

Written Statement to the Hertsmere Revised Core Strategy Examination – Matter 1

Issue 1.1, 1.3, 1.4 and 1.6
On behalf of Barratt North London (Ref: 4675)
13 April 2012





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Appendix 1	-	Hertsmere Borough Council's formal comments to the consultation 'East of England Plan > 2031 Scenarios for Housing and Economic Growth'
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1 Introduction

- 1.1 The following written statement is provided in advance of Bidwells attendance, on behalf of Barratt North London, at the scheduled Examination into the Hertsmere Revised Core Strategy Development Plan Document. The statement has been prepared having regard to the guidance provided to respondents on the submission of statements and addresses only those Matters and Key Issues for Examination raised by the Inspector. Specifically, this statement supports and further elaborates upon the comments submitted by Bidwells, on behalf of Barratt North London, on the 6 January 2012.

2 Response to Issue 1.1

Is the RCS consistent with national policy and in general conformity with the East of England Plan (while it remains part of the development plan)? Has the evidence base for the East of England Plan been appropriately taken into account in preparation of the RCS?

Consistent with National Policy

- 2.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. This document provides the Government's national planning policies for England and clarifies how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans (paragraph 2, NPPF).
- 2.2 Although the RCS makes passing reference to the draft NPPF (paragraph 1.14, RCS), it is clear that the now superseded suite of Planning Policy Guidance (PPG) and Plan Policy Statements (PPS) provide the policy basis for the RCS. Although in many cases, references to PPG's and PPS's can be replaced by the equivalent reference from the NPPF, via the minor changes process, the NPPF introduces a number of changes in policy emphasis which cannot be retro-fitted into the RCS.
- 2.3 The NPPF signals a significant change in the way in which the planning system contributes to achieving wider objectives for economic growth, social wellbeing and environmental protection and enhancement. The Ministerial Foreword provided by Greg Clarke provides a useful summary of this contribution, stating that "*in order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live*". This sentiment is reinforced at paragraph 17 of the NPPF. The RCS is not consistent with this positive approach but rather seeks to provide the Council with a mechanism to control growth and stifle change. The RCS approach to housing targets provides an excellent example of the unjustified restrictions placed upon growth. This issue is discussed in greater detail within Bidwells response to Issue 1.3.
- 2.4 In addition, the NPPF provides general guidance in respect of the plan-making process (page 37, NPPF). This confirms that "*each Local Planning Authority should produce a Local Plan for its area, This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified*" (paragraph 153, NPPF). This signals a return to the all encompassing Local Plans prepared by Local Planning Authorities (LPAs) prior to enactment of the Planning and Compulsory Purchase Act 2004. The suggestion is that LPAs should seek to produce a single document which includes strategic policies, development management policies and site specific allocations. The RCS would deliver

one small part of this list, with a view to producing further development plan documents at a later date.

- 2.5 In this case, the RCS is at an advanced stage and the Council do of course benefit from a 12 month transitional period. We would therefore be comfortable with efforts to make the RCS as compliant with the NPPF as possible. Bidwells ensuing comments in respect of Matter 1 and Matter 2 explain how this might be done.

General Conformity with the East of England Plan (EEP)

- 2.6 In the Inspector's letter to Hertsmere Borough Council, dated 29 February 2012, questions are raised over whether Policy CS1 of the RCS is in general conformity with in the RS, having regard to housing targets set by Policy H1 of the RS. We consider there to be little merit in rehearsing this matter in any detail, other than to endorse the approach adopted by the Inspector. The Council's suggestion, in its letter of response dated 12 March 2012, that the text in paragraph 5.6 of the RSS should somehow outweigh the provisions of Policy H1 itself is considered to be entirely unfounded. Policy H1 quite clearly states that "*the average annual rate of provision after 2021 will be the same as the rates in this policy for 2006 to 2021 or 2001 to 2021, whichever is the higher*". Accordingly, the housing target set by Policy CS1 of the RCS should be in general conformity with the residual annual target generated by the following calculation.

A	1,080 (220pa)	RS Target 2001 – 2006	Based on completions 2001 – 2006
B	3,920 (260pa)	RS Target 2006 – 2021	
C	2,566 (233pa)	Completions 2001 – 2012	
D	2,434 (304pa)	Residual RS Target 2012 - 2021	(A+B) – C
C	1,560 (260pa)	RS Target 2021 - 2027	260 X 6
D	3,994 (266pa)	Residual RS Target 2012 – 2027	C + D

- 2.7 The approach identified above would ensure that the RCS redresses any shortfall in delivery over the RS plan period to 2021 and carries forward the 260pa target for the remaining RCS plan period (2021 – 2027), as required by the Policy H1 of the RS. It could of course be argued that any

shortfall against the RS target should be redressed in the years to 2021, in which case the overall housing target would need to be 304pa to 2021 and 260pa thereafter.

- 2.8 Nonetheless, based on an approach which spreads the existing shortfall in delivery across the entire RCS plan period (266pa), the housing targets proposed by Policy CS1 (3,550 in the period 2012-2027) represent a 11% (444 dwelling) reduction from the targets set by the RS.
- 2.9 The Council have suggested that a deviation from the targets set by RSS is justifiable on the basis that the Three Rivers Core Strategy was found to be sound with an equivalent reduction of 6%. Precedent is not however considered to provide sufficiently reasoned justification for a similar approach in Hertsmere and in any event the level of reduction proposed by Policy CS1 of the RCS would be significantly greater than that accepted for the Three Rivers Core Strategy.
- 2.10 It is therefore considered that, contrary to the Council's 'close enough' approach to housing supply, the RCS is not in general conformity with the RS and as such fails to be legally compliant.

3 **Response to Issue 1.3**

Is there a sound basis for the overall housing target? In particular, is it based on robust assessments of local need and demand, the implications for affordable housing supply, economic growth and other relevant factors? Is it clear how the target figure in the RCS has been selected? In summary, is the RCS consistent with national policy for housing provision?

- 3.1 The RCS confirms that the Council considers "that planning for 237 homes per annum over 15 years following adoption of the Core Strategy (2012 – 2027) is the most appropriate level of growth, taking into account housing need and what can be delivered in the borough in a sustainable way" (paragraph 2.27, RCS). It is however our understanding that this target is based on work which was undertaken in order to inform the preparation of the draft East of England Plan. The outputs of this work are not however provided within the Council's published evidence base and therefore it is difficult to comment with any certainty as to the robustness of the Council's assumptions. Nonetheless it is reasonable to assume that any modelling work undertaken in preparation for the draft East of England Plan is now a number of years old and it is therefore unlikely to be reflective of the most up-to-date data available.
- 3.2 The RCS suggests that the Council have considered other housing growth scenarios, taking account of factors such as greater economic growth or increased migration. It would appear that these were also run as variations of the modelling work undertaken for the East of England Plan (paragraph 2.30, RCS). The RCS accepts that in some cases these alternative scenarios resulted in higher targets than those proposed by Policy CS1 of the RCS, however, no further assessment is provided in order to clearly demonstrate why these alternative options have been discounted and once again, the Council have not provided the outcomes of this modelling work within the RCS evidence base.
- 3.3 It is crucial that the housing target identified in the RCS is properly justified, not least because it would appear to be inconsistent with other data provided within the RCS. Indeed, when the population projections identified at paragraph 3.2 of the RCS are considered against the projected reduction in household size identified at the same paragraph, there would appear to be evidence to suggest that the Council have significantly underestimated the likely growth in households in the borough across the plan period. This matter is discussed in further detail in the previous comments submitted by Bidwells, on behalf of Barratt North London, at pre-submission stage (Policy CS1 comments). This discussion concludes that, based upon a relatively straight forward calculation which considers population growth against household size, the Council would need to deliver approximately 608 dwellings per annum across the plan period.

- 3.4 It is accepted that this approach is somewhat simplistic, however it is noted that other respondents have undertaken more detailed modelling work in order to calculate an appropriate housing target, based on the most up-to-date data available. The outcomes of this work and in particular scenarios which use baseline population (including migration) figures generate a housing target very similar to our own calculations. In both cases the figure generated is more than twice that proposed by Policy CS1 and yet the Council maintain that the provision of 237 dwellings per annum will be sufficient to meet the housing need of the borough across the plan period.
- 3.5 At paragraph 2.29 of the RCS it is stated that the existing infrastructure of the Borough would not be able to support any additional housing development over and above the target set by Policy CS1. The paragraph goes on to provide some anecdotal discussion but does not point to any tangible evidence which confirms that housing growth in Hertsmere is constrained by the capacity of existing infrastructure. Indeed, neither the Hertfordshire Local Transport Plan (LTP3), referred to at Appendix 1 of the RCS, nor the Hertfordshire Infrastructure and Investment Study (2009) provide any indication that existing deficiencies in infrastructure provision would place limitations on housing growth in Hertsmere. In any event, opportunities exist, via CIL and the New Homes Bonus, for the Council to place a levy on new developments in order to ensure that, where appropriate, improvements to infrastructure are provided in order to accommodate new development. Indeed, it would not be unreasonable to suggest that it is for the RCS to identify likely barriers to development (such as infrastructure delivery) and put an appropriate strategy into place to redress any deficiencies. It is not unusual for LPAs to prepare an Infrastructure Delivery Plan (IDP) as part of their evidence base, which considers such matters in greater detail. The RCS evidence base does not however include an IDP.
- 3.6 The NPPF advises that "*each Local Planning Authority (LPA) should ensure that the Local Plan is based upon adequate, up-to-date and relevant evidence*"(paragraph 158, NPPF). In terms of housing, LPA's should:
- *Prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
 - *Meets household and population projections, taking account of migration and demographic change;*
 - *Addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as but not limited to, families with*

children, older people, people with disabilities, service families and people wishing to build their own home); and

- *Caters for housing demand and the scale of housing necessary to meet this demand.*
 - *Prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and likely economic viability of land to meet the identified need for housing over the plan period. (paragraph 159, NPPF)*
- 3.7 The evidence base which supports the RCS includes the London Commuter Belt Strategic Housing Market Assessment 2009 (SHMA). This document is now some years old, indeed it only covers the period to 2021 and therefore does not extend to the end of the RCS plan period. Nonetheless, it is the only information available which provides a genuine assessment of housing need and therefore forms a crucial part of the RCS evidence base.
- 3.8 It is therefore interesting and disappointing to note that at paragraph 3.23 the RCS attempts to lessen the weight which should be attached to the SHMA, stating that "*because of the many uncertainties in modelling future demand, it [the SHMA] is considered most relevant as providing an overview of key housing issues rather than target setting in development plan policy*".
- 3.9 This would seem to be entirely contrary to the NPPF, which specifically requires LPAs to prepare a SHMA in order to assess their full housing needs and moreover, would seem to be a rather dismissive approach, bearing in mind that the Council's housing targets are based upon the modelling work undertaken by a third party, which itself is reliant on trend based data and assumptions.
- 3.10 The implications of the Council's proposed housing targets on the delivery of affordable housing is discussed in further detail in the comments submitted by Bidwells, on behalf of Barratt North London, at pre-submission stage (Policy CS1 comments). These confirm that in broad terms it would be necessary for the Council to deliver at least 9,100 new dwellings in order to satisfy the need for affordable housing identified by the SHMA. This does however assume that the Council are able to secure 35% of all new housing as affordable. Given the thresholds identified by Policy CS4 of the RCS (affordable housing provision will be sought for developments of 10 or more dwellings or on residential sites of more than 0.3ha in area), it is highly unlikely that this will be achievable and therefore an even greater number of dwellings will be required to meet the established need for affordable housing in the borough.
- 3.11 Paragraphs 2.47 to 2.49 of RCS acknowledge the need for policies to address the identified housing needs of the borough and yet the approach to housing targets adopted by Policy CS1

would appear to entirely disregard the Council's own evidence base (see paragraphs 4.2 and 4.6 above and comments submitted by Bidwells, on behalf of Barratt North London, at pre-submission stage) which clearly demonstrates that there is a need for higher targets.

- 3.12 The housing target set by the RCS is derived from a desire to prevent the release Green Belt land as a means of accommodating housing growth. Paragraph 2.26 of the RCS confirms this to be the case, whilst paragraph 2.28 seeks to justify this approach on the basis that, in the past, housing targets for Hertsmere have been based upon identified urban capacity. This approach is however no longer consistent with the guidance of national planning policy, which quite clearly states that every effort should be made to objectively identify and then meet the development needs of the area and respond positively to wider opportunities for growth (paragraph 17, NPPF). The fact that the targets set by the RCS are based upon a preconceived notion of Green Belt protection clearly demonstrates that there has been no objectivity in the Council's assessment of need.
- 3.13 It is of course also relevant to note that although the housing targets set for Hertsmere by the East of England Plan (EEP) are based on urban capacity, these do by their very nature take full account of land supply and housing need issues on a regional basis. Accordingly, whilst the EEP does not specifically seek the release of Green Belt land in Hertsmere, it does require the strategic release of Green Belt sites to allow for large scale urban extensions to Stevenage and Hemel Hempstead, as well as other settlements in the region. The eventual abolition of this regional tier of policy guidance ultimately places the emphasis on each Local Planning Authority to meet the full housing needs of their area within their own administrative boundaries. Although there is of course a duty to cooperate with surrounding Local Planning Authorities, there is no evidence to suggest that the housing targets set by the RCS have been influenced by the level of growth planned elsewhere in the region. It is therefore no longer acceptable to set housing targets in Hertsmere on the basis of urban capacity, when it is clear that in the past this approach was based a regional assessment of housing need and distribution.
- 3.14 In conclusion, it is considered that the evidence base produced by the Council to underpin the housing target set by the RCS fails to robustly justify the requirements of Policy CS1. Furthermore, there is evidence, both within the Council's own documentation and produced by third parties, which would suggest that the target set by Policy CS1 would need to be increased significantly in order to meet identified housing needs. Contrary to the provisions of the NPPF, the Council have chosen to disregard this evidence.

4 Response to Issue 1.4

Is the overall housing target deliverable? Is there adequate justification for the supply that is expected from existing commitments and identified sites in the Strategic Housing Land Availability Assessment? Is the assumed windfalls contribution soundly based? Is there sufficient evidence that the supply expectations are consistent with the need to protect employment land expressed in the RCS?

- 4.1 In addition to our assertion that the housing target set by the RCS is insufficient to meet the identified housing needs of the borough, we have provided our response to Issue 1.4 below.
- 4.2 Policy CS1 seeks to deliver 3550 additional dwellings in the borough, across the 15 year plan period. The Council's most up-to-date assessment of the capacity of potential housing sites is provided within the Hertsmere Strategic Housing Land Availability Assessment Update 2011 (SHLAA). Paragraph 159 of the NPPF requires all local planning authorities to prepare a SHLAA in order to establish realistic assumptions (emphasis added) about the availability, suitability and likely economic viability of land to meet the identified need for housing over the plan period.
- 4.3 The assessment undertaken by the Hertsmere SHLAA therefore considers the availability and capacity of potential housing sites in the borough. The SHLAA identifies potential capacity for the number of dwellings indicated by the table below:

Source of Supply	Number of Dwellings (Gross)
Existing Allocations and Commitment (sites with pp)	1215
SHLAA Sites (Urban)	2111
SHLAA Sites (Green Belt)	1867
Broad Urban and Rural Locations (Windfalls)	575
Total	5,768

- 4.4 Nonetheless, the RCS makes it very clear that the Council wish to prevent the release of Green Belt land, as a means of accommodating new homes. Table 9 of the SHLAA therefore reduces the capacity identified above in order to include only those sites which are considered to be either deliverable or developable 'within the existing policy context', which for the purposes of the SHLAA discounts all potential housing sites which fall outside of the existing urban area. Table 9 of the SHLAA is reproduced below:

Site Source	Timeframe (Years from this Assessment)			Total (Within 15 Year Period)
	1-5yr	6-10yr	11-15yr	
Existing Allocated Sites	16	4	0	20
Sites with Planning Permission	457	37	0	494
Sites Under Construction	516	0	0	516
Sites Considered Deliverable or Developable Within Existing Policy Context	913	398	0	1311
Broad Urban Locations	0	0	500	500
Broad Rural Locations	0	0	75	75
Elstree Way	0	400	400	800
Gross Yield	1902	839	975	3716
Net Yield				3559

- 4.5 The above table varies from that produced at paragraph 3.8 of the RCS, because it does not include sites which were either under construction or were expected to be delivered in the monitoring year 2011 – 2012. Given that, by the time the RCS reaches the point of adoption, such sites will no longer contribute to the overall supply, it is considered entirely reasonable that they should be discounted from the Council's identified capacity going forward.
- 4.6 The 'Net Yield' figure provided by Table 9 of the SHLAA therefore confirms that there are sufficient sites to deliver 3,559 dwellings over the plan period. This exceeds the housing target set by Policy CS1 by only 9 units. Accordingly there is a very fine margin between the capacity of urban sites identified by the SHLAA and the targets set by the Policy CS1. As a result, if one or more of the sites identified by SHLAA fails to come forward or does not yield the number of dwellings anticipated, the overall housing target set by Policy CS1 will not be deliverable. Similarly, if the Council's assumptions in respect of Broad Urban and Rural Locations or the Elstree Corridor do not yield the anticipated number of dwellings, the overall housing target set by Policy CS1 will not be deliverable.

- 4.7 The previous comments submitted by Bidwells, on behalf of Barratt North London, at pre-submission stage, demonstrate that it is highly likely that actual delivery rates will fall below those anticipated by the SHLAA. Some aspects of these previous comments are explored in greater detail below.

Windfall Allowance

- 4.8 It is not realistic to expect windfall sites to deliver a further 500 dwellings from urban broad locations over the plan period, when the housing capacity of those very same urban broad locations has already been thoroughly assessed by the SHLAA. It is accepted that there will be a proportion of sites which come forward unexpectedly at some point in the plan period, however if we assume that the SHLAA is a comprehensive and robust assessment of urban capacity, it is difficult to see how 15% of the target set by Policy CS1 will be satisfied by windfall sites, particularly as the SHLAA seeks to identify the full range of site sizes, from a single dwelling to 300+ dwellings. Indeed, Hertsmere Borough Council's formal comments to the consultation 'East of England Plan > 2031 Scenarios for Housing and Economic Growth' (see **Appendix 1**) would seem to confirm that in the Council's view there is an "*ever diminishing supply of brownfield sites within urban areas*". It is therefore unclear why the RCS includes such a significant windfall allowance.
- 4.9 In the past, windfall sites have delivered a significant proportion of new homes in the borough. This is illustrated by Table 2 of the SHLAA. However, bearing in mind that Policy H1 of the Hertsmere Local Plan set a housing target of 180 dwellings per annum (dpa) for the period 2001-2011 (1,800 in total) but only sought to allocate sufficient land to yield 609 (33%) of these dwellings (Policy H2), it is perhaps unsurprising that a large number of dwellings have historically been delivered on unallocated sites. This does not however mean that the trend will continue in the future. Indeed, our analysis of housing completions in the borough in the period 2002/03 to 2010/11 (see Appendix 3 of SHLAA) suggests that a significant proportion of windfall completions have been located on a small number of large development sites. For example, the Former Fire Research Station Site delivered 277 dwellings over a three year period, whilst the Gate Studio site delivered 102 dwellings and the Foster House site on Maxwell Road delivered 114 news homes. Given the findings of the SHLAA, questions must be raised as to whether large sites of this nature will come forward on a windfall basis in the future.
- 4.10 Paragraph 47 of the NPPF requires LPAs to, where possible, identify a supply of specific, developable sites for years 11-15. In this case, it would be possible to identify specific developable sites, if the RCS made provision for the limited release of Green Belt land. Such an approach would provide far more certainty and control over the distribution of housing growth in the borough.

Density Multiplier

4.11 The density multiplier used in order to consider the likely yield from specific sites would appear to generate densities which are unrealistically high and moreover are at odds with the Council's overall approach to residential density, which suggests that high density development (50-100 dwellings per hectare) would transform the character of large parts of the borough's towns and would have an adverse effect on the character and appearance of many suburban areas (paragraphs 2.42 – 2.43, RCS). The table below lists a selection of urban sites identified by the SHLAA, along with the density of development which has been applied in order to estimate their likely yield.

Site Name	SHLAA Ref:	SHLAA Type	Area	Estimated Density (DPH)	Yield	Yield with 10% reduction in density	Variance
BBC Elstree	S39	Transitional		78	307	267	-40
Station Close	S18	Transitional		72	57	49	-8
Land South of Elstree and Borehamwood Station	S59	Transitional		70	60	51	-9
Land at Allum Lane	S199	Central		100	73	65	-8
Total					604	518	-65

4.12 In light of the RCS position in respect of 'urban intensification' it is surprising that sites which are considered to be located in 'transitional' areas (i.e. between suburban and central) are expected to deliver densities as high as 78dph.

4.13 Our experience would suggest that for a development scheme to achieve a density in excess of 70dph the mix of dwellings would need to be predominantly flats and storey heights would need to exceed those usually associated with a domestic scale. It is considered highly unlikely that an approach of this nature would be supported by the local planning authority and moreover there is currently little appetite from the development industry to build at such high densities. When considered that "*historically most suburban areas in Hertsmere have been developed at densities of less than 30dph*" (paragraph 2.42, RCS), it is difficult to see how sites in transitional areas could accommodate more than 35 additional dwellings per hectare. The density multiplier applied by the SHLAA is therefore considered to be overly optimistic.

4.14 Nonetheless, even if it is accepted that the density multiplier used by the SHLAA is appropriate, allowances must be made for the very real prospect that a proportion of sites will not deliver the

maximum density anticipated. The final two columns in the above table provide an illustration of the impact that a small reduction in density (-10%) would have on the overall supply of housing in the district. For the four listed sites alone there would be a reduced yield of 65 dwellings. It would therefore be wise to build an appropriate level of flexibility into the housing capacity identified by the SHLAA to take account of variations in density.

Lapse Rate

- 4.15 The lapse rate of 6% identified by the SHLAA is based upon the rate of unimplemented planning permissions in the borough in the period 2001/02 – 2007/08. We therefore have no objection to the continued use of this lapse rate for sites which already have planning permission. SHLAA sites do not however benefit from the same level of certainty as sites with planning permission, indeed there are numerous reasons why a SHLAA site may not come forward for development. It is accepted that it is difficult to quantify the lapse rate which should be applied to a site identified by the SHLAA, given that the characteristics and individual circumstances of each is different. It is however precisely this uncertainty that makes it entirely inappropriate to treat SHLAA sites in the same manner as sites which have successfully negotiated the planning process. The Council must therefore prepare for the possibility that a far higher proportion of sites identified by the SHLAA will not come forward for development in the plan period. An appropriately cautious approach would be to double, to 12%, the lapse rate applied to sites without planning permission.

Redevelopment of Employment Sites

- 4.16 The SHLAA identifies 7 sites, which are currently in or were last used for employment generating purposes, as being suitable for residential redevelopment (SHLAA Ref: SU1, S5, S18, S39, S72, S81, S129 and S199). The SHLAA anticipates that, in total, these sites would yield 678 dwellings (52% of the urban sites identified). A further 800 dwellings would be located within the Elstree Way Corridor, although it would seem that the distribution of these dwellings to specific sites remains undecided.
- 4.17 Although it is acknowledged that the NPPF advises against that long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose in the future (paragraph 22, NPPF), it is our understanding that some of the existing employment sites identified by the SHLAA remain occupied and therefore continue to represent an attractive employment location, either for the existing occupier or an alternative operation. For example, the Instalcom Site (SHLAA Ref: S5), BBC Elstree (SHLAA Ref: S39) and Land at Allum Lane (SHLAA Ref: S199) in Borehamwood remain occupied by employment generating uses either fully or in part. Similarly, Station Close on Darkes Lane in Potters Bar (SHLAA Ref: S18) also remains occupied by a number of employment generating operations. These sites therefore

continue contribute to the supply of employment land in the borough and yet they have been identified for redevelopment to alternative uses.

- 4.18 Given that Policies CS8 and CS9 of the RCS generally seek to protect employment sites from redevelopment to alternative uses and that the Council's own evidence base identifies a need for additional employment floorspace over the plan period, it would seem logical to retain existing employment generating sites in their existing use and moreover it would appear that there will be a sufficient level of demand in the future to sustain such sites. The RCS does not seek to justify the release employment land for housing development, despite seeking to safeguard land which currently falls within the Green Belt in order to accommodate additional employment floorspace at the end of the plan period.
- 4.19 On the basis of the above and taking account of the previous comments submitted by Bidwells on behalf of Barratt North London at pre-submission stage, it is considered that many of the assumptions made by the SHLAA are unrealistic or at least raise questions of reliability. The SHLAA does not therefore accord with the requirements of paragraph 159 of the NPPF but more importantly it provides an inflated assessment of the potential housing capacity of identified urban sites in the borough.
- 4.20 It must therefore be concluded that the Council will be unable to deliver a sufficient number of dwellings on urban land alone, to meet the housing target set by Policy CS1. In order to provide a deliverable growth strategy, the RCS must therefore identify appropriate Green Belt sites which can be released in order to redress any shortfall in supply. By failing to make provision for Green Belt release, as and when it is necessary, the RCS will be ineffective in ensuring that growth is directed to the most sustainable location. Indeed, any shortfall in housing land supply will inevitably lead to opportunistic planning applications which seek to take advantage of the provisions of paragraph 49 of the NPPF, which quite clearly states that "*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable sites*".
- 4.21 Accordingly, for the RCS to provide a realistic and deliverable strategy for growth, it must make provision for appropriate Green Belt sites to be identified for development in order to supplement the evidently constrained supply of urban sites in the borough. At the very least the RCS should identify broad directions for growth in order to ensure that development is directed to the most sustainable Green Belt locations, via a subsequent DPD..

5 **Response to Issue 1.6**

Is the proposed phasing of housing supply (Policy CS3) justified and likely to be effective?

- 5.1 The comments below have been reproduced and updated from the previous comments made by Bidwells on behalf of Barratt North London (Policy CS3 comments) in order to take account of changes in national planning policy since the pre-submission stage.
- 5.2 Policy CS3 confirms that the delivery of major housing sites in the borough will be phased over 3 five year periods. The policy does not seek to quantify the size of development site which would fall into the definition of a 'major housing site' but it does confirm that such sites which are allocated for release in later phases may be brought forward, if necessary, to maintain a 5 year supply of sites.
- 5.3 Policy CS3 states that *"to prevent overdevelopment of housing in the Borough ahead of required infrastructure and community facilities, unimplemented residential land allocations and new residential proposals of 50 units (net) or more will not be permitted where the number of projected completions, as detailed in Annual Monitoring Report housing trajectory is forecast to exceed 20% of the proportion sought in each phase"*.
- 5.4 This approach is contrary to the Government's clear objective to break down the barriers to housing delivery in order to increase the supply of new homes. Indeed, the National Planning Policy Framework confirms that it is the Government's key housing objective to boost significantly the supply of housing (paragraph 47, NPPF). The approach adopted by Policy CS3 is simply a means for the Council to refuse perfectly acceptable planning applications on grounds of prematurity, whether they would place unacceptable pressure on infrastructure provision or not.
- 5.5 The RCS makes no reference to the particular infrastructure deficiencies which might constrain housing development in the future. If there is a need for improvements to utilities or highway infrastructure or community facilities in order to accommodate residential growth then these should be clearly identified by the RCS. Although Appendix 1 of the RCS does seek to identify linkages with the Hertfordshire Local Transport Plan (LTP3), no barriers to development are established and there is no more detailed information within the Council's evidence base to suggest that other infrastructure limitations exist (including within LTP3).
- 5.6 In light of the above, it is considered entirely unjustified for Policy CS3 to place a nominal threshold on the delivery of housing, without robust and credible evidence to support such an approach. It is the Council's responsibility to assess individual applications on their own merits as and when they are submitted. If, in the process of determining an application, the Council feel that the proposals would result in a need to improve specific infrastructure, services or facilities then such improvements should be secured by way of S106 planning obligations or via CIL funding.

- 5.7 Sites which are considered to be suitable for housing development should therefore be delivered as and when the market dictates. Landowners and developers cannot reasonably be expected to delay the delivery of a site, which is otherwise immediately available. This takes no account of the commercial realities of the development industry which, as with any other business, must be market led.
- 5.8 Policy CS3 also states that "where housing delivery is expected to fall below the proportion sought in each phase by at least 20% over the following three years, a review of the phasing and location of housing allocations will be undertaken including consideration of land presently designated as Green Belt".
- 5.9 We understand the Council's desire to monitor housing completions and take action should they fall below the required level but it is not clear how a review of the phasing and location of housing allocations will assist the Council in addressing any shortfall in supply. It is assumed that the phased approach proposed by the RCS will use the Council's SHLAA to establish when a particular site will become available for development. Those sites which are immediately available will presumably fall into the first of the Council's phases. However, what is not clear is how the Council intend to facilitate the early delivery of sites which otherwise are identified by the SHLAA as being unavailable until years 6-10 or even 11-15. In the case of urban sites, the operational requirements of existing uses could present a stumbling block to early delivery, as could high existing use values whilst a site remains operational. In any event, the supply information provided by the SHLAA indicates that 60% of completions in the final phase (11-15yrs) will come from windfall sites. On the basis that such sites are, by their nature, unidentified, it will not be possible for the Council to accelerate their delivery if there is a shortfall in supply in Phase 2 (6-10yrs).
- 5.10 Undeveloped sites offer greater flexibility in terms of the timing of delivery and therefore could offer a solution if there is a shortfall in supply. The likelihood however is that sites of this nature will fall outside of main urban areas, within the Green Belt. Policy CS3 does acknowledge that consideration will be given to land presently designated as Green Belt, however no strategic Green Belt review has been undertaken to identify the most appropriate sites for release. This process is costly and extremely time consuming and as such it is not compatible with the review described in policy CS3 which requires land to be identified and released in a timely manner. Accordingly, a Green Belt review should be undertaken at this stage in order to identify Green Belt sites which are appropriate for release or, at the very least establish broad directions for growth. This will ensure that the appropriate mechanism to allow for the release of Green Belt land is in place at the outset. An approach of this nature would be consistent with the NPPF which advises that local authorities should "*satisfy themselves that Green Belt boundaries will not need to be altered at the*

end of the plan period". Accordingly, it is not acceptable for the Council to simply state that there may be a need to review Green Belt boundaries in the future to accommodate growth. This work must form an integral part of the RCS.

- 5.11 For the reasons provided above, Policy CS3 would fail to effectively control the delivery of development across the plan period. It is the responsibility of the Council to increase the supply of housing in accordance with Government guidance. The nominal threshold imposed by Policy CS3 will simply place an unjustified moratorium on the delivery of housing in Hertsmere. This is an unnecessarily restrictive policy position that has no foundation in NPPF.
- 5.12 Policy CS3 also fails to provide sufficient clarity as to the mechanism and process which will be entered into by the Council in order to review the phasing of housing delivery in the event that there is a shortfall in supply. To simply state that a review will be undertaken does not go far enough. The policy must include wording which clearly sets out the Council's intended approach. This approach should include the identification of specific Green Belts sites or broad directions for growth, within which appropriate Green Belt sites can be identified via the formal site allocations process.
- 5.13 Bidwells response to Issue 2.4 and 2.5 provides specific details of SHLAA Site S2 (Land North of Barnet Land) which lies directly to the south of the established settlement boundary of Borehamwood. These comments confirm that the site could be excluded from the Green Belt without harm to its purpose or functions and that the developable part of the site is sufficiently large to make a significant contribution to the supply of housing land in the borough (approximately 150 dwellings) but it is not so large as to require significant infrastructure or service improvements.
- 5.14 On the basis of these comments and taking account of the additional site specific information submitted by Bidwells at pre-submission stage, it is considered that Policy CS3 should be amended to allow for the release of SHLAA Site S2 in order to redress any shortfall in supply and in doing so, ensure that the phasing of housing in the borough is effective.

Barratt North London (Ref: 4675)
Matter 1
13 April 2012

BIDWELLS

Appendix 1

Hertsmere Borough Council's formal comments to the consultation 'East of
England Plan > 2031 Scenarios for Housing and Economic Growth'

East of England Plan > 2031 Scenarios for housing and economic growth

Event Name	East of England Plan > 2031 Scenarios for housing and economic growth
Comment by	Hertsmere Borough Council (Miss Cheryl Maughan)
Comment ID	777
Response Date	18/11/09 16:27
Consultation Point	Question 2 (View)
Status	Processed
Submission Type	Web
Version	0.4
Do you have any comments on the four growth scenarios? (please tick all that apply)	<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4

Please enter your comments specific to Scenario 1

Whilst Scenario 1 broadly relates to scenario 3 in terms of the distribution, the housing completion targets are substantially higher in scenario 3 which undermines the 'bottom up' figures that are broadly reflective of the views of local councils as to what is feasible. However, even the targets in Scenario 1 would be difficult to achieve, without a significant and effectively 'pepper-potted' Green Belt releases across Hertfordshire, given the ever-diminishing supply of brownfield sites within urban areas. This would not deliver any kind of coherent or logical spatial strategy for authorities located within the metropolitan Green Belt around London.

Please enter your comments specific to Scenario 3

Whilst Scenario 1 broadly relates to scenario 3 in terms of the distribution, the housing completion targets are substantially higher in scenario 3 which undermines the 'bottom up' figures that are broadly reflective of the views of local councils as to what is feasible. However, even the targets in Scenario 1 would be difficult to achieve, without a significant and effectively 'pepper-potted' Green Belt releases across Hertfordshire, given the ever-diminishing supply of brownfield sites within urban areas. This would not deliver any kind of coherent or logical spatial strategy for authorities located within the metropolitan Green Belt around London.

Please enter your comments specific to scenario 4

Paragraph 4.10 states that scenario 4 'takes account of past migration patterns, which have tended to be away from centres of economic activity...rural and coastal areas'. It would be beneficial to determine the demographics that make up the migration assumptions. Also, it could be assumed that many people migrate to rural and coastal areas to chase the 'rural ideal'. Therefore, to distribute more growth towards these areas would undermine the reasons for attraction to these areas.

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