

MATTER 22 – THE SUPPLY OF LAND FOR HOUSING

ED191B: Housing delivery and five-year housing land supply at 1 April 2020

NAME OF REPRESENTOR – David Dorman

Introduction – the overall picture

- 1) This Matter is very technical and complex in nature but nonetheless very important as it goes to the heart of some of the more contentious issues facing communities in North Hertfordshire as a result of the NHDC draft Local Plan.
- 2) The housing numbers underpinning ED191B are such that, as a result of the re-calculation by Opinion Research Services (ORS) on behalf of NHDC of the OAN housing requirement in the light of the new ONS 2018 housing projections, NHDC believes that it will need to build 11,600 new houses during the period 2011-2031 for its own needs and a further 1,400 on the east of Luton sites to help meet Luton's unmet housing needs – totalling 13,000 houses.
- 3) As we have demonstrated in Matter 21 we believe that the ORS assumptions, calculations and recommendations that lead to 11,600 houses as their suggested new OAN for North Herts are fatally flawed in several respects. This point is also covered below in para 6.
- 4) My analysis and re-calculation in Matter 21 across a range of possible OANs using the mid-range 5-year migration trend results in figures ranging from 7,061, through 6,690 to 6,318.
- 5) However, as a first step I will start with answers to the questions posed by the Inspector. This will be backed up with detailed explanations and calculations in the three Appendices that are attached to this paper.
- 6) I'm afraid to say, but the most polite description that I can apply to the two NHDC papers in ED191B is that they are a 'dog's breakfast'. As will be seen below very little of what they say can be trusted, most of it can be easily pulled apart, numbers do not add up, explanations are vague and frankly I feel sorry for the trees that were felled to provide these dreadful documents.

a) The overall supply of land for housing

Question 22.1(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?

Answer:

- 7) I contend that only reducing the overall housing requirement to 13,000 is not appropriate. Of this total, the 11,600 earmarked for North Herts requirements is derived from an OAN calculation that is not methodologically robust. I believe that ORS has chosen the highest possible ONS projection, in preference to lower projections which are more realistic, has then added a further 1,470 houses that are the result of a flawed analysis; has used a 10% Market Signal uplift, whereas in light of the dire economic situation in the UK a negative Market Signal downgrade should be applied instead; and has then

extra counted its numbers by a factor of 10% plus 17% instead of what they say they in their explanation should be 10% plus 7%.

- 8) From my analysis in Matter 21 I would suggest that a far more appropriate housing requirement for North Herts would be found in the ONS 5-year trend projection coupled with Market Signals downgrades ranging from -5% through to -15%. Others might suggest that a -20% downgrade should be applied in view of the serious economic and market conditions that currently prevail. However, whilst I acknowledge the logic of that approach, I believe that we have to factor in over the period through to 2031 some recognition of an economic upturn over the next 3-5 years; hence my belief that a lower downgrade is more applicable. The applicable OAN figures I would suggest instead of the 11,600 would be between 6,318 via 6,690 and through to 7,061 representing -15%, -10% and -5% downgrades respectively.
- 9) In terms of the remaining 1,400 houses that are meant to be to help meet the so-called unmet housing from Luton, I contend that these houses are not required for the reasons I give in Matter 21 and also below. Put briefly, the heavy overbuild of housing in Luton (which NHDC resolutely ignores) means that if there is any unmet need it will be so low as to not require any assistance from NHDC. The Inspector who examined and approved the Luton Local Plan made it very clear that any unmet need from the town should first be directed towards Central Bedfordshire which has capacity to deliver up to 7,350 houses to help meet any unmet need. Secondly, building just 1,400 houses on the east of Luton Green Belt sites is not an option for NHDC. They will fall foul of the clear and resolute stance taken by Herts County Council with their declaration that they cannot justify capital expenditure on secondary education on the site – which they say has to be self-sustaining – unless the total housing allocation of 2,150 is built.
- 10) Finally, with a new last-minute *volte face* by NHDC buried, somewhat clandestinely, in paras 31 and 32 of their paper ('Housing delivery and five-year housing land supply at 1 April 2020') it has now suggested that the proposed east of Luton 1,400 houses can instead be used to act as a buffer to help ensure all the houses it needs to be built in North Herts are achieved. This is an incredible and frankly incredulous about-turn by NHDC. **These proposed houses on the east of Luton sites have never been for anything other than to meet a supposed unmet need from Luton; to suggest otherwise at this late stage of the examination smacks of appalling opportunism and must be rejected outright.**
- 11) In terms of a proposed early review of the Plan – it would appear that if it happens it will need to be done very quickly as the Government pushes ahead with its planned reforms to the planning system outlined in the recent White Paper. There could be a fear that any review might come after the White Paper ("Planning for the Future") has passed into law, meaning there could well be no public scrutiny of it. The Parliamentary timetable set out by the Government points to legislation being enacted during 2021 through to the early part of 2022.
- 12) The only early review I can see being of use theoretically, therefore, would be one that comes very soon after the Inspector has made his decision on the Plan. That hardly gives time for the Plan to be seen as working or not and as such is probably not very practical. I believe that it is important for a Local Plan to be agreed soon which is acceptable to the representors at large as well as something NHDC can work with rather than running the risk of speculative

housing applications being unleashed. Quite how an agreed Local Plan then sits with the Government's timetable remains to be seen. That timetable calls for Councils to draw up their new Plans in the time after the Act has passed through Parliament, and which then gives them 30 months to come up with new Plans which have to start being put into motion by the end of this current Parliament which is December 2024. We can only hope that any new Plan would draw heavily on the existing Local Plan, but in reality we are probably entering uncharted waters here.

Question 22.1 (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?

Answer:

- 13) NHDC has stated that it sees no need to remove any sites from its Plan, but my view is that the 11,600 houses required for North Herts is a large overestimate and the smaller numbers represented by my suggested lower OANs will surely mean that some sites will have to be removed totally and others potentially downgraded in terms of numbers, notwithstanding the need to ensure adequate buffers are applied to the lower numbers to ensure robust delivery. As a first step, it would appear sensible to remove as many of the contentious Green Belt sites as possible from the Plan.
- 14) I strongly believe that it is now very clear that the East of Luton sites should be removed in their entirety from this Local Plan for all the many detailed reasons given in this paper and in Matter 21. The desktop analysis that I have carried out in Appendix B indicates that further reductions should be feasible across North Herts and I would suggest these should first and foremost be applied to the other threatened Green Belt sites. However, I am not sufficiently familiar with all the arguments relating to the Green Belt sites, other than those east of Luton, so would not like to make any particular recommendations.

Question 22.1 (c)

Is a buffer of around 13% an appropriate response? If not, why not?

Answer:

- 15) Given that until recently NHDC's various iterations of the Local Plan draft had buffers of around 6% - 7% on average, one might argue that a suggested 'doubling' of the buffer to 13% is probably too much. However, NHDC has fallen heavily foul of the Government's Housing Delivery Target (HDT) with the result that (as I read the rules) it is bound to apply a 20% buffer. The fact that it is not suggesting a 20% buffer indicates that there may be 'wriggle room' in these rules. But it is clear that further sanctions can be applied to councils that continually fail to meet their targets – in that regard this points to the need for an agreed Local Plan so that there is a clearly set-out target – and so the worry of speculative house building applications is forestalled.
- 16) My analysis of the housing requirements using the 5-year ONS mid-range variant in Appendix B shows that, depending on which Market Signal was

selected, and which buffer of 6%, or 13%, or 20% was applied, most of the scenarios resulted in the housing target being met to a greater or lesser extent. It is very difficult to choose what is best though it does look as if the -15% Market Signal is to be applied it would give an over-build across all buffers. Also the -10% Market Signal yields over-builds with the 6% and 13% buffer applied so those look to be the best choices.

- 17) Interestingly, this analysis does seem to indicate that the NHDC/ORS preferred OAN with 10-year trend variant plus a +10% Market Signal applied, but with the removal of the flawed 1,470 houses and also the 1,400 from the east of Luton sites (that cannot be built), will not result in anything close to meeting the housing requirement no matter what buffer is applied.

Question 22.1 (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?

Answer:

- 18) I believe that exceptional circumstances must always be the default position in terms of releasing land from the Green Belt for housing and indeed for buffers. There must be no compromise on this position except for a clearly desperate housing need in a locality leading to carefully thought out, well argued, and relevant plans that are backed up by easily-understood and robust statistics. Sadly this has not been the case with NHDC and the east of Luton sites in particular, as we have demonstrated.
- 19) I also believe that the justification for such a release as a buffer should always have been clearly explained in the Local Plan draft and understood by the constituents. This has not been the case with NHDC's recent pronouncement in regard to the part of the east of Luton sites they propose to build on with the 1,400 houses. This has always been stated as needed to meet **so-called unmet needs from Luton**, which we have effectively disproved in Matter 21 and Matter 24. Their new stance that these houses are now being regarded by them as needing to be a buffer to help ensure surety of supply to meet housing needs **across North Herts** is totally unacceptable. This has never been mentioned before in any aspect of the Local Plan documentation and thus, has never been subject to any examination by representors and the Inspector. The fact that the building of just 1,400 houses in this area doesn't seem feasible because of the Herts County Council stance on secondary education provision, seems to have escaped the NHDC planners.
- 20) The burying of this latest suggestion by NHDC in paras 31/32 of a supporting document is completely underhand and opportunistic and needs to be exposed as such. I believe that this about-turn has come about because some bright legal mind in NHDC, or their legal representatives, has come across the Compton Parish Council v Guildford Borough Council court case of December 2019 and has suggested that this ruling might well apply to the situation that NHDC has in North Herts. One wonders what sort of moral compass is guiding the planners, the legal people and, frankly, the elected councillors who are meant to be overseeing them. If this is allowed to pass, I suspect that there will need to be a legal examination of this.

b) The five-year housing land supply

Question 22.2 (a) – Are the Council’s calculations correct/accurate?

Answer:

NHDC are basing their 5-year housing supply analysis on the discredited OAN of 11,600 derived from the ORS study and which we believe requires far more houses than are necessary. We believe that if lower OANs are applied, as we have suggested, resulting from a more appropriate selection of the other ONS trends, coupled with a more appropriate negative Market Signal of between -5% to -15% and eliminating the errors we have identified in the ORS analysis, then a much more realistic house building requirement results.

In terms of trying to understand the various tabulations provided by NHDC this is extremely difficult as it is impossible to know where several of the figures in the tables come from. I will therefore make no comment as to the correctness/accuracy of the calculations. I content myself with the observation that a much lower housing requirement, as we suggest, will be a much better way forward.

Question 22.2 (b) - All of the approaches used by the Council assume that the buffer required by Paragraph 47 of the NPPF should be 20% - that is to say, that there has been a record of persistent under-delivery of housing in the district. Has there been such that the 20% buffer is the most appropriate?

Answer:

As stated below in Appendix A (para 55) I find it difficult to know exactly what buffer NHDC is seeking to apply as both 13% and 20% are mentioned. For sure, NHDC has under-delivered on its housing requirements for the past four years not just in 2019 (by 44%), but also in 2018 (55%), according to the Government’s Housing Delivery Test results. Each of these sets of figures covers three years. So whether those four years’ figures represent a record of persistent under-delivery is for better-qualified people to judge, but it does seem that this might be so, in which case the 20% buffer is probably right.

Question 22.2 (c) – Is the ‘three-stepped’ approach proposed by the Council the most appropriate method for setting the five year housing land requirement. If not, why not?

Answer:

I am not sufficiently qualified to make a judgement on this point.

Questions 22.2 (d) – Is one of the other approaches to setting the five year housing land requirement explored in ED191B, or another approach entirely, more appropriate? If so, why, and:

- i) **What should the Council do to ensure that it can demonstrate a five year supply of land for housing under this approach?**

ii) What would taking this approach mean for the progress of the Local Plan examination?

Answer:

Again, I am not sufficiently qualified to make a detailed judgement on this point, other than to point out that I believe the adoption of a lower, more realistic OAN than what NHDC has opted for would result in a lower housing requirement and the removal of some sites from the Local Plan. The fact that the Council has under-delivered for the past four years gives little confidence that it can realistically hope to achieve the very ambitious yearly house building targets set out in its Appendix A paper. Delivery of over 1,000 houses a year from the middle of this decade seems a pipe-dream.

The answer therefore is for the Council to be encouraged to reduce its housing requirement, certainly deleting the east of Luton sites as a start and probably other contentious Green Belt sites as well.

Such an approach would surely lead to a quick progress of the Local Plan examination such that resolution could be achieved quite rapidly if all the parties were content with the result. It must be in everyone's interests to have an agreed Local Plan in place by (I suggest) Spring 2021. If these changes are not made I believe there are quite possibly sufficient grounds for the Plan to be found unsound in the worst case scenario, or even more lengthy examination through 2021.

Finally, I tentatively suggest that the reference by NHDC in paras 42 and 45 of their 'Housing delivery and five-year housing land supply at 1 April 2020' paper (as referenced in my paras 85/86 of Appendix C) indicates that the Council is looking to the Inspector to offer them a way out of their self-induced dilemma.

However, much as I would like to think this might be the case, I have been continually disappointed and disheartened by NHDC with its stubborn and relentless refusal to give up on the east of Luton sites in particular, despite the mounting evidence against the plans for those sites. Every argument put forward by NHDC for this Green Belt area has been demolished. I would add that I believe ALL the proposed housing on this east of Luton area should be deleted, not just the 1,950 for so-called unmet needs for Luton, but also the 150 that NHDC says is to meet North Herts' requirements.

It is perfectly obvious that NHDC has no proper plans for these 150 houses; they have been bundled into the overall build for Luton's needs as a convenient contrivance. No sites have been put forward by NHDC in, or closely aligned to, the three villages of Cockernhoe, Mangrove Green and Tea Green for any housing at all, let alone the 150 proposed, (other than one small site on Cockernhoe Green that has not yet been taken forward). In fact the 150 houses would represent a 75% increase in the housing stock in this area and it is probably too much.

Maybe the way forward for this area is a Neighbourhood Plan (which will not be easy), but will at least, hopefully, produce an outcome that is acceptable to the local community and which contributes something reasonable and sustainable to help meet North Herts' housing needs, rather than continually having solutions imposed upon the residents in the area. Encouragingly, the Government's Planning White Paper supports Neighbourhood Plans and has aspirations to make them somewhat easier to produce.

September 2020

