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Supplementary Note

I am not seeking to introduce new evidence to my original representation and this note does not constitute either an amendment to it or a new submission. It is based on material which was not available at the time of the original submission.

Introduction

In order to assess my original representation in the light of the current National Planning Policy Framework NPPF and recent Inspectors' views I have looked at Inspectors' Reports where Local Plans have been found to be 'Sound' in 2013 - using information from the Planning Inspectorate reported via the Planning Portal¹ in September 2013 and following the link to the Excel spreadsheet.

Precedent

I would not suggest that any Inspector's Report forms a precedent either for this Examination or any others. I recognise that circumstances vary between Local Authorities and that this is reflected in their Local Plans and in Inspectors' Reports.

Meeting Housing Requirements

I found that there is no apparently preferred method of demonstrating how the Local Plan would meet housing requirements either in NPPF, the Local Plans referred to or in the Inspectors' Reports finding the plans to be sound.

Windfalls

I did find that allowances for 'windfalls' were frequently (but not always) made but that the principle of recognising the contribution made by windfalls (where this issue arose) was generally accepted by Inspectors.

Changes to NPPF

The change from previous NPPF was made in Paragraph 37 of the Inspector's report on the Suffolk Coastal Local Plan²:- "It was argued that the detailed wording of the Framework only permits such an allowance to be included in the first 5 years. However, the Framework does not explicitly exclude windfalls from a particular period as in previous national policy."

Commitments

1 <http://www.planningportal.gov.uk/planning/planningsystem/localplans#letter>

2 Report to Suffolk Coastal District Council by Mike Moore BA (Hons) MRTPI CMILT MCIHT an Inspector appointed by the Secretary of State for Communities and Local Government Date:6th June 2013

<http://www.suffolkcoastal.gov.uk/assets/Documents/LDF/Examination/SCDC-Core-Strategy-Inspectors-Report-6-June-2013.pdf>

In Selby commitments became referred to as “known windfalls”³ .

In the Rydale Local Plan⁴ case where the Inspector was Stephen Pratt (as in the Stafford Examination) Paragraph 22 of the modifications reads:- Commitments at the Market Towns and Service Villages will be deducted from the planned distribution of housing land (assuming a 10% non-implementation rate which is realistic given historic trends in delivery) and the ‘residual’ amount of land which will need to be allocated will be identified in the Local Plan Sites Document.”

Strategic Housing Land Availability Assessment (SHLAA)

In other instances windfalls became associated with SHLAA with the comment being made in Paragraph at Shepway⁵:- “At the resumed hearing, the Council clarified that its estimated annual windfall figure of 75 dwellings relates entirely to small sites (1 to 4 units), which are excluded from the SHLAA. Although this is less than the small sites mean windfall delivery rate over the last six years, that figure has not been discounted to reflect recent changes to the planning policy status of private residential gardens.” In Shepway the SHLAA estimated capacity was 7,730.

In the Wigan Report⁶ the Inspector’s modifications included MM.CP6.2 “As set out in Table 9.5, the potential housing supply to 2026 is made up of existing permissions, a key strategic site and six broad locations for new development, other sites identified through the Strategic Housing Land Availability Assessment and an allowance for windfall developments.” (In the Wigan case SHLAA and Windfalls make up more than 40% of the proposed housing supply).

Buffers

In some cases windfalls were regarded as a buffer such as at Selby Paragraph 73:- “...Whilst the better identification of sites in the SHLAA and their subsequent allocation through the SALP should appreciably reduce windfall development in future years, it will nevertheless continue to be a reliable source of supply. The Council believes that at least 105 dwellings will be provided on windfall sites each year, which will mostly be additional to the 450 to be provided on planned-for sites (MM8). This potentially introduces a substantial buffer above the planned-for supply and contributes substantially to the requirement of the Framework to significantly boost the supply of housing.”

3 Modification MM11 of Report to Selby District Council by Martin Pike BA MA MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government Date 19 June 2013

http://www.selby.gov.uk/upload/Final_Report_to_Selby_DC.pdf

4 Report to Rydale District Council by Stephen J Pratt BA Hons MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government Date: 14th August 2013

http://extranet.ryedale.gov.uk/PDF/Final_Inspector's_Report_28_Aug_2013.pdf

5 Report to Shepway District Council by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM an Inspector appointed by the Secretary of State for Communities and Local Government Date: 10th June 2013

<http://www.shepway.gov.uk/UserFiles/File/pdf/local->

[plan/cs_mods_examination/Shepway%20CS%20Inspector's%20Report%20FINAL.pdf](http://www.shepway.gov.uk/UserFiles/File/pdf/local-plan/cs_mods_examination/Shepway%20CS%20Inspector's%20Report%20FINAL.pdf)

6 Report to Wigan Council by Kevin Ward BA (Hons) MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government Date 15 August 2013

<http://www.wigan.gov.uk/Docs/PDF/Council/Strategies-Plans-and-Policies/Planning/Current-local-plans/Inspectors-Report-15-08-2013.pdf>

Windfalls in Stafford Borough

(Update to take account of new information included in Land for New Homes 2013 and of National Planning Policy Framework (NPPF) Paragraph 48).

In 'Land for New Homes' the Council has, in addition to detailing new developments on previously undeveloped (Greenfield) land has also included all residential gardens as Greenfield as well as agricultural buildings approved for conversion to dwellings.⁷

In the light of the requirements of Paragraph 48⁸ of NPPF that windfall allowances "...should not include residential gardens", I have attempted to assess the number of new homes which would include residential gardens included in the windfall commitments. The total appears to me to amount to less than 10% of current windfall commitments in Stafford Borough - as set out below.

The Borough Council kindly supplied the Excel spreadsheet from which Appendix A of 'Land for New Homes' is taken. I have identified proposals involving residential gardens⁹ by highlighting them in yellow on the spreadsheets (enclosed in Excel format). No other changes have been made to the original spreadsheets.

| Location | Additional new homes in Residential Gardens ¹⁰ |
|---------------------|-----------------------------------------------------------|
| Stafford | 50 |
| Stone | 21 |
| Rural ¹¹ | 82 |
| Section 106 | 0 |
| Total | 153 |

⁷ Extract from Land for New Homes 2013 Appendix C

«Greenfield land for the purpose of this monitor is land, which has not been occupied by a permanent structure, including land in both rural and urban areas. The conversion of agricultural buildings falls within the Greenfield definition as does the development of garden land of existing dwellings.»

<http://www.staffordbc.gov.uk/live/Documents/Forward%20Planning/Examination%20Library%202013/D1--THE-HOUSING-MONITOR-2013--LAND-FOR-NEW-HOMES.pdf>

⁸ NPPF Paragraph 48.

«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.»

⁹ In addition to the clear cases where a new dwelling is being built in a garden, the assessment has included sites such as where a house is being demolished and replaced by two or more dwellings and redevelopments such as of a house/vicarage and community hall. Most cases comprise permissions for single or small numbers of dwellings – houses, bungalows and flats. Conversions of agricultural buildings have not been included as these did not involve the development of existing residential gardens.

¹⁰ Taken from the highlighted 'Balance Remaining' column of the Excel tables attached to this supplementary statement from 'Land for New Homes 2013'.

¹¹ 'Rural' comprises all sites outside Stafford and Stone which may be rural areas, villages or suburban areas such as Meir Heath

Land for New Homes¹² reports the total commitments at 31 March 2013 as 2781.

Land for New Homes¹³ records new home completions in the year 1 April 2012 to 31 March 2013 as 306, all of which were 'windfalls'.

Paul F. Windmill

Wednesday, 09 October 2013

12 Land for New Homes 2013 in Section 4 Table 4 and Appendix A 'Overall Totals'

13 Extract from Land for New Homes 2013 Section 3.3 and Figure 3