

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY GLADMAN DEVELOPMENTS LTD
AGAINST RIBBLE VALLEY BOROUGH COUNCIL'S
REFUSAL OF PLANNING PERMISSION
PROPOSED ERECTION OF 110 DWELLINGS,
AT LAND AT HENTHORN ROAD, CLITHEROE**



**PUBLIC INQUIRY
TO BE HELD 8 – 10 MAY 2019**

**REBUTTAL PROOF OF EVIDENCE OF
RACHEL HORTON MA BSc (Hons)
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

**PINS REFERENCE APP/T2350/W/19/3221189
LPA REFERENCE 3/2018/0688**

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1. Introduction

- 1.1 This rebuttal proof has been prepared in response to the proof of evidence in relation to housing land supply by Ben Pycroft of Emery Planning in relation to the appeal by Gladman Developments Limited for their proposed development at land at Henthorn Road, Clitheroe. I respond to various points made by Mr Pycroft in his proof of evidence. The fact my rebuttal does not deal with a point in the proof of Mr Pycroft does not indicate that I accept the points he makes.

2. Ribble Valley's Housing Land Supply

- 2.1 At paragraph 5.7 of the Proof of Evidence the appellant lists key dates in which the Authority reviewed its housing land supply. Whilst I can confirm that the dates and actions listed are correct it does not reflect a true picture of the full events that occurred. The actions taken by the Council were in response to continual changing national policy requirements, Inspector's determinations at appeals and the dynamic context of housing land supply within the Borough.
- 2.2 As part of the HED DPD examination the Council published a 'Housing Position Paper'¹. Section 6. of this document entitled ' 5 Year Land Supply' explains in detail the circumstances that arose between the timeframes expressed by the appellant in his proof and I have sought to summarise the main points as follows:
- **June 2017** - The Council introduced the application of a 5% buffer in June 2017 when the HLAS (31 March base date) was considered by Planning and Development Committee on the 22nd June 2017 (refer to Appendix 1). This was the evidence base document that was submitted with the HEDPD and it was confirmed in the committee report that the Council would keep under review the application of the 5% buffer as part of its normal practice.

¹ Available at
https://www.ribblevalley.gov.uk/download/downloads/id/12015/housing_position_statement_5_dec_2018.pdf

- **28th July 2017** – The Council submitted the HED DPD to the Secretary of State on this date and the 5 year supply at the base date of the last HLAS (31st March 2017) was 5.73 years with a 5% buffer.
- **September 2017** - the Government published its consultation document 'Planning for the Right Homes in the Right Places' which retained the housing delivery test approach contained in the Housing White Paper reinforcing the direction of travel that was being established and consequently the Authority maintained the application of a 5% buffer.
- **25th October 2017** – Reference is made by the appellant of an appeal decision on land at 'Lower Standen Hey Farm' (Appeal ref. APP/T2350/W/17/3174924). Of note is that the position at determination was based on information from September 2016 and secondly the inspector concluded at para. 20. that 'I am satisfied that a 5-year HLS is present at the current time whichever buffer is applied'.
- **November 2017** – The Council published its latest HLAS with a base date of 30th September 2017 which reflected the continued approach set by the government in 'Planning for the Right Homes in the Right Places' and thus the Authority retained the application of a 5% buffer.
- **December 2017** – The Government's Chief Planning Officer issued a planning update which reaffirmed the Government's intention to introduce a new housing delivery test as referred to in both the 'White Paper' and the subsequent consultation proposals on 'Building the Right Homes in the Right Places'. This letter advised that the department would be collating information from local authorities to support the implementation of its approach; this was further evidence of the Government's intention in relation to implementing a housing delivery test with its relevant definitions based upon past delivery over a 3 year period.
- **15th December 2017** – The Council submitted its response to the Inspector's Main Issues and Questions, and at the time the hearing sessions were scheduled for January 2018. The Councils position at the time of issuing the response to the Inspector was that outlined in the September HLAS (base date 30th September 2017).

- **March 2018** - The Government published its third series of consultation documents in the form of the draft revised NPPF which included the proposals for applying the housing delivery test and the application of the buffer. In addition, the Government also published its housing delivery test, Draft Measurement Rule Book, which reinforced the approach to when a 5% buffer was applied. In considering its position, the Council has had regard to the fact that it was very clear what the Government's direction of travel was in each of these consultation stages it was retaining its approach to both the housing delivery test, the application of a buffer and the consequent impact on housing delivery.
- **22nd May 2018** – The appeal decision issued by Inspector Wildgoose in relation to 'Land at Higher Road, Longridge' (Appeal Ref: APP/T2350/W/17/3186969) on 22 May 2018 at paragraph 17 addressed the Council's approach by summarising the position that prevailed. At paragraph 17 he states that:

"the Council have justified the application of a 5% buffer rather than a 20% buffer, on the basis that it accords with the approach of a 'housing delivery test' set out in a Government White Paper that has been taken forward in the National Planning Policy Framework – draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last 3 years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the Core Strategy for the last 3 years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham (appeal reference APP/X1355/W/16/3165490 – 29 September 2017) and Lower Standen Hey Farm, Clitheroe where Inspectors considered the application of methodologies subject to consultation to be premature".

Inspector Wildgoose goes on to state at paragraph 18: *"I concur with those Inspectors findings as although the methodology set out in the March 2018 consultation relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test – Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation with no certainty that it will be formally adopted and implemented in its current form".*

- **17th July 2018** – The Council in response to this undertook a review of its housing land position (based dated 31 March 2018) which was the next scheduled review and this was reported to Committee on 17 July 2018. The Council at the same time identified a need to address any potential shortfall of housing land in relation to the imminent Examination for the HEDPD (refer to Appendix 2).

Due to the need to undertake consultations on the revised evidence base and the proposed additional sites identified, it was agreed in June 2018 by the Inspector conducting the Examination into the HEDPD to defer the July hearings to enable parties to have adequate opportunity to consider the revised evidence. Hearings were rescheduled to November 18.

The Government subsequently published the new National Planning Policy Framework in July 2018 which consequently confirmed the approach to the housing delivery test and the application of the appropriate buffer indicating that the Council's approach was consistent with the new NPPF.

- **September /October 2018** - What also needs to be taken into account in considering the circumstances the Council was dealing with is that in parallel to the Examination for the HEDPD, the Council was also engaged in a Planning Inquiry for land at Hammond Ground, Read (Appeal Ref: APP/T2350/W/17/3185445). Mr Pyecroft was acting on behalf of the Appellants. In the course of preparing evidence for that Public Inquiry, the Council undertook a review of its housing land position and evidence to a base date of 30th June 2018.

Shortly after evidence was prepared for the Inquiry the Government published its revised National Planning Policy Guidance in September which significantly changed the definition of deliverable land to which the Council needed to respond. The Council was unable to demonstrate clear evidence as required by the new definition at the point of the commencement of the Inquiry in October and had to acknowledge that it could not demonstrate under these definitions a 5 year supply as it had not had opportunity to undertake the additional necessary work generated by the change in definitions.

In response to the revised guidance the Council subsequently undertook an extensive review of the evidence supporting its HLAS and published its updated

HLAS (base date 30th September 2018) which reflected the Council's normal 6 monthly publication of the survey. This addressed the need for the Council to demonstrate it had clear evidence in relation to the delivery of sites. In addition it is worth noting that in the intervening period substantial changes in development uptake had taken place which was being reflected in the Council's data. As a consequence of the revised NPPF confirming that the 5% buffer was the applicable buffer, confirmed by the outcome of the housing delivery test results and now accepted by the Appellants, the Council can demonstrate it meets the requirements of a 5 year supply.

- 2.3 Without doubt the journey that has been described in the Appellants evidence reflects the complex and dynamic circumstance the Council has found itself in, in dealing with this important issue. At the onset of the Council's approach to applying the relevant buffers and its approach to working with applicants and developers to determine supply information including responding to challenges at appeals, the Council has responded to changes in circumstances in an appropriate manner. The fact remains that the Council is able to demonstrate with clear evidence, that it has deliverable sites. It is also acknowledged by the Appellant that the Council's approach to applying at 5% buffer is endorsed by National Policy and the outcome of the housing delivery test.

3. Compliance with the National Planning Policy Framework (NPPF) and engagement with stakeholders

- 3.1 At paragraph 5.12 of the Proof of Evidence the appellant makes reference to the five year supply being set out in an 'Annual Position Statement'. I stress that the Authority has not produced an 'Annual Position Statement' nor would the Authority consider that the current HLAS constitutes as one.
- 3.2 Whilst I acknowledge that the HLAS has not been considered by the Secretary of State (para. 5.13 of the appellants proof) this is not a statutory requirement for the publication of a housing land supply document. The Authorities HLAS is taken to Planning and Development Committee to be endorsed by members and is a material consideration in the determination of planning applications. The clear evidence

obtained which is outlined within the '5 Year Supply Evidence of Delivery'² document has been sourced from a number of stakeholders such as developers, agents and landowners. The Authority maintains a continual relationship with landowners, developers and agents as sites are reviewed in order to inform the publication of the HLAS. On this basis, I do not agree with the appellants statements at para. 5.15 and 5.24 of the Proof of Evidence that the HLAS has not been prepared in consultation with developers and stakeholders.

4. Information to be included within the HLAS

- 4.1 At paragraph 5.25 of the Proof of Evidence the appellant refers to paragraph 3-048 of PPG 'What information will annual reviews of 5 year land supply, including annual position statements, need to include' to question the Councils HLAS. It should be noted that the substantive text within this part of the guidance and the paragraph before entitled 'How can authorities review their 5 year land supply annually?' (para 3-047) refers to guidance which principally relates to Authorities that publish an annual statement of delivery in the form of an 'Annual Position Statement'. As stressed at para. 3.1 the Authority has not published an 'Annual Position Statement' nor does the current HLAS constitute as one.
- 4.2 Notwithstanding the above, I am of the opinion that the current HLAS includes, and makes explicit, all necessary information to inform the general public and various stakeholders the methodology used and evidence acquired to inform the calculation of the 5 year land supply.

5. The base date as a “cut-off date”

- 5.1 The Authority agrees that the base date for the 5 year supply relevant to this inquiry is the 30th September 2018. In response to the appellants statement at para. 7.6 of the Proof of Evidence, all evidence within my submitted proof post the base date has been used merely to substantiate the assessments made, and in particular the

² Available at https://www.ribblevalley.gov.uk/download/downloads/id/11997/5_yr_supply_%E2%80%93_evidence_of_delivery_october_2018.pdf

delivery of the disputed sites. The evidence provided is not mere 'guesswork' but constitutes as clear factual evidence obtained from completion figures and information from relevant developers and stakeholders.

5.2 Procedural Guide 'Planning Appeals – England'³ stipulates the necessity for Inspectors to be aware of any 'material changes in circumstances which have occurred' (para. 1.7) and will take into account, amongst other things 'any other matters that are material to the appeal' (para. 1.10.1). I consider it wholly reasonable and good practice to make the Inspector aware of all material considerations that are relevant to the case, just as the appellant has in making the Inspector aware of appeal decisions post the base date and updates on specific sites in the Proof of Evidence.

5.3 In response to paragraph 7.9 of the Proof of Evidence it must be stressed that none of the evidence provided includes any new sites, which are not already included within the HLAS.

6. Build-rate – Site 01: Land at Higher Standen and Site 02: Land east of Chipping Lane, Longridge

6.1 To answer the appellants query at paragraph 13.11 and 13.32 of the Proof of Evidence as to how the Council can claim the proposed delivery rate I can confirm that this is based upon clear evidence obtained from the developer in the form of a signed Statement of Common Ground (SOCG). The proposed rate of delivery is then further substantiated by an e-mail from the developer in the case of Land at Higher Standen and completions on the site as per the latest NHBC figures.

7. Build Rates and Lead-in Times

7.1 With regards to up to date evidence to justify build rates and lead-in times in relation to comparable sites (para. 5.21 and 14.15 of the appellants proof) the Authority has

³ Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/788173/Procedural_Guide_Planning_appeals_version_5.pdf

based all assessments of delivery upon verbal discussions, e-mails and evidence from developers in the form of signed Statements of Common Ground (SOCG) and resultant completions on site to substantiate the assumptions made. For the Authority to make any assumptions of average build rates and lead-in times on the basis of reviewing all previously developed sites is crude. The rate of delivery and the lead-in time of each site is very much site specific. Sites approved for development within the Borough differ significantly in size, number of dwellings proposed, site constraints and developer for example; they cannot be compared like-for-like, hence why the Authority relies on clear evidence of delivery from various stakeholders. The disparity of sites within the Borough as expressed above is shown at paras. 13.16 – 13.19 of the appellants proof by virtue of the delivery rate for each site being markedly different.

8. Windfall / Small Sites Allowance

- 8.1 At paragraph 16.10 of the Proof of Evidence the appellant considers that the windfall allowance should not be included in the housing land supply resulting in a deduction of 78 dwellings in the Council's supply. The Council's windfall allowance is based upon past trends. At paragraph 16.18 the appellant contends that based on past trends, only 130 dwellings will be delivered on small sites resulting in a further deduction of 170 dwellings from the five year supply.
- 8.2 The current HLAS includes a very conservative contribution of windfall housing sites within the supply excluding a number of developments, including barn conversions and developments outside of the main settlements. This conservative approach was partly based upon the original definition of windfall sites contained within the Framework and to demonstrate a 5 year housing land supply without over-reliance on windfall sites. To assist the Inspector the following number of dwellings were completed on small site (less than 10 dwellings / under 0.4 hectares) in the past 5 years:

TABLE 1 – Completions on Small Sites 1st April 2013 – 30th September 2018

Year	Total Dwellings	Small Site Dwellings	Total Affordable Dwellings	Affordable Dwellings from Small Sites
1 st April 2013 – 31 st March 2014	183	63	45	22
1 st April 2014 – 31 st March 2015	345	66	113	0
1 st April 2015 – 31 st March 2016	300	71	78	0
1 st April 2016 – 31 st March 2017	390	79	100	4
1 st April 2017 – 31 st March 2018	400	71	70	0
Total (2013 – 2018)	1618	350	406	26
Average per year (2013 – 2018)	324	70	81	5
1 st April 2018 – 30 th June 2018	107	26	23	0
1 st July 2018 – 30 th September 2018	85	9	21	1
Total (01/04/18 – 30/09/18)	192	35	44	1
Combined Total	1810	385	450	27

- 9.3 As noted above an average of 70 dwellings per year are delivered on small sites, which includes windfall sites, and as such the inclusion of 378 dwellings (300 dwellings which already have planning permission on small sites and an additional 78 windfall developments in years 3-5), an average of 75 per year within the five year housing land supply, is not considered to be unrealistic and is achievable based upon past trends.

9. Appendices

9.1 The list below sets out the relevant appendices to this rebuttal:

APPENDIX 1 – Committee Report ‘Housing Land Monitoring’ - 22nd June 2017

APPENDIX 2 – Committee Report ‘Housing Land Availability’ - 17th July 2018

- Committee Report ‘Proposed Additional Housing Allocations’ – 17th July 2018

APPENDIX 1

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 22 JUNE 2017
title: HOUSING LAND MONITORING
submitted by: CHIEF EXECUTIVE
principal author: JOANNE MACHOLC, SENIOR PLANNING OFFICER

1 PURPOSE

- 1.1 To provide Members with key information on the results of the most recent Housing Land Availability Survey, which has a base date of 31 March 2017.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives - The information in this report relates to the delivery of housing which is a key theme of the adopted Core Strategy.
 - Corporate Priorities - This information is relevant to the adopted Core Strategy which is a spatial expression of corporate priorities.
 - Other Considerations - Councils have a duty to update housing supply annually.

2 INFORMATION

Background

- 2.1 The Council has a duty to ensure a 5 year supply of deliverable housing land (NPPF paragraph 47). The issue of five year supply continues to be a key matter in the determination of planning applications and appeals.
- 2.2 Housing land surveys are conducted on a six monthly basis. The latest survey was undertaken at 31 March 2017. The resulting full *Housing Land Availability Schedule April 2017 (HLAS)* can be viewed on the Council's website¹ and a copy has been placed in the Members' Room for reference. Interim updates may be produced to inform major appeals. It is noted that NPPF envisages annual updates.
- 2.3 The HLAS provides information on: dwelling completions; and sites with planning permission and their development status. It enables the Council to create a picture of construction trends and activity rates together with base line evidence on the amount of land that is available to be brought forward from which the latest supply position in relation to the current strategic requirement is calculated.

Overall Requirements

- 2.4 The relevant strategic housing requirement is set out in H1 of the adopted Core Strategy. This requires 5600 dwellings for the plan period 2008 to 2028, equivalent to an annual average completion target of at least 280 per year. The figure of 280 is used for monitoring purposes and will remain appropriate until overall housing requirements are updated as part of any review of the plan. Members will note that the adopted Core Strategy commits to such a review within five years from the

adoption of the Core Strategy to ensure it remains the appropriate strategic figure. The outcome of any review cannot be pre-empted at this stage.

Completions

- 2.5 Outputs from the survey show that 1770 dwellings have been constructed since April 2008 (i.e. a 9 year period). Completions in the single years of the plan period to date are as follows:

Monitoring year	Net dwellings completed	Shortfall (-) or excess (+) in relation to annualised requirement (280)
2008/9	75	-205
2009/10	89	-191
2010/11	69	-211
2011/12	147	-133
2012/13	172	-108
2013/14	183	-97
2014/15	345	+65
2015/16	300	+20
2016/17	390	+110
TOTAL	1770	-750

(source: RVBC housing land monitoring)

In the latest monitoring year (2016-2017) 390 dwellings were built. This represents the third consecutive year in which the annualised requirement of 280 dwellings per year has been exceeded. Overall to date in the plan period there is a shortfall of 750 dwellings, accumulated for the most part in the early years of the plan period and when the overall requirement had not been established (members will note that the requirement of 280 dpa was not established until 2013).

- 2.6 In requiring local authorities to maintain a five year supply of specific deliverable sites against the requirement of 280 per annum, NPPF requires the addition of a buffer of 5% to “ensure choice and competition in the market for land”. Where there has been a “record of persistent under delivery of housing” NPPF requires that the buffer should be increased to 20% “to provide a realistic prospect of achieving the planned supply” The buffer is not in addition to the overall requirement of 5600 dwellings but is part of the 5600 moved forward from later in the plan period.
- 2.7 The table at 2.5 shows that delivery in the plan period to date fell below the annualised requirement of 280 dwellings in the six monitoring years 2008-2014. This was the position at the time the Core strategy was examined and adopted. Thus the Council’s position has been that a 20% buffer was appropriate and this has been the basis for calculating housing land requirements in preceding years.
- 2.8 Neither NPPF nor NPPG define the term “persistent under delivery”. Latest government thinking is clearly set out in the Housing White Paper “Fixing our Broken Housing Market” (February 2017). Significantly the white paper proposes a stringent “housing delivery test” for all local authorities which will highlight whether delivery is below target, and if so, a tiered approach is identified to address the situation. It is proposed that the test will be based on a rolling three year average using the national statistic for net additional dwellings and will be first applied to the three financial years 2014-2017. Whilst ONS has yet to publish the data for 2016-17 the Council’s own monitoring information shows that completions exceeded the annualised requirement of 280 dwellings for the three year period (a three year average of 345 dwellings, approx. 23% above the annualised requirement). In this situation under the housing

delivery test the 20% buffer would not apply. Ribble Valley would be defined as a 5% authority for the purposes of addressing the requirements of NPPF. Hence it is considered appropriate to use the 5% buffer in the light of the definitions the test establishes. The matter will be kept under review as the White Paper progresses and its proposals are introduced.

- 2.9 The calculation of the requirement reflects the decision of Planning and Development Committee on 6th April 2017 in relation to adding the buffer to the five year requirement and the backlog (Minute 683).

Supply

- 2.10 The number of dwellings with planning permission as at 31st March 2017 is as follows:

	<u>No. dwellings</u>
• Units with full planning permission – not started	534
• Units with outline planning permission – not started	1477
• Sites commenced, units remaining but not started	625
• Units under construction	395
• Conversions - not started	88
• Conversions – under construction	80
• Affordable Housing Sites (not started)	799
TOTAL	3998

(note: planning permissions granted since 31st March 2017 are not included)

- 2.11 Sites with planning permission are normally considered deliverable in terms of the NPPF² and therefore are included in five year supply. To enable a realistic assessment of supply, adjustments are made to the calculation relating to: sites which are not considered deliverable in the five year period; the contribution specific large sites may make in the five year period; and the sites which have commenced but where there is no current activity. Details of these are set out in the HLAS. Such sites are kept under review in successive surveys. A 10% allowance for slippage is also included in relation to sites which have not started.
- 2.12 In addition, at 31st March 2017, 277 dwellings were the subject of planning applications awaiting the completion of Section 106 Agreements. They are not included in the table above as they do not yet have planning permission. However development of these sites has been agreed in principle and any dwellings considered deliverable in five years are included in the five year supply (92 out of 277). This approach has been part of the Council's methodology and has been tested through Examination and at appeal. The Council has put in place measures to monitor progress on the completion of Agreements and their inclusion in the supply is regularly reviewed.
- 2.13 The Housing and Economic Development DPD has reached Regulation 19 (Publication) stage and makes provision for outstanding housing requirements of about 50 dwellings to be met through the allocation of sites in Wilpshire and Mellor. These are also included in the five year supply.

² footnote to para. 47 NPPF

- 2.14 The calculation of five year supply also includes a windfall allowance based on definitions and advice in NPPF, as endorsed by Planning and Development Committee on 12 February 2015 (Minute 600).

Five year position at 31st March 2017

- 2.15 The HLAS sets out the five year supply position using an annualised requirement of 280 dwellings. The summary at Appendix 1 shows a five year requirement for 2258 dwellings (equivalent to 452 per year). The identified five year supply is 2588 dwellings. On this basis the Council can demonstrate a 5.73 year supply. Full details are included in the HLAS. It should be noted that this represents a position at a specific point in time; the situation changes constantly as permissions are implemented, new permissions are granted and schemes amended.
- 2.16 The Council will continue to monitor the housing land situation. The next survey is scheduled to take place at the end of September 2017.

3 RECOMMENDATION

- 3.1 That the findings of the study are endorsed and it be agreed that the council applies a 5% buffer in accordance with paragraph 47 of the NPPF, and that the calculation of housing land supply as set out in Appendix 1 to this report is adopted for the purposes of monitoring and decision making.

JOANNE MACHOLC
SENIOR PLANNING OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Housing Land Availability Schedule April 2017 (available on the Council's website)
NPPF

For further information please ask for Joanne Macholc, extension 3200.

Summary of Housing Land Position at 31 March 2017

For full details, see Housing Land Availability Schedule April 2017

Annualised requirement

H1 of the Core Strategy Policy H1 sets an overall requirement of 5600 dwellings for the plan period 2008–2028 which equates to 280 dwellings per year. The 5 year requirement is:

A	Planned provision 2008 - 2028	5600
B	Annual equivalent	280
C	Five year requirement (Bx5)	1400
D	Completions to date	1770
E	Shortfall to date $[(280 \times 5) - D]$	750
F	Plus buffer (5% of C+E)	108
G	Total 5 year requirement (C+E+F)	2258
H	Annualised requirement	452

Identified supply at 31 March 2017

<u>SITES NOT STARTED</u>	No. units	
Sites subject to Section 106 Agreements	92	
Sites with planning permission:		
full permission (market units only)	534	
outline permission (market units only)	1477	
Conversions not started (market units only)	88	
Affordable Units	799	
	<i>Sub total:</i>	2990
Less dwellings on sites not deliverable	0	
Less dwellings on large sites deliverable beyond 5 year period	-1221	
	<i>Sub total:</i>	1769
	Less 10% slippage	-177
	<i>total:</i>	1592
		A

<u>SITES UNDER CONSTRUCTION</u>	No. units	
Dwellings not started	625	
Dwellings under construction	395	
Conversions	80	
	<i>Sub total</i>	1100
Less sites not currently active	-26	
Less dwellings on large sites deliverable beyond 5 year period	-243	
	<i>Sub total</i>	831
		B

<u>ADDITIONAL CONTRIBUTIONS</u>	No. units	
Sites allocated in Reg 19 HED DPD to meet residual requirements	50	C
Plus windfall allowance	115	D

TOTAL SUPPLY (A+B+C+D)	2588
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<u>FIVE YEAR POSITION</u>	No. years
Total supply ÷ annualised requirement	
2588 ÷ 452	5.73 years

APPENDIX 2

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 17 JULY 2018
 title: HOUSING LAND AVAILABILITY
 submitted by: CHIEF EXECUTIVE
 principal author: RACHEL HORTON, SENIOR PLANNING OFFICER

1 PURPOSE

- 1.1 To provide Members with key information that has informed the calculation of the most recent Housing Land Availability Survey, which has a base date of 31 March 2018.
- 1.2 To inform Members of the current housing land supply position with a 5% and 20% buffer
- 1.3 To provide Members with key information to illustrate the reasons why the Council needs to consider the allocation of additional sites as a main modification to the Housing and Economic DPD.
- 1.4 Relevance to the Council's ambitions and priorities
 - Community Objectives – The information in this report relates to the delivery of housing which is a key theme of the adopted Core Strategy.
 - Corporate Priorities - This information is relevant to the adopted Core Strategy which is a spatial expression of corporate priorities.
 - Other Considerations – Councils have a duty to update housing supply annually.

2 BACKGROUND

- 2.1 The Council has a duty to ensure a 5 year supply of deliverable housing land (NPPF paragraph 47). Local Government expects that Local Planning Authorities should have an identified five-year housing supply at all points during the plan period. The issue of five year supply continues to be a key matter in the determination of planning applications and appeals.
- 2.2 Housing land surveys are conducted on a six monthly basis. The latest survey has a base date of 31 March 2018 and updates the previous October 2017 position. It provides an assessment of housing land supply against the requirements in the Ribble Valley Core Strategy (adopted December 2014) and also assesses the 5-year housing land supply position. The resulting full Housing Land Availability Schedule (HLAS) can be viewed on the Councils website and a copy has been placed in the Members' Room for reference. Interim updates may be produced to inform major appeals.
- 2.3 The HLAS provides information on: dwelling completions, and sites with planning permission and their development status. It enables the Council to create a picture of local construction trends and activity rates together with base line evidence on the

amount of land that is available to be brought forward from which the latest housing land supply position in relation to the current strategic requirement is calculated.

2.4 Practice guidance considers that Local Planning Authorities should aim to deal with any under-supply within the first five years of the plan period where possible. The 'Sedgefield' approach is to front load provision of this backlog within the first five years of the plan. This method is currently endorsed by the Council on the basis of it being agreed as the most appropriate by the Inspector in the Examination of the Core Strategy.

2.5 The supply position is made up of the following net additions:

- Sites approved but subject to Section 106 Agreements
- Units with full planning permission – not started
- Units with outline planning permission – not started
- Conversions – not started
- Conversions – under construction
- Affordable Units
- Sites whereby development has commenced, but part of the site has not started
- Sites whereby development has commenced and dwellings are under construction
- Sites allocated in Reg. 19 HED DPD
- Windfall Allowance

The following is then taken out of the supply:

- Less number of dwellings deliverable **beyond** the 5 year period on large sites which have not started
- Less 10% slippage
- Less sites not currently active and unlikely to complete in the next 5 years
- Less number of dwellings deliverable **beyond** 5 year period on large sites which have started

2.6 The relevant strategic housing requirement is set out in H1 of the adopted Core Strategy. This requires a minimum of 5600 dwellings for the plan period 2008 to 2028, equivalent to an annual average completion target of at least 280 per year. The figure of 280 is used for monitoring purposes.

2.7 Outputs from the HLAS survey show that 2170 dwellings have been constructed since April 2008 (i.e. a 10 year period). In the monitoring year 1 April 2017 – 31 March 2018 400 dwellings were built (refer to pg. 9 of the HLAS)

3 10% Slippage Calculation

3.1 As outlined above the supply position includes a 10% slippage calculation to take into account possible changes to current applications that are within the housing supply. For example some applications may lapse in the course of the next assessment, and at Reserved Matters stage the number of dwellings may drop from that which was submitted at Outline.

3.2 For previous Housing Land Availability Schedules the 10% was taken off the subtotal of the number of dwellings (on small and large sites) on sites not started, and the number

of dwellings considered only deliverable beyond the 5 year period. This was applied as the Council did not undertake detailed sense testing to large sites. As the Council's methodology has refined to reflect up to date practice, detailed reviews of deliverability on large sites is undertaken and the methodology for discounting needs to be revised to reflect this.

- 3.3 The deliverability of large sites not started is outlined within Appendix A of the HLAS. This includes the expected delivery within the 5 year period and the number of dwellings only considered deliverable beyond the 5 year period.
- 3.4 As the large sites have already been assessed, and consider expected delivery beyond the 5 year period, the Authority consider it prudent to only apply the 10% buffer to all those sites not started which are not listed within Appendix A to the HLAS.
- 3.5 The resultant calculation results in a 10% slippage of -78 (compared to -135 units under the original methodology) and the full method of calculation can be found on pages 3 and 4 of the HLAS.

4 Windfall Calculation

- 4.1 The Authority has monitored a ten year period (2008 – 2018) which confirms that a total of 259 dwellings were built or under construction which met criteria as outlined within the NPPF para. 48 definition of windfall and those outlined on page 7 of the HLAS. This amounts to an average of 26 per year. A five year requirement would be 130.
- 4.2 A windfall allowance is included in line with the NPPF to reflect that contribution that windfall approvals will be expected to bring forward. Windfalls are sites that are expected to come forward as a matter of trend and provide a reliable source of planning permissions for dwellings. The 31 March base date HLAS includes an uplift of 15 dwellings per year to the windfall allowance.
- 4.3 A windfall allowance of 130 dwellings per annum is included to reflect the likely future supply of housing land. Previously the windfall allowance was calculated as 115 based upon a six year period of monitoring.
- 4.4 The windfall calculation will continue to be monitored, to show if it needs to be modified in the light of up to date trends.

5 Application of a Buffer

- 5.1 In accordance with the NPPF each local planning authority should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their objectively assessed needs, with an additional buffer of 5% or 20% (moved forward from later in the plan period) where there has been a record of persistent under-delivery of housing to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 5.2 During the course of assessing the HLAS an application on Land at Higher Road, Longridge for the residential development of up to 123 houses has been allowed at Appeal (Appeal Ref: APP/T2350/W/17/3186969).

- 5.3 The Inspectors report details his position on the Housing Land Supply with a base date of October 2017. The report includes analysis of delivery on individual sites, the current windfall allowance and sites allocated in Reg. 19 HED DPD.
- 5.4 The Inspector accepted that the Core Strategy has had an influence upon the recent increase in housing delivery rates/completion rates per year. However he considers that there remains a considerable shortfall (page 9 of the April HLAS provides a full list of completions per year since the adoption of the Core Strategy);
- 5.5 Furthermore, the Inspector analysed the delivery of a number of large key sites within the Borough. When taking into account both the Councils and appellants case for each site he finalised what he considered to be deliverable within the 5 year period at that time.
- 5.6 When having regard to all the Inspectors key findings with respect to the large key sites and the backlog he found;
- 'on the basis of the evidence before me the deliverable housing land supply demonstrated is approximately 4.5 years, including the application of a 20% buffer' (para. 30 of the Appeal Decision)'.
- 5.7 This decision is considered to be a material consideration when calculating the current HLAS and when making any subsequent planning decision. On this basis, the Authority has taken into account the Inspectors findings in respect to the large key sites, whilst also bearing in mind just short of nine months has elapsed since the base date of the Inspectors decision which was October 2017.
- 5.8 With this in mind, the current HLAS has provided a calculation based on both a 5% and 20% buffer in order to make explicit the 5 year supply for each circumstance. The annualised requirement when applying a 5% buffer is 426 dwellings and with a 20% buffer is 487 dwellings (refer to Appendix A of this report). With a 5% buffer the Council can demonstrate a 5.3 Year Supply. With a 20% buffer the Council can demonstrate a 4.6 Year Supply (refer to Appendix B of this report).

6 IMPLICATIONS OF SUPPLY OUTTURN

- 6.1 As Members will note the 5 year land supply position is critically influenced by the relevant NPPF derived buffer (5% or 20%). This is important because at the point the Council is unable to demonstrate a 5 year supply position what is referred to as "tilted balance" is triggered. This introduces the presumption in favour of sustainable development and the need to determine residential planning applications in the positive. The key to this in terms of residential development is the provisions of NPPF paragraph 49 wherein relevant policies of the development plan fall to be considered out of date (if the Council is unable to demonstrate a 5 year supply) and there is the established presumption then in favour of residential development through the provisions of paragraph 14 of NPPF. For decision making this means that where the relevant policies are out of date (as per paragraph 49) granting permission unless material considerations indicates otherwise is the approach that must be taken.
- 6.2 As Members are aware, the recent Inspector's decision in relation to the appeal at Higher Road, Longridge, found that the Council was premature in relying upon policy

provisions that were still subject to consultation. The Inspector took the view that the Council had a record of persistent under delivery which therefore triggered the application in his view of a 20% buffer and on his analysis there was not a 5 year supply of land. The analysis in the latest housing land supply document sets out that with the application of a 20% buffer the Council is unable to demonstrate a 5 year supply. In his decision letter the Inspector has made reference that the Council's reliance on the housing delivery test and the direction of travel set out in the Government's supporting documents, however there are a number of other factors that contribute to the assessment of housing delivery overall and the view is maintained that these are still relevant.

- 6.3 The relevant factors are that the Council can demonstrate that it has been achieving increasing delivery since the adoption of its plan. The Council in adopting the plan has made positive steps, within its control, to drive delivery up and this has been demonstrated through completions on the ground. The analysis indicates an increase in delivery beyond its planned requirements over the proceeding 4 years. It is anticipated that this trend will continue and that the mid-term monitoring in October 2018 is expected to show the continued achievement of housing delivery. This supports the position that the Council is doing all it can within its power to help deliver housing.
- 6.4 It is also relevant that the requirement against which planned requirements are being measured was only known in 2014 as the Core Strategy was adopted. The critical point here is that it would have been somewhat difficult for the Council to have achieved that requirement without knowing what it actually was. It has to be acknowledged however that even when measured against preceding lower requirements, during the period of moratorium and strategic policy change, the Council was not attaining the identified requirement but was not having to accommodate such a significant backlog.
- 6.5 These factors contribute to forming the Council's position that it has taken relevant and applicable steps to boost the supply of housing and the situation is that against these conditions the Council has continued to deliver planning permissions which is essentially what the Council is able to do. Nevertheless there is a risk of the Housing and Economic DPD being found unsound at Examination as the Council at 20% cannot identify a 5 year supply. If the presumption that a 20% buffer is applicable and is upheld, then on current information the Council would not be able to identify a 5 year supply.
- 6.6 Planning on the basis of the 5% buffer assumption, not only brings with it the risk of unsounding the plan, but also a potential risk of costs against appealed planning decisions should it be shown that the Council should have adopted the 20% buffer on the evidence available. To protect the Council from this position, it is sensible to consider a buffer of additional identified sites to safeguard against this risk. Whilst the Council can continue to approve planning applications (and therefore the stock of supply will grow through that part of the process) the means by which it can demonstrate that it is ensuring that a 5 year supply can be maintained, on whatever buffer is applied is to make modest additional allocations thereby providing a safety net to guard against the inevitable fluctuations that have occurred in the supply figure going forward.
- 6.7 As our analysis shows, with the most recent survey data, even applying a 5% buffer leaves the Council vulnerable to fluctuations in supply. Whilst the Council can demonstrate a 5.3 year supply on the 5% model, this is considered to be marginal and vulnerable to fluctuations, which may not iron out in the course of a year. Again the key

matter would be that on a 5% model any assessment placing the Council unable to demonstrate a 5 year supply, would lead to the application of the tilted balance and the Council having much less control over the location of development going forward. In making future decisions the Core Strategy policies in terms of its Development Strategy and the ability to move to adoption with the allocations document to establish up to date settlement boundaries would provide the Council with much stronger controls which don't exist at present. To protect from this the Council should ideally have a 5 year supply that falls into the range of 5.5 to 6 years. This will ensure greater stability mitigating the risk of challenge and support the Council's position EIP.

- 6.8 To protect the integrity of the plan and the Council's ability to direct development it is suggested that the impact of a 20% buffer is adjusted to deliver at least the same year's supply as at 5% that is 5.3 years. This way the Council's ability to demonstrate a 5 year supply against either assumption is strengthened and risks are mitigated. There is a need therefor to look at how the buffer can be made up. As Members are aware whilst the survey date provides a baseline, development applications continue to be approved. For the purposes of preparing this report we have examined planning applications between 1 April and the end of June a 3 month period which mirrors the quarterly monitoring periods reflected in the Core Strategy. In this period there has been identified a further 136 units (including the outcome of the appeal at High Road) granted planning permission. In terms of the gap this is a significant contribution.
- 6.9 Given that the buffer to close the gap identified is some 300 dwellings and that 136 are identified in the April to June quarter, the residual buffer to identify to provide a robust supply for strategic purposes is in the order of 165 dwellings.
- 6.10 In addition to the units already approved a number of applications remain to be determined and once approved will contribute to supply. At present however the outcome of the determination process cannot be pre-determined and any approvals will need to be collated at the next survey date. As Members will be aware the housing requirements set out in the plan are not a ceiling and development will continue to be determined with the presumption in favour of sustainable development and the provisions of policies set out in the adopted Core Strategy. It is inevitable therefore that additional sites will come forward. It must also be stressed that the ability to demonstrate a 5 year supply in itself cannot be used a result to refuse planning applications where otherwise they accord with policy provisions.
- 6.11 The identified buffer residual should be met by way of additional allocations which will be put forward as part of the Examination process as proposed Main Modifications for considerations by the Inspector. By identifying additional allocations the Council will be able to demonstrate to the Inspector that the Council can identify a deliverable supply of sites, that is robust and addresses the requirements of the NPPF. This will place the Council in a far stronger position to apply controls to development going forward.
- 6.12 The proposed allocations will, if agreed, be submitted to the Inspector as Main Modifications. They will be subject to a statutory 6 week period of consultation, the outcome of which will be presented to the Inspector to help inform his deliberations. A separate report on this Committee's agenda deals with the proposals for specific additional allocations considered suitable to put forward to provide the deliverability buffer.

- 6.13 It is also possible that other sites will be promoted through the consultation and indeed to date sites have been put forward to the Council for consideration where applicants are considering bringing these sites forward. It is suggested that in terms of the process to be pursued that these are considered in response to the consultation and may in themselves give rise to additional sources of supply. Members should also be aware that applicants may also have identified sites that they wish to promote through the public hearings for the Examination which will enable the Inspector to bear these in mind in forming his judgments.
- 7 Examination of the Housing and Economic Development, Development Plan Document (HEDDPD) and 5 Year Supply Position
- 7.1 As Members are aware the Examination will take place of the Housing and Economic Development, Development Plan Document (HEDDPD) in November of this year.
- 7.2 The allocations as set out in the above document (amounting to 50 in total) are already included within our housing land position, and an approach that was supported by the Inspector at the Higher Road appeal.
- 7.3 The table below outlines applications that have been approved since the 31 March and up to the 30 June. 136 dwellings will contribute to the next HLAS in October of this year.

IDENTIFIED SUPPLY THAT WILL CONTRIBUTE TO THE OCTOBER 2018 HLAS		
Address	Application No.	Impact Upon Supply
44-46 King Street, Clitheroe	3/2017/1002	+ 10
Clayton Hey, 141 Ribchester Road, Clayton-le-Dale	3/2018/0192	+1
3 King Street, Clitheroe	3/2018/0191	+3
Highmoor Farm, Clitheroe	3/2017/1221	+ 5
Stanley House, Clitheroe	3/2018/0147 & 0149 (LBC)	+1 (two previously approved and in figures only one addition)
68-70 Whalley Road	3/2018/0063	+ 3
1A New Market Street	3/2018/0093	+3
20 Abbey Fields, Whalley	3/2018/0119	+1
Land West of Preston Road, Longridge for 256 dwellings	3/2018/0105	-19 (Outline was for 275)
Land at Higher Road, Longridge	3/2016/1082	+122 (as one existing dwelling to be demolished to create access)
Outbuildings adj. Hammond Drive, Read	3/2018/0024	+1
Land rear of Rocklea and Standridge, Whalley Road, Billington	3/2018/0296	+3
Broach Laithe, Paa Lane, Paythorne	3/2018/0359 – Class Q A and B	+1
Slated Laithe, Paa Lane, Paythorne	3/2018/0357 – Class Q A and B	+1
NET GAIN		136
NB. No discounting has been applied to this figure		

- 7.5 The current supply is 2275 dwellings. An additional 300 dwellings to the supply would result in the Authority having just over a 5 year supply with a 20% buffer ($2575 \div 487 = 5.3$ Year Supply)
- 7.6 The net addition of 136 dwellings would help to contribute to the Authorities housing supply. However there remains a 'shortfall' of 164 dwellings.
- 7.7 It must be stressed that the supply position is an ever moving situation and can increase as well as decrease at any point in time which has an impact upon the calculation of the subsequent 6 monthly HLAS. Whilst at any point an application with large housing numbers can be submitted to the Authority other impacts can result in a reduction to the supply at any point in time. For example lapsed permissions, reduction in housing numbers on a large site and slower than expected completion rates.
- 7.8 It is considered important to address these fluctuations to secure a more robust position at Examination as well as managing planning decisions. It is proposed to make a number of site allocations as part of a main modification to the HEDDPD. A separate agenda item is included on this Committee's agenda relating to this matter.

8 RISK ASSESSMENT

8.1 The approval of this report may have the following implications:

- Resources – No additional staff or resources will be required.
- Technical, Environmental and Legal – None
- Political – No direct political implications.
- Reputation – That development plan documents be completed and adopted in a timely and efficient manner.
- Equality & Diversity – No implications identified.

9 RECOMMENDED THAT COMMITTEE

- 9.1 Endorse the revised method of calculation used to apply the 10% slippage and the uplift of the windfall allowance of 115 to 130 dwellings as set out in sections 3 and 4 of this report
- 9.2 Note the implications of the survey in relation to five year supply.

RACHEL HORTON
SENIOR PLANNING OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Housing Land Availability Schedule As at 31 March 2018
Appeal Decision – Land at Higher Road, Longridge (Appeal Ref: APP/T2350/W/17/3186969)

APPENDIX A

Annualised Requirement with a 5% buffer		
A	Planned Provision 2008-2028	5600
B	Annual Equivalent	280
C	Five year requirement (Bx5)	1400
D	Completions in the plan period 1 st April 2008 – 31 st March 2018	2170
E	Shortfall (<u>10 years x 280</u> - 2170)	630
F	Plus 5% Buffer (5% of C + E)	102
G	Total 5 Year Requirement (C+E+F)	2132
H	Annualised Requirement (G ÷ 5)	426

Annualised Requirement with a 20% buffer		
A	Planned Provision 2008-2028	5600
B	Annual Equivalent	280
C	Five year requirement (Bx5)	1400
D	Completions in the plan period 1 st April 2008 – 31 st March 2018	2170
E	Shortfall (<u>10 years x 280</u> - 2170)	630
F	Plus 20% Buffer (20% of C + E)	406
G	Total 5 Year Requirement (C+E+F)	2436
H	Annualised Requirement (G ÷ 5)	487

5 YEAR SUPPLY AS OF 31ST March 2018 WITH A 5% BUFFER:

ALL SITES NOT STARTED	No. of Units
Sites approved but subject to Section 106 Agreements ¹	63
Sites with Planning Permission:	
Full Permission (market units only)	536
Outline Permission (market units only)	1240
Conversions – Not Started (market units only)	65
Affordable Units	696
SUBTOTAL	2600²
10% SLIPPAGE CALCULATION	No. of Units
Less total number of dwellings (large sites not started) ³	-1824
SUBTOTAL	776
Less 10% slippage	-78
Plus total number of dwellings deliverable in 5 years ³	+ 362
TOTAL	1060 A

ALL SITES UNDER CONSTRUCTION	No. of Units
Sites whereby development has commenced, but part of the site has not started	840
Sites whereby development has commenced and dwellings are under construction	413
Conversions – Development Commenced	92
SUBTOTAL	1345²
Less sites not currently active and unlikely to complete in the next 5 years ⁴	-11
Less number of dwellings deliverable beyond 5 year period on large sites which have started ⁵	-299
SUBTOTAL	1035 B

ADDITIONAL CONTRIBUTIONS	
Sites Allocated in Reg. 19 HED DPD	50 C
Windfall Allowance ⁶	130 D
TOTAL SUPPLY (A+B+C+D)	2275

FIVE YEAR POSITION	
Total Supply ÷ Annualised Requirement⁷ (2275 ÷ 426)	5.3 Year Supply with a 5% Buffer

5 YEAR SUPPLY AS OF 31ST March 2018 WITH A 20% BUFFER:

<u>ALL SITES NOT STARTED</u>	No. of Units
Sites approved but subject to Section 106 Agreements ¹	63
Sites with Planning Permission:	
Full Permission (market units only)	536
Outline Permission (market units only)	1240
Conversions – Not Started (market units only)	65
Affordable Units	696
SUBTOTAL	2600²
10% SLIPPAGE CALCULATION	
Less total number of dwellings (large sites not started) ³	-1824
SUBTOTAL	776
Less 10% slippage	-78
Plus total number of dwellings deliverable in 5 years ³	+362
TOTAL	1060 A

<u>ALL SITES UNDER CONSTRUCTION</u>	No. of Units
Sites whereby development has commenced, but part of the site has not started	840
Sites whereby development has commenced and dwellings are under construction	413
Conversions – Development Commenced	92
SUBTOTAL	1345²
Less sites not currently active and unlikely to complete in the next 5 years ⁴	-11
Less number of dwellings deliverable beyond 5 year period on large sites which have started ⁵	-299
SUBTOTAL	1035 B

<u>ADDITIONAL CONTRIBUTIONS</u>	
Sites Allocated in Reg. 19 HED DPD	50 C
Windfall Allowance ⁶	130 D
TOTAL SUPPLY (A+B+C+D)	2275

<u>FIVE YEAR POSITION</u>	
Total Supply ÷ Annualised Requirement⁷ (2275 ÷ 487)	4.6 Year Supply with a 20% Buffer

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 17 JULY 2018
 title: PROPOSED ADDITIONAL HOUSING LAND ALLOCATIONS TO BE INCLUDED
 WITHIN HOUSING AND EMPLOYMENT LAND DEVELOPMENT PLAN
 DOCUMENT
 submitted by: CHIEF EXECUTIVE
 principal author: PHILIP DAGNALL, ASSISTANT PLANNING OFFICER

1 PURPOSE

1.1 To outline the background to the selection of a series of proposed additional housing allocations to the Submitted Housing and Economic Development DPD (HED DPD) and set out maps of those sites proposed for selection.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – The matters covered in this report will contribute to sustainable development in the area.
- Corporate Priorities – The document that is the subject of this report relates to Council ambitions of making people's lives safer and healthier and also helping to protect the environment by directing future development into appropriate and sustainable locations.

2. BACKGROUND

2.1 The HED DPD was submitted for Examination in Public (EIP) by the Planning Inspectorate in August 2017. Within it were housing land allocations in Wilpshire and Mellor, the only settlements at that time requiring allocations, given that the Core Strategy's housing overall Borough-wide requirement and its specific distribution to individual settlements as set out in Core Strategy Key Statement DS1 had already been met by the Standen Strategic Site and a variety of granted planning permissions, and at the time of the submission of the HED DPD the Council had demonstrated that it had a five year supply.

2.2 Unforeseen and lengthy delays caused by the illness of the Inspector led to the postponement of the document's formal Examination in Public (EIP). During this time the overall Council's housing requirement position has changed as sites have not completed as expected, fewer new permissions have come forward and the recent appeal decision at Higher Road, Longridge has raised the issue of the applicable NPPF buffer to apply for the purposes of calculating a five year housing land position. All this is also against the background of emerging new NPPF provision and potential changes in underlying housing requirements that will alter the basis of land assessment, which the Council will have to consider in due course.

- 2.3 Whilst the Council can demonstrate a five year supply with a 5% buffer, it cannot do so when a 20% buffer is applied. Therefore to address this urgent issue further housing land allocations will need to be considered. To allow the time necessary to select and consult on these additional site allocations as set out below the Examination has been postponed to November 2018. The sites and selection criteria outlined in this report have also been recently discussed in detail by members at the Development Plan Working Group meeting of 27 June.
- 2.4 Updated boroughwide housing figures, taking into account matters discussed in recent appeals and set out in the Housing Land Availability report (see Para 6.6) that is also being taken to this Committee meeting indicate that additional allocations totalling at least 165 units are needed. Should sites be selected they will be need to be publicly consulted on as proposed Main Modifications to the Submitted HED DPD of 2017 through a six week consultation and also be screened through a Sustainability Appraisal process before being brought to the EIP.

3 SITE SELECTION

- 3.1 The detailed criteria used to select the attached sites are set out in Appendix 1. Briefly a series of tests are applied to an initial of sites that were put to the Council in the Regulation 18 and 19 consultations on the HED DPD but were at the time considered inappropriate as they did not relate to the then specific requirements for sites only in Mellor and Wilpshire. The tests include the application of adopted Core Strategy strategic policies such as those relating to Principal and Tier 1 settlements; pragmatic assessments of the likely yield of dwellings and the particular sizes of individual sites given the need to allocate sites that would be built out in five years; specific issues regarding sites that the Council were already aware of from discussions relating to previous planning applications; Sustainability Appraisal feedback; updated indications from the individual site proposers given that the sites were put to the Council nearly a year ago and the potential of sites already allocated in the Submitted version of 2017 to accept additional units.

4 PROPOSED SITES FOR ALLOCATION SELECTION

- 4.1 The above process has led to the selection of the sites mapped in Appendix 2. Briefly they and their initial approximate yield of dwellings are set out below. Where approximations of dwellings are quoted they relate to an average theoretical yield of 30 dwellings per hectare.

4.2 Principal Settlement Sites.

Site 11	Site of Pendleton Brook Day Centre, Clitheroe	(11)
Site 14	Site of Clitheroe Joint Divisional Office, Clitheroe	(11)
Site 15	Chatburn Road, Clitheroe (NE portion only)	(c. 40)
Site Devpr3	Land off Hawthorne Place, Clitheroe	(c. 40)
Sub Total		c. 102 units

There were no suitable sites that fulfilled the selection criteria put forward in the other Principal Settlements of Whalley and Longridge.

Tier 1 Sites

Langho Site 1 South of Laycocks Farm, Langho	(c. 10)
Site 18 North of Ribblesdale View, Chatburn	(18)
Site 24 Haugh Head, Whins Lane, Read and Simonstone	(c. 20)
Site HAL2 Wilpshire (additional allocation to that already proposed)	(c.30)
Sub Total	c. 78 units
<u>Total</u>	<u>180 units</u>

4.3 Tranche 2 Sites

Members may wish to consider whether it would also be prudent to guard against unanticipated circumstances resulting in an under delivery on the above sites. To allow for this possibility it is suggested that a secondary tranche of three sites be selected from which any shortfall can be covered. It is emphasised that these sites are only to be considered in the eventuality of those in the Principal and Tier 1 settlements above failing to deliver to the anticipated scale in the anticipated time and may need to be revisited in the light of consultation. The three sites are:

Site 6 Mellor Lane, Mellor	(c. 50 units)
Site 13 Highmoor Farm, Clitheroe	(c. 100 units)
Site 25 South east of Main Road ,Gisburn	(c. 50 units)

- 4.4 At this stage to ensure an adequate buffer of identified land there is considered to be a need to identify additional land to deliver approximately 165 dwellings. It is recommended that this be achieved by way of additional allocation of the sites listed above.

5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – No direct in house staff and other in house resources will be required at this stage.
- Technical, Environmental and Legal – None
- Political – No direct political implications

- Reputation – That development plan documents be completed and adopted in a timely and efficient manner.
- Equality & Diversity – No implications identified

6 RECOMMENDED THAT COMMITTEE

- 6.1 Approve the need for further housing allocations to be made on the basis outlined in paragraph 4.2 of this report and that they be consulted on and submitted to the Examination as proposed Main Modifications to the submitted HED DPD,

PHILIP DAGNALL
ASSISTANT PLANNING OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

None

For further information please ask for Philip Dagnall, extension 4570

Proposed Additional HED DPD Allocation Site Selection Criteria**1. Borough Wide Need.**

The initial Submitted HED DPD allocations in 2017 were directed solely towards Mellor and Wilpshire to address specific Core Strategy residual housing requirements in those two settlements. However the additional requirements that have now emerged and are referred to in the accompanying report are a Borough- wide matter and therefore a wider variety of sites in other settlements can in principle also now be considered.

2. Regulation 18 and 19 Sites as Starting Point

To address the above need all sites that were put to the Council during the Regulation 18 and 19 consultations that led to the Submission of the HED DPD in August 2017 were re-considered. These sites were originally discounted as they did not relate to Mellor or Wilpshire but they can now be considered in relation to the newly emerged additional Borough-wide need. While the Council does also have a series of sites within its 2013 SHLAA document that could be considered in the absence of other sites, the fact that the Regulation 18 and 19 sites were positively put forward by promoters significantly more recently is taken as more concrete evidence that they could be delivered within the required HED DPD timescales. In addition the promoters of the selected sites below have been contacted within the last month to ascertain whether the sites were still positively available and they have informed us that they all remain so. The SHLAA sites remain as a fall back option to be considered should no suitable sites emerge from this particular selection process.

3. Adopted Core Strategy Strategic Locational Policies

The next step was to consider the above sites in the light of the Council's adopted Core Strategy policies in considering particular locations for the additional allocations. Following the Development Strategy set out in the Core Strategy (Key Statement DS1) development is guided towards the Borough's most sustainable settlements ie the Principal Settlements of Clitheroe, Longridge and Whalley. In addition sites could be considered in the Tier 1 settlements, the more sustainable of the Borough's smaller settlements. This the logical approach as it rests on adopted policy. This also means discounting sites that are in the Tier 2 settlements or in the Open Countryside not adjacent to a settlement boundary (see below).

Applying policy further, sites, ideally brownfield sites, that are located within the current settlement boundaries were preferred as they should be considered in principle as more sustainable, followed by those that are immediately adjacent to the settlement boundaries.

4. Scale of Site and Likely Deliverability

Sites that were too large to deliver within five years were discounted (based on a calculation of approx. 30 dwellings per hectare) as the need for additional allocations follows directly from an current inability to satisfy the five year requirement. This pragmatically selects sites that could reasonably be considered to deliver units within five years of planning permission/allocation and also aligns with recent proposed draft government national planning policy changes to deliberately favour smaller development sites. Pragmatically it is considered that the maximum

site size that would pass the above test is one that would deliver 100 units. Therefore sites that were above this level were also discounted.

Taking the matter of site size further, whilst sites of a maximum of 100 units could be considered theoretically appropriate in relation to the larger Principal Settlements of Clitheroe, Longridge and Whalley they were considered too large for the smaller Tier 1 settlements. In terms of their populations and built scale a maximum of 30 units was considered to be more appropriate here. Therefore sites above 30 units in Tier 1 settlements were discounted. This process also involved the re-consideration of the two sites that were already allocated in the Submitted HED DPD and it was considered that the Wilpshire site (HAL2) could accommodate additional units above its original allocation (which itself related to the specific Core Strategy residual requirement there). The Mellor site (HAL1) was considered to be unable to host additional units.

5. Individual Site Specific Matters.

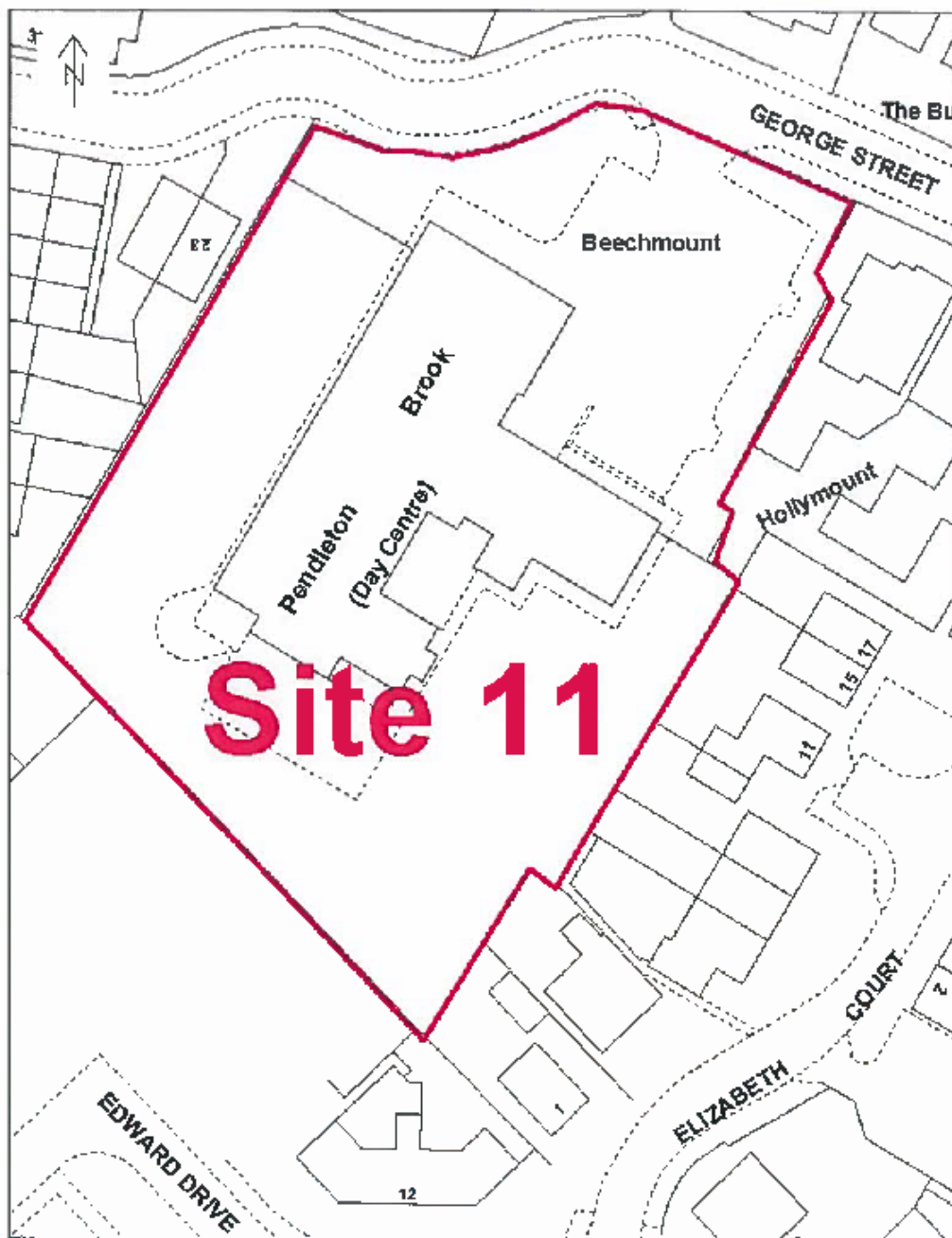
In addition to the above general tests the Council are aware, through a variety of routes including recent applications and on-going appeals, and the general application of professional judgement, of some site specific matters that affected individual sites. These have also collectively fed into the selection process.

An example of the application of this knowledge and experience is the restriction of likely development of Site 15 in Clitheroe to exclude the “tail” of land extending south west adjacent to the railway line as being practically too difficult to develop and therefore only that portion of the site to the north east adjacent to Chatburn Road being considered as allocatable.

Also the Hammond Ground, Read site was discounted as the Council's position at the forthcoming appeal relating to this site is that, due to its scale and location, it would be injurious to the setting of the AONB and would cause harm to the visual amenity of the parkland landscape that contributes significantly to the character of the village of Read.

Selected Proposed Allocation Site Maps

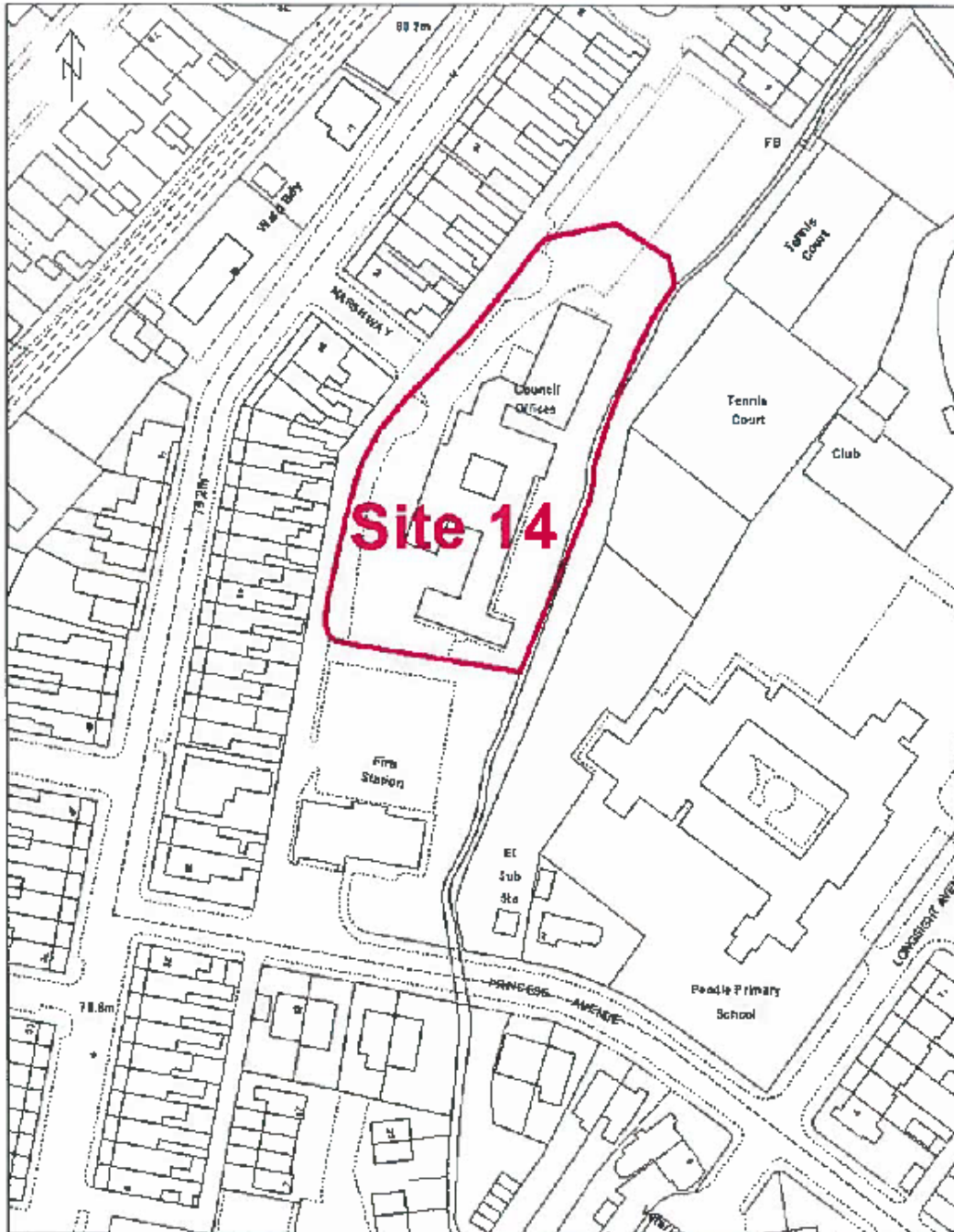
Principal Settlements



Site 11: Pendleton Brook D Cntr

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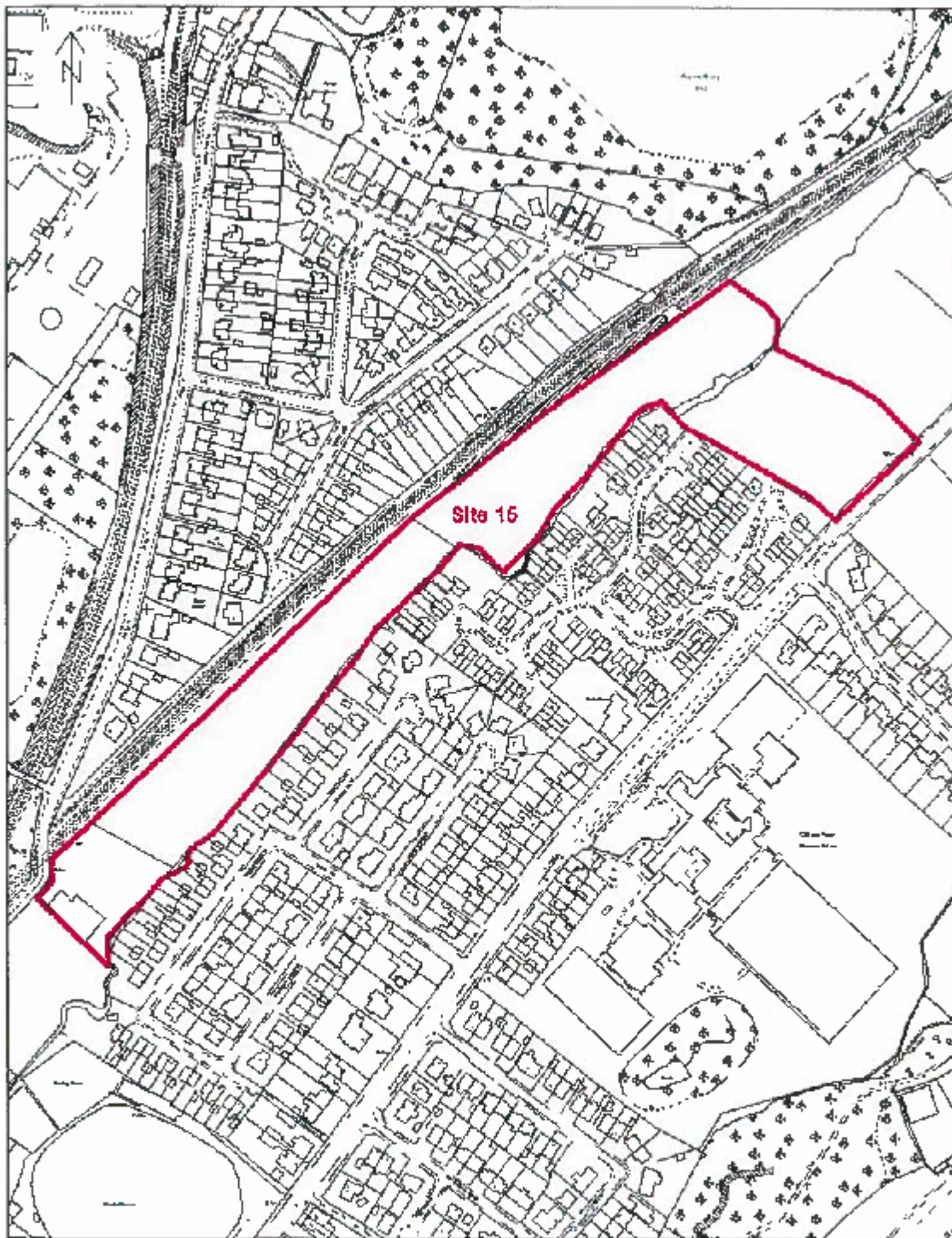
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Site 14: C Joint Divisonal Off

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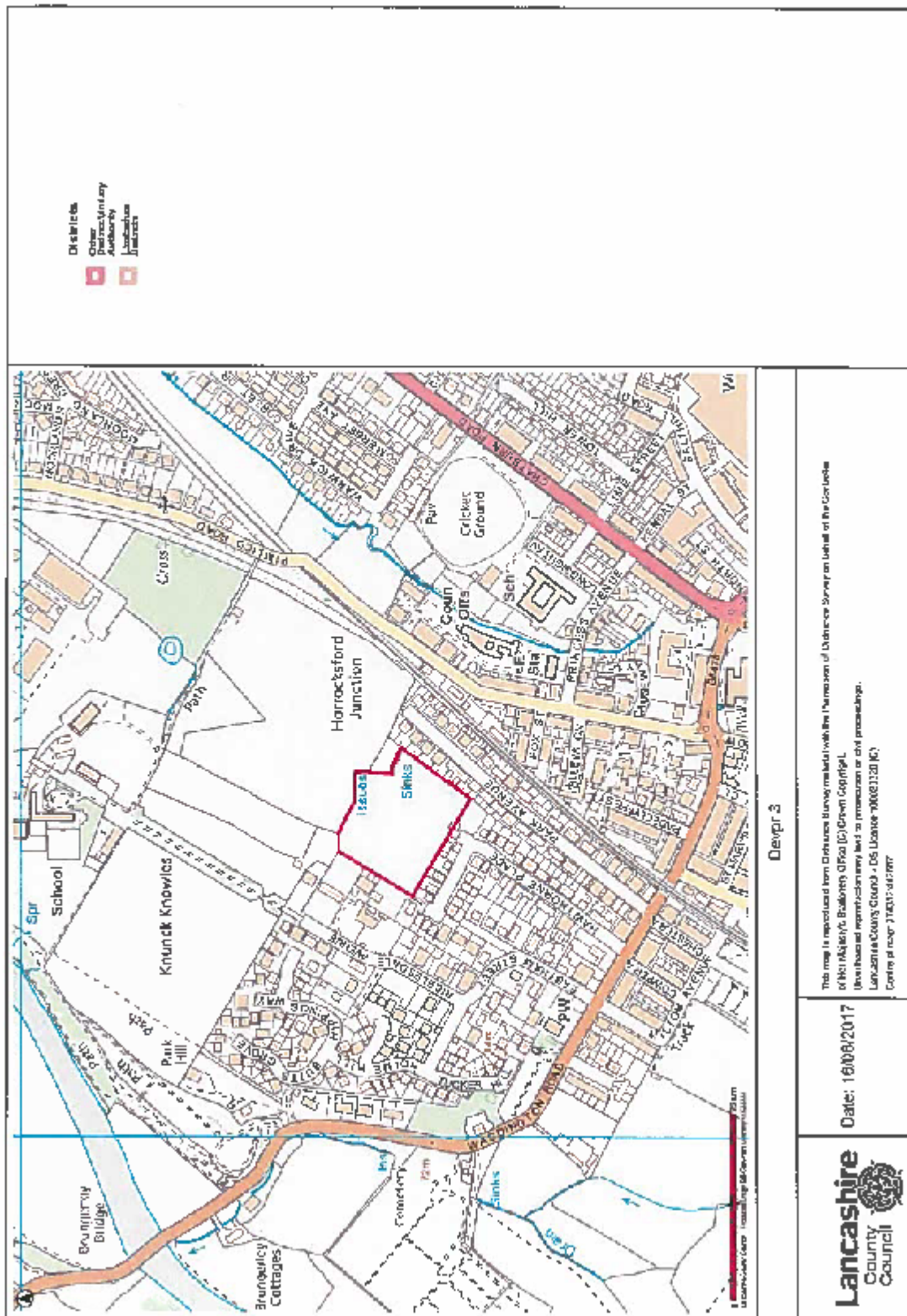
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Site 15: Chatburn Rd

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Tier 1 Sites

Development Department

Council Offices, Church Walk, Clitheroe, Lancs., BB7 2RA

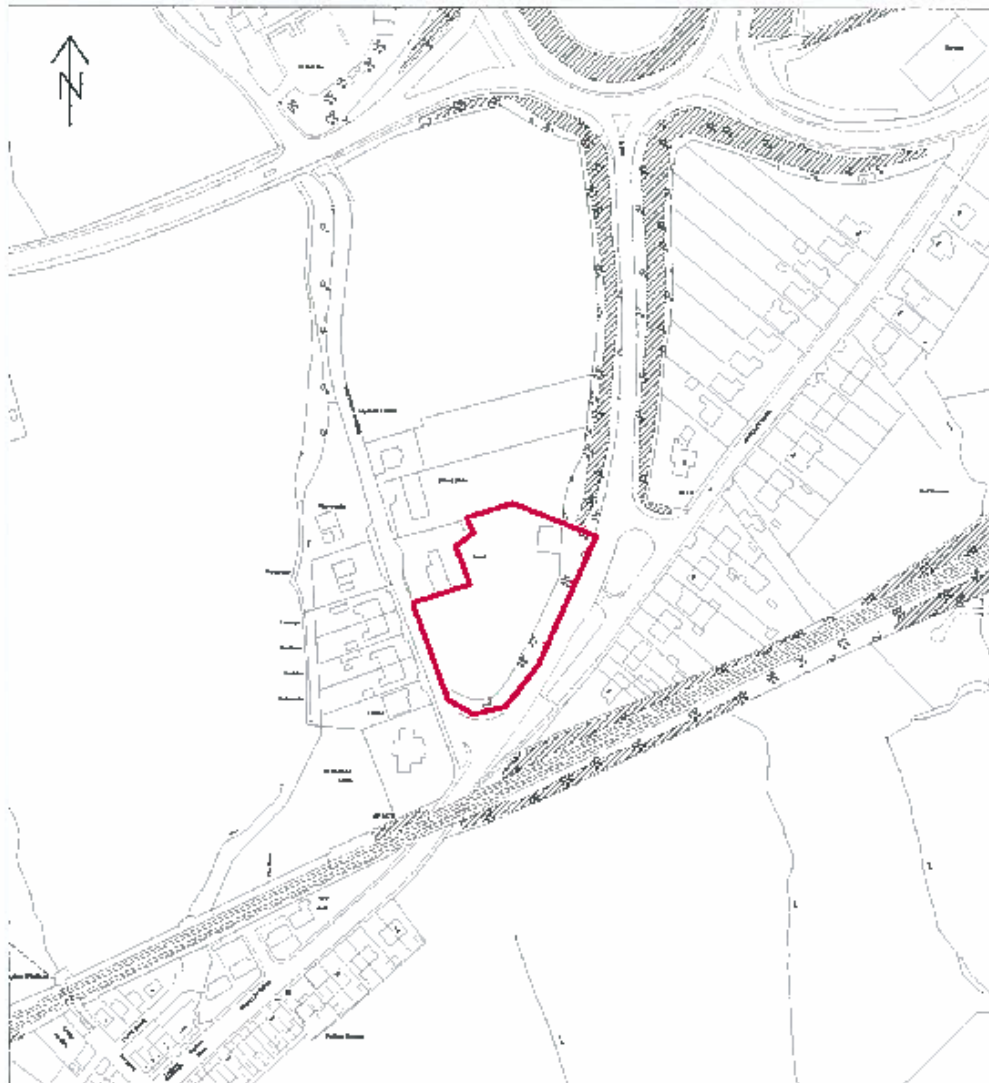
Tel: (01200) 425111 Fax: (01200) 414487

Location Plan

Map Ref:
SD7034NE

Scale:
1:2500

LANGHO SITE 1

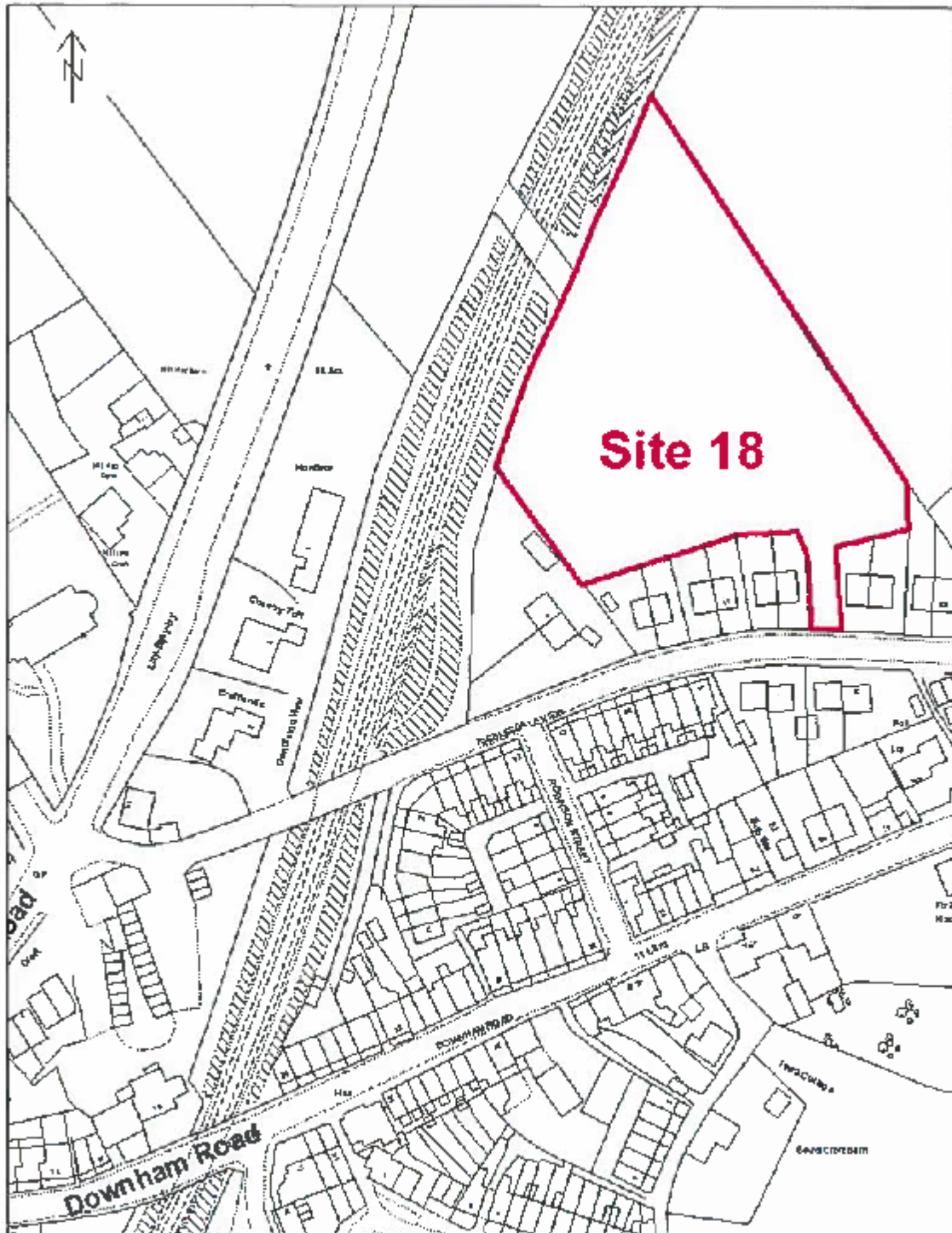


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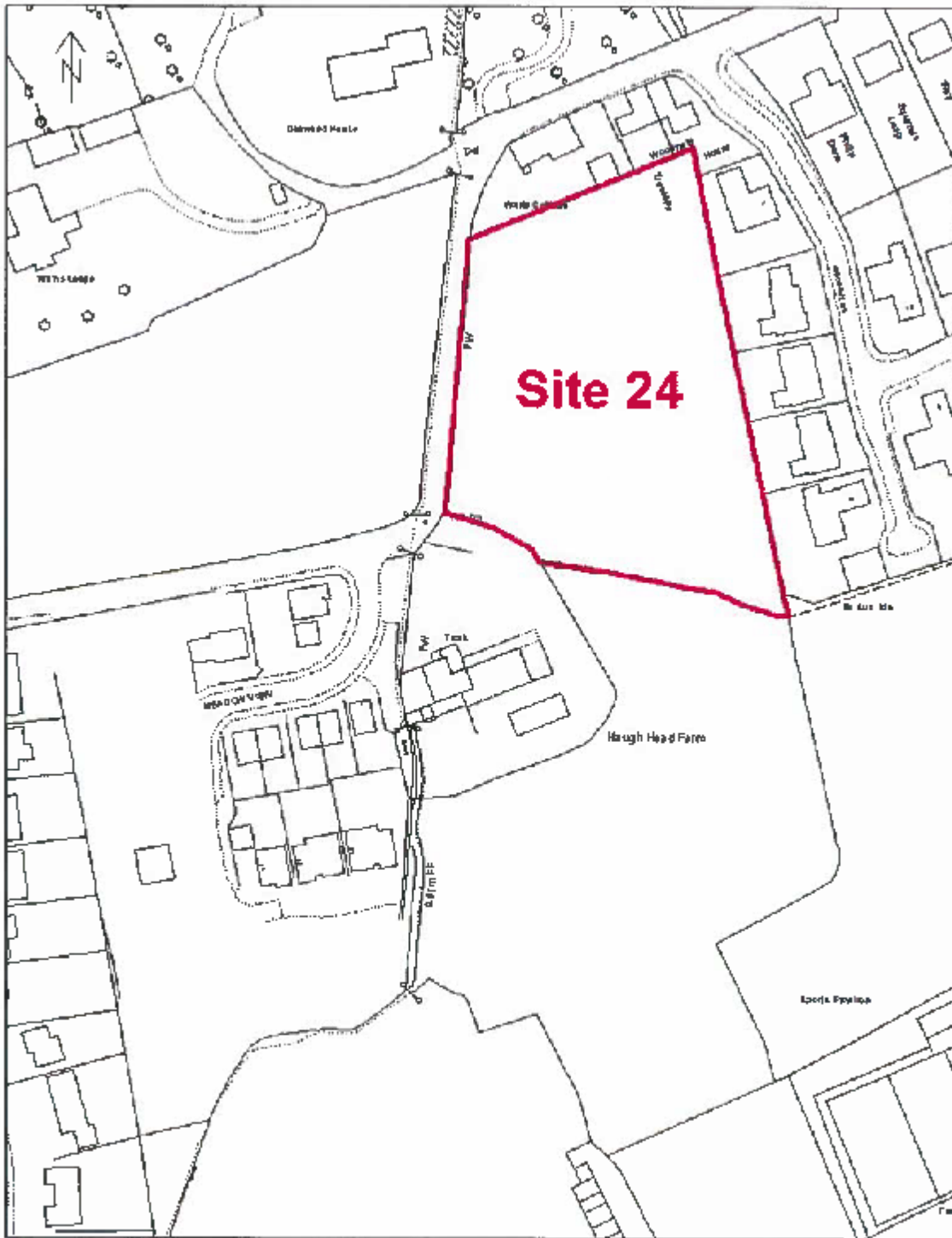
SOLD BY



Site 18: N. of Ribblesdale View

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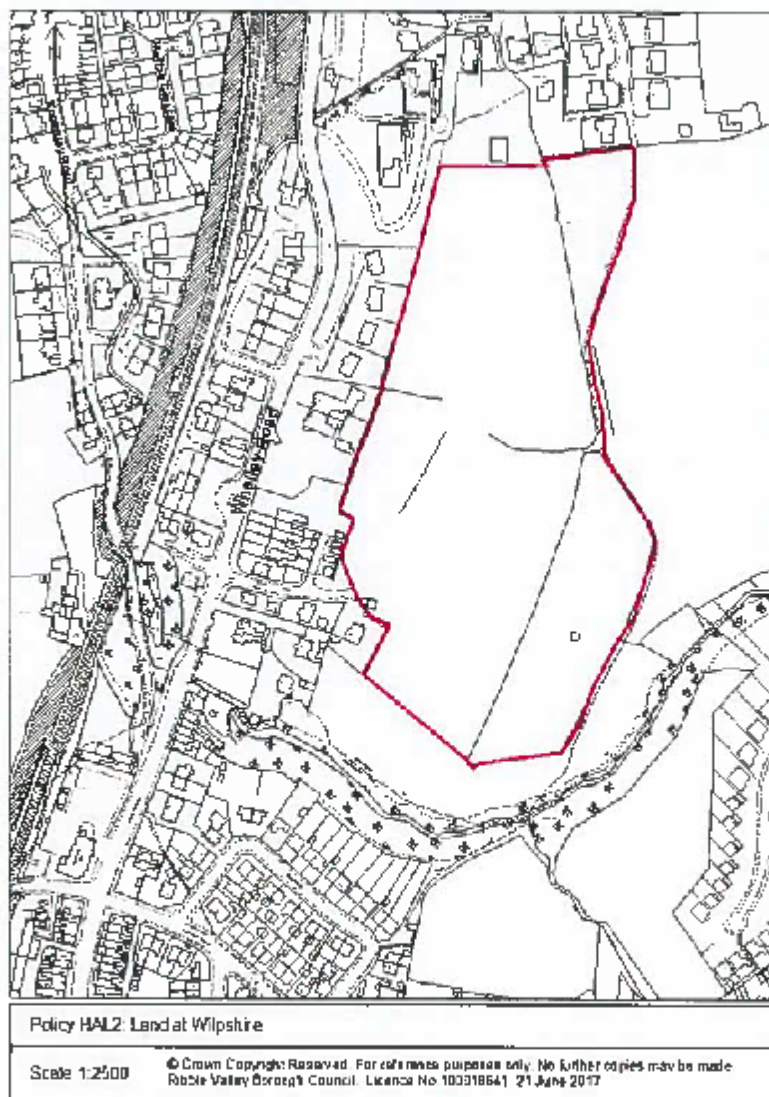
Site 24: Adj Hough Head WhinsL

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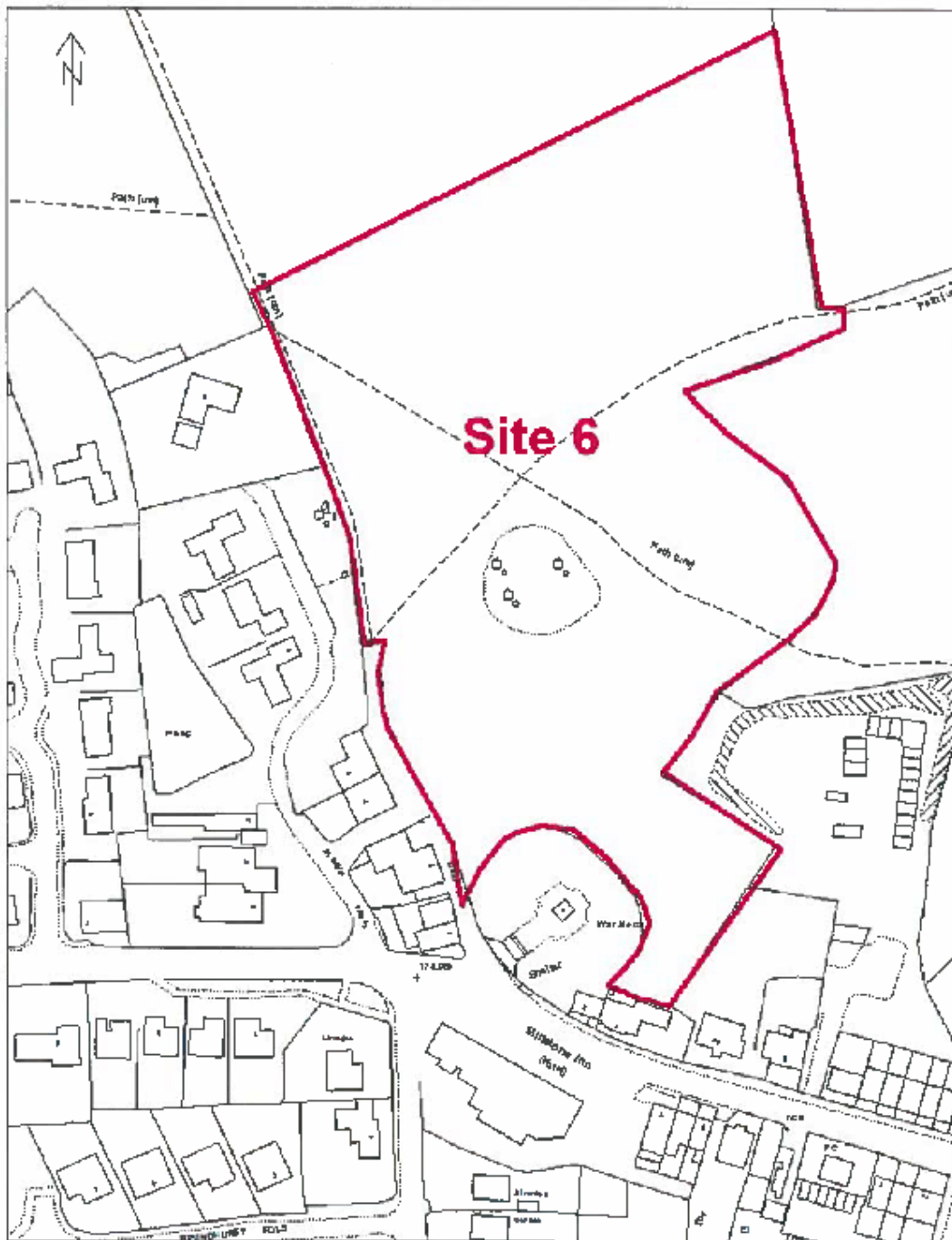
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Appendix 1

Map 1: revised allocation boundary of Policy HAL2



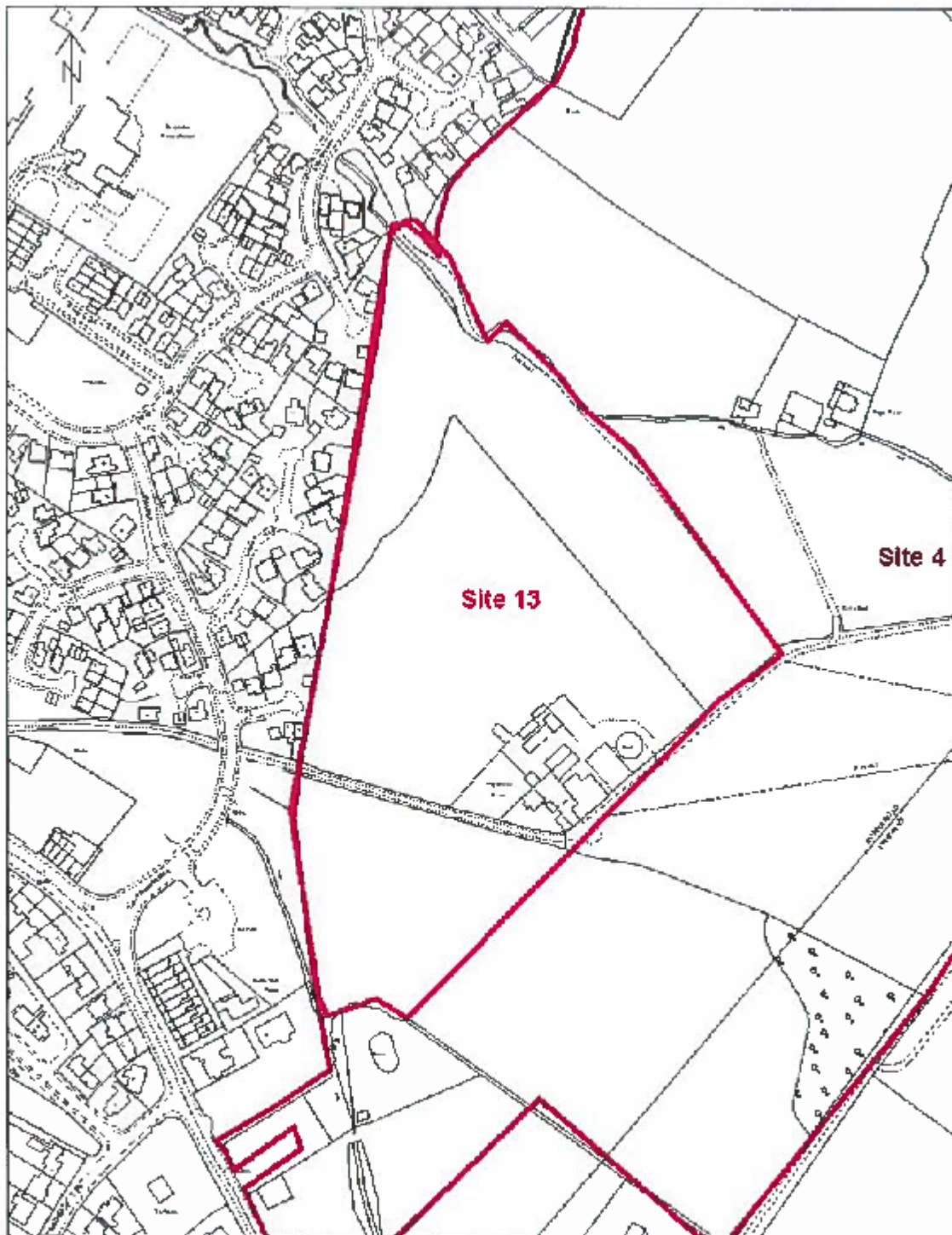
Tranche 2 Sites



Site 6: Mellor Lane, Mellor

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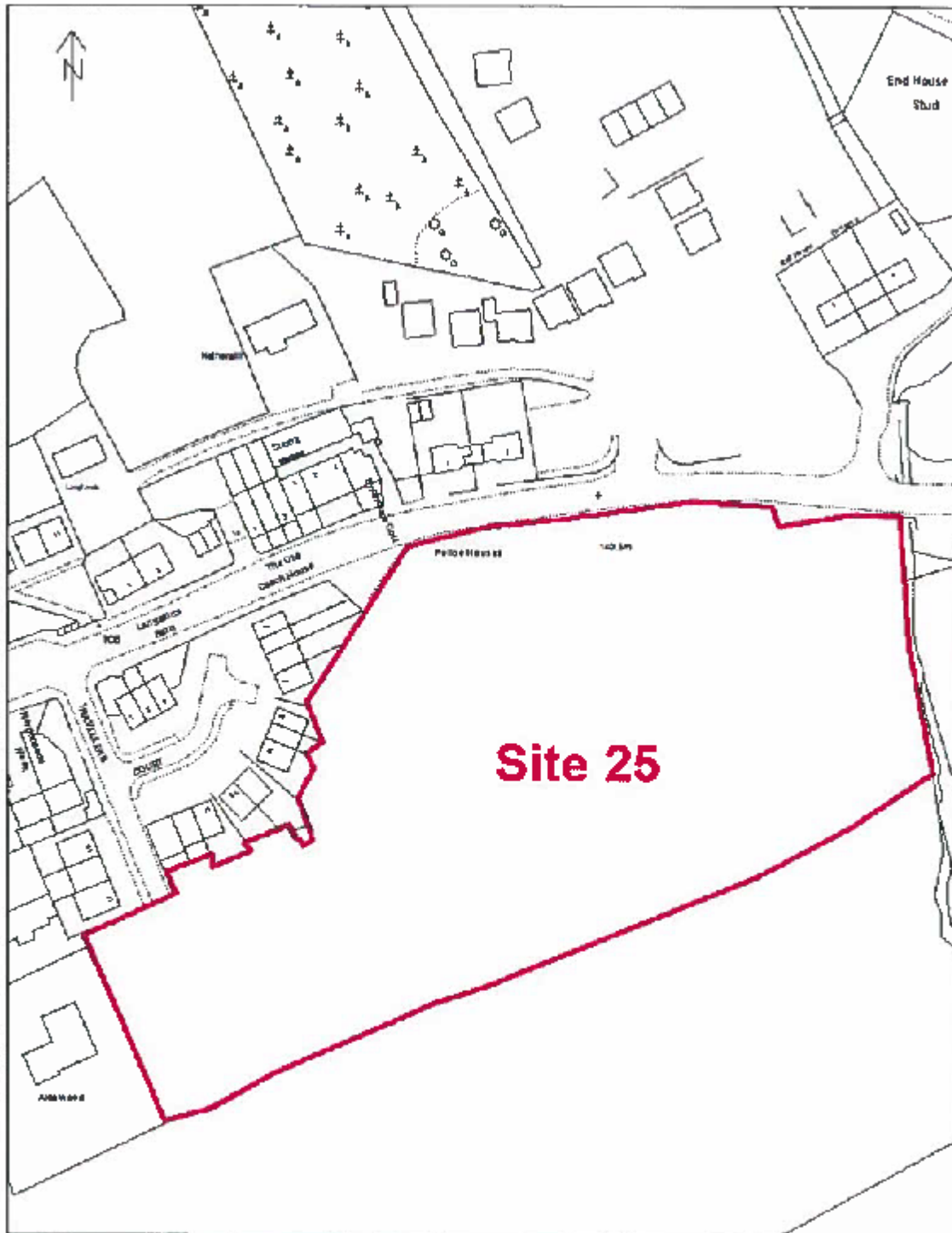
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Site 13: Highmoor Farm

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Site 25: SE of Main Rd, Gisburn

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