

BRADFORD LOCAL PLAN CORE STRATEGY**EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions****Made on Behalf of Keyland Developments Limited****(Representor ID: 444)*****Matter 4A: HOUSING REQUIREMENT*****Preamble**

1. Keyland Developments Limited ("our Client") is the property development business of Kelda Group and a sister company of Yorkshire Water. Our client has been operating across Yorkshire for over 20 years, redeveloping and regenerating surplus and redundant Yorkshire Water operational sites for a range of uses and in doing so, facilitating development across the region.
2. Our Client owns the areas of the Esholt Waste Treatment Works at the Esholt Estate (the Site) that are now redundant having been released from operational use following a substantial investment in the existing facilities.
3. The Site has the potential to deliver a significant and high quality employment led mixed use development that would make a significant contribution to Bradford's future development needs through the redevelopment of a brownfield site.
4. As a key stakeholder in the Bradford district our Client has a keen interest in the development of the Core Strategy which seeks to promote a suitable and flexible planning policy framework for the delivery of housing and jobs to meet the growth needs of the City.
5. This statement should be read alongside our previous written representations and Promotional Document submitted in relation to the emerging Core Strategy.
6. Our response to Matter 4A, which covers Housing Requirement, is contained in this statement. The key issue highlighted by the Inspector is:

“Has the Council undertaken its objective assessment of housing need in line with the latest national guidance and good practice (NPPF/NPPG)?”

7. We consider below the specific questions asked by the Inspector:

Policy HO1 – The District’s Housing Requirement

a) How has the Council undertaken an objective assessment of housing needs for Bradford, which is justified by robust and proportionate evidence and has been positively prepared, taking account of all the relevant factors, and does the Plan fully meet the objectively assessed needs for market and affordable housing in Bradford, along with any unmet housing requirements from neighbouring authorities including:

i. The Plan proposes to provide at least 42,100 homes (2013 – 2030). What is the basis, justification, assumptions and methodology for the proposed level of housing provision, having regard to the supporting evidence (including the SHMA & SHLAA, Housing Requirement Study (August 2013 update), Housing Background Paper), recent population/household projections (including the 2008/2011-based household projections and the 2012 sub-national population projections), demographic drivers, housing demand and market signals, the need for affordable housing and the relationship with the economic strategy, in line with the guidance in the NPPF and Planning Practice Guidance)?

8. The Council has set a housing requirement of 42,100 homes over the plan period (up to 2030). This equates to 2,200 dwellings per annum plus addressing a backlog of 7,687 dwellings that has occurred since 2004. It also takes into account the re-occupation of 3,000 empty homes.
9. In arriving at this requirement the Council has undertaken a number of studies using varying assumptions which have provided a number of scenarios. However the current strategy chosen does not appear to be linked to any specific demographic projections, the Strategic Housing Market Assessment (“SHMA”) (EB/050-053), or modelled housing scenarios (as required in ID- 2a-016-20140306 of the NPPG). Instead it appears that the housing requirement has been based on a midway point (2,186 dwellings per annum) between two modelled economic scenarios of the 2008-based and the interim 2011-based sub national

household projections which give a range of 2,565 dwellings per annum (2008) and 1,807 dwellings per annum (2011).

10. The use of 'trend' headship rates derived from the interim 2011-based household projections when considering housing growth scenarios post-2021 arguably results in a lower level of household growth than might be realistically expected as these figures reflect recessionary trends. This approach is flawed, is unjustified and will lead to an ineffective policy.
11. The NPPG emphasises the need to match up housing requirements with local economic strategies (ID-2a-018-20140306). To this degree our client supports the Council taking into account economic scenarios when considering housing requirements. However as a result of the flaws highlighted above there is a degree of disconnect between the Council's economic strategy and its housing target. Policy EC2 of the Core Strategy identifies that the Council is aiming for the creation of at least 2,897 jobs annually. However the current housing target would support only around 1,600 jobs per annum. This would indicate that housing numbers proposed would be insufficient to meet the Council's current economic aspirations and as a result Policy SC3 (which seeks to balance housing with current and future employment opportunities) cannot be achieved.
12. The result of this mismatch between economic aspirations and housing growth will either result in an oversupply of employment land (with resultant loss in the district's economic potential) or a large amount of in-commuting which would be unsustainable and would conflict with the overall approach in the NPPF.
13. Following the publication of the NPPG in March 2014, local planning authorities are now required to also take into account relevant market signals when establishing their OAN (ID-2a-019-20140306). Whilst it is noted that market signals were referenced in the Council's *Housing Requirements Study* (February 2013) (EB/028) there is no discussion regarding how this affects the proposed housing requirement. As such it is considered that this is a failing of the current needs assessment.
14. As a result of these points our Client considers the housing requirement to be flawed and believes a higher requirement should be considered.

ii. What is the current and future 5,10 & 15 year housing land supply position including existing commitments, future proposed provision, allowance for windfalls, phasing, balance between brownfield and Greenfield sites, and

provision identified in the latest SHLAA; and how will the proposed housing provision be effectively delivered?

15. The *Strategic Housing Land Availability Assessment* ("SHLAA") (May 2013) (EB/049) identifies that the Council does not have a 5 year supply of deliverable sites and instead can only demonstrate, at best, a housing land supply of around 2.3 years with a notable shortfall in dwellings which has accumulated over recent years. Whilst our Client notes that this assessment does not reflect the current position (given the SHLAA dates from 2013), it believes it is unlikely (given the shortfall recorded and the backlog shown) that the Council will be able to demonstrate a five year housing land supply in the immediate future.
16. The SHLAA does identify sufficient land to meet the overall requirement currently expressed in the Core Strategy by providing land for 53,708 dwellings, albeit there are number of deficiencies in specific areas of Bradford and its district where the Council's targets do not meet the supply found in the SHLAA (for instance in South East Bradford and Bradford City Centre). However despite the SHLAA overall identifying sufficient land, as a result of other (Policy HO4 relating to phasing, then there is still an insufficient supply to meet the requirement in the first five years (even when the backlog is not included). The effect of these policies is essentially to hold back housing development which directly conflicts with the NPPF's requirement to 'boost significantly' the supply of housing and maintain a 5 year supply of deliverable housing sites (paragraph 47).
17. This again highlights that Policy HO4 needs to be removed to allow viable and sustainable housing development to come forward much sooner and to allow the Council to address its housing requirements and to be able to show a 5 year supply of deliverable housing sites. Failure to do this will simply mean that upon adoption, the relevant housing policies in the Core Strategy will be regarded as out of date.
 - iii. **How does the Plan address the need for a 5%/20% buffer to 5 year housing land supply, as required by the NPPF (paragraph 47) to significantly boost housing supply, and how does it address previous shortfalls in housing provision, both during and before the current Plan period?**
18. From the data provided by the Council through its latest Annual Monitoring Report ("AMR") published in March 2014, the Council has persistently failed to deliver the required amount of houses from 2004 – 2013; in fact it has only met its target in two years over this period and has accumulated a backlog of 7,687 dwellings (against the Council's current proposed housing target). This persistent under delivery would indicate a 20% buffer would need to be

applied and this position is consistent with recent case law; most notably *Cotswold DC v. Secretary of State for Communities and Local Government, Fay & Son Ltd [2013] EWHC 3719 (Admin)*.

19. The phasing policy contained within Policy HO4 would indicate that the strategy is to spread the previously accumulated backlog over the plan period, with delivery of dwellings to be 'stepped up' towards the final 7 years of the plan period. This approach however conflicts with the advice contained in the NPPG which states:

"Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'" (ID 3-035-20140306).

20. As it is clear that the Council does not have agreements in place for neighbouring authorities to address any unmet need (please see our comments below), our Client considers that the shortfall should be addressed in the first five years. This will ensure that the Council's approach will 'significantly boost' housing supply as required by paragraph 47 of the NPPF.

21. This view was shared by the Inspector examining the Rotherham Core Strategy who required Rotherham MBC to remove its proposed phasing policy on the basis that such policies do not accord with the NPPF. Paragraphs 49 and 50 of the Inspector's report stated:

"The approach of the Framework is to promote sustainable development which should go ahead without delay. Sites should be tested to ascertain whether they are sufficiently sustainable and deliverable to justify their development rather than phased according to their degree of sustainability. A phasing policy holding back greenfield sites until all or some previously-developed land is suitably re-used would have a beguiling attraction, but the status of any site as previously-developed land should be seen as just one consideration, albeit in some cases an especially important one. The Sites and Policies DPD should therefore identify sites which are sustainable in the round in accordance with the strategy set out in the Core Strategy. The Council should then encourage their suitable and speedy development, thereby eliminating an aspect of uncertainty. Where there is less than a 5 year supply of housing land, as in the Borough, this approach assumes even greater importance."

22. Clearly, these considerations are also relevant to Bradford on the basis that the Council also does not have a 5 year housing land supply.

iv. How does the Plan address previous backlogs in housing provision?

23. Please see our above comments in paragraphs 19 – 22. The plan currently seeks to spread the backlog over the plan period. This is inconsistent with the advice contained within the NPPG and in the absence of a neighbouring authority accommodating some of this backlog, the Council should aim to address any shortfalls within the first five years.

v. Is the allowance for vacant dwellings fully justified with evidence?

24. The Core Strategy seeks to bring 3,000 empty homes back into use as part of its overall approach to delivering housing over the plan period. These are therefore discounted from the overall housing requirement. The NPPG makes an allowance for local planning authorities to include empty homes within its supply. In advising local planning authorities the NPPG states:

“Any approach to bringing empty homes back into use and counting these against housing need would have to be robustly evidenced by the local planning authority at the independent examination of the draft Local Plan, for example to test the deliverability of the strategy and to avoid double counting (local planning authorities would need to demonstrate that empty homes had not been counted within their existing stock of dwellings when calculating their overall need for additional dwellings in their local plans).” (ID-3-039-20140306)

25. It is clear from this advice that the intention from the NPPG is to allow vacant units to make up part of the proposed housing supply with a local authority area, rather than forming part of the housing requirement. Our Client therefore considers that whilst bringing back empty homes in to use is a sensible aim, the Council cannot ‘net off’ these properties from its housing targets.
26. Irrespective of this, the key consideration here is the strength of the evidence and whilst it is noted that the Council has published a number of strategies which seek to provide a means for vacant stock to become homes again, it is unclear as to whether all this stock can viably come forward. Given that the amount of empty dwellings accounted for in the Core Strategy is large, if a proportion of these are not viable to bring back into use, then this will have a significant effect on the Council being able to meet its housing targets.
27. Likewise it needs to be clarified as to the status of the empty dwellings and whether they are classed as part of the current housing stock or whether they have been removed (if so, when). This will ensure any double counting is avoided.

vi. How will the Plan fully meet the need for affordable housing (c. 587 units/year)?

28. Our response to this is contained within our statement relating to Matter 4F and for ease of reference this is replicated below.
29. The net annual shortfall calculated within the 2013 SHMA (EB/052) assumes that the backlog need is to be addressed over a 10 year period and this provides the annual net shortfall of 587 affordable homes. However a 5 year period to address the backlog need is more widely and commonly used by local planning authorities. On this basis the net annual shortfall would be greater at 1,302 dwellings annually.
30. Notwithstanding this, even on the basis of addressing the backlog over a 10 year period, 587 dwellings annually would require an affordable housing percentage of over 25% on developments coming forward to address this shortfall (based on 2,200 dwellings per annum). This would be over and above the requirements set out in Policy HO11 as the majority of the Council's housing would be delivered in areas where the affordable housing requirement would be between 15% and 20%. Consequently the Council would not be able to deliver enough affordable housing to meet the identified need and it is unclear from the Core Strategy and its evidence base how the Council intend to address the identified need.
31. Where it is the case that local planning authorities are struggling to meet their affordable housing needs, the NPPG recommends that increasing the total housing figures to be included in the local plan should be considered as this can help deliver a greater number of affordable homes. It states:

"An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes." (ID-2a-029-20140306).

b) Has the overall housing provision level been set too high or too low?

32. In line with our comments above, we consider that the current level of housing provision is set too low and does not reflect the Council's full objectively assessed need. Accordingly our Client considers that it should very much be treated as a minimum requirement and in line with our comments above we request that the Inspector considers a higher requirement. This

will be particularly important in the context of achieving the required levels of job creation within the district.

c) What alternative levels of housing provision have been considered, having regard to any significant and demonstrable adverse impacts of proposing increased levels of housing provision within Bradford; what would be the basis and justification for any alternative level of housing provision?

33. We are unaware of alternative levels of housing provision being proposed by the Council outside of the scenario testing within the *Housing Requirement Study* (and its update (EB/028-033)). However our Client considers that in order to align the Council's economic and housing strategies, then a higher housing figure is required and an alternative level of housing provision should be discussed.

d) How does the objective assessment of housing needs relate to the employment and jobs strategy?

34. As outlined in our comments above, currently we do not consider that the level of housing proposed within the Core Strategy properly aligns with the economic aspirations for Bradford and its district over the plan period. The housing requirement stated in the Core Strategy (2,200 dwellings per annum) would support only around 1,600 new jobs per annum rather than the 2,897 jobs per annum which is outlined in Policy EC2.

35. On this basis it is clear that the housing requirement needs to be increased in order to satisfy Policy EC2 in a sustainable manner and without significantly increasing levels of in-commuting.