

Issue	Submitter/s	Response	Council's Response
1	Campaign to Protect Rural England – The Hertfordshire Society	Happy with methodology and have no comment to make	Support for Methodology noted.
2	KJD Solicitors on behalf of Dawes, Wheatley and Freeman	Paragraph's 1-5: The SHLAA appears to cover the period 2001-2021 rather than the 15 years from adoption of the Core Strategy, which would likely be 2025 or 2026.	Agree. Paragraph's 1-5 shall be amended accordingly.
3	KJD Solicitors on behalf of Dawes, Wheatley and Freeman	Paragraph's 7-18 – Stage 1: Note that the terms "Core Stakeholders Panel", "Key Stakeholders Panel" and "Core Stakeholders Group" have been used interchangeably. Also the relationship between the Core Stakeholders Panel/Key Stakeholders Panel/Core Stakeholders Group and "Wider Stakeholders Group" needs clarification. Suggest referring to the Core Stakeholders Panel/Key Stakeholders Panel/Core Stakeholders Group as "Key Stakeholders Panel".	Agree with suggestion to refer to the Core Stakeholders Panel/Key Stakeholders Panel/Core Stakeholders Group as "Key Stakeholder Panel". For clarity, the Key Stakeholder Panel is the group set up in accordance with the terms of reference attached as Annex 1 to the Hertsmere SHLAA Methodology. This group will provide expert advice to the Council on the deliverability and developability of potential housing sites. The Wider Stakeholder Group refers to all key stakeholders involved in the Hertsmere SHLAA process. With regards to the relationship between the two, the Key Stakeholders Panel will assist assessment of the deliverability and developability of sites suggested by the Wider Stakeholder Group, as well as those identified by the Council.
4	KJD Solicitors on behalf of Dawes, Wheatley and Freeman	Paragraph's 7-18 – Stage 1: Note that paragraph 12 of CLG's SHLAA Practice Guidance specifies that Key Stakeholders should be involved from the outset of the Assessment. Therefore the proposal to involve the key stakeholder panel from Stages 6 and 7 is contrary to this. Furthermore, the only arrangement for involvement of the wider stakeholder group is after completion of Stage 7.	All key stakeholders have been sent copies of the Council's intended SHLAA methodology and comment invited. All key stakeholders were also invited to join the Key Stakeholder Panel and provide the Council with information on potential housing sites via return of the questionnaire attached to the Council's intended SHLAA methodology. The Council intends to send out a list of potential housing sites for comment, following the completion of Stage 5, and have a key stakeholder workshop in early September. This is in addition to the four week period identified by this submitter. As such, the Council has involved key stakeholders from the outset and will continue to do so, throughout the SHLAA process Notwithstanding, clarity on the nature and role of key stakeholders in the SHLAA process is provided in the second sentence of paragraph 12 of CLG's SHLAA practice guidance. This second sentence states: <i>"In particular, house builders and local property agents should provide expertise and knowledge to help the partnership to take a view on the deliverability and developability of sites, and how market conditions may affect economic viability"</i> (emphasis added)

			<p>Given the above, key stakeholders will inform determination of the deliverability, developability and economic viability of identified sites. Based on the SHLAA guidance, this assessment will occur in Stages 6 and 7 of the SHLAA process, scheduled to take place in August and September. Stage 1 (Planning the Assessment) is complete, subject to the changes and comments specified in this document. Stage 2 (Determining which sources of sites will be included) is also complete and has attracted no comment from stakeholders.</p> <p>With regards to Stages 3 (Desktop review of existing information), 4 (Determining which sites and areas will be surveyed) and 5 (Carrying out the survey), the Council has largely completed or is in the process of undertaking these stages although some additions or alterations may be necessary as per this report. Furthermore, these stages can be completed using resources at the Councils disposal. Given this and the guidance provided by paragraph 12 of the practice guidance, it is the Councils view that key stakeholder involvement during Stages 3, 4 and 5 is not integral.</p>
5	<p>KJD Solicitors on behalf of Dawes, Whealley and Freeman</p>	<p>Paragraph 22-24: These paragraphs indicate that the Council is already prejudging certain areas by excluding them from assessment and is therefore inconsistent with the SHLAA Guidance, particularly paragraph 21.</p>	<p>Paragraph 15 of CLG's Practice Guidance indicates that there is some flexibility available to Local Authorities when preparing a SHLAA. Paragraph 15 states:</p> <p><i>"The use of this standard methodology is strongly recommended because it will ensure that the Assessment findings are robust and transparently prepared.... However, where a different methodology is used, the Assessment report will need to explain the approach chosen and the reasons for doing so, and the approach may need to be justified at independent examination".</i></p> <p>Whilst the Hertsmere SHLAA Methodology has been designed to largely accord with CLG's Practice Guidance, Stage 4 has been modified to suit Hertsmere's physical circumstances, as well as ensuring Hertsmere's SHLAA evidence to be obtained within a six month examination adjournment, as sought by the Inspector. Accordingly, the Council is of the view that there are justifiable reasons for excluding certain sites at this stage, as will be discussed further below.</p> <p>It is also important to note that of the over 90 key stakeholders identified and contacted, three have objected to this aspect of the methodology. This would indicate a general consensus amongst the key stakeholders over this aspect of the methodology.</p>
6	<p>KJD Solicitors on behalf of</p>	<p>Paragraph 22-24:</p>	<p>Table D1, Annex D of PPS25 clearly specifies that only water-compatible</p>

<p>Dawes, Wheatley and Freeman</p>	<p>Object to exclusion of Type 3a and 3b flood risk areas from survey for the following reasons:</p> <ol style="list-style-type: none"> 1. Flood mitigation works could be implemented to convert the land to a Type 1 flood risk area; 2. The decision to exclude Type 3a and 3b land can only be made following application of the sequential test; and 3. If Green Belt land has to be used for housing, it may be unsustainable to discount Type 3a flood risk land where engineering solutions can alleviate the flood risk. <p>If part of a site is subject to flood risk, clarification is also sought on whether the entire site is excluded from assessment or only that part of it subject to flood risk.</p>	<p>uses should be permitted in Type 3b flood risk areas. As per table D2 of this same Annex, housing is not a water compatible use and is therefore not permitted in Type 3b flood risk areas.</p> <p>For clarity, only parts of sites within Type 3a and 3b Flood Risk Areas shall be excluded from consideration for housing, not the entire site they are a part of.</p> <p>With regards to Type 3a flood risk areas, Table D1 of this same annex specifies that more vulnerable land use (e.g. dwelling houses) should only be permitted in this zone if the Exception Test is passed. Before the Exception Test can be applied, paragraph 18 of PPS25 requires that the sequential test be applied. As outlined in paragraph's 16 and 17 and D1-D8 of PPS25, the sequential test aims to steer new development to Flood Zone 1. Only where there are no reasonably available sites in Flood Zone 1, should decision-makers contemplate use of land within Type 2 Flood Risk Area, and then only Type 3a, where no reasonably available sites can be found in Type 2.</p> <p>Given the Borough wide nature of the study, and the relatively small areas of land contained within Type 3a and 3b Flood Risk Areas (i.e. less than 1% of all land within Hertsmere), reasonably available land within Type 1 and 2 Flood Risk Areas will come forward. On a borough wide level therefore, the Sequential Test has been applied and use of Type 3a and 3b Flood Risk Areas not considered appropriate for housing at this stage.</p> <p>With regards to the third point raised by this submitter, use of land within a Type 3a Flood Risk Area would not be sustainable, irrespective of the need to allocate Green Belt land for development. Notwithstanding the above advice in PPS25, which is itself a document grounded in sustainability (see Annex A of PPS25), the development of land subject to flood risk is also specifically discouraged by paragraph 20 of PPS1 (Delivering Sustainable Development).</p>	
<p>7</p>	<p>KJD Solicitors on behalf of Dawes, Wheatley and Freeman</p>	<p>Paragraph 22-24; Paragraph 24 of the SHLAA guidance states that all sites identified by the desktop review should be visited.</p>	<p>See Council response to issue 5 above and the Councils discretion to be flexible in its methodology. As the SHLAA is to be completed within a six month examination adjournment and given the limited resources available to the Council, it is not considered necessary to visit every site identified in the desktop study where the housing potential of a site is nil or where there is an extant planning permissions for new housing. The criteria identified in paragraph 23 a) - c) are designed to focus the survey on those areas where housing potential is highest and therefore make the most efficient use of Council resources.</p>

8	<p>KJD Solicitors on behalf of Dawes, Wheatley and Freeman</p> <p>Jeremy Peter Associates</p> <p>Martha Covell on behalf of KPWG International</p>	<p>Paragraph 26 of CLG's SHLAA practice guidance specifies five broad geographical areas that should be mapped. These areas are the most sustainable for development and no reference is made to the exclusion of Green Belt land. However, Green Belt land is excluded by paragraph 23(a) of Hertsmer's SHLAA Methodology. Exclusion of Green Belt land appears to also not be encouraged by paragraph 21 of CLG's Practice Guidance.</p> <p>Clarification is sought on reference to "Settlement Boundaries" in paragraph 23(a). Nonetheless, this reference is illogical because one of the functions of a future Site Allocations DPD will be to define settlement boundaries following in part from detailed adjustment of Green belt boundaries to provide for future housing supply.</p>	<p>Paragraph 23 does not exclude Green Belt land from being surveyed. Whilst paragraph 23 (a) does specify areas in existing settlements outside the Green Belt, paragraph's 23(b) and 23(c) cover areas within the Green Belt. Specifically, 23(b) provides for assessment of sites in villages "washed over" by Green Belt and 23(c) provides for assessment of other sites in the Green Belt.</p> <p>See Council response to issue 5 above and the Councils discretion to be flexible in its methodology. It is the Council's view that assessment should focus particularly on areas with the most housing potential. Furthermore, the housing provision targets set by policy H1 of RSS14 are not considered so high as to require assessment of large parts of the Green Belt given the results of previous housing capacity work undertaken by the Council and the large number of urban brownfield sites known to the Council.</p> <p>Sustainability as a consideration is contained in paragraph 23 (a)-(c), as evidenced by the references to access to services, infrastructure and employment. Sustainable land-use, through the efficient and effective use of land through re-use of previously developed sites is also a specific requirement of paragraph 27(viii) of PPS1 and paragraph's 40-44 of PPS3. This latter requirement is contained within paragraph 23(c).</p> <p>The term "Settlement Boundaries" is defined as those boundaries shown on the proposals maps attached to the extant Hertsmer Borough Council Local Plan (adopted 2003). This definition was contained in footnote 6, which was unfortunately omitted from the published version of Hertsmer's SHLAA methodology. Notwithstanding this, the contention that Green Belt boundary alterations will be necessary prejudices the outcome of Hertsmer's SHLAA. The need to remove land from the Green Belt or otherwise cannot be determined until the SHLAA is completed. Should it be apparent that Green Belt land needs to be provided for housing, this will be addressed in Stages 7d and 9 of Hertsmer's SHLAA.</p>
9	<p>KJD Solicitors on behalf of Dawes, Wheatley and Freeman</p>	<p>Paragraph 28-30 – Stage 7(a); Paragraph 28 (c) prejudices the relative effects of development on greenfield Green Belt land versus brownfield Green Belt</p>	<p>The example given is not conclusive, as evidenced by the use of the wording "would likely" in the subject sentence. As such, it does not prejudice greenfield Green Belt land versus brownfield Green Belt land.</p>
10	<p>KJD Solicitors on behalf of Dawes, Wheatley and Freeman</p>	<p>Paragraph's 32-33 seem unclear in dealing with sites for the 1-15 and beyond 15 year periods. The first sentence of paragraph 33 says that sites that are, in effect, acceptable and available will be included within "one" of</p>	<p>For clarity, the reference to "one" of the time periods in PPS3 shall be changed to refer to the following time periods: 0-5 years, 6-10 years, 11-15 years and 16 years and beyond.</p>

		the time periods in PSS3. Suggest clarification.	
11	KJD Solicitors on behalf of Dawes, Wheatley and Freeman	Paragraph 38 (note that this submitter has referred to paragraph 39, presumably in error) is an over simplistic assessment of viability and no more rigorous than a developer's or agent's view of viability. There is no suggestion that the Council has the expertise to undertake such an assessment of viability or will be engaging appropriate experts.	Paragraph 38 needs to be read in conjunction with paragraph 37, which sets out how the Council will assess the viability of sites through the Key Stakeholder Panel in the first instance. Assistance may be sought from Council's Estates and Valuation department and, exceptionally, the use of a viability and/or external consultant. The point that is expressed in paragraph 38 is that the aspirations of a landowner or agent may not coincide with what the Council would approve of on the site. As such, a developer's claim of economic viability should not be considered sound unless the housing numbers stated by that developer largely correspond with the housing estimates in Stage 6. Otherwise, the viability assessment for that site would be flawed as the scheme required to make it viable would likely not materialise.
12	KJD Solicitors on behalf of Dawes, Wheatley and Freeman	Paragraph 42-46-Stage 10: This paragraph starts with the premise that windfall sites will be needed. This should not be prejudged.	These paragraphs do not state that consideration of windfall sites will be needed. Rather they set out the Council's justification and methodology for use of windfall sites, should they be needed, much like paragraph 41, which sets out how broad locations will be treated, should they be necessary.
13	KJD Solicitors on behalf of Dawes, Wheatley and Freeman	Paragraph 42-46-Stage 10: The term 'general conformity' (as supported by the case law selected), entitles the Council to a degree of flexibility in the implementation of green belt policy within it area. Furthermore, the price of retaining all green belt boundaries intact may result in RSS housing requirements not being met. This could result in the Core Strategy not being in accordance with RSS housing targets. In addition, the phrase " <i>broad extent</i> " cannot be properly equated to " <i>detailed boundaries</i> ". Arguably, any perceived tension between the detailed boundaries of green belt and the achievement of housing numbers should be resolved by giving precedence to the identification of housing land	Agree insofar as the Council is permitted a degree of flexibility in the implementation of green belt policy within its area to achieve the aims of the RSS. However, this argument assumes that Green Belt land will be necessary for housing. This should not be prejudged as this can only be determined following completion of Stages 6 and 7 Notwithstanding, the purpose of the SHLAA is to assess housing capacity within the Borough, not set policy. The SHLAA informs the decision-making process when deciding policy. Accordingly, any exclusion of certain types of green belt land in preparing a SHLAA does not in itself run the risk of RSS housing targets not being met. Housing is considered inappropriate development within the green belt under PPG2, whilst PSS1 and PSS3 both specify that previously developed land should be developed ahead of greenfield land. Taken together, national policy indicates strong resistance to the use of greenfield, green belt land for housing and that it should only be used as such, if absolutely necessary. Should the exclusion of housing development on greenfield green belt land result in the assessment falling short of the RSS target, then steps to remedy this can be taken at Stages 7d and 9 of the SHLAA process.

14	KJD Solicitors on behalf of Dawes, Wheateley and Freeman	Paragraph 42-46-Stage 10: PPG2 indicates that the RSS is only concerned with the general extent of green belts, whereas detailed boundaries are set in local plans. As such, the Council is entitled to consider green belt land for housing, rather than relying on the inherent uncertainty of windfall sites.	See also response to issue 5 with regards to the Council's discretion for flexibility in its chosen methodology.
15	Harvey Ward, Potters Bar in Focus	Paragraph 43: Notes that over two-thirds of housing development in Hertsmeare came from windfall development. The	<p>Agree insofar as the RSS sets the Green Belt boundaries at a general level. However, it is necessary to consider the approach to DPD's set out in PPG2.</p> <p>Notwithstanding that the SHLAA does not set policy and following on from the rationale in this submitters statement, the role of local plans are now assumed by DPD's. With regards to the approach to be taken in DPD's in respect of revision of Green Belt boundaries, paragraph 2.7 of PPG2 states:</p> <p><i>"Where existing local plans are being revised and updated, existing Green Belt boundaries should not be changed unless alterations to the structure plan have been approved, or other exceptional circumstances exist, which necessitate such revision"</i> (emphasis added)</p> <p>With regards to the relationship between the structure plan and RSS 14, the now superseded Policy 5 of the "Hertfordshire Structure Plan Review 1991-2011" previously specified that Green Belt boundaries around Borehamwood, Bushey, Potters Bar and Radlett may be reviewed for limited peripheral development. This is more prescriptive than Policy SS7 of the RSS, which now forms part of the development plan for all districts in the region and directs green belt reviews around Stevenage, Hemel Hempstead, Harlow and Welwyn Hatfield only rather than any substantial green belt changes in Hertsmeare.</p> <p>It may be the case that, following completion of the SHLAA, an exceptional circumstance is a shortfall in housing land supply to meet the RSS housing target. At this stage however, this has not been demonstrated. Therefore, PPG2 prohibits consideration of revised green belt boundaries at the present time.</p> <p>The Council has also not indicated that reliance on windfall will be sought. Rather, the Council's methodology and justification for using windfall has been set out, should this be necessary. Similarly, the Council's methodology for broad locations, should they be necessary, is set out in paragraph 41. The Council will be in a position to consider the appropriate means of meeting the RSS housing target following completion of Stage 8.</p> <p>With regards to the need to have a rational approach to housing allocation, the SHLAA will inform a future Site Allocations DPD, which will allocate land for housing amongst other things. Should windfall need to be</p>

		contribution of these unplanned developments to housing targets must be a cause for concern where a rational approach to land allocation is essential in these troubled times. Past development/completions may no longer be a reliable guide to future development potential.	considered, the factors to take into account in paragraph 44 should ensure that anticipated future changes are taken into account when extrapolating trends.
16	Harvey Ward, Potters Bar in Focus	Paragraph's 20 and 25: The description of the desktop survey shows a wide ranging and diligent approach to the subject and I am pleased to see that it will be followed up with site visits.	Support noted
17	Harvey Ward, Potters Bar in Focus	Paragraph 22: The list of excluded sites includes land that has been 'awarded' a long term official designation (e.g. SSSI's). The Council should however, be open to the possibility that some sites have designations that may be, as yet, unidentified (e.g. common land)	To the best of the Council's knowledge and assisted by stakeholders all constraints on a site will be identified and factored into an assessment of the suitability of a site during stages 6 and 7. The Council is aware of land which has been designated more recently as common land.
18	Harvey Ward, Potters Bar in Focus	The nature of future housing demand and the effect of new housing on the character and workings of existing settlements should be considered.	With regards to the nature of housing demand, this is not the role of a SHLAA and is instead assessed through the SHMA process. At present, Hertsmere is in the process of finalising a SHMA with five other Hertfordshire boroughs and the County Council. Turning to the effect of housing on the character and workings of existing settlements, this will be assessed to a limited extent during stages 6 and 7 of the SHLAA. However, the impact of this housing on the settlements, would however be addressed through policy in DPD's.
19	Harvey Ward, Potters Bar in Focus	Paragraph 45: This paragraph has an unwritten assumption that the national economy will continue to grow in the future. This may not be the case based on the Sustainable Development Commissions report "Prosperity without growth? The transition to a sustainable economy" (March 2008). Accordingly, windfall assessment should consider this possibility.	This paragraph does not indicate that the national economy will improve. In particular, the first sentence indicates that it is not known whether market conditions will stay the same, worsen or improve. In any event, the criteria in paragraph 44 allow the Council to consider all potential outcomes for the national economy, should windfall capacity be needed.
20	Harvey Ward, Potters Bar in Focus	Stakeholder concept: The only benefit of having five housing developers on the key stakeholder panel is that development may take place in more of a planned manner.	A partnership approach with key stakeholders, particularly home builders and local property agents, is an important component of the SHLAA process, as set out in paragraph's 11-13 of CLG's SHLAA Practice Guidance. If housing developers were not included, this would undermine the validity of Hertsmere's SHLAA. Agree that inclusion of housing developers does enable future housing

		development to occur in a planned manner.
21	Harvey Ward, Potters Bar in Focus	Community Involvement; Concern that the community interest groups will be outnumbered and outgunned on the Key Stakeholder Panel by the pro-development members and the HBF. Where possible the Council will try to include an even mix of housing interests on the Key Stakeholder Panel, including pro and anti-housing groups. The final composition may however depend on the number of groups from either side that have expressed an interest.