



The Planning  
Inspectorate

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# **Report to Hertsmere Borough Council**

**by Mary Travers BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 5<sup>th</sup> December 2012**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO HERTSMERE REVISED CORE STRATEGY**

Document submitted for examination on 10 February 2012

Examination hearings held between 1-3 May 2012

File Ref: PINS/N1920/429/10

## Abbreviations Used in this Report

AAP	Area Action Plan
Class B	Use Class B of the Town and Country Planning Use Classes Order
DES	Development Economics Study
Dpa	Dwellings per year
EWC	Elstree Way Corridor
Ha	Hectare
HLP	Hertsmere Local Plan
JGELS	Hertfordshire London Arc Jobs Growth and Employment Land Study
KGBS	Key Green Belt Sites
MM	Main Modification
Framework	National Planning Policy Framework
PDL	Previously developed land
Plan	Hertsmere Revised Core Strategy
PPTS	Planning Policy for Traveller Sites
RCS	Hertsmere Revised Core Strategy
RS	Regional Strategy
S106	Legal agreement under Section 106 of the Town and Country Planning Act 1990
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This report concludes that the Hertsmere Revised Core Strategy (the Plan) sets out an appropriate basis for the planning of the borough providing a number of modifications are made. The Council has specifically requested that I recommend any modifications necessary to enable adoption of the Plan. Almost all of the modifications were proposed by the Council but where necessary, I have amended detailed wording or added consequential modifications in the interests of clarity. I have recommended the modifications after full consideration of the representations from other parties on the relevant matters.

The modifications can be summarised as follows:

- Confirmation that the Plan's housing target is a minimum figure and deletion of a phasing approach that unnecessarily constrained delivery;
- Confirmation that the Council will undertake a partial review of the Plan within three years, in co-operation with neighbouring authorities and taking account of an updated Strategic Housing Market Assessment and an updated jobs growth and employment land study;
- Updating of the housing land supply position to reflect the contributions that can be expected from a range of sources;
- Inclusion of detailed information about the proposed regeneration of the Elstree Way Corridor that supports its delivery;
- Amendment of the target and site size threshold for affordable housing provision to reflect the potential for delivery without undermining viability;
- Changes to ensure that the need for traveller sites will be addressed and that policy criteria are justified;
- Amendments to ensure that provision for healthcare and elderly care housing is not unduly constrained;
- Changes to give clarity about the amount of land that will be safeguarded for employment, its status and the mechanism for its release for development;
- Refinement of the policy framework for the Green Belt so that it reflects national policy and is clear about its intent, and deletion of a proposal for a Strategic Gap in the Green Belt;
- Revision of the proposed approach to retail development outside town centres for consistency with national policy;
- Updating of the policy on sustainable construction so that it accords with the Government's proposals to move towards zero carbon development and is reasonably flexible;
- Amendments to ensure that the cumulative impact of proposals on the highway network will be adequately mitigated and that the Plan is up-to-date in regard to transport matters;
- Clarification of the approach to implementation and monitoring to assist the delivery of the Plan, and
- Amendments to ensure clarity about saved policies from the Hertsmere Local Plan so that the Plan will be effective.

## Introduction

1. This report contains my assessment of the Hertsmere Revised Core Strategy (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the other legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. As confirmed in my Preliminary Advice Note, the basis for my examination is the submitted Hertsmere Revised Core Strategy (February 2012) (RCS), which is the same as the document published for consultation in November 2011, together with the Council's Schedule of Proposed Minor Amendments (February 2012)<sup>1</sup>. The Schedule comprises minor corrections, updating and clarification.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. A schedule of proposed main modifications that are necessary for soundness has been subject to public consultation and sustainability appraisal and I have taken the consultation responses into account in writing this report and making my recommendations. In this light, the detailed wording of some of the main modifications in the attached Appendix differs from those that were published, and consequential modifications that were not fully identified in the published schedule have also been included. None of these changes significantly alters the content of the proposed main modifications or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these changes in my report.
5. Reference numbers for documents in the evidence base are set out in square brackets [ ].

## Assessment of the Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation.
7. Preparation of the Plan was well-advanced by the time the duty to co-operate came into effect. However, as paragraph 1.17 of the Plan helps to illustrate, the Council had anticipated the duty. There is substantive evidence that the

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<sup>1</sup> Hertsmere Borough Council, Core Strategy: Schedule of Proposed Minor Amendments, February 2012 [CD07].

Council worked collaboratively with adjoining authorities and other stakeholders throughout the preparatory stages of the Plan<sup>2</sup>. This has been based on well-established arrangements for joint working on housing, employment and infrastructure requirements and discussion and collaboration on planning objectives and strategies across borough boundaries.

8. Joint evidence gathering on housing needs, requirements for traveller sites, employment land and green infrastructure has taken place. The spatial implications of other plans, policies and programmes have been considered and are set out in Table 2 of the Plan. It is also clear that the Council has evaluated how key proposals and policies in the emerging plans for neighbouring districts relate to the strategy for Hertsmere<sup>3</sup>.
9. Strategic priorities for the Hertfordshire districts are also informed by the East of England Plan (May 2008) [CD31] which is the adopted regional strategy (RS). This remains part of the statutory development plan at the time of writing, notwithstanding the Government's intention to revoke regional strategies (apart from the London Plan). The Plan has been generally guided by RS in bringing forward its contribution to meeting housing, economic and other requirements of the wider area. I am satisfied that the Plan is in general conformity with the RS. And looking to the adjoining London region, there is no substantive evidence of failure to co-operate on planning for cross-boundary needs.
10. Concerns have arisen nonetheless about the on-going effectiveness of the Plan, especially in meeting strategic priorities for housing when taken together with emerging strategies in adjacent Hertfordshire districts. This relates particularly to indications of much higher levels of need than are provided for by RS and clarity about how this will be addressed. The views expressed by Stevenage Borough Council and representatives of the development sector encapsulate the concerns. I deal with this in more detail below. However, in the light of all of the evidence I conclude that the Plan has been prepared in accordance with the duty to co-operate.

## Preamble

11. The Council first submitted its Core Strategy for examination by the Secretary of State in late 2008 but withdrew it in January 2010 to ensure that the document was compliant with revised guidance from Government. The Revised Core Strategy (the Plan) before this examination has emerged from additional evidence gathering, sustainability appraisal, public consultation and consideration by the Council. It will replace various parts of the adopted Hertsmere Local Plan (2003) (HLP) to which further reference is made below.
12. The National Planning Policy Framework (the Framework), which sets out the Government's planning policies and how these are expected to be applied, was published in March 2012 after the Plan was submitted for examination. Consultation on the implications for the Plan has taken place and where necessary these are referred to in this report. The Council proposes a new policy (**MM/1**) to set out the presumption in favour of sustainable

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<sup>2</sup> Hertsmere Borough Council Statement of Collaboration (included in the Statement of Representations - Regulation 30 statement), February 2012 [CD21]; Positive Preparation Statement, April 2012 [ED05 and ED05A].

<sup>3</sup> See Appendix 2 of the Plan.

development that is at the heart of the Framework. I recommend this modification in the interests of soundness. Planning Policy for Traveller Sites was also published during the examination; consultation took place on its implications and I return to this below.

## Assessment of Soundness

### Main Issues

13. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends.

#### **Issue 1 – Whether the overall housing requirement is adequately justified, the land supply is capable of meeting the requirement and the strategy for distribution of housing growth within a framework of Green Belt restraint is sound**

##### *Overall Housing Requirement*

14. The justification for the overall housing requirement needs to be considered against RS, the Framework and all the background evidence. RS Policy H1 sets a minimum requirement of 5,000 dwellings 2001-2021 (250 dwellings per year (dpa)) for the borough and a residual requirement of 3,920 for the period 2006-2021 (260 dpa). It also requires that plans that look beyond 2021 should be based on the higher annual rate of provision (260dpa). On this basis there is an overall requirement for 6,560 new dwellings in Hertsmere 2001-2027. Taking account of completions 2001-2012, the residual requirement in accordance with RS is 3,990 (266 dpa).
15. The Plan makes provision for 3,550 dwellings (237dpa) over this period and the Council considers that this is in general conformity with RS. However the RS requirement is expressed as a minimum figure. The under-provision proposed in the Plan is not supported by substantive evidence that this is justified, having regard to the overall planning objectives for this part of the region set out in RS Policy LA1. There is insufficient basis to conclude, as set out in the Plan, that the borough's existing infrastructure would not be able to support *any* (my emphasis) additional housing development over and above the target of 3,550 dwellings. The potential for new development to secure necessary improvements in infrastructure has not been adequately recognised. Acceptance of under-provision against the RS requirement in another district does not indicate that this is sound for Hertsmere. Overall, the proposed housing target has not been adequately justified against RS.
16. The Framework sets out Government policy on meeting the need and demand for housing, amongst other matters. The evidence available for Hertsmere does not amount to an objective assessment as required by the Framework and the Council has accepted this. What evidence there is suggests that uplift from the RS minimum figure is required. The 2008-based household projections, which are more up-to-date than those that informed RS, indicate need for a significantly increased level of provision (over 500 dpa). Other scenarios put

forward in evidence all point towards a housing requirement that is in excess of the Plan's target to varying degrees<sup>4</sup>. The most recent sub-national population projections, based on the 2011 Census, suggest that the borough will grow faster than indicated by the latest household projections. The Strategic Housing Market Assessment (2008) (SHMA), while dated, gives an indication of the very high level of need for affordable housing in the borough, closely matching the Plan's total provision figure. There is therefore significant concern, including from the development sector, about the impact of a lower housing target on opportunities to increase the supply of affordable housing.

17. The Framework acknowledges that it may not be realistic to seek to meet development needs in full within the area of a local planning authority. However the Plan is not underpinned by arrangements for meeting some of the borough's needs outside its boundaries. There is uncertainty about the extent to which other Hertfordshire authorities will provide for their own needs, and some emerging plans do not propose to meet the RS minimum requirement. But in short, to meet fully the Government's expectations, local plans should provide reasonable certainty that the need and demand for housing has been objectively assessed and that, balancing the policy objectives of the Framework as a whole, each plan sets a justified housing requirement for the longer term.
18. During the examination I raised my concerns about the implications of these matters and have taken account of the Council's response through its additional evidence and proposed modifications and all the views expressed on them. In the case of Hertsmere, fully addressing the Framework will require significant additional evidence gathering, collaboration and positive planning with other authorities, including consideration of any need to review the boundaries of the Metropolitan Green Belt (Green Belt). This will be challenging and will require considerable time. There is understandable concern about how the process will be managed and the outcomes it will deliver, especially where authorities' plan-making cycles are not synchronised.
19. Nonetheless, given that the plans of some other authorities in the housing market area are in a much less advanced state, the effect of further, substantial delay in plan-making for the borough must be weighed in the balance. Having an adopted plan in place as soon as possible will provide greater certainty for development and support for economic growth, and it will give additional impetus to housing delivery including much-needed affordable housing. It should not be an impediment to effective collaboration in planning positively for the wider area since this is an on-going requirement.
20. Moreover, given that RS remains as the statutory higher-level plan, its housing target for the borough has particular significance. It provides for a balanced scale and distribution of growth, reflecting an apportionment between local planning authority areas to meet overall sustainability objectives. A more well-founded alternative is not before me. The Council considered options for higher levels of growth, up to 6,750 dwellings, in setting the housing requirement and these were tested through sustainability appraisal and public

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<sup>4</sup> For example, from 260-320 dpa to continue past delivery trends, 340 dpa to maintain existing levels of employment, and very significantly greater numbers to meet housing need or provide for employment growth.

consultation. But it concluded that the Plan's target was the most sustainable, based on social, economic and environmental objectives.

21. Protection of the Green Belt was considered as an environmental objective, with consequential effect on the scoring in the sustainability appraisal<sup>5</sup>. Nonetheless, it is reasonable to expect that Green Belt protection would be a significant consideration in selecting the housing target. Also, continuation of Green Belt restraint is consistent with the RS target for Hertsmere which is not predicated on release of Green Belt land, and as the Framework makes clear, the Government attaches great importance to Green Belts.
22. Taking all of the above into account, on balance there are insufficient grounds to delay the Plan in order to re-assess the housing requirement against the full expectations of the Framework. Modifications that do not fundamentally change the Plan's spatial strategy or delay its adoption but address the unsoundness issues above are the most appropriate response. Also, there is not enough evidence to conclude that a suitably modified Plan will undermine the effectiveness of the on-going duty to co-operate or lead to a hiatus in plan-making in other authorities.
23. The Council has put forward modifications that firstly, set the RS residual housing requirement as the minimum provision figure for the Plan and secondly, confirm that the necessary re-assessment of housing need and demand will be undertaken in collaboration with adjoining authorities to inform an early partial review of the Plan. This will include an updated strategic housing market assessment and jobs growth and employment land study.
24. Modifications on these matters will provide reasonable certainty for future development, critically in the earlier years of the strategy period, while ensuring that the Framework's expectations for planning for housing will be fully addressed as soon as possible. For these reasons I recommend that the Plan is modified as set out in **MM/2 and MM/3**. I have added a reference to the need for early review, to provide consistency with the other modifications and give clarity on this matter. The required modification concerning updating of the SHMA and review of the plan is included in MM/17, dealt with in Issue 8.

### *Housing Land Supply*

25. The Plan seeks to provide almost all of the required new housing on land within the built-up areas of the borough. This is challenging since its settlements are tightly constrained by the Green Belt which covers about 80% of the land area. Much depends therefore on the expectations that Borehamwood, Potters Bar, Bushey and the borough's other settlements will provide an adequate supply of deliverable sites. The Council's updated evidence<sup>6</sup> indicates potential for just over 4,000 dwellings, only very marginally in excess of the minimum housing requirement of 3,990.
26. More than 75% of this supply is expected from existing commitments and sites identified in the Strategic Housing Land Availability Assessment (SHLAA), together with redevelopment in the Elstree Way Corridor. Inevitably there is a

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<sup>5</sup> Revised Core Strategy Sustainability Appraisal Report 2011 [CD17].

<sup>6</sup> Hertsmere Borough Council: Housing Supply Update, August 2012 [ED21].



risk that some commitments and SHLAA sites will not deliver in full. But the SHLAA is a snapshot in time, and having regard to the monitoring of progress on commitments, the reasonably robust assumptions that support the estimated yields from the SHLAA sites and its overall methodology, there is insufficient reason to discount further these elements of the supply. There are recent examples that illustrate the Council's conservative approach to SHLAA estimates, with actual yields likely to be significantly greater. Also the portfolio of committed and SHLAA sites is varied and offers sufficiently wide choice in market terms, and it appears to be fully capable of responding to a higher level of effective demand for housing when this returns.

27. The Elstree Way Corridor (EWC) is relied upon to deliver 752 dwellings, split equally between years 6-10 and 11-15 of the housing trajectory. Policy for EWC has been developed through the Hertsmere Local Plan and detailed feasibility and transport studies, and the proposed redevelopment will be guided by an Area Action Plan (AAP) that is in preparation. The aim is to deliver housing-led regeneration of this area in a more co-ordinated manner than is currently underway, securing public realm improvements and resolving conflicts between pedestrian and vehicular traffic. There are land transfer and highways implications that are important for the viability and deliverability of the proposal as a whole and on which detailed work remains to be completed.
28. Nonetheless, the most up-to-date information [ED21] that has been provided since the hearings shows that significant progress is being made in site assembly. Agreement has been reached with the Hertfordshire Police Authority, thus releasing its land for development. Also, 130 dwellings are expected on the Horizon One site, based on the planning decision in May 2012, and Taylor Wimpey's proposals for Gemini House have moved forward. The Council has prepared a detailed trajectory for EWC and this supports reliance on 752 dwellings as a reasonably cautious estimate.
29. The Council is working jointly with Hertfordshire County Council to ensure that work is completed on the detailed phasing and costing of the highways infrastructure improvements and this will inform the AAP and justify the scope and level of contributions required from developers. It has been confirmed that the essential enabling infrastructure including the proposed removal of the Shenley Road roundabout will predominantly although not exclusively be funded by developer contributions. However, as stated in ED21, the County Council has indicated that early phases of EWC can come forward ahead of the highway improvements, thus supporting the indicative timescale for delivery. These are significant matters that underpin the effectiveness of the Plan and should be set out explicitly. While some of this detail has been put forward as additional modifications (MA/97, MA/98 and MA/99), all of it is necessary for effectiveness and therefore soundness. I therefore recommend **MM/32**, **MM/33** and **MM/34**.
30. Contributions packages sought from development in EWC will take account of any detailed site appraisals on viability. Given that there is likely to be scope for deferring capital receipts for land disposal, use of existing Section 106 (S106) funds, as well as potential contributions from other sources, there is insufficient evidence to conclude that the proposal for EWC is not viable. If the findings of the on-going detailed work indicate otherwise, there is time to review the proposal and/or bring forward alternative sites to meet the housing requirement.

31. Given all of the above, I conclude that the projected contribution from EWC to the overall housing supply is realistic and achievable.
32. The updated evidence on supply includes an allowance for new housing expected to come forward on previously developed land (PDL) in the Green Belt throughout the plan period, and from windfalls in years 6-10 and 11-15 of the housing trajectory. The Council's forecast that PDL in the Green Belt will deliver 165 dwellings over the 15-year period assumes a density of 30 dwellings per hectare (ha) on sites that have been assessed as suitable through the SHLAA or in recent pre-application discussions. In principle such development could accord with the Framework and it is a source of housing potential even though the expected yield may be a small proportion of the overall supply. But in my view it would be unjustified to rely on a specific contribution to the housing supply at this stage, given that the impact on the openness of the Green Belt of specific schemes remains to be considered in detail.
33. Allowances for small-scale urban and rural windfalls are included in years 6-15 of the housing trajectory while a large scale urban windfall allowance is included in the final 5-year period. The latter is based on experience with the SHLAA process and local patterns of windfall development. The SHLAA has not identified redevelopment opportunities on larger sites in years 11-15. Nonetheless, current estimates indicate that there is about 100ha of undesignated land in employment use, at least some of which is suitable in principle for residential redevelopment and is likely to come forward, continuing existing trends [ED21]. Overall, given the borough's character, its efficiency in recycling urban land, comparatively high residential land values, and the factors affecting employment land discussed below, there is insufficient reason to doubt the contribution to the supply that is expected from large scale urban windfall in the final 5-year period.
34. Regarding smaller windfalls (less than 10 dwellings), the five-year supply does not rely on any from this source. The expected yield for the remainder of the plan period is discounted by 29% to avoid any reliance on garden land, albeit not all such redevelopment would necessarily be in conflict with the Framework. Historic delivery rates indicate that the forecast supply is a cautious estimate. The viability evidence supports continued reliance on small windfalls<sup>7</sup> and overall, in the context of this borough it would not be justified to exclude this source from the land supply. Having regard to the Framework, especially paragraphs 47-48, the updated supply forecast from windfalls meets its requirements.
35. For all of these reasons, modifications to the Plan are justified to update the housing supply position and I recommend **MM/5** which sets this out, albeit omitting a contribution to the supply from redevelopment of PDL in the Green Belt. Consequential amendments to the supply position set out in paragraph 2.26 are necessary and these are included in MM/3 referred to above. Overall, there is a small shortfall (about 95 dwellings) in the land supply against the minimum housing requirement for the 15-year period. But having regard to the generally cautious assumptions that underpin the estimate of supply, the potential for additional land to come forward through the SHLAA, and the monitoring, contingency and review provisions discussed under Issue 8 below,

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<sup>7</sup> Hertsmere Borough Council Development Economics Study, Final Report, Three Dragons, May 2010 [CD/72].

this is not a matter of fundamental unsoundness. There is no doubt that a five-year supply of deliverable sites with an additional buffer as required by the Framework is available. The most up-to-date evidence indicates a supply of 7.4 years [CD21].

36. Policy CS3 seeks to phase the delivery of housing on major sites over the five year periods of the Plan to prevent the over-development of housing ahead of required infrastructure. However there is no evidence of significant infrastructure constraints to justify this approach and it is therefore in conflict with the Government's objective to bring about a significant increase in the supply of housing. The Council accepts that the phasing constraint should be removed to ensure that opportunities to maximise delivery are not held back. This has added importance given the low rate of completions in the past two years<sup>8</sup>. Accordingly the Plan should be modified in accordance with **MM/6 and MM/7** which give a positive steer for housing and infrastructure development.
37. The Council also accepts that the Green Belt sites that were safeguarded for housing under Policy H4 of the HLP should remain so and they should not be re-incorporated in the Green Belt<sup>9</sup>. The required amendment of the Plan is included in MM/18 to which I return below. This provides contingency to boost the supply if necessary and is consistent with the requirement to review the plan against the background of an updated SHMA. Given the potential capacity of these sites<sup>10</sup>, there is insufficient reason to conclude that, if they were to be released for development, there would be a significant effect on the spatial strategy or an unacceptable burden on services in Bushey.
38. I have considered whether the Policy H4 sites should be released now, given all the other evidence. But on balance I have concluded that their merits in the context of the scale of housing need and demand and the contribution that may be required from areas protected as Green Belt are matters for the forthcoming review. Overall, with the quantity of readily deliverable land that is attractive to the market, the monitoring and contingency arrangements discussed below and the commitment to bring forward an early review, the Plan will be able to respond reasonably quickly to changes affecting the housing land supply.

#### *Housing Distribution and Green Belt*

39. Taking all of the above into account, there is inadequate justification for the Plan to review the Green Belt boundary in order to release additional land for housing. As referred to above, RS does not require a review to be undertaken now – Policy LA1 seeks the retention of long-standing Green Belt restraint. And in order to promote the most sustainable pattern of development it would be more appropriate to inform any such review by collaborative working with adjacent local authorities based on updated joint assessments of housing and other requirements.
40. It has been argued that the Plan's focus on development opportunities within

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<sup>8</sup> Net completions were 156 in 2010/11 and 186 in 2011/12.

<sup>9</sup> With the exception of land at Byron Avenue/Vale Avenue, Borehamwood which has since been designated as a village green.

<sup>10</sup> About 260 dwellings but only if all the parcels at Heathbourne Road/Windmill Lane/Clay Lane in Bushey come forward.

the existing urban areas, particular at Borehamwood, will unduly constrain the growth of Potters Bar in particular. However, there is no adequate basis on which to propose an alternative distribution of the required housing growth across the borough. And there is insufficient reason in current circumstances to propose Green Belt changes that would be necessary to secure the re-distribution sought by some representors. Also, none of the evidence leads me to conclude that Green Belt releases are required now to secure an appropriate mix of house types in well-designed environments.

41. In summary, I conclude that with the modifications recommended, the Plan's overall housing requirement is justified. Also, effective provision is made for the supply of housing land so that the Plan is deliverable, and the distribution, which does not require deletions from the Green Belt, is sound.

## **Issue 2 – Whether the Plan's provision for affordable housing, special needs housing and sites for travellers is justified and likely to be effective**

### *Affordable Housing*

42. Policy CS4 seeks 35% of the housing units on qualifying sites (developments of 10 or more units or more than 0.3ha) to be affordable. The background evidence<sup>11</sup> acknowledges that the selected policy approach to affordable housing provision depends on more than economic viability alone. However in viability terms it clearly justifies a 40% target in parts of the borough and a site size threshold of 5 dwellings or 0.2ha across the borough. The Council's reasons for its selected approach rest on the advantages of a single, well-understood percentage target that matches the RS indicative target, along with difficulties that it says can arise in negotiating appropriate provision on smaller sites (under 10 dwellings).
43. The Development Economics Study (DES) is based on a robust methodology with conservative assumptions based on October 2009 market values. A workshop with representatives of the development sector and registered social housing providers was undertaken as part of the study. It assumes a Community Infrastructure Levy of £10,000 per unit; this significantly exceeded S106 costs at the time of the study although it is much less than the estimated cost of £23,000 in the Hertfordshire Infrastructure study<sup>12</sup>. The cost of achieving Level 3 of the Code for Sustainable Homes is factored in also<sup>13</sup>.
44. A range of scenario testing based on nil grant support reveals a wide variation of residual values across different areas of the borough but all of them are strongly positive with the highest values being achieved in Radlett and rural parts of the borough and the lowest in Borehamwood. For example, at 40 dwellings per hectare and 35% affordable housing, residual values range from £5.49M per hectare in Radlett to £2.83M in Borehamwood. Even with an assumed drop of 10% in house prices the residual values remain strong at almost £5M in Radlett and over £2.25M in Borehamwood.
45. The study does not reveal that sites with a small number of dwellings are less viable than large sites although schemes which involve the redevelopment of

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<sup>11</sup> Hertsmere Borough Council Development Economics Study, Final Report, Three Dragons, May 2010 [CD72].

<sup>12</sup> Hertfordshire Infrastructure and Investment Strategy, Roger Tym and Partners, 2009 [CD61].

<sup>13</sup> Based on 2010 data, the cost of achieving Level 4 on a 40dph scheme would reduce residual values by £200 per hectare, all other things being equal.

one dwelling with either one or two new dwellings will be more difficult to deliver with an affordable housing contribution. Also, the evidence indicates that the location of the site, not its size, is important for management by registered social providers. As referred to above, smaller sites will continue to make an important contribution to the overall housing supply in the borough.

46. The Government's recent announcements about the need to ensure that affordable housing and other planning requirements do not hold back the development of housing overall, and the advice in *Viability Testing Local Plans*<sup>14</sup> are particularly relevant. I note that the DES assumes a developer profit level of 15% whereas in the current climate a case may be made for 20% or more. However Policy CS4 allows flexibility to take account of the specific circumstances of each development proposal in seeking the quantity and tenure mix of affordable housing. The magnitude of the residual values indicated by the DES indicates that there is a significant 'viability cushion' that would allow for higher-risk development.
47. Taking all of the above into account, there is insufficient justification for the Plan's approach which would seek less affordable housing in the borough than can reasonably be expected to be delivered even in the current economic downturn. The magnitude of housing need in the area adds to my concern that the Plan is unsound in this regard. **MM/8** and **MM/9** resolve this unsoundness by reducing the site size threshold to five or more dwellings or 0.2ha or more, across the borough, and by seeking a 40% affordable housing target in specified post code areas of Radlett and certain other high-value areas. On this basis the Plan accords with the Framework by helping to meet the need for affordable housing, without compromising delivery or viability.

#### *Special Needs Housing*

48. Policy CS7 seeks to achieve an appropriate mix of housing, in terms of size and type, in new developments, including sheltered and extra care housing, taking into account evidence from the SHMA and other sources. However Policy CS18 on Key Community Facilities restricts the redevelopment or conversion of residential properties for healthcare and elderly care unless it can be demonstrated that there are no other suitable sites or buildings within the service provider catchment. This would make it difficult to meet special housing needs which are a significant element in Hertsmere. Since no evidence has been provided to justify why this constraint is required in the particular circumstances of the borough, this element of the policy is unsound. **MM/16** deletes this part of the policy and **MM/31** makes a consequential modification of paragraph 6.7 and I recommend them accordingly.

#### *Traveller Sites*

49. Policy CS6 generally aims to meet the needs identified in RS<sup>15</sup> for traveller site provision up to 2017 but is unclear about how needs beyond that period will be addressed. This would not accord with *Planning Policy for Traveller Sites* (PPTS) which seeks fair and equal treatment for this group and as part of this,

<sup>14</sup> Viability Testing Local Plans: Advice for Planning Practitioners, published by the Local Housing Delivery Group, June 2012.

<sup>15</sup> Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England – a revision to the Regional Spatial Strategy for the East of England, July 2009 [CD32].

encourages local authorities to plan for sites over a reasonable timescale. In addition, the policy sets unduly onerous requirements for site allocation and development management purposes, in terms of accessibility to the highway network, size and management of the site and its relationship with the settled community. Also, it is no longer correct to suggest that there are surplus transit sites that may be available for use as permanent pitches.

50. **MM/10, MM/20 and MM/21** set out changes to the policy and supporting text that overcome these concerns and confirm that a further assessment of need and a review of this aspect of the Plan will be required by 2017. While the Plan will still not meet the expectations of paragraph 9 of PPTS concerning the identification of deliverable and developable sites/broad locations over particular time periods, MM/20 provides the basis to do so following an updated assessment of needs. This is acceptable given that publication of PPTS post-dated the submission of the Plan and that Policy CS6 will enable windfall sites to be brought forward in the interim period.
51. In conclusion on this issue, subject to the modifications recommended above, the Plan makes justified and effective provision for affordable and special needs housing and for traveller sites and is sound in this regard.

### **Issue 3 – Whether the Plan takes a positive approach to planning for employment and its policies are consistent with the Framework**

52. The Plan recognises the borough's key economic assets, including its position within a very well-connected wider economic area across the Hertfordshire London arc. It has a dynamic labour market with significant inflows and outflows but an overall net outflow of labour from Hertsmere. The proposed provision for long-term economic growth is based mainly on evidence prepared jointly with neighbouring authorities and detailed assessments of the land supply within the borough.
53. Following on from work undertaken with other authorities between 2005-2007<sup>16</sup>, the Hertfordshire London Arc Jobs Growth and Employment Land Study 2009 [CD/71] (JGELS) covers seven districts and looks to 2026. The study's forecasts pre-date the economic downturn and it is likely that there will be slippage over the Plan period, but for the long term there is no better evidence currently available to guide more detailed planning for Class B development in Hertsmere.
54. Based on this evidence which anticipates a high level of office growth in the borough, there is potential for a small shortfall in office space by the end of the Plan period. The office market in Hertsmere has slowed significantly during the economic downturn and the JGELS forecast may not be realised by 2027. But this adds confidence to the study's conclusion that, using the redevelopment potential in the borough's town centres, the requirement for office space can be met fully without new allocations of land. Towards the end of the Plan period a small deficit may occur in the supply of industrial/warehousing land (about 3.7ha) but it remains within the margin of error of the forecasts.

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<sup>16</sup> Central Hertfordshire Employment Land Review, Interim Report (2006) and Update Note (2007), Roger Tym and Partners [CD/86 and CD/87].

55. Against this background, Policy CS8 seeks to protect the existing good quality employment land at identified areas in Borehamwood, Potters Bar and Bushey and at Centennial Park, Elstree. This provides for a supply of at least 110ha. The detailed boundaries of these areas will be reviewed through the site allocations DPD but in the meantime, the Council proposes a modification to the Plan to save Policy B1 of the HLP so far as it defines the employment areas; I return to this in Issue 8 below.
56. Policy CS8 also rightly allows some flexibility for redevelopment of sites for non-employment purposes where this would be justified. But given the particular concentration of small businesses and high levels of entrepreneurship in Hertsmere on the one hand, and the pressure for redevelopment of employment land for residential purposes on the other, Policy CS9 aims to protect a number of specific locations as Local Significant Employment Sites. This is based on detailed assessment of their role and potential<sup>17</sup> and their precise boundaries will be defined through the site allocations DPD.
57. Taken together, these policies will ensure a balanced approach, in keeping with the Framework, that will protect the stock of employment land that is likely to be required over the Plan period while not holding back redevelopment or conversion for residential/mixed uses where this is the most appropriate response. There is insufficient evidence that during the Plan period, this will lead to a shortage of employment land or constrain the growth of the economy.
58. However, it is important that the borough will be able to accommodate further uplift in growth in the longer term, especially if greater losses to residential/mixed uses than are currently anticipated should take place. Also, given the important linkages with the wider economy of the Hertfordshire London Arc, any failure of current proposals for large-scale employment development to come forward in other districts could require a response from Hertsmere. For these reasons and taking account of the extent to which the Green Belt constrains the expansion of existing employment areas, the Plan proposes a new area of safeguarded land adjoining Elstree Way Employment Area in Borehamwood. Also, it continues to safeguard an area of 2.4ha adjoining Cranborne Road Industrial Estate in Potters Bar that was first safeguarded through the HLP.
59. The proposed new safeguarded area extends to about 14.5ha, lying between the A1 and Rowley Lane, and mainly comprises previously developed land. It is fairly well-contained and would have relatively limited impact on the openness of the Green Belt. Its location adjoining an important existing employment area on the fringe of Borehamwood offers sustainability benefits, and it has very good indirect access to the A1. Compared with alternative options that have been assessed<sup>18</sup>, I agree with the Council's judgement that this location is the most sustainable option and the extent of the proposed safeguarded area would offer reasonable flexibility to accommodate a range of demands for new employment development.
60. The Framework advises that established Green Belt boundaries should be

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<sup>17</sup> Local Significant Employment Sites: Explanatory Report 2008 [CD75] and Update Report 2010 [CD76].

<sup>18</sup> Employment Site Allocations Report 2011 [CD74].

altered only in exceptional circumstances. In my view the combination of factors referred to above, particularly i) the need for flexibility to allow redevelopment of existing employment sites for housing/mixed uses where this would be justified, ii) ensuring that an adequate supply of good quality employment land will be available in the longer term, beyond the Plan period, and iii) the lack of suitable alternative options amounts to exceptional circumstances. For clarity and consistency with the Council's evidence for the examination and its proposed modifications on this point, and to accord with national policy, I recommend consequential amendments to paragraph 2.36 and 4.20 of the Plan. This will ensure that there is no ambiguity about the longer-term role played by the new safeguarded area at Borehamwood. It is also necessary to make clear that the land already safeguarded by the HLP at Cranborne Road Industrial Estate, Potters Bar, could be released if necessary following a review of the Plan. The consequential modifications required to paragraph 4.20 are set out in **MM/30**, and paragraph 2.36 is the subject of MM/28, referred to below.

61. As the Framework also states, when a local planning authority defines or reviews Green Belt boundaries it should be satisfied that they will not need to be altered at the end of the plan period. This is not clearly established here because, as referred to above, an early review of the Plan will be necessary, and this may entail a review of Green Belt boundaries. The evidence base for the review is also expected to include an updated assessment of the requirements for jobs growth and employment land supply in the borough and wider area.
62. As a result the Green Belt boundary may need to be re-visited before the end of the Plan period in order to accommodate housing, employment and other needs. However, there is no substantive evidence that a better alternative than the proposed safeguarded employment area at Borehamwood is likely to emerge. And in any event its safeguarding will ensure that it is not released for development if, subsequently, it is found that it is not required. Given the uncertainty about the outcome of future joint working on strategic priorities with neighbouring authorities, it would be unwise to hold back this proposal to plan for longer-term growth where there is a strong, locally justified case. In these particular circumstances the proposed safeguarding would not be inconsistent with the overall objectives of the Framework for positive planning for sustainable growth and protection of the Green Belt.
63. The precise boundary of the new safeguarded area will be defined through the site allocations DPD. However, the Plan needs to be clear about the amount of land that will be safeguarded, its role, and the mechanism for its release for development. All of these changes (**MM/22** and **MM/28**, as well the related changes to paragraph 9.11 that are discussed below in regard to MM/17) are necessary to guide the site allocations DPD, protect the new safeguarded land until it is shown to be required for development, and confirm how the Cranborne Road safeguarded land will provide some contingency. The Holiday Inn site that adjoins the safeguarded land at Borehamwood is considered in Issue 4 below.
64. A case has been put forward for designation of land adjoining Centennial Park and Lismirrane Industrial Park at Elstree as a strategic development location for additional employment or commercial development. This raises an issue



about consistency with the Framework's advice on the Green Belt, especially regarding land that it is not necessary to keep permanently open. I consider the policy implications in more detail under Issue 4 below.

65. However, so far as this case relates to the employment land strategy, the Employment Sites Allocation Report [CD74] refers to land adjoining Centennial Park that could be suitable for expansion of business development. But given this location's relatively isolated position in the Green Belt, it was concluded that this would not be a sustainable option. I find no reason to disagree with the Council's judgement in this regard. It does not entail a conflict with designation of Lismirrane Industrial Park as a Local Significant Employment Site which, while adjoining Centennial Park and the Waterfront office development, meets the specific criteria for protection of small business sites that Policy CS9 seeks to address. From all the evidence, there is inadequate justification for designation of a strategic development location here.
66. In conclusion, subject to the modifications above, the Plan takes a positive approach to meeting the needs that are likely to arise from continued growth of the economy and its policies are consistent with the Framework

**Issue 4 – Whether in all other respects the Plan sets out a clear, positive framework for the protection of the Green Belt, recognising the potential demands upon it, and is consistent with national policy**

67. The relationship between the Plan's overall proposals for housing and economic growth and the broad extent of the Green Belt have been considered above and it is concluded that subject to certain modifications, the spatial strategy is sound. However there are a number of more detailed concerns to resolve. Policy CS12 in the submitted plan deals with protection and enhancement of the natural environment as well as Green Belt. It neither reflects the key objectives for Green Belt protection laid out in national policy nor gives clear guidance on development proposed within it, and the Plan as a whole lacks clarity about the limited areas where alterations to the boundary are proposed.
68. The Council has proposed modifications that would separate out the broad elements into two policies, CS12a and CS12b (MM/12 and MM/13) and amend the supporting text (MM/14 and MM/15). Subject to some limited re-wording that I recommend, these clarify that for the parts of Elstree, Shenley and South Mimms that lie within the Green Belt, village envelopes (insets), within which limited infilling will be considered appropriate, will be defined in the site allocations DPD. They also confirm that the Plan entails Green Belt boundary alterations at Borehamwood (for the safeguarding of employment land discussed above) and at Shenley, to reflect the redevelopment of Shenley Hospital.
69. The Council accepts that pending definition of the boundary of the safeguarded employment land at Borehamwood, a potential anomaly could arise in the case of the Holiday Inn site which is at the southern end of the area proposed for safeguarding, comprises PDL and adjoins the urban area. It has therefore proposed text that clarifies the way in which proposals for redevelopment of this site will be considered until such time as the detailed boundary is defined in the site allocations DPD.

70. Paragraph 2.38 of the Plan states that the importance of maintaining the Green Belt between Watford, Bushey and Stanmore will be emphasised through the designation of a strategic gap between these locations and paragraph 5.8 expands further upon the matter. The Plan refers to the need to control the scale of development on PDL in these areas but it remains unclear why this would not be achieved by the existing Green Belt designation and the supporting policies. The fragmented nature of the Green Belt in these areas and their vulnerability to erosion is understood, but these are not uncommon issues in metropolitan fringes and the Framework does not provide for a two-tier Green Belt. As a result, the Council proposes to delete these references and the associated notation on the Key Diagram (MM/3 (part), MM/4 (part) and MM/11).
71. As paragraph 5.6 of the Plan acknowledges, there is a significant number of established businesses, institutions and sports clubs in the Green Belt, and the controlled use of associated land and buildings will continue as part of the proper planning of the area. Some representations suggest that the Plan does not go far enough in setting a positive framework for these lands, to meet housing, economic and other needs and ensure that land that it is not necessary to keep permanently open is not sterilised. Others seek a more detailed framework for restraint.
72. However, MM/13 and MM/14 include clarification that i) proposals involving PDL in the Green Belt will be assessed in accordance with the Framework and ii) that the boundaries of the Key Green Belt Sites (KGBS) (formerly known as Major Developed Sites) within which appropriate infilling and development will be considered acceptable will be reviewed in the site allocations DPD. These modifications ensure consistency with the Framework and provide a satisfactory mechanism to review the boundaries of KGBS in due course.
73. Some site-specific proposals of varying detail and scale were put forward during the examination, but there is insufficient justification for this Plan to designate any additional KGBS or make further significant alterations to the Green Belt boundary. Also, I see no need for additional detail in the Plan about the scope for, or particular locations for, small scale/minor adjustments to the boundary since these should be addressed in the site allocations DPD.
74. Provided that the Plan is modified in accordance with **MM/3, MM/4, MM/11, MM/12, MM/13, MM/14 and MM/15**, it provides a clear, positive framework for the protection of the Green Belt that recognises the potential demands upon it and is consistent with national policy.

**Issue 5 – Whether the Plan's policies will contribute to the maintenance and enhancement of viable and vital town centres and are founded on an adequate, proportionate evidence base**

75. In accordance with the Framework, policies for town centres should be based on an assessment of their role and function, the relationship between them, any trends in performance and their capacity to accommodate new town centre development. The Council's vision for its town centres is mainly expressed through Policy CS26. This seeks to maintain the primary retail function of Borehamwood, Potters Bar and Radlett and support their wider roles as a focus for business, leisure, cultural and other appropriate purposes,

reflecting their respective positions in the retail hierarchy. It is supported by Policy CS27, which provides for primary and secondary retail frontages to be defined through the site allocations DPD, and by Policies CS28-29 dealing with the particular circumstances of Shenley and the evening economy respectively.

76. These policies will assist in meeting the Framework's objectives for town centres provided that they are based on an adequate assessment of retail and other needs and the capacity of the centres to provide for them. The Retail Topic Paper 2009 [CD80 and CD80A] draws on the detailed work carried out by adjoining planning authorities relating to the catchment areas of the major retail destinations within which Hertsmere lies. The health of the retail centres within Hertsmere was considered in a study carried out in 2008 [CD79].
77. In the light of these studies the Council concluded that a full retail capacity assessment was not required for this Plan, there was inadequate justification to allocate sites for additional comparison floorspace, and that the borough's needs would be met by directing any surplus expenditure to the town centres in accordance with a supportive policy framework. There is insufficient reason to challenge this conclusion, although the Council should consider updating the evidence as part of its early re-assessment of economic growth and housing requirements. There is no substantive basis that suggests that the need for hotel and leisure development has been inadequately considered in the Plan, but it would be advisable to consider in due course whether this also should be included in the re-assessment of economic requirements.
78. However in order to be sound, Policy CS26 and the supporting text require amendment so that they put in place an effective framework for protection and enhancement of the centres that accords with national policy. The Plan lacks clarity about how proposals for retail development outside town centres will be assessed and conflicts with national policy on this matter. The Council accepts that there is no justification for a different approach. It has put forward modifications **MM/19** and **MM/27** to paragraph 8.5 and Policy CS26 respectively that resolve this concern by confirming that any proposals will be tested in accordance with the Framework.
79. Taking all of the above into account, the Plan is founded on an adequate, proportionate evidence base and, subject to the recommended modifications, it will contribute to the maintenance and enhancement of viable and vital town centres and is sound in this regard.

### **Issue 6 – Whether the Plan's requirements for sustainable construction are justified**

80. The Plan's policies generally seek to promote sustainability, reflecting the aims of the Framework, and Policy CS16 in particular is directed towards improving the sustainability of buildings for resilience to climate change. Amongst other matters it seeks improvement in performance standards for residential development, related to the Code for Sustainable Homes and the Building Regulations.
81. However the Council accepts that the policy and supporting text are not up-to-date, do not reflect the statutory requirements in this matter and that there is

no specific justification for demanding a higher level of building performance than the national requirement in the particular circumstances of the borough. The Council's proposed modifications of the policy and supporting text clarify the Government's proposals to move towards zero carbon development, remove a requirement for a fixed percentage of renewable energy provision on-site and update the policy accordingly (**MM/23, MM/24 and MM/29**). Provided that these modifications are made, the Plan's requirements for sustainable construction are justified.

**Issue 7 – Whether the policies for managing transport requirements are clearly expressed, justified and consistent with the Local Transport Plan and whether the arrangements for the provision of infrastructure in general have been adequately considered**

82. The demand for movement in and around the borough and associated problems of traffic congestion are significant issues that the Plan seeks to address through the spatial strategy and specific policies. In general the Highways Agency and Hertfordshire County Council support the Plan's approach and I find no reason to disagree. However, to achieve sufficient clarity and ensure that the requirements are justified and consistent with the Hertfordshire Local Transport Plan 2011, some changes are required to Policy CS23 and the supporting text. These will ensure that the cumulative impact of proposals on the highway network will be adequately mitigated and that the Plan gives correct/up-to-date references to transport routes, guidance on travel plans and other matters. The Council has put forward **MM/25** and **MM/26** that satisfactorily address these concerns and the Plan should be modified accordingly in order to be sound.
83. The Plan gives considerable emphasis to the importance of building sustainable communities with the necessary local infrastructure in place. Policies SP1, CS3, CS14, CS17, CS18 and CS20 are particularly relevant in providing for access to services and recreation, provision of green infrastructure and other key community facilities. A review of the Open Space and Play Pitch Strategy will be undertaken within the next 12 months which will inform development management decisions and future plans. Overall there is sufficient evidence<sup>19</sup> that the Council is working with its partners to ensure that infrastructure requirements and timescales for provision are understood and that appropriate funding arrangements are secured. There is no substantive evidence that the required contributions will not be secured from development on small, unidentified sites.
84. The Council intends to develop a Community Infrastructure Levy charging schedule by 2014. However the statutory regulations do not allow charging of the levy for provision of affordable housing. Therefore in order to be sound, Table 11 of the Plan should be modified to exclude this category (**MM/35**). Subject to this, I am satisfied that arrangements for the provision of infrastructure in general have been properly considered.

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<sup>19</sup> See in particular Hertfordshire Infrastructure and Investment Strategy 2009 [CD59] and supporting documents, the Infrastructure Topic Paper 2012 [CD77] and CD08 (Statements of Common Ground with key service providers).

## **Issue 8 – Whether there is a sound framework for implementation, monitoring and review of the Plan**

85. Reflecting the matters discussed in Issue 1 above regarding the overall housing requirement and the land supply, the Council has accepted the need to strengthen the Plan's implementation and monitoring framework, particularly for housing, as well as setting the context for review. Proposed modifications to Chapter 9 of the Plan have been put forward, including contingency measures that would be taken in the event of a shortfall in housing delivery. As referred to above, one of these entails the saving of Policy H4 of the HLP. This concerns land safeguarded until after the end of the HLP period i.e. 2011.
86. I can find no reason why the saving of the policy requires the land to be protected until after the end of RCS period. Should it be justified to do so, some or all of this land could be released for housing through a review (whether a partial or full review) of the RCS. Such a review would be informed by sustainability appraisal of alternative options for meeting the housing shortfall. On this basis the Policy H4 sites (excluding Byron Avenue/Vale Avenue, Borehamwood for the reasons given above) merit inclusion in the contingency measures, although their capacity may be less than currently indicated. That said, the wording of paragraph 9.6 needs to be clearer and recognise that the safeguarded land has been removed from the Green Belt. My recommended modification addresses these matters.
87. In any event, the Council has already accepted the need for an early partial review of the Plan to re-assess the housing requirement and related matters. Taken together with this commitment, which should lead to a much more robust strategy based on an objective assessment of needs, I am satisfied that the contingency measures set out in the modification recommended below would be reasonably effective. The commitment to review is given in paragraphs 9.13-9.15 of the modification. It is a clear, robust statement of the Council's intentions, sets an appropriate context for the review, and provided that it also refers to the requirements of the Framework, it is sufficient for the purpose of moving forward with a sound Plan.
88. The Council's proposed modifications to Chapter 9 also include contingency measures to secure implementation of the Plan's objectives for affordable housing, employment, infrastructure delivery and other matters. They are supported by the monitoring framework in Table 17. Provided that paragraph 9.11 also includes a reference to the safeguarded land at Cranborne Road which offers contingency for the Plan period, this element of the modified Chapter 9 is clear. I therefore recommend that the Plan is modified in accordance with **MM/17** which reflects my conclusions above. Subject to my recommendations as a whole, there is a sound framework for implementation, monitoring and review of the Plan.
89. Appendix 5 identifies the HLP policies that will be replaced when the Plan is adopted and for information it also lists saved HLP policies that complement the RCS policies. Modifications to the appendix are necessary to make clear that Policy H4 is not to be replaced. Also, Policy B1 is not to be replaced until the boundaries of the employment sites are re-assessed through the site allocations DPD, although the saving of Policy B1 applies only to the extent

that it establishes the boundaries of the employment sites shown on the current Proposals Map. And Policy T6 concerning locational criteria for non-retail uses is not to be replaced since it will complement Policy CS27. The appendix also requires correction so far as it lists some policies under both the 'replaced' and 'saved' columns. I recommend **MM/18** which addresses these points, thus ensuring that the Plan is effective and therefore sound.

### Other Matters

90. The Plan includes policy guidance on a range of other matters including natural and heritage assets, air quality and water resources. Individually and together they provide a sound underpinning of the spatial strategy. Wide-ranging comments have been made in the representations on the Plan and at the hearings but only the issues upon which the soundness of the Plan depends are referred to in this report. It is evident, however, from the minor changes (known as additional modifications) proposed by the Council that it has endeavoured to address the comments wherever appropriate in the interests of improving the Plan. Having taken account of all the points raised, I have concluded that no other main modifications are necessary to ensure that the Plan is sound.

### Assessment of Legal Compliance

91. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Hertsmere Revised Core Strategy (the Plan) is identified within the approved LDS 2011 which sets out an expected adoption date of Summer 2012. Notwithstanding the slippage of some months in the timetable, the Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in September 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed main modifications.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	On the basis of a screening report in 2006 and in the light of the RCS proposals, Natural England has agreed with the Council that detailed Appropriate Assessment under the Habitats Regulations is not necessary.
National Policy	The Plan complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Plan is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

## **Overall Conclusion and Recommendation**

92. **The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
93. **The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Hertsmere Revised Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Mary Travers*

Inspector

This report is accompanied by the Appendix containing the Main Modifications.