

**COMMENTS ON BEHALF OF
GILSTON INVESTMENTS LTD**

**ADDITIONAL NOTE
FOLLOWING MATTER 1**

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1. **INTRODUCTION**

- 1.1 The purpose of this Paper is to comment on the Additional Note prepared by the Council following the Session on 1st May 2012 of the Hertsmere Core Strategy Examination. We comment in particular in respect of the additional anticipated small site windfall rates now, apparently, relied upon by the Council.
- 1.2 We are concerned that the Local Planning Authority are relying increasingly upon windfall provision at the same time as evidence shows additional housing need to be increasing, well above that proposed in the Core Strategy. However, apparent also is the lack of reliable evidence on which basis the Local Authority seek to make the increased windfall assumption.
- 1.3 The reason that policy in recent years has inclined against reliance on windfall sites is because there has been introduced in plan making increased objectivity with a more rigid process of identifying sites through the SHLAA system. This is to the benefit of all parties, including the public, developers and service providers as they are then more likely to be aware of or where future development will take place.

Submitted Core Strategy Paper EC/02

- 1.4 The submitted Plan proposed provision of some 500 dwellings on windfall sites in broad locations over the period 11-15 years after the base date. This approach was said to be in line with the advice in PPS3, together with the July 2007 SHLAA: Practice Guidance.
- 1.5 Table 3A set out on page 5 of EC/02 sets out windfall rates in Hertsmere between 2002-2010/11 with net completions unplanned in the urban area of 143 dwellings per annum, and in the rural area of 22 dwellings per annum average.

- 1.6 There are a number of comments to be made about the content of Table 3A. Firstly, there is no differentiation about the size of sites in either of the urban or rural area. Secondly, there is no indication as to the number of units which were on garden land. Thirdly, and self evidently much of the data covers the period before publication either of the 2007 SHLAA: Practice Guidance or preparation of the First Hertsmere SHLAA in 2010. This is significant when it comes to seeking to "forward project" this data as a reliable indicator for future windfall rates.

Additional Note following Matter 1

- 1.7 This document needs to be read along with the Council's Statement on the NPPF (in particular, pages 47-50) together with the Opening Statement on behalf of Hertsmere Borough Council issued by Robert Jameson at the start of the Examination. Dealing with the Opening Statement first, this suggests that an extra 300 additional units (final para) can be relied upon, partly from "green belt" redevelopments sites (approx 150), together with 30 units per annum on sites fewer than 10 units in years 6-10 of the Housing Trajectory, giving an additional 300 units overall.
- 1.8 The statement on the NPPF at Appendix D provides some further detail. Firstly, on page 50 Table 5 identifies the "sub-set" of sites of 10 or less dwellings for the period 2002 to 2011 set out in Table 3A of Paper EC/02 referred to above. This indicates an average yield of 44 dwellings per annum over that period.
- 1.9 On the previous page and below Table 4 the first paragraph indicates in the penultimate line that the Council is not "able to easily identify specific sites that are likely to yield a small number of houses". The penultimate paragraph then refers to the 30 units per annum as relied upon by Mr. Jameson and as noted above.

1.10 Turning then to the "Additional Note following Matter 1", this provides a table at para 2 which addresses for years 2008-2011 the total windfall completions, together with smaller sites of 1-9 units and then the percentages of schemes involving an element of garden land, respectively 20% overall and 29% for small sites over that 3 year period.

1.11 What is apparent is that there is a shortfall in the data in respect of the garden land element with the information at para 2 referred to above applying only to 3 years, whereas the complete data set refers back to 2002. There is no information on the element of garden land for the period 2002-2008.

1.12 The Additional Note relies upon the approach in the Council's NPPF Paper whereby the Council simply applies a 30% reduction on the average 44 dwellings per annum achieved on small sites 2002-2011 which then derives the figure of 30 dwellings per annum referred to above. However what is not then factored in is any reliable data in respect of the number of sites where garden land is involved. Even on the Council's approach at least 29% of the 30 dwellings per annum should be deducted whilst this figure is not reliable, being based on only a three year data set.

1.13 The NPPF states:

"Local planning authorities may make an allowance for windfall site in the 5 year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends and should not include residential gardens."

1.14 A number of points are apparent from this. Firstly, this is a reference to sites in the 5 year supply and there is no reference to provision beyond year 6. The

Council do not rely upon small windfall provision within the first 5 years of the Plan, not least given that the committed small sites with planning permission are already included in the data set. There is nothing in NPPF which explicitly allows provision on windfall sites Post year 6.

- 1.15 Secondly, and even if this approach is not correct there needs to be "compelling evidence" that the sites will "continue to provide a reliable source of supply". The analysis above sets out the internal inconsistency of the approach of the Council as regards small sites and the lack of accurate historic data. The same point applies to the need for accurate "historic windfall delivery rates", and not least the reliance upon residential gardens.
- 1.16 For all these reasons the Inspector is asked to disregard the suggested additional allowance for, either 150 or indeed the 300 units on windfall sites referred to by Mr. Jameson where, as part of plan making, reliance is placed upon specific brownfield sites in the green belt coming forward for development. This is not to say that such sites will not occur, especially where they are acceptable within the terms set out at para 89 of the NPPF. However they will come forward only on an opportunistic basis
- 1.17 The writer stated at the Examination that windfall sites should be treated as no more than an insurance policy, not least because of the arguably optimistic approach taken by the Council to the delivery of both committed and SHLAA sites with only a 6% discount applied to the latter.
- 1.18 Annex A attached to this Statement sets out a review of the past assumptions by the Council in its AMR documents from 2006 through to 2010. This refers to the common trend in AMR documents for there to be an assumption in the housing trajectory of an enhanced, higher supply of housing on sites for three to four years after the start date of the AMR. What the Paper shows is that a comparison of the trajectory anticipated by the Council, as opposed to the actual

completions invariably shows a deficit going forward. In 2006 this totaled 220 dwellings over 4 years, in 2007 a deficit of 515 dwellings over 3 years and in 2008 a deficit of 255 dwellings over 2 years. In 2009 there was a minor surplus of 5 dwellings.

- 1.19 The reality is that housing sites do not come forward at the rates often envisaged by local authorities and for this reason the data shows that such windfall sites as do come forward either on urban/rural sites, or on brownfield land in the green belt should be treated as no more than an insurance policy.
- 1.20 In short the only way to deal with this problem in plan making is either to make sure some sort of allowance in plan making for windfall sites if accurate information is available based on past delivery over a sufficiently long period but at the same time discount much more heavily delivery from committed and SHLAA sites. A more realistic discount than 6% would probably be 20% to 30%.
- 1.21 Alternatively there should be a contingency strategy built in to the plan which in this instance would allow for a review of Green Belt boundaries including a willingness to release sites when the inevitable shortfalls appear. It should be noted that even with the incidence of windfall sites since 2002 Hertsmere has still failed to meet the RSS requirements of 200dpa for the first decade of the plan period with only a further 182 dwellings anticipated 2011-2012.

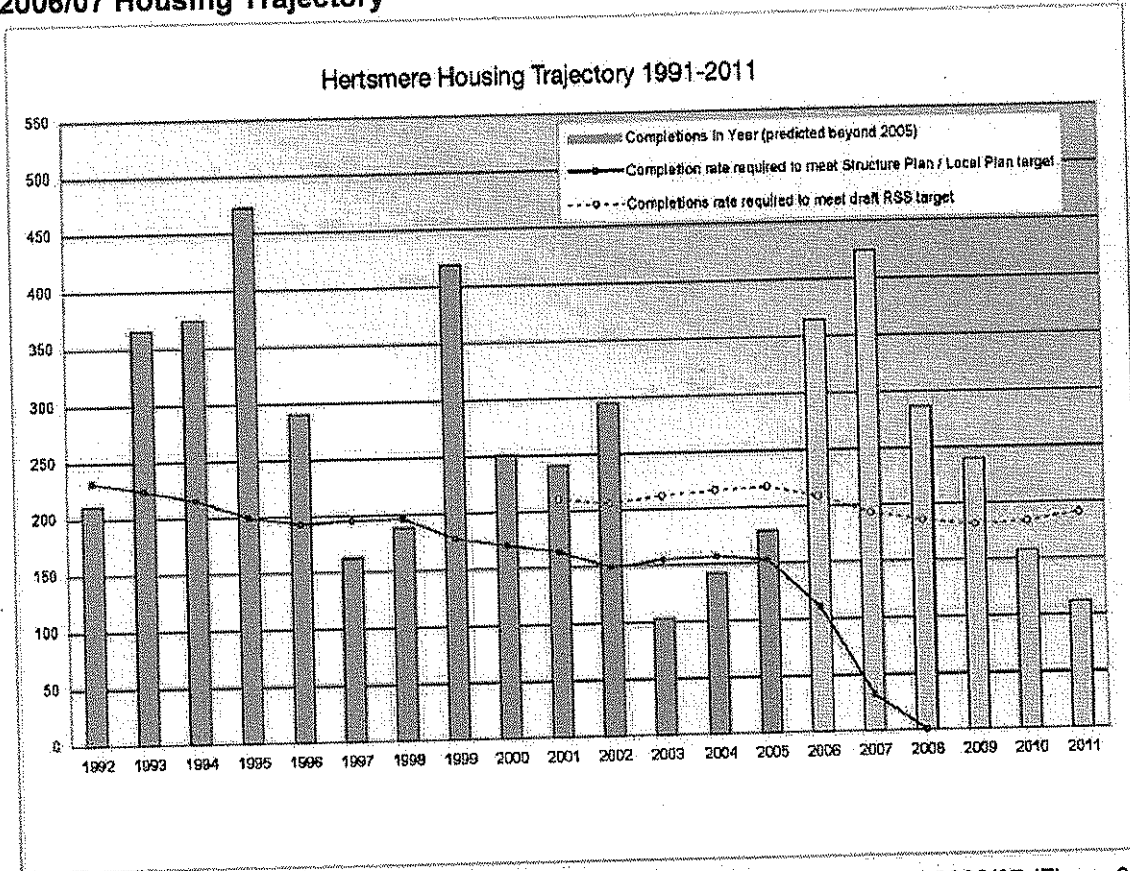
Annex A

This Annex provides a comparative analysis of the projected and actual housing completion rates in the Hertsmere District over the period of 2006/7-2010/11. Data is sourced from Annual Monitoring Reports (AMR) produced during this period, with baseline housing completion data for the period 2007-2011 extracted from Figure 2 of the Hertsmere District 2010/11 AMR.

Methodology

The analysis is split into a separate section for each AMR. The housing trajectories up until 2011 are analysed against the actual completion data, which is set out within the 2010/11 AMR. A surplus/deficit figure is calculated for the level of delivered completions compared with the original trajectory.

2006/07 Housing Trajectory



Extract from Hertsmere Annual Monitoring Report 2006/07 (Figure 3)

Trajectory for 2007-08	Actual completions	Surplus/Deficit
417	355	Deficit of 62

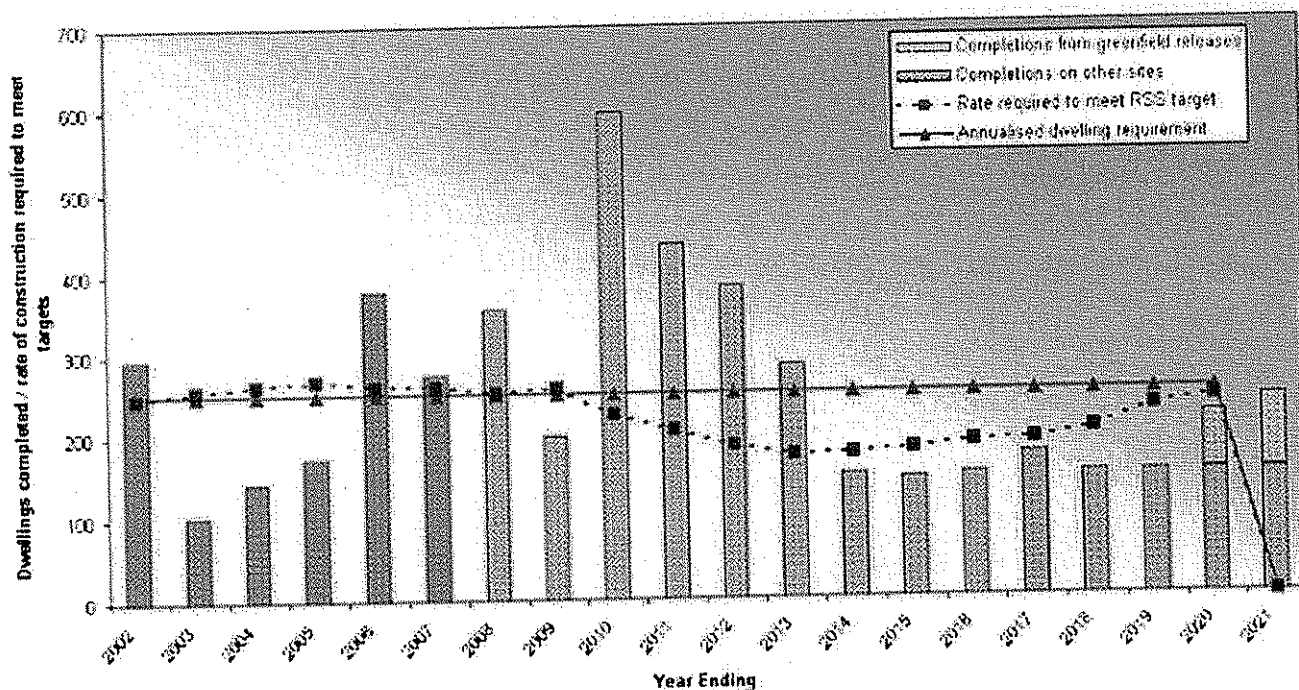
Trajectory for 2008-09	Actual completions	Surplus/Deficit
351	285	Deficit of 66

Trajectory for 2009-10	Actual completions	Surplus/Deficit
301	275	Deficit of 26

Trajectory for 2010-11	Actual completions	Surplus/Deficit
221	155	Deficit of 66

TOTAL DEFICIT = -220

2007/2008 Housing Trajectory



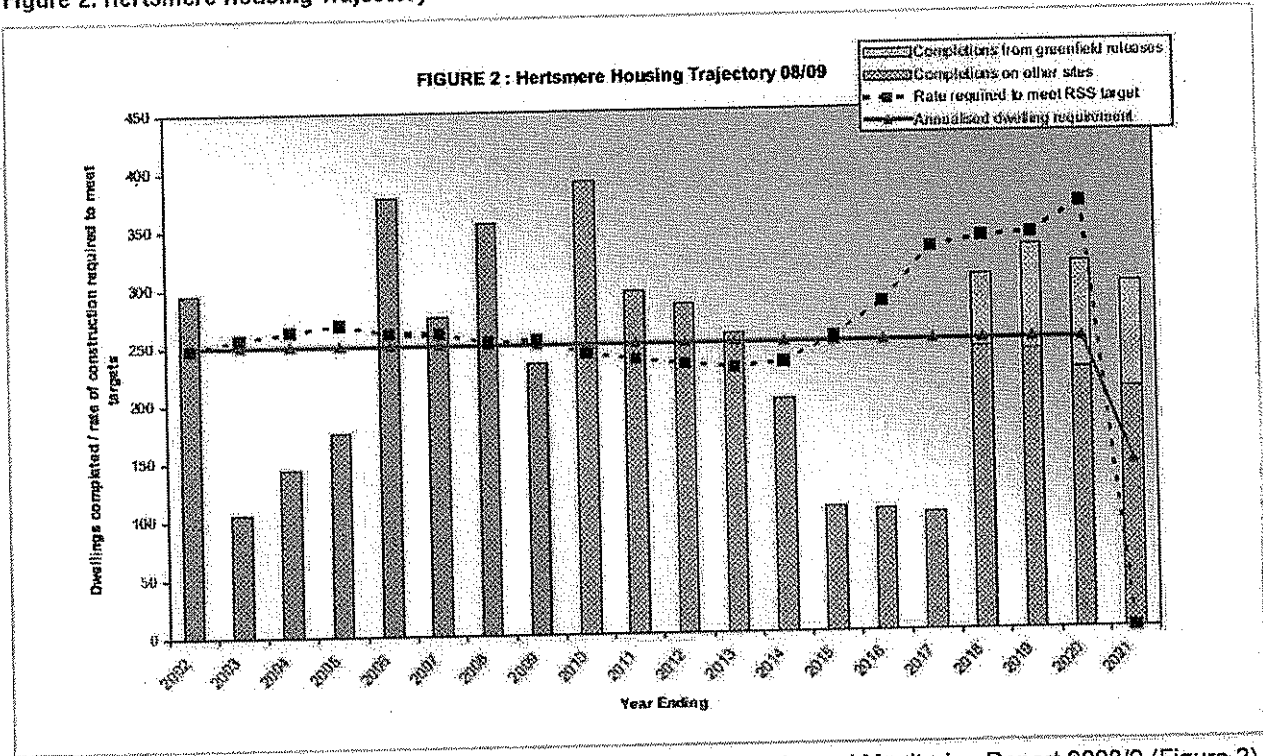
Extract from Hertsmere Annual Monitoring Report 2007/8 (Figure 2: Scenario 1)

Trajectory for 2008-09 (AMR Scenario 1)	Actual completions	Surplus/Deficit
200	285	+85
Trajectory for 2009-10 (AMR Scenario 1)	Actual completions	Surplus/Deficit
600	275	-325
Trajectory for 2010-11 (AMR Scenario 1)	Actual completions	Surplus/Deficit
430	155	-275

TOTAL DEFICIT = -515

2008/09 Housing Trajectory

Figure 2: Hertsmere Housing Trajectory



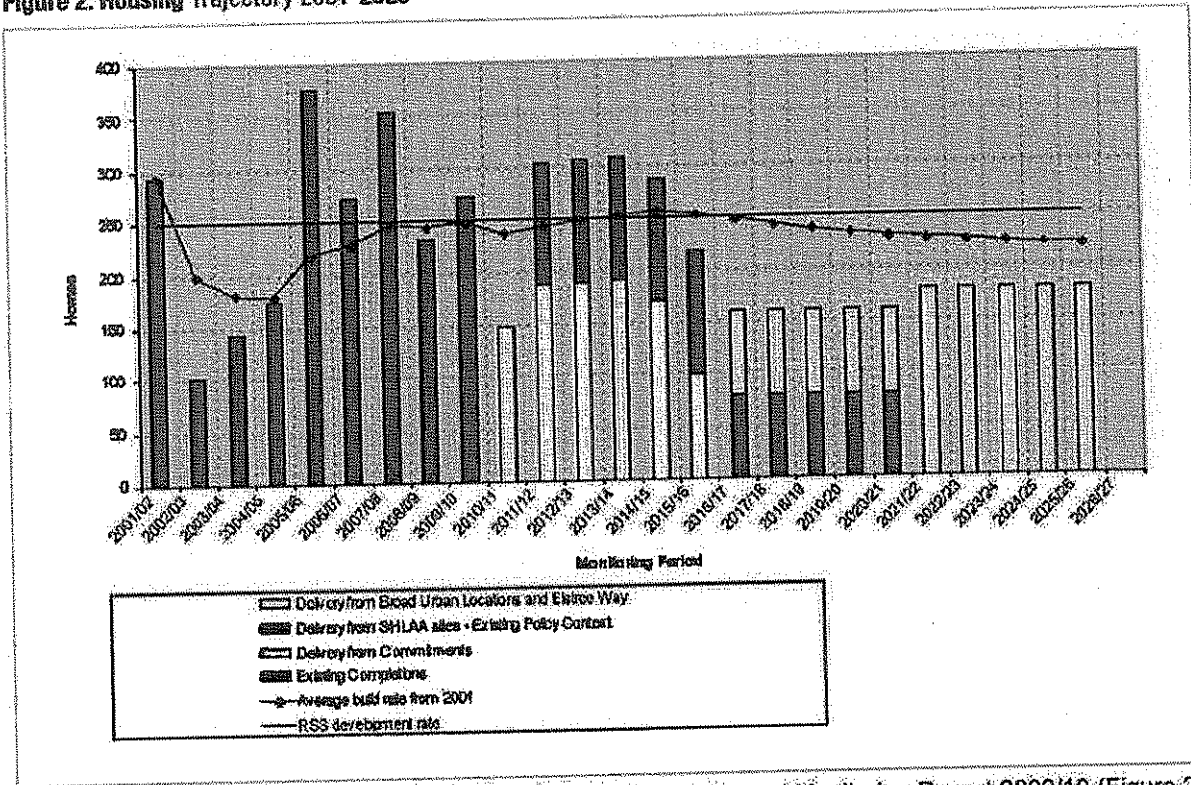
Extract from Hertsmere Annual Monitoring Report 2008/9 (Figure 2)

Trajectory for 2009-10	Actual completions	Surplus/Deficit
390	275	-115
Trajectory for 2010-11	Actual completions	Surplus/Deficit
295	155	-140

TOTAL DEFICIT = -255

2009/10 Housing Trajectory

Figure 2: Housing Trajectory 2001-2026



Extract from Hertsmere Annual Monitoring Report 2009/10 (Figure 2)

Trajectory for 2010-11	Actual completions	Surplus/Deficit
150	155	+5

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