

REP-17467233-002

Constraints and OAN

Principles in Policy

1. National policy is that local plans should meet OAN, with flexibility, unless
 - a) adverse impacts would significantly and demonstrably outweigh benefits, assessed against policies of NPPF; or
 - b) specific policies indicate development should be restricted. (para 14 first part; see also para 47(1)). This is the definition of presumption pro sustainable development out in NPPF. See also NPPG 002 Ref ID: 12-002-20140306; 011 Ref ID: 12-011-20140306.
3. Such “specific policies” (NPPF 14(b)) include AONB, European Sites and GB.
4. It is NOT Government policy that no land currently the subject of GB designation (or the others) can be allocated for development.
5. Nor is it Government policy that the requirement for Lpas significantly to boost their housing supply is disapplied in districts with GB/AONB/European ecological designations. (para 47 says “Local Plans to meet full OAN for mkt and AH in the HMA *as far as is consistent with the policies set out in this framework...*”).
6. **NB Guildford states that it is “committed to delivering its OAHN figure.....no potential justifiably to under-deliver and rely on neighbouring authorities etc.” SA Report Update 2017 6.5.4 – (read full paragraph). Therefore they deemed below OAHN growth strategies to be unreasonable. They took exactly the same approach in June 2016 SA with higher OAHN (para 6.3.10)**
7. GB policy provides for alteration of boundaries “*in exceptional circs through prep or review of Local Plan*” (para 83). (See below on Ex Circs)
8. Obviously this begs the Q as to what “*identified requirements*” (which is different from OAN) are set at. Clearly the approach to development in the GB is restrictive BUT, on a review, para 85 also says that LPAs should not include land which it is “*unnecessary*” to keep permanently open and that boundaries should be drawn in such a way as not to need to be redrawn at the end of the Plan period. I.e. the identification of requirements / release should not be done on such a restrictive basis that there is a risk of the Borough having “outgrown” its GB by the end of the Plan period.
9. Symptoms of such outgrowing would include inability to meet housing needs of all sectors of society, including those who cannot access mkt housing, or inability to accommodate employment or necessary social infrastructure, such as educational establishments.
10. Therefore any adjustment for constraints must still leave room for growth – or, indeed enable pent up need to be met. NPPG¹ says that “*Local Plan should aim to meet the OA development and infrastructure needs of the area, including unmet needs of neighbouring areas where this is consistent with policies in NPPF as a whole*”.

¹ Para 002 re ID:12-002-20140306

Do exceptional circumstances exist?

1. Mr Wallace referred to Calverton para.51 factors – an ‘ideal’ but a useful guide rather than a legal requirement . (NB Aligned Core Strategies facing similar situation). NB.
 - Q of planning judgment in context of duty to pursue objective of sustainable dev’t (s.39 PACPA 2004) – eg. as Patterson J recognised in IM properties and Jay J endorsed in Calverton, an aspect of that is sustainable patterns of development, eg. with regard to travel, which may be highly relevant to the GB around Guildford as the major town, for example
 - acuteness/intensity of OAN; v intense as a result of many pressures, including the duration of the failure to meet needs and its social consequences – relate, eg Miss Parker’s 272 to the Barton Willmore ‘peg’ re intensity of need;
 - inherent constraints – others have spoken of the multiplicity of designations, ie not just GB
 - history has demonstrated this: they accept they are a 20% Authority – see Judith Ashton p.12 table. With the current constrained GB boundaries only year they not in the red was 2007-8
 - difficulties of achieving sustainable dev’t (ie meeting OAN) without impinging on GB are obvious (esp in the light of the environmental designations based on landscape and ecology)

ALL THESE FACTORS MAKE IT NECESSARY TO REVIEW THE GB HERE, AS AT WAVELEY

- nature and extent of harm as a result – to be examined in later sessions
- extent to which harm can be ameliorated: ditto.

2. As a matter of principle, GBC has accepted that it would be unreasonable not to meet OAHN (see SE Report ref above). And it has SA’d as **reasonable alternatives**, higher numbers.
3. At previous stages of Plan making the LPA concluded that the Borough could accommodate higher levels of development than those now proposed. These levels were subject to SA/SEA and held to be sustainable in 2016 (first Reg 19 consultation).
4. Therefore there is no in principle environmental objection to accepting higher levels of growth than those now proposed by the LPA, either as a matter of national policy (see above) or as a matter of Guildford BC’s circumstances AND planning judgment that exceptional circs exist is sound.
5. The joint note on OAN (the one that we have all agreed overnight) shows that a much higher level of OAN is required simply to ‘peg’ AH need at current levels. As the inspector said yesterday, current levels involve “too many” homeless people (“99 rough sleepers too many”). The significantly higher than national or even regional levels of Affordability ratio referred to by Ben on Tuesday show that higher OAN is required to stop Guildford’s

disproportionate (even looked at in the wider, GB dominated, region) trajectory into higher and higher aff ratios.

6. This is really important. Current situation symptomatic of fettering approach that has been taken to GB for a long time, hence the accepted need for review now.
7. Should grasp nettle now and do a review which has the appropriate room for meeting needs rather than storing up worsening problems over the life of the Plan.