

Mr. Wilfred Aspinall

RESPONSE TO THE INSPECTORS QUESTION IN THE BODY OF THIS PAPER – ***(They are in italics, bold and underlined)***

Inspector: Programme Officer:
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North Hertfordshire District Council
Examination of the
North Hertfordshire Local Plan 2011 - 2031
Schedule of
Further Matters, Issues and Questions

Examination of the North Hertfordshire Local Plan 2011 – 2031

Where respondents answering the following questions identify a deficiency in the Local Plan they should make clear how it should be changed.

Matter 21 – the objective assessment of housing need ('the OAN')

21.1 The Planning Practice Guidance ('PPG') supporting the National Planning Policy Framework 2012 ('the NPPF') says:

“Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued.” (Paragraph: 016 Reference ID: 2a-016-20150227) ***I have my doubts whether the draft Local Plan is kept up to date. Furthermore it is accepted by the Council that a review will be undertaken every 5 years at the latest***

Subsequent to the last hearing sessions, 2016-based population and household projections were published. The Council considered the implications of these projections in its note 'Implications of new household projections for NHDC Local Plan' [ED159]. This also considers the implications of using the 'Standard Method' introduced through the new NPPF published in 2019. I raised some issues in relation to the figures used in ED159 in my letter to the Council dated 9 July 2019. Paper A of the Council's response to my letter re-considers these figures. It sets out 'alternative OAN' figures based on various projections, along with commentary on them. In effect, these provide the basis for comparison in order to establish whether or not there has been a 'meaningful change in the housing situation'.

- a) Have the 'alternative OAN' figures been arrived at correctly/on a robust basis?
- b) In the light of the 'alternative OAN' figures, has there been a 'meaningful change in the housing situation'?
- c) If there has been a 'meaningful change in the housing situation', should the Local Plan be modified to reflect it and, if so, how? ***Overall approach to building houses has totally changed especially in North Hertfordshire where there has been an underperforming approach***

Matter 22 – the supply of land for housing

Policy SP8 of the Local Plan sets out the housing requirement for the period 2011 to 2031. It commits to the delivery of 14,000 new homes to meet the needs of North Hertfordshire and 1,950 new homes to meet unmet housing needs arising from Luton – being a housing requirement of

15,950 in total. The Council has now provided a note which updates its estimates about the overall housing trajectory – the amount of new housing likely to be delivered for each year of the plan period – and the five year supply of land for housing. From the Council’s updated estimates about when housing sites are now likely to deliver new homes, and its calculations of the level and timing of delivery against the overall and five year requirements, it appears that:

- the overall housing requirement in Policy SP8 cannot now be met for the period 2011 to 2031; and
- the Council will not be able to demonstrate a five year housing land supply when measured against draft Policy IMR1 (a policy which was put forward by the Council through a main modification, MM372) The Council’s note sets out the way in which it considers these issues can best be resolved. **This statement demonstrates that the draft Local Plan is out of date**

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The overall supply of land for housing

22.1 To ensure that the overall housing requirement in Policy SP8 can be delivered, the Council proposes a main modification to reduce that requirement to 14,000 dwellings, to align it with the level of housing the Council considers deliverable from sources previously identified (ie sites proposed for allocation in the Local Plan, windfall sites etc). This is coupled with a commitment to an early review of the Local Plan. In arriving at this position, the Council has considered a number of alternative options, which are set out in its aforementioned note.

- a) Is reducing the overall housing requirement, and undertaking an early review of the Local Plan, the most appropriate way forward? If not, why not? **Reducing the overall housing requirements is not a viable alternative option and points to a fudge on both the housing requirements and if accepting an early review of the Local Plan, presumably it would be under the revised terms of the NPPF, this option would fail**
- b) Is the selection of additional land for housing from previously identified sources the most appropriate way forward? If so, why? **The way in which the Council has pushed to avoid examining availability of land “adjacent” to settlement boundaries does not fulfil the objective of “quality of life” identification. The Council should undertake a new call for sites**
- c) Is the identification and selection of additional land for housing the most appropriate way forward? If so, why? **The Council whether adopting an early review of the Local Plan (under the terms of the revised NPPF) or reducing its strategic numbers should seek to identify land that can provide for the FUTURE availability of house building**
- d) Are there any other possible options that would be more appropriate? If so, what are they and why would they be more appropriate than the path suggested by the Council? **In many ways the current draft Local Plan is already out of date and does not measure up to a dynamic house building programme that will empower North Hertfordshire with a prosperous image. Consideration should be made to review the Local Plan now based on the terms of the revised NPPF**

The five year housing land supply

22.2 The Council’s note sets out a number of different approaches to calculating the five year supply of land for housing – three based on the 15,950 housing requirement in Policy SP8 as submitted, and three based on the 14,000 dwelling requirement now proposed. By the Council’s calculations, only one of these approaches – a ‘three-stepped approach’ based on an overall housing requirement of 14,000 dwellings and using the ‘Liverpool method’ (spreading the shortfall in delivery since 2011 evenly across the remainder of the plan period to 2031) – would enable the demonstration of a five year housing land supply for each of the next five years. From my reading

of the note, the Council's position (in short summary) is that this 'three-stepped approach', combined with the commitment to an early review of the Local Plan, is the most appropriate method for setting the five year housing land requirement, because it is the only option achievable without significant further delay to the examination.

a) Are the Council's calculations correct/accurate? **A sudden reduction from 15950 to 14000 houses appears a fudge**

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? **There has been a persistent under-delivery of housing in the District. A 20% buffer is a modest figure and there is some argument to call for a higher figure**

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? **No the Council made a reluctant start to creating a draft Local Plan and in accepting this three stepped approach are accepting that they have got their strategy wrong. Perhaps the Inspector should consider asking the Council to start again. In any case spreading the shortfall over the years to 2031 simply puts off the problem. Any shortfall should be initiated within the next 5 years in order to comply with the 5 year house / land supply criteria**

d) Is one of the other approaches to setting the five year housing land requirement explored in the Council's note, or another approach entirely, more appropriate? If so, why, and: **It appears from the start of this project of the that policies were adopted for expediency and now cannot be met without a review of sites in all parts of the District**

(i) what should the Council do to ensure that it can demonstrate a five year supply of land for housing under this approach? **Find more land - there are sustainable sites that were originally identified but due to intransigence on timetables they were discounted**

(ii) what would taking this approach mean for the progress of the Local Plan examination? **It would have to be either called in or the Local Plan redrafted immediately. If we are to have a regulated process to building house the government's objectives will never be met**

(iii) if taking this approach would lead to a significant further delay to the Local Plan examination - which, for example, may be the result if new housing sites would be needed - would that have a consequential impact on the amount of new land that would need to be allocated for housing? **Yes it would but is it not better to get a Local Plan that is sustainable and develops the economic, social and environmental objectives of the NPPF**

I ask the Council to provide a short paper that addresses question 22.2 b) above by providing a clear update in relation to housing delivery. I also ask for a paper that sets out the sources of supply assumed - that is to say, to add greater detail to Appendix A of the note provided - which shows on a year-by-year basis the supply from each of the proposed housing allocations and other sources

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Examination of the North Hertfordshire Local Plan 2011 - 2031 such as windfall sites over the whole plan period. In addition to a table illustrating this, I would also find a bar chart to be most helpful. It would assist to know whether or not the housing delivery from proposed allocations has been agreed with site promoters/developers. Finally, I ask that either this table or a separate one illustrates the anticipated delivery of homes and the infrastructure necessary to support the housing development concerned - in short, an update of the table previously requested and submitted to the examination. **There was concern that the Council didn't undertake due process in seeking land availability. The date when landowners were given to recommend sites seemed to change. Some landowners were not allowed to put forward potential sites. This issue is crucial**

Matter 23 - the Green Belt Review work and the site selection process

23.1 Paper B of the Council's response to my letter of 9 July 2019 explains how the Council's assessments of the contribution of land parcels to the purposes of including land in the Green Belt has been taken into account through the process of selecting sites for development. As I understand it, and in short summary, this has been a two-stage process:

Stage 1 – an initial 'sift' through the Strategic Housing Land Availability Assessment, involving an assessment of the 'suitability' of sites including in relation to Green Belt factors (**In my view this process was flawed in that the economic, social and environmental issues were not considered**)

Stage 2 – to assess the contribution that areas and potential development sites make to the purposes of including land in the Green Belt (through the Green Belt Review and the Green Belt Review Update 2018) to help inform the judgement about the existence or otherwise of the exceptional circumstances necessary to warrant the 'release' of the land in question from the Green Belt

Paper B of the Council's response also explains how the Sustainability Appraisal has considered matters relating to the contribution land parcels make to the purposes of including land in the Green Belt. (**In order to provide sustainable development and add in the Crimea for the quality of life for residents the Green Belt should not be given a restricted title**)

a) Have I understood the approach taken correctly? **Perhaps but it was an haphazard approach by the Council and offered no joined up strategy**

b) Is the approach taken reasonable, adequately robust and consistent with national policy? **In my view no. It did not appear to take into account the government's need to build 300,000 houses every year for the foreseeable future**

c) The Sustainability Appraisal is not influenced by the degree to which land does or does not contribute to the purposes of including land in the Green Belt. Should it be? **And areas "beyond the green belt" should be further examined on the basis that by including certain areas for building house the occupants quality of life could be enhanced**

23.2 The Green Belt Review Update 2018 arrives at some different conclusions to that of the original Green Belt Review. Some sites are now considered to make a significant contribution to the purposes of including land in the Green Belt (which were previously assessed as making a lesser contribution). **This demonstrates the inflexible position of the Council to look to the future**

a) Should the change in the assessment of these parcels of land (including the safeguarded land to the west of Stevenage) lead to their allocation for development/identification as safeguarded land in the Local Plan being rejected? **There appears to be an approach that if these designated sites be rejected that is it for ever. I do not agree with that strategy**

b) If so, and bearing in mind the methodology used, why does the change in the assessment render the Local Plan unsound in this respect? **The Council should be looking at the overall strategy of the government to build houses. In addition building house brings inward investment to an Area which should be encouraged. I have not changed my view that this Local Plan has been devised for expediency to produce a document as against a well thought through plan covering the period to 2031 and by not having a five year house land supply have found it very difficult to administer any change to their strategy. Look at the wasted years from 2012 to the time that there was a call for land availability, consultation with landowners whether any such land was sustainable and external needs brought forward**

Note: These questions are explicitly about the change in the assessment and what that means for the Local Plan. Written and verbal statements must address this point only.

Matter 24 – the proposed 'East of Luton' sites

24.1 The three 'East of Luton' sites are proposed to deliver 1,950 new homes to assist in addressing the unmet housing needs of Luton Borough, which is identified as being 9,300 homes of the Luton plan period of 2011 to 2031.

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For the purpose of this examination, as part of the consideration of the existence or otherwise of the exceptional circumstances necessary to warrant the 'release' of the East of Luton Sites from the Green Belt, it is necessary to have regard to the alternative options available. Given that these sites are intended to assist in addressing Luton Borough's unmet housing need, it is relevant to consider options outside of the North Hertfordshire District Council administrative area.

The four local planning authorities for the Luton Housing Market Area ('HMA') have agreed that Luton Borough's unmet needs should be met on land located as close to the boundary of Luton Borough as possible – a general point of principle that has already been explored at previous hearing sessions. Among other options around Luton, the East of Luton sites have been considered through the 'Luton HMA Growth Options Study' (2016) [HOU7] ('the Growth Options Study').

- a) Does the Growth Options Study provide a comparative assessment of the options for addressing the unmet housing needs of Luton Borough?
- b) From the Council's analysis in Paper C (see paragraph 39) of its response to my letter dated 9 July 2019, the Growth Options Study does not identify sufficient alternative growth locations with strong links to Luton – either through physical proximity or high-quality public transport accessibility – that would allow Luton's unmet housing needs to be met on land that is preferable in Green Belt terms to the East of Luton sites. Is the Council's analysis correct, and if not how is it incorrect?
- c) From the Council's analysis in Paper C (see paragraphs 40 and 41) of its response to my letter dated 9 July 2019, the Growth Options Study identifies a total capacity of approximately 12,800 homes in locations that (partly at least) make a lesser contribution to the purposes of including land in the Green Belt. Is the Council's analysis correct, and if not how is it incorrect?
- d) Without the 'East of Luton' sites, are there any realistic alternative options (with a reasonable likelihood of being delivered) for addressing Luton Borough's unmet housing need, bearing in mind the approach being taken in the Central Bedfordshire Local Plan and the current position in relation to the examination of that plan?
- e) The Sustainability Appraisal does not consider land or sites outside of North Hertfordshire. Should it? **Yes**

Matter 25 – new land proposed for allocation through the main modifications

Note: Because the Policies Map is not defined in statute as a Development Plan Document, I am not able to recommend main modifications to it. To avoid any confusion and for simplicity, both I and the Council have thus far 'badged' proposed changes to the Policies Map – such as proposed extensions to housing allocations – as main modifications, which is not technically correct. However, for the purpose of the examination, and particularly the hearing sessions, I shall continue to refer to them as such. In the event that I do decide that changes to the Policies Map are needed in order to render the Local Plan policies sound – such as those which allocate housing sites – while I am unable to recommend those changes, my final report will make the need for them abundantly clear.

25.1 The following main modifications put forward by the Council propose to include within the Local Plan new land for development that was not included in the plan when it was originally submitted:

- MM382 – proposes to add land to Site GA2 to include an access route from Mendip Way
- MM384 – proposes to extend Site WY1 southwards
- MM386 – proposes to extend Site BA2 south-eastwards
- MM387 – proposes to extend Site BA3 north-eastwards and to amend the boundaries of Sites

BA3 and BA4

- MM389 – proposes to extend Site BK3 southwards
- MM396 – proposes to extend Site SI1 north-eastwards

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- MM139 and MM385 – propose to allocate land at Danesbury Park Road that is currently in the Green Belt as a Gypsy and Traveller site

For each of the new areas of land proposed through the main modifications:

- a) Is the inclusion of the new area of land for allocation necessary for soundness?
- b) Is the new area of land proposed deliverable? In particular, is it:
 - (i) confirmed by all of the landowners involved as being available for the use proposed?
 - (ii) supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?
 - (iii) deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?
- c) Is the inclusion of the new area of land justified and appropriate in terms of the likely impacts of the development?

25.2 If/where the new area of land proposed for allocation is currently in the Green Belt:

- a) Do exceptional circumstances exist to warrant its allocation? If so, what are they?
- b) What is the nature and extent of the harm to the Green Belt of removing the new area of land from it?
- c) To what extent would the consequent impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonably practicable extent?

If/where relevant:

- d) If this new land were to be developed as proposed, would the adjacent Green Belt continue to serve at least one of the five purposes of Green Belts, or would the Green Belt function be undermined by its allocation?
- e) Will the Green Belt boundary proposed need to be altered at the end of the plan period, or is it capable of enduring beyond then?
- f) Are the proposed Green Belt boundaries consistent with the Plan's strategy for meeting identified requirements for sustainable development?
- g) Has the Green Belt boundary around the new land been defined clearly, using physical features that are readily recognisable and likely to be permanent? Does it avoid including land which it is unnecessary to keep permanently open?

Matter 26 – villages 'for growth'

26.1 Main modification MM010 amends the settlement hierarchy in Policy SP2. It removes five villages (Barkway, Codicote, Ickleford, Knebworth and Little Wymondly) from the 'category A villages' tier of the hierarchy, identifies them as 'villages for growth' and, along with the towns, assigns housing figures to each. This modification was advanced by the Council at my suggestion. I suggested it for two primary reasons:

- For effectiveness – to ensure that the Local Plan's strategic policies provide a clear indication of the distribution of development proposed in the plan
- To ensure that the hierarchy is justified – as originally drafted, the 'category A villages' tier of the hierarchy included villages with significantly different levels of new housing development

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In suggesting the modification, it was never my intention that the actual distribution of development between the villages concerned should change, or that the Local Plan should permit a greater level of growth than that originally proposed. Rather, my concern related to the

soundness of the way in which Policy SP2 illustrated the housing already proposed through the Local Plan.

The Council's response to my letter of 9 August 2019 confirms that these changes simply reflect in a clearer way what the Local Plan as submitted already proposes, and does not confer any sort of new 'status' on the five villages. It also confirms that the modification does not result in a more (or less) permissive approach to windfall development, and does not allow for further growth at the five villages than if they were identified under the 'category A villages' tier. This is in line with both my intention for and reading of the main modification.

Given the above, it will be necessary for anyone who objects to these changes and wishes to be heard at the hearing session to clearly demonstrate:

a) why they are not necessary for soundness; *The draft Local Plan sets specified villages as "category A" villages as a sort of designation for an everlasting strategy. There is no flexibility in its approach to building houses FOR THE FUTURE. Category A villages can sustain building, but where local reaction by vocal residents has been made, the Council has not taken an approach that where it is sustainable to build houses this should be permitted. If anything the Council have adopted a negative approach as against a positive sustainable position. Land adjacent to category A villages should not be designated to restrict house building if their sustainable position brings new blood to the village and through section 106 funding increased amenities can enhance the quality of life for both new and existing residents. This does not say that a planning permission will automatically be granted but equally that there should be no restriction to building houses adjacent to a village settlement boundary if the economic, social and environmental considerations can be justified in a positive manner. The Local Plan simply rejects such applications. Furthermore "areas of visual character" designated in some Neighbourhood Development Plans should be totally discouraged as they in effect Pre-determine the outcome of any planning application*

b) why separating out the 'villages for growth' from the 'category A villages' is not justified; **From a section 106 funding approach providing funding for local amenities this could be a point of discrimination**

c) why including the level of new housing proposed through the Local Plan (as originally submitted) at each of the five 'villages for growth' does not assist the effectiveness of Policy SP2; or **There should be no Pre-determined approach to refusing Planning applications with the Local Plan. If an application can sustain the rigours of an in-depth investigation why should they not be allowed to proceed**

d) that the proposed main modification does alter the level of new housing that may be delivered at each/one of the five villages involved. **In my view there should be no difference in the designation of a category A village. Neighbourhood Development Plans should adhere to the word "development" and allocate sites for development both within the village settlement area and on adjacent sites if they are sustainable**

Matter 27 – the optional national technical standards for water efficiency and the nationally described internal space standards for dwellings

27.1 Through Policies SP9 and D1, the Local Plan seeks to require adherence to the Government's optional national technical standards for water efficiency and the nationally-described internal space standards for dwellings. As you know, for such policies to be sound, they must be supported by clear evidence of need and evidence that viability has been considered. In relation to both:

- a) Is the evidence of need adequate/sufficiently robust?
- b) Has viability been properly considered?