

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
APPEAL BY: Countryside Partnership Ltd and Wattsdown Developments Ltd**

Appeal against the refusal of planning permission by East Hertfordshire District Council under
Section 78 of the Town and Country Planning Act 1990

Land East of the A10, Buntingford, Hertfordshire

PINS REFERENCE: APP/J1915/W/24/3340497

LPA REFERENCE: 3/23/1447/OUT

**SUMMARY PROOF OF EVIDENCE OF ROLAND BOLTON
ON FIVE YEAR LAND SUPPLY
IN EAST HERTS DISTRICT COUNCIL**

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JUNE 2024



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1.0 EXPERIENCE

1.1 My name is Roland George Bolton. I have an Honours Degree in Town and Regional Planning and I am a Member of the Royal Town Planning Institute (MRTPI). I am currently a Senior Director of DLP Planning Ltd (DLP) and Head of the Strategic Planning Research Unit (SPRU). My experience is set out in full on my evidence.

2.0 NATIONAL POLICY: PLANNING FOR HOUSING

a) National Planning Policy Framework and Guidance

2.1 The 2023 National Planning Policy Framework (the Framework) was updated in December 2023 and came into force with immediate effect.

2.2 Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

2.3 Paragraph 77 states local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old.

2.4 It is important to note, that in the context of assessing what constitutes a "deliverable" site, the 2023 Framework defines "deliverable" in the Glossary (page 69).

2.5 A review of the Framework. PPG and appeal decision I identify the key principles in identifying a five year land supply:

- a) For the purposes of calculating a five-year land supply, the housing requirement is set out in the East Herts District Plan which was adopted over five years ago and therefore the Standard Method is to be used to calculate the Local Housing Need.
- b) The buffer is determined by the HDT (Paragraph 79 of the Framework). In this case there is no additional buffer to be added to the requirement.
- c) Sites that can go in the supply are (a) sites with detailed planning permission unless there is clear evidence they will not deliver (these are referred to as Category A sites), and (b) sites with outline planning permission, allocations in a development plan, sites with permission in principle or identified on a brownfield register (these are referred to as Category B sites). Of these, the Framework requires sites with outline planning permission, permission in principle and brownfield register sites to have clear evidence provided by the Council that completions will begin in five years in order to be included in the five-year land supply. These sites have to be available "now" and

offer a suitable location for development "now".

- d) Clear evidence of delivery of Category B sites must be something cogent, as opposed to simply mere assertions.

3.0 EAST HERTS DISTRICT PLAN 2018

- 3.1 As the Plan is now over five years old it has been reviewed by the council and found to be in need of updating as the policies in the plan are out of date (CD17.6 Meeting of the Executive: Tuesday 3 October 2023 Council Report paragraph 3.46 page 22). This is likely to be a full review because of the implications of meeting the new higher housing requirement (CD17.6 Paragraph 3.47) and require a call for additional sites (CD17.6 paragraph 3.40 page 20).

b) Housing Delivery

- 3.2 The local plan has been unsuccessful having under delivered against the annual requirement as calculated from 2011 by about 2,000 dwellings.
- 3.3 Even taking account of the plans stepped approach of meeting unmet need in the first part of the plan period over the 10 years from adoption (as illustrated in Tale 3.1 of the LP 2018) there is still a substantial shortfall of some 1.222 dwellings.
- 3.4 Against the Council's assessment of delivery in the first five years after adoption in 2018 the council's evidence¹ was that some 7029 dwellings would be delivered. Instead, only 4000 have been delivered. This is an under supply of over 3,000 dwellings in the first five years.
- 3.5 In the first five years of the local plan the council only delivered 57% of the dwellings the Council claimed it could deliver at the time of the local plan examination.
- 3.6 In these circumstances the strategic policies have failed to deliver the required level of housing and maybe considered out of date as they have clearly been overtaken by events.

4.0 PREVIOUS APPEALS

- 4.1 A review of previous appeals suggest that the Council have a track record of being over optimistic in terms of the timescales taken to achieve the relevant consents and for the relevant lead in times for development to start. This includes acceptance by the Council as most recently as an appeal hearing 17th October 2023 that the Council has a 4.41-year supply and a 760-dwelling shortfall in the five year land supply CD17.15 para 31).

¹ CD4.1 EHDC Local Plan 2018 Appendix B. Strategy Worksheet page 322/3

5.0 THE USE OF THE UPDATED AFFORDABILITY RATIO

- 5.1 The Council published the Five Year Housing Land Supply Position Statement in March 2024 (CD5.3).
- 5.2 In April 2024 the council published a Position Statement Addendum (CD5.5) which recalculated the land supply against an update version of the Housing Need.
- 5.3 It is my position that the use of the results of the Standard Method for the period 2024 to 2029 should not be used to assess the Housing Supply for the 5 years between 2023 to 2028. The requirement should be based on the same time period.

6.0 ASSESSMENT OF THE POSITION OF INDIVIDUAL SITES AT 1ST APRIL 2023 AND 1ST APRIL 2024

- 6.1 The Housing Land Supply Position Statement (CD5.3) states that it has divided the supply into Category A and B sites in accordance with the definition of delivery in the NPPF.
- 6.2 Our analysis however reveals that there are outline permissions that the Council have included in part a) which only have reserved matters approved for parts of the site. In these circumstances it is our opinion that the Council still need to provide clear evidence that those parts of the site not covered by Reserved Matters (RM) will be delivered.
- 6.3 In addition, it is noted that for Category B sites the Council is heavily reliant upon proformas from the promoters of the sites and that these have been found to lead to over optimistic assumptions in the past.
- 6.4 The position of the appellant and the council is set out in detail in the Housing Statement of Common Ground.

7.0 CONCLUSION ON THE FIVE-YEAR HOUSING LAND SUPPLY POSITION IN EAST HERTS FOR THE PERIOD 2023/24 TO 2027/28

- 7.1 The Table below shows the impact of the deletions from the supply proposed in the last section. These deletions are a combination of the lack of evidence to support significantly enhanced completion rates and clear over optimism in terms of lead in times for the Council's Category A sites and takes into account that not all the dwellings defined as being within category A actually benefit from full or reserved matters permission but are actually only subject to outline permission and a lack of clear evidence for many of the Category B sites.
- 7.2 The impact of these changes is to remove some 2,227 dwellings from the supply reducing the land supply to just **3.7 years** using the original SM figure and **4.0 years** using the updated SM figure.

Table 1. The five-year housing land supply position in East Herts for the period 20023/24 to 2027/28

		EHDC 2023/24 using updated Affordability Ratio	SPRU 2023/24 using original Affordability Ratio	SPRU 2023/24 using updated Affordability Ratio
Need		1,041	1,112	1,041
Buffer		0	0	0
5 Year requirement		5,205	5,560	5,205
Number expected to be completed in Years 1-5 EHDC		6,360	6,360	6,360
Disputed sites by SPRU				
Deliverable part a				
3/13/0804/OP	ASR's 1-4 Land at Bishop's Stortford North		-600	-600
3/21/2339/REM 3/20/0683/REM	ASR 5, Land at Bishop's Stortford North		-46	-46
3/17/2588/OUT	Bishops Stortford Goods Yard, Station Road,		-317	-317
District Plan and Neighbourhood Plan Site Allocations				
BISH6	Bishop's Stortford High School		-223	-223
BISH7	The Goods Yard, Bishop's Stortford		-105	-105
BISH8	The Causeway		-150	-150
	North-West Buntingford		-58	-58
HERT3	West of Hertford (North)		-200	-200
HERT4	North of Hertford (North)		-118	-118
WARE2	Land North and East of Ware		-75	-75
GA1	The Gilston Area (Villages 1 - 6)		-100	-100
GA1	Gilston Village 7 Land Off Church Lane		-50	-50
EWEL1	Land East of Welwyn GC		-125	-125
	Walkern Road		-60	-60
Supply		6,360	4,133	4,133
Five Year land Supply		6.1	3.7	4.0
Over/undersupply		1,155	-1,459	-1,104

8.0 CONCLUSION ON THE FIVE-YEAR HOUSING LAND SUPPLY POSITION IN EAST HERTS FOR THE PERIOD 2024/25 TO 2028/29

- 8.1 The Table below shows the impact of the deletions from the supply proposed in the last section for the period starting in 2024/25.
- 8.2 This uses the Council's trajectory for the first four years from 2024/25, which assumes the Council's projected completions were correct for the last year. It then assumes that the Council's completion rates for site that have not been completely built out continue in the year 2028/29 (see table in appendix 1). SPRU's assumptions are extended the same way.
- 8.3 To these are added planning permissions that have been granted in the last year (if they are category A). There have been no permissions that represent category B sites in the last year.

There have been a number of larger applications granted but these are already taken into account as the sites have already been identified in the Council's Position Statement.

8.4 The impact of rolling these assumptions forward is a net reduction of some 2,595 dwellings in the supply reducing the land supply to just **3.4 years**.

Table 2. The five-year housing land supply position in East Herts for the period 20024/25 to 2028/29

		EHDC 2024/25 using updated Affordability Ratio	SPRU 2024/25 using updated Affordability Ratio
Need		1,041	1,041
Buffer		0	0
5 Year requirement		5,205	5,205
Number expected to be completed in Years 1-5 EHDC		6,360	6,360
Disputed sites by SPRU			
Deliverable part a			
3/21/1100/REM 3/21/2054/VAR	Land south of Hadham Road Bishop's Stortford		-49
3/13/0804/OP	ASR's 1-4 Land at Bishop's Stortford North		-600
3/21/2339/REM 3/20/0683/REM	ASR 5, Land at Bishop's Stortford North		-10
3/17/2588/OUT	Bishops Stortford Goods Yard, Station Road,		-266
3/17/0414/REM	Area 3, Land south of Hare Street Road		-66
District Plan and Neighbourhood Plan Site Allocations			
BISH6	Bishop's Stortford High School		-223
BISH7	The Goods Yard, Bishop's Stortford		-105
BISH8	The Causeway		-150
	North-West Buntingford		-58
HERT3	West of Hertford (North)		-300
HERT4	North of Hertford (North)		-118
WARE2	Land North and East of Ware		-150
GA1	The Gilston Area (Villages 1 - 6)		-200
GA1	Gilston Village 7 Land Off Church Lane		-100
EWEL1	Land East of Welwyn GC		-200
	Walkern Road		0
Adjustments for 2024/25			
Less Estimated Completions in 2023/24 as predicted by the council		-1,164	-1,164
Plus EHDC estimated completions for sites in 2028/29		860	860
Plus new PP		129	129
Supply		6,185	3,590
Five Year land Supply		5.9	3.4

9.0 THE DELIVERY OF THE APPEAL SITE

9.1 I review the appellants Housing Delivery Statement. (CD2.1 03 October 2023 DLP Ref: HA/SN/AL/H258/16P) and compare this to both Start to Finish (CD17.20) as well as the situation as it relates specially to this case including:

- a) The signed s106 resolving viability
- b) The delivery of both market and 40% affordable dwellings by the applicant
- c) The long engagement of applicant including the production of detail layouts addressing the detailed practicalities of securing a layout and dwelling mix etc which should seriously reduce the time for both the submission of Reserved Matters and start on site.

9.2 I conclude that the appeal site will make a meaningful contribution to future five-year land supply calculations.

10.0 OVERALL CONCLUSION OF THE FIVE YEAR LAND SUPPLY POSITION

10.1 In this evidence I have considered the past delivery of housing in the context of the LP 2018. This identifies that the policies of that plan have failed to deliver in accordance with the trajectory or the annual housing requirement. I draw two conclusions from this:

- a) The council seriously over estimated both lead in times and build out rates during the examination process of the local plan and that examination failed to adequately test these assumptions against the available evidence.
- b) The substantial failure of the strategy to deliver the housing requirement as predicted or required renders the strategy and the related constraint policies out of date, as they have clearly been overtaken by events (these being the under provision of the housing requirement).

10.2 My evidence critically examines the East Herts Five Year Land Supply Position Statement March 2024 in the context of the December 2023 NPPF and considers the position as it was at 1st April 2023 and again as it was at 1st April 2024. I do this utilising both the standard method as it was at the time of publication, and the more recent update.

10.3 My evidence has reviewed the Council's assumptions regarding lead in times and build out rate as well as their claimed evidence of delivery and this analysis applying the test of delivery in the National Planning Policy Framework suggest that there is only a 3.7 and 4.0 years supply for the period starting in 1st April 2023 depending upon the date of the Standard Method calculation used.

10.4 Extending the assessment into the current year (adding know consents and subjecting predicted completions) suggest that the five-year land supply position will worsen and the land supply will be reducing to just 3.4 years.

10.5 In these circumstances where the council cannot demonstrate a five-year supply of land then

paragraph 11d of the NPPF should be applied in the decision-making process.



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