

15 June 2017

Delivered by email

Carmel Edwards
Local Plan Programme Officer
c/o Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

Ref: NORM3003

Dear Ms Edwards

GEDLING LOCAL PLANNING DOCUMENT (PART 2 LOCAL PLAN) EXAMINATION – FURTHER REVISED HOUSING BACKGROUND PAPER ADDENDUM & POLICY LPD64

Further to your email of 2 June 2017, I am pleased to provide comments on the Further Revised Housing Background Paper Addendum (May 2017) [EX/104A], the amended wording of Policy LPD64: Housing Distribution [EX/105A] (previously Policy LPD63) and Gedling Borough Council's (GBC) related statement [EX/117]. These representations are made on behalf of Northern Trust Company Ltd ("Northern Trust") (Representor no. 9151009) in relation to Land at Orchard Close in Burton Joyce, and should be read in conjunction with our submitted Hearing Position Statements and subsequent representations (19 April 2017).

The comments below are provided under the appropriate question posed by the Inspector to aid clarity.

FURTHER REVISED HOUSING BACKGROUND PAPER ADDENDUM [EX/104A]

Q1. Is the 5 year period (1 April 2017 to 31 March 2022) covered by the assessment in the Revised Addendum appropriate?

The five year period covered by the Council's most recent assessment uses a base date of 31 March 2017. The five year period is considered appropriate as it reflects the position at the end of the most recent monitoring year and is, therefore, assumed to present an up-to-date position in terms of completions and extant planning permissions.

Q2. Is the revised windfall allowance of 320 dwellings (40dpa from 2020/21) appropriate?

In response to comments made by the Inspector and a number of participants (including Northern Trust), GBC has sought to provide additional evidence to justify the revised approach to including a windfall allowance within the identified five year land supply (i.e. from Year 4 (2020/21) onwards).

However, for the reasons set out in detail in response to Q4, Northern Trust maintains that GBC has continued to fail to provide the "compelling evidence" required to include a windfall allowance within the five year supply.

1 New York Street
Manchester
M1 4HD

T 0161 233 7676 turley.co.uk

Q3. Does the revised windfall allowance accord with the Aligned Core Strategy?

Northern Trust agrees with GBC's statement¹ that the ACS makes no specific reference to the inclusion of a windfall allowance within the housing land supply. However, the inclusion of windfalls was considered by the Inspector who examined the ACS, who concluded:

*"In looking to meet the needs, the Councils have assumed that fewer houses will be developed on windfall sites than in the past, once an up-to-date Local Plan underpinned by regularly reviewed SHLAAs is in place. However, if windfalls continue to come forward at the same rate as in the past, this should not be perceived as a negative factor as the aim is to boost the supply of new housing."*²

In that context, Northern Trust maintains that a windfall allowance should not be used by GBC to artificially inflate the housing land supply position; either over the five year period or the entire plan period. Instead, any dwellings delivered on windfall sites should be regarded as 'additional' and encouraged in the context of the presumption in favour of sustainable development and the need to *"boost significantly the supply of housing"*³. Their delivery should not, however, be relied on to 'prop up' the Council's inadequate housing land supply position.

Q4. What evidence is there to support the new approach to the windfall allowance now put forward by the Council?

a. Is the revised windfall allowance based on compelling evidence that such sites have consistently become available in the local area?

GBC has provided additional evidence that demonstrates that windfall sites have consistently become available in the Borough over the last ten years.

b. Is the revised windfall allowance based on compelling evidence that such sites will continue to provide a reliable source of supply?

Whilst GBC has now provided additional information to demonstrate that windfall sites have contributed towards supply in recent years, GBC has still failed to address the second 'proviso' of national policy within their submissions. No 'compelling evidence' that such sites will **continue** to come forward and provide a reliable source of supply has been provided.

GBC claims that the inclusion of a windfall allowance is supported by the recommendations of the Local Plans Expert Group (LPEG)⁴. Northern Trust contends that the inferred support for the inclusion of windfalls in the five year housing land supply is overstated. The only mention of windfalls in the LPEG report states:

*"The inclusion of windfalls in the five year housing land supply calculation is logical and the NPPF and PPG include a sufficiently detailed explanation setting out the need for local evidence and the exclusion of garden land."*⁵

¹ Paragraph 15, Gedling Borough Council Statement to support Revised Housing Background Paper Addendum and Revised Policy LPD 63 Housing Distribution [EX/117]

² Paragraph 47, Report on the Examination of the Greater Nottingham – Broxtowe Borough, Gedling Borough and Nottingham City – Aligned Core Strategies: Part 1 of the Local Plan (Planning Inspectorate, 24 July 2014) [LPD/POL/07]

³ Paragraph 47, National Planning Policy Framework (DCLG, March 2012)

⁴ Paragraph 3, Gedling Borough Council Statement to support Revised Housing Background Paper Addendum and Revised Policy LPD 63 Housing Distribution [EX/117]

⁵ Page 4, Appendix 13, Report to the Communities Secretary and to the Minister of Housing and Planning (Local Plans Expert Group, March 2016) [EX/118]

The LPEG report offers no further support for the inclusion of windfalls within the five year land supply than the Framework and PPG; and explicitly reiterates the requirement for local evidence to be produced.

In respect of the potential future sources of windfall sites, GBC assumes that delivery will continue in much the same way as has been experienced over the last 10 years. Indeed, GBC considers that *“it is reasonable to expect”* that these sources of supply *“will continue to provide windfall sites at these historic rates in the future”*⁶. That assumption is over simplistic and not grounded in ‘compelling evidence’ that windfall rates can simply be ‘rolled forward’. In particular, GBC’s approach fails to acknowledge that:

- Draft Policy LPD34 seeks to resist the development of garden land unless specific criteria are met. This will limit the number of windfalls which come forward on such sites over the plan period.
- A significant proportion of the Borough is within the Green Belt; where the intensification of existing residential uses would be subject to increased policy scrutiny, particularly in relation to development within existing large residential plots.
- The extent of open space within the Borough that is suitable and available for residential development is finite and cannot be assumed to be available at the same rate as previously.
- The number of windfalls in recent years is likely to have arisen given the absence of an up-to-date Local Plan. That number can be expected to fall once an up-to-date Local Plan underpinned by regularly reviewed SHLAAs is in place⁷.

In the circumstances, Northern Trust maintains that GBC has failed to demonstrate windfall sites will continue to come forward once the LPD has been adopted. Rather, GBC has taken an entirely ‘backward looking’ approach.

The inclusion of a windfall allowance has skewed GBC’s claimed housing land supply position. If the windfall allowance is excluded, GBC’s claimed identified supply falls to:

- 3,725 dwellings over the five year period, which represents an ‘under supply’ of 12 dwellings
- 7,436 dwellings over the plan period (2011-2028), which represents an ‘over supply’ of just 186 dwellings, notwithstanding the comments made previously about the robustness of GBC’s identified supply⁸.

c. Has the evidence with regards to windfalls changed significantly since the Local Planning Document Publication Draft? If so, how?

The Council’s approach to considering windfalls has changed significantly since the Publication draft of the LPD.

At Publication stage, no allowance for the delivery of dwellings on windfall sites within the five year period was made; although a windfall allowance was included within the last five years of the plan period (i.e. 2023 – 2028). At that time, GBC noted that including an allowance for delivery from windfall sites during the earlier years of the plan period *“was not considered appropriate to avoid double counting as such sites are likely to already be identified through the SHLAA process”*⁹.

⁶ Paragraph 34, Gedling Borough Council Statement to support Revised Housing Background Paper Addendum and Revised Policy LPD 63 Housing Distribution [EX/117]

⁷ Paragraph 47, Report on the Examination of the Greater Nottingham – Broxtowe Borough, Gedling Borough and Nottingham City – Aligned Core Strategies: Part 1 of the Local Plan (Planning Inspectorate, 24 July 2014) [LPD/POL/07]

⁸ Northern Trust comments on the Revised Housing Background Paper Addendum & Policy LP63 (Turley, 19 April 2017)

⁹ Paragraph 2.8, Housing Background Paper (Gedling Borough Council, May 2016) [LPD/BACK/01]

GBC revised its approach and started including windfall sites within the five year land supply in March 2017 upon publication of the Revised Housing Background Paper Addendum [EX/104]. At that time, there was a real risk of GBC being unable to demonstrate a five year supply given concessions made during the hearing sessions on the method of calculation and buffer. As set out in our response to the Revised Housing Background Paper Addendum, Northern Trust maintains that the revised approach adopted by GBC notably increases the risk that double-counting will occur between 'sites below the threshold' and windfall sites.

The Council considers that the information on sites with planning permission contained with the SHLAA is *"accurate as a forecast of delivery for Years 1 to 3 (given that a planning permission has a period of 3 years within which to commence)"*¹⁰. However, GBC now appears to be questioning the robustness of the SHLAA in terms of estimating housing delivery beyond Year 3 in order to justify the introduction of a windfall allowance.

The Framework makes clear the expectation that local planning authorities prepare a SHLAA *"to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period"*¹¹ [our emphasis]. GBC (and ultimately the Inspector), therefore, need to be satisfied that the SHLAA provides a realistic view about the availability and suitability of land over the remaining plan period (i.e. up to 2028).

Q5. How can it be ensured that there will not be an element of double counting if a windfall allowance is included from Year 4 onwards?

The introduction of a windfall allowance from Year 4 significantly increases the potential for double-counting between 'sites below the threshold' and windfall sites; particularly as GBC has also significantly increased the expected delivery from sites below the threshold (see previous comments submitted in April 2017). There is a real risk that double-counting will occur within the five year supply.

Q6. What evidence is there to support the Council's assumption that not all windfall sites will come forward in the urban area?

GBC has provided additional evidence which indicates that 65% of windfall completions between 1 April 2011 and 31 March 2017 were located within the urban area. The remaining 35% of windfall completions within that period occurred beyond the urban area.

GBC has failed to provide any evidence to indicate the anticipated location of windfall sites **going forward**.

As set out within previous representations, Northern Trust maintains that there is likely to be limited scope for windfall sites to come forward for development that haven't already been identified through the SHLAA process or allocated for development in the ACS or LPD. This is considered to be an appropriate assumption given the extent of the Green Belt beyond the Urban Area and the exhaustive site finding exercise that GBC has undertaken.

Q7. Is it robustly demonstrated that the estimated housing land supply for the five year period is deliverable?

The Revised Housing Background Paper Addendum indicates a housing land supply of 5.09 years. That level of supply is extremely marginal, and provides insufficient 'buffer' should any identified site fail to deliver as anticipated.

¹⁰ Paragraph 3.13B, Further Revised Housing Background Paper Addendum (Gedling Borough Council, May 2017), [EX/104A]

¹¹ Paragraph 159, National Planning Policy Framework (DCLG, March 2012)

Northern Trust is also concerned that GBC's claimed five year supply relies on delivery of 80 dwellings on windfall sites (i.e. sites that have not already been identified). Our position on including a windfall allowance from Year 4 is considered in response to Q4 above. If the windfall allowance is removed from the five year supply calculation, GBC's identified supply would fall below the level required (an under supply of 12 dwellings).

Q8. Should a lapse rate be included in the calculations? If so, what would be an appropriate percentage?

GBC has clarified that the identified five year trajectory does not include a lapse rate *"as each site has been considered individually and on its merits"*¹². GBC goes on to state that the Council is providing flexibility in the housing land supply through a variety of sources. Northern Trust's response to GBC's rationale is summarised in the table below.

GBC Position ¹³	Northern Trust Response
Land is allocated for housing development at Newstead but it is not assumed that the site will contribute to meeting the Council's housing requirement	Land at Newstead has been identified for housing development for a number of years but has failed to come forward for delivery. GBC has not included for its delivery within the identified supply as there is insufficient evidence to demonstrate that it is now deliverable.
A cautious approach to windfall is being taken	As set out in our response to Q4 above, GBC has failed to provide the 'compelling evidence' required to justify the inclusion of a windfall allowance within the five year housing land supply. The Council's claims that a 'cautious approach' to windfall has been taken is refuted.
A cautious approach to the delivery of the Gedling Colliery / Chase Farm site is being taken (it is anticipated that a proportion of the dwellings will come forward beyond the plan period)	The recognition that a proportion of the development on the Gedling Colliery / Chase Farm site will come forward beyond the current plan period does not reflect a 'cautious approach' to its delivery. Rather, it reflects the scale of the site, the need for extensive remediation / ground preparation works, reliance on the delivery of the Gedling Access Road and appropriate build out rates (reflecting local market conditions). Northern Trust maintains that the assumed start date and build out rates for the site remain ambitious.
The LPD identifies Safeguarded Land which allows for proposals for residential development to be considered under the presumption in favour of sustainable development in the Council is unable to demonstrate a five year supply of land	Draft Policy LPD16 confirms that Safeguarded Land will be protected from development until (at least) the end of the plan period. If GBC intends that Safeguarded Land may be brought forward for development during the current plan period in the eventuality that the Council is unable to demonstrate a five year housing land supply (as is suggested in their most recent submission), this provision should be specifically referenced within Policy LPD16.

¹² Paragraph 54, Gedling Borough Council Statement to support Revised Housing Background Paper Addendum and Revised Policy LPD 63 Housing Distribution [EX/117]

¹³ Paragraph 63, Gedling Borough Council Statement to support Revised Housing Background Paper Addendum and Revised Policy LPD 63 Housing Distribution [EX/117]

GBC has stated that, if there was a requirement to include a lapse rate in the housing land supply calculations, *“this would raise a whole host of subsequent questions”*¹⁴. However, GBC does not appear to have sought to address those questions or to establish what would be an appropriate percentage. As a result, it not possible for Northern Trust to come to an informed view on what an appropriate percentage for a lapse rate would be. GBC should provide the Inspector with evidence demonstrating the proportion of residential planning permissions that have lapsed over recent years.

For example, Ashfield District Council has recently prepared a Housing Land Supply: Explanatory Paper which indicates that, following an analysis of past lapse rates, housing supply in that Borough could be reduced by 109 dwellings over the five year period¹⁵. That conclusion has been informed by a review of historical lapse rates for large and small residential permissions over a 10 year period (2006 – 2016), which indicates a lapse rate of 26.9% of permissions on small sites, and 6.4% of permissions on large sites. Such an approach should be utilised by GBC to come to a view on an appropriate lapse rate. The LPEG report recommends that, in the absence of any local evidence, a 10% proxy be applied¹⁶.

In the context of LPEG’s recommendations and the lack of evidence provided by GBC, Northern Trust considers that a lapse rate of *at least* 10% should be applied to GBC’s claimed housing land supply. That lapse rate should, however, be informed and adjusted to reflect local evidence.

By failing to apply a lapse rate, GBC is assuming that all sites that currently have planning permission will be delivered. Such an assumption is over-ambitious and fails to reflect analysis by DCLG that suggests that between 10-20% of all planning permissions are not implemented¹⁷. As a result, there is a very real risk that GBC will fail to achieve its housing requirement over the five year period. Additional sites are required to ensure that minimum housing needs are met.

Q9. Is the deletion of sites from the Schedule in Appendix E an indication that a lapse rate should be included?

GBC has deleted a number of sites from the housing trajectory. The changes that have been made since the trajectory presented in the Revised Housing Background Paper Addendum [EX/104] include the removal of sites that were previously included in the supply but where planning permission has lapsed in the last monitoring year (between 1 April 2016 and 31 March 2017). Such an approach is considered appropriate given the need to ensure that only deliverable sites are included within the five year supply. However, it does provide an indication that it is appropriate to include a lapse rate within the trajectory. This matter is considered in more detail in our response to Q8 above.

Q10. Have sufficient sites been allocated in the Plan to meet the target of 7,250 homes set out in the ACS [Appendix A]?

Northern Trust maintains that insufficient sites have been identified in the LPS to ensure that the minimum housing requirement of the ACS will be delivered within the plan period. The LPD will fail to ensure that the Borough’s Objectively Assessed Need (OAN) for housing is met; both in terms of overall quantity and distribution between settlements. Detailed comments in that regard have been provided in previous submissions, including our response to the Revised Housing Background Paper Addendum and the Hearing Position Statements in respect of Matter 5, in particular.

¹⁴ Paragraph 60, Gedling Borough Council Statement to support Revised Housing Background Paper Addendum and Revised Policy LPD 63 Housing Distribution [EX/117]

¹⁵ Section 2, Housing Land Supply: Explanatory Paper (Ashfield District Council, January 2017) (available at: <http://www.ashfield.gov.uk/media/2515/h1-housing-land-supply-explanatory-paper-2017.pdf>)

¹⁶ Paragraph 58, Gedling Borough Council Statement to support Revised Housing Background Paper Addendum and Revised Policy LPD 63 Housing Distribution [EX/117]

¹⁷ DCLG Presentations to the HBF Planning Conference (September 2015)

In the circumstances, additional sites need to be identified to ensure that the adopted housing requirement is achieved; both borough-wide and within individual settlements.

Land at Orchard Close in Burton Joyce has been shown to be available, suitable and achievable for development in the short to medium term, and GBC has already recognised through the LPD process that there are 'exceptional circumstances' to release part of the site from the Green Belt to meet development needs. The delivery of housing on a larger site at Orchard Close could make a notable contribution towards the achievement of the minimum housing requirement, and also help to meet needs within Burton Joyce.

In the context of the above comments, Northern Trust maintains that additional land at Orchard Close should be allocated for housing development within the current plan period.

Q11. Are the deliverability assumptions for sites in the planning system appropriate [Appendix B]?

No comment.

Q12. Are the projected completions for deliverable sites included in the 5 year housing land supply period appropriate and achievable and based on sound evidence [Appendix C]?

No comment.

Q13. Does the detailed housing trajectory demonstrate realistically that the housing development, for which the Plan provides, will come forward within the Plan period [Appendix D]?

No comment.

Q14. Are the projected completions for deliverable and developable sites included in the Plan period 2011 to 2028 appropriate and achievable and based on sound evidence [Appendix E]?

No comment.

Q15. The Council's Revised Housing Background Paper says that the list of sites under the threshold in Appendix E has been updated with only those sites where information has been received as part of the SHLAA 2016 consultation or in 2017 now being included in the housing supply. However, there are some sites where Council assumptions have been made (Chase Farm, 6/200, 6/802, Plains Road, 6/818 and 6/229) and some where information has been received as part of the SHLAA 2016 consultation or in 2017 and Council assumptions have also been made (6/218 and 6/137) – why is this the case?

No comment.

Q16. On what basis were the 2017 responses made from landowners/ developers?

No comment.

REVISED POLICY LPD 63 HOUSING DISTRIBUTION [EX/105A]

Q1. Does the revised Policy LPD 63 robustly demonstrate that a minimum of 7,250 homes will be provided for during the plan period (2011 to 2028)?

GBC's latest version of Policy LPD63 (now referred to as Policy LPD64) proposes minor amendments to the version of the policy included in the Publication version of the LPD and the 'proposed revised' version published in March 2017 [EX/105].

The proposed amendments to housing distribution within the borough (as set out at Policy LPD63 [EX/105A]) remain inadequate to overcome Northern Trust's concerns that the LPD does not accord with the spatial strategy of the ACS, as set out in our Hearing Position Statements to Matters 3 and 5. In particular, Northern Trust is concerned that:

- The proposed housing distribution fails to accord with the ACS and will fail to meet identified needs within individual settlements.
- The identified level of supply in Burton Joyce has been over-stated by GBC as it has been assumed that all sites with extant planning permission will be built out as anticipated.
- The proposed housing distribution contained at Policy LPD63 (as previously proposed and proposed to be amended [EX/105A]) fails to accord with the aspirations of the ACS and would fail to meet identified housing needs in Burton Joyce over the plan period.

In the circumstances, additional housing sites should be identified in Burton Joyce. Such an approach would accord with the ACS, reflect the sustainability of the settlement, its ability to accommodate housing growth and the identified minimum level of need in the village.

I trust that the above comments are helpful to the Inspector in her ongoing consideration of the Gedling Local Planning Document (Part 2 Local Plan) and look forward to discussing these further at the reconvened hearing session on 27 June. Please do not hesitate to contact me in the meantime if you have any queries or require anything further.

Yours sincerely



Stephen Bell
Senior Director, Head of Planning North

stephen.bell@turley.co.uk