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Sent by Email only

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Dear Sir / Madam,

Yorkshire Dales Local Plan: Main Modifications

1. Thank you for consulting the Home Builders Federation (HBF) on the proposed main modifications to the Yorkshire Dales Local Plan (examination document PEH-MOD), the Housing Land Supply document (examination document PEH-HLS) and Housing Site Viability document (examination document PEH-HSV). We would like to make the following comments on each document.

Main Modifications (PEH-MOD)

2. The HBF is supportive of many of the proposed main modifications. It should, however, be noted we still have some fundamental concerns with the plan as submitted. These are included within our comments upon the submitted plan and examination hearing statements.

Modification Number: PEM1, Page 5, Paragraph 1.25, 1.26

3. The HBF supports the inclusion of the additional paragraphs which add further clarity.

Modification Number: PEM2, Page 34, Policy C1

4. The HBF supports the proposed amendments as they remove ambiguity.

Modification Number: PEM3, Page 34, Policy C1

5. The inclusion of a viability clause is supported, this is considered consistent with the requirements of the NPPF. It also goes some way to addressing our concerns regarding the inflexibility of the application of the local occupancy criteria (see our Matter 3 hearing statement).

Modification Number: PEM4, Page 34, Policy C1

6. Providing the modification retains the reference to '*be informed*' and is read in conjunction with proposed modification PEM3, we do not wish to raise objection to this modification. If a more inflexible stance were taken the HBF would have objections on the grounds of the evidence not being tested through the examination process (i.e. later iterations of the SHMA) and the potential impacts upon viability and hence delivery.

Modification Number: PEM5, Page 34, Paragraph 4.3

7. The HBF supports the inclusion of the reference to the housing requirement being an average over the plan period and a net requirement. This accords with our previous comments upon this issue (see our Matter 3 hearing statement).

Modification Number: PEM6, Page 36, New Paragraph 4.12

8. The inclusion of a clear intent to review Policy C1 within 5 years of adoption is supported. It is, however, considered that the policy should be reviewed earlier if it is found to be failing against the three bullet points. This could be made more explicit in the revised text.

Housing Land Supply (PEH-HLS)

9. The HBF would like to make the following comments upon the August 2016 Housing Land Supply evidence. These comments should be read in conjunction with our comments upon the submitted plan and matter 3 examination hearing statement.

Historic Windfall Supply

10. The evidence upon windfall supply over the proceeding 10 years is provided within section 1 of the Housing Land Supply paper (hereafter referred to as the HLS paper). This indicates a 10 year average delivery from windfall sites of 46 dwellings per annum (dpa). It is, however, notable that the strength of windfall delivery is lower in the last five years averaging 30dpa. It is unclear whether these are net or gross figures.
11. The National Park Authority (NPA) propose to include an 18dpa windfall allowance within the plan. Appendix 2a of the HLS paper indicates that the rate of windfalls within the first three years will incrementally increase from 5 to 10 to 15 dwellings respectively. From year four onwards the full 18dpa from windfalls are anticipated. Therefore over the remaining plan period (2016/17 to 2029/30¹) a total

¹ Based upon the stated plan period 2015 to 2030, if extended to 2030/31 (as indicated in appendix 2a this would increase to 246 dwellings).

of 228 dwellings are anticipated to be provided from windfalls. This represents approximately 29% of the residual requirement².

12. In terms of the level of windfalls identified over the plan period the HBF does not doubt that future supply will be provided from this source. It is considered correct that the NPA discounts the level of delivery from that previously experienced over the last five or ten years, as the rate of past delivery serves little purpose in predicting future supply. Our reasoning for this conclusion is due to the fact that between 1996 and 2006 no sites were allocated for housing and post 2006 just two sites were allocated therefore by default the majority of development had to come forward through windfalls. The previous levels of windfall delivery was therefore provided under very different circumstances. Furthermore given that the plan is now proposing new allocations, providing they are viable, these are likely provide the focus for the majority of development in the future given their emphasis within the plan and the greater certainty this provides developers.
13. The HBF therefore concludes that a significant discount upon previous rates of windfall delivery is required. The proposed allowance of 18dpa does provide such a discount and is therefore considered realistic. This should be carefully monitored to ensure such a level of delivery is maintained. However, unlike the NPA, we do not consider this to be a conservative estimate. Given the inherent uncertainties with the delivery of windfall sites and the issues raised above we do not consider that the five or ten year averages, identified in appendices 2b and 2c respectively of the HLS paper, should be applied.
14. The HBF also raises a minor concern with the delivery of five units from windfalls within year 1 and ten units in year 2, appendix 2a. This is because to deliver these units within year 1 or 2 it is likely that the majority will already need to benefit from planning permission, due to the time taken to discharge any pre-commencement conditions, undertake site preparation and complete the build. This may therefore create an element of double counting with extant planning permissions. As such it is recommended that no dwellings are allocated to windfalls within year 1 and 5 units are applied in year 2. It should be noted that the vast majority of local planning authorities do not include a windfall allowance in at least the first two years due to the potential for double counting.

Allocated Sites

² Based upon delivery of 32 dwellings since 2015, if as suggested chapter 4 a start date of 2016/17 is utilised windfalls would represent approximately 30% of the requirement.

15. Section 2 of the HLS paper discusses the availability of allocated sites. Within this section the NPA suggests that 21 of the 27 are available now, representing a total of 183 dwellings. The HLS paper goes on to suggest that over half of the capacity of these sites (102 dwellings) will be delivered within the five year supply.
16. Whilst the HBF has not undertaken its own survey of availability and deliverability this does appear a bold statement given the, albeit limited, information provided in appendix 1. The vast majority of the sites identified as available now do not appear to have either engaged in meaningful pre-application discussions with the NPA or have an identified developer interest. For example site reference 004 (10 dwellings) is identified as available now yet the comments indicate no developer interest so far. Similarly site reference 069 (30 dwellings) is also identified as available now but again there is no developer interest at this stage. The document does not indicate which of the sites identified as available now are anticipated to deliver in the first five years or the level of contribution from such sites.
17. The veracity of the NPAs conclusions upon the contribution of the allocations to the five year supply is therefore questionable. This will inevitably have consequences for the five year housing land supply calculation. To provide greater clarity and certainty the HBF recommend that the NPA provide a trajectory for each of the allocations together with further details regarding availability. This would provide greater clarity upon the credibility of the delivery assumptions.
18. It should also be noted that the 102 units identified is somewhat at variance to table 17 of the *July 2015 Housing Need, Land Supply and Housing Target* paper. This paper indicates that only 10 units per annum (50 in total) will be delivered from allocations prior to 2020.

Overall Position on Housing Land Supply

19. Section 4 of the HLS paper, amongst other issues, discusses the backlog accrued since the start of the plan period. The NPA appears to suggest that as the plan is not yet adopted it should not be required to make-up any backlog prior to its adoption. The plan period is, however, quite clearly stated as 2015 to 2030. We therefore consider this is the timeframe over which the plan should be judged.
20. The period 2015 to 2030 also accords with the time period of the evidence base, upon which the plan is founded (Edge Analytics November 2015, Yorkshire Dales National Park Demographic Forecasts). It cannot simply be assumed that a

different period of time will ultimately identify the same housing needs. It would therefore be inappropriate to suggest that a different time period should now be applied. The HBF therefore considers that the housing backlog accrued since 2015, 23 dwellings, should be applied.

21. The NPA then seeks to apply this backlog using the 'Liverpool' methodology by spreading the backlog over the remainder of the plan period. It is argued this is justified due to the fact there has not been a persistent record of under-delivery of housing in the National Park. This is an inappropriate test of meeting the backlog. The National Planning Practice Guidance (PPG) is very clear that under-supply over the plan period should be dealt with in the first five years (PPG ID 3-035). The NPA has not provided any reasonable evidence why this should not be the case in its circumstances.

22. The NPA also considers itself to be a 5% authority in terms of the requirements set out within paragraph 47 of the National Planning Policy Framework (NPPF). The HBF does have some sympathy with the NPA in this regard due to the fact it has not had a housing requirement figure in the past and as such there is little to gauge delivery against. This issue is covered in greater detail within our matter 3 examination hearing statement (paragraphs 33-35).

23. The HBF therefore considers that the five year housing land supply requirement is;

	5% buffer	20% buffer
Annual Housing Requirement (55*5)	275	275
Under-supply	23	23
Buffer	15	60
Five Year Supply Requirement	313	358

24. The HLS paper suggests a supply of 303 dwellings over the first five years. Therefore notwithstanding our comments in relation to issues with the identified supply it does not appear that the NPA can currently demonstrate a five year supply.

Housing Site Viability (PEH-HSV)

25. The HBF is pleased to note the additional viability evidence provided by the NPA. This information does not overcome our concerns regarding the viability of the policies contained within the plan. The updated study continues to identify viability

problems across the majority of the scenarios tested and therefore our concerns highlighted within our matter 3 hearing statement remain. Furthermore our concerns regarding the inputs, such as the lack of detail regarding the impact of other policies and potential obligations included within the plan, disposal costs, external works and the level of developer profit identified also remain.

Information

26. I would be happy to discuss any of the above comments in greater detail. The HBF would like to be involved in further hearing sessions if considered relevant and necessary.

27. We would also like to be informed of the following;

- Publication of the inspectors' recommendations
- Adoption of the Local Plan

Yours sincerely,

MJ Good

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