

ID User 20125 – CPRE HAMPSHIRE

WINCHESTER DISTRICT LOCAL PLAN: PRE –SUBMISSION CORE STRATEGY UPDATED REPRESENTATION

This updated Representation relates to the Pre-Submission Representation made by CPRE Hampshire concerning Policy DS1 of the Joint Core Strategy (JCS), on the subject of windfall allowances. The National Planning Policy Framework paragraph 48 makes a very significant change to pre-existing policy on windfall allowances. Accordingly, this Updated Representation should be treated as entirely replacing the original Representation in order to reflect provisions of the NPPF and to comment on Proposed Modification 177 in the Schedule of Proposed Modifications June 2012 (to insert Appendix F to the JCS - Winchester District Housing Trajectory)

Representation re windfall allowance from CPRE Hampshire

The Joint Core Strategy is **unsound (not justified)** in that in relation to meeting housing requirements for the Winchester District it **does not adopt the most appropriate strategy for completions on windfall sites**

The National Planning Policy Framework (NPPF) provides:

8to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

17 Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

.....

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- contribute to conserving and enhancing the natural environment and reducing pollution....
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

.....

151. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.

156. Local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:

.....

- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;

- minimising impacts on biodiversity.....

.....

111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

And specifically in relation to windfall sites, NPPF provides

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.

Annex 2: Glossary – **Windfall sites:** Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

In the Joint Core Strategy (“JCS”) it is stated:

Para 2.1 *[Winchester District] is the least densely populated in Hampshire covering some 661 square kilometres, centred around the county town of Winchester.*

Para 2.3 *The District has many special heritage characteristics with over 2000 listed buildings, more than 30 conservation areas, over 100 scheduled monuments and 10 historic parks and gardens and a registered battlefield. The natural environment is also valued with a range of designations both local, [national] and European. The tidal area of the River Hamble / Solent within the District is both a Special Area of Conservation and a Special Protection Area, and the Itchen Valley, which covers a large part of the District including the source of the River Itchen is also a Special Area of Conservation. At the more local level there are over 600 sites of importance for nature conservation and 17 Sites of Special Scientific Interest. 40.4% of the District now falls within the South Downs National Park*

Para 2.8 *The form and quality of the natural and built environment of the District is a fundamental feature and highly valued.....*

Para 2.16 Winchester Town. *The historic, cultural, aesthetic visual and nature conservation elements of Winchester and its setting are of exceptional quality.....*

Para 2.25 Market Towns and Rural Area. *This spatial area of the Winchester District includes 50 or so smaller settlements, which range from larger villages of several thousand population, to small hamlets of a few dwellings originally serving the agricultural industry. The varied nature of the settlements in this part of the District requires a strategy that will allow local opportunities to be*

realised whilst protecting the rural nature and character of the villages and surrounding countryside, many of which now lie in the South Downs National Park. In delivering the National Parks purposes the Local Planning Authorities have a duty to seek to foster the economic and social well-being of the local communities within the National Park, and must meet the [statutory] purposes of the National Park.....

Para 2.28 *Given the rural nature of the area, there are a number of designations associated with the high quality built and natural environment (Special Areas of Conservation, Sites of Nature Conservation Importance, Conservation Areas, Historic Parks and Gardens). These not only act as a constraint on development, but also protect those features which are most valued and which add to the overall character*

Para 2.34 Spatial Planning Objectives - High Quality Environment

- *protect and enhance Winchester District's valuable environments and wildlife assets, whether these are urban or rural areas or involve the built or natural environments. To ensure change restores, maintains or enhances the biodiversity, landscape character and historic environment of the District as a special place*

Policy DS1 *Development proposals will be expected to make efficient use of land within existing settlements and prioritise the use of previously developed land.....*

South Downs National Park – Section 62 of the Environment Act 1995 places a duty on National Parks and any other relevant authorities to have regard to* National Park purposes in undertaking their statutory duties. The two main purposes (Section 61) are (i) to conserve and enhance the natural beauty, wildlife heritage of the National Park: and (ii) to promote the opportunity for the understanding and enjoyment of the special qualities of the National park by the public.

(*In fact the South Downs National Park Authority is required to carry out these purposes, which is a higher duty)

Para 7.53 *.....the District's distinctive landscape character, which derives from a combination of natural and man-made assets, contributes to its special qualities. The importance of the landscape, both as a whole and locally important features as identified in the Winchester District Landscape Character Assessment and the Winchester City and its Setting Study, highlight the necessity for these special qualities to be retained and respected in planning for growth and change.*

Policy CP20 - Heritage and Landscape Character *The Local Planning Authority will support new development which recognises, protects and enhances the District's distinctive landscape and heritage assets. These may be designated or undesignated and include natural and man-made assets associated with existing landscape and townscape character, conservation areas, scheduled ancient monuments, the, historic parks and gardens, listed buildings, historic battlefields and archaeology. Particular emphasis should be given to conserving:*

- *recognised built form and designed or natural landscapes that include features and elements of natural beauty, cultural or historic importance;*
- *local distinctiveness, especially in terms of characteristic materials, trees, built form and layout, tranquillity, sense of place and setting.*

CPRE Hampshire **fully supports the conservation and enhancement** of the District's high quality natural and built environment. It is especially relevant in this connection that the South Downs National Park covers 40% of the District and much of the remaining countryside is unspoilt and locally distinctive, which limits development potential.

Within the South Downs National Park furtherance of the statutory purposes which apply to the national park will prevent allocation of sites which would be a significant incursion into the countryside of the national park.

These policy provisions regarding the natural environment would be further enhanced if CPRE Hampshire's Representation re proposed Policy CP 19 is adopted

Need for an allowance for windfall completions

PPS3 did not permit an allowance for windfall completions other than in very limited circumstances and, accordingly, no windfall allowance was included in previous versions of the Local Plan Part 1. However this position is fundamentally changed by paragraph 48 of NPPF which permits an allowance for windfall completions where there is 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 historic windfall delivery rates and expected future trends.

In the **WCC Background Paper – 1 Housing Provision, Distribution and Delivery June 2012¹ (“Background Paper - Housing”)**, it is stated that windfalls have made a very substantial contribution to housing provision over the last 10 years (55% of total completions) and have remained a very reliable source of supply, including since the financial crisis of 2008.

If no allowance is made for this substantial contribution of windfall completions and, as a consequence, an overprovision of housing is located on greenfield sites there will be a significant adverse impact on:

- furtherance of the statutory purposes of the South Downs National Park, and
- the strategic priority in the JCS to conserving and enhancing District's high quality natural and built environment

On the other hand, an allowance for windfall completions will advance the strategic priorities of the JCS, and provide conformity with NPPF, by:

- furthering national park purposes and giving great weight to landscape and scenic beauty in the South Downs National Park
- furthering the conservation and enhancement of the natural environment and landscapes, and recognising the intrinsic character and beauty of the countryside
- making efficient use of land within existing settlements, and thereby prioritising the use of previously developed land, and
- furthering sustainable development.

A windfall allowance will reduce the need for Strategic Allocations for housing, which will tend to be on greenfield sites.

¹ Paragraph 6.45

Local circumstances give special importance to minimising the need for additional infrastructure, services and other facilities which would be intrusive in the South Downs National Park and other unspoilt and locally distinctive countryside. Windfall allowances obviate the need for unplanned infrastructure, services and other facilities consequent upon the significant underestimate of housing supply which will arise if windfalls are not allowed for.

Evidence established by CPRE (*"Building in a small island: why we still need the brownfield first approach – Appendix 4"*) shows that in Winchester District more than 97 hectares of previously developed land was used for housing in the period 2002-2008, leaving apparently only 11 hectares in 2008. Yet the evidence shows that, over the same period, the rate of replenishment of previously developed land suitable for housing in 2008 was more than 95 hectares, very nearly as much as was available in 2002. This will have come mainly from windfalls. Accordingly, it is not to be expected that there will be a shortage previously developed land.

This is borne out by the Background Paper - Housing² where it is stated that the contribution to completions from windfall sites has increased over the last 10 years, not decreased. So, windfalls will continue to provide a reliable source of housing supply.

Accordingly, while NPPF does not mandate making a windfall allowance in all cases, to make such an allowance must be the most appropriate strategy in a District of the character of Winchester District where 40% of the district falls within the South Downs National Park and much of the remaining countryside is unspoilt and locally distinctive, all of which limits development potential on greenfield sites.

Amount of windfall allowance

The Background Paper - Housing³ shows that in the period 2001-2011 there were 2656 completions which were **not specifically identified** in the current Local Plan or in the Urban Capacity Study / SHLAA, thereby falling within the definition of windfall sites within NPPF (see above). The number per annum has increased over the last 5 years of that period, amounting to an **average of 334 dwellings per annum**.

Over the 20 year period of the Local Plan Part 1 this would amount to a total of 6680 dwellings.

NPPF paragraph 28 recommends against an allowance for windfall sites that includes residential gardens. The logic of this, so we understand it, is that garden land is not now within the definition of previously developed land within NPPF and so less garden land will be developed in future. However, garden land is still permitted to be developed where appropriate to the character of the neighbourhood and, according to officers of Winchester City Council, this test would have been passed by almost all the development which has taken place on garden land in recent years. Accordingly it is very likely that close to the established rate of windfall garden development will in fact continue.

² Paragraph 6.45

³ Table following Paragraph 6.44

The Background Paper - Housing⁴ goes on to show that in the last five years of the period 2001-2011 there were 855 windfall completions after excluding those on garden land. The average was 171 dwellings per annum.

Accordingly, an average of **163 dwellings per annum was completed on garden land** over the last 5 years. **Over the 20 year period of the Local Plan Part 1 this would amount to a total of 3260 dwellings.** The total housing requirement in the JCS is 11000 dwellings. Appendix F of the JCS⁵ shows that Commitments and SHLAA sites (within settlement policy boundaries) amount to 2276, leaving a total additional requirement for 8724 dwellings. **3260 dwellings is some 37% of such total additional requirement.** If the 5346 dwellings allocated to Strategic Allocations in South Hampshire Urban Areas⁶ are deducted from the 8724 total additional requirement, leaving 3378 additional requirement for the rural area (including Winchester Town), **3260 dwellings is some 95% of such additional requirement for the rural area (including Winchester Town)**

For the reasons stated above in relation to a making a windfall allowance it cannot be an appropriate strategy in Winchester District to ignore windfall completions on garden land which will form such a significant proportion of the additional total housing requirement (not already met by Commitments and SHLAA sites), and provide almost all of the additional housing requirement for the rural area (including Winchester Town).

There is no requirement at law for conformity with NPPF and the Minister has made it clear that the NPPF provides for a localist approach. NPPF provides that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.

Further, the Background Paper - Housing⁷ notes that

- a more flexible approach to development in the smaller rural settlements is expected to deliver more small scale development than in the past, which will be windfall sites; and
- changes to existing settlement boundaries through either Neighbourhood Plans or the Local Plan Part 2 will increase the potential for windfall sites.

Accordingly, CPRE Hampshire considers that the most appropriate strategy for Winchester District is (at a minimum) to take account in a windfall allowance of the total average windfall completions over the last 5 years, namely 334 dwellings per annum.

If, contrary to this view, garden land is to be excluded then the most appropriate strategy for Winchester District is (at a minimum) to take account in a windfall allowance of the total average windfall completions over the last 5 years, excluding garden land, namely 171 dwellings per annum.

⁴ Table following Paragraph 6.44

⁵ Appendix C of the Background Paper - Housing

⁶ Appendix C to the Background Paper - Housing

⁷ Paragraph 6.47

Application to the Housing Trajectory (Proposed Appendix F⁸ to the JCS)

Appendix F to the JCS⁹ makes provision for expected delivery of 1378 dwellings over the Plan Period for “Local Plan Part 2 / Windfall”. The Background Paper - Housing¹⁰ makes clear that this includes a very modest allowance for windfall sites designed to show that the needed 11000 completions will be achieved. As windfalls will in fact continue unabated at 334 or more per annum, the fact that no completions are allowed for in the first five years indicates strongly that this allowance is based much more on dwellings expected to come forward through either Neighbourhood Plans or the Local Plan Part 2 than a true NPPF Paragraph 48 windfall allowance designed to reflect historic windfall completions (whether or not completions on garden land are excluded).

For the reasons stated this approach cannot be justified in Winchester District.

At a minimum the “Local Plan Part 2 / Windfall” figure in Appendix F should provide for delivery of 334 dwellings per annum, amounting to 6680 dwellings over the Plan Period (alternatively 171 dwellings per annum, amounting to 3420 dwellings over the Plan Period). This would be realistic having regard to historic windfall delivery rates and expected future trends and accord with NPPF Paragraph 48. The need for Strategic Allocations should be adjusted accordingly.

CPRE Hampshire

27 July 2012

⁸ Inserted by Modification 177 in the Schedule of Proposed Modifications June 2010

⁹ Appendix C to the Background Paper - Housing

¹⁰ Paragraph 6.48