

Hertsmere Revised Core Strategy DPD EIP

Hearing Statement - Matters 1 & 2

Representation Ref. 4312 - CEMEX UK LTD

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Introduction

This statement has been prepared by Drivers Jonas Deloitte on behalf of CEMEX UK Ltd to respond to the following matters raised by the inspector as part of Hertsmere Revised Core Strategy DPD (RCS) Examination Hearings:

- Matter 1 - Overall strategy and housing provision (RCS generally, Policies CS1, CS3 and CS22)
- Matter 2 – Distribution of housing and approach to the Green Belt (Policies CS2, CS12 and CS14).

Each of the matters, and the issues raised by the inspector are dealt with in turn in this report.

All responses to the Inspector's issues are made in the context of the CEMEX site at Kemprow Farm, Radlett.

Kemprow Farm

Within the Hertsmere Borough area, CEMEX own the 40ha Kemprow Farm. This site comprises of open land currently in agricultural use.

These representations relate to an area of up to 17.5 hectares that CEMEX wish to promote for residential development, to the east of the pylons running north-south through the Kemprow Farm site. A site map of the plot is was included as part of representations submitted in response to the pre-submission draft Core Strategy Consultation. The address of the site is as follows:

CEMEX Radlett

Kemprow Farm

Blackbirds Lane

Radlett

Hertfordshire

Kemprow Farm is located on Green Belt land on the western fringe of the settlement of Radlett. A small area of the site is designated as a Wildlife Site on the adopted Proposals Map. The site is approximately 1km from Radlett town centre and railway station which provides access to central London. The south eastern corner of the site extends to the existing residential urban area of Watford Road, Dellfield Close and Hawtress.

In the context of the adjacent Radlett settlement boundary and proximity to the town centre, CEMEX consider that the site offers a sustainable and accessible location for residential development, forming a logical extension to existing residential areas.

CEMEX has previously submitted representations in respect of this site in response to consultations for the following LDF documents and evidence base:

- Core Strategy Issues and Options (2006);
- Site Allocation Consultation (2006);

- Core Strategy Preferred Options December (2007);
- Pre-Submission Submission consultation (2009);
- Hertsmere SHLAA Draft Assessment (2010);
- Draft Revised Core Strategy Regulation 25 Consultation (2011); and
- Revised Core Strategy DPD Pre-submission Draft Consultation (2011).

Matter 1 – Overall Strategy and Housing Provision

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?

- 1.1.1 The Revised Core Strategy (RCS) is not consistent with National Policy, in the form of the National Planning Policy Framework (NPPF). The NPPF requires Local Authorities to significantly boost their supply of housing and as part of the presumption in favour of sustainable development, they will be required to “*meet objectively assessed needs with sufficient flexibility to adapt to rapid change*” as part of the plan making process.
- 1.1.2 LPAs must use their evidence base to ensure the Local Plan fully meets the objectively assessed needs for market and affordable housing in the Housing Market Area. As demonstrated below, the LPA have chosen to adopt a housing target lower than the EEP housing requirement, a figure underpinned by a robust and examined evidence base. The housing need for the Borough, identified by the sub-regional SHMA exceeds both the RCS figure and EEP target, therefore failing to meet identified housing needs.
- 1.1.3 LPAs are also required to “*identify key sites which are critical to the delivery of the housing strategy over the plan period*”. Hertsmere Borough Council (HBC) fails to provide broad locational information on these key sites, instead referring to the delivery of housing in general areas of the Borough, such as the Elstree Corridor, which is not identified as a strategic site on the Core Diagram.
- 1.1.4 It is mandatory for LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide five years of housing against the housing target, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition. Where there is persistent under-delivery, the buffer is raised to 20%.
- 1.1.5 In order to ensure compliance with this element of the NPPF, HBC should determine within the RCS whether it considers itself to be a sound performer in terms of housing delivery in accordance with housing targets, or a persistent offender of under-delivery.
- 1.1.6 The following table shows gross and net housing gain, as recorded in the Hertsmere Borough Council Annual Monitoring Reports, published annually between 2006 and 2011. On the basis that the EEP housing target for the Borough is 250 units per annum, the LPA has underperformed in two of the last three monitoring periods. In addition, EIP document EC05 – response letter from HBC to the Inspector dated 4 April 2012, suggests that the SHLAA derived completions figure for 2011/12, which will inform the 2011/12 AMR, is 182, and indicative of another annual under delivery.

Year	Gross	Lost	Net
2010/11	225	69	156
2009/10	331	58	273
2008/09	328	95	233
2007/08	355	-	-
2006/07	274	-	-
2005/06	407	-	-

- 1.1.7 The requirement for the identification of an additional 5% or 20% of housing supply taken from that anticipated in years 5-15 will lead to a gap between the housing land supply over the plan period, the housing need in the Borough and the housing target set by the Core Strategy.
- 1.1.8 The RCS is not in general conformity with the EEP. Although the RCS claims (at paragraph 2.26) that the proposed quantum and distribution of housing development would be in '*general conformity*' with the East of England Plan 2001-2021 (EEP), rolled forward to the end of the Revised Core Strategy plan period (2027), CEMEX does not agree.
- 1.1.9 The EEP housing target for Hertsmere is 5,000 units over twenty years (250 units per annum). Applying the EEP figures to a 15 year period, a housing target in conformity with the EEP would be 3,750 units, 200 units in total greater than that proposed by the RCS. This figure does not take into account shortfalls in completions during the first ten years of the EEP plan period.
- 1.1.10 No justification has been provided to demonstrate why this 200 unit difference has not been considered by the RCS or acknowledgement that this shortfall is inconsistent with the EEP. Similarly, the HBC Strategic Housing Land Availability Assessment (SHLAA) Update (November 2011) acknowledges that the housing target of 3,550 is in conformity with the EEP which is incorrect.
- 1.1.11 CEMEX suggest that Policy CS1 is amended to accommodate the requirement for these further dwellings. It is considered that a good proportion of these additional dwellings could be provided following consideration of Green Belt boundaries in the context of sustainable sites which lie adjacent to existing residential development, providing a logical extension to settlements, with good access to services and transport links. The Kemprow Farm site represents a deliverable site, currently overlooked due to the commitment of HBC to maintain the Green Belt.
- 1.1.12 The SHLAA update identifies that there is sufficient land supply for 3,716 dwellings over a 15 year period, or 3,559, when the lapse rate is applied. This is broadly equivalent to the RCS housing target of 3,550 and CEMEX suggest that the housing target has been applied on the basis that this accords with where land is available in preferred locations (previously developed sites and urban locations) to avoid Green Belt release, rather than assessing housing need in the Borough. CEMEX consider that housing land availability does not reflect housing need.

1.1.13 The London Commuter Belt (West) Strategic Housing Market Assessment (SHMA) 2008 covering the period 2007-2021 demonstrates a housing need which exceeds the RCS Housing Target. The SHMA identifies a need for 3,600 new dwellings in Hertsmere during the period 2007-2021. On an annual basis, this amounts to 257 dwellings per annum, a figure greater than the EEP housing target. Applied to the fifteen year RCS plan period, this annual requirement amounts to a total housing need of 3,857, demonstrating that housing need exceeds even the EEP housing target and further emphasises the necessity of some selective Green Belt release during the plan period.

1.1.12 CEMEX find the policy unsound for the following reasons:

- It is not justified due to flaws in the evidence base; and
- It is not effective due insufficient flexibility

Issue 1.2

In general, is the RCS based on a sound assessment of the socio-economic and environmental characteristics of the borough and its relationship with adjacent areas? Does it take proper account of the strategies and plans for those areas? Has the duty to co-operate been satisfied?

- 1.2.1 As part of the London Commuter Belt (West) Sub-region, Hertsmere housing need has been assessed on a sub regional basis as part of the Sub-regional Strategic Housing Market Assessment (2008). This accords with the requirements of the NPPF to work with neighbouring authorities when market areas cross administrative boundaries. However, we can see no evidence within the RCS to suggest that the cross boundary cooperation has led to the consideration of the delivery of housing numbers that neighbouring authorities may be unable to provide adequate sites for, as suggested by the NPPF as 'positive plan making'.
- 1.2.2 The demographic data used within the SHMA, which therefore forms part of the RCS evidence base has been updated and demonstrates that housing need is likely to escalate further. The East of England Household Projections (DCLG, 2010) state that the region's population is due to grow by 856,000 between 2008 and 20231. The SHMA is based on 2008 ONS population projection figures and this demographic data set is now out of date.
- 1.2.3 The RCS acknowledges that the Borough benefits from good road and rail connections to Central London, resulting in 37% of the working population commuting to London. Furthermore, Paragraph 2.4 notes that the population of the Borough is expected to increase by 16% by 2028, with a significant rise in the population of pensioners. As such, the Borough is likely to continue to attract inward migration, a proportion of the region's population growth and a growth in the number of households as pensioner numbers increase. Over the 15 year plan period, such demographic change is going to have implications on household numbers and housing need. While the RCS acknowledges these projections, the housing numbers proposed do not reflect the changes anticipated in population and households over the plan period.
- 1.2.4 As detailed further in the response to issue 2.4, the RCS is not consistent in its assessment of the settlement of Radlett and the housing distribution is now reflective of the settlement hierarchy of the RCS.

¹ Table 2.5, *Updating the DCLG's Household Projections to a 2008 Base: Final Report*, DCLG, December 2010)

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?

- 1.3.1 Please also refer to CEMEX's response to issue 1.1.
- 1.3.2 The SHLAA update identifies that there is sufficient land supply for 3,716 dwellings over a 15 year period, or 3,559, when the lapse rate is applied. This is broadly equivalent to the RCS housing target of 3,550 and CEMEX suggest that the housing target has been applied on the basis that this accords with where land is available in preferred locations (previously developed sites and urban locations) to avoid Green Belt release, rather than assessing housing need in the Borough. CEMEX consider that housing land availability does not reflect housing need in the Borough and is therefore an unsound approach.
- 1.3.2 There remains a clear need in the region to deliver new housing and to manage affordability, and this is an objective of the RCS, as well as the Borough's Housing Strategy (2009-2014) which seeks to maximise the delivery of affordable homes. This is reiterated within the Borough's Spatial Strategy which states that the Core Strategy provides a framework for "meeting a range of Local Housing needs". Limiting the housing supply to a level below that required by the adopted and Draft EEP and NPPF, will not provide an adequate supply of dwelling to support growth in the Borough.

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?

- 1.4.1 The Revised SHLAA (November 2011) identifies at *Table 3* sites that are deemed to have a “good degree of certainty that they will come forward” over the plan period. This comprises sites allocated in the 2003 Local Plan, sites currently under construction, those with outline planning permission and those with detailed planning permission.
- 1.4.2 These sites together make up 1,182 units, representing almost a third of the 15 year housing supply for the borough. Almost half of this total (515 units) is identified from sites with either outline or detailed planning consent. This is not considered to be a sound approach to identifying housing provision and therefore, there is inadequate justification for the supply expected from existing commitments.
- 1.4.3 Of the 325 units identified, before lapse reductions benefitting from detailed planning consent, 48 have already had their permissions expire (as at 01/04/2012) should they not have been implemented in the last 12 months. By way of example, the two highest yielding permissions (TP/08/0519 and TP/06/1469) totalling 30 units, have had no conditions discharged and have therefore expired.
- 1.4.4 Consents for a further 34 units will have expired by the end of this year should they not be implemented in this time. As an example, the highest yielding consent of these (TP/08/1611) at 12 units, is yet to have any conditions discharged and will expire by early June if unimplemented.
- 1.4.5 With regard to sites with outline consent, the second largest consent (TP/07/2223) at 40 units, has now expired with no reserved matters submitted. Some of the outline consents, totalling 36, were approved subject to Section 106 legal agreements.
- 1.4.6 As highlighted above, the approach taken to identifying commitment sites is deemed inappropriate, flawed and is an inadequate justification for supply.

Issue 1.5

Is the reliance on the Elstree Way Corridor for housing supply in the plan period justified?

Has it been given appropriate priority in the RCS and is the policy area clearly identified?

What is the current timescale for adoption of the AAP?

Does the reference in Policy CS22 to the Elstree Way Supplementary Planning Guidance give reasonably clear guidance for development in the interim period?

What is the status of the Feasibility Study (2011)?

- 1.5.1 The reliance on the Elstree Way Corridor, providing for 800 residential units during the plan period is not justified. The RCS itself acknowledges that, despite an SPG for the area being agreed in 2003, new development in this area has remained piecemeal and largely unsuccessful.
- 1.5.2 Multiple land ownerships and conflicting objectives and timescales have no doubt frustrated a more comprehensive development in this area. Together with the lack of up to date guidance this means that reliance upon this area providing for a significant proportion of the required housing supply is not justified.

Issue 1.6

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

- 1.6.1 The envisaged housing supply for the later periods of the RCS places a heavy reliance upon new housing numbers being developed within the Elstree Way Corridor and on unidentified sites. For the reasons set out in our response on Matter 1.5 and in accordance with the requirements for good positive planning for housing growth as set out in the NPPF, the current housing supply is not considered effective. To be effective the RCS should identify longer-term allocations/safe-guarded sites and a commitment to a review of Green Belt boundaries if required by an under-performance relative to the 5-year land supply.

Matter 2 - Distribution of Housing and Approach to the Green Belt

Issue 2.1

Is the proposed distribution of new housing based on sound assessment of the most sustainable options? Are the broad levels of growth at particular settlements appropriate?

- 2.1.1 CEMEX agree that the proposed distribution fairly reflects a sound assessment of the sustainability of each settlement.
- 2.1.2 Over 60% of the anticipated supply for the whole borough is anticipated to be at Borehamwood, whilst only 2.5% is anticipated to be at Radlett. CEMEX struggle to comprehend how this proposed distribution can be aligned with the statement at paragraph. 3.13 that “there is also a need to avoid any one town becoming disproportionately overloaded in new housing at any one time”.
- 2.1.3 CEMEX object to the limited percentage share of the distribution of housing land to “Radlett and other settlement locations” of between 5% and 10%. This is an insufficient proportion of the housing allocation for a settlement identified on the third level of the settlement hierarchy. In particular, para.2.39 sets out the reason for why Radlett has only been attributed 2.5% of the new housing supply and justifies this on the basis that Radlett is considered to have limited scope and capacity for significant growth due to a lack of key community facilities and infrastructure. However, this contradicts the profile of the settlement provided in the Settlement Hierarchy in Table 6 which identifies Radlett as a district centre “*servicing local residents and visitors from further afield*”. It is also noted that Potters Bar, which has a very comparable level of existing retail floorspace to Radlett is afforded a distribution over four times that allocated to Radlett.
- 2.1.4 The proposed distribution also completely fails to acknowledge that new developments can deliver improvements to local infrastructure to help overcome shortfalls in capacity as a result of new residents. Radlett has the capacity, and indeed a need, to provide new and regenerate community infrastructure, ensuring sufficient and adequate levels of new housing development is a key way in which this can be realised – 98 dwellings over a 15 year period will not be able to realise any tangible improvements to local infrastructure.
- 2.1.5 Finally, further to Minor Amendment MA/4, the RCS is now inconsistent. MA/4 acknowledges that there will actually be a surplus of primary school places in Radlett by 2014. This requires that a change be made at paragraph 2.29 where the text suggests that a shortfall in primary school places is a restraint to significant new development. This oversight demonstrates that the proposed housing distribution is not based upon a sound assessment of the relative sustainability of each settlement.

Issue 2.2

Is the proposed replacement of Policy H4 of the Hertsmere Local Plan, which provides safeguarded land for housing, justified and clearly explained? Is it consistent with the approach to safeguarding land for employment?

- 2.2.1 The RCS does not safeguard any sites for housing. This is entirely inconsistent with the approach adopted for employment land (Policy CS8), where a number of sites are safeguarded specifically to afford flexibility in the delivery of a consistent supply of new development land. CEMEX contend that the RCS should consider the identification of safeguarded land for housing purposes as well, such that if envisaged supply does not materialise, a ready supply of alternative land is already identified.

Issue 2.4

Are there sufficient reasons to conclude that there is no need for the RCS to provide for limited release of sites for housing in the Green Belt?

- 2.4.1 CEMEX have set out in response to previous matters that there is insufficient flexibility within the proposed level and distribution of new housing. The distribution is inappropriately focused on too few settlements and fails to provide for any contingency or certainty if new housing is not delivered in locations such as the Elstree Way Corridor. That being the case, a fairer distribution of new housing is required together with a diversification of the potential source of new housing sites. This should include scope for green belt release

Issue 2.5

Overall, are the proposals for housing provision and its distribution reasonably flexible? Is there adequate regard to uncertainties and risks and are there sufficient measures for contingencies?

2.5.1 CEMEX contend that the proposed housing target and identified supply are not justified., The target needs to be increased and a more flexible strategy is required to ensure a sufficient supply of land for new housing development. The proposed the housing target seems to fit a supply that has been identified via the SHLAA and existing permissions rather than a fully objective assessment of the demographic changes and future housing demand. Accordingly, the RCS should be amended to enable a review of green belt boundaries with some limited release for new housing.

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