

**NORTH HERTFORDSHIRE LOCAL PLAN EXAMINATION: MATTER 3:
THE HOUSING STRATEGY – NEED FOR HOUSING AND THE HOUSING
REQUIREMENT (Policy SP8)**

Statement from CPRE Hertfordshire

1. I am Stephen Baker, DMS, BSc, Dip TP, MRTPI, Planning Manager at Campaign to Protect Rural England Hertfordshire (CPREH).
2. This statement supplements our original representations on Chapter 4 of the Proposed Submission North Herts Local Plan, which still apply, and seeks to address the Inspector's questions as set out in his schedule of Matters and Issues, on Matter 3, the Housing Strategy: the objectively assessed need for housing and the housing requirement.

Inspector's Issues and Questions

The housing requirement set out in Policy SP8

Issue 3.4: Policy SP8 says that between 2011 and 2031 the Council will release sufficient land to deliver at least 14,000 new homes for North Herts own needs and additional land within the Luton HMA for a further 1,950 homes. This amounts to 15,950.

3. CPREH considers that the Plan is not justified and is not consistent with national policy in respect of the Council's proposed housing requirement / target set out in the Plan's Development Strategy and specifically in Policy SP8, as explained in detail in our representations this Policy and on paragraph 4.53 of the Plan.
4. These objections to the Plan centre on the relationship between the Council's calculation of housing need and total number of dwellings that should be set as the Plan's housing target. CPREH considers that the most important national policy requirement in determining the Plan's housing requirement has not been taken into account, as explained in our representations and summarised below.
5. NPPF paragraph 47 states that councils should use evidence 'to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework (CPRE emphasis)...'.

6. NPPF paragraph 14 and footnote 9 state that Local Plans should meet development needs unless specific policies in the framework indicate development should be restricted (CPREH emphasis), which limits the ability of authorities to fully meet needs. This caveat is a reference to constraints including '*land designated as Green Belt*' and '*Areas of Outstanding Natural Beauty*', both of which apply to North Hertfordshire.
7. The Calverton case, [2015] EWHC 1078 (Admin), referred to in the Plan and the Council's evidence documents set out a number of aspects of national Green Belt policy interpretation.
8. The Court said (paragraph 30) that one should "take account of the constraints embodied in the policies in the Framework, such as Green Belt, when preparing the local plan, as paragraph 47(1) clearly intends".
9. At paragraph 50 of the judgment, the judge said "*it would be illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to "exceptional circumstances" within the meaning of paragraph 83 of the NPPF*". He expanded on this in paragraph 51, on what matters he considered could constitute "exceptional circumstances", for example, the acuteness of the need, but he pointed out that if housing need alone constitutes "exceptional circumstances", then the need to consider whether meeting such need is consistent with national policy, is circumvented.
10. We note that the Oxford English Dictionary definition of 'exceptional' is '*unusual, not typical, out of the ordinary, special*'. CPREH does not consider that the scale of housing need in the District is 'unusual', 'out of the ordinary' or indeed 'untypical' of local planning authorities constrained by national policies identified in paragraph 14, and footnote 9 of the NPPF.
11. Given that the whole swathe of land surrounding and between North Hertfordshire's principal towns and villages, and the neighbouring towns of Luton and Stevenage, where development might be considered to be most sustainable, is Green Belt, considerable attention should have been given to determining the scale of development that would be acceptable rather than proposing a target in the Plan that not only met the assessed level of need, but sought to exceed it through provision for other authorities' needs.
12. National Planning Policy on this matter has been clearly restated on many occasions by the Government of the day since the NPPF was published. Appendices 1 to 3 are letters

from the Government's senior policy advisor in 2014; the Planning Minister to the Planning Inspectorate in 2014; and the Planning Minister again in 2016, this time to all Members of Parliament.

13. Appendix 1 points out the need to take Green Belt into account when addressing the question of whether housing and economic needs override planning constraints, noting that local authorities should take account of constraints which indicate that development should be restricted.
14. Appendix 2 points out that councils need to consider whether there are policy constraints, such as Green Belt, which impact on their final housing requirement, and the Minister's letter in June last year (Appendix 3), in response to many requests for clarification, stated 'We have been repeatedly clear that demand for housing alone will not change Green Belt boundaries'.
15. Appendix 4 is a letter from the Minister to CPREH this year confirming that housing demand under existing national policy 'would not be a basis for altering a Green Belt boundary.' He also confirmed that in planning to meet housing (and other) needs, local authorities must have due regard to national policies such as Green Belt which indicate that development should be restricted '*...and which may restrain the ability of an authority to meet its need.*'
16. This background material is important because it shows that the onus is on the Council to justify in full why it decided to meet and exceed its OAN, in the face of national policy constraints.
17. The Council's evidence makes no reference to how the highlighted second part of national policy, as set out in paragraphs 14 and 47, as re-affirmed by the Government, have been applied in setting the Plan's housing target. There is no demonstration of 'exceptional circumstances', only the assertion that all of the need is acute, which we consider is an untenable conclusion.
18. The Council has not demonstrated that all of the calculated OAN consists of an acute or intense housing need. To do so, the Council would need to show that all elements of objectively assessed need are so great that they outweigh national Green Belt policy, including those that are based principally on market demand and aspirational economic growth assumptions, rather than genuine housing need.

19. In the case of the proposed provision of nearly 2,000 dwellings in the Green Belt just to meet the unmet need in neighbouring Luton, this is proposed despite the finding of the Luton Plan Inspector that nearly 2,000 more dwellings would be provided in Luton than had been estimated when that Plan went to examination. The implications of this will also be addressed by CPREH under Matters 5 and 7, and when the East of Luton proposal is examined at Stage 4 under Matter 10.

20. CPREH is unable to find any sound explanation in the Council's evidence documents submitted to the examination of why the Council considers that it should meet, let alone exceed the level of need it has identified. Hence, for the above reasons, on Matter 3 CPREH asks the Inspector to find the Plan unsound in proposing a scale of housing development that is excessive because of the conflict this causes with national planning policy for the protection of the Green Belt and AONB as set out in the NPPF.

21. We also ask the Inspector to advise the Council that in order to determine an acceptable housing target the Council should carry out a detailed analysis of all of the separate elements of its assessed housing need over the Plan period. Having reviewed the capacity of available and suitable land for housing in the light of the Inspector's other recommendations, the final step would be to justify a housing target that may outweigh national Green Belt policy sufficiently to require the release of some Green Belt land for development because of the specific acuteness or intensity of those elements of housing need in the District.