

Statement by Hambleton District Council on the implications of the Government's changes to PPS3 and RSS for the soundness of the submitted Allocations DPD, in response to the Inspector's letter of 25th June, 2010

1. PPS3: Housing - Changes of 9th June 2010

a. Deletion of the national indicative minimum density of 30 dwellings per hectare from paragraph 47:

- 1.1 Although paragraph 2.18 of the DPD refers to this minimum figure in PPS3 in the first sentence, it is still considered to be a good starting-point for assessing what density could be achieved on housing allocation sites in Hambleton. The Council has proposed a change to the density for each housing site proposal to express it as an approximate figure rather than a minimum in order to introduce more flexibility. These densities vary from site to site depending on the site location and circumstances and take into account the criteria in PPS3 paragraph 46. It has not been a case of applying the 30 dwellings per hectare minimum density in a blanket fashion and both higher and lower densities have been put forward. This has been based on an assessment of individual sites irrespective of the indicative minimum density advice.
- 1.2 PPS3 retains its reference in paragraph 45 that "using land efficiently is a key consideration in planning for housing". The Council similarly remains keen to see land developed in an efficient manner and therefore sees this change to PPS3 as having no effect on its Allocations DPD and there is no need to change the density figures and yields proposed on each housing site to make the DPD sound. In any event the density on a site will be agreed at the planning application stage and a decision will be reached on the basis of the relevant LDF policies (and particularly Development Policy DP32), revised PPS3 and other material considerations at the time, which provides for flexibility and local decision making.

b. Amended definition of previously developed (or brownfield) land in Annex B to exclude private residential gardens in built-up areas:

- 1.3 The allocated sites include very few private garden areas (ie only parts of BH2, EH4 (as per proposed change), NM5D, SH1, SH5, TH3 and TM2A) and of these, only sites SH5 (*Context*) and TH3 (*Justification*) are specifically referred to as brownfield in the DPD. Also these are small areas, almost all involving the redevelopment of their associated single dwellings (which mainly comprise farmhouses lying just outside the built-up areas) and are not regarded therefore as the particularly objectionable "garden grabbing" proposals.
- 1.4 The resulting fall in the brownfield dwellings supply figure through the redefinition of the above parts of the allocation sites alone would therefore not reduce brownfield supply significantly. It has not been possible in the timescale available to review the status of all the completions and commitments sites in the supply total since 2004, which would be a major task.

- 1.5 The consideration of whether gardens should be redeveloped and particularly in the context of defining Development Limits, has been undertaken by the Council not merely on the basis of whether it has brownfield or greenfield status but in terms of overall suitability. This assessment was made in accordance with, and reflects the final sentence of, the PPS3 Annex B's definition of brownfield land, which says: "there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed".
- 1.6 No allowance has been made in the DPD for windfall developments, which arise from the development of gardens in built-up areas. However the Council has no specific policies in its LDF to restrict garden redevelopment in built-up areas, except through the definition of Development Limits (which have been designated for the built up areas which form sustainable settlements). These Development Limits exclude garden areas which the Council does not wish to see developed for housing. This approach is firmly in line with the Minister for Decentralisation's 9th June Statement which supports "local authorities and communities taking the decisions that are best for them, and decide for themselves the best locations and types of development in their areas." This will continue to be the case through the application of Development Policy DP8.
- 1.7 In terms of the Allocations DPD seeking to deliver the LDF's brownfield housing target of 55% in Policy DP12, circumstances have changed and this figure, which was derived directly from Draft RSS, has now become out-of-date and unjustified in terms of the new definition. It was calculated entirely on the basis of the former brownfield land definition using the following factors: audit of Urban Potential Studies (50%); average completion rates April 2002 - April 2004 on brownfield land/through conversions (30%) and the percentage of outstanding permissions on brownfield land/conversions as at April 2004 (20%).
- 1.8 These elements all included gardens in built-up areas as brownfield, so the target should now be considered to be set on the high side in the context of the new brownfield definition, as should the regional target of 65% and the PPS3 national target of 60%. Such consideration is particularly significant for this DPD as the proposed allocations, together with the commitments and completions at April 2008, amounted to 46% brownfield (although the brownfield provision figure will no longer be 46% under the new definition).
- 1.9 In the light of the amended definition, the Council does not consider it necessary to reassess the DPD's allocations or assumptions about windfalls and there is no impact on the amount of land to be allocated for housing. The Council does not propose any changes to the Allocations DPD to exclude garden areas from any allocation sites, to amend the Development Limits boundaries to exclude further garden areas nor to allocate additional or alternative sites in order to make the DPD sound. The new changes will of course be reflected in Development Management decisions which will take full account of the updated PPS3. With regard to the DPD the references to brownfield proportions should be regarded as out-of-date but they are not considered to be so important as to warrant recalculation as the Hambleton target of 55% and national target of 60% are also out-of-date so no proper comparison can be made of whether targets are being effectively achieved.

2. Proposed abolition of RSS

- 2.1 The Allocations DPD is generally consistent with the Core Strategy and Development Policies DPD but has also been influenced by the approved RSS of May 2008 in order to ensure general conformity.
- 2.2 The spatial pattern of development proposed in the DPD is consistent with the Core Strategy with the right proportions of development allocated in the sub areas and Service Centres. The main area of concern in relation to the influence of approved RSS and the consequences of its early abolition is the justification for the scale of housing development put forward in the Allocations DPD, especially for the period 2021-2026, which was not covered in the Core Strategy and was derived purely from the published RSS housing figures.
- 2.3 As covered in the Council's Examination Statement 2 – Overview of Allocations [AES2] paragraph 2.8, Core Strategy Policy CP5 was developed in parallel with the draft RSS and the housing figures were consistent with it. The amount of housing and the time period changed in the approved RSS 2008 [RCD5A], Policy H1 and Table 12.1. To be consistent, and up-to-date, with the approved RSS the Council considered it appropriate for the Allocations DPD to incorporate these revised housing requirements and to identify housing sites for the period 2021 to 2026. Paragraphs 2.4 – 2.10 of the Allocations DPD explain how the Council achieved this, in accordance with the principles and policies of the Core Strategy. For the period to 2021 the differences were minor, no greater than +/-30 dwellings per annum, and the additional phase added for 2021-2026 at a rate of 290 units pa (gross) is consistent with the previous general rate of development. The Council did not consider it appropriate to put forward alternative figures once the RSS was approved, which it could have done and argued its case on general conformity at examination. Nor did it consider it appropriate to only plan for housing sites up to 2021, in order to comply with the need to provide for at least 15 years supply from the adoption date (PPS3 paragraph 53). Accommodating these changes into the Allocations DPD was generally in conformity with the principles and policies of the Core Strategy as well as approved RSS.
- 2.4 These changes occurred post-Preferred Options consultation and were agreed by the Council at the Proposed Submission stage. At this stage the representations submitted indicated there was little objection to the changes to the scale of housing provision. The Council and key stakeholders accepted these figures as the most appropriate and pragmatically sought to accommodate them through the site allocations and so deliver housing development as quickly as possible to bring about much needed economic recovery, rather than go back to review the recently adopted Core Strategy.
- 2.5 Another area of significant RSS influence is in relation to the sequential approach to site selection as contained in RSS Policy YH7, and specifically referred to in paragraphs 2.15 and 2.25 of the DPD. This sequence of site search also stems from PPS3 (paragraph 36) and the Core Strategy (Policies CP1, CP6 and CP11) and it was put forward at Preferred Options stage in October-November 2007 in accordance with the Submission draft RSS at the time (Policy YH8). This sequence was agreed by the Council and has given little cause for soundness objections, except where this sequence has not been rigidly applied. If RSS policy was removed the Council would still wish to

proceed with the approach taken to site selection, although it could have been more flexible.

- 2.6 During the examination consideration has been given to several other RSS conformity issues, particularly regarding concerns raised by objectors and the alignment matters highlighted by the Regional Planning Body. These have covered Brownfield targets for Housing (Policy H2); Gypsies and Travellers (Policy H6), Employment land provision (Policies E1 and E3 and Tables 11.1, 11.2 and 11.3) and the Public Transport accessibility criteria (Policy YH7 and Tables 13.8 and 13.9) and Green Infrastructure (Policy YH8). The Council has argued its stance and reasoning on the application of these policies during the examination (and see response to 1b above) and clearly if the RSS is abolished the weight to be attached to these policies will end.
- 2.7 The proposed abolition of the RSS does not raise any other issues affecting the soundness of the Allocations DPD. The numerous references to RSS throughout the DPD should however be removed and updated if abolition occurs before the Inspector's report is received. At present the RSS remains in force and therefore the legal situation has not changed. RSS conformity is currently part of the legal compliance test and the DPD is considered to remain sound in terms of being justified, effective and consistent with national policy.

RGB/05/07/2010