

**HERTSMERE LOCAL DEVELOPMENT FRAMEWORK**

**REVISED CORE STRATEGY**

**OPENING STATEMENT ON BEHALF OF  
HERTSMERE BOROUGH COUNCIL**

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## **INTRODUCTION**

Firstly I confirm that the Hertsmere Revised Core Strategy has been prepared in accordance with all relevant statutory provisions and has complied with all relevant Regulations.

The backdrop against which Development Plan Documents are prepared has been a rapidly changing landscape over the last six months or so. The Localism Act received Royal Assent on 15 November 2011 and contained within it “a *Duty to Co-operate*”. The same Act contains a proposal to abolish Regional Spatial Strategies. That intention, and the weight to be given to it, has been the subject of litigation through the Courts (Cala Homes). On 27 March 2012 the National Planning Policy Framework (NPPF) was published and took immediate effect. Previous government policy guidance, including PPS12 (Local Spatial Planning) was cancelled. I now deal briefly with the main issues which arise from the changed landscape.

### **1. THE LOCALISM ACT 2011 AND THE DUTY TO CO-OPERATE**

The Duty to Co-operate, which is in S.110 of the Localism Act and came into effect on 15 November 2011. Because the Hertsmere Revised Core Strategy was submitted after that date, it is required to comply with the Duty. Para. 182 of the NPPF confirms that the Inspector at Examination will assess whether the Plan has been prepared in accordance with the Duty to Co-operate. The Council’s Regulation 30(1)(d) Consultation Statement contained a Statement of Collaboration. Furthermore the Council has issued a detailed Positive Preparation Statement which contains a detailed analysis of how it has fulfilled the Duty to Co-operate. Importantly the Revised Core Strategy seeks to meet Hertsmere’s needs within the Borough and the Council has not received any requests to meet unmet need arising in neighbouring authorities.

### **2. THE NPPF AND THE TEST OF SOUNDNESS**

Para. 182 of the NPPF sets out that:-

*“The Local Plan will be examined by an independent Inspector whose role is to assess whether the Plan has been prepared in accordance with the Duty to*

*Co-operate, legal and procedural requirements, and whether it is sound. A Local Planning Authority should submit a Plan for examination which it considers is ‘sound’ – namely that it is –*

- ***Positively Prepared*** – *the Plan should be prepared based on the strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- ***Justified*** – *the Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- ***Effective*** – *the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- ***Consistent with National Policy*** – *the Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”*

The Council commends the Revised Core Strategy to you on the basis that it complies with the tests of soundness. This will of course be tested in the Examination sessions over the next three days. The new requirement for “Positive Preparation” is dealt with in the Council’s detailed Positive Preparation Statement.

Para. 151 of the NPPF sets out that:-

*“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.”*

The Revised Core Strategy tackles the presumption in favour of sustainable development by balancing housing need and economic development

requirements with the need to protect the Green Belt. The RSS does not propose a strategic review of the Green Belt in Hertsmere. Furthermore the Council has exercised the local choice of protecting the Green Belt whilst at the same time meeting local needs in the urban areas. A stroll down the Elstree Way corridor outside these offices will demonstrate how those sustainable development policies in the Core Strategy are already coming to fruition with a number of housing developments currently underway.

### **3. GENERAL CONFORMITY WITH THE RSS**

Although the RSS is, we are told, to be abolished, that abolition has not yet taken place. There is therefore a requirement for the Revised Core Strategy to be in general conformity with the RSS and the upshot of the Cala Homes litigation is that for Local Plans the government's intention to abolish RSS's is not a material consideration in the examination of these Local Plans. The Revised Core Strategy has been prepared on that basis. The Council's position is that the Revised Core Strategy is in general conformity with the RSS. I note that there is no generally accepted definition of the words "*in general conformity*" and there is no longer an ability to obtain from the Regional Office a Statement of General Conformity. The RSS requires Hertsmere to provide a minimum of 5,000 dwellings between 2001 and 2021 equating to 250 dwellings per annum. Taking 2001-2006 completions into account, the RSS sets out a residual requirement of 3,920 dwellings for the period 2006-2021 (260 dpa). The Revised Core Strategy proposes a 15 year target (2012/13 – 2026/27) of 3,550 (237 dpa) new dwellings. The Council proposes approximately a 6% reduction from the RSS figure and is consistent with the approach in the adjoining Three Rivers Council whose Core Strategy was adopted with a housing target of 4,500 dwellings compared with 5,000 in the RSS.

However, and importantly, the NPPF has made certain changes to Policy. Firstly the limited infilling or the partial or complete redevelopment of previously developed sites (Brownfield land) are no longer inappropriate development if the redevelopment would not have a great impact on the openness of the Green Belt and the purpose of including land within it than

the existing development (NPPF Para 89). The Council has conservatively estimated that an additional 177 dwellings, or 166 dwellings net of a 6% lapse rate, are likely to come forward from this source.

Additionally the NPPF (Para 48) states that:-

*“Local Planning Authorities may make an allowance for windfall sites in the five 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”.*

The Council has produced historic windfall figures and considers that the Council should be able reasonably to include an allowance for windfall sites within the 1-5 and/or 6-10 year periods of the 15 year housing trajectory, reflecting the broad locations already identified in the SHLAA for years 11-15.

For the period 2002/3 to 2010/11 an average of 44 units per year were delivered from windfall sites as part of schemes yielding fewer than 10 units. Setting a windfall allowance at a conservative level of 70% of the annual average would give an additional supply of approximately 30 units a year.

The adjustments introduced through the NPPF have provided the Council with the confidence to demonstrate that it is capable of meeting 100% of the RSS target of 3,900 on the basis that over 300 additional units can be delivered through “other Green belt” specific sites and windfall from broad locations in years 6-10, whilst allowing nothing in years 1-5.

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