

**HERTSMERE
CORE STRATEGY DPD
EXAMINATION**

**MATTER 2:
Distribution of Housing and
Approach to the Green Belt**

HEARING DATE:

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STATEMENT

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For

Gilston Investments Ltd

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Executive Summary: Test of Soundness

Paragraph 182 of the NPPF requires a “sound” local spatial plan to be positively prepared, justified, effective and consistent with national policy.

The NPPF also sets out the specific outcomes that the planning system should deliver and sets out a requirement for development plans to take into account evidence of current and future levels of need and demand for housing and affordability levels based upon, inter alia, local and sub-regional evidence of need and demand as set out in SHMAs. This duty to cooperate is carried forward under Part 6 (Sec.110) of the Localism Act 2011, the requirements of which are relevant to the examination of the soundness of the Core Strategy.

In order to be positively prepared the Revised Core Strategy (“RCS”) must be based upon objectively assessed development requirements. To be justified it should be the most appropriate strategy when considered against the alternatives and to be effective the plan should be deliverable.

For the reasons set out in our submissions, we are of the view that the RCS fails the following tests of soundness:

Positively Prepared

The housing requirement to be met during the plan period (2012 to 2027) is not based upon objectively assessed development needs.

Justified

The suggested approach to (i) housing delivery; and (ii) distribution does not represent the most appropriate strategy when considered against the reasonable alternatives.

Effective

The approach to addressing housing growth and delivery has not been demonstrated to be deliverable. In addition, effective cross-boundary working has not been demonstrated.

Consistent

The proposals are not consistent with national policy in that they fail to provide a sufficient supply of deliverable/developable housing land.

The CS should be amended in accordance with our detailed representations.

In accordance with our recommendations we are of the view that additional technical work is required to be undertaken in relation to the Green Belt and the District wide scale of provision for housing. This would need to be followed by a further round of public consultation and re-examination of the changes before the plan could be found sound.

Matter 2: Summary

- S1. Our principal concerns with the Core Strategy relate to the following:
- The failure of the RCS to accord with the requirements of National (PPS) and Regional (RSS) Policy.
 - The failure to plan for an appropriate level of housing growth during the plan period.
 - The lack of flexibility in seeking to meet strategic housing requirements.
 - The absence of a local review of the Green Belt to underpin the spatial strategy.
- S2. Even at the level of housing growth proposed in the submission draft CS (which is lower than the housing need identified in the evidence base) the Council has failed to demonstrate that the components of housing supply on which they rely are developable at the point envisaged. Accordingly, there is a demonstrable need to undertake a review of the Green Belt now and to provide for strategic allocations in order to:
- i. Ensure the delivery of the requisite number of dwellings in helping to meet the objectively assessed need during the plan period to 2027.
 - ii. Ensure that both the quantitative and qualitative housing needs are met in a timely manner.

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?

- 1.1. Paragraph 2.26 of the RCS (see also Table 6) confirms that Borehamwood and Potters Bar represent the largest and most sustainable settlements within the Borough.
- 1.2. Policy CS2 sets out the spatial approach to meeting development needs within the Borough, identifying that 60% of all net additional housing is to be met at Borehamwood, with 10% in Potters Bar, 25% in Bushey and 5% in Radlett (and other suitable locations).
- 1.3. As set out in the AMRs for the period since 2001, the urban intensification approach relied upon by the Council in meeting their development needs has resulted in relatively high densities which suggest that the supply has resulted in a material amount of flats opposed to family size dwellings.
- 1.4. Whilst we generally support the planned level of growth to be met at Borehamwood (subject to sites being demonstrated to be deliverable/developable and providing for an appropriate balance of housing types), we are concerned that the planned 10% rate for Potters Bar (one of the principal settlements and a key local town with a number of major employers) may not result in the most sustainable pattern of growth.
- 1.5. For the reasons set out in response to Issue 2.4 below, we remain of the view that the RCS should be underpinned by a review of the Green Belt to ensure that the resultant spatial strategy results in the most sustainable patterns of growth. This has not been undertaken.

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?

- 1.6. We do not accept that there are sufficient reasons to conclude that there is no need for the RCS to undertake a review of the Green Belt.
- 1.7. The starting point in determining the need or otherwise to undertake a review of the Green Belt is the approach set out at section 9 of the NPPF (Green Belts) formerly PPG2.
- 1.8. Paragraph 83 of the NPPF states that Green Belt boundaries should only be reviewed through the preparation or review of the Local Plan adding that LPAs should consider Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.
- 1.9. Paragraph 85 adds that when defining boundaries, LPAs should, inter alia, satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period.
- 1.10. Paragraph 157 of the NPPF sets out the crucial elements of Local Plans, including the following:
 - Be drawn up over a 15 year time horizon and take account of longer term requirements
 - Be based on co-operation with neighbouring authorities
 - Allocate sites to promote development and flexible use of land
- 1.11. The RCS has not been prepared having regard to the above requirements which carry forward the approach to the Green Belt set out in the former PPG2 which was in place at the time of preparing the RCS. This is a fundamental failing of the RCS.
- 1.12. Contrary to paragraph 1.13 of the RCS, the Green Belt is a land use designation. It is not an environmental, landscape or nature conservation designation. It does not have any intrinsic landscape or natural quality that ought to be indefinitely retained. Accordingly, we do not understand the

Council's approach to restricting Green Belt releases including (i) in meeting needs during the period to 2027; and (ii) as a contingency in the event that the identified components of supply (including EWC and the Broad locations) fail to come forward at the point envisaged (see also para 2.31 of the RCS).

- 1.13. As set out in the SHLAA Practice Guide produced by the DCLG (July 2007), LPAs should aim to identify sufficient specific sites for at least the first 10 years from the anticipated date of adoption and ideally for longer than the whole 15 year plan period (Para 7). It is then added that where it is not possible to identify sufficient sites, it should provide the evidence base to support judgements around whether broad locations should be identified. This requirement is carried forward in the NPPF (Para 47). Evident from the SHLAA prepared for Hertsmere is that specific sites could be identified without resorting to Broad Locations.
- 1.14. It is clear from paragraph 21 of the SHLAA Practice Guide that except for more clear-cut designations such as SSSI, the scope of the Assessment should not be narrowed down by existing policies designed to constrain development.
- 1.15. Paragraph 42 requires that where constraints to development of specific sites have been identified, the Assessment should consider what action would be needed to remove them, including a need to amend planning policy.
- 1.16. Although the SHLAA has identified sites within the Green Belt as having the potential for housing development, the RCS fails to review the Green Belt and instead seeks to identify Broad Locations. This is contrary to the approach set out in the NPPF and the SHLAA Practice Guide.
- 1.17. The RCS raises considerable doubt as to the ability of the urban capacity approach to deliver the requisite amount of housing during the plan period without the need for a contingency or complementary strategy. Specific references are found at paragraphs 2.31, 2.38, 3.11 and 3.20.
- 1.18. Notwithstanding the Council's concerns about the urban capacity approach, there is no contingency to enable any flexibility in meeting identified housing needs in the event that the identified components of supply fail to come forward at the point envisaged.

- 1.19. In the context of the evidence base made available to date, the LPA has failed to substantiate and/or justify that there is no such requirement for a review of the Green Belt.
- 1.20. A need for a review of the Green Belt was previously acknowledged through preparation of the earlier CS (December 2008) which included 6 possible areas of search for a Green Belt review. However, this need has been removed from the submission draft RCS.
- 1.21. Given the uncertainties as to the ability of the Council to meet even the RSS requirement for 250 dwellings per annum (including at RCS para 2.31), there is a demonstrable need to plan for a review of the Green Belt as a fundamental part of the spatial vision of the Borough.
- 1.22. Preparation of the RCS enables the merits of broad/strategic locations to be reviewed and assessed in terms of their suitability in providing for an urban extension. This work must be undertaken as an essential part of the evidence base to preparation of the RCS. Moreover, we are of the view that the only way in which the Council can meet its strategic housing requirement is through the provision of one or more urban extension(s) following a review of the Green Belt boundary.
- 1.23. Further guidance on the preparation of local spatial plans is contained in the supporting publication, issued by PINS, is “Local Development Frameworks Examining Development Plan Documents: Learning from Experience” (Sept 2009). The publication provides advice to LPAs in the preparation of their DPDs.
- 1.24. Paragraph 20 concerns housing delivery and notes that despite its critical importance, this is an area where many plans are notably weak.
- 1.25. Paragraph 21 relates to the approach to land identification in Core Strategy, stating:

“In some instances the weakness derives from a failure to identify sufficient and/or appropriate land for development. Sometimes this appears to derive from a reluctance to accept that unpopular decisions about allocating land, possibly green field land, for development have to be made. Simply claiming that development needs will be met within the urban areas and that the position will be

reviewed if necessary in the future is not likely to be acceptable unless there is a evidence that the “urban areas only” approach is likely to be realistic. Where the scale of land needed for development is such that greenfield allocations are likely to be required the strategy should make this clear. In this example if the DPD is a core strategy it should either make strategic allocations or give adequate guidance for a subsequent site allocations DPD to readily identify the land needed without having to re-visit strategic considerations.” (Our emphasis underlined)

- 1.26. This is clearly the case in Hertsmere, which matter is set out paragraph 2.45 of the RCS.
- 1.27. The RCS as drafted has failed to take account of the contribution that land currently identified as being within the Green Belt can make to a sustainable pattern of development by concentrating on particular urban areas where housing need is greatest and public transport and employment/service opportunities are best concentrated.
- 1.28. It is our view that the current spatial strategy is too restrictive as it assumes that sufficient housing numbers can be met within the urban areas, without testing individual sites. Accordingly, if sufficient developable land fails to come forward from within the urban areas (including at Borehamwood and Potters Bar, the principal settlements of the Borough), then the RCS would fail to provide a contingency and/or flexible approach to meeting identified housing and growth related needs.
- 1.29. The RCS should be reviewed, to include reference to the need for a local review of the Green Belt boundary at Borehamwood and Potters Bar, the principal urban areas within the Borough. This would help in part, provide for a sufficiently flexible strategy in meeting the emerging housing requirement to 2021.
- 1.30. Gilston Investments have a controlling interest in Green Belt sites adjoining the principal urban areas (SHLAA Refs S52, S53, S54 and S56). For the reasons set out in the SHLAA, the sites are developable and can come forward for development at an early stage in the plan process subject to a review of the Green Belt.

1.31. Illustrative masterplans, informed by a review of the opportunities and constraints including the findings of a number of technical reports, have been prepared for all of the sites whilst Concept Proposals Documents have been prepared for the 2 no. sites located to the north east of Borehamwood comprising land east of Cowley Hill (SHLAA Ref S52) and land east Well End Road (SHLAA Ref S53).

1.32. The concept proposals are attached as follows:

- Annex 1: Land east of Baker Street, Potters Bar – Concept Masterplan (approx 70 dwellings)
- Annex 2: Land west of Barnet Road, Potters Bar – Concept Masterplan (approx 170 dwellings)
- Annex 3: Land east of Cowley Hill, Borehamwood – Concept Proposals Document (up to 950 dwellings, local centre, possible primary school, open space, sports pitches and community woodland)
- Annex 4: Land east of Well End Road, Borehamwood – Concept Proposals Document (around 460 dwellings, local centre, 5.68ha of employment provision, open space, sports pitches, community woodland)

1.33. Evident from the SHLAA and the content of the masterplan proposals is that the sites are developable and should be considered for housing development following a Green Belt review.

1.34. Additional technical work in the form of a review of the Green Belt is required to be undertaken in order to support the RCS and provide both a contingency and complementary approach to the urban intensification strategy. This would need to be followed by a further round of public consultation and re-examination of the changes before the plan could be found sound.

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?

1.35. The RCS is devoid of any reasonable flexibility, as acknowledged at paragraphs 2.31 and 3.11. Accordingly, there is no contingency in the event that the identified components of supply (including the Broad Locations) relied upon by the LPA fail to be delivered at the point envisaged. Rather, as set out at paragraphs 2.31, 3.11, 3.20 and Policy CS3, any shortfall could only be addressed following a wider review of the strategy, including consideration of land designated as Green Belt. This does not represent the flexibility advocated in the NPPF.

Issue 2.6

Taking account of Policies CS12, CS14 and the various references in the supporting text to the Green Belt, does the RCS provide a coherent, justified approach to the Green Belt and is it consistent with national policy?

1.36. We address this matter in response to Issue 2.4 above. To conclude, the approach to the Green Belt set out in the RCS is not consistent with national policy.
