

Gladman Developments Ltd

Examination of North Hertfordshire Local Plan 2011- 2031

Matter 22 – the Supply of Land for Housing

22.1.1 The Inspector’s Matters, Issues and Questions for further Hearing Sessions (ED 194) sets out at Matter 22.1 the following questions

“a) Is reducing the overall housing requirement to 13,000 and undertaking an early review of the Local Plan, the most appropriate way forward? If not, why not?”

b) If the housing requirement should be modified to 13,000 dwellings, should the supply of housing sites proposed in the Local Plan also be reduced? If so, how?”

c) Is a ‘buffer’ or around 13% an appropriate approach? If not, why not?”

d) If there is a ‘buffer’ of around 13%, do the exceptional circumstances required for the ‘release’ of land from the Green Belt for housing development exist”

22.1.2 Whilst Gladman does not consider it is necessary to reduce the housing requirement, as is proposed by the Council, it does support the inclusion of a policy requiring early review of the Local Plan.

22.1.3 As is illustrated by the Council’s 2018-based Household Projections and Objectively Assessed Need Paper as well as its accompanying Review of Official Projections (ORS) there have been no less than four projections considered since the Council’s Strategic Housing Market Assessment was first commissioned. The 2016 projections resulted in new evidence having to be prepared and considered as part of the Local Plan hearing sessions and now the same situation is occurring in relation to the 2018 projections.

22.1.4 This raises a wider question of whether it is correct that a Plan that was submitted for examination in 2018 and so benefiting from the transitional arrangements of the NPPF 2019 should need to refresh its evidence base so readily as part of the examination process. However, and as reflected in the Council’s evidence, the delays that have occurred to date

have simply worsened affordability and suppressed of household formation due to limitations in supply.

- 22.1.5 In a constrained local authority area that is dependent on Green Belt release to deliver a large portion of its new housing, the inclusion of an early review policy will allow development to proceed, whilst ensuring the authority has an up-to-date Plan that accords with National Policy. That stated, Gladman would suggest that any review mechanism should come in the form of a policy that has ‘teeth’ including, for example, a timetable for the delivery of the replacement Local Plan to ensure the Council retains an up to date plan going forward.
- 22.1.6 In terms of the 13% buffer. As was advocated earlier in this examination, Gladman consider that a 20% buffer would be more appropriate given that the Council’s housing trajectory is heavily reliant on the delivery of large strategic sites that will take time to mobilise. By increasing the buffer it creates greater flexibility in the market, which is in accordance with Paragraph 14 of the NPPF 2012 that states Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change and paragraph 47 that requires Councils to boost *significantly* the supply of housing (emphasis added).
- 22.1.7 With regard any interaction between the 13% buffer and exceptional circumstances needed to release land from the Green Belt for housing development, Gladman would strongly contend that exceptional circumstances do still exist in line with Green Belt policy. It is right that a Council should plan for a level of delivery beyond its identified minimum requirement. By doing so this provides greater certainty that the *minimum* target will be reached.
- 22.1.8 There is relevant case law that supports this approach in *Compton Parish Council & Ors v Guildford Borough Council & Anor [2019] EWHC 3242 (Admin) (04 December 2019)*. One of the main issues was whether the Inspector had erred in law in his approach as to what constituted exceptional circumstances required to release land from the Green Belt by allowing circa 4,000 more houses than were needed to satisfy the authority’s OAN. The judgment, dismissed all grounds, concluded that the Inspector’s reasoning was adequate in making out the necessary exceptional circumstances.
- 22.1.9 Gladman suggests that legal precedent demonstrates it is perfectly rational for the Inspector to find that there are exceptional circumstances to release the Local Plan sites in addition to a buffer, provided his reasoning for doing so is sound and logical.