

Calderdale Local Plan Examination

STAGE 1 - HEARINGS

MATTERS, ISSUES AND QUESTIONS (MIQs)

Council Responses

MATTER 4 – Housing supply

Issue - Does the Plan identify sufficient land to enable the housing requirement of 12,600 dwellings to be delivered over the Plan period?

[Policy SD7]

For clarity the Council wish to draw attention to the fact that the quoted policy, SD7, (Section 9 of the Local Plan) refers to the 'Allocated Housing Sites' rather than all sources of land supply which is covered in Section 6 'Planning for Growth' (paragraphs 6.3 to 6.11).

Questions

- a) Is the Council's approach to estimating supply from extant planning permissions, as set out in the housing trajectory, justified and robust? In particular:**
- i. Why are extant outline permissions excluded, and how are these dealt with in terms of supply?**
 - ii. Is the application of a 10% lapse rate to outstanding planning permissions on small sites justified and supported by evidence?**
 - iii. Is the application of bespoke lapse rates on larger sites justified and supported by the evidence? What overall proportional reduction has been applied to this category of sites?**

Each of these Questions is addressed in turn:

- i) Why are extant outline permissions excluded, and how are these dealt with in terms of supply?**

4a1) The Housing Technical Paper (Examination Library EV 33) at paragraph 6.4 and the footnote to Table 11 (Extant Planning Permissions as at 30.09.2017) makes clear that the supply of extant planning permissions excludes sites with outline planning permission. Sites with outline planning permission were not included due to being included in the site allocations process, with some sites selected as new land allocations raising a risk of double counting. Sites with outline permission could not be guaranteed to be followed up with a reserved matters application and subsequent development. Where sites with outline planning permission were allocated they are included in the Housing

Trajectory as new land allocations. In excluding outline permissions the Council acknowledges that this conservative approach to housing land supply has reduced the contribution from this particular source.

- 4a2) In taking this approach the Council notes that technically this source of supply could be included and in not doing so the approach is different to that adopted previously with the Replacement Calderdale Unitary Development Plan. At the September 2017 base date employed for the housing land supply there were 663 units with outline permission. By not relying on these permissions the Council considered this would ensure the housing requirement figure is met through a higher number of new land allocations, thereby boosting housing delivery (National Planning Policy Framework (2012), paragraph 47). The land allocations with outline planning permission, as at 30th September 2017 (and updated to 31st March 2018) are shown in Appendix 3 of the Housing Technical Paper (EV 33) (column 11).

ii. Is the application of a 10% lapse rate to outstanding planning permissions on small sites justified and supported by evidence?

- 4a3) Paragraphs 6.7 and 6.8 of the Housing Technical Paper (EV 33) explain the use of a 10% discount on planning permissions for sites of fewer than 10 dwellings. A similar approach was taken during the preparation of the Replacement Calderdale Unitary Development Plan and took into account research by Roger Tym and Partners on behalf of the Department of the Environment¹. The figure of 10% is commonly used for the purpose of discounting (smaller) planning permissions and is consistent with approaches elsewhere. Examples include a Section 78 appeal decision in relation to Lioncourt Homes v Wychavon District Council² (referenced in the Housing Technical Paper EV 33, paragraph 6.8) and the Report on the now adopted Local Plan in the neighbouring local authority of Kirklees³.
- 4a4) Of relevance are comments made by the Inspector reporting on the Replacement Calderdale Unitary Development Plan (BP 04) who noted, at paragraph 5.69.8, that a figure of 10% was often employed. However, that Inspector agreed with the conclusions of the Inspector for the First Unitary Development Plan that such an approach was more applicable when a shorter period was involved, rather the longer period covered by a development plan, since there will be a review leading to the rolling forward of the supply consistent with the plan, monitor and manage approach. This places any emphasis on discount rates in context given the requirement for plan review, a matter re-stated in NPPF 2019 (paragraph 33).

¹ Housing Land Availability, Planning and Research Programme Paper on behalf of DOE, Roger Tym and Partners, 1995

² Appeal Ref: APP/H1840/A/12/2171339, Land between Station Road and Dudley Road, Honeybourne, Worcestershire, Lioncourt Homes v Wychavon District Council, 24th August 2012

³ Report on the Examination of the Kirklees Publication Draft Local Plan (paragraph 51), The Planning Inspectorate, 30th January 2019

- 4a5) The Housing Land Availability database, whilst holding information relating to lapsed planning permissions, does not readily provide reliable data on lapse rates, principally because the data is a point in time with lapsed permissions often being renewed. However, bearing in mind this constraint, the Council has recently (post the Publication version of the Local Plan) undertaken further analysis of potential lapse rates in order to provide context, and by employing two different approaches. These have been applied to permissions (excluding outlines) on small sites (<10 dwellings/<0.5ha). Firstly, the number of units lapsed each year 2010/11 to 2018/19 as a proportion of all units with a lapse rate in that year was calculated giving an average for this nine year period of 19% (rounded). Due to permissions being renewed this figure overstates the actual lapse rate. Secondly, by analysing the number of units lapsed in a given quarter as a proportion of the total number of units with planning permission at the start of that quarter gives an average of 1% (rounded). Archived versions of the database, and containing the relevant information for this analysis, only exist for the last two years, however, as the Housing Land Availability database is updated quarterly it was possible to base the analysis on each of the eight quarters.
- 4a6) As stated above the recent analysis overstates actual lapse rates since sites with lapsed permissions often gain permission again several years later, an example being the excluded site HLA Ref 03641 in Table 13 of the “Housing Technical Paper” (EV 33) and which has recently being granted a new permission. Additionally, the 10% discount applying to small sites excludes outline permissions, therefore understating the overall level of discount allowed for in the Local Plan.
- 4a7) As part of Strategic Housing Land Availability Assessment Reviews attempts at determining the likelihood of sites being developed and/or built out have included questionnaire surveys of applicants but the response rate has generally been low. Therefore the approach of employing a 10% discount to small sites, excluding outline permissions, is considered to be the most appropriate and based on proportionate evidence.

iii. Is the application of bespoke lapse rates on larger sites justified and supported by the evidence? What overall proportional reduction has been applied to this category of sites?

- 4a8) The Housing Technical Paper (EV 33) at paragraphs 6.5 and 6.6 along with Table 13 demonstrates the approach to discounting of larger sites (10+ dwellings). In essence this involved relevant sites being extracted from the Housing Land Availability Database and which were then reviewed by Development Management Officers, including consideration of commencement dates and units built. The outcome of this exercise was to come to a view as which sites were unlikely to be developed with the five sites shown in Table 13 of the Housing Technical Paper totally discounted from the supply (amounting to 141 dwelling units). A number of these sites had technically commenced but the view was that they were unlikely to proceed

further. Additionally, and reflecting the conservative approach taken to the supply of extant planning permissions, sites of 10 or more dwellings with fewer than 10 dwellings remaining to complete were discounted by 10%.

- 4a9) The Council consider this a realistic and pragmatic approach utilising the information available and would not necessarily have been improved by a questionnaire survey to applicants/agents/landowners/developers given past low response rates to such surveys. Furthermore, in the past the Strategic Housing Land Availability Working Group has not been particularly interested in, or had the resource, to provide views on extant planning permissions. This approach is therefore considered justified and supported by the best evidence available.
- 4a10) The overall level of discount from large sites was just over 14% (14.38%) with a total of 147 units discounted from the total extant supply (from large sites) of 1022 dwellings.
-

b) Is the estimated windfall supply over the Plan period justified and supported by local evidence?

- 4b1) The NPPF 2012 (paragraph 48) allows for a windfall allowance where justified and indicates the matters to consider in arriving at such an allowance. The Council notes that the approach to windfalls is re-affirmed in the 2019 NPPF (paragraph 70). As the Local Plan was prepared under the 2012 NPPF the definition of windfalls in its Annex 2 has been applied. The Council notes, incidentally, that the definition has been amended in the 2019 version of the NPPF.
- 4b2) The approach to calculating a windfall allowance is set out in the Housing Technical Paper (paragraphs 6.9 - 6.12 and Appendix 1) (EV033). This demonstrates in detail that the factors stated in the NPPF have been taken into consideration in arriving at a final figure utilising the relevant evidence taking account of local factors. The figure for windfalls is therefore considered realistic and not set so high that it could potentially place delivery of the Local Plan at risk. This is a relatively cautious approach and could be viewed as reducing the need for a larger buffer of new land allocations. As demonstrated in Appendix 1 to the Housing Technical Paper the Council considers the approach taken to be the most appropriate and based on the best local evidence available.
-

- c) The soundness of individual site allocations will be considered at Stage 2 of the Examination. However, is the Council's general approach to estimating supply and phasing rates on housing allocations soundly based? In particular:**
- i. Has the Council undertaken a comprehensive assessment of potential housing capacity within the urban areas, and allocated all sites of 0.25 hectares or more which are suitable, available and achievable?**
 - ii. Are the density multipliers applied to the allocations⁶ justified and indicative capacities robust (as set out in Policy SD7)?**
 - iii. Which of the allocated sites have not been confirmed as being available?**
 - iv. Do the standard build-out rate and lead-in time assumptions, as set out on pages 19 and 20 in the Council's Housing Technical Paper, provide a robust starting point for estimating allocation site delivery rates? What other factors have been taken into account? Are the additional times listed in the bullets in paragraph 10.6 cumulatively applied?**
 - v. Does the baseline estimate of year 4 (2021/22) allow sufficient time for the submission of an application and delivery in the post-adoption period?**
 - vi. Does the housing trajectory allow for a step-up in delivery rates on large sites as development progresses**
 - vii. Are the estimated delivery rates in the housing trajectory realistic and consistent with national guidance relating to the deliverability/developability of sites?**
 - viii. Are the lead-in times and phasing rates for the two Garden Suburb sites⁷ justified and soundly based? [Please note, this question relates to broad delivery estimates only. The suitability and overall soundness of these sites will be covered in detail at the Stage 2 hearing sessions]**
 - ix. Should an overall lapse rate be applied to allocations, within the supply calculations?**

Each of these questions is answered in turn:

- i. Has the Council undertaken a comprehensive assessment of potential housing capacity within the urban areas, and allocated all sites of 0.25 hectares or more which are suitable, available and achievable?**

- 4c1) The Council undertook an Urban Capacity Study⁴ which was published in 2001 and which informed the Replacement Calderdale Unitary Development Plan (adopted 2006). With the introduction of Strategic Housing Land Availability Assessments (SHLAAs) the data was carried over to the new SHLAA database. In order to undertake detailed and rigorous assessments all sites in the SHLAA database were transposed into the new land allocations database, with those under 0.25ha filtered during the first sieve. The sites included sites added to the SHLAA database since the last published review in 2014, along with sites from the ongoing 'Call for Sites' exercise, a review of RCUDP allocations, early and continued public consultation in relation to the development plan, officer recommendations and the inclusion of land owned by the Council. These sources included sites within the urban area.
- 4c2) All of these sites were assessed through Site Allocations Assessment Methodology - Publication Draft (2018) (EV 51.1). All of the sites within the urban area above 0.25ha assessed as suitable, available and achievable were considered for allocation. However, a number were found not to be deliverable due to a range of issues including viability and were therefore unable to be allocated. Examples included: Land off Ovenden Wood Road, Wheatley (LP0984) which was found suitable for allocation but where work had commenced on site; Land off Mile Cross Road/Westbury Place, Halifax (LP0406), which was found to be a suitable site with limited constraints, however, the Viability Study found the site unviable; and Land off Scar Bottom, Pye Nest, Halifax (LP0382) which is within the urban area and adjacent to an existing residential area, however, the site had numerous ecological, open space and topographical constraints. An example of a constrained site within the urban area but where there is evidence of initiatives to bring it forward is Old Lane Dyeworks, Halifax (LP1180). Essentially this includes a Grade II* Listed Building where Historic England are actively pursuing attempts to bring it back into use (it is in a state of disrepair and could be lost). In this case it was therefore possible to justify the allocation of the site (SD 01.2, page 125).

ii. Are the density multipliers applied to the allocations justified and indicative capacities robust (as set out in Policy SD7)? [As referenced in Section 7 of the Council's HTP and set out in Table 5 in the Council's SHLAA 2014]

- 4c3) The approach to density multipliers is set out in the Housing Technical Paper (EV 033) and builds on the approach employed in the SHLAA for which the SHLAA Working Group agreed density multipliers at its first meeting in 2008. These are repeated in the Site Allocations Assessment Methodology - Publication Draft 2018 (EV 51.1). In the case of the Garden Suburbs (LP1451 and LP1463) the density was achieved through a master planning approach. Based on the general acceptance of the net density multipliers employed the Council considers that they are justified and ensure consistency in approach.

⁴ Calderdale Urban Capacity Study, CMBC, 2001

by being retained in the Local Plan as the starting point for assessing capacity.

- 4c4) Where development schemes were available, either through their provision by developers or from planning applications, these were used as the basis for establishing capacity, rather than density multipliers. Whilst density multipliers formed the starting point, the indicative capacities also took into account the defined developable area based on consultee responses (see EV 51.1). Any additional comments from consultees, not solely related to defining the developable area, but advising where capacity needed amending for other reasons were also included in determining site capacity.
- 4c5) The Council considers the approach to density multipliers and capacity justified in that all available evidence has been utilised, including that provided by developers, in order to ensure that site capacities are as accurate as is possible for forward planning purposes as represented in the Local Plan.

iii. Which of the allocated sites have not been confirmed as being available?

- 4c6) In total there are nine New Housing Sites where availability of any part of the site is unknown. Appendix 3 of the Housing Availability report (EV 62) lists these sites. A degree of uncertainty is to be expected when looking forward over the whole plan period as reflected in the NPPF, where it refers to specific, developable sites or broad location for growth for years 6 to 10 and 10 to 15 (NPPF 2012, paragraph 47 bp3) and as updated February 2019 (paragraph 67 b).

iv. Do the standard build-out rate and lead-in time assumptions, as set out on pages 19 and 20 in the Council's Housing Technical Paper, provide a robust starting point for estimating allocation site delivery rates? What other factors have been taken into account? Are the additional times listed in the bullets in paragraph 10.6 cumulatively applied?

- 4c7) The approach in the Local Plan builds on and refines that originally employed in the SHLAA and agreed by the SHLAA Working Group which includes housebuilders. By basing its research on local evidence held by the Council the rates produced provide a local perspective. This work was augmented by other research and the views of the Home Builders Federation and is considered robust, certainly as a starting point. Further analysis would be unlikely to add greatly to that already undertaken.
- 4c8) Following the assumptions set out in the Housing Technical Paper the positioning of sites in the Housing Trajectory was refined where other information was available. This included owners' interests and site availability. Where there was a requirement for a site to continue in, for example, equestrian use until later in the plan period, or where the delivery of Council owned sites will be influenced by delivery and disposal programmes, sites were positioned accordingly. The existence of planning applications or planning permissions on a site also influenced positioning. Given developers'

general reluctance to bring sites in proximity forward at the same time this was also factored into the positioning of sites. Commentary on positioning is provided in the Housing Trajectory (Appendix 3 of the Housing Technical Paper – EV 33).

- 4c9) The additional items in paragraph 10.6 are cumulatively applied as is exemplified by LP 1543 (Land North and North West of Wade House Road, Shelf).

v. Does the baseline estimate of year 4 (2021/22) allow sufficient time for the submission of an application and delivery in the post-adoption period?

- 4c10) The relevant factors affecting the time-scale for delivery of the housing allocations were taken into consideration during the preparation of the housing trajectory. A number of the allocations are either the subject of a planning application or have planning permission (for example LP1078, LP0568, LP1116 and LP0814) and therefore could start to deliver in the early part of the plan period as shown in Appendix 3 to the Housing Technical Paper (EV 33). Other sites have been confirmed as deliverable by landowners/developers including those sites included in Council led delivery programmes. Some developers have already prepared/are preparing planning applications for sites in which they have an interest and so could submit them immediately prior to/on adoption of the Local Plan. The Council would endeavour to determine applications expeditiously enabling development to commence at the earliest opportunity. Any constraints were taken into account during the preparation of the housing trajectory, thereby enabling the housing allocations to start delivering in Year 4 as planned.
- 4c11) Should there be any issues in delivering by Year 4, or should the adoption of the Plan be delayed (currently programmed for end 2019/early 2020), the Council considers sites could still be delivered. Those sites outside the current Green Belt are not dependent on decisions relating to a change of the Green Belt boundary, and consequently the adoption of the Local Plan, and therefore could come forward prior to its adoption. Under the NPPF 2012, applications for sustainable development should be approved where possible (paragraphs 14 and 187) whilst NPPF 2019 (paragraph 48) advises on the weight decision makers should attach to policies in emerging plans.

vi. Does the housing trajectory allow for a step-up in delivery rates on large sites as development progresses?

- 4c12) A step-up in delivery rates is not included for large sites as a matter of course. Where it was known that there was not a housebuilder on board, a delay in positioning a site by six months resulted in a step-up at the start of the delivery period. Beyond this no reliable justification was available to support stepping up and was therefore not included in order not to include potentially unachievable delivery rates.

vii. Are the estimated delivery rates in the housing trajectory realistic and consistent with national guidance relating to the deliverability/developability of sites?

4c13) The delivery rates, including the positioning of sites, are based on the guidance in the NPPF 2012, which are quoted below for ease of reference:

“11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

(NPPF 2012, footnotes 11 and 12, page 12)

4c14) As regards deliverability the sites meet the requirements of this definition by being in a location suitable for housing and virtually all being available. The Viability Assessment (Local Plan and Preferred Sites for Allocation Viability Assessments 2017 to 2019) (EV 60, 61 and 61.2) informed and confirmed that development on the allocated sites was achievable. Only those sites it was believed could be delivered in the first five years were positioned in Years 1- 5 of the housing trajectory and included all sites with planning permission (excluding discounted sites). This is in accordance with the above definition.

4c15) In terms of developability all the allocated sites have been assessed for their suitability for housing development and in the majority of cases the site is known to be available with there either being no known constraints or any required mitigation stipulated in the Calderdale Local Plan: Appendix 1- Site Allocations Supporting Information (Publication Draft) (SD 01.2). This follows the rigorous and detailed assessment of all potential allocations as set out in the Site Allocations Assessment Methodology- Publication Draft (2018) (EV 51.1).

4c16) The Council considers the delivery rates in the housing trajectory to be as realistic as possible given they utilised all available evidence and took account of information provided by developers and landowners, as well as the Home Builders Federation. The delivery rates for sites to be delivered through Council led initiatives were informed by the time-scales for these development programmes.

4c17) Clearly a degree of uncertainty is to be expected when looking forward over the whole plan period. However, the Council has endeavoured to fully meet

the requirements of NPPF 2012 by allocating actual sites over the full 15 year plan period, and setting out the time-scale for their delivery, rather than only broad locations for Years 6 to 15, an option provided in the NPPF 2012 (paragraph 47 bp3) and as updated February 2019 (paragraph 67 b).

viii. Are the lead-in times and phasing rates for the two Garden Suburb sites (LP1451 and LP1463) justified and soundly based? [Please note, this question relates to broad delivery estimates only. The suitability and overall soundness of these sites will be covered in detail at the Stage 2 hearing sessions]

4c18) The Council takes the question's reference to phasing rates as equivalent to build-out rates and notes it relates to broad delivery estimates only. Lead-in times and build-out rates are based on the best information available as set out above in response to question c) iv and have been applied to the two Garden Suburbs (LP1451 and LP1463) in Brighouse. The housing trajectory shows these two sites being developed over a 9 year period commencing in Year 7. For sites of this size the build out rate is 55 dwellings per annum but as such sites are capable of supporting two or more sales outlets the build out rate has been increased accordingly. The fact that preparatory work in the form of master planning, site assembly and the preparation and submission of planning applications would take time, the start date for delivery was considered unlikely to be before Year 7. However, master planning work is already underway with a view to preparing planning applications, at least for part of the sites, and it is conceivable that development may commence prior to Year 7. The Council would also add that in order to increase housing delivery and affordability, both key Government objectives, higher build-out rates are more likely to assist in making house prices more affordable as there will be more dwellings on the market at the same time.

4c19 A further consideration is the increase in the take up of pre-fabricated construction methods which, given the recent growth in this form of construction and take up by some major housebuilders, is expected to increase over the Plan period. This method of housing delivery not only takes less time but is not subject to skill shortages in the same way that traditional housebuilding methods are.

4c20 The Council therefore considers that the lead-in times and delivery rates are justified in that they are based on the best information available at the time the Publication version of the Local Plan was published but acknowledge that on sites of this scale lead-in times and delivery rates have the potential to vary from those in the housing trajectory.

ix. Should an overall lapse rate be applied to allocations, within the supply calculations?

4c21 Site selection and allocation was based on a rigorous assessment of sites with the sites finally allocated being only a proportion of all sites assessed (some 1,600+ sites). The sites actually allocated are considered, on the basis

of the best information available and many of which have been promoted by landowners/developers, to be deliverable over the Plan period. All relevant information was used including the views of relevant consultees regarding any potential constraints as demonstrated in the Site Allocations Methodology – Publication Draft (2018) (EV 51.1). Furthermore, NPPF 2019 (paragraph 33) requires policies in Local Plans to be reviewed in order to assess whether they need updating at least once every 5 years and then be updated as necessary. Therefore any issues with sites not coming forward, which are most likely to be those positioned later in the Plan period, will be addressed well before this point.

4c22) Other considerations as to why a lapse rate would be inappropriate include the fact that the housing land supply in the Plan already reflects a significant step change in delivery, whilst an increase in supply will not necessarily equate to greater delivery, as the market will only bring forward development at a rate according with developers' business models. Additionally, assumptions for extant planning permissions and windfalls could be argued to be relatively conservative.

4c23) For all of the above reasons the Council considers it inappropriate and unnecessary to apply a lapse rate to the land allocations.

d) Does the Plan allow sufficient flexibility to respond to changing circumstances? Should an additional buffer be applied to ensure that the overall housing requirement is met and exceeded?

4d1) The issue of flexibility needs to be considered within the broader context of Government Policy towards planning for housing. One of the major circumstances likely to change and affecting Local Plans is the Government's intended revisions to the way in which housing is planned for, and which has been signposted through its intention to revise the Standard Method in order to enable the Government to meet its target of 300,000 homes annually by the mid-2020s. Such changes may be informed by the findings of the Public Accounts Committee, which recently launched an inquiry into planning and the broken housing market, when it reports. Given the importance Government attaches to increasing housing delivery it will most likely stipulate that all local authorities revise the housing component of their Local Plans immediately. NPPF 2019 (paragraph 33) already requires policies in Local Plans to be reviewed in order to assess whether they need updating at least once every 5 years and then be updated as necessary. Therefore any issues with sites not coming forward will be addressed relatively early on in the Plan period. The housing trajectory includes sites positioned later in the Plan period simply because they are in proximity to other sites and developers may be unwilling to bring them forward at the same time. However, such sites could be developed earlier and replace any sites which have not come forward as expected. The range of site sizes provides flexibility to meet the requirements of small, medium and larger housebuilders.

- 4d2) Given that provision in the Plan reflects a significant step change, both in relation to the housing requirement figures in previous development plans and in the number of dwellings completed, providing additional sites in the early part of the plan period is unlikely to make a major difference. Achieving such a step change and bringing suitable, available and achievable sites forward is the responsibility of developers given that such allocations are provided in the Local Plan. As stated in response to question c) ix above, given the rigour of the site assessment and selection process, the allocated sites are believed to be deliverable. The inclusion of additional sites would impact further on the Green Belt. Given the general constraint imposed by the topography of the district, many additional sites would be located in proximity to existing allocations, with the risk that developers will be unlikely to deliver them at or around the same time.
- 4d3) The Council's Housing Service is involved in a number of initiatives to increase the delivery of housing and ensure delivery occurs as planned:
- Draft Housing and Green Economy Strategy (programmed for consultation during the summer and consideration by Cabinet September 2019).
 - Calderdale Together Investment Partnership (CTHIP)
 - North Halifax Transformation Programme (tender out for a consultant to complete masterplan and implementation plan for three Council owned sites)
 - Affordable Homes Programme
 - Housing Delivery Test Action Plan
 - Site unlocking
- 4d4) Since the Council have adopted a relatively conservative approach towards the role of planning permissions and windfalls these may actually be delivered at higher levels than allowed for in the Plan, thereby making up for any shortfall from allocations not coming forward. An allowance for windfalls, for example, is based on small sites without allowing for any larger windfall sites coming forward. There are suitable sites within the urban area not allocated due to viability issues but where if viability changes could come forward. A further source of supply considered but not included is that provided by empty homes coming back into use. The reasons this source was not included in the supply calculations are provided in the Housing Technical Paper (paragraph 4.5 bp ii and paragraphs 6.13 -6.15). However, with the continued implementation of the Council's Empty Homes Strategy⁵ this represents a further source of supply.
- 4d5) For the above reasons the Council considers that the Local Plan provides sufficient flexibility to respond to changing circumstances and there is no need to include an additional buffer of site allocations. This alone will not guarantee that the housing requirement is met or exceeded. Monitoring of the Local Plan

⁵[Calderdale Empty Homes Strategy 2014 -2020](#), Calderdale MBC

will identify any sites not likely to come forward at the point envisaged allowing appropriate action to be taken including through the first plan review.

-
- e) **Is the Council's approach to calculating five year land supply, as set out in Table 6.4 in the Plan, robust and in line with national policy and guidance? In particular:**
- i. **Why is a stepped requirement not incorporated, in line with the housing trajectory (Picture 6.1 and Table 6.3)?**
 - ii. **Is the application of a 20% buffer supported by the evidence?**
 - iii. **Why are the extant permissions and site allocation totals different from those in the housing trajectory? Is a dual approach effective?**

Each of these questions is answered in turn:

- i. **Why is a stepped requirement not incorporated, in line with the housing trajectory (Picture 6.1 and Table 6.3)?**

4e1) The Local Plan housing trajectory as shown in Picture 6.1 of the Local Plan is not stepped but an annual average over the Plan period as agreed by Cabinet (Cabinet Report 12.2.18 Housing Requirements and Allocations (BP 01) and Minutes of Cabinet meeting 12.2.18 (BP 02)). As stated in the Council's Response 2.3 to Pre-Hearing Note 2 (CC 02) the Council recognises that it would have been more appropriate to step the housing requirement (stepped trajectory) to more closely reflect realistic levels of delivery in the early part of the Plan period given the step change represented by the housing requirement figure of 840 dwellings per annum. Such an approach would also enable a closer alignment of the housing trajectory and the five year housing land supply at the base date of the Local Plan (2018/19). The Council notes the requirements in NPPF 2019 (paragraph 34) for the use of a stepped trajectory. Such requirements are believed to be met in Calderdale given the significant change between the housing requirement policies in the RCUDP and the Publication version of the Local Plan.

4e2) In relation to the five year housing land supply, the Council considers the information included in the Local Plan to be unclear. A stepped requirement cannot be clearly and meaningfully shown for the five year supply as the overall housing trajectory on which it is based is itself an annual average requirement. Therefore it would be inconsistent and potentially confusing to show the five year requirement in Picture 6.3 in absolute terms and stepped, rather than indicative, and require additional justification. The Council recognises the need for a minor modification to the Local Plan to delete this information and also notes that the line entitled "Annual Five Year Supply Requirement" equates to 3,500 dwellings in Table 6.3 and not the five year requirement of 5,040 shown in Table 6.4 of the Local Plan. In the interests of clarity, the Council will align the two sets of data in a single trajectory on the

first and subsequent annual progress updates within its Authority Monitoring Reports.

ii. Is the application of a 20% buffer supported by the evidence?

- 4e3) At the time the Local Plan was prepared, guidance on when to apply different buffers was not as clear as in the current version of the national Planning Practice Guidance. This is also a somewhat complicated issue in the Calderdale context since the most recently adopted development plan was the Regional Spatial Strategy (RSS). At one time planning inspectors determining Section 78 appeals did not consider figures in draft plans an appropriate basis for determining the five year housing land supply. Completions levels have fluctuated significantly over the period 2004 to 2018 as shown in the Housing Technical Paper, Table 1 (EV 33). The figure most recently adopted in a development plan, that of the RSS, notwithstanding its revocation in 2013 (and somewhat higher than the figure of 450 dwellings per annum in the RCUDP) has been used as the basis of the Authority Monitoring Reports. Extrapolating this approach to the Local Plan's base date demonstrates that completion levels have exceeded the requirement in RSS over this period by approximately 1,350 dwellings. Prior to the recession around 2008, completions far exceeded the RSS requirement but declined after that date.
- 4e4) When calculating the five year housing land supply up to 2015, a 5% buffer was employed given overall completion levels prior to this period. Given that completion levels have been below those in RSS immediately prior to and since this date, a period of 8 years, the Council questioned whether the buffer should be raised to 20%. Subsequent draft development plans in the form of the Core Strategy Preferred Options, the Local Plan Initial Draft and the Submission version of the Local Plan all contain housing requirement figures but none have the status of those in an adopted plan.
- 4e5) In many respects the argument over the appropriate buffer is academic. Indeed the housing requirement figure in the Local Plan already requires a step change in delivery compared to the equivalent figures in previously adopted development plans. Adding a buffer by providing more sites brought forward from later in the Plan period, as recommended in NPPF 2012 (paragraph 47 bp2), does not in itself ensure higher delivery levels. This is partly down to what the market will bring forward and the step up in delivery the housing requirement figure in the Local Plan represents.
- 4e6) In conclusion, and in the spirit of reflecting Government ambition for housing delivery, the Council has opted to include a 20% buffer in calculating its five year housing land supply. Whilst the Council's intention is to increase delivery, in reality this is challenging. The Council would consider adopting a smaller buffer as a more pragmatic and realistic approach. Whilst the Local Plan was prepared under the 2012 NPPF, the Council notes the clearer

guidance on the circumstances for applying different buffers included in the now updated version of the PPG (13th September 2018).

iii. Why are the extant permissions and site allocation totals different from those in the housing trajectory? Is a dual approach effective?

- 4e7) The land allocations are positioned within the housing trajectory based on agreed lead-in times, build-out rates and information from developers as well as the proximity of sites (see also response to question c iv above). Based on this information the housing trajectory provides the best indication of when sites will be delivered, it does not preclude sites coming forward earlier. There are a number of sites positioned later in the trajectory simply due to their proximity with other sites. There are also a number of sites being actively advanced through Council development programmes and other initiatives. Many of these sites could come forward earlier than shown in the housing trajectory thereby boosting the five year housing land supply. This approach results in a higher total for the land allocations in the five year supply than for the same period in the housing trajectory.
- 4e8) Extant planning permissions were discounted for the Local Plan housing trajectory in order to ensure that the calculation for the requisite supply of new land allocations is sufficient to deliver the Local Plan's housing requirement. For the five year supply the guidance in NPPF 2012 (footnote 11, page 12) regarding the inclusion of extant planning permissions has been followed. This does not specify that a general discount should be applied, only that sites known not to be capable of being delivered in the five years be excluded. In accordance with this definition the stalled sites in Table 13 of the Housing Technical Paper (EV 33) are not included in the five year supply (also excluded from the housing trajectory). Unlike in the housing trajectory a global discount is not employed resulting in the contribution from extant planning permissions being higher.
- 4e9) Therefore, in essence, the housing trajectory provides a constrained assessment of the overall supply and a longer term view of when that may be delivered, in order to ensure the delivery of the overall housing requirement, whereas the five year supply is a more specific view of what could actually be delivered in the immediate five year period and accords with the above definition for sites with planning permission. The Council considers this to be effective as there is no inherent reason in this approach which will prevent the overall housing requirement being delivered over the Plan period. By highlighting those sites which could be delivered earlier than shown in the housing trajectory it could be argued that it assists in boosting delivery.

f) What is the Council's latest position regarding five year housing land supply? Will there be a five year supply on adoption of the Plan?

- 4f1) The latest position regarding five year housing land supply is set out below and based on the NPPF 2019 and most up-to date version of the associated PPG. Notwithstanding the fact that the Local Plan was prepared under previous national policy and guidance it is logical to take this approach when providing a forward look of supply. It covers the period 2019/20 to 2023/24 (Years 2 to 6 of the housing trajectory).
- 4f2) The housing requirement figure upon which the five year requirement is based is the Local Plan figure of 840 dwellings per annum. Whilst the Local Plan is not yet adopted and representations have been received for both higher and lower figures it is the only figure that can be conceivably be employed. Under delivery from 2018/19 (Year 1 of the Local Plan) has been included. Given the already adopted approach of employing a 20% buffer and the fact that completions for Year 1 are below the requirement level of 840 per annum this buffer has been retained for purposes of calculating the five year requirement. Losses have been taken into account as the completions are net, derived from the gross completions figure (with losses deducted).
- 4f3) The definition of 'deliverable' in the NPPF 2019 has been employed and included below for ease of reference:

".....a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans)."

b) where a site has outline permission for major development, has been allocated in a development plan, has a grant of permission in principle or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years." (NPPF 2019, Annex 2)

- 4f4) Sites have been excluded in accordance with this definition as summarised below:
- Stalled sites as set out in Table 13 of the Housing Technical Paper - EV 33, with the exception of one site which has subsequently gained a new permission
 - Sites with outline permission for major development, unless allocated in the Local Plan, (it has not been possible to analyse the deliverability of these unallocated sites and therefore a cautious approach was adopted)

Table 1: Five Year Housing Land Supply Calculation April 2019		
	Number	Explanation/Source
Requirement		
Housing Requirement pa	840	Submission Local Plan Policy SD3
Five year housing requirement	4200	840 x 5
20% Buffer	840	As per approach in Submission Local Plan
Under delivery - Year 1	286	840 less net completions for 2018/19 of 554
Total Five Year Requirement + 20% buffer + undersupply - under delivery next 5 years	5,326	4,200 + 840 + 286 (under delivery Y1 added to 5 year requirement)
Total Five Year Requirement + 20% buffer + undersupply - residual method	5,142	4,200 + 840 + 102 (286/14 years remaining = 20.4 x 5 years)
Annual five year requirement with buffer & undersupply - under delivery next 5 years	1,065	5,326/5
Annual five year requirement with buffer & undersupply - residual method	1,028	5,142/5
Supply		
Planning permissions	2,292	HLA 31 st March 2019 less stalled sites (131 units) & sites with outline permission for major development (389 units) from total of 2812 units = 18.5% discount
Windfalls	421	Trajectory Years 4 and 5 = 162 x 2 + Year 6 = 97
Land Allocations deliverable Years 2-6	4,073	Housing Trajectory Years 2 - 6 (+ sites moved forward & less sites built)
S106 Agreements Awaited	-	Not assessed
Brownfield Land Register	-	Not assessed
Total Five Year Supply	6,786	
Number of Years Supply (including 20% buffer & under delivery for Year 1): Delivery over 5 year period	6.37	
Number of Years Supply (including 20% buffer & undersupply for Year 1): Delivery over remaining plan period (residual method)	6.60	

4f5) Adoption of the Local Plan is programmed for end 2019/early 2020 (Local Development Scheme 2018 - SD 06) and therefore, assuming this adoption date, would take place within the period covered by the current five year housing land supply calculation (Table 1 above). As this shows that a five year housing land supply exists, this would be the position on adoption of the

Local Plan. Should adoption be after April 2020 (the next scheduled review of the five year housing land supply) then it is not possible to state categorically what the position will be. However, should completion levels continue to increase, as indicated by the figure for last year (2018/19), any under delivery will have less impact on future five year supply requirements.