

West Berkshire Housing Site Allocations DPD Examination 2016

Council note on Housing Development within the North Wessex Downs AONB

Introduction

The starting point remains that the Housing Site Allocations DPD is a 'daughter' document to the Core Strategy. Core Strategy Policy ADPP5 says that provision will be made for the delivery of "up to 2,000" dwellings over the plan period. As at March 2016, 1,230 homes had already been completed in the spatial area and 200 units had planning permission. The HSA DPD allocates approximately a further 385 dwellings in the AONB. If the DPD is adopted, specific provision will therefore have been made for the delivery of 1,815 units in accordance with bullet point 1 of ADPP5.

The allocated sites have been selected in accordance with a landscape- led approach.

A windfall allowance has also been assumed of 251 (using March 2015 data). If this is correct, this would then result in the completion of more than 2,000 dwellings in the AONB. However, it may be that not all of these come forward, and the figure of 1,815 itself does not include any allowance for permissions lapsing.

The Council has not therefore sought to reduce the number of sites that are to be allocated.

The landscape-led approach in the AONB area

The Core Strategy contains restrictive policies on housing development in the AONB (in particular ADPP 5), and these remain the starting point for any decision-making. National policy in the NPPF also contains similar restrictions. In addition, presumption in favour of sustainable development in NPPF para 14 does not apply.

The Core Strategy Inspector wanted the Core Strategy to be clear about the 'great weight' that is required to conserving landscape and scenic beauty in the AONB, and this is set out in paragraph 74 of his Report (CD/01/16). The Inspector went on to say that "... Acceptability will have to be judged on a site-by-site basis and is a matter for the Site Allocations and Delivery DPD." (para 75)

The allocation of sites in the AONB in the HSA DPD has been done on a site-by-site basis, and has followed a landscape- led approach with Landscape Sensitivity/Capacity Assessment playing a key role in the decision making process for this area. As a result of this work it was concluded that there were sufficient developable sites "to provide the balance of the 2,000 dwellings whilst adhering to the landscape priority of the policy (ADPP5, and as discussed in the Inspector's Report at para 78). This means that the AONB area can make the expected contribution to the overall housing needs identified in the Core Strategy, and that additional housing does not have to be provided on sites allocated outside the AONB.

The new allocations for development are focused on the rural service centres and service villages set out within the settlement hierarchy, with an emphasis on meeting local needs and helping to sustain vibrant and balanced rural communities. It is notable that these settlements have not had any site allocations since the previous Local Plan. The level of development allocated in each settlement has then depended on the role and function that the settlement performs and the availability of suitable development opportunities. This approach has led to 2 service villages not having any allocations (Chieveley and Great Shefford).

The status of the windfall allowance

The Council accepts that there are likely to be other suitable sites which will be granted planning permission during the plan period, although they have not been allocated (and the vast majority will be windfall sites) – for example on suitable infill sites within settlement boundaries. The Council has not sought to allocate sites within settlement boundaries in the AONB, which is consistent with the approach taken across the rest of the District. There are also some sites that are too small to be identified as allocations.

The Council has carried out further sensitivity testing of the windfall allowance, as set out in Appendix 1 to this document. The projection of trends over the last 5 years would lead to a reduced allowance of 193 additional windfall units over the period 2016 to 2026, rather than the 251 stated in Table 2 of the Statement for Issue 1 (ie. 58 units less).

There is also a good policy reason to be more cautious about relying upon a windfall allowance to the same extent in the AONB, as opposed to other areas in the District. Any application for a windfall development will have to satisfy the restrictive policies that apply in the AONB (including NPPF para 116). If it is known that there are Site Allocations that meet most of the housing needs in the AONB, then the public interest benefit in allowing a new windfall site will be low. That public interest benefit will get even lower towards the end of the plan period, as the need for more housing (in terms of what the CS demands) diminishes.

Whether more housing should be identified over above the 2,000 figure is not for this DPD to say. All it is trying to deliver is the figure in the CS, which has been established as a cap on numbers. The wider question about additional housing needs is for the forthcoming Local Plan.

Whether the housing allocated in the AONB should be reduced, and the needs met outside the AONB

This issue has been resolved by the Core Strategy, so long as there are no undue adverse landscape effects.

It should also be borne in mind that whilst there is some additional provision made in the DPD for housing outside the AONB (above the 10,500 figure), it is not considered that these contribute to supporting the housing needs of the local communities and rural economy within the AONB, as required by the CS.

Possible options

The Council's view is that the approach set out in the DPD is justified and the most appropriate strategy for the AONB, reflecting the great weight to be given to the conservation of landscape and scenic beauty. The Council believes that this approach is sound.

However, if the Inspector considers that an alternative strategy would be more appropriate the following options could be considered:

1. Including the windfall allowance for the first five years of the plan period only.
2. Imposing a 'cap' on all development once the 2,000 upper limit was reached.
3. Removing proposed allocations from the DPD, particularly where issues of deliverability have been raised.
4. Alternatively, sites where issues have been raised about deliverability could be reserved or deferred to come forward through the new Local Plan.

Of these options, the Council's preference would be option 1, which reflects the reality of the timing of the review of the spatial strategy, whilst allowing much needed development to come forward across the AONB.

The Council is concerned about the practical implementation of imposing a cap as set out in option 2, particularly if used to refuse otherwise acceptable schemes. This would be likely to result in planning appeals.

Whilst removing or deferring sites is another approach, as set out in option 3, given the work that the Council has done to ensure that these sites are appropriate in terms of the overall approach to the AONB, there is concern that they would still come forward as planning applications, but with less ability to manage the details of their delivery through the plan-led system.

In conclusion, the Council considers that the bottom up landscape-led approach to development in the AONB that is set out above, accords with policies ADPP1 and ADPP5 of the Core Strategy and is fully justified by the landscape evidence that has informed the proposed housing allocations. Whilst a generous windfall allowance is included in the published figures, there is scope to reassess the quantum of this whilst retaining consistency with the Core Strategy.

Appendix 1: Sensitivity testing of the windfall allowance.

At the time the Core Strategy was prepared, some assumptions were made that there would be some windfall sites coming forward in the District. A small windfall allowance was included in the figures for the last 4 years of the plan period, in accordance with guidance current at the time which stated that a windfall allowance could not be included for the first 10 years. There was no separate allowance for the different spatial areas.

The most up to date land supply situation is set out in Appendix 4 to the Council's Statement on Issue 1. This table includes a windfall allowance of 251 for the AONB area from 2016 to 2026. This is intended to present as complete a picture of the land supply situation as possible.

The windfall allowance is a projection that has been based on past trends, as set out in the Approach and Delivery Topic Paper. This has been annually updated to reflect the latest monitoring information. It is however sensitive to some degree on the time period over which the trend is based. Windfalls will vary from year to year and the allowance can only be seen as indicative.

In order to test the sensitivity of the windfall allowance we have looked at basing the allowance on the last five years of monitoring, from 2011/12 to 2015/16 rather than the longer period from 2007/08 set out in the AMR and Approach and Delivery Topic Paper. These calculations are set out below and show a slightly reduced level of windfall, an average of 133 windfall permissions in the District, rather than the 139 average over the longer period. Furthermore, the percentage of windfall permissions in the AONB over the last five years is lower, at 24.8% rather than the 31.3 % over the longer period. This is largely due to the exclusion of the figure for 2009/10 when permissions were granted for 80 units on windfall sites in the AONB, a figure more than twice the average rate of windfall permissions in this area.

The calculation of the windfall allowance for the AONB, based on monitoring of five year trends, shows projected windfall completions of 74 units for the years 2016 to 2021 and 119 units for the last five years of the plan period. A total of 193 units over the period 2016 to 2026 are therefore projected, 58 units less than are included in Table 2 of the Statement for Issue 1. This difference demonstrates the sensitivity of the windfall allowance to the time period over which the trends are calculated and the inevitable variations in number of permissions from year to year.

Should this windfall allowance be shown only for the first five years, as in the other spatial areas, the total anticipated completions for the AONB to 2026 would be slightly over 1,900 units. As a new Local Plan is due to be adopted in 2019, the spatial strategy would by that time have been reviewed anyway.

These windfalls (plus the numbers included through permitted development and the prior approval process) represent the further opportunities for infill development and for development on previously developed land that are referred to in the second bullet point of ADPP5.

Calculating a windfall allowance based on a 5 year monitoring period

The average number of windfall permissions over the years 2007/08 to 2014/15 was 139 units. The spatial pattern of these windfalls since 2008/09 is set out in Table 2 of the Approach and Delivery Topic Paper (CD/02/04)). This table is reproduced below with additional data on windfalls for 2015/16.

Table 1 Windfall Permissions from 2008/09

	Newbury/ Thatcham	Eastern Area	East Kennet Valley	North Wessex Downs AONB	Total
2008/09	76	19	13	35	143
2009/10	29	5	15	80	129
2010/11	56	8	15	47	126
2011/12	54	15	3	45	117
2012/13	95	5	35	18	153
2013/14	52	8	11	33	104
2014/15	119	2	16	39	176
2015/16	54	8	23	30	115
Total 2008/16	535	70	131	327	1063
Percentage 2008/16	50.33	6.59	12.32	30.76	100
Percentage 2008/15 (from Table 2 of Topic paper	50.74	6.54	11.39	31.33	100

The allowance will depend on the time period over which trends have been examined. In order to test the sensitivity we have looked at the impact if the allowance was based on the last five years of monitoring, which it could be argued was appropriate given that the allowance is used for five year land supply purposes. This is shown for the period 2011/12 to 2015/16 in the table below.

Table 2 Windfall Permissions from 2011/12

	Newbury/ Thatcham	Eastern Area	East Kennet Valley	North Wessex Downs AONB	Total
2011/12	54	15	3	45	117
2012/13	95	5	35	18	153
2013/14	52	8	11	33	104
2014/15	119	2	16	39	176
2015/16	54	8	23	30	115
Total 2011/16	374	38	88	165	665
Average windfall permissions pa	74.8	7.6	17.6	33	133
Percentage 2011/16	56.24	5.71	13.23	24.81	100

The average number of annual windfall permissions over the 5 year period was 133 units, compared to 139 units for the longer period from 2007/08. Applying the same percentage (15.2%) on residential gardens and the same phasing as previously (monitoring to update these for 2015/16 has not yet been finalised) would result in a slightly lower windfall allowance overall (of 113 windfall permissions per annum compared to 118 based on the monitoring of longer trends) and most notably a reduction in the proportion of the windfall allowance attributed to the AONB. The percentage of windfall permissions in the AONB from 2011/12 to 2015/16 was 24.8% compared to 31.3 % over the period 2008/09 to 2014/15. The calculations are set out below.

Calculation of windfall allowance based on monitoring data for 2011/12 to 2015/16

Average annual windfall permissions pa – 133 net permissions (from Table 2)

Assumption of 15.2% on residential gardens gives annual allowance of 113 dpa.

Phasing assumptions based on past monitoring:

8% completed in year of permission (current year), 28% in Yr 1, 24% in Yr 2 ,15% in Yr 3, 9% in Year 4 and 1% in Yr 5 – non-implementation rate of 15%.

Table 3 Phasing of windfall permissions.

Yr of Permission	Projected completions					
	16/17	17/18	18/19	19/20	20/21	total
2016/17	9	32	27	17	10	95
2017/18		9	32	27	17	85
2018/19			9	32	27	68
2019/20				9	32	41
2020/21					9	9
Total allowance to 2021	9	41	68	85	95	298

Windfall allowance for AONB

April 2016 to March 2021:

24.81% of windfall permissions in AONB (from Table 2.) 24.81% of 298 = 74 units

April 2021 to March 2026:

Allowance of 96 dwellings per annum across the district (85% of 113, allowing for non-implementation) = 480 units for 5 year period.

AONB allowance for 2021 to 2026: 24.81% of 480 = 119 units.

April 2016 to March 2026:

74 + 119 = 193 units