

**BCC Clarification question – Inspector’s response**  
**8 December 2010**

Following receipt of the Inspector’s note of 18 November, the Council sought clarification on windfalls via the programme officer on 2 December. The Council’s question and the Inspector’s response (received via the programme officer on 7 December) are set out below:

**Council’s question**

*We had one query about the Inspector's note, paragraph 10. He says that he is likely to find as robust a contribution of 4,200 from windfalls.*

*This is very helpful feedback and we have taken this to mean that, having regard to PPS3 paragraph 59, windfalls could be added to our delivery target. On that basis we believe we can move away from our suggested twin track approach (which was reflected in a lower minimum delivery target) about which the Inspector has indicated some concern.*

*It would be very helpful, if possible, to have some indication as to whether our interpretation is correct.*

**Inspector’s response**

*The Council has confused 2 matters relating to windfalls.*

*In paragraph 11 of my note of 18 November I indicate that I am likely to find as robust a contribution of 4,200 from windfalls. By this I mean that this scale of development has reasonable prospects of occurring from adoption to 2026.*

*This indication that the numbers are robust is not however any conclusion that the first (and primary) test set out in PPS3 paragraph 59 has been met so as to count such numbers as part of the supply. The 2nd part of paragraph 13 of my note refers to this matter in the context of the changes proposed by the Council.*

*If the Council wanted to include windfalls as part of the firm housing supply it would need to demonstrate "the genuine local circumstances that prevent specific sites being identified."*

*The Council has not sought to make this case before. In particular, the Council would have to address further what prevented the allocation of land in the Green Belt, since clearly there is no dispute that it has some potential for housing development (although considerably less than the total contribution from windfalls).*

*Part of my difficulty and my reasons for seeking in my note further justification and clarity of the Council's position is because PPS3 envisages the housing requirement being determined first and then the individual components of land supply assessed as to how that requirement can properly be met.*

*The Council's approach has focussed on land supply as the determining factor almost from the outset, which has made the application of the PPS3*

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*tests more difficult. That is why I consider that that the Council needs to be more explicit as to what it thinks needs/requirements might be and any resulting gap in provision.*

*Nevertheless, given the existing evidence of need and demand, I welcome the Council considering whether the suggested minimum provision of 26,400 could be increased.*

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Appendix 1

Add appendices as appropriate