

Examination of the North Hertfordshire District Council Local Plan 2011-2031

Response to ED215 by Save our Green Belt

1. This is the response of Save our Green Belt (“SOGB”) to ED215 “NHDC note on Matter 22 (Housing Supply) and the buffer”.
2. As a preliminary point, SOGB maintains its position that all of the Growth Village sites within the Green Belt should be removed from the plan, on the basis that exceptional circumstances have not been demonstrated for their release. The question of whether all, or any, of the Growth Village sites are needed to maintain a rolling five year housing land supply (“5YHLS”) only falls to be determined at this stage if the Inspector is satisfied that, for example, the objectively assessed need (“OAN”) (and therefore housing requirement) is sound, and that the site selection process undertaken by North Hertfordshire District Council (“NHDC”) reflects national planning policy. Further, in assessing the degree of flexibility required by the buffer, it is highly material that NHDC is proposing to review the plan within 3 years, which will include consideration of releasing the safeguarded land to the West of Stevenage. The Inspector is in effect being asked to remove from the Green Belt now sites that only deliver towards the end of the plan period of a plan that will be superseded by a new plan at that point.
3. For the reasons given by SOGB during the examination to date, it is considered that the plan is unsound – regardless of the contribution of the Growth Village sites within the Green Belt to the rolling 5YHLS. The content of this response is without prejudice to SOGB’s primary position as set out above.
4. Putting that to one side, by way of introduction, SOGB notes the following:
 - (1) Notwithstanding the limited nature of the Inspector’s request (see ED215/4), before addressing the question raised by the Inspector, NHDC has provided over four pages of detailed submissions on the “*overall context to, and position on the buffer, and 5YHLS*”. It is said that this repeats the key points made at the examination.

- (2) SOGB trusts that the Inspector would not welcome a detailed point by point rebuttal to this. SOGB's submissions were made in detail at the examination and the Inspector made a careful note. It therefore resists the temptation to repeat these points in writing in response to NHDC's repetition.
- (3) That said, SOGB will make one factual observation. ED215/13 sets out examples of buffers from other plans. SOGB does not recall these examples being referred to at the examination. However, the Inspector will note that none of these plans included Green Belt release. Therefore, there was no need for the examining Inspectors to consider whether buffers of this size were justified in light of the requirement to demonstrate exceptional circumstances.
- (4) In any event, as NHDC recognise (ED215/7): *"The issues of the buffer and 5YHLS are intrinsically linked."* As such, comparative examples are of little assistance without a detailed understanding of the housing trajectory in each of those examples.
5. Turning to the substance of ED/215:
6. The starting point is that there has been a significant change in circumstances since the plan was submitted. Then it was said that the Growth Village allocations were needed to meet the OAN. That is no longer the case. The so-called "buffer" is a direct consequence, and directly proportional, to the reduction in the OAN. Nevertheless, NHDC maintain now that the buffer is needed to maintain a rolling 5YHLS and, apparently, that not a single Growth Village site can be removed without putting that into jeopardy.
7. Standing back from the detail, that is a surprising assertion. The allocations, and the trajectory on which they are based, were not crafted to ensure a 5YHLS in the circumstances that now exist. Those allocations, and that trajectory, assumed a different (and higher) housing requirement. Nevertheless, NHDC maintain that the exact same allocations are needed to maintain a rolling 5YHLS in very different circumstances.
8. As SOGB emphasised at the hearings, NHDC must demonstrate that each of the sites in the Growth Villages that are proposed to be released from the Green Belt are necessary to maintain a rolling 5-year housing land supply ("5YHLS").

9. That is because (i) the sites are no longer required to meet the objectively assessed need (ii) it is not said that the sites must be released in order to ensure a sustainable spatial distribution strategy.¹
10. As such, the contribution that each site makes to achieving a rolling 5YHLS must be carefully considered. SOGB emphasises the importance of considering each site. That is because exceptional circumstances must be demonstrated for each site. This point was reiterated by the Inspector at the examination, and NHDC was warned that its scenario testing should be suitably robust and that in preparing the scenarios it should have the above point at the forefront of its mind.
11. Regrettably, the analysis produced by NHDC does not do this.
12. Three scenarios have been tested. There is no explanation for why the particular scenarios have been selected, except that NHDC has sought to include every site represented by SOGB in at least one of the scenarios (ED215/38). There is no sound planning reason why this should be the case.
13. However, intentionally or otherwise, the effect of the scenarios selected is to disguise the fact that a number of sites could be removed from the plan without any material effect on NHDC's ability to maintain a rolling 5YHLS.
14. This is demonstrated by the following examples:
 - (1) Sites that deliver small numbers of units have, inexplicably, been lumped together in the same "scenario" that also removes a large number of the larger sites. For example, IC1 (9 units in 2030-31) is put together in the same scenario that sees the complete removal of all of the sites in Codicote and Wymondley. It is worth noting that IC1 does not even deliver in any of the 5-year periods assessed by NHDC in its scenarios.

¹ ED/215(2) is carefully worded. It is said that a sustainable spatial strategy results from the removal of the Growth Village sites. Even were that so, NHDC has never made the case that removal of the sites is necessary to achieve a sustainable spatial strategy. In other words, even if all of the Growth Village sites remained in the Green Belt, the plan would still have a sound spatial distribution strategy. Therefore, this cannot amount to an exceptional circumstance.

On any analysis, this site could be removed from the plan without affecting NHDC's ability to maintain a rolling 5YHLS. Putting the site together in an artificial "scenario" with sites that are required does not change this fact.

(2) Similarly, GR1 (just 8 units in 2022-23) is lumped together in the same "scenario" that sees the complete removal of all of the sites in Codicote and Knebworth. As with IC1, there is no justification for the inclusion of this site to maintain a rolling 5YHLS. On any analysis it could be removed and NHDC would retain a rolling 5YHLS.

(3) The removal of complete village approach taken in scenarios B and C disguises the fact that individual sites in these villages could be removed without affecting the rolling 5YHLS. For example, CD2 in Codicote delivers 24 units in 2022-3 and 30 units in 2022-2023. Bearing in mind, as is pointed out at ED215/fn7 that 0.1 years' housing supply is the equivalent to approximately 125 homes, this site could comfortably be removed without affecting the robustness of NHDC's 5YHLS in any of the years considered in the paper.

(4) Scenario A sets out a scenario based on removing sites from multiple villages. Four sites are selected (CD3, IC3, KB4, WY1). There is no explanation in the paper of why the particular sites in this scenario were chosen. Regrettably, NHDC does not appear to have considered whether selecting different sites in this scenario would lead to a different result.

15. Given the above, very limited weight can be given to ED/215. It simply shows that the scenarios tested by NHDC would mean that it cannot demonstrate a rolling 5YHLS. However, the question for the Inspector is whether all of the Growth Village sites are needed to maintain a rolling 5YHLS. That is why SOGB was keen to emphasise at the examination that the scenario testing should demonstrate which sites could be removed without affecting NHDC's ability to maintain a rolling 5YHLS.

16. The plan remains unsound.

17. As for a way forward, SOGB note the following:

(1) Whilst it is recognised that there are a number of permutations of different growth village sites that could be removed (cf. ED215/37), as set out above that is not the relevant question. The question is what sites (or combination of sites) could be removed without affecting NHDC's ability to demonstrate a rolling 5YHLS. That is (i) the question that was originally posed during the examination, and that this exercise was meant to answer (ii) the relevant test under national planning policy, which requires exceptional circumstances to be demonstrated for each site and (iii) a much narrower question, which avoids the need to consider numerous scenarios. As matters stand, however, NHDC has not carried out this exercise.

(2) As things stand, the Inspector is being asked by NHDC to find that all of the growth village sites are needed to maintain a rolling 5YHLS. This is factually incorrect. It is vitally important that the Inspector is provided with sufficiently robust evidence on this point.

18. To take just one example of why this is so important: should it be found (in light of ED215) that exceptional circumstances exist to remove site CD2 on the basis that it is needed to maintain a rolling 5YHLS, this would be factually incorrect (although through no fault of the Inspector). Site CD2 could be removed without affecting NHDC's ability to maintain a rolling supply. At the very least, there is no evidence from NHDC to the contrary. This is ultimately a question of fact, since the contribution that each site makes to the 5YHLS is a mathematical exercise. That error would be material because, for the reasons set out above at paragraph 5, no other exceptional circumstance is put forward for the removal of this site.²

19. It is therefore vital that NHDC provides the information required in a fair and impartial manner, in order to avoid the Inspector being inadvertently led into error.

² The Inspector is directed to NHDC's hearing statement for matter 11 which set out that exceptional circumstances existed for the removal of site CD2 on the grounds that it was needed to meet OAN (no longer the case) and its contribution to the 5YHLS (not the case – see above): see paragraphs 11-13, 18-20 and 30-33. Similar analysis exists for each of the growth village sites.

20. Once that information has been provided, there may be a need for further comment. For example, SOGB notes that NHDC considers that a supply of 5.1 years “*leaves absolutely no flexibility*”: ED215/40. Yet, on its recommended approach there is a supply of only 5.03 years in the five year period commencing on 1st April 2025. That represents a surplus of 41 units across that period. NHDC not only consider this to be acceptable, but it is now proposing to remove BK3 (a Growth Village site, but not within the Green Belt) which delivers 35 units in 2025-26 and 35 units in 2026-27.