

**NORTH DORSET LOCAL PLAN 2011 – 2026 PART 1
EXAMINATION**

**RESPONSE TO
INSPECTOR'S QUESTION 2 TO THE COUNCIL**

January 2015

Contents

1.	Introduction	3
2.	Implications for Local Plan Policies	4
	Policy 8: Affordable Housing	5
	Numerical Threshold – 10-units or Less	5
	Gross Floor Space Threshold for Sites of 10-units or Less	5
	Application of the Two Thresholds	5
	Designated Rural Areas in North Dorset	5
	Threshold of 5-units or Less in Designated Rural Areas	6
	A Gross Floor Space Threshold for Designated Rural Areas	7
	Commuted Sums on Sites of 5-units of Less in Designated Rural Areas	7
	Vacant Building Credit	7
	Further Consequential Changes	7
	Policy 6: Housing Distribution	8
	Policy 4: The Natural Environment	8
	Policy 9: Rural Exception Affordable Housing	8
	Countryside Policies	9

1. Introduction

- 1.1 This statement is in response to Question 2 asked by the Inspector on 13 January 2015. The Inspector's question was:

"A ministerial statement was made by Brandon Lewis MP and published in early December. It sets out measures aimed at unlocking small-scale development and boosting the attractiveness of brownfield sites, particularly by making changes with regard to Section 106 planning obligations.

Could the Council comment on whether or not, in its view, the content of the Statement has any implications for the Local Plan of which I should be aware?"

- 1.2 As requested by the Inspector, a copy of the statement made by Brandon Lewis MP will be added to the Examination library.

- 1.3 The statement indicated that the Government would publish revised planning guidance to assist authorities in implementing these changes shortly. The Planning Obligations page of the online Planning Practice Guidance¹ was updated on 28 November 2014.

- 1.4 Paragraph 23b-12-20141128 states:

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm;

In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty;

Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.

¹ Planning Practice Guidance – Planning Obligations: Paragraphs 012 to 023. Reference ID: 23b-012-20141128 to 23b-023-20141128.

1.5 Paragraph 23b-13-20141128 states:

The restrictions on seeking planning obligations contributions do not apply to development on Rural Exception Sites – although affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension within the curtilage of the buildings comprising an existing home.

1.6 Paragraph 23b-20-20141128 of the guidance also makes it clear that in relation to developments under the 10- or 5-unit threshold:

Some planning obligations may still be required to make a development acceptable in planning terms ... Authorities can still seek obligations for site specific infrastructure – such as improving road access and the provision of adequate street lighting – where this is appropriate, to make a site acceptable in planning terms. They may also seek contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements.

1.7 Paragraphs 23b-21-20141128 to 23b-23-20141128 deal with the issue of ‘vacant building credit’. Paragraphs 23b-21-20141128 states:

Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floor space.

2. Implications for Local Plan Policies

2.1 The Council has considered the implications of the ministerial statement (and the new guidance in the PPG) for the policies in the Submitted Local Plan. The main policy where changes will be required is Policy 8: Affordable Housing.

2.2 Consequential changes will also be required to Policy 6: Housing Distribution, which sets out the amount of affordable housing that will be sought District-wide and in each of the District’s four main towns over the plan period.

2.3 The ministerial statement raises issues in relation to a number of other policies, namely:

- Policy 4: The Natural Environment (including Areas of Outstanding Natural Beauty);
- Policy 9: Rural Exception Affordable Housing;
- Policy 28: Existing Dwellings in the Countryside; and
- Policy 29: The Re-use of Existing Buildings in the Countryside.

- 2.4 It is not considered that any further changes will be required in relation to these policies.

Policy 8: Affordable Housing

Numerical Threshold – 10-units or Less

- 2.5 The first part of Policy 8 of the submitted Local Plan states that:

All development that delivers three or more net additional dwellings, including housing on mixed-use sites, will contribute to the provision of affordable housing.

- 2.6 The Council will revise this part of the policy to set a general numerical threshold of eleven or more net additional dwellings where development will contribute to the provision of affordable housing.
- 2.7 The threshold of three was established on the basis of a District-wide viability study, as explained in paragraphs 5.79 to 5.82. The Council will revise this supporting text to explain that the justification for the higher numerical threshold is the new PPG guidance.

Gross Floor Space Threshold for Sites of 10-units or Less

- 2.8 Policy 8 of the submitted Local Plan does not set a gross floor space threshold above which affordable housing will be sought. The Council will revise this part of the policy to include a gross floor space threshold of more than 1,000 square metres.
- 2.9 The Council will revise the supporting text to Policy 8 to explain that the justification for the new gross floor space threshold is the new PPG guidance.
- 2.10 The Council will expand the supporting text to set out how gross floor space should be measured for the purposes of Policy 8. The Council is minded to require the gross floor space to be measured externally.

Application of the Two Thresholds

- 2.11 The Council will expand the first part of Policy 8 to clarify that affordable housing will be sought when either threshold is exceeded.

Designated Rural Areas in North Dorset

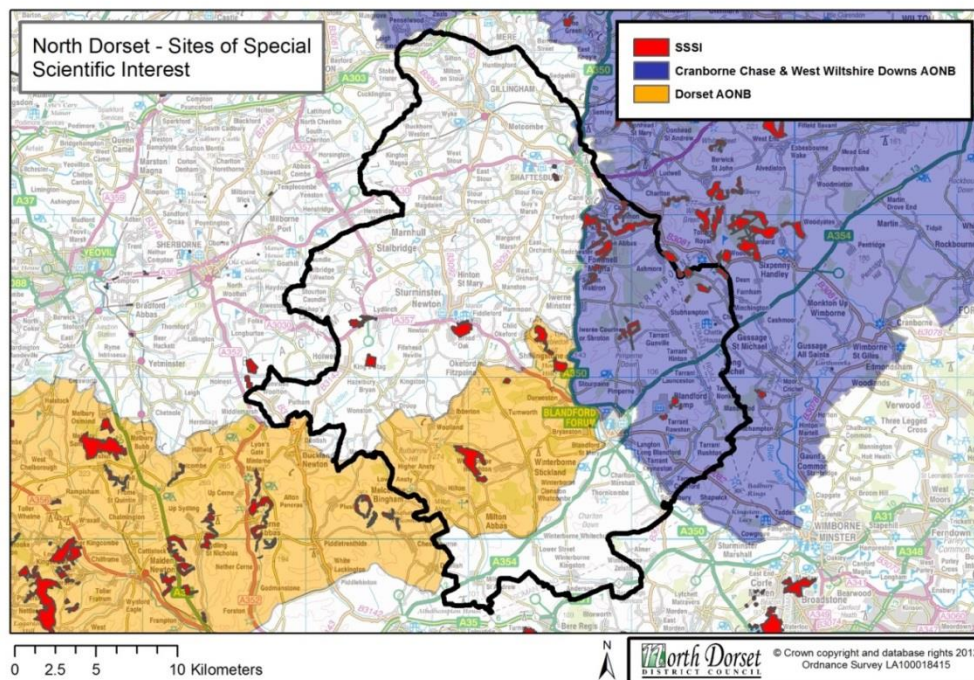
- 2.12 The ministerial statement makes reference to the possibility of authorities choosing to implement a threshold of 5-units or less in areas designated as rural under Section 157 of the Housing Act 1985.
- 2.13 These include:
- An area designated by the Secretary of State as a 'rural' area for right to buy purposes. Such areas have been defined in a series of statutory instruments;
 - National Parks; and

- Areas of Outstanding Natural Beauty (AONBs).

2.14 In North Dorset there are no areas designated by the Secretary of State as ‘rural’ for right to buy purposes and no National Parks. Consequently, these do not enter into the Council's consideration of the lower threshold.

2.15 Significant portions of two AONBs lie within North Dorset; namely the Cranborne Chase and West Wiltshire Downs AONB and the Dorset AONB. The extent of both AONBs is shown in Figure 2.1 below.

Figure 2.1: AONBs and Sites of Special Scientific Interest (SSSIs) in North Dorset



2.16 The parts of the two AONBs in North Dorset shown on Figure 2.1 above are the only parts of the District where the Council could seek to establish a threshold of 5-dwellings.

Threshold of 5-units or Less in Designated Rural Areas

2.17 The Council will expand the first part of Policy 8 of the submitted Local Plan to indicate that within designated rural areas development that delivers six or more net additional dwellings will contribute to the provision of affordable housing.

2.18 The Council will expand the supporting text to Policy 8 to indicate that in North Dorset the only designated rural areas are those parts of the two AONBs that lie within the District.

2.19 The Council is also minded to expand the supporting text to indicate that this would establish a consistent policy approach across each AONB.

- 2.20 Paragraphs 2.34 and 2.35 of the Submitted Local Plan highlight the importance of working collaboratively across local boundaries to conserve and enhance AONBs and to foster the social and economic well-being of their communities. This may be aided by adopting the same threshold across each AONB (whether six or more or eleven or more dwellings). Clearly discussion with neighbouring authorities (and both AONBs) is required to come to a view on this point.
- 2.21 The hearing for the Joint Local Plan for West Dorset and Weymouth & Portland, which covers large parts of the Dorset AONB has recently concluded and those Councils have been asked by their Inspector to comment on the implications of the ministerial statement for the joint plan. It is anticipated that a modification proposing a 5-unit threshold in designated rural areas in this plan area will be published for consultation in the next few weeks.

A Gross Floor Space Threshold for Designated Rural Areas

- 2.22 Whilst the ministerial statement and the PPG indicate that a five-unit threshold may be implemented in designated rural areas, neither set out a gross floor space threshold for such areas.
- 2.23 The Council may consider introducing an additional floor space threshold for such areas in Policy 8. In the event that it did, it would be likely to be 500 square metres.

Commuted Sums on Sites of 5-units of Less in Designated Rural Areas

- 2.24 The Council will expand the first part of Policy 8 of the submitted Local Plan to indicate that for sites of 6 to 10 dwellings within designated rural areas, commuted sums towards the provision of affordable housing will be sought. The Council will expand the supporting text to Policy 8 to reflect the PPG guidance on the procedure for claiming a commuted contribution in such circumstances.

Vacant Building Credit

- 2.25 Different considerations apply in relation to the provision of affordable housing on sites which contain vacant buildings as set out in Paragraph 23b-21-20141128. The Council's understanding is that these considerations apply regardless of the size of the site and its capacity to accommodate residential development. The Council is minded to include some additional supporting text to Policy 8, which refers to the new guidance in the PPG on vacant building credit.

Further Consequential Changes

- 2.26 The main changes to Policy 8 (and supporting text) that will be required are set out above. Some further consequential changes may be required to the policy and supporting text to achieve a readable and consistent policy.

Policy 6: Housing Distribution

- 2.27 Changes to the numerical threshold and the introduction of a gross floor space threshold will have implications for the overall level of affordable housing that the Council will be able to seek, both District-wide and in the District's four main towns.
- 2.28 Policy 6 of the Submitted Local Plan sets out the amount of affordable housing that will be sought in each of the four main towns based on the 'target proportions' for different parts of the District set out in Policy 8.
- 2.29 The Council does not intend to alter the thrust of Policy 6 but adjustments to the figures being sought for each town will be required to reflect the fact that sites that fall below the new thresholds will not make a contribution towards the provision of affordable housing.
- 2.30 Since the plan period starts in April 2011 affordable housing completions in the four main towns since that date would need to be factored into the revised figures. The Council would also need to have regard to any commitments for the provision of affordable housing in the housing land supply when adjusting the figures.

Policy 4: The Natural Environment

- 2.31 Policy 4 sets out the measures that are required to ensure that development does not give rise to significant adverse effects on internationally important wildlife sites. In particular, measures are required to ensure no significant adverse effects on heathlands and Poole Harbour.
- 2.32 Paragraph 23b-20-20141128 of the PPG makes it clear that in relation to developments under the 10- or 5-unit thresholds, contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of EU Directive requirements can still be sought.
- 2.33 In the light of Paragraph 23b-20-20141128 of the PPG no changes to Policy 4 are required.

Policy 9: Rural Exception Affordable Housing

- 2.34 Paragraph 23b-13-20141128 of the PPG states that the restrictions on seeking planning obligations contributions do not apply to development on Rural Exception Sites.
- 2.35 In the light of Paragraph 23b-13-20141128 of the PPG no changes to Policy 9 are required.

Countryside Policies

- 2.36 Some of the development management policies in the Submitted Local Plan deal with residential development in the countryside (including residential annexes and extensions), most notably:
- Policy 28: Existing Dwellings in the Countryside; and
 - Policy 29: The Re-use of Existing Buildings in the Countryside.
- 2.37 The new guidance in the PPG makes it clear that affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home. None of these policies seek contributions towards affordable housing or infrastructure from such developments.
- 2.38 No changes are required to the development management policies in the Submitted Local Plan as they are considered to be consistent with the new guidance in the PPG.