

## **APPEAL REFERENCE APP/C1950/W/22/3307844**

### **BRADMORE WAY APPEAL**

#### **APPELLANT PROOFS ON HOUSING LAND SUPPLY**

#### **REBUTTAL ON BEHALF OF COMBINED OBJECTORS GROUP (COG)**

##### **Introduction**

1. My name is Jed Griffiths. I hold a Master of Arts Degree from the University of Durham and a Diploma in Town Planning from the University of Newcastle upon Tyne. I am a chartered town planner and principal of Griffiths Environmental Planning, based in Hertford. I am a Fellow of the Royal Town Planning Institute and was its President in 1995. I have lived and practiced in Hertfordshire for over 50 years.
2. I have prepared this short report in respect of a planning appeal by Aurora Properties Limited (Reference APP/C1950/W/22/3307844) against the refusal by Welwyn Hatfield Borough Council to grant permission for the development of land at Bradmore Way, Brookmans Park, Hertfordshire (Reference 6/22/1097/OUTLINE). The appeal is the subject of a Public Inquiry, which is scheduled to begin on 7<sup>th</sup> February 2023. At the proceedings I will be giving evidence on behalf of the Combined Objectors Group (COG), which has been recognised as a Rule 6 party.
3. A Case Management Conference (CMC), chaired by the appointed Inspector, was held on TEAMS on Monday 5<sup>th</sup> December 2022. Subsequently, on 8<sup>th</sup> December, a letter was sent by the Inspector to all parties, setting out advice and instructions for the processes and procedures to be observed in connection with the Public Inquiry. The timetable included deadlines for key tasks, including the submission of Statements of Common Ground and the exchanges of proofs of evidence.
4. The deadline for the completion and submission of proofs of evidence was set at Tuesday 10<sup>th</sup> January 2023. Despite the intervention of the Christmas holiday period, this task was completed and exchanges of proofs between all of the parties took place on the following day. For the appellants, a set of five proofs was submitted by Town Legal LLP.

5. One of the proofs had been produced by Mr. Ben Pycroft, of Emery Planning, and was concerned with the topic of housing land supply. Production of this material had not been anticipated by the Borough Council, which led to an exchange of emails between the Council, Town Legal, and the Planning Inspectorate. Based on the Statement of Common Ground, signed between the main parties on 13<sup>th</sup> December 2022, the Borough Council is of the view that housing land supply is not an issue for consideration at the Public Inquiry. A witness for the appellant would not be required.
6. I understand that the topic of housing land will be dealt with at the forthcoming CMC on 20<sup>th</sup> January. For the benefit of the Inspector and other parties, I have set out below the views of COG on the issue below.

### **Comments by COG**

7. I note that the material submitted by Mr. Pycroft consists of three elements:
  - A main proof - Housing Land Supply (52 pages)
  - A Summary Proof (7 pages)
  - EP1 – Assessment of Sites (39 pages)

My general comment is that the main proof alone has greatly exceeded the word limit of 3,000 words placed by the Inspector in the note issued following the CMC meeting in December. This is unfair to COG and others who have adhered to the Inspector's instructions and have met the deadlines.

8. In my submitted proof on Green Belt and Planning Policy, I have not covered the topic of housing land supply in any great detail. Having regard to the Statement of Common Ground, it was clear to me that there was agreement that there was a shortfall in housing land supply and that it was significant. The Inspector's list of main issues did not include this as a topic.
9. I have read through the main proof and the summary produced by Mr. Pycroft. The steps taken in the analysis are common practice, but have produced a shortfall which is not dissimilar to the figures produced by the Borough Council in its latest Monitoring Report. Thus, the shortfall is a matter of fact before the Public Inquiry – a debate on the details would be superfluous in my opinion.

10. In my submitted proofs of evidence, I have focused on the main issue in this appeal, which is Green Belt. It is agreed between all parties that the proposed development is inappropriate in terms of Green Belt policy. The appellants are arguing that there are “very special circumstances” for this development to be permitted. Their case is centred on the housing land shortage, but that factor does not overturn the NPPF paragraph 11 (d) and footnote 7 where Green Belt has provided a very clear reason for refusing the proposal.
11. The appellants have referred to a number of Green Belt appeal cases which have been allowed on the basis that a Local Plan is out of date and that the local authority cannot demonstrate a five-year supply of housing land. As I have argued in my proof, each case falls to be determined on its own merits. I will refer to examples where, despite the shortfall in housing land supply, appeals have been dismissed because of the importance of a site in terms of its contribution to the purposes of the Green Belt, or its landscape character. This must be the focus of the Public Inquiry.
12. I have studied the supplementary document ED1 which assesses a number of housing sites elsewhere in Welwyn Hatfield Borough. It is not clear to me whether this is a proof of evidence or an appendix, but I question its relevance to this Public Inquiry. The analysis disputes the deliverability of the sites and their potential contribution to the supply of housing land. Most of these sites are proposed for allocation in the submitted Local Plan and appear in the Main Modifications which are now on public consultation. They have been scrutinised by the Inspector as part of the Local Plan Examination, and by the Borough Council members on numerous occasions. At this stage of the Examination, it must surely be assumed that they will be delivered.
13. In my submission, it is not the function of this Public Inquiry to conduct an examination of the Local Plan. The draft Main Modifications, which have been published for consultation with the agreement of the Inspector, are changes which he considers to be necessary to make the Local Plan sound.
14. In summary, I agree with the Borough Council that detailed consideration at the Public Inquiry of housing land supply is unnecessary. All parties are in agreement on the severity of the shortage – this should be a matter of fact before the Inquiry.

Jed Griffiths MA DipTP FRTPI

Hertford

18<sup>th</sup> January 2023