



APPEAL REFERENCE:

APP/N4720/A/13/2208551

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MILLER HOMES

SITE AT LAND AT GROVE ROAD, BOSTON SPA, LEEDS

LEEDS CITY COUNCIL

REBUTTAL PROOF OF EVIDENCE OF

MARTIN ELLIOT

MA (Hons) GEOGRAPHY, MA TOWN PLANNING, MRTPI

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1 Introduction

- 1.1 My name is Martin Elliot and this rebuttal supplements my original proof of evidence. The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institute and I confirm that the opinions expressed are my true and professional opinions.
- 1.2 I shall focus on rebutting the points made in Mr Johnson's proof of evidence dealing with the 5 year land supply. I am not intending to rebut each and every one of his points and lack of comment on his evidence should not be taken as agreement with it.
- 1.3 I shall structure my rebuttal proof to align with Mr Johnson's for ease.
- 1.4 As was indicated in my original proof of evidence the Council's case for the 5 year land supply will be supplemented by the completion of the 2013 SHLAA process. This information will be made available in a separate supplementary proof of evidence.

2 Background (section 2 of Mr Johnson's proof)

- 2.1 In ¶2.1 to ¶2.10 of his proof Mr Johnson makes much of what he calls a "*continued dispute on the Leeds District five year housing land supply*" and makes reference to what he describes as the scrutiny of Leeds' five year housing land supply position at numerous appeals over the past five years. The decisions made at the appeals between 2009 and 2011 (Land Off Fleet Lane, Oulton through to Grimes Dyke, York Road inclusive) are irrelevant to this appeal and to the assessment of a current five year housing land supply. Key contextual changes have occurred as follows:
- **The revocation of the Yorkshire and Humber Plan:** the previous appeals were all conducted against housing targets in the Regional Spatial Strategy which has been revoked because of its flawed top down targets.

- **Errors in the RSS evidence base:** the RSS housing requirements were adopted in 2008 but have subsequently been shown to have been based on flawed evidence and assumptions: that economic growth in the region would be maintained at 2007 levels and drive in-migration and that international migration would be maintained at a high level. Neither of these drivers had the anticipated effects on population in Leeds and the 2011 Census revealed that the Office of National Statistics had been overestimating the growth of Leeds in its mid-year estimates to the extent that by 2011 the population was found to be over-estimated by 50,000 people. This is covered in evidence to the Core Strategy Examination by independent demographic consultants Edge Analytics. The Inspector has accepted the Council's overall housing requirement and sought not to add a backlog against flawed prior requirements. Yet the house builders consistently maintain that Leeds should be catering for households that did not come to Leeds and do not exist.
- **The Recession:** the regional strategy was prepared against a background of high and sustained economic growth which did not materialise. The recession from 2008 to 2012 hit the housing market especially hard and the Council has always maintained an argument that in better economic times sites which had previously been considered by the house builders as unviable would become more viable. The fact that we are now in a recovery means that the Leeds land supply cannot be considered in the same manner as it was during the previous appeals.
- **Changes to the Planning system:** changes within the planning system; categorised mainly by a new Government, new legislation, new and revised national policy and new and revised national guidance combine to create a different context to the one which governed the previous appeals.

2.2 I also remind the Inspector that outside of these changes the Council has taken significant positive steps to increase and diversify its housing land

supply and release more greenfield sites to the market. I refer to these and other actions in ¶7.15 of my proof of evidence and draw attention to the difference this has made in terms of permissions for greenfield sites (Appendix VI of my original proof) and in terms of completions on greenfield land (**Appendix VII**).

The Thorp Arch Appeal

2.3 Mr Johnson also draws attention to the two most recent appeals decisions in Leeds, which are post- RSS revocation and post-NPPF publication. Notwithstanding this Mr Johnson concludes that the Council did not learn lessons from the Thorp Arch appeal on a range of points which he lists in ¶2.8. At the time the Inspector would not have been made aware of key pieces of evidence upon which to base her conclusions. The results of the Census 2011 were not available, the Edge Analytics work which supplemented the SHMA had not been commissioned and the Draft NPPG had not been published.

2.4 On the issue of the **20% buffer** the Thorp Arch Inspector was basing her conclusions on the performance of the Council against the RSS and its flawed top down targets. Now that the Council's housing requirement has been tested at examination and a base date of the Core Strategy set at 2012, under-delivery in line with the NPPF must be measured against this level and not prior flawed targets. To do otherwise would be double counting. In addition the NPPG has been released in draft and now final form. In its final form the NPPG states *"The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing"*¹. This is a change in the manner in which a buffer is addressed and therefore there are no clear lessons to be learnt from the findings of the Inspector in the Thorp Arch decision, which simply reflect the NPPF rather than looking at the

¹ Reference ID: 3-035-20140306

specifics of Leeds.

- 2.5 The Council at the time considered its **objective assessment** of housing to supersede that of the RSS as it was based on more up to date evidence, including the latest projections. The final NPPG clarifies that *“evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”*² There are therefore no clear lessons to be learnt from the findings of the Inspector in the Thorp Arch decision, which ignore the specific of the objective assessment of housing which Leeds undertook.
- 2.6 The Council did not provide the 2012 SHLAA to the Inspector. This set out the SHLAA partnerships views on the **deliverability of sites**. There were therefore no lessons for the Council to learn on this issue.
- 2.7 The Council considered that any **historic under-supply** was addressed in its objective assessment of housing and the Core Strategy Inspector has accepted this point. There are therefore no lessons for the Council to learn on this issue.
- 2.8 **Appendix I** of my rebuttal sets out correspondence between the Council and PINS following the Thorp Arch decision, which the Council was quick to raise an issue with. **Appendix I.III** is a letter from PINS clarifying that the 5 year supply was not a main issue in the appeal and that the Council is *“not bound by this decision for the purpose of determining other applications, in which the issue may arise”*. PINS also states that *“a developer could not reasonably expect to succeed if their presented evidence depended to great extent on a previous appeal decision.”* Given this view of PINS, the significant changing circumstances under which this appeal was conducted and the detailed locally specific evidence which has been tested at Examination and continues to be tested, I consider the decision to have no relevance to the current appeal at Grove Road.

² Reference ID: 3-030-20140306

Outwood Lane, Horsforth

- 2.9 The Outwood Lane appeal is somewhat different from the Thorp Arch appeal because the Council prepared and supported evidence on the 5 year supply and I was the Council's expert witness. However, it is important to note that the appeal was for 34 homes and was dismissed on the basis that the proposal would fail to preserve the character and appearance of the conservation area and would fail to avoid problems of environmental intrusion. Therefore housing land supply was not a determinative issue.
- 2.10 Despite the considerable evidence in front of the Inspector at Outwood Lane on both the housing requirement and land supply, she took the decision to provide a view on only one part of the 5YS: namely the scale of the requirement. She accepts that the Council's objective assessment of housing represents a move forward and in ¶59 of her report she states that "I consider that they [the most recent figures] *do* represent a more authoritative assessment of need...". However, Mr Johnson misquotes the Inspectors conclusion in ¶2.6 of his proof. He directly misquotes "I consider that they *do not* represent a more authoritative assessment of need...". The appeal decision is included as **Appendix V**.
- 2.11 In concluding that the Council's proposed step-up could carry little weight she determined that the Council would be unable to demonstrate a 5YS on the basis of the land supply agreed by the 2012 SHLAA partnership. The Inspector took the view that the validity of the step-up was a plan making issue, and not a development control one.
- 2.12 Whilst, the Core Strategy Inspector also considered in his Main Modifications that the step up was not demonstrated in the evidence, it must be noted that further hearing sessions are being held to explore the relevance of the final version of the National Planning Practice Guidance and a letter from the planning Minister to a local MP. The Inspector at Outwood Lane came to her decision without the benefit of the NPPG and the views of the planning minister which in the Council's view add further weight to the need to step-up the housing requirement in Leeds.

2.13 It is important to note that the Outwood Lane Inspector had the opportunity to comment on other aspects of the 5YS such as the buffer and the quality of the deliverable supply. She chose not to, albeit it was agreed that for the purposes of the appeal it was necessary only for the Inspector to reach a finding as to whether the Council was able to demonstrate a five year supply. That said, given the importance placed on boosting the supply of housing by Government, the Inspector at Outwood Lane could also have, in the same way as Mr Johnson does, criticised the Council for its approach which was set out in detail. She chose not to. The housing land supply extracts from the Outwood Lane appeal decision are included as **Appendix V**. Note that the Inspector mixes up gross and net figures in ¶156 of her report and infers a gross annual requirement against a net 5 year supply position. Whilst this doesn't materially change her view this is pointed out for clarity.

2.14 In the main and as set out at ¶158 of her report the Outwood Lane Inspector's view is that in advance of the Core Strategy Examination the question of the Council's step-up should carry little weight at this stage.

Bagley Lane, Farsley

2.15 This recovered appeal was on land protected under policy N34 of the UDP and was held during November 2013. I provided the land supply evidence. A decision has yet to be issued. Initially PINS confirmed that the Council would have a decision by 3rd April 2014. This was delayed to the end of April as the Inspector invited comments from both parties on the implications of changes arising from the final draft of the NPPG. Clearly, the Inspector considered that this guidance was pertinent to matters in dispute at the appeal. The deadline for a decision has been further delayed until the end of May for unspecified reasons.

2.16 Had the Council approached its housing land supply in the manner set out by Mr Johnson in his proof I have no doubt that the Secretary of State would have directed his Inspector to have made a swifter decision on land supply which might have helped Leeds learn lessons. No such decision has been made. This indicates, in my opinion, that the specific local

arguments and evidence pertaining to Leeds' land supply are pertinent ones and in some ways do not fit easily within the context of a general NPPF.

Council activities on boosting supply

- 2.17 Mr Johnson notes in ¶2.11 a number of shifts in circumstances since the Grimes Dyke appeal but is disingenuous when discussing the actions of the Council on housing land supply. My main proof of evidence details the efforts taken to increase the quantity of greenfield land supply.

Revocation of the RSS

- 2.18 Mr Johnson and the house builders in Leeds continue to place great weight on the housing requirements within the RSS. The Census 2011 and the Edge Analytics work completed for the Council prove that the RSS figures are wrong and based on flawed evidence.
- 2.19 The Hunston judgement also confirms that the policy approach of the RSS is irrelevant and this too inflated the Leeds housing requirement.
- 2.20 Mr Johnson is wrong to conclude in ¶2.14 that there “remains a need to have regard to previous delivery performance as measured against the policy target of the time”. The NPPG is clear that RSS targets based on flawed evidence may not be reliable (see ¶2.5 above). Mr Johnson is wrong in ¶2.15 that the target for the District is that outlined in the revoked and flawed RSS. The RSS target may be the correct one for the period 2004 to 2008 when it was set at 2,260 but in 2008 when it stepped-up to 4,300 per annum - on the basis of envisaged economic growth and the resulting in-migration this would bring coupled with international migration - it was in hindsight clearly wrong. To use a requirement based on flawed evidence now seems wrong and not within an approach to decision taking which could be described as positive. It would also be contrary to ¶186 of the NPPF which sets out that the relationship between plan-making and decision-taking should be seamless.

3 Housing Need and Demand (section 3 of Mr Johnson's proof)

3.1 In ¶3.8 Mr Johnson notes that the Outer North East HMCA is at the forefront of contributing to the reductions of out migration. He suggests that 100,000 people commuted into Leeds in 2001 and that this figure is likely to have grown. The commuting patterns of the Census 2011 are not yet published so it is difficult to understand on what basis Mr Johnson makes this claim. He goes on to suggest that because Leeds has failed to match demand and aspirations for family housing in particular this will have exacerbated out commuting. He provides no evidence for this and such an assertion would reasonably only be drawn if it could be shown that the neighbouring authorities of Harrogate, York and Selby were delivering relatively more housing than Leeds over the past decade. I do not believe that this is the case.

The Council's Objectively Assessed Need and the Edge Analytics Report

3.2 At ¶3.14 Mr Johnson raises the issue of the Edge Analytics work which was submitted to the Core Strategy Examination. He notes that the Edge Analytics work presented to the Core Strategy Examination was rebutted. Before dealing with this issue it would be useful to set out the context for the Edge Analytics work.

3.3 Following the completion of the SHMA (2011) several pieces of new evidence emerged: the Census 2011, 2010-based and 2011-based population projections, 2011-based household projections and revised mid-year estimates. In his questions to the Council prior to the Examination hearing sessions the Core Strategy Inspector asked the Council what regard had been given to the government's households interim projections 2011-2021 and whether the 2011 SHMA update was reliable?

3.4 These questions stimulated the re-commissioning of one of the original SHMA authors, Edge Analytics, to update the demographic assumptions

that had fed into the SHMA 2011. The Edge Analytics Report supplements the SHMA and provides the most up to date evidence on Government statistics as advised in the NPPF.

- 3.5 The Edge Report confirmed the need to rebase the Leeds population and make an adjustment from, what we were initially told the population was (the pre-Census estimates of 800,000 people) to, what the Census now estimates it is (the post-Census revised figure) of 751,000 people
- 3.6 Doing this work for the Leeds population meant that in addition to rebasing and revising the estimates, the results of the 2011 Census provided an opportunity to review how estimates of population change have performed over the last decade. The Edge Analytics Report considers the overestimation of international migration led to the difference between previous population estimates and the Census population figure. These people never came to Leeds, and this is relevant when it comes to considering the degree to which it is appropriate to take into account any alleged “back-log” in the housing supply figures and casts significant doubt on previous projected growth, which was responding to an assumed and erroneous increase in international migration to Leeds that did not materialise. It also supports the Council’s position, as set out in the Housing Background paper that the significant re-calibrating of the Leeds population creates a line in the sand at 2012.
- 3.7 The Edge Report provides a more up to date assessment of the demographic drivers that fed into the employment-led scenario previously considered by the SHMA Update. Following the rebalancing of the Leeds population using the Census 2011 Edge Analytics forecast rates of population growth using the 2010-based population projections. The 2010-based sub-national population projections are used because the 2008-based SNPP and 2011-based SNPP are both problematic. The 2008-based SNPP are in error because they over-estimate the population and overestimate levels of growth arising from international migration. The 2011-based population projections are interim.
- 3.8 Having assessed a rate of population growth from a re-based population

Edge Analytics then convert that population into households. To do this they can either rely on the 2008-based headship rates or the 2011-based headship rates. Headship rates³ have historically fallen across the UK, partly as a result of demographic change and partly economic growth. However, the 2008-based headship rates have been shown to overestimate the rate at which household size will fall in Leeds. The 2011-based headship rates, which are drawn from the Census 2011, change the rate of fall which occurred between Censuses. They are more robust because they cover a period of 10 years, which includes both strong growth and recession, but they only project up to 2021. Therefore, in order to provide a balanced approach Edge Analytics average both the 2008-based and 2011-based headship rates for the plan-period.

3.9 The resulting range of dwelling growth forecasts shows that if the SHMA was re-run with the latest demographic assumptions the annual average housing requirement would be 3,587 dwellings per annum for the plan period as opposed to the Core Strategy average of 4,375 dwellings per annum.

3.10 At the Core Strategy Examination the Leeds Housing Consortium submitted a report from Nathaniel Litchfield Partners “Leeds Local Plan Assessment of Housing Requirement to inform Examination”. This raised two main points:

- that the Edge Report had not considered changes to the Regional Econometric Model when re-considering the evidence underpinning the SHMA
- that a backlog of housing does not form a part of the housing requirement figures and should be included

3.11 Edge Analytics consequently produced an addendum to their original

³ Headship rates are used to translate levels of population into numbers of households. Using a combination of data from successive censuses (1971, 1981, 1991, 2001 and 2011) for local areas and Labour Force Survey information for England, these headship rates define the likelihood of a particular household type being formed, given the age-sex profile of the population. Households are defined by one of 17 different types.

September 2013 report called “Leeds Local Plan: summarising the demographic evidence” October 9th 2013 contained at **Appendix III**.

3.12 This revised report considered the REM 2013 forecasts, which estimates a job growth of 64,640 jobs growth over the plan period. This figure is higher than the 44,000 jobs growth estimated in the REM 2010 forecasts, which fed into the SHMA 2011 Update, however its impact on the overall Core Strategy target is marginal. Edge Analytics expressed concerns to the Council around using the REM 2013 blindly and their caution is expressed at para 2 of their key findings (**Appendix III**). This view fits with the Council’s own approach to not ascribing too much weight to the latest REM figures for the following reasons:

- as with any projection over such a long timescale, the results should be treated with care and REM forecasts should only be used to give an indication of the possible scale and direction of change
- REM forecasts are by nature optimistic. The actual growth for 2001-11 was 610 FTE jobs per annum compared to a projected average of 3,634 jobs a year from the REM 2013 for the next eleven year period.
- the REM 2013 average is just short of the actual job growth seen in the ‘boom period’ – this seems overly optimistic given the current economic climate
- in 2009 there was a decrease of 21,259 jobs within Leeds. This points to significant slack within the Leeds jobs market and it is reasonable to expect that job growth moving forward will in the main take up this slack. Many of these “new” workers who are shown in the forecasts, will be included within the current population and many of them will already have a house.
- it is also important to note that it will take around 5 years of job growth at REM 2013 levels to meet and exceed the previous employment levels of 2008, at the height of the boom.

- 3.13 It is not clear here whether Mr Johnson is casting doubt on the evidence in the Edge Analytics work which supports the overall housing requirement of 70,000 dwellings or whether he is casting doubt on the manner in which the Council used the Edge work to justify the step-up. Clearly, the Inspector has accepted that the 70,000 requirement for the plan-period is the correct figure and the only outstanding issue remains whether there is evidence to support a step-up.
- 3.14 Mr Johnson also makes a confusing statement at the end of ¶3.14 which needs clarifying. He states that “When cross-examined on the matter of the ‘step-up’ with lower requirement in the first part of the Plan Period prior to 2017, the expert from Edge Analytics informed the higher provision was required now as the jobs growth had come about much sooner than expected.” My recollection and notes of the core strategy hearing do not support Mr Johnson’s proof on this point, and Dr Boden’s (the author of the Edge report) written submission at **Appendix III** does not fit with what Mr Johnson attributes him to saying.
- 3.15 Dr Boden informed the hearing that due to a revised estimate from the Regional Econometric Model higher jobs growth was now forecast which if taken on its own would help to influence a higher housing requirement for the plan-period. His use of the word “now” may in this circumstance have meant in light of the REM model rather than the immediate term.
- 3.16 The evidence does not support Mr Johnsons claim because there is a considerable level of re-filling of jobs before job growth creates new housing demand.
- 3.17 In ¶3.17 Mr Johnson notes that the Council’s Executive Board accepted the Inspector’s Main Modifications which removed the step-up. However, since that date two material factors have occurred:
- the publication of the final NPPG
 - a letter from the Planning Minister to Stuart Andrew MP which states that

3.18 I attach the Council's submission to the Core Strategy Inspector for the further hearing session to explore these matters as **Appendix IV**.

3.19 Mr Johnsons ¶3.18 contains a reference to uncontrolled 4,000 windfall. I do not understand this point. The Council's gross housing requirement is 74,000 homes between 2012 and 2028. The Inspector has accepted that 500 homes per annum will continue to be provided on smaller windfall sites as has happened in the past. This equates to 8,000 (gross) over the plan period.

4 The Leeds Housing Requirement (section 4 of Mr Johnson's proof)

4.1 Mr Johnson is confusing the historic backlog with under delivery. Any backlog has been addressed by the objective assessment of housing and the consequent 70,000 requirement. This has been accepted by the Core Strategy Inspector.

4.2 The application of the buffer must reasonably apply to the performance against planned rates of housing from the base date of the plan i.e. 2012. Therefore the application of a 20% buffer is wrong on two counts:

- It has not been proven that the under-delivery against the 2012 base date is persistent as it has only occurred for two consecutive years
- It is not possible to identify the scale of under delivery against prior targets because those set out in the RSS are fundamentally flawed on the basis of evidence and policy approach

4.3 In ¶4.9 Mr Johnson adds the buffer to both the housing requirement and the under-delivery against plan targets. This is double counting. The Council's approach is to add a buffer to the requirement and deal with the under-delivery as a separate component. To adopt Mr Johnsons approach is to double count and work outside of the spirit of the NPPF. There is also no provision for this approach in the NPPG.

5 Updates to monitoring

- 5.1 In my original proof at Appendix IV I noted that the 2013/14 figures would be updated to year end i.e. 31st March 2014. In doing so it was also found that there was a slight error in the figure provided for market housing for 2012/13. All data is now updated and attached as **Appendix VII**.

-END-

Appendix I Correspondence between Leeds City Council and PINS regarding appeal decision at Thorp Arch

(I.I) Letter from Chief Planning Officer to PINS (21.06.2013)

Mr. P. Burley,
Chief Planning Inspector,
The Planning Inspectorate,
Room 3/13,
Temple Quay House,
2 The Square
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BRISTOL
BS1 6PN



Contact: Phil Crabtree
Tel: 0113 24 78187
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Email: phil.crabtree@leeds.gov.uk

21st June, 2013

Dear Mr. Burley,

5 YEAR LAND SUPPLY AND THE IMPLEMENTATION OF THE FRAMEWORK

I write to you following an appeal decision on 8th May 2013, which raises a number of fundamental concerns for the City Council. The appeal reference is APP/N4720/A/12/2179066 and relates to the delivery of 4 executive style dwellings on a former car park, east of Leeds United AFC Training Complex, Thorp Arch. The main issues in the appeal were whether there would be sufficient provision for affordable housing, the effect on highway safety and the effect on the character and appearance of the area. The appeal was dismissed.

The Inspector, in her decision, makes specific references to the Council's 5 Year Housing Land Supply (5YS) position. These references are contained within the preliminary matters of the decision and it is clear that the 5YS is not part of the reasoning which actually led to the decision. The comments are set out in the Preliminary Issues of the Inspector's decision notwithstanding that the views do not stem from any debate of substance at the hearing. They give us cause for concern that they may prejudice future decisions where the 5YS is a more pertinent and relevant issue.

The approach to the 5 Year Supply at the appeal hearing

The Council made clear in advance of the hearing that they did not consider the 5 year land supply to be relevant. At the hearing sessions the Council submitted its Authority Monitoring Report (2012), which contained the 5YS position for 2013/14 to 2017/18 and had been agreed by the Council's Executive Board on 13th March

2013. There is a 5.3 year land supply in Leeds. The Council did not call any evidence on housing land supply in addition to that contained within the AMR and the accompanying Executive Board Report. The Council made clear that if the inspector wished to hear further evidence on the matter then other witnesses would need to be called, and the hearing adjourned.

The 5 year land supply issue was raised, albeit briefly, in the Appellant's Hearing Statement. The Inspector indicated at the hearing that if the appellant wished to scrutinise the Authority Monitoring Report on land supply the hearing would have to be adjourned.

The Appellant declined this. Very limited discussion was held on the 5YS during the hearing sessions and the Council relied on its evidence as submitted. Given that the 5YS was not a reason for refusal, it was the Council's view that calling additional expert witnesses (including from outside the Council) to address in detail the technical points raised by the Appellant would be excessive. No further steer was provided by the Inspector on the matter of the 5YS.

It is therefore of great concern to the Council that the Inspector's decision raises a number of issues with the 5YS position including:

- the lack of an historic undersupply within the 5YS
- supply based on Submission Core Strategy rather than Regional Strategy targets
- the lack of a 20% buffer given what she saw as historic undersupply against Regional Strategy targets

This decision is the first of its kind in Leeds since the NPPF was finalised. The Inspector's conclusions raise three main concerns:

- the Council could have provided evidence to address the Inspectors concerns if requested and if this was to become a main matter for the hearing
- the Inspectors concerns do not have a clear basis and fall outside of the requirements for a 5YS established in paragraph 47 of NPPF, they therefore could and should have been made more explicit at the time
- future situations, where a demonstrable 5YS is more pertinent, are now prejudiced as a result of this decision

The Council's Land Supply Position

We would have been able to present evidence at the hearing on our 5YS and the range of ongoing activities that aim to significantly boost the supply of housing in Leeds. Within the context of a Leeds Growth Strategy, the Council has a highly ambitious LDF agenda, has recently released substantial levels of greenfield land and is directly addressing low demand in regeneration areas.

Key concerns with the decision

Within this context of positive ambitions for good growth, the Inspectors conclusions on 5YS are very unhelpful. In addition, there are specific points that I would wish to

raise which in my opinion go beyond the requirements of the NPPF and in the absence of clear Government guidance on the issue have the potential to create confusion.

The revocation of the Regional Spatial Strategy by the Secretary of State in February 2013 is a fundamental and absolute action, in line with the Governments ambition to return decision-making powers on housing and planning to local councils. The Ministerial Statement accompanying the revocation states upfront that “the revocation of the Regional Strategy for Yorkshire and Humber and its flawed top-down targets heralds another important step for localism” (my emphasis). There is an apparent inconsistency between this Ministerial statement and the requirement of the Inspector to place significant weight on RSS targets in advance of Local Plans being adopted.

That such weight should be given in light of more recent evidence (the sub-national projections and Census that has emerged since RSS pointing to lower growth, the influence of the recession and the recent Leeds Strategic Housing Market Assessment) is also confusing to us.

The NPPF does not require local authorities to address and make up for undersupply against housing requirements. Paragraph 47 of the NPPF requires that where there has been a record of persistent under delivery a buffer of 20% should be set to “to achieve a realistic prospect of achieving the planned supply”. It is difficult to understand the origin of the Inspectors requirement for an undersupply to be taken into account in the 5 Year Supply, how far back this should be assessed and against what target? Currently, there is no government guidance on how to calculate a five year land supply. Previous CLG guidance on the issue was removed when the NPPF was published. It seems to me that the Inspector is applying previous custom and practice to the current requirements for a 5 Year Supply when it should be case that Local Authorities themselves develop and justify a methodology in line with the NPPF. I would like to stress the dangers of such an approach in the current market as this not only perpetuates a vicious cycle of under delivery but threatens established spatial strategies by forcing the release of greater quantities of land in buoyant market areas to the detriment of regeneration priorities. This is not an explicit requirement of the NPPF as a whole.

The Council has data that demonstrates that there is an increasing length of time being taken for developers to complete units once planning permission has been granted and that whereas in 2007/08 most completions related to permissions granted within the last 3 years in 2011/12 most related to permissions granted 5 years previously. This indicates that once sites commence they are taking longer to build out. This fits with national views from economic experts that it is not land supply that is the key impediment to housing delivery but access to finance.

We also have detailed technical concerns regarding setting levels of undersupply following the recent unprecedented recession. The basis for the targets in the RSS is largely job-based. Whilst it is acknowledged that there may be some unmet latent demand (i.e. demand unrelated to the creation of new jobs) the Council remains of the view that levels of undersupply would be considerably smaller than the difference between homes delivered and RSS targets. To that end, requiring that such “under

supply” be made up quickly has no evidential basis and in our view will be harmful to the delivery of the Council’s spatial strategy (whether that is set out in the Adopted UDP Review (2006), now revoked Regional Strategy (2008), Submission Core Strategy (2013) or NPPF). Under the right circumstances (i.e. outside of an appeal on a minor planning application) the Council will call expert witnesses (including from outside of the Council) to evidence and defend this view.

The Council did not call any evidence on the housing land supply position other than the AMR, and therefore the Inspector’s comments were based on only hearing one part of an argument.

Conclusion

The Council remain concerned that despite a positive approach to housing growth, including a flexible approach to the implementation of the Adopted UDP Review in advance of the Core Strategy and Site Allocations Documents, there is continued pressure from house builders to release further greenfield land.

Given the lack of guidance on the issue of a 5YS it is inevitable that PINS will find itself providing more detailed technical and methodological recommendations around the 5YS issue. The Council is concerned that while this may be appropriate in some cases it should not be taken as good practice for all. The correct approach to defining a methodology for a 5YS should be one agreed in consultation with local authorities which takes into account local variations.

I hope that these comments arising from the recent decision are useful to you and I would welcome your views. I would like an acknowledgement that the matters were not debated at the hearing and recognition that the Inspector’s views on 5YS in her decision were therefore inappropriate and should not be taken into account in future appeal decisions. Our concerns are that this decision will be taken as a reason for challenge to the Council’s approach and a firm view on the Council’s 5YS position despite the lack of debate.

Should you require any further clarification please do not hesitate to contact me.

Yours sincerely,

PHIL CRABTREE
Chief Planning Office



(I.II) E-mail from Phil Crabtree, Chief Planning Officer to PINS 10.10.2013

From: [Holly Jule](#) on behalf of [Crabtree, Phil](#)
To: "Chris.Pritchard@pins.gsi.gov.uk"
Cc: [Ellie, Martin](#)
Subject: Thorp Arch
Date: 10 October 2013 15:58:27

Dear Mr Pritchard

Further to your email below and the letter of 3 July from Mr Burley. Could you please advise of any progress and likely date of decision following referral to your Quality Assurance Unit regarding APP/N4720/A/12/2179066 Thorp Arch. We are particularly concerned about the delays in resolving this matter as are Members of the Council. A full and speedy response would be appreciated.

Thank you.

Phil Crabtree
Chief Planning Officer
Phone: 0113 2478177
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From: Pritchard, Chris [<mailto:Chris.Pritchard@pins.gsi.gov.uk>]
Sent: 21 August 2013 17:24
To: Crabtree, Philip
Subject: APP/N4720/A/12/2179066 - Car park east of Leeds United AFC Training Complex

Dear Mr Crabtree

I am writing to let you know that our investigations into the issues raised in your letter of 21 June are unfortunately taking longer than originally foreseen.

Whilst I realise that you would have preferred to have received a reply sooner, you will appreciate the need for us to obtain a full understanding of the situation so that we may give a careful and informed consideration to your points before replying.

We will write to you again shortly with a full reply once our investigations are complete.

=====
Chris Pritchard
Executive Officer - Quality Assurance
The Planning Inspectorate
Room 1/23, Kite Wing, Temple Quay House
2 The Square, Temple Quay, Bristol BS1 6PN

E-mail: chris.pritchard@pins.gsi.gov.uk
Telephone: 0303 444 5493
=====

(I.III) Letter from PINS to Chief Planning Officer 28.11.2013

RECEIVED
2/11/13



The Planning Inspectorate

Room 1/23 Hawk Wing
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DEVELOPMENT DEPARTMENT			
To	Action	Date	File

Phil Crabtree
Chief Planning Officer
Leeds City Council
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

Your Ref:
Our Ref: APP/N4720/A/12/2179066
Date: 28 November 2013

Dear Mr Crabtree

APPEAL BY DM NORTH LIMITED – SITE CAR PARK EAST OF LEEDS UNITED AFC TRAINING COMPLEX, THORP ARCH, WETHERBY

Thank you for your letter of 21 June. It has been passed to me for reply as it is the role of the Quality Assurance team to deal with post decision issues and correspondence.

Please accept my apologies for the delay in responding. I should explain that in investigating the issues raised I have sought the comments of the Inspector Julia Gregory and consulted with colleagues including Inspector Group Manager Ben Linscott who is himself an experienced Inspector.

I note your concerns regarding the specific references by the Inspector to your Council's 5 year housing land supply in the appeal decision letter. Annexe Q of our published Procedural Guide for planning appeals explains our feedback and complaint procedures. We do make every effort to ensure everyone who takes part in the appeal system is satisfied with the service they receive from us and we will investigate any concerns about appeal decisions. That said as you will be aware the decision letter is a legal document and it is set out in planning legislation that the only way in which an appeal decision might be reviewed is if it is successfully challenged in the High Court. It is not possible for us to, in effect, re-open matters that the Inspector was appointed to determine in this appeal. This is beyond the remit of our complaints procedures. I can, however, comment in general terms.

I understand that the appellant clearly introduced as an issue what it regarded as a housing land supply shortfall in support of its case. Accordingly the Inspector took this matter into account in her consideration of the appeal. The Hearing provided the opportunity to present evidence on this issue. The onus is on the parties concerned to provide any evidence they consider is necessary to allow the Inspector to have a full understanding of the issues involved. From my reading of the decision letter, the Inspector makes a detailed commentary on the evidence which was presented,



although it is not referred to as main issue on which her decision to dismiss the appeal turned. Whilst the issue is mentioned briefly in the concluding paragraph of the decision letter, this is to acknowledge a statement of fact that it would make a small and positive contribution to supply. Accordingly the issue of 5 year housing land supply it is not explicitly part of her overall balancing assessment or judgement.

In making a planning application, it would be for the developer in each case to demonstrate to the satisfaction of your Council that a proposed development is acceptable in planning terms. A previous appeal decision is a material consideration that can be taken into account. That said a previous decision is not a directive. It is a decision on an individual appeal. Whilst 5 year housing land supply is not in any event a main issue in this particular appeal, your Council is not bound by this decision for the purpose of determining other applications, in which the issue may arise. A developer could not reasonably expect to succeed if their presented evidence depended to any great extent on a previous appeal decision.

Yours sincerely

A handwritten signature in black ink that reads "Chris Pritchard". The signature is written in a cursive, slightly slanted style.

Chris Pritchard
Quality Assurance

Appendix II Edge Analytics Report Updated to include economic assessment

Attached as separate document



Appendix III Edge Analytics note for the Core Strategy Examination

Leeds Local Plan: summarising the demographic evidence

9th October 2013

Purpose of this note:

This short document draws together the growth scenarios which have been developed to inform the Leeds Local Plan, providing a clear and concise perspective from which the Core Strategy inspection process can evaluate alternative housing growth outcomes.

Demographic context:

Demographic statistics in general and for Leeds in particular, have been subject to significant revision in the last three years. Robust estimation of international migration has been especially problematic. The 2011 Census has provided a timely update to population and household statistics, resulting in a significant 'recalibration' of Leeds' population count and a new household projection model. Appropriate consideration of this new evidence and its impact upon growth forecasts for the city is a key component of Local Plan scrutiny.

Document time-line:

In compiling this note, evidence has been taken from the following documents:

Date	Author	Document
2011	GVA & Edge Analytics	Strategic Housing Market Assessment
2012	Leeds City Council	Core Strategy
September 2013	Edge Analytics	Demographic Evidence – an update
October 2013	NLP	Assessment of Housing Requirements
October 2013	Edge Analytics	Leeds Local Plan – Summarising the demographic evidence

Summary:

A summary of the growth scenarios presented in these key documents is provided below. The table provides housing growth outcomes for each scenario. Guidance notes are provided to aid interpretation.

Key points:

1. *The need to consider the latest demographic evidence for Leeds, its impact upon growth forecasts for the city and the objective assessment of housing need. The Census 2011, the new 2012 Mid-Year Estimates, 2010-based and 2011-based Sub National Population Projections and 2011-based Sub National Household Projections all provide important information on likely housing needs in the future.*
 2. *The appropriateness of considering the latest economic forecast from the Regional Economic Model (REM). NLP and Edge use the most recent 2013 REM figures. The NLP analysis results in a slightly lower annual average household growth than analysis by Edge Analytics. Given the uncertainties surrounding REM forecasts Edge Analytics also provide an average between the 2010 and 2013 forecasts.*
 3. *The appropriate use of 'household formation rates' to determine likely trajectories of household and dwelling growth. NLP suggest that it is necessary to presuppose what might happen to household formation after 2021 given that the 2011-based projections are interim. Edge Analytics suggests that using the trend based information in the 2008-based and 2011-based household projections alongside the Census provides a robust evidence base approach to likely household formation for the plan-period. Both 2008-based and 2011-based projections cover a period during the economic boom.*
 4. *Whether it is appropriate to consider 'backlog' as a component of future housing requirements given the volatility of the demographic evidence. Given the significant recalibration of the Leeds population in recent years and the errors involved in modelling international migration it would be very difficult to estimate with precision a level of undersupply prior to 2012. Given that the Core Strategy target is at the upper end of the likely growth scenarios for Leeds, it is considered unnecessary to account for backlog in the Core Strategy housing trajectory.*
-

Leeds – Growth Scenarios (Edge Analytics & NLP)

Scenario	Average numbers of dwellings per year 2012-2028					
	Edge Analytics		NLP			
	Scenarios A (2011-based)	Scenarios B (2008-based)	Index Method	Partial Catch-up Method	Average	
1	Migration-led 10Yr-X	5,025	5,785			5,405
2	REM 2013 (Edge)	4,087	4,769			4,428
3	Leeds Core Strategy	4,375	4,375			4,375
4	SNPP 2011			4,049	4,416	4,233
5	REM 2013 (NLP)			3,900	4,323	4,112
6	Migration-led 5Yr-X	3,685	4,455			4,070
7	REM average (Edge)	3,676	4,340			4,008
8	REM 2010 (Edge)	3,264	3,911			3,587
9	SNPP-2010	3,184	3,788			3,486
10	REM 2010 (NLP)			3,057	3,462	3,260
11	Migration-led 10Yr	2,727	3,339			3,033
12	Long-term Migration			2,790	3,144	2,967
13	Migration-led 5Yr	2,126	2,795			2,460
14	Net Nil	1,723	2,670			2,196

Dwellings - Plan Period		
Min	Max	Average
80,402	92,563	86,483
65,392	76,304	70,848
70,000	70,000	70,000
64,784	70,656	67,720
62,400	69,168	65,784
58,964	71,277	65,120
58,816	69,440	64,128
52,221	62,573	57,397
50,947	60,615	55,781
48,912	55,392	52,152
43,628	53,428	48,528
44,640	50,304	47,472
34,008	44,726	39,367
27,572	42,715	35,144

REM = Regional Economic Model

SNPP = Sub-national population projection (Office for National Statistics)

Shaded cells are NLP scenarios

Unshaded cells are Edge Analytics scenarios

All scenario outcomes exclude any 'backlog' adjustment

Scenario definition:

The following table provides a summary categorisation of the scenarios:

Scenario	Name	Description
3	Leeds Core Strategy	Dwelling growth defined in the SHMA and averaged for the Core Strategy plan period. Not considering the SHMA sensitivity around fixed headship rates up to 2017.
4, 9	SNPP-2010 SNPP-2011	Official population projections published by ONS, with both a 2010 and a 2011 base year.
1,6,11,12, 13,14	Migration-led 10Yr-X Migration-led 5Yr-X Migration-led 10Yr Long-term Migration Migration-led 5Yr Net Nil	Trend projections which use historical demographic evidence to define the migration assumptions that drive future population growth.
2,5,7,8,10	REM 2013 (Edge) REM 2013 (NLP) REM average (Edge) REM 2010 (Edge) REM 2010 (NLP)	Growth forecasts which are linked directly to a forecast of future jobs growth, derived from Experian's Regional Economic Model (REM). Also referred to as 'Employment-led' scenarios in previous documentation.

Household formation rates:

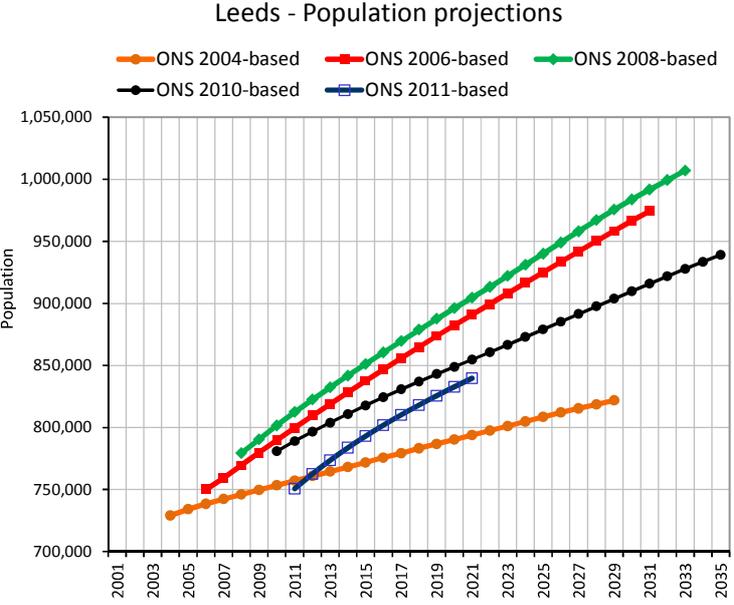
The following table provides a summary of the different 'household formation rates' (sometimes referred to as 'headship rates') which convert population forecasts to household forecasts:

Type	Used by	Description
Scenarios A 2011-based	Edge Analytics	Household formation rates are consistent with the 2011-based household projection model from CLG. Rates for 2021 onwards are a continuation of the 2011-21 trend.
Scenarios B 2008-based	Edge Analytics	Household formation rates are consistent with the 2008-based household projection model from CLG.
Index method	NLP	Household formation rates are consistent with the 2011-based household model for 2011-21 but follow the 2008-based trend thereafter.
Partial catch-up method	NLP	Household formation rates are consistent with the 2011-based household model for 2011-21 but follow an accelerated rate thereafter.

Technical Points:

NLP makes a number of comments and observations on the Edge Analytics analysis, generally to position its own analysis as more robust and appropriate as a basis for the formulation of housing requirements.

Comments are made here in response to specific points raised in the NLP report:

Paragraph	Edge Analytics comment																			
2.1	<p>The ONS 2011-based population projection does not provide a robust statistical outcome. 2010-based migration assumptions have been applied to a 2011 Census population. These assumptions are not only based on mid-year population estimates that have been superseded but they are also applied to a different population age-profile that has been recorded in the 2011 Census.</p> <p>The following illustrations give some indication of the growth trajectory that results from the method used to generate the 2011-based SNPP.</p>																			
	<p style="text-align: center;">Leeds - Population projections</p>  <table border="1" data-bbox="587 1657 1181 1926"> <thead> <tr> <th rowspan="2"></th> <th colspan="3">Average rate of annual population growth</th> </tr> <tr> <th>2001-2011</th> <th>2012-21</th> <th>2022-28</th> </tr> </thead> <tbody> <tr> <td>Mid-year estimates</td> <td>3,507</td> <td></td> <td></td> </tr> <tr> <td>ONS 2010-based</td> <td></td> <td>6,560</td> <td>6,157</td> </tr> <tr> <td>ONS 2011-based</td> <td></td> <td>8,889</td> <td></td> </tr> </tbody> </table>		Average rate of annual population growth			2001-2011	2012-21	2022-28	Mid-year estimates	3,507			ONS 2010-based		6,560	6,157	ONS 2011-based		8,889	
	Average rate of annual population growth																			
	2001-2011	2012-21	2022-28																	
Mid-year estimates	3,507																			
ONS 2010-based		6,560	6,157																	
ONS 2011-based		8,889																		
2.4	The text refers to a continuation of 2001-2011 migration trends in the 2011-																			

	based projection. The points raised in 2.1 above suggest that the migration assumptions are inappropriate as they have been derived from out-dated evidence, now superseded by 2011 Census information and revised mid-year estimates for 2002-2010.
2.5	The suggestion is made that the CLG 2011-based interim household projections: 'roll forward the demographic and housing conditions that were experienced during a time of recession'. This is only partly true, as the household headship rates for the CLG model take account of change over the 2001-2011 period which captures two very different types of market condition.
2.6 & 2.8	The substantial fall in average household size is influenced by the fact that the 2008-based household projections are underpinned by the 2008-based population projection which suggests a very different scale and type of growth for Leeds (see illustration above).
2.10	The lower level of projected household growth is primarily due to the very substantial over-estimation of international migration for Leeds for the 2001-2011 period. This has since been corrected following release of the 2011 Census and recalibration of previous 2002-2010 mid-year estimates.
2.16	The methodology behind the derivation of two alternative headship rate trajectories ('index' and 'partial catch-up') is a little difficult to understand. Attempting to forecast the point at which rates return to a previous trend is difficult. There are endless permutations which could be tested. We would argue that the Edge Analytics approach is simpler and more transparent; take the 2008-based and 2011-based headship rates and test them side-by-side. This avoids the use of a bespoke forecast of headship rate change over time.
2.19	The implication of lower migration growth than previously expected is a lower trend projection for Leeds.
3.3	See comment on 2.16 above.
3.4 & 3.5	Edge Analytics does not advocate the use of either one or the other of the 2008-based or 2011-based household headship rates. Using both side-by-side provides the most objective and transparent perspective on future household growth for each of the scenarios tested.

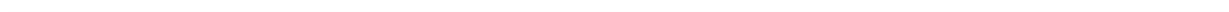
3.8	How does NLP's unemployment forecast compare with that which underpins the latest Experian 2013 / REM 2013 economic forecasts?
3.9	<p>Edge Analytics has applied a relatively prudent approach to changes to economic activity rate of the 60-69 year olds as a result of state pension age changes. Other changes that may result from a more substantial shift in economic participation resulting from poor pension provision and healthier old age have not been factored in.</p> <p>It is not clear from the NLP report, the extent to which economic activity rates have been modified. Does an '8% increase in economic activity rate' imply that rates have changed from (for example) 10% to 10.8% or from 10% to 18%?</p> <p>How do the Experian economic activity rates, which underpin the latest Experian 2013 / REM 2013 economic forecasts, compare to what has been tested by the Edge Analytics and NLP scenario?</p>

3.13	It is unclear how the jobs density calculations have been applied in each of NLP's scenario tables. Further clarification would be required before any further comment can be made.
3.14	The suggestion that 90% of population change will be the result of international migration reflects the inappropriateness of this scenario outcome.
3.24	Further clarification required on the conclusion that is being drawn in paragraph 3.24.
3.56-3.57	The calculation of a backlog is unclear. Why is the 2004/5-2011/12 period dismissed in favour of a shorter period?

Dr Peter Boden
Edge Analytics Ltd
October 9th 2013

**Appendix IV Council's summary of the demographic evidence and
how it aligns with the regional econometric model**

Attached as separate document



Appendix V Outwood Lane Appeal Decision Extract APP/N4720/N13/2192208

Appeal Decision APP/N4720/A/13/2192208

Issue 4: housing land supply

52. The question of housing land supply¹⁷ was initially raised by the Appellant in relation to whether the proposal should be determined in the light of the statement at paragraph 49 of the National Planning Policy Framework that 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. This ties back to paragraph 14 of the Framework, which states that where relevant development plan policies are out of date the presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (referred to as the 'enhanced' planning balance).
53. During the course of the Inquiry, it was clarified that no policies for the supply of housing were in issue.¹⁸ It was agreed, therefore, that the appeal proposal should be determined according to the 'classical' planning balance¹⁹. In this regard, the Council made clear its own view that, in the light of the general policy encouragement for housing at both local and national level, some weight should be attached to the proposal by virtue of the fact that it would deliver housing. For the Appellant, it was stated that the actual extent of any shortfall in supply would be unlikely to make a material difference to the outcome of the appeal, the salient point being that the five-year housing supply reflects a threshold where national policy gives much greater weight to the benefits of housing provision. Thus, the only remaining difference between the parties concerned the degree of weight which should attach to the benefits of housing provision if some conflict with development plan policies was identified and it became necessary to carry out an overall planning balance. On that basis, it was agreed that for the purposes of this appeal it is necessary only to reach a finding as to whether the Council is able to demonstrate a five-year housing land supply.
54. On the Council's own figures, the supply of housing land currently stands at 21,402. Whilst this was disputed by the Appellant, the differences between the parties would only become relevant if it was shown that the claimed level of supply was in excess of the identified housing requirement.
55. The issue of housing land supply in Leeds has most recently been tested in 2011²⁰ (the Grimes Dyke decision). At that point, the Secretary of State concluded that there were no material considerations of sufficient weight to indicate that the five year housing land supply requirement should be determined on any basis other than the development plan. The starting point now, as was the case in 2011, must be UDPR policy H1, which states that provision will be made for the annual average requirement identified in the Regional Spatial Strategy. That requirement stands at 4,300 dwellings a year which, with a 5% buffer, would produce a five year requirement in excess of 21,402. Thus, a five-year housing supply could not be demonstrated against the requirement in the development plan.

¹⁷ National Planning Policy Framework paragraph 47: sufficient to provide five years worth of housing against the housing requirement with an additional buffer of 5%

¹⁸ Doc 29, Note 2 (agreed) on housing land supply and UDP policies

¹⁹ cf Section 38(6) of the Planning and Compulsory Purchase Act 2004 that if, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise,

²⁰ APP/N4720/A/09/2117920 Land at Grimes Dyke

56. The Council contends that the situation has moved on some way since the Grimes Dyke decision and it is necessary to have regard to the more up to date evidence which is now available²¹. The draft Core Strategy was submitted for examination earlier in the year and hearings are scheduled to take place in the near future. As is to be expected, the draft Core Strategy sets out its own housing requirement which is accompanied by a much more recent evidence base than that which informed the Regional Strategy. It identifies a need for 74,000 dwellings over 16 years, based on an employment-led scenario. The figure of 74,000 would translate to 4,625 dwellings a year and a five year figure in excess of 21,402 so that, again, a five year supply could not be demonstrated.
57. Policy SP6 of the draft Core Strategy however, sets the requirement at 3,660 dwellings a year for the period 2012/13-2016/17, stepping up to 4,700 a year thereafter. This would produce a requirement for the period 2013-2018 of 19,340, rising to 20,307 once the 5% buffer was included. The size and timing of this 'step-up' is justified with reference to the SHMA²², which examines a range of local factors affecting population and household formation rates. In particular, the Council relies on the SHMA to support its case that the rate of new household formation has been curtailed by economic factors such as the credit crunch and the recession and that such factors will continue to influence demand in the short term.
58. I recognise the logic that an employment-led scenario should take account of economic factors and, indeed, cogent arguments have been put forward to support the policy. However, it seems to me that such an approach constitutes a step away from meeting the full, objectively assessed need, certainly in the short term. It represents a means of tailoring or adjusting the requirement to accommodate economic constraints. Thus, whilst national policy allows demographic change to be taken into account²³, that guidance is given in relation to plan-making. Also, the Hunston decision makes clear that the stage at which growth constraints should be taken into account is when assessing how the identified need can be addressed. In a plan-led system, that is a matter for policy-making at the local level, which should properly be tested through the development plan process in the first instance. For this reason, I consider that the step-up approach contained in draft Core Strategy policy SP6 can carry little weight at this stage. In the absence of this step-up, the Council cannot demonstrate a five-year housing supply.
59. In the period since the Grimes Dyke decision the SHMA has been finalised and the evidence base for the draft Core Strategy has been assembled and published. Whilst the most recent figures are not that far away from those in the Regional Strategy in numerical terms, they provide an up-to-date picture, using national data tuned to reflect local circumstances. As such, I consider that they do represent a more authoritative assessment of need than those in the adopted development plan. However, irrespective of whether the housing requirement is based on the adopted development plan or on more up to date information, I find that the Council is unable to demonstrate a five year supply of housing land.

²¹ Hunston Properties Ltd, 2013 EWHC 2678 (Admin) (the Hunston decision)

²² CD9: Leeds Strategic Housing Market Assessment, May 2011

²³ National Planning Policy Framework paragraph 159



Core Strategy Examination Session 18

Topic: Housing Delivery & Supply (Implications of the NPPG Update)

Doc No. S18/1

Date: 14th May 2014

Venue: Leeds Town Hall, Albert Room

Overview

1. In March 2014, the Department for Communities and Local Government (DCLG) updated and published the National Planning Practice ('Beta') Guidance (NPPG). This was accompanied by a Ministerial Statement (6 March 2014) **Appendix 1**.
2. The Leeds Core Strategy was submitted for independent examination in April 2013. The initial hearing on the Duty to Cooperate was held in July 2013. On 28 August 2013, DCLG launched for testing and comment in draft "beta" form a national planning practice guidance (NPPG) web-based resource. Further hearing sessions were held during October 2013 and the Council and representors relied on some of the "beta" guidance at the time. The Council published the Inspector's Main Modifications on 12 March 2014. On 27 March 2014 DCLG published an updated version of the NPPG.
3. At the request of the Inspector, the City Council has reviewed the NPPG update and has subsequently identified a number of important changes from the draft guidance, which have implications for the Core Strategy and the Main Modifications. The Ministerial Statement has also amplified certain aspects of the guidance.
4. The City Council does not seek to revisit the wide range of matters which have been subject to extensive debate and consideration through the Hearing sessions, but wishes to focus on a small number of discreet areas as a consequence of the NPPG, where these are considered material to the Core Strategy.
5. These matters are considered to be significant and have been highlighted by the updated guidance and Ministerial interpretation, including through correspondence with a local MP (**Appendix 2**). They are supported by evidence post-submission and the Hearing sessions. These key areas can be summarised as follows:
 - a. Plan Monitoring
 - b. Responding to 'Market Signals'
 - c. Ensuring the provision of Infrastructure to support new development

6. As set out in the Core Strategy and as emphasised throughout the Hearing sessions, Leeds is a unique and special place in terms of its history, heritage, geographical composition and pattern of settlements, with each having its own identity and character. Within this context, the city is planning for economic prosperity and housing growth as a basis to tackle a range of major challenges and opportunities, including the desire to meet the full range of housing needs across the District.
7. Leeds is planning for more housing growth within its boundaries than any other local authority in England but the loss of the “step-up” puts substantial pressure on the Council from the plan’s base date of 1 April 2012. This is in three forms:
 - a. implications on the progression of the Site Allocations Plan which will take decisions on the allocation of land for 66,000 homes and re-draw the green belt boundary
 - b. the demonstration of a deliverable five year supply
 - c. the vicious cycle of under supply against the Plan’s base date

Monitoring (Housing Land Supply)

Empty Homes

8. One of the more clear-cut changes to the NPPG relates to the contribution that empty homes make towards meeting housing need. The guidance advises that *“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”*.⁴ The guidance clarifies that:
 - local authorities are encouraged to bring empty housing back into residential use
 - empty homes can help to contribute towards meeting housing need
 - any approach to counting empty homes against housing need would have to avoid double counting

⁴ NPPG, 2014, Reference ID: 3-039-20140306

9. The Council submitted a monitoring framework which contained within it an indicator “% of empty homes in the District (as measured through properties classified as long term vacant)”. This is included as indicator No. 14 in the monitoring table included as Main Modification 56. The Council has therefore been fully aware of the role that empty homes play in delivering housing. However, for the purposes of counting empty homes brought back into use against its housing requirements, the Council has developed a draft methodology that aligns with the approach to calculating and receiving New Homes Bonus for long term empty properties. This is considered the most robust, evidence based and proportionate response to the issue.
10. It will be important to avoid double counting in two ways. First there is a need to ensure that long term empty properties played no part in the Council's Strategic Housing Market Assessment 2012 and subsequent emerging housing requirement. The SHMA document is clear that long term empty homes have been kept separate from the overall gross and net figures which influenced the housing requirement. ¶6.41 of the SHMA (**Core Document 6/14**) is specific on this point – LCC emphasis underlined.
- “...A final column is included on the following table which also illustrates the potential effect on the gross requirements if an assumption is applied around the re-use of current excess vacant stock to absorb new households. The analysis in Section 4 illustrated that across the authority 4.7% of stock is vacant, equating to 15,926 dwellings. Applying a standard 3% vacancy rate to all stock (i.e. allowing for churn / turnover), this would suggest that there should be no more than approximately 10,060 dwellings currently vacant (based on 2010 estimate of dwellings of 335,322). The assumption being that the difference between the two figures, 5,866 vacant dwellings could be used to meet an element of future demand therefore reducing the requirement for new properties. Whilst this is possible over the plan period the re-use of vacant properties requires either public or private investment in many cases and it is therefore difficult to accurately foresee the contribution this will make, with this element therefore kept separate from the overall gross and net figures...”*
11. Figure 6.4 of the SHMA (**CD6/14**) also clearly shows that the figures upon which the Core Strategy requirement is based are exclusive of long term empty properties.
12. The Council has been dealing with empty homes for many years and this work now sits within the corporate ambitions established in the Leeds City Priority Plan

(CD3/6). The Plan is a city-wide partnership plan for 2011 – 2015 and has a vision that Leeds will be the best city in the UK. Two of the key priorities of the plan are to “Maximise regeneration investment to increase housing choice and affordability within sustainable neighbourhoods” and “Enable growth of the city whilst protecting the distinctive green character of the city.” Underneath these priorities sits an indicator to increase the number of long-term empty properties brought back into use. As part of this the Council has invested in a social enterprise (Leeds Empties) to encourage the bringing back of long term empty properties into use and there is no evidence to suggest that the early successes are not going to continue for well beyond the current five year period.

13. The Council's proposed approach to monitoring long term empty properties is set out at **Appendix 3a**. It sets out that on the basis of past trends around 400 empty homes are brought back into use each year and that the Council receives New Homes Bonus on this level. Therefore not only should completion rates for the past two years since the base date of the Core Strategy be amended to take into account empty homes, there should be a forecast supply of empty homes of around 2,000 homes over the next five years.
14. This would identify a steady stream of around 400 completions per annum for the short term tailing off throughout the plan period as the stock of long term empties shrinks. This will be pertinent to the housing trajectory, residual requirement and five year supply calculations.
15. The plan and monitoring table could usefully be modified to reflect these points and the updated guidance.

Student Housing

16. For clarity the Council already includes self-contained student housing against its requirement and as part of its land supply in line with the NPPG. The Council are currently investigating the implications of the NPPG which seems to suggest that further student housing supply, including traditional student Halls of Residence, should be included as part of the supply.

Older Persons Housing

17. Similarly, the NPPG also allows for the counting of housing provided for older people, including residential institutions in Use Class C2, against the housing requirement. The Council does not currently count Use Class C2 and made no provisions to do so in its monitoring framework. In light of the NPPG the Council would wish to do so and notes that the guidance states this “*should be clearly set out in the Local Plan*”.⁵
18. There have been 314 units from four schemes between 2012/13 and 2013/14 (details of the schemes are set out at **Appendix 3b**).
19. There are currently schemes for over 600 units in the pipeline either approved or at pre-application stage (details of the schemes are set out at **Appendix 3b**).
20. We suggest at this stage that in order to take account of these amendments to the NPPG, simple modifications to the monitoring framework (see **Appendix 3**) could be made alongside amendments to the justification text for Policy H1.

Implications for Policy SP6

21. The Council does not consider that any changes need to be made to Policy SP6 or H1 as a result of the additional categories of supply set out above. The additional supply will have implications for the phasing of the Council’s site allocations throughout the plan period and this will be addressed through the Site Allocations Plan.

Market Signals (Housing and Economic Land Assessment)

22. The NPPG update, reinforced by the Ministerial Statement, gives a stronger emphasis to the importance of market signals in managing housing growth and delivery. In particular, focus is given to the role and performance of the market and the housing industry in delivering growth – with impetus given, for example to the shortfalls in delivery in relation to unimplemented planning permissions.
23. Within this context, the City Council has engaged with the Home Builders Federation, housing providers and key stakeholders via the 2013 SHLAA process. As part of this process, evidence has emerged that notwithstanding the City Council’s own

⁵ NPPG, 2014, Reference ID: 3-037-20140306

interventions (including a £42m Council House Building programme and the use of its own assets for housing) there is a pessimistic “market signal” from the industry about the delivery and output of housing. This not only relates to brownfield land (even where these are subject to an extant planning consent) but also to a market view of the number of outlets required as operational at any one time and the build out rates associated with those outlets.

24. Recent and ongoing discussions through the SHLAA partnership (as reflected in the meeting minutes) have helped to clarify the perspective of the volume house builders:
 - a. they are only building to numbers which they can sell and state that this level is around 20 to 30 dwellings per annum. At the moment there are just over 80 outlets being run in Leeds. In order to meet the requirements at the stated sales rate there would need to be between 146 and 218 outlets.
 - b. whilst they would wish to increase the number of outlets that are operational at any one time, market forces means that this will be a gradual and limited release.
 - c. only sites which generate 20% profits or higher are considered viable prospects by volume house builders – the chief reason for this is because the banks require high profit margins to de-risk loans.
25. To that end, they are not planning and cannot plan to deliver the Core Strategy.
26. In seeking to take the Core Strategy forward however, the Site Allocations Plan process is well underway. Following extensive consultation on ‘Issues and Options’ material in June – July 2013, the Council is currently reviewing the representations received (approx. 7,000) in the preparation of a Publication draft plan later in the year. A key focus of this work is to work with infrastructure providers and others, in the allocation and phasing of sites for development, consistent with the overall approach of the Core Strategy.
27. Within the context of current market signals emphasised in the NPPG update and notwithstanding the range of infrastructure issues outlined in this Statement, the City Council has fundamental concerns that the removal of the ‘step up’ (and the delivery of the 70,000 requirement at a consistent rate of 4,375 p.a.), will exacerbate housing land supply and delivery issues. In the current housing market, where the estimated

completion of 2,500 homes for the past year remains short of the requirement, it is likely that Leeds will suffer a vicious cycle of increasing pressure on supply to remedy under-delivery, alongside any additional buffer. Whilst the Council can demonstrate it has sufficient land which is suitable and available to deliver the Core Strategy target, the main issues under prevailing market signals, lies with the NPPF requirement to demonstrate that this land is achievable and in particular viable.

28. These circumstances need to be considered within the context of the “plan-led” approach being pursued by the Council, as advocated by national guidance and the range of proactive interventions to boost housing land supply and to facilitate housing growth. These include the release of phase 2 & 3 UDP housing allocations, an interim policy to consider the release of safeguarded land, the Site Allocations process (which identifies potential for a further 16,000 homes on sites which have been assessed most favourably in comparison to others) and the Council continues to positively grant permissions for new homes (3,550 homes have been granted on average each year for the past four years). It should be emphasised also that in Leeds the stock of planning permissions has grown around 400% since 2001, whereas completions only grew to 165%. It is particularly striking that the ratio of permissions to completions has expanded from 6:1 in 2008 to 13:1 in 2013.

Infrastructure

29. The Nick Boles Ministerial statement of 6th March (**Appendix 1**) emphasises the importance of:

“ensuring that infrastructure is provided to support new development, and noting how infrastructure constraints should be considered when assessing the suitability of sites”.

30. When compared to the draft NPPG Guidance, there is a much greater emphasis placed on infrastructure delivery (see **Appendix 4**).
31. Post Core Strategy submission and the Hearing sessions, a number of factors have combined, which have an immediate impact on infrastructure delivery in the short term. These include:
- a. **Schools:**
 - i. new housing numbers will produce significant demand pressures on the need for new school places and the Council will be required to ensure that

one very large or two new primary schools is provided every year for the plan period. The table below compares the implications for school places derived from the 70,000 housing requirement averaged out over the plan period i.e. 4375 p.a. and the 3,660 requirement figure prior to the 'step up'.

Annual Units	% giving children	Units giving children	School	Yield	Children per year group	No FE required	Cost (Millions)
4,375	80%	3,500	Primary	875.00	125.00	4.17	13.33
			Secondary	350.00	50.00	1.67	8.33
							21.67
3660	80%	2,928.00	Primary	732.00	104.57	3.49	11.15
			Secondary	292.80	41.83	1.39	6.97
							18.13

- ii. In comparing the two figures, it is assumed that 20% of the units p.a. will be flats or otherwise will not generate children. For the averaged target of 4,375p.a., this means a future pressure of over four new forms of entry (30 children in a FE) in primary and 1.7 FE for Secondary each year, placing considerable pressure on infrastructure delivery. The cost calculated is equivalent to the total amount currently being allocated by government to support new places, with current birth rates being a key factor in the level of provision. In supporting this provision, it is anticipated that £22m p.a would be needed from developers to provide the schools infrastructure. This figure excludes land acquisition for both Primary and Secondary schools. 'Lead in' times will also need to be taken into account in site acquisition, obtaining planning permission and allowing for construction. The 4,375 requirement will

therefore place significant demand pressures on the need for new school places. Given the current pressures on school places arising from increased birth rates (which is likely to continue for the foreseeable future, together with additional pressures arising from housing growth) Leeds has already delivered new reception places, consequently, the Council's ability to continue to expand existing schools District-wide is becoming more limited each year and for the majority of the plan period the new school places will be required to be delivered in new schools.

- iii. this brings significant additional time and cost pressures to secure land for new schools and pay for the land in a timely fashion.
- iv. due to new legislation regarding school organisation the creation of new schools is more complex, with greater reliance upon a range of different providers including Free schools; because of the uncertainty associated with this, the co-ordination of school provision with planned housing growth is more difficult to achieve. This is especially the case in a District the size and complexity of Leeds.

b. Transport

- i. significant change to the transport planning system and the transport geography in West Yorkshire is underway. These key changes are the creation of the West Yorkshire Combined Authority which was established on the 1 April 2014 and is a successor authority to the former West Yorkshire Integrated Transport Authority; the development of the West Yorkshire Plus Transport Fund (including the City of York Council); and a bid for Local Growth Funding in relation to the Local Transport Plan which was submitted to the Government as part of the Leeds City Region Strategic Economic Plan.
- ii. The WYCA will take on all the transport and public transport powers and will also oversee strategic economic development and planning. It will be some time before the new arrangements and any associated organisational changes are fully embedded and the working

arrangements with the West Yorkshire planning authorities are matured.

- iii. At the same time as the creation of the WYCA, the Leeds City Region SEP bid will be a key determinant of the local council's and WYCA ability to support additional new transport infrastructure at least initially over the next 6 years to 2020. A positive outcome to this bid is critical at least for short to medium term local transport investment since central transport monies formed part of the "top slice" arrangement to create the Local Growth Fund which will support the SEPs. The decision on this is expected from Government in the early summer following which it will be possible for WYCA to firm up the new three year LTP Implementation Plan with a known budget.

- iv. The key elements are investment in new rail infrastructure; a bus strategy designed to support bus accessibility and service quality; targeted highway efficiency investments addressing pinch points in the network; and packages to give improved and new access to key employment sites. These elements work together in the longer term to supporting new housing need. It is important to note however that there is a lead in time in terms of the delivery of the initial core programme as the fund and development resources gear up to a fund which will significantly expand investment well above existing historic funding levels. Whilst each scheme forms an important component of the District's infrastructure, because of the process outlined above, the first schemes will not begin delivery until the latter parts of the present decade with key completions taking place in the early 2020's, following which subject to funding the Transformational Programme will follow on with delivery into the late 2020's. It would therefore be essential that the timing of large new green field sites where the transport infrastructure needs further development to meet higher build rates are aligned as far as possible.

- v. In reflecting the funding issues and lead in times outlined above, examples of 10 year Core Investment Programme schemes of relevance to the LDF Core Strategy include:
- Access to Aire Valley Leeds: including new park and ride provision; new highway linkages and capacity; and development of long term proposals to extend the Leeds New Generation Transport (trolleybus) network in to the area,
 - Airport: new access road connecting to the strategic network; and study and development of long term options for fixed public transport connections;
 - Bus: Packages of measures for the A653 Morley corridor; and pinch point and priority provision on a range of key corridors;
 - Rail: expanded park and ride capacity to meet future demand including stations that will serve new development; and development of an East Leeds Rail Corridor strategy including the examination of new station options to meet housing and employment development demand;
 - Highway network: East Leeds Orbital Road to serve the East Leeds Extension; pinch point improvements on A6120 Leeds Ring Road (North); route improvements to A6110 Leeds Ring Road (South);
 - City Centre: development of new access and transport strategy to support South Bank development plans and anticipated siting of HS2 Leeds station; includes initial package of measures to rationalise and orientate highway network to meet development priorities and support site readiness.
- vi. Overall, the emerging transport planning and funding arrangements present Leeds City Council with new opportunities for integrating planning, transport and development in terms of Local Development Framework. However there remains uncertainties and risks associated with gearing up and progressing what is a completely new funding

initiative, working with a newly created strategic authority to shape the long term transport remit.

- vii. What is a challenging transport infrastructure position becomes even more difficult with the removal of the step-up.

c. Significant Sites

- i. there are a number of large sites which form part of the Core Strategy approach, which are being considered through the site allocations plan or via the planning application process. These “big hitters” require substantial lead in and will not begin to deliver significant numbers until at least the middle of the plan period. The following list provides a flavour of the sites coming forward which are delivering in excess of 300 homes:

- East Leeds Extension for 6,000 homes reliant on the East Leeds Orbital Road including the Manston Lane Link Road.
- Thorp Arch for up to 2,000 homes is dependent on a relief road, primary school and new local retail centre.
- East side of Scholes for 700 homes is dependent on school provision and significant enhancement/improvement of local highway network.
- Vickers, Manston Lane for 400 homes dependent on the delivery of the Manston Lane Link Road.
- East of Otley for 550 homes dependent on a new Otley bypass.
- Kirkstall Forge, Kirkstall for 1350 homes with office space, Hotel and Leisure uses dependent on the delivery of a train halt
- Land off Tyresall Lane, Tyresall for 340 homes dependent on alterations to the Ring Road including New Roundabout
- Churchfields, East Ardsley for 300 dwellings delayed due to need for a new school.

Conclusion

32. As a consequence of the NPPG update and the evidence presented within this context, the City Council considers that the Inspector’s Main Modification of Spatial

Policy 6 should be withdrawn. On the basis of the local evidence of market signals and because of fundamental structure changes in how physical and social infrastructure should be delivered there is a need for a sufficient lead in time to enable a stronger and sustained level of market recovery and a plan – led and managed approach to growth, consistent with the overall approach of the Core Strategy.

33. The Council developed a City Priority Plan with its local partners for 2011-2015 (**Core Document 3/6**). This sets out the vision of the Council for Leeds to be the best city in the UK and a range of priorities by which this can be achieved. Priorities for living in Leeds relate to “maximising regeneration investment to increase housing choice and affordability within sustainable neighbourhoods” and ”enabling growth of the city whilst protecting the distinctive green character of the city”.

Appendix VI: 1: Extract from Written ministerial statement by Nick Boles on local planning, 6th March 2014

An accessible planning system

In October 2012, we invited Lord Taylor of Goss Moor to lead a review into the reams of planning practice guidance that we have inherited from the last administration.

My department subsequently held a consultation on the group's proposals, and in August 2013, we launched our proposed streamlined planning practice guidance in draft, consolidating 7,000 pages of complex and often repetitive documents. Today, we are launching the final version of that practice guidance through an accessible website.

We have carefully considered representations made on the draft practice guidance and feedback from hon. members and noble peers in recent Parliamentary debates.

I would particularly note that we are:

- issuing robust guidance on flood risk, making it crystal clear that councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed,
- re-affirming green Belt protection, noting that unmet housing need is unlikely to outweigh harm to the green Belt and other harm to constitute very special circumstances justifying inappropriate development,
- making clear that local plans can pass the test of soundness where authorities have not been able to identify land for growth in years 11 to 15 of their local plan, which often can be the most challenging part for a local authority,
- making clear that windfalls can be counted over the whole local plan period,
- explaining how student housing, housing for older people and the re-use of empty homes can be included when assessing housing need,
- ensuring that infrastructure is provided to support new development, and noting how infrastructure constraints should be considered when assessing suitability of sites,
- stressing the importance of bringing brownfield land into use and made clear that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers,
- noting that councils should also be able to consider the delivery record (or lack of) of developers or landowners, including a history of unimplemented permissions; this will also serve to encourage developers to deliver on their planning permissions,
- incorporating the guidance on renewable energy (including heritage and amenity) published during last summer and making it clearer in relation to solar farms, that visual impact is a particular factor for consideration,
- allowing past over-supply of housing to be taken into account when assessing housing needs,
- on the 5 year supply of sites, confirming that assessments are not automatically outdated by new household projections,

- clarifying when councils can consider refusing permission on the grounds of prematurity in relation to draft plans,
- encouraging joint working between local authorities, but clarifying that the duty to cooperate is not a duty to accept; we have considered and rejected the proposals of HM opposition to allow councils to undermine green Belt protection and dump development on their neighbours' doorstep.

Appendix VI 2: Letter from Nick Boles to Stuart Andrew MP



Department for
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Stuart Andrew MP
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06 MAR 2014

04 MAR 2014

Leeds Local Plan

Given my role in the planning system you will understand that I cannot comment on the detail of Leeds City Council's Local Plan which is currently at examination, but I hope the following general remarks are helpful.

I can confirm that there is no central prescription about how a housing requirement should be phased over the plan period. This provides flexibility for Councils to consider the most appropriate approach based on evidence. For example, if there was a significant event part way through the plan period that accounted for a significant increase or decrease in the housing requirement you would expect housing trajectories to reflect that pattern.

However, if the housing requirement going forward over the plan period was expected to be evenly spread, you would expect the trajectory to reflect that. Local Authorities need to justify their approach with evidence and should avoid back loading delivery simply to reduce the short term requirement for no clear policy reason. I understand that the Inspector's proposed modifications to the Leeds Plan are currently in draft and very much hope that this issue can be resolved between the Council and the Inspector.

You suggest a meeting with representatives from Leeds Council. I would be happy to meet but the Council should be aware that, in view of the on going examination, I will not be able to comment on the merits of the Inspector's proposed modifications or comment on the possible soundness of the Plan. Please contact my diary secretary Daniel Williams (psnickboles@communities.gsi.gov.uk) in order to arrange a meeting.

NICK BOLES MP

Appendix VI 3a: Approach to monitoring empty homes

As at 1st April 2012 (the base date of the Leeds Core Strategy) the situation regarding empty properties within Leeds was as follows:

- (a) *total number of private sector stock empty >6mths (exc. second homes, Registered Social Landlord accommodation, student accommodation, and partially occupied shared housing) = 5,776 homes*
- (b) *public sector stock empty = 672 homes*

The Council receives New Homes Bonus for (a) above and it follows that this category of 'Long Term Empty' (LTE) homes should form the basis for monitoring against housing requirements. Therefore at the base date of the Core Strategy 6,448 homes (a+b above) were classed as LTE (i.e. >6 months) representing a baseline figure.

This is not the whole of the LTE stock however, as homes which fell into the category of LTE between 30th March 2012 and 30th September 2012 should also be counted as part of the baseline figure because these units *would have been empty at 1st April 2012* albeit not at the time classed as LTE.

Moving forward it will be possible to count a net reduction in this stock of baseline empty properties. The annual net reduction can then be added to housing completions. "Net Reduction in Long-term Empty Properties" data will be sourced from the Council's Strategy and Resources Directorate. The data is collected on an October to October basis without the potential for a month by month break down (mainly due to the need to factor student movements at the end of year).

Between October 2011 and October 2012 there was a net reduction in empty properties of 439 units and between October 2012 and October 2013 there was a net reduction of 384 units.

Applying these figures against core strategy housing requirements involves calculating $\frac{1}{2}$ of the Oct 2011 to Oct 2012 total to estimate an Apr 2012 to end of Sep 2012 figure and $\frac{1}{2}$ of the Oct 2012 to Oct 2013 total to derive a figure between Oct 2012 and Mar 2013. This would equate to $220 + 192 = 412$ for the plan monitoring period Apr 2012 to Mar 2013. For Apr 2013 to end Sep 2013 the remaining 194 would contribute, but we would not know Oct 2013 through to Mar 2014 figures until Oct 2014. This approach of half a year's known plus half a year's estimate will mean that year end housing completions are estimates until the October of the following monitoring year.

Moving forward there is a need to ensure that properties which have fallen into LTE i.e. since September 2012 are removed from net reductions against the baseline

figure. To do this, specific properties which fall into LTE each year would be identified and deducted from calculations of net properties brought back into use year on year.

As well as counting empty homes which have been brought back into use against the Core Strategy housing requirement the Council will also estimate the number of empty homes brought back into use for any given five year period.

If the total number of empty homes at the start of the plan period was brought back into use the annual average figure would be 403 homes. The average annual return based on 2011-12 and 2012-13 figures is 412. It seems reasonable to set an annual expected return of 400 dwellings per annum, especially given that the Council's Empty Homes Strategy is up and running and that resources are being currently focussed on this area. This would total 2,000 units for any given five year period.

Whilst this figure will reduce as the main stock of LTE properties shrinks and the stock has a greater proportion of "more difficult to bring back" LTEs within it there is no evidence to suggest that this will occur in the short to medium term.

Appendix VI 3b

Completions April 2012 to March 2014

Location	Completion Date	Units
The Grange, The Green, Seacroft	04/10/2013	84
Wetherby Health Centre, St James's Street	25/03/2013	58
Grove Lane, Headingley	14/10/2013	76
The Grange, York Road, Seacroft	04/10/2013	96
	TOTAL	314

Schemes in the pipeline April 2014 onwards

Scheme	Ward	No of Units	
Garnet Paper Mill (as part of S106)	Otley & Yeadon	39	Approved
Confidential	Wetherby	50	Pre-app
Theaker Lane, Armley	Armley	64	Approved
Squirrel Way, Shadwell	Alwoodley	60	Approved
Land Formerly Shaftesbury Hotel, York Road, Leeds	Burmantofts and Richmond Hill	84	Approved
Confidential	Guiseley & Rawdon	42	Pre-app
Moresdale Lane, Seacroft, Leeds	Killingbeck & Seacroft	79	Approved
Bridge Street, Morley	Morley South	24	Pending
Former Summercross Hotel, Cross Green, Otley	Otley & Yeadon	46	Approved
Confidential	Rothwell	79	Pre-app
Confidential	Garforth & Swillington	56	Pre-app
Confidential	Otley & Yeadon	?	Pre-app
Confidential	Morley South	?	Pre-app
Confidential	Farnley & Wortley	?	Pre-app
	TOTAL	>623	

Appendix VI 3c

No.	Indicator	Key Policies	Targets	Triggers / Intervention	Source
11	Total number of C2 housing units delivered per annum	H6	<p>No target</p> <p>C2 older persons houses will contribute to overall housing completions in line with the NPPG</p>		<p>Housing Land Monitor</p> <p>Council Tax</p>
14	% of empty homes in the District (as measured through properties classified as long term vacant)	SP1, H1, SP6	<p>Reduce the current short term (i.e. less than 6 months empty) vacancy rate from 4.6% (April 2012) to around 3%.</p> <p>Reduce the number of long term empty properties.</p> <p>Empty properties for longer than six months which are returned to use will contribute to overall housing completions in line with the NPPG.</p>	<p>Monitor short term vacancy rates alongside the number of new housing units developed to ensure that appropriate churn is maintained, new housing is having a positive impact on vacancy rates.</p> <p>To ensure that there is no double counting long term empty properties which became long term empty after 1st September 2012 will not contribute towards housing completions.</p>	<p>Council Tax Records</p> <p>SHMA</p> <p>LCC</p> <p>Empty Homes Strategy</p>

Appendix VI 4: NPPG Greater Emphasis on Infrastructure in Delivery

There are significant changes to the section “How can the local planning authority show that a Local Plan is capable of being delivered” notably by the addition of the words “including provision for infrastructure?” This section (included as appendix 1 to this letter along with tracked changes) seems to contradict the section of the NPPG on assessing needs which states:

“Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans.”

The amendments include “Where the deliverability of critical infrastructure is uncertain then the plan should address the consequences of this, including possible contingency arrangements and alternative strategies.” It was the Council’s view that providing for the full objectively assessed need for housing immediately would not be deliverable nor achievable not least because such a step change required considerable infrastructure to be in place. The amendments to this section suggest that the Council should have provided more evidence on this rather than relying on guidance in the assessing need section which stated that plan makers should not apply constraints.

One of the means of moderating the overall housing requirement, so as to ensure deliverability and achievability in the early years was the step-up. In your main modifications you note (MM6) that the step up is not justified by the evidence. It would be helpful for the Council to understand whether your MM6 arises from a lack of support for the demographic evidence put forward to defend the step-up solely. On the basis of the NPPG the Council considers that it would also have been well advised to have explored the step-up as an “alternative strategy” to delivering the full objectively assessed need in line with the NPPG.

Section: Local Plans

How can the local planning authority show that a Local Plan is capable of being delivered including provision for infrastructure?

A Local Plan is an opportunity for the local planning authority to set out a positive vision for the area, but the plan should also be realistic about what can be achieved and when (including in relation to infrastructure). This means paying careful attention to providing an adequate supply of land, identifying what infrastructure is required and how it can be funded and brought on stream at the appropriate time; and ensuring that the requirements of the plan as a whole will not prejudice the

viability of development. Early discussion with infrastructure and service providers is particularly important to help understand their investment plans and critical dependencies. The local planning authority should also involve the Local Enterprise Partnership at an early stage in considering the strategic issues facing their area, including the prospects for investment in infrastructure.

The Local Plan should make clear, for at least the first five years, what infrastructure is required, who is going to fund and provide it, and how it relates to the anticipated rate and phasing of development. This may help in reviewing the plan and in development management decisions. For the later stages of the plan period less detail may be provided as the position regarding the provision of infrastructure is likely to be less certain. If it is known that a development is unlikely to come forward until after the plan period due, for example, to uncertainty over deliverability of key infrastructure, then this should be clearly stated in the draft plan.

Where the deliverability of critical infrastructure is uncertain then the plan should address the consequences of this, including possible contingency arrangements and alternative strategies. The detail concerning planned infrastructure provision can be set out in a supporting document such as an infrastructure delivery programme that can be updated regularly. However the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself.

The evidence which accompanies a draft Local Plan should show how the policies in the plan have been tested for their impact on the viability of development, including (where relevant) the impact which the Community Infrastructure Levy is expected to have. Where local planning authorities intend to bring forward a Community Infrastructure Levy regime, there is a strong advantage in doing so in parallel with producing the Local Plan, as this allows questions about infrastructure funding and the viability of policies to be addressed in a comprehensive and coordinated way.

Appendix VII End of Year Monitoring Outputs 2013/14 (replaces Appendix IV of my original proof)

Year	Core Strategy Policy SP6	Housing Completions Gross						Demolitions	Total (net)	Undersupply
		Market Housing	Affordable S106	Affordable Other	Empty Homes	Older Persons Housing (C2)	Windfall (<5 units)			
Without step-up										
2012/13	4,375	862	72	288	412	58	428	27	2,093	-2,282
2013/14	4,375	1,015	121	521	400	256	578	27	2,864	-1,511
Total	8,750	1,898	193	809	812	314	973	54	4,957	-3,793
With step-up										
2012/13	3,660	862	72	288	412	58	428	27	2,093	-1,567
2013/14	3,660	1,015	121	521	400	256	578	27	2,864	-796
Total	7,320	1,898	193	809	812	314	973	54	4,957	-2,363

2013/14

Total new completions (gross): 2,235 (excluding empty homes and older persons C2)
 Total new completions (net): 2,208 (excluding empty homes and older persons C2)
 Total new housing completions on brownfield land: 1,648 (74%)
 Total new housing completions on greenfield land: 587 (26%)
 Total housing completions gross (inc. empty homes and older persons housing): 2,864
 Total housing completions net (inc. empty homes and older persons housing): 2,837

NB: The previously developed land target in the Core Strategy (Policy H1) was developed on the basis of pre-NPPG advice i.e. it excluded the contribution from empty homes and older persons housing. The monitoring against the pdl target will continue to strip out this element of housing completions moving forward.