

Kirklees Local Plan Examination

Stage 1 – Initial Hearings

MATTERS, ISSUES AND QUESTIONS (MIQs)

Council Response

Matter 5 – Other housing requirements

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 5 – Other housing requirements. All the documents referred to in this statement are referenced within the statement.

Issue – Have affordable housing needs, traveller accommodation needs and the housing needs of other groups been satisfactorily assessed and addressed in the Plan, in line with national policy?

Policies PLP 11, 12

Questions - Affordable housing

a) Has the need for affordable housing been adequately assessed in the SHMA?

- 1.2 The council has submitted robust evidence in the Kirklees SHMA (SD18) to demonstrate that affordable housing need in Kirklees has been adequately assessed in accordance with national planning policy and guidance. The Kirklees SHMA (SD18) has followed the NPPG methodology (NE2¹) as set out in the SHMA Technical Appendix C (SD18, pages 146 – 162) and summarised in Table C1 (SD18, page 148). This followed four stages:

- Stage 1 (SD18, paragraphs C4 – C16) assesses the current unmet housing need of those who cannot afford open market housing (buying or renting) as 9,612 households. In accordance with NPPG (NE2, 2a-024) this calculation includes current estimates of homeless households, those in priority need currently in temporary accommodation, overcrowded households, concealed households, existing affordable housing tenants in need and households from other tenures in need that cannot afford their own homes.
- Stage 2 (SD18, paragraphs C17 – C21) provides an assessment of projected future need using the equation in NPPG (NE2, paragraph 2a-025²). This equates to 1,209 households per year.
- Stage 3 (SD18, paragraphs C22 – C32) states that 2,832 affordable dwellings are occupied by households in need. In accordance with national policy this calculation has used the equation set out in NPPG (NE2³, paragraph 2a-026). The SHMA also states the likely future affordable housing supply taking account of

¹ NPPG Ref: 2a-022-20140306 - 2a-029-20140306

² Total newly arising affordable housing need (gross per year) = (the number of newly forming households x the proportion unable to afford market housing) + existing households falling into need

³ Total affordable housing stock available = Dwellings currently occupied by households in need + surplus stock + committed additional housing stock – units to be taken out of management

future annual supply of social re-lets and intermediate affordable housing (excluding transfers) using the equation set out in NPPG (NE2⁴). This equates to an annual supply of 1,448 social (affordable) lettings and an annual supply of 15 intermediate tenure lettings/sales.

- Stage 4 (SD18, paragraph C33 – C44) uses the information in Stages 1 -3 to calculate an estimate of overall affordable housing need in accordance with NPPG (NE2, paragraph 2a-029). This analysis concludes that the total net annual imbalance is 1,049 dwellings (over 5 years).

b) What is the total net need for affordable housing over the Plan period? Should the Plan contain specific reference to this figure?

- 1.3 The affordable housing net need figure is determined by the rate of clearance of the backlog. As such, the need for affordable housing within the Local Plan is articulated as the annual net imbalance which is 1,049 affordable dwellings per year as set out in the SHMA (SD18, Table C1, page 148). This assumes the clearance of the overall shortfall over 5 years. If the shortfall is to be cleared over 10 years this falls to an annual imbalance of 397 and if it is to be cleared over the Local Plan period this falls to an annual imbalance of 108.
- 1.4 The Kirklees SHMA (SD18, paragraphs 7.13 – 7.17) sets out the latest available evidence in relation to the need for affordable housing which has supported the inclusion of the Local Plan affordable housing policy (SD1, PLP 11). Policy PLP 11 sets out the percentage requirement for affordable housing. This approach accords with NPPF (NE1, paragraph 174) which states that local standards should be set out in the Local Plan including requirements for affordable housing.
- 1.5 The council does not believe the Local Plan should contain the affordable housing need figure as well as this would fail to deal with changing circumstances as the affordable housing evidence will be updated through annual monitoring and further SHMA updates. Flexibility is therefore required to accommodate updates on housing delivery and affordable housing needs through revised SHMA documents or national planning policy changes to the methodology for calculating affordable housing need.

c) What is the expected rate of affordable housing delivery over the Plan period? Will there be a shortfall against need? Should an affordable housing trajectory be included in the Plan?

- 1.6 The Local Plan Policy PLP 11 (SD1) seeks 20% affordable housing units on market housing schemes. In response to question 5 of Preliminary Note 2 from the Inspector to the Council (EX6), the council has produced a trajectory setting out the expected rate of affordable housing delivery during the plan period (Housing Supply Topic Paper, EX30, figure 2, page 25). This takes account of affordable housing completions since the Local Plan base date (1st April 2013) and capacity from existing planning permissions. It then projects forward the anticipated delivery in the context of the requirement of 20% set out in the Kirklees Interim Affordable Housing Policy (2016) (LE142) and Policy PLP 11 of SD1 (Strategy and Policies).
- 1.7 The trajectory shows a stepped increase in delivery which reflects the implementation of the Local Plan affordable housing policy PLP11 (SD1, Strategy and Policies) and the increase in overall housing delivery following the adoption of the Local Plan. The

⁴ Future annual supply of affordable housing units = the number of social rented units + the number of intermediate affordable units

detailed assumptions used to compile the trajectory are set out in EX30 (Housing Supply Topic Paper, paragraphs 4.24 – 4.27). The affordable housing trajectory includes affordable housing delivery secured through the planning system but there is flexibility where affordable housing could also be secured from other sources of funding during the plan period.

1.8 The council will monitor the delivery of affordable housing through indicator PLP11a as set out in SD1 (Strategy and Policies, Appendix 2, page 219). The annual net imbalance of 1,049 affordable dwellings per year (SHMA, SD18, Table C1, page 148) assumes meeting the shortfall over 5 years. If the shortfall is to be cleared over 10 years this falls to an annual imbalance of 397 and if it is to be cleared over the Local Plan period this falls to an annual imbalance of 108. The anticipated affordable housing delivery is set out in the affordable housing trajectory (EX30, paragraphs 4.24-4.27) which clearly exceeds 108 dwellings per annum which would allow the shortfall to be cleared during the plan period. As such, there is not expected to be an affordable housing shortfall against need over the plan period.

1.9 There may be changes in circumstances such as Government initiatives or changes to economic circumstances during the plan period which impact on affordable housing need and delivery. Actions to address any potential under-delivery against the trajectory are set out in the Housing Supply Topic Paper (EX30, paragraphs 4.28 – 4.29). The council does not believe that an affordable housing trajectory should be included in the Local Plan to ensure flexibility where such circumstances change. The council believes that the affordable housing trajectory should be produced annually through the Local Plan monitoring process to reflect delivery progress and updated evidence.

d) Is the proposed rate of 20% affordable housing (on sites of more than 10 units) supported by the Council's viability evidence, in terms of both market housing schemes and developments with self-contained units designed for retirement living and people with specific accommodation needs?

1.10 The proposed rate of 20% affordable housing (on sites of more than 10 units) is supported by the Council's viability evidence. The Local Plan and CIL Economic Viability Assessment (October 2015) assessed a large number of residential development sites across the District and found that the majority of sites were capable of supporting a minimum of 20% of affordable housing (CIL1, page 4). The updated report (Viability Addendum, CIL2, September 2016) confirmed the earlier findings.

1.11 The Local Plan and Community Infrastructure Levy Viability Study (CIL1, page 4) states that 20% is a suitable affordable housing requirement which would allow a reasonable level of CIL to be collected across most of the value areas. It should be noted that the viability work considers residential uses within the C3 use class but the purpose of the viability work is not to assess each site individually. It is to set out general assumptions to provide evidence that the Local Plan can be delivered as a whole and the Local Plan Delivery Statement (BP27, paragraph 5.56) confirms that this is the case.

1.12 The justification text for Policy PLP 11 seeks to clarify that affordable housing will be secured on proposals for self-contained units designed for retirement living and for people with specific/specialist accommodation needs. These also fall within the C3 use class and so were part of the consideration within the viability work. Proposals with some form of care will need to be assessed on a case by case basis depending on the level of care and other financial constraints associated with these schemes. The reference to viability within Policy PLP 11 allows for the consideration of such factors.

The reference to self-contained units clarifies that C2 uses (such as care homes) would not be expected to provide affordable housing.

- 1.13 The CIL charging schedule has considered the areas where viability is more marginal and sought to apply a nominal CIL rate in these areas to ensure that viability issues do not impact on delivery. It should be noted that the CIL Draft Charging Schedule does not propose charging CIL for older person's accommodation falling within the C3 residential use class to minimise the risk of a CIL charge rendering these types of development unviable. This is explained in the CIL Draft Charging Schedule Background Report (CIL_008, paragraph 5.11). This removes some of the other financial burdens on such schemes through the planning process which will increase the ability of sites to meet the affordable housing requirement. This would need to be considered within any site specific affordable housing viability assessment on such schemes.
- 1.14 The Local Plan Delivery Statement (BP27) confirms that the policies in the Local Plan are deliverable. It should be noted that the policy approach to achieve 20% affordable housing is already being applied through the council's Interim Affordable Housing Policy (LE142). The council also has evidence of delivery of affordable housing and other Section 106 agreements within the areas where viability is more marginal therefore it is important to seek the 20% contribution in all areas. Policy PLP 11 provides flexibility by allowing the consideration of viability evidence to justify affordable housing provision below 20% where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal. Proposals for a higher proportion of affordable housing than 20% would also meet the requirements of Policy PLP 11.

e) What affordable housing percentage rate has been achieved in recent years in schemes across the borough?

- 1.15 The table below sets out the percentage of affordable housing achieved in recent years in Kirklees. This information is from council monitoring of affordable housing completions on an annual basis as published in the Annual Monitoring Report (SD17, Table 4.2, page 8). The decrease in delivery between 2013/14 and 2014/15 reflects the end of the Excellent Homes for Life programme of affordable housing delivery. It should be noted that the decrease in the percentage of delivery between 2014/15 and 2015/16 reflects the higher gross completions rather than a significant decrease in affordable housing completions.

	Gross completions	Affordable housing completions	% affordable
2013/14	1144	320	28.0%
2014/15	731	180	24.6%
2015/16	1204	155	12.9%

- 1.16 Analysis of individual market housing schemes with existing planning permission for 10 or more dwellings (at 1st April 2016) where some element of affordable housing has been provided shows an average of 18% of the housing capacity is proposed to be affordable. The range of affordable housing within these schemes is 3% - 56%. If all sites of 10 or more dwellings are included in the analysis (including those where no affordable housing has been provided) this falls to 8% of the total capacity on average. It should be noted that this site-specific analysis does not include off-site contributions or non-market schemes (i.e. 100% affordable schemes). On sites with 10 or more dwellings with remaining capacity at 1st April 2016, off-site contributions amounted to

£2,272,814, some of which contributed to the delivery of 110 dwellings on 100% affordable housing schemes.

f) Does the Plan provide a clear definition of affordable housing which accords with national policy and reflects the Government’s proposals in relation to Starter Homes? Is the Council’s proposed modification SPMM28 necessary to ensure the Plan is sound?

1.17 The Local Plan definition of affordable housing (SD1, Strategy and Policies, page 203) is clear and is consistent with the NPPF definition (NE1, page 50) which defines affordable housing as *“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.”*

1.18 The Housing and Planning Act 2016⁵ includes a broader definition of affordable housing which includes Starter Homes. As such the council believe that the proposed modification SP-MM28 (SD4, page 10) ensures the plan is sound by adding the following text to the start of the affordable housing definition: *“Starter Homes (subject to Government regulations yet to be published at the time of drafting the Local Plan)…”*. The council’s understanding is that the regulations for Starter Homes are not currently available but that adding reference to Starter Homes in the Local Plan definition of affordable housing allows flexibility to accommodate Starter Homes once the regulations and revisions to the NPPF are finalised.

g) Is the approach to rural exception housing in Policy PLP 11 clearly expressed in terms of the scale, type and location of affordable housing sought, and consistent with national policy?

- **Is the application of the policy to ‘small free-standing settlements’ justified? Are the Council’s proposed modifications SPMM15 and SPMM17 necessary to ensure that the policy is sound?**
- **Would provision be limited in scale?**
- **Is the policy sufficiently flexible regarding the type of affordable housing on rural exception schemes?**
- **Does the policy take account of Government proposals in relation to Starter Homes?**

1.19 The council believes that the exceptions approach to affordable housing in part of Policy PLP11 clearly sets out the requirements and is consistent with NPPF without repeating national planning policy. The scale of affordable housing would be required to accord with NPPF (NE1, paragraph 55) which defines rural exception sites as *“small sites used for affordable housing in perpetuity where sites would not normally be used for housing”*. Sites would therefore be small and as such limited in scale. The council’s view is that adding a reference to the scale of sites would be repeating national policy. Affordable homes provided through the exceptions part of this policy must meet the affordable housing definition as set out in national planning policy (as updated by the Housing and Planning Act 2016). The policy does not prescribe the type of affordable housing on the exception schemes to allow flexibility as the local evidence of need required to demonstrate the need for each proposal will inform the type of affordable housing required.

⁵ [Housing and Planning Act 2016 \(Chapter 22\)](#)

- 1.20 The location of such affordable housing provision would also be dependent on local evidence. The intention for this part of the policy to be applied on an exceptional basis is reflected by Policy PLP 11 which states that “*exceptionally, planning permission may be granted for affordable homes in small freestanding settlements on land which would not normally be permitted for housing development.*” The council has set out modifications SP-MM15 and SP-MM17 (SD4, pages 4-5) which ensure that the policy is sound. These modifications propose the removal of the term ‘small freestanding settlements well away from the larger urban areas’. There are already restrictions within the policy relating to local needs being demonstrated and that there must be little prospect of meeting such needs in the local area so it was felt that the removal of the reference to small-freestanding settlements would provide sufficient flexibility within the policy where these circumstances apply.
- 1.21 In accordance with the NPPF definition of rural exception sites, the supporting text for Policy PLP 11 (SD1, paragraph 8.41) also clarifies the approach in that it seeks to address the needs of the local community who are either current residents, have existing family or an employment connection. The reference to the provision remaining affordable in perpetuity is subject to a proposed modification to add “*where appropriate*” (as set out in proposed modifications SP-MM15 and SP-MM17, SD4, pages 4-5). These modifications are necessary to ensure consistency with the NPPF definition of affordable housing which provides the opportunity for schemes where the subsidy from the sale of affordable housing is recycled for alternative affordable housing provision. This modification also reflects that the exceptions part of the policy could also apply to land which does not fall within the “rural exceptions” definition.
- 1.22 Policy PLP 11 is also sufficiently flexible in its reference to affordable housing to allow consideration of Starter Homes as set out in the justification text which explains the concept of Starter Homes (SD1, Strategy and Policies, paragraphs 8.33 – 8.34). Modification SP-MM28 (SD4, page 10) also proposes reference to Starter Homes within the Local Plan affordable housing definition which confirms the consideration of Starter Homes under the provisions of Policy PLP 11.

Questions – Travellers

- h) Is the assessment methodology in the Council’s Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) (GTAA) (LE16) justified, effective, robustly based and in line with national policy? Specifically:**
- 1.23 The council’s assessment methodology is justified, effective, robustly based and in line with national policy. The assessment was undertaken in accordance with national guidance as set out in the Planning Policy for Traveller Sites (NE8) and the methodology set out in the Traveller Accommodation Needs Assessment Guidance (NE10) which is the latest published national methodology for such assessments. This was undertaken in three phases as set out in detail in LE16 (Chapter 3) briefly summarised below:
- Phase 1: Literature/desktop review and stakeholder discussions
 - Phase 2: Survey of Gypsies and Travellers across the District; and
 - Phase 3: Production of Report
- **Is there evidence of overcrowding on existing travellers sites, and how has this been taken into account? (for example, households with insufficient or cramped living accommodation, or ‘doubling-up’ on a pitch with more than the permitted number of caravans being present)**

- 1.24 There is no significant evidence of overcrowding on existing Travellers' sites within Kirklees. The primary fieldwork of the study comprised survey work with Travellers within Kirklees (LE16). This included: conducting interviews with occupants of the two authorised sites within Kirklees; completed surveys with two households at the Gypsy and Traveller site with two pitches; and conducting 9 household interviews at the Travelling Showpersons site with ten plots.
- 1.25 The survey results on overcrowding are set out on Table 5.12 (LE16, page 33). This shows that the majority (91%) of the 11 survey respondents did not consider that their home, trailer or pitch was overcrowded. Chapter 6 of the study (LE16) reviews the overall pitch requirements for Gypsy and Travellers and Travelling Showpeople across Kirklees. The calculation of pitch/plot requirement includes need derived from current households living on pitches/plots, including any need arising from overcrowding.
- 1.26 For Gypsies and Travellers it concludes (LE16, paragraph 6.10), "there was no doubling up of households evidenced on pitches". If there had been any evidence of overcrowding it would have been factored into the summary of demand calculation in Table 6.1 (page 41). For Travelling Showpeople there is also no evidence of overcrowding with 10 households living on 10 plots (LE16, paragraph 6.39). If there had been any evidence of overcrowding it would have been factored into the summary of demand calculation in Table 6.5 (LE16, page 48).
- 1.27 Therefore overcrowding has been appropriately considered and factored into the study in accordance with national guidance and best practice. There has also been no other evidence presented to the council to indicate either site is overcrowded.
- **Is the assumption that 5.6% of current gypsy and traveller households living in bricks and mortar may plan to move to a traveller site in the next five years justified and based on robust evidence?**
- 1.28 The study (LE16, paragraph 6.12) demonstrates that the use of this figure is justified and based on robust and appropriate evidence. It is based on evidence taken from 39 other local authorities' studies (mainly in the North of England) from a sample size of 267 households living in bricks and mortar accommodation. This sample indicates that 5.6% of existing households living in bricks and mortar accommodation require a pitch.
- 1.29 No council held data was available to identify Traveller households living in bricks and mortar within Kirklees. LE16, page 39, paragraph 6.11 states "*According to the 2011 National Census, there were 55 Gypsy and Traveller households in Kirklees and of these 53 households lived in bricks and mortar accommodation. Attempts were made to interview households living in bricks and mortar accommodation but no interviews were secured.*"
- **Are the assumptions relating to the number of gypsy and traveller households likely to emerge from bricks and mortar accommodation in the next five years justified and robustly based? What annual rate of household formation does this represent?**
- 1.30 The study (LE16, paragraph 6.13) demonstrates that the assumptions relating to the number of Gypsy and Traveller households likely to emerge in the next five years is justified and robustly based. It is based on a sample of Gypsy and Traveller households (267) derived from other Arc4 studies of 39 local authorities which indicates that the number of households emerging over a five year period is equivalent to 12.7% of the total number of Gypsy and Traveller households. This results in an

overall need for seven households emerging from those currently living in bricks and mortar accommodation over the next 5 years (2014/15 to 2018/19).

- 1.31 As the needs of those emerging from bricks and mortar accommodation is limited, it would not be appropriate to apply an annual rate of household formation.

Sensitivity testing of alternative household numbers

- 1.32 To enable sensitivity testing of the recommendations of the Gypsy and Traveller and Travelling Showpeople Assessment undertaken by Arc4 (LE16) Kirklees and Calderdale commissioned LeedsGATE⁶ to undertake a Calderdale and Kirklees Baseline Census January-February 2015 (LE15). The main purpose of this additional work was to estimate the total number of Gypsy and Travellers living in Kirklees. The Arc4 study (LE16, pages 42-44, paragraphs 6.21-6.27, table 6.2-6.3) uses the findings of the LeedsGATE census (LE15) to undertake a sensitivity check of alternative household numbers. Table 6.2 (LE16) summaries the alternative baseline position of Gypsy and Traveller households in Kirklees, and table 6.3 provides revised pitch requirements based on the alternative bricks and mortar household estimates.

- 1.33 The LeedsGATE census sets out a baseline position figure from their research estimating the population to be 145 (50 households), a figure broadly similar to the 2011 national census of 158 (55 households). The LeedsGATE census views these population figures as a potential undercount and applies a multiplier uplift on the basis of two scenarios. Firstly the national rate of 0.1% of residents with a Gypsy and Traveller heritage in the 2011 national census, resulting in an indicative population of 422 and secondly on the basis of Irish Traveller Movement research with an indicative population of 426.

- 1.34 The Arc4 study (LE16) page 44, paragraphs 6.25- 6.27 states the following:

6.25 This analysis suggests that if the LeedsGATE baseline census is used, the number of pitches required would reduce from ten to nine. However, by applying the LeedsGATE uplift figures, the pitch requirement would increase from ten to 27 (under both lower and higher estimates). It should be noted that the 2011 National Census reported that 0.03% of households across Kirklees had a Gypsy and Traveller Household Reference Person. This compares with 0.07% across Yorkshire and the Humber and 0.09% nationally. The 2015 census carried out by LeedsGATE identified a similar number of households to the 2011 National Census, albeit within a limited time period, which would suggest that the lower and higher population estimates derived from this work based on national estimates may be unreliable.

6.26 This sensitivity analysis would suggest that the baseline position from the GTAA of ten would either be adjusted downwards to take account of the 2015 LeedsGATE baseline number of households; or adjusted markedly upwards to 27 pitches based on the uplifted figures. Given the relatively low base of households reported in both the 2011 National Census and 2015 LeedsGATE baseline survey, and a low number of households living on pitches, it would be difficult to justify an uplift based on national estimates.

As a result of the GTAA sensitivity check the study recommends that the pitch requirement is still based on the 2015 GTAA survey which identifies

⁶ Leeds Gate (Gypsy and Traveller Exchange)

a shortfall of ten pitches, which reduces to zero if need from bricks and mortar households is excluded.(LE16, paragraph 6.27)

- **Is the use of household survey data to estimate the number of households arising from current traveller sites in the next five years and over the longer term (to 2033/34) justified and robust? Why was this approach used in preference to average household formation rates? Has account been taken of future household formation from families moving out of bricks and mortar accommodation (including those occupying the allocated pitches)?**
- 1.35 The use of household survey data from existing sites within Kirklees Council is robust as it provides Kirklees specific information relating to existing household structure. Whilst this is from a limited number of sites it secured a high response rate from both existing sites. This approach is used in preference to average household formation rates because the baseline population living on existing sites is very small. However, the household survey identified the detailed structures of households and from this needs analysis could accurately assess the likely level of household formation and future pitch requirements.
- 1.36 The GTAA needs analysis included an assessment of likely pitch need from existing and emerging households living in bricks and mortar accommodation. However it would be a challenge to determine future household formation from families who move out of bricks and mortar accommodation who require pitches. For this reason, it is recommended that the GTAA is refreshed every 5 years. Any future study would take account of the latest household formation from families who have moved out of bricks and mortar accommodation at the relevant time.
- **Has account been taken of potential migration rates?**
- 1.37 As the population of Gypsies and Travellers living on pitches is very small, the GTAA was unable to analyse migration rates.
- i) **Are there any implications from the Government's updated definition of gypsies and travellers, as set out in Planning Policy for Travellers Sites (2015)?**
- 1.38 The updated definition has been taken into account in the GTAA (LE16) with the study concluding (para 10.3 and 10.5) for the needs requirement for travellers that it *"should be viewed as a minimum requirement based on the current supply of pitches and assumptions regarding need from households living in bricks and mortar dwellings. However, with the new revised guidance altering the definition of Travellers it is actually more likely that these may be seen as a maximum given that the new definition focuses on the needs of those who are actually Travelling or planning to travel."*
- 1.39 On this basis the local plan recognises (SD1 - para 8.46, table 6) that should evidence be presented that the need arising from Bricks & Mortar (B&M) is based on travellers who no longer meet the revised definition set out in Planning Policy for Travellers, the need figure significantly reduces to 2 for GT over the plan period. The GTTA survey work that was undertaken did not explicitly ask this question (as it was not required to at the time) but the local plan aims to respond positively to this change in definition by still maintaining the GTAA need figure of 12 (B&M inclusive) over the plan period.

j) What is the total identified need for gypsy and traveller and travelling showpeople sites over the Plan period between 2013 and 2031? Should the need figure be included in the Plan? What is the breakdown of need within this period? What types of sites are required, e.g. public or private?

1.40 The GTAA (LE16) identified the following needs (included in table 6 – SD1):

Requirement	Gypsy and Travellers (Pitches)	Travelling Showperson (Plots)	Transit
0-5 years	10 (0 excluding B&M)	1	8
Years 6-15	2	3	-

1.41 The identified need figure is explicitly set out in the supporting text to policy PLP12, paragraph 8.46 – 8.49 and table 6: Gypsy and Travellers Accommodation requirements. Respondents to the household survey indicated a strong preference for sites and yards to be public rather than private sites. The type of site (public or private) is not specified within the plan. Both proposed allocations are owned by Kirklees Council therefore at the time of a planning application consideration can be given to a range of delivery mechanisms in consultation with the local community.

k) Is the identified need for additional traveller sites deliverable over the Plan period?

- **Will a five year supply of land for gypsies and travellers and travelling showpeople be provided on adoption of the Plan?**
- **Is there evidence that some supply will come forward on windfall sites, taking into account the extent of the Green Belt and other constraints in the borough?**
- **Does the Plan provide sufficient flexibility to deliver the identified need for pitches and plots?**

1.42 A 5 year supply will be provided on adoption, demonstrated by Policy PLP 12 Accommodation for Travellers (SD1, Page 72) which sets out that the local plan will allocate sufficient land to meet the need of Travellers, both Gypsies and Travellers and Travelling Showpeople as defined in Planning Policy for Traveller Sites (CLG August 2015).

1.43 There is very limited evidence to date that windfall planning applications will come forward for traveller sites, with only one planning application in the last 5 years. This planning application (2017/90562) to accommodate 4 households was refused – with the appeal lodged but not yet determined. The decision notice sets out that the applicant had failed to demonstrate that very special circumstances exist to clearly outweigh the harm to the green belt, openness of the green belt and visual amenity. The proposal is also considered to be an unsustainable location.

1.44 PLP 12 (SD1, page 72) provides suitable criteria for windfall sites that may come forward in the plan period. Paragraphs 8.47 and 8.48 alongside Table 6 clearly demonstrate that sufficient and appropriate provision of deliverable sites have been allocated in the local plan. In both cases the land is council owned therefore there are no ownership issues that would prohibit the land from coming forward. The size of the proposed allocations (SD2, page 162, GTTS1957 and GTTS 2487) provides sufficient flexibility when considered against the limited nature of the pitch/plot requirement (4 travelling showpeople, 12 gypsies and travellers and 8 transit). If windfall sites were to

come forward within the plan period policy PLP12 has a criteria based approach to determine the proposals, alongside other policies in the local plan.

l) How were potential traveller allocation sites identified and assessed? Did the search focus on particular areas or apply across the borough? Were sites in the Green Belt considered for allocation and for safeguarding?

- 1.45 The potential traveller sites were identified and assessed in accordance with the Local Plan Methodology Statement Part 2 (BP23). The results of these technical assessments can be viewed in the Accepted Site Options Technical Appraisals Report (revised July 2017) (BP29.1) for sites GTTS2487 and GTTS1957. The results of the 34 rejected sites can be viewed in the equivalent rejected site options report Kirklees Publication Draft Local Plan Rejected Site Options Report (Revised July 2017) (LE4.1). All of the sites were subjected to sustainability appraisal, the results of which can be viewed in annex 5 of the Sustainability appraisal (SD5).
- 1.46 In summary all the traveller sites for consideration were council owned, there were 36 in total with two being accepted (GTTS2487 and GTTS1957) and 34 rejected. The search area for the sites was not predetermined and they were spatially located throughout the district, as can be seen on the rejected maps (SD3). In total 14 sites were considered in the green belt with all being rejected in accordance with the Local Plan Methodology Statement Part 2 (BP23). The council have allocated sufficient sites to meet needs within the non-green belt area in Kirklees.
- 1.47 Site GTTS2487 is capable of accommodating both the plan period requirement for Gypsies and Travellers and potentially beyond, given its size at 1.55ha and the requirement figure of 12 permanent and 8 transit pitches. This is also considered to be the case with the Travelling Showpeople site GTTS1957 given the modest plot requirement of 4 additional plots and site size 2.63ha (this includes the current Travelling Showperson site).

m) Did cross-boundary/sub-regional work with other authorities help to inform the borough's identified need for transit pitches?

- 1.48 The methodology set out in the GTAA (LE16, chapter 3), states that the study included stakeholder questionnaires with a range of parties, including adjoining local authorities. The study was conducted jointly with Calderdale. The views of the key stakeholders were asked on a number of questions, these explicitly included the cross border interrelationship of Gypsies and Travellers and Travelling Showpeople with the stakeholder. The responses are summarised in chapter 9 (paragraphs 9.39-9.43) and in more detail in Appendix D: Stakeholder Consultation - Neighbouring Authorities (page 129) - D.36 - Q.30.
- 1.49 These alongside the other evidence presented in the study, informed the conclusion and strategic response in chapter 10. This included a recommendation that the local authority work collaboratively with neighbouring local planning authorities to meet identified need.
- 1.50 The Duty to Cooperate Statement (SD14), demonstrates that the council has been working on an ongoing collaborative basis with adjoining authorities through the Leeds City Region framework, firstly looking to align methodologies across the LCR, and secondly to aim to meet Kirklees' own objectively assessed needs as the emerging GTAA came forward. (Line 1D - Appendix A Kirklees Local Plan: Duty to Co-operate Strategic Issues Table – Early Engagement and Appendix B Kirklees Local Plan: Duty to Co-operate Strategic Issues Table – September 2015).

- 1.51 The latest iteration of the LCR duty to cooperate strategic issues table concluded in Line 1 D (*Appendix C Kirklees Local Plan: Duty to Co-operate Strategic Issues Table – October 2016*) confirmation that LCR authorities will “*Aim to align methodology and approaches within LCR where appropriate and practicable.*” and that Kirklees will specifically “*Aim to meet Kirklees’ objectively assessed needs for gypsy and traveller sites within the district – provision is made in the plan for 12 permanent gypsy and traveller pitches, 4 travelling showperson pitches and 8 transit pitches*”.
- 1.52 The location of the proposed sites was shared with adjoining authorities including the proposed new site GTTS2487 for both permanent and transit provision. No objections from adjoining authorities were received with regard to the proposed locations.
- 1.53 As stated in the Duty to Cooperate Statement (SD14, paragraph 4.9) Arc4 were jointly commissioned by Kirklees Council and Calderdale Council to undertake a joint GTAA.... “*The benefit of this approach was a common methodology for undertaking the work and shared evidence base of any cross border movement of Travellers. The councils also subsequently jointly commissioned Leeds GATE to prepare the Baseline Census of Gypsies and Traveller Communities (January – February 2015) – adding to the shared evidence base. Both studies have been used to inform their respective plan policies and allocations on the basis of a mutual evidence base and methodology...*”

Questions - Housing mix

- n) **Is the requirement in Policy PLP 11 to seek a broad mix of housing from all proposals justified and deliverable?**
- 1.54 The council believe that the approach to seek a broad mix of housing from all proposals is justified and deliverable. The approach taken is consistent with NPPF (NE1, paragraph 50) which states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups. The latest evidence in the Kirklees SHMA sets out the size, type and tenure of housing required to meet needs which justifies the policy approach taken by the council (SD18, Table F5, page 182). Policy PLP 11 seeks to ensure that the type of housing provided meets needs using the SHMA evidence as a starting point but acknowledging that more up to date evidence may be provided through the planning applications process to inform the provision of dwellings on specific sites. As Policy PLP11 is worded in a flexible way it is not considered realistically possible to put delivery at risk in any circumstances. The Local Plan Viability Study (CIL1) reviewed all the policies of the Local Plan and concluded that the policies as a whole are viable, as further underlined in the Local Plan Delivery Statement (BP27, paragraph 5.56).
- o) **What conclusions does the SHMA reach in terms of the mix of housing size, type and tenure needed in the borough? Should the evidence in the SHMA be used to determine mix in residential schemes, or is there a need to have regard to other sources of information?**
- 1.55 The Kirklees SHMA (SD18, Technical Appendix F, pages 177 – 182) provides detailed housing mix analysis to identify the scale and mix of housing and range of tenures needed in Kirklees during the plan period in accordance with NPPG.
- 1.56 The SHMA analysis has drawn upon the 2014-based CLG household projection data relating to age group of the Household Reference Person and the 2015 SHMA household survey which evidenced the variation in dwelling type/size occupied by households by Household Reference age group. It uses this information to calculate

the likely change in dwelling requirements over the plan period. The analysis concluded that there are three key dwelling types particularly required across Kirklees (1-2 bedroom houses, 3 bedroom houses, 4+ bedroom houses) in addition to the other property types and sizes and sets out the expected affordable capacity from each property type (SD18, Table F5 as set out below).

Table F5 Overall market mix 2013-2031 (annual)				
Dwelling type	Annual OAN/ Housing Requirement	Tenure		
	1730	Market	Affordable	Total
		80%	20%	
1-2 Bed House	377	343	34	377
3 Bed House	613	436	177	613
4+ Bed House	360	349	11	360
1-2 Bed Bungalow	105	84	21	105
3+ Bed bungalow	51	48	2	51
Flat/Apartment	209	143	66	209
Other	15	15	0	15
Total	1730	1418	312	1730

- 1.57 In addition to this overall analysis, the SHMA also explores the needs, aspirations and expectations of a range of groups which provides additional information in relation to meeting needs in Kirklees. These include those in affordable housing need (SD1, Table 7.10, page 101), higher income households (Table 7.12, page 105), households considering self-build (Table 7.14, page 108), families (Table 7.15, page 109), younger people (Table 7.16, page 110), students (SD1, paragraphs 7.50 – 7.56), older people (SD1, paragraphs 7.57 – 7.62) and those with specialist support requirements (SD1, paragraphs 7.67 – 7.78).
- 1.58 At present the latest information is set out in the SHMA which brings together a wide range of information and should be used as a starting point when considering the mix in residential schemes. Policy PLP 11 states that proposals should take account of the latest evidence of the need for different types of housing which provides flexibility allowing the submission of evidence with a planning application.
- p) Is the second paragraph of Policy PLP 11 seeking to impose optional Building Regulations⁷ or additional technical requirements relating to accessibility? If so, what proportion of new dwellings should comply with the standards? Is the approach supported by viability work and local evidence on the need for accessible and adaptable dwellings and wheelchair user dwellings?**
- 1.59 The second paragraph of Policy PLP 11 (SD1, pages 68-69) in relation to ensuring buildings are suitable or can be adapted to meet the needs of peoples needing specialist accommodation at present and into later life, is not seeking to impose optional Building Regulations or additional technical requirements relating to accessibility. It is seeking to provide guidance that buildings should be capable of adaptation to meet the needs of people especially in the context of the ageing population and to ensure developers are mindful of the approach currently set out in

⁷ As set out in the Written Ministerial Statement dated 25th March 2015.

the building regulations. As indicated in SHMA (SD18, Table 7.21, page 11), such adaptations could be as simple as providing space for the installation of internal or external handrails in future. As the council is not seeking to impose optional Building Regulations there is no requirement to set out a proportion of new dwellings to meet such standards. The Local Plan Policy PLP 11 was considered in the viability testing of the plan which supports the approach because it does not envisage additional costs in relation to adaptation which would impact on the viability of a scheme.

- 1.60 The evidence set out in the SHMA (SD18, Table F2, page 179) shows the increasing age of the Household Reference Person between 2015 and 2031 which indicates a significant increase in the proportion within the 65+ age group over this period. The SHMA household survey also indicates that 65.1% of people aged 65 or older would rather continue to live in their home (SD18, Table 7.19, page 113). As such, the capability of adaptation becomes more important and justifies the approach taken in the policy. As set out in matter 5q, the SHMA also provides analysis in relation to people with disabilities and the council set out their approach to meeting specialist needs in the Accommodation Strategy for Older People (LE21), All Age Joint Mental Health Commissioning Strategy (LE23), Housing Commissioning Strategy (LE22) and the Accommodation Strategy for adults with learning disabilities in Kirklees (LE24). These also seek to ensure the provision of suitable housing in addition to the intentions of PLP 11.

q) Does the Plan make appropriate provision for the housing needs of older people and other groups in the community?

- 1.61 The Local Plan aims to meet the need for new homes for everyone in Kirklees by allocating sufficient land to meet the OAHN. The local plan seeks to make appropriate provision for the needs of older people and other groups in the community using evidence set out in the Kirklees SHMA (SD18).
- 1.62 The specific affordable housing needs of older people have been considered as part of the SHMA affordable housing needs analysis (SD1, Tables C9 and C10, page 159). Policy PLP 11 seeks to plan positively to ensure that affordable housing is provided to meet such needs. In relation to housing mix, Policy PLP 11 also seeks to achieve a broad mix of housing to meet needs identified in the Kirklees SHMA (SD18). The specialist housing needs and housing aspirations of older people have been considered in SHMA (SD18, paragraphs 7.57 – 7.62 and Table 7.21) The SHMA (paragraph 7.62) identified the need for 388 units with care for rent, 628 units for sale or shared ownership and 291 units of provision for older people with dementia. The evidence does not outline the specific location of such provision but the Local Plan is seeking to plan positively to meet the needs of older people through the policy framework set out by Policy PLP 11 (SD1, pages 68-69). This refers to appropriate design elements to ensure buildings are suitable or can be adapted to meet the needs of people needing specialist accommodation and that extra care housing which provides for a range of needs including those of frailer older people is particularly favoured (SD1, paragraph 8.31).
- 1.63 The Kirklees Household Survey (2015) as part of the SHMA indicated that 65.1% of those aged 65 or over prefer to continue to stay in their current home with support (SD18, Table 7.19, page 113). The SHMA explores adaptations considered likely to be required now or in the next five years using the outputs from the household survey (SD18, Table 7.21, page 114). This survey showed a requirement for a range of adaptations including handrails, adaptations to bathrooms, more insulation, double glazing, stair lifts, community alarm services and security alarms amongst others. This

evidence helps to justify the approach in PLP 11 where the plan seeks to meet the needs of older people including consideration of adaptations.

- 1.64 The SHMA also considered the needs of those with disabilities including people experiencing mental health problems and people with learning disabilities. Many of the adaptations for older people are also relevant to those of all ages who may require specialist accommodation. In addition to policies in the Local Plan, the council has set out actions in relation to commissioning such support for people with disabilities in the Kirklees Joint Health and Well-being Strategy (LE112), All Age Joint Mental Health Commissioning Strategy (LE23) and Accommodation strategy for adults with learning disabilities in Kirklees (LE24). The Local Plan Design Policy (PLP 24) (SD1, Strategy and Policies, pages 114-115) to be discussed in the Stage 3 hearings also states that proposals should promote good design by ensuring the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places.
- 1.65 The SHMA also considered the property preferences of families and younger people (SD18, Technical Appendix F, pages 177 – 182) and this helped to inform the housing mix analysis to identify the scale and mix of housing and range of tenures. Policy PLP11 (SD1, page 68) seeks to secure a broad mix of housing and states that for sites over 10 dwellings or over 0.4ha the mix should specifically reflect the proportions of households that require housing, using the SHMA evidence as the starting point. The SHMA also provides information relating to ex-forces and Black, Asian and Minority Ethnic households but the SHMA does not conclude that there is specific evidence to suggest additional requirements to accommodate the needs of these groups. The needs of Gypsies, Travellers and Travelling Showpeople were considered through a separate Gypsy and Traveller and Travelling Showperson Accommodation Assessment (LE16) and sufficient land has been allocated in the Local Plan to meet the identified needs.
- 1.66 In accordance with NPPG (NE2, 2a-024) the calculation of current unmet affordable housing need in the SHMA includes current estimates of homeless households (SD18, paragraphs C5 – C7) therefore homeless households are factored into the calculation of the 1,049 affordable housing shortfall. As set out in the SHMA (SD18, paragraph 7.79), between 2010/11 and 2013/14 an average of 340 households each year have been declared as homeless and in priority need. The SHMA considered households which were previously homeless. Extrapolation of the household survey results indicates that 1,418 households (who had previously been homeless or living in temporary accommodation) have moved into social/affordable rented accommodation or private sector (owning or renting) (SD18, paragraphs 7.80-7.81).
- 1.67 As the analysis of homeless households is included in the affordable housing calculation, the affordable housing element of PLP 11 is aiming to provide affordable housing to meet the needs of all those in affordable housing need including homeless households. In addition to the approach in Policy PLP 11, the council has a focus on homelessness prevention and relief, for those who are at risk of, or experiencing, homelessness. The Localism Act has enabled more decisions about housing to be made at the local level (SD18, paragraph B.7, page 133). The council has an interim duty to provide temporary accommodation to certain homeless households. When a household is accepted as statutory homeless the Council discharges the interim duty to accommodate by securing an offer of permanent accommodation, this may include an offer of private rented sector accommodation where certain conditions are met.

1.68 A student housing survey (LE26) was undertaken as part of the SHMA (SD18) which showed that over half of students live at their parental home or in their own home (SD18, Table 7.18, page 111). The survey also showed a strong preference for student living close to the University and 26% of respondents cited an insufficient choice of student accommodation. Policy PLP 15 (SD1, page 82) seeks to plan positively for residential uses (including student accommodation) within town centres. Such student accommodation in Kirklees town centres would serve Huddersfield University (Huddersfield town centre) and further education colleges located adjacent to Huddersfield town centre and within Dewsbury Town Centres. Huddersfield University confirmed through the SHMA process (SD18, paragraph 7.56) that there are no current significant plans for future growth and on this basis and the results of the student survey the SHMA does not recommend any adjustments to be made in relation to specific needs of students.