

**Further Matters Issues & Questions**

On behalf of Warden Developments Limited

**Matter 22**

***22.1 As mentioned above, the Council proposes to reduce that overall housing requirement to 13,000 dwellings - 11,600 to meet North Hertfordshire's housing need and 1,400 to help address Luton's unmet housing need. As I understand it, this is coupled with a commitment previously put forward by the Council to an early review of the Local Plan. The Council anticipates the delivery of 14,650 dwellings over the plan period. It does not propose to delete from the Local Plan any of the housing sites included within it, and argues that the difference between anticipated delivery above the requirement represents a appropriate 'buffer' (of around 13% of the overall housing requirement). In arriving at these views, the Council has considered a number of alternative options, which are set out in its previous note and in ED191B.***

***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?***

1. No. The housing requirement figure should not be reduced nor should there be any reduction in the housing sites proposed for allocation through the draft local plan.
2. Yes. An early review of the local plan is required.
3. In amplifying and providing context to these answers we highlight the following:
  - The current local plan for North Hertfordshire is the District Local Plan (No.2), adopted in April 1996. It includes policies for housing delivery only to 2001.
  - A number of the policies contained within the 1996 plan were 'saved' in 2007 but no additional / new provision for additional homes was made at that time.
  - Whilst the Council embarked on work to update this old plan through the preparation of a Core Strategy and Site Allocations document between 2005 and 2009, this ultimately came to nothing and following the publication of the NPPF in 2012, a decision was taken to drop these and prepare a single new local plan.

- Only slow progress was then made with the plan not finally submitted for examination until June 2017. For various reasons, not least the recent Covid 19 disruption, the examination process has also taken far longer than originally anticipated.
  - There has not therefore been and still isn't, 'an up to date' plan in place, driving the delivery of new housing in North Hertfordshire for approximately 19 years. This is an urgent situation which requires swift action.
  - As a result of these factors, the authority is now one of those where the 'presumption in favour' under the Housing Delivery Test applies and the authority itself acknowledges that it can only demonstrate a 1.3 year housing land supply position. This is by any fair analysis a dire situation.
4. Whether the housing requirement figure to 2031 is reduced to 13,000 in the current plan should in any event ultimately be a moot point because it is clear that an urgent review of the plan will be needed and should be in place by 2024 / 2025 such that a new housing requirement will supersede this before it is delivered.
  5. Anything which creates further delay now in the adoption of the current plan will simply exacerbate the already lamentable lack of housing land availability and so delivery in the district.
  6. This is not simply a concern for those seeking to deliver private housing to the market but very importantly it results in those most in need i.e. those awaiting affordable homes being further disadvantaged.
  7. The progress of the plan to adoption is critical if this is to be addressed because it seems that politically 'Members' of the Council are unwilling to support any early planning applications on Green Belt / Greenfield sites contained within the draft plan. The current dire situation will not therefore improve until the plan is adopted.
  8. If a decision was taken to reduce the number of proposed sites within the draft plan this will undoubtedly be a lengthy exercise with justification having to be provided as to which sites should fall away and which should be retained followed by consultation on an amended local plan with further examination time to debate these issues.

9. There would be no purpose served by this. As it stands the plan will only provide for 10 years housing post adoption. Paragraph 47 of the 2012 Framework states that in order to boost significantly the supply of housing, local planning authorities should where possible plan for 15 years post adoption. Paragraph 157 then confirms that “crucially” plans should have a 15 year horizon
10. Most plans now in preparation are therefore looking to 2040 or even 2045 and so it is clear that the review plan will need to deliver significantly more housing than is currently planned for and so if there were to be any minor over provision at this time this would be readily absorbed into the review, it is not housing that is not readily needed.
11. Further it is a reality that not all sites allocated within local plans come forward and deliver as hoped. For this reason, paragraph 14 of the NPPF (2012) states that local plans should meet their objectively assessed housing needs “with sufficient flexibility” to adapt to change and so ensure housing requirements are met. As the Council rightly points out, by retaining the housing sites as proposed, even if the headline requirement figure were to be reduced to 13,000 this would only provide a 13% flexibility buffer, an element which arguably should have been present in the plan at an earlier stage anyway.

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

12. Yes. As outlined above a 13% buffer is an appropriate approach. It provides flexibility and ensures that the plan will at least meet the minimum housing requirement.
13. It would also act as a small safety net should (based upon recent experience), the review plan runs into delay and take longer to bring forward than might be anticipated.

***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?***

14. Yes, exceptional circumstances do exist.
15. If it were to be held that any housing that is provided over and above the absolute minimum requirement in a Green Belt Authority removes the ability of that authority to demonstrate exceptional circumstances it must then follow that no Green Belt authority could then ever prepare a plan which builds in flexibility. In turn if that were the case as soon as any allocated site failed to deliver, the plan would not meet its target.

16. In this regard we highlight the Aireborough Neighbourhood Development Forum v Leeds City Council [2020] EWHC 1461 (Admin) case in the Council's response document ED191A. Here there, had been a significant reduction in projected housing need during the examination.
17. A successful challenge was made to the decision to continue with the plan rather than reduce the housing number to reflect the more recent lower projections. However as the Council note, that judgement makes clear that the error of law lay in the fact that the Inspectors failed to properly consider the updated housing figures and so provide clear reasons as to whether they did / did not affect the existence of the exceptional circumstances required to release land from the Green Belt.
18. The judgement did not conclude that exceptional circumstances no longer existed simply that there was a failure to give adequate reasons as to why the Inspectors remained of the view that they did.
19. At 13% the buffer is not excessively large, frivolous or unusual, particularly in the context of North Herts where over 50% of even the lower requirement of 13,000 homes would need to be delivered on Green Belt land.
20. As we highlighted in or earlier Regulation 18 and 19 submissions the North Hertfordshire Strategic Housing Land Availability Assessment (SHLAA) estimates that a maximum of 6,343 homes could be delivered on non-Green Belt sites in North Hertfordshire (including existing completions) over the plan period. Even if all of these sites were utilised this would still require 6,657 or 51% of the need to be met by Green Belt sites. Due to the delays with the plan a number of the non Green Belt sites have come forward and are in the process of being built out. It will be the Green Belt sites which deliver the majority of the land supply in the post adoption period.
21. The provision of a modest buffer does not compromise the Council's ability to demonstrate exceptional circumstances for Green Belt releases and will assist the Council is seeking to achieve and maintain a 5 year land supply across the plan period.