

## LUTON COUNCIL HEARING STATEMENT (REVISED)

### Matter 22 – the supply of land for housing

*ED191B updates the Council's 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 as originally submitted cannot now be met for the period 2011 to 2031, although it could be if the housing requirement were to be modified to reflect the updated calculations of the OAN; 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)*

*ED191B sets out the way in which the Council considers these issues can best be resolved.*

### The overall supply of land for housing

*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?**

Luton Council's Response:

1. Luton Council (LBC) considers that the overall housing requirement should be 13,550 dwellings to 2031 – 11,600 to meet North Hertfordshire's housing need and 1,950 dwellings to contribute to Luton's unmet housing need. LBC does not consider it is a matter for it to comment on the calculation of a housing requirement to meet

housing needs arising within North Hertfordshire District and so is content to accept that that figure should be reduced to 11,600 for the plan period, as proposed by NHDC. However, LBC does not accept that there is a sound justification for reducing the contribution the plan should make to meeting Luton's unmet needs from the figure of 1,950 that was identified in the submitted North Hertfordshire Local Plan. That figure reflected the outcome of the Luton Local Plan examination and the Luton Local Plan is now an adopted Development Plan. Revisiting its housing requirement and provision (outside of a formal review of that Local Plan) is not appropriate for the reasons set out in LBC's Matter 21 hearing statement. The contribution of 1,950 dwellings towards Luton's unmet needs is a consequence of that same process and so similarly should not be revisited for the same reasons.

2. LBC notes that, as set out in the Housing delivery and five-year housing land supply at 1 April 2020 paper [ED191B] and the supplementary paper on the five-year housing land supply [ED178], NHDC has considered a number of alternative options. LBC considers that NHDC's overall proposed way forward is realistic and, where possible, accelerates delivery whilst ensuring the plan-led approach is maintained.
3. LBC is supportive of a commitment to an early review of the Local Plan. LBC considers that this enables NHDC to progress implementation of the development planned in the submitted North Hertfordshire Local Plan as soon as possible and not be delayed by the process of identifying additional sites now. An early review of the Local Plan would also enable alignment with the next round of Local Plans to be prepared in the Luton Housing Market Area, i.e. Luton, Aylesbury Vale and Central Bedfordshire, and consideration of how best to meet the housing needs across the area.
4. However, in the light of the fact that there is now an urgent and pressing need to meet Luton's identified unmet housing needs, crystallised in the Luton Local Plan adopted in November 2017, LBC considers it is particularly important for the North Hertfordshire Local Plan to be progressed and adopted as soon as possible with a clear commitment to contributing to Luton's unmet housing needs through the allocation in this Local Plan of the full 1,950 dwellings at the East of Luton site. This will enable the site to come forward as soon as possible, bearing in mind the adopted Luton Local Plan identifies the unmet need to be met by 2031.
5. LBC notes that the revised housing trajectory [ED191B] assumes that approximately 1,500 homes might be delivered from the East of Luton site by 2031. Paragraph 22 of ED191B states that this reflects the delays in the examination process and the time required for delivery to commence on this strategic site once the examination outcomes are known. Paragraph 23 of ED191B states that 100 of the 1,500 homes to be provided East of Luton by 2031 are required to meet North Hertfordshire's own

needs arising within the Luton HMA with the balance of 1,400 homes to 2031 to address Luton’s unmet housing needs. LBC notes that this approach would result in a shortfall of 550 dwellings in providing for Luton’s unmet housing needs to 2031 against the unmet housing need identified in the adopted Luton Local Plan. If these 100 homes were provided to meet Luton’s needs to 2031, this would reduce the shortfall in providing for Luton’s unmet need from 550 to 450 dwellings. Whilst LBC would prefer to see additional provision being made by the North Hertfordshire Local Plan to ‘make up’ for the shortfall against the requirement for 1,950 dwellings, it reluctantly accepts that the practical consequence of seeking to do so by making fresh allocations would unduly further delay the plan-making process and the eventual date for adoption of the Local Plan. However, what LBC does not accept is that there should be any reduction in the realistic contribution that the East of Luton site does make in the plan period to meeting Luton’s unmet needs, and so does not consider that 100 dwellings should be set aside for needs in North Hertfordshire relating to the Luton HMA. That element of North Hertfordshire’s needs does not have to be taken from the East of Luton site because there is sufficient flexibility in the revised supply for it to be met from sites that would otherwise contribute to the 13% buffer that is now envisaged by NHDC.

6. LBC accepts that the delays to the examination have resulted in delays to the implementation of sites allocated in the submitted North Hertfordshire Local Plan. However, LBC considers that the delays in the implementation of the East of Luton may prove to not be as significant as shown in NHDC’s revised housing trajectory [ED191B] for the East of Luton site bearing in mind that the site is already subject to two submitted planning applications.
7. LBC strongly supports the continued identification of the East of Luton allocation in full in the North Hertfordshire Local Plan. This ensures that planning applications are considered holistically and it provides certainty. LBC considers that the whole of the East of Luton allocation should be released from the Green Belt in this Local Plan enabling the site to come forward more quickly if the market conditions allow. The need for the East of Luton allocation has been demonstrated in the adopted Luton Local Plan and North Hertfordshire District Council has reiterated its support for the full allocation and the release of the site from the Green Belt in this Plan – see **ED191B**, Paragraphs 30 and 31; and **ED173**, Paragraphs 11, 12, 16 and 17 in particular, and the conclusions of that paper on Inspector’s Query 3 at Paragraphs 60-65.

- c) Is a ‘buffer’ of 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?

*Note: this question relates solely and explicitly to the effect of introducing a ‘buffer’ of housing land supply on the existence or otherwise of exceptional circumstances – responses must address this point only, as the wider question of exceptional circumstances has already been explored at length through the examination.*

Luton Council’s Response:

- 8. Luton Council notes that there is no ‘buffer’ in relation to providing for Luton’s unmet housing needs in the North Hertfordshire Local Plan. That is important because the ability to meet Luton’s unmet needs is also locationally specific, requiring due its nature and extent a strategic Green Belt release in a sustainable location (the benefits of such release were expressly recognized by the Guildford inspector at IR/83).
- 9. LBC also notes that the buffer to meet North Hertfordshire’s own needs is currently 1,650 dwellings or 14% [ED191B, Paragraph 21]. If the 100 dwellings identified at the East of Luton allocation by NHDC to contribute to North Hertfordshire’s own needs were instead provided for Luton’s unmet housing needs, the buffer to meet North Hertfordshire own needs would still be 1,550 dwellings or 13%.
- 10. The use of a buffer is entirely consistent with a case based on exceptional circumstances (the merits of which for East of Luton are set out elsewhere). The recently adopted Guildford Local Plan made such provision. In that case the potential supply of housing was 14,602 against a requirement of 10,678 (see Paragraph 83 of the report), allowing a 26% buffer. The inspector did not decrease the proposed release of Green Belt land for the reasons discussed in his Issue 5 (see in particular Paragraphs 82 – 86 of the report). The broad planning logic of those reasons can be applied to North Hertfordshire.

### **The five year housing land supply**

22.2 *ED191B sets out a number of different approaches to calculating the five year supply of land for housing. By the Council’s calculations, only one of these approaches – a ‘three-stepped approach’ based on 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 ED191B, alongside the Council’s previous 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?**
- 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?**
- 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?**
- 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?**

Luton Council’s Response:

- 11. Luton Council (LBC) is supportive of North Hertfordshire District Council’s (NHDC) proposed ‘three stepped approach’ to setting the five year housing land requirement, combined with the commitment to an early review of the Local Plan. LBC considers that NHDC’s proposed way forward is realistic and, where possible, accelerates delivery whilst ensuring the plan-led approach is maintained. It is important to progress the Local Plan to adoption as there is an urgent and pressing need to meet Luton’s identified unmet housing needs as soon as possible.