (31 August 2012) accepted that Policy CP9 which allowed for re-use but did not allow for well designed new buildings was overly-restrictive in the light of NPPF.
- 5.30 In addition, with particular reference to former mine sites, it was noted that to retain criteria 1 and 2 in Part C would mean that restrictions on these sites would be more restrictive than that applied to the open countryside and was considered would represent an inappropriate anomaly and be contrary to the NPPF.
- 5.31 These points were debated at the EIP and there was general consensus that the policy should be re-worded in a different way to capture the re-use and new-buildings elements as they affect ALL former commercial sites in the countryside equally, without the necessity to specifically refer to the mine sites as special cases.
- 5.32 Alternative revised wording is therefore proposed in the draft 7th Set for consultation. This comprises changes to the policy to ensure consistency with the NPPF whilst retaining the local strategy for supporting jobs growth which utilises existing infrastructure as well as some minor consequential updating of the reasoned justification – *see Appendix 1, Annex E*

(h) Policy CP14 Low Carbon and Renewable Energy

- 5.33 Objectors to the 6th Set of changes and NPPF consultation consider that the introduction of text which stated that renewable energy projects would only be supported if they fall within identified suitable areas which may be identified in future local plan documents, is unjustified, unnecessary and not compliant with NPPF. The Council accept that this was not the intention of the proposed re-wording and as written, the policy is unduly restrictive and now propose a further change to the first part of Policy CP14.

5.34 Further, objectors state that NPPF Paragraph 91 wording of special circumstances is different to that proposed in the Core Strategy. The Council agree and consider that it would be helpful to ensure that the Core Strategy more closely aligns with the wording in the NPPF. As such the Council now proposes to amend Policy CP14 (previous proposed change PC6.86), last paragraph. *See Appendix 1, Annex F for amended policy wording*

6. Evidence base and Sustainability Appraisal (SA)

6.1 Evidence that underpins the draft 7th Set of Proposed Changes has not changed since the EIP in September 2012. Additional work has been undertaken to set out more clearly the windfall contribution (see Appendix 2) and how this may be included in the Core Strategy.

6.2 The Council set out in its previous Position Statement (31 August 2012) for the EIP and the Extraordinary Council report of 29 May 2012, that it does not consider it necessary to undertake additional Strategic Environmental Assessment and Sustainability Appraisal (SEA/SA) work for the 6th Set of Proposed Changes which were published and consulted upon in June 2012.

6.3 For completeness, the 7th Set of Proposed Changes to individual policies has been assessed within the SEA/SA framework alongside the 6th Set of Proposed Changes. The appraisal also considers the cumulative effects of all the proposed changes.

6.4 The full new SA Addendum will be made available alongside the 7th Set of changes for consultation. An extract comprising the Non-Technical Summary is attached at Appendix 3 to this report. In summary, the majority of the changes do not change the findings of the previous SA work. Where changes have been identified these are either positive or remove uncertainty but do not fundamentally change the findings of the SA.

7. Conclusions

7.1 A number of further changes as discussed at the September 2012 EIP are proposed to the Core Strategy in order to ensure it meets the Soundness test of consistency with national policy. 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 (including the Addendum to the SA) will be subject to consultation for (more than) six weeks prior to being examined at the February 2013 EIP.

7.3 The Inspector will then provide his report and this will be considered by the Council in due course.

- Appendix 1** **Draft 7th Set of Proposed Changes** (separate)
Appendix 2 **Windfall information**
Appendix 3 **SA Addendum, October 2012** (separate)

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Background Documents

Core Strategy, Submission Draft, May 2011 (and associated Core Documents including Composite Set of Proposed Changes)*
Inspector's Notes* dated 10 October 2011, 14 October 2011, 4 April 2012 and 10 April 2012.

Extraordinary Council report, 29 May 2012 (reference C/12/ 2)

SDC Position Statement 7 June 2012 (EIP Core Document CS/CD66)*

SDC Windfall Response 31 May 2012 (EIP Core Document, CS/CD67)*

SDC Position Statement 31 August 2012 (EIP Core Document CS/CD69)*

**available on Core Strategy EIP web page*

Appendix 2 Windfall Information

Introduction

In line with Para 48 of NPPF, any allowance should be realistic (not include residential gardens) having regard to:

- (i) historic windfall delivery rates
- (ii) the Strategic Housing Land Availability Assessment
- (iii) expected future trends

(i) historic windfall delivery rates

A1 The Council already provided windfall data for the past 7 years to the EIP (see Core Strategy/CD67) and the table is reproduced below.

A2 This shows that historically the annual windfall delivery rates have contributed significantly to the overall housing delivery but have fluctuated year on year.

Table 1 District Wide

					Figures for all non-allocated sites (includes GF and PDL)		Figures for only those non-allocated sites which are also PDL		
	1	2	3	4	5	6	7	8	9
Period	Completions total	Completions on allocated sites	% of completions On allocated sites	Completions on all other sites (windfall)	% of Completions on all other sites (windfall)	All completions on PDL	% of all completions on PDL	Of windfalls, how many on PDL*	% of windfall completions on PDL
2010-11	366	155	42.3	211	57.7	181	49.5	174	82.5
2009-10	270	107	39.6	163	60.4	125	46.3	117	71.8
2008-09	222	59	26.6	163	73.1	154	69.4	146	89.6
2007-08	583	240	41.2	343	58.8	299	51.3	271	79.0
2006-07	874	187	21.4	687	78.6	585	66.9	585	85.2
2005-06	633	53	8.4	580	91.6	473	74.7	473	81.6
2004-05	469	167	35.6	302	64.4	242	51.6	242	80.1
TOTAL 2005-2010	3417	968	-	2449	-	2059	-	2008	-
Average 2005-2010	488	138	30.7%	350	69.2%	294	58.5	286.9	81.4%

*column 8 includes garden land. Prior to 2010 was defined as PDL but should now be excluded as classed as Greenfield.

- A3 Column 8 shows the windfalls - built dwellings on non-allocated, Previously Developed Land. The highest level was at the height of the economic boom in 2006/07, at 585 dwellings and the lowest during the recession in 2009/10 was 117 dwellings. The average over the past 7 years is a higher figure of 287 dwellings which takes into account two very high years 2006/07 and 2007/08. The average of the 5 years not including these two peaks is 190 dpa.
- A4 The distribution of windfall development (all non-allocated sites i.e. on Greenfield and PDL) from the various elements of the settlement hierarchy was debated orally at the April 2012 EIP. Further interrogation of the data (a breakdown of the historic data for completions for the years 2004 – 2011) to identify patterns across the settlement hierarchy reveals the following (in Table 2):

Table 2 Settlement Hierarchy

(Rounded)	Total over 7 years	Proportion %	3 main towns combined %	3 towns and DSVs combined %	7 year average DWELLINGS PER YEAR	dpa
Selby	670	27	37	78	98	132
Sherburn	122	5				
Tadcaster	122	5				
DSVs	1015	41	41		145	145
SVs	545	22	22	22	78	78
Total	2474 ¹				355 ²	

- A5 Note that these are for the 7 year average, which is different to the approach used District wide because it is not appropriate to use the lowest figures in this context as some are zero.
- A6 The table shows that the main towns and Designated Service Villages (DSVs) made the biggest contribution to windfalls 277 dw although Secondary Villages (SVs) have made an annual contribution of more than 70 dw. The ratio between the 3 main towns and DSVs compared to SVs is approximately 80:20.
- (ii) the Strategic Housing Land Availability Assessment (SHLAA)
- A7 A SHLAA does not provide a list of future sites for development. It is a database of a pool of sites identified which may be suitable, available and deliverable for housing development without any indication of whether it is acceptable in policy terms (i.e. what *could* be developed not *should* be

¹ The 2474 dw in Table 2 approximates to the 2449 dw in Column 4 of Table 1. The difference is due to a slight variation in the way the figures have been extracted.

² The 355 dw in Table 2 approximates to the 350 dw in Column 4 of Table 1 i.e. both GF and PDL

developed).

- A8 The Selby District SHLAA 2011 has a site size threshold and therefore does not include sites of less than 0.4 hectares. As such, it would not identify small windfall sites. Further, the SHLAA cannot be used to identify larger sites (of 0.4 ha or more) which might come forward as windfalls because such sites in the SHLAA, identified as appropriate for development would be allocated as part of the Site Allocations Development Plan Document. In addition, the SHLAA does not necessarily capture potential redevelopment opportunities on current operational sites which may come forward during the Plan period.
- A9 This represents the limitations of the SHLAA in predicting the number of windfalls coming forward across the District. However the SHLAA does provide a cross-check on opportunities which might be available on windfall sites in Secondary Villages that have been submitted through the call-for-sites (but would not be allocated under Policy CP2).
- A10 The SHLAA data shows that for the 15 year period, the potential yield for all sites in Secondary Villages is about 4100 dwellings (273 dwellings per annum), which includes identified sites in or adjacent to the Development Limits and on green field and Previously Developed Land (this may include some garden land as this is not identified separately as yet in the database).
- A11 However this is not a realistic estimate (not a 'reliable source of supply') because land outside Development Limits would not accord with Policy CP1A (see also (iii) below). So that, of the 4100 dwelling capacity overall, only land for about 147 dwellings (approximately 10 dpa over the next 15 years) actually falls within Development Limits.
- A12 This SHLAA data provides a broad indication of the capacity/yield in Secondary Villages based on 35 dwellings per hectare. The actual amount that could come forward may be more than this if additional sites are identified although it should be noted that, because Policy CP1A only supports small scale development in Secondary Villages the actual contribution from this source (sites over 0.4 ha) might be limited (once subject to policy considerations).
- A13 Contributions from other small sites which are not captured by the SHLAA site size threshold, for example from the frontage infill and farmsteads source – see paragraph A18 below, would be likely to provide the main source of supply in Secondary Villages, alongside PDL redevelopment.
- (iii) expected future trends
- A14 To understand future trends this must be related what might be expected to come forward in the light of Local Plan policy and the economy.
- A15 Policies in the Core Strategy set the framework for promoting new development in the District over the Plan period. Policy CP2 provides that allocations will be made in the three main towns and the Designated Service Villages and that no allocations will be made in the Secondary Villages. However, growth and vitality in these smaller, rural villages will be supported through opportunities on non-allocated sites in appropriate circumstances.

- A16 The scope for new development in all settlements is set out in Policy CP1A. This provides a basis for estimating future opportunities for windfall (see SHLAA at (ii) above) across the District.
- A17 Further more detailed evidence has already been provided by the Council to the EIP (in Written Statement No. 6, September 2011) regarding the potential quantity of new dwellings on infill frontage development and redevelopment of farmsteads in Secondary Villages under Policy CP1A.
- A18 This indicates that the additional contribution from infill, frontage development in all Secondary Villages might be up to about 60 dwellings in total over the Plan period. A further contribution from the redevelopment of farmsteads could be about 500 dwellings over the Plan period (the maximum if all known farmsteads within these villages were redeveloped).

Windfall Evidence Conclusion

- A19 The NPPF suggests that the potential windfall contribution may be derived from the various elements outlined above in (i), (ii) and (iii). The evidence must be considered as a whole and balanced to provide a figure which is considered to be a reliable future source of supply.
- A20 Taken together therefore, based on the information available on past windfalls (quantity and distribution) and potential for future opportunities under the new policy framework, officers consider that it would be reasonable to predict that in the future windfalls will be delivered at an annual rate of between approximately 105 dpa and 170 dpa.
- A21 This is based on the lowest historic delivery of 117 dpa and the 5 year average of 190 dpa excluding the two high peaks and discounting 10% for garden land³. The Council considers that using 105 dpa as the minimum figure, is conservative but represents a level which is realistically what might be expected to be achieved and likely to be a reliable source of supply in the future. The reference to a range in the reasoned justification highlights the uncertainty in defining a precise figure.
- A22 Consideration was given to using the average over the past 7 years but officers consider that the resultant, much higher figure of 287 dwellings (or about 240 dw excluding 10% for garden land) over-states what is expected to realistically come forward on windfalls in the future within the context of the new positively planned framework for the District which aims to allocate land to meet needs and not rely (as in the past) on the windfalls propping up the housing land supply. This higher figure could not be reasonably quantified / evidence based to justify as a reliable source of supply
- A23 It is not proposed that windfalls are relied upon to deliver the 450 dpa housing requirement which is based on objectively assessed needs. Instead it is sensible to set out that on top of the 450 dpa - flexibility is provided (to meet the NPPF requirement to significantly boost housing supply) by referring in the Core Strategy to 450 dpa being provided on planned-for sites (already committed and new allocations in Policy CP2) and that a

³ Note: The data set covers the years 2004 to 2011. The definition of garden land changed from PDL to green field in 2010. Previous work (see Written Statement No.6, September 2011 EIP) shows that in the District garden land accounted for 10% of completions. As such this figure should be discounted by this proportion to reflect NPPF which says windfall estimates must exclude garden land.

minimum of about 105 dwellings per year are expected to be provided in addition on windfall sites. This does not change the Council's view on the Core Strategy Housing numbers; instead it simply quantifies the windfall element that is already anticipated.

A24

In order to be clear on the approach to windfalls it is proposed to add a footnote to Policy CP2 which sets out the 105 dpa windfalls per year on top of the 450 dpa. Also it is already proposed to amend the housing trajectory (previous published change) to include affordable housing and it is now considered appropriate to include the windfall element in the same graph. Additional modifications to the reasoned justification are also necessary.

DRAFT