



Planning and Building Control

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Dear Ms Travers,

Hertsmere Revised Core Strategy

Thank you for your letter of 29th February and enclosure of early matters on which you have invited a response from Hertsmere Borough Council.

Please find the following response to your questions.

1. Overall Housing Supply

Policy H1 of the East of England Plan (RS) requires Hertsmere to provide a minimum of 5,000 dwellings, between 2001 and 2021, equating to 250 dwellings per annum (dpa). Taking 2001-2006 completions into account, Policy H1 sets out a residual requirement of 3,920 for the period 2006-2021 (260 dpa).

Planning Policy Statements 3 and 12 require LPAs to plan for 15 year of housing supply from adoption of a Core Strategy (CS). Policy H1 of the RSS states that beyond 2021, Local Development Documents should be based on the higher annual rate of provision (260 dpa) i.e. a total requirement for 6,560 new dwellings in Hertsmere 2001-2027. In line with PPS3, the CS makes the provision for 15 years housing supply, starting from 2012, the year in which the Council seeks adoption of the Plan.

However, paragraph 5.6 of the RS with regard to the roll forward of targets states "Robust evidence will be needed to justify not doing so, for example green belt constraints in districts not proposed for green belt review." Within Hertsmere this is the case and Policy SS7 of the RS does not advocate a Green Belt Review in Hertsmere. 80% of Hertsmere is Green Belt.

The Inspector's letter dated 29th February 2012 states "Taking account of completions 2001-2011 (2,384 dwellings), the residual requirement is therefore 4,176 (278 dpa)." However, this figure does not take into account completions for the current monitoring period 2011/12, which will conclude on 31st March 2012. The SHLAA-derived projected completions for 2011/12 is 182 dwellings. In line with paragraph 5.6 of the RS, 250dpa is assumed after 2020/21. As a result, between 2001/02 and 20026/27, 6,500 dwellings (250 dpa) are required. 2,566 of this requirement is estimated to have been built 2001/02 to 2011/12, leaving a residual requirement of 3,934 homes to 2027.

In terms of the derivation of the RS Housing Target, the draft East of England Plan (2004) contained the option 1 figure for Hertsmere which was based on urban capacity and proposed a requirement of 4,200 (210 dpa). The Panel Report (2006) increased the housing figure by 19% as a rounding up, but specifically did not advocate a Green Belt Review in Hertsmere. The

proposed housing requirement in the CS is considered to be in general conformity with the RSS as it seeks to provide housing requirements, focused principally on the capacity of existing built up areas, as demonstrated by the SHLAA and without encroaching into the Green Belt.

The Core Strategy proposes a 15 year target (2012/13 to 2026/27) of 3,550 (237 dpa) new dwellings, reflecting the requirements of the East of England Plan and seeking to focus this on previously developed sites, taking account of the Green Belt constraints which exist in the Borough. Between 2001/02 and 2026/27 this equates to 6,125 new dwellings. This is approximately a 6% reduction from the RS, and is consistent with the approach in our adjoining borough of Three Rivers, where the Core Strategy was adopted with a housing target of 4,500 compared to 5,000 in Policy H1 of the RS. This housing figure was a return to the original ("Option 1") figure set out in the Draft East of England Plan, which was also based on an assessment of urban capacity in Three Rivers.

There is no clear rationale behind the RS requirement to continue housing targets after 2021, at a higher annual requirement, where housing delivery between 2001 and 2006 was lower than the required amount. However, housing requirements beyond 2021, have varied in different adopted Core Strategies across the East of England and for example, two recently adopted Core Strategies, in Kings Lynn and West Norfolk and in Ipswich, had lower residual rates after 2021. Both Core Strategies had greater annual housing requirements from 2006-2021, than over the 2001-2021 period. Kings Lynn and West Norfolk reverted to its 2001-2021 rate of 600 dpa instead of 630 dpa and Ipswich reduced its figure based on their SHLAA from 770 dpa to 700 dpa. Both were deemed not to undermine the RS.

The Council considers that its housing targets are within general conformity with the RS and notes that the East of England Plan >2031 (March 2010) also sought 5,000 new dwellings 2011-2031 (250dpa) for Hertsmere. Again, the Plan did not seek a Green Belt Review in Hertsmere.

2. General Conformity and the evidence base

The Council recognises that the current position at law, as a result of the series of "Cala Homes" decisions in the High Court and the Court of Appeal, is that it is unlawful for a Local Planning Authority in preparing its Core Strategy to take into account as a material consideration the Government's intention to abolish Regional Strategies. Thus any Core Strategy submitted before the abolition of Regional Strategies has been prepared on the basis that it is required to be in general conformity with the relevant Regional Strategy. It is noted that no statutory definition or National Policy Guidance exists in relation to what the phrase "in general conformity" means.

There is a clear evidence base which supports and underpins the Core Strategy including the evidence supporting both the RS and the draft RS to 2031.

Paragraph 2.28 of the CS recognises that a range of other options exist which could plan for greater or reduced levels of growth over the 15 year period of the Core Strategy, derived from the evidence base for the draft RS to 2031, which itself had been subject to an options/scenarios consultation. Higher housing numbers, based on greater provision for economic growth (5,295 new homes) and significantly increased rates of domestic and international migration (6,750 homes), generate increased potential housing targets over 15 years. Conversely, a number of other runs of the Chelmer model, based on zero net migration, produce targets as low as 2,300 (153 dpa) new homes, although these would not be consistent with either the adopted East of England Plan or the targets in the draft RS to 2031. The SHLAA and Infrastructure Topic Paper, as outlined below, provide a clear context for how the housing growth can be delivered and supported.

The CS housing allocation has evolved through various options and consultations during the course of preparing the CS. These have all been assessed at the appropriate stage in

Sustainability Appraisals, as summarised below and clearly set out in full in the Sustainability Appraisal report.

Table 2.a Summary of Assessment of Alternative Growth Options Sustainability Appraisal 2010

Number	Option	Performance		
		Economic	Environmental	Social
1	2,300 dwellings	+/-	++	+/-
2	3,200 dwellings	+	+/-	++
3	3,900 dwellings	+	-	++
4	5,300 dwellings	++	-	+/-
5	6,750 dwellings	++	---	+/-

Pre Submission and Submission

This rate of housing growth sought in the CS is based on housing needs and what can be delivered in the Borough, taking into account the availability of land, environmental and infrastructure constraints. Following the SHLAA update (2011), there is anticipated to be sufficient land from existing commitments, identified sites and subsequently, urban broad locations to enable the housing target to be met without a need to release land in the Green Belt for development. The social, environmental and economic effects of this approach are clearly articulated in the Sustainability Appraisal report.

The approach taken in the submitted CS was considered to be the most sustainable of the options tested during the production of the Core Strategy in respect of their social, environmental and economic impact and given the clear constraints in an area such as Hertsmere.

Public participation and consultation

In 2005 an initial questionnaire was sent to all households in Hertsmere to gauge opinion on key issues as well as providing the opportunity for householders to be included on the LDF mailing list for future consultation. Almost 1,000 responses were received, identifying several issues as residents' priorities:

- protection of the Green Belt;
- protection of open space in towns;
- protection of local shopping facilities;
- protection of wildlife and habitats;
- reduction of traffic congestion; and
- protection of listed buildings / conservation areas

The Core Strategy has not been prepared in isolation as a technical exercise and the Council sought to take into account the views of the public, the results of consultations and the views of the LSP helped to shape the vision and objectives of the Core Strategy. The vision and the objectives have informed the production of the Core Strategy.

SHLAA

The Council's Strategic Housing Land Availability Assessment (SHLAA), published in 2010 and updated in 2011, has identified sufficient land available and deliverable across the Borough to accommodate 3,550 homes over the next 15 years without developing on greenfield land in the green belt. In 2011, there were over 1,200 homes with planning permission in the pipeline, which together with a significant number of potential development sites which have been identified, is anticipated to avoid a need to release Green Belt land for housing development.

Whilst the draft National Planning Policy Framework does suggest that for the first five years of the plan period, local authorities should identify sites to meet at least 120% of the annual requirement, the draft Planning Policy Framework has produced a wide range of critical responses and it is anticipated that there will be substantial changes to the draft when the final version emerges

Infrastructure

The existing infrastructure of the Borough is recognised to have some limitations and without further investment, significant further housing development in the borough would be difficult to accommodate. The Council has commenced work on its CIL charging schedule, including a CIL viability assessment, and its existing Planning Obligations provides a clear methodology for securing financial contributions for local services run by this Council, resulting in the negotiation of over £500,000 in 2011. Significant and generally, greater levels of funding are also collected through s106 for Hertfordshire County Council for its services including highways, passenger transport and education. Hertsmere Borough Council has also taken a leading role in submitting two bids to Local Enterprise Partnership for the Growing Places Fund and has now been shortlisted for a funding award for one of the bids. The infrastructure issues are set out in the Infrastructure Topic Paper and Hertfordshire Infrastructure and Investment Strategy.

3. Housing land supply

The update to PPS3 with respect to the classification of residential gardens not being Previously Developed Land (PDL) and the removal of the national minimum density was discussed in paragraph 3.6 of Strategic Housing Land Availability Assessment (SHLAA) Main Report (September 2010). Paragraph 4.40 mentions the removal of the 30 dwelling per hectare national minimum density for residential development. Paragraph 5.12 considers both changes in relation to the Council's estimates for the housing yield from broad locations over the final 5 years of the 15-year housing supply period. The SHLAA Update Report (2011) builds on previous assumptions established in the SHLAA report (2010).

Within both documents, the Council has recognised that the change to PPS3 in regard to the classification of residential gardens as PDL is material in making any assessment of the suitability of sites for residential development. This change could also impact upon the quantity of land coming forward for such development from broad locations as windfall. However, it should also be noted that the Council is not of the opinion that this change prohibits either the development of residential gardens for housing or the demolition and replacement of existing residential properties and as such does not consider that there would be any significant impact on the supply of such land. Planning applications continue to be granted for residential schemes within the curtilage of existing residential properties across the borough.

Paragraph 3.6 of the SHLAA Report (2010) makes clear that "greenfield" status does not prevent sites coming forward' and that 'there is currently no council policy which would resist development on private gardens and no justification to discount them as not developable, with proposals being considered on their individual merits.' Paragraph 5.12 states 'the revisions do not affect the principle of development and future supply will be guided by updated design guidance issued by the Council.' Indeed, it is important to recognise that the Council has an adopted (November 2006) Planning and Design Guide Supplementary Planning Document (SPD) that resists unacceptable forms of development. The Council assess all proposed residential development against the criteria set out in this SPD. This is reflected within the historical data that forms the basis for the Council's estimation of the likely yield from broad locations and the Council will continue to assess applications in this way, with no presumption against the acceptable development of residential garden land proposed.

The Council has also recognised that the change to PPS3, in relation to the national minimum density, is material in the assessment of any proposed residential for development and, thus, also

has the potential to impact on the amount of housing yielded from broad locations as windfall. However, the Council does not have density guidelines or standards in either its adopted Local Plan or the Planning and Design Guide and so again does not consider that this change would have a significant impact on housing supply from windfall sites, with such planning applications continuing to be determined on their individual merits.

Paragraph 4.40 of the SHLAA Report (2010) puts forward the view that 'given the nature of the housing market in Hertsmere, and the average density of new housing across most of the Borough, it is not considered the approach taken in the SHLAA should be reviewed at this point' on account of the deletion of the national minimum density requirement from PPS3. This methodology was endorsed by a wider stakeholder group including developers and local agents and paragraph 5.12 states that 'the average density of housing completions in the Borough in 2009-10 was 32 dwellings per Ha which suggests there is no immediate need to review this approach.' Section 9.1.2 of the Council's Planning and Design Guide SPD makes clear that a degree of flexibility is required in arriving at the suitable density for a residential development and that this process should carefully consider the character of an area.

The Council considers that its overall approach to estimating housing supply from broad locations is consistent with that advocated through the July 2007 SHLAA: Practice Guidance. The SHLAA (2010) and SHLAA Update (2011) set out the Council's approach to both identifying the source of windfalls and making an analysis of likely future trends.

All calculations of housing supply from broad locations have been calculated using historical completions resulting from windfall between 2002/03 and 2010/11. As recommended in paragraph 51 of the SHLAA Guidance, averages have been taken across this period. The approach is also consistent with the SHLAA guidance as it categorises sites to take into account the differences between urban and rural locations, which have yielded very different levels of windfall housing in the past. Table 3a below shows the workings for this approach and is copied from the SHLAA Update Report.

Table 3a Estimated housing yield from broad locations

Year	Net completions unplanned in urban area	Net completions unplanned in rural area
2002/03	70	7
2003/04	125	1
2004/05	170	4
2005/06	190	64
2006/07	78	40
2007/08	251	19
2008/09	75	33
2009/10	185	28
2010/11	147	3
Average	143	22

The recent SHLAA Update (2011) also extended the period from which these average figures are derived, including the year 2010/11. This has ensured that the final figures are informed by the most recent monitoring information possible and has, thus, allowed the Council to produce an estimate that reflects any increase/decrease in the annual rate of housing delivery, growth/decline in the pattern of redevelopment and market conditions. Paragraphs 51 and 52 of the SHLAA Guidance advocate such an approach.

The Council's estimate of likely housing yield from broad locations is deliberately conservative. It can be seen that the average number of completions per annum from urban and rural windfall sites between 2002/03 and 2010/11 was 143 and 22, respectively. Corresponding estimations of 100 and 15 new homes per annum from these two sources – both figures being approximately

70% of the average annual number of completions – incorporates a safeguard against any unexpected change in likely future completion levels, such as a downturn in house building resulting from further economic problems. Paragraph 5.12 of the SHLAA (2010) shows that this type of estimated figure was always intended to provide a safeguarding against future changes that could impact on housing delivery.

The estimation for housing delivery from windfall sites is only applied to the final 5 years of the 15-year housing supply period. In line with paragraph 51 of the SHLAA Guidance, the Council has ensured that no double counting takes place. No SHLAA sites (as detailed in appendix 5 of the SHLAA Update 2011) are allocated to these final 5 years, ensuring that these sites are not counted twice. Although housing yield from the Elstree Way Corridor (EWC) is included within the final 5 years, this is not considered within windfall. The EWC is identified in policy CS22 of the Revised Core Strategy Development Plan Document (DPD) and will be subject to a detailed policy in the forthcoming Site Allocations DPD and its own Area Action Plan DPD.

The size of sites included within the completions data used in calculations of future housing supply from broad locations, corresponds with the definition of windfall as set out in the SHLAA Guidance (footnote 28 on page 19) which includes 'small sites such as a residential conversion or a new flat over a shop'. Paragraphs 5.6-5.12 of the SHLAA (2010) states that only unallocated sites were included in the completions data although given the above definition of windfall, it was considered reasonable to include unallocated sites of all sizes within this data set. It is also reasonable to assume that some larger sites will come forward, within years 1 to 10 and for which there is no windfall allowance.

The Council's makes a commitment within both the CS, SHLAA (2010) and SHLAA Update (2011) Reports to monitor the availability of land and update the SHLAA and housing trajectory accordingly.

4. Key Diagram and Proposal Map

The Council is satisfied that the CS gives adequate information about the geographic application of the policies and proposals.

The Key Diagram provides a spatial illustration of the CS but the exact boundaries of the Employment Sites (CS8), Safeguarded Land (CS8) and Local Significant Employment Sites (CS9) are to be defined in Site Allocations DPD as indicated in Table 1 of the CS. A revised proposal maps will be produced to support this DPD informed by the Employment Site Allocations Study (2011) and Addendum (2012), Local Significant Employment Study (2008) and Update (2010) provide site specific details. The adopted Local Plan Proposals Map illustrates the boundaries of the employment areas as defined in CS8. Appendix 6 of the CS sets out the relationship between the CS and existing saved Local Plan policies.

The Local Plan Proposals Map will be superseded by a new Proposal Map to support the Site Allocations DPD.

I hope that this letter has satisfactorily answered your questions. However, I would be happy to provide further clarification at any stage.

Yours sincerely



Mark Silverman
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