



**RIBBLE VALLEY HOUSING AND ECONOMIC DEVELOPMENT
DPD EXAMINATION IN PUBLIC**

**STATEMENT IN RELATION TO LAND AT WISWELL LANE,
WHALLEY.**

DECEMBER 2017

INTRODUCTION

1. Gary Hoerty Associates has been instructed by the owners of a site at Wiswell Lane, Whalley to submit representations to the Ribble Valley Housing And Economic Development DPD Examination In Public further to its earlier representations to the Regulation 19 Consultation.
2. Our representations relate to Issue 2 as identified by the Inspector. It is our view that:
 - The council's strategy for meeting its housing requirement is not sound as it has not allocated sufficient sites to meet the council's housing requirement (Questions a and b); and
 - It has not made adequate provision to reasonably ensure that it can satisfy the provision of a five year housing land supply (question c)
3. Specifically, we are able to identify a site on land at Wiswell Lane, Whalley that is appropriate (and available) to provide sustainable housing development. This site is identified in Appendix A. It is our view that the site should be identified as falling within an area allocated under Key Statement DS1: Development Strategy within the HED DPD and that the settlement boundary of Whalley should be extended to incorporate this allocation.
4. Our representations in relation to Questions a, b and c are intertwined. We will however first look at the council's current approach to meeting its housing requirement and look at its five year housing land supply situation; we will then look at the suitability of the site at 'Wiswell Lane, Whalley' to provide a sustainable site for housing.

5 YEAR HOUSING LAND SUPPLY

5. Paragraph 47 of the NPPF states that local planning authorities should take action to boost significantly the supply of housing. The first step in such action is for local planning authorities to "*use their evidence base to ensure that their Local Plan meets*

the full, objectively assessed needs for market and affordable housing in the housing market area, in as far as is consistent with the policies set out in this Framework”.

- 6. The second step is for local planning authorities to *“identify and update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under-delivery of housing, local planning authorities should increase the buffer to 20% to achieve the planned supply.”*

Does the Council have a five year housing land supply?

- 7. What is the council’s position in relation to housing land supply at the time of writing (December 2017)? The Council’s ‘Housing Land Availability Schedule April 2017’ published in June 2017 and its accompanying officer report ‘Housing Land Monitoring’ states that the Council could demonstrate a 5.73 year housing land supply. This represents a considerable increase, over its supply of 4.99 years as set out in its ‘interim position’ in May 2017, as well as a significant increase in the 5.32 year supply recorded in the Ribble Valley’s Housing Land Availability Schedule October 2016.
- 8. This increase in housing land supply during 2017 can be explained by: the council’s decision to apply a 5% rather than 20% buffer; by the inclusion of sites proposed for allocation at Wilpshire and Mellor in the HED DPD; and by the inclusion of the Land West of Preston Road development in the calculation.
- 9. Figure 1 shows the Council’s stated position as at April 2017, published June 2017, but set out in the same format as other similar tables in this statement, for consistency.

Figure 1: Ribble Valley Borough Council - Five Year Land Supply (at April 2017, published in June 2017)

	<i>Total</i>	<i>Annual</i>

Requirement (minimum)		(i)	(ii)
A	RVBC Housing Requirement 2008-2028	5600	280
B	Completions 2008-2017	1770	196
C	Residual Requirement (A-B) 2017 to 2028	3830	348
D	Undersupply	750	83
E	Requirement for 5 years (2017-2022)	1400	
E	Requirement for 5 years + undersupply	2150	
E	Plus 5% buffer	2258	452
Supply			
F	Total Supply	2588	
Over Provision			
M	Against requirement + 5%	330	
No. of years' supply			
N	Against requirement +5%	5.73	

10. The officer report to committee (see Appendix B) when planning application 3/2016/1082 (relating to Land at Higher Road, Longridge said that: *“However, in assessing the application I am mindful that a recent informal interim position in relation to 5 year housing land supply has shown that the Local Authority cannot at present demonstrate a 5 year supply of housing.”* (paragraph 5.1.3). The council was saying at that time that it had a 4.99 year supply. This figure is confirmed in the ‘Policy response’ to the application. This figure used the October 2016 data but corrected a mistake in methodology used to derive the 5 year supply calculation. This error had been pointed out to the council by the appellant in appeal reference APP/T2350/W/16/3154410, relating to residential development at Preston Road Longridge . That appeal was subsequently withdrawn after the council resolved that it was minded to grant planning permission for a revised development. The appellant had pointed out that in addition to having generally over estimated the total realistic housing land supply, the council had also, specifically, failed to include the backlog within the 20% buffer calculation, thereby underestimating the overall requirement. This interim housing land supply calculation is shown in Figure 2.

11. The council subsequently took the position that it had a greater than five year housing land supply. The council’s policy officers subsequently confirmed that this

could be achieved if the Land West of Preston Road development (272 houses), referred to above, was included in the calculation. It is worth noting that using the council's own calculation; this would give a supply of 5.15 years. That calculation is shown in Figure 3.

Figure 2: Ribble Valley Borough Council - Five Year Land Supply (October 2016 with corrected methodology i.e. its 'interim position in May 2017)

		<i>Total</i>	<i>Annual</i>
Requirement (minimum)		(i)	(ii)
A	RVBC Housing Requirement 2008-2028	5600	280
B	Completions 2008-2016	1549	182
C	Residual Requirement (A-B) 2016 to 2028	4051	352
D	Undersupply	831	98
E	Requirement for 5 years (2016-2021)	1400	
E	Requirement for 5 years + undersupply	2231	
E	Plus 20% buffer	2677	535
Supply			
F	Total Supply	2674	
Under Provision			
M	Against requirement + 20%	3	
No. of years' supply			
N	Against requirement + 20%	4.99	

Figure 3: Ribble Valley Borough Council - Five Year Land Supply (October 2016 with corrected methodology and including development on Land at Preston Road)

		<i>Total</i>	<i>Annual</i>
Requirement (minimum)		(i)	(ii)
A	RVBC Housing Requirement 2008-2028	5600	280
B	Completions 2008-2016	1549	182
C	Residual Requirement (A-B) 2016 to 2028	4051	352
D	Undersupply	831	98
E	Requirement for 5 years (2016-2021)	1400	

E	Requirement for 5 years + undersupply	2231	
E	Plus 20% buffer	2677	535
Supply			
F	Total Supply (October 2016 plus 81)	2755	
Over Provision			
M	Against requirement + 20%	78	
No. of years' supply			
N	Against requirement + 20%	5.15	

12. In this statement we will demonstrate that the council cannot in fact demonstrate a 5 year supply. In terms of the current position (published April 2017) we can highlight the following issues:

- The council has overestimated likely delivery, particularly from large sites at Barrow (reference planning permission 3/2012/0630) and at Lawsonsteads Farm site in Whalley.
- The smaller sites' annual ability to contribute is overestimated. Delays with discharging reserved matters and getting on site will further reduce the actual supply.

13. Our analysis of the council's housing land supply has been restricted to consideration of large sites and proposed allocations in the HED DPD. Of course a detailed analysis of all sites put forward in the Housing Land Availability schedule may demonstrate that other sites may also not be accurately presented as wholly suitable for inclusion in the housing land supply. That has not however been part of our analysis and does not form part of our case here. The results of our analysis are set out in Appendix D and may be summarised by saying that we disagree with the overall numbers that Ribble Valley Council have allowed for:

- from three large sites, namely, the Standen Strategic Site; Land to the south and west of Barrow and west of Whalley Road, Barrow; and Land off Waddington Road, Clitheroe
- the inclusion of all of the 160 dwellings at Lawsonsteads Farm, Whalley and
- the inclusion of the two possible allocations in the HED DPD

14., Our analysis reduces the council's supply by 301 dwellings to 2287. Figure 4 shows how this would affect the Council's current housing land supply calculation (as shown in Figure 1).

Figure 4: Ribble Valley Borough Council - Five Year Land Supply (April 2017 readjusted for likely supply for large sites as set out in Appendix F and 5% buffer)

		<i>Total</i>	<i>Annual</i>
Requirement (minimum)		(i)	(ii)
A	RVBC Housing Requirement 2008-2028	5600	280
B	Completions 2008-2017	1770	196
C	Residual Requirement (A-B) 2017 to 2028	3830	348
D	Undersupply	750	83
E	Requirement for 5 years (2017-2022)	1400	
E	Requirement for 5 years + undersupply	2150	
E	Plus 5% buffer	2258	452
Supply			
F	Total Supply	2287	
Over Provision			
M	Against requirement + 5%	29	
No. of years' supply			
N	Against requirement + 5%	5.06	

15. This demonstrates that the Council can barely demonstrate a 5 year supply, even if applying, as the Council has now taken to doing, a 5% buffer. This is quite clearly a marginal figure. Figure 5 demonstrates the Council's housing land supply position if a 20% buffer was applied.

Figure 5: Ribble Valley Borough Council - Five Year Land Supply (April 2017 readjusted for likely supply for large sites as set out in Appendix F and 20% buffer)

		<i>Total</i>	<i>Annual</i>
Requirement (minimum)		(i)	(ii)
A	RVBC Housing Requirement 2008-2028	5600	280
B	Completions 2008-2016	1770	196

C	Residual Requirement (A-B) 2016 to 2028	3830	348
D	Undersupply	750	83
E	Requirement for 5 years (2016-2021)	1400	
E	Requirement for 5 years + undersupply	2150	
E	Plus 20% buffer	2580	516
Supply			
F	Total Supply (October 2016 plus 81)	2287	
Under Provision			
M	Against requirement + 20%	293	
No. of years' supply			
N	Against requirement + 20%	4.43	

16. The Council; Housing Land Monitoring Report sets out a justification for the Council applying a 5% buffer, when as recently as October 2016 it was applying a 20% buffer. The rationale is not convincing. We accept that the last 3 years have seen an upturn in completions but this is only making up for a long term clear and persistent failure to deliver enough housing to meet its housing minimum requirement. Furthermore, the council's justification for deciding that it does not demonstrate "persistent under delivery" is that it is applying the "housing delivery test" set out in the Housing White Paper "Fixing our Broken Housing Market" (February 2017). The recommendations of that White Paper are intended to be subject to consultation, a process which at the time of writing has been deferred. The "housing delivery test" is not government policy and it is not appropriate to use it at this point in time. In our view the circumstances in Ribble Valley indicate that application of a 20% buffer remains appropriate. This approach is supported by the Inspector's decision in an appeal at Land to the south of Dalton Heights, Seaham, County Durham (Appeal Ref: APP/X1355/W/16/3165490, included as Appendix C). In the decision the Inspector concludes on this issue that *"I have given full consideration to the points put forward by the Council, and have noted the support given to the Council's position by the DLDA GAB. However, the fact remains that the Council's revised figures relate only to a consultation process, which is still on-going, and can therefore carry little formal weight at this time. There is no certainty that the standard methodology suggested in the consultation document will be formally adopted, in due course – with or without amendment, and the indicative figures put forward by*

the Council as a result of this consultation have not been tested in any meaningful way. 39. In these circumstances I can only give this late information submitted by the Council, and its suggested, revised position on HLS, very limited weight.”

17. It is therefore our view that the Council cannot demonstrate a five year supply of housing land. Paragraph 49 of the NPPF is therefore brought into play. It states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.”*

What if the Council could demonstrate a five year housing land supply?

18. Even if the council can demonstrate that it has more than a 5 year supply, its supply is anyway clearly close to a 'five year only figure'. Furthermore the council currently has a substantial shortfall (of 750 dwellings) in completions. Whilst it has over the past three years delivered in excess of its annual requirement, this is simply a slow catching up with an historical poor rate of delivery.

19. The officer report included as Appendix B offers a sensible and pragmatic analysis of the 5 year housing land supply issue. Paragraph 5.1.4 says: *“...at best this 0.32 level of supply or ‘oversupply’ can at best be described as marginal.”*

20. Paragraphs 5.15 and 5.16 say:

“Given the marginal supply position as demonstrated in the latest monitoring figures and given that an interim position has demonstrated that the Local Planning Authority may not be able to demonstrate a 5 years supply. Taking a balanced, realistic and pragmatic view, given latest projections, I considerate it is not unreasonable to conclude that housing supply may from time to time fluctuate below 5 years.

Taking a long-term holistic and strategic view in respect of housing supply within the Borough, it could be argued that the singular solution to ensure that the Local Planning Authority can robustly demonstrate a 5 year supply of housing, both in the long and short term, would be to ensure and maintain an acceptable level or degree

of 'oversupply' through the granting of additional consents for housing. It is further considered that the level of 'oversupply' should allow sufficient margins to take into account potential under delivery or take account of the inevitable lag in relation to sites coming forward following the granting of outline consents which inevitably cause fundamental fluctuations in housing trajectories and may result in a legacy of undersupply or under delivery that may become evident in future monitoring."

21. The officer report therefore highlights the 'fragile' nature of housing land supply and the significant danger of operating so close to the margins i.e. that the council may put itself into the position of having to approve less sustainable development that does not offer the positive contribution that the appeal site offers. The Council needs to build in greater flexibility to the plan by allocating more sites to ensure that much needed housing can be assured to come forward.

THE NEED TO ALLOCATE ADDITIONAL HOUSING SITES

22. The Council does not identify a 'residual requirement' for Whalley and therefore considers that it has met its need for housing. The 'requirement' for Longridge is not a maximum figure. It is a target figure used to demonstrate how in general terms the overall minimum requirement for housing (to meet need) could be distributed around the district. It is therefore clearly a minimum target figure. It should be noted that in his report on 'The Examination into the Ribble Valley Core Strategy', the Inspector said (in paragraph 65):

"However, the Council also proposes to delete from Key Statement H1 the reference to the housing target as being "at least" 5,600. But there is nothing in the evidence to justify this change. Indeed, it seems to me that treating the figures as a minimum target reflects the Government's broad aim of boosting significantly the supply of housing. As such, this revision is not needed to make the Plan sound."

23. This issue is addressed even more explicitly in the officer report for planning application 3/2016/1082 (Appendix B) which says:
- ".....It is equally important to fully recognise that the residual housing need numbers are therefore not intended to be an upper limit not to be exceeded."*

24. The Council's own calculation of housing land supply (April 2017) includes an allowance for windfall development. This is surely an acknowledgement that other development will come forward, some of it in Whalley, irrespective of the 'target' figure and is a further indication that this 'target' is not meant and indeed could not realistically function, as a cap.
25. It is important to note that the development of the site would provide much needed housing, adding to the variety of housing in Whalley, improving choice and contributing to meeting housing need (not least through the provision of affordable housing). It can be accommodated by the settlement. It would be beneficial to the settlement and, with the level of housing proposed, it would not hamper beneficial housing provision elsewhere in the district.
26. The Council has a history of under delivering on housing. Our analysis of some sites, as set out above indicates that the yield from sites with planning permission is less than may initially suggested. The same will also be likely for allocated sites. The Council's approach of treating the target housing figure as a maximum as well as a minimum (evident from the refusal of planning permission for the development at the Land at Wiswell Lane site) presents the real danger that the Council will fail to deliver the housing needed in the district. At the same time it runs the risk of so overly constraining housing delivery that it adversely impacts on the proper functioning of the housing market. There is a clear need to build more flexibility into the Council's approach to housing delivery, providing more potential sites and therefore more housing choice.

THE SUITABILITY OF THE LAND AT WISWELL LANE, WHALLEY AS A HOUSING SITE

27. What is apparent is that the district needs more housing, including affordable housing.

The site – Land at Wiswell Lane, Whalley

28. The site lies at the south western end of the junction of the A59 and the A671. It is immediately adjacent to the proposed settlement boundary of Whalley. The site is reasonably flat, open, in agricultural use, with no significant development constraints. It is available for development.

The suitability of the site to provide housing

29. The Land at Wiswell Lane can provide much needed new housing. The site represents an opportunity for sustainable development. The net developable area afforded by the site is approximately 3.7 to 4.0 Hectares. This would enable the provision of approximately 120 homes, along with extensive landscaped areas and open space.

30. The proposed settlement boundary is shown in Figure 6. The site is located immediately adjacent to the proposed settlement boundary and the major junction of the A59 and A671. It would therefore form a much more natural boundary to the settlement than that currently proposed, which essentially leaves an area of open land 'left over'. Development on this site would not result in harm to any important landscape features and in this respect would not encroach in a harmful way into clearly open countryside.

31. The site is suitable and available for development and would be deliverable, to provide a high quality development.

Figure 6: Extract from the HED DPD Proposals Map showing the proposed settlement boundary (black line)



Meeting housing need – affordable housing and housing for older people

32. Paragraph 47 of the NPPF seeks to ensure the delivery of affordable housing in new housing schemes, in accordance with objectively assessed needs.
33. It is clear from the latest published housing land availability schedule (June 2017) that the Council has a problem with under delivery of both market and affordable homes. At that time there was an overall shortfall of 750 homes equating to 30% of the requirement in that period and a shortfall of 223 affordable homes (equating to 30% of the requirement in that period). The failure to provide housing to meet the borough's needs has significant adverse consequence for the borough. The borough should be taking urgent action to address this failure; instead it is seeking to restrict much needed new housing.

34. The development of the Land at Wiswell Lane site would deliver 30% affordable housing, including accommodation for older people, in accordance with planning policy.

CONCLUSION

35. The district cannot currently demonstrate a five year housing land supply. Even if the Council is able to demonstrate more than a five year supply, this supply will be 'marginal' and 'fragile' in nature. The Council is in danger of over constraining housing development. The DPD needs to assist in tackling this by allocating more sites for housing, to provide a greater buffer to ensure that the housing requirement can be met and to provide greater choice. Housing development on the Land at Wiswell Lane site would provide much needed housing, on a site that is available now, ensuring that Ribble Valley meets its need for housing, not least by providing affordable housing. The site should be allocated for housing in the DPD.

APPENDICES

Appendix A: Location plan

Appendix B: Officer report to the council's Planning and Development Committee meeting of 13th April 2016, which includes the text of the officer report to that same committee on 16th March 2017 in relation to planning application 3/2016/1082

Appendix C - Appeal Ref: APP/X1355/W/16/3165490

Appendix D – Commentary on 5 year housing land supply (including sub appendices)