

**East Herts
Examination in Public**

**Hearing Statement
Matters and Issues
Part 1**

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1.0 INTRODUCTION

- 1.1 I do not wish to attend the hearings on all the matters and issues covered in this statement. **I confirm I only wish to attend the hearing in regard to Matter 5 – The Development Strategy – the Green Belt.**
- 1.2 This approach was confirmed as acceptable by the Programme Officer (e-mail 22nd August 2017), wherein it was also confirmed that our written responses contained in this hearing statement on matters and issues on which we don't seek attendance would be taken into account alongside our original representations.



2.0 MATTER 2 – CALCULATION OF THE OBJECTIVELY ASSESSED NEED FOR HOUSING (OAN) AND THE HOUSING REQUIREMENT – POLICIES DPS1 AND DPS2

QUESTION 1 Does the evidence base for OAN reflect national policy and guidance

2.1 No it does not. We do not consider the adjustment for market signals adequately reflects the approach set out in the NPPG ID: 2a-019 and ID: 2a-020. Please see our answer to question 3 below.

QUESTION 3 Is the uplift proposed sufficient to address market signals, including the effects of pre-plan undersupply?

2.2 The 2015 SHMA (HOP/001) discusses the impact of the full range market signals (para 4.45 onwards) and concludes a 20% uplift is appropriate, making reference to the Eastleigh Local Plan Inspector's conclusions and comparing the areas (paragraph 5.73 – 5.75).

2.3 The 2017 document 'Establishing the Full Objectively Assessed Need' (ED112) acknowledges (para 3.2) that a 20% uplift might still be appropriate to address affordability pressures and is consistent with figures endorsed by Inspectors in other similar HMAs (para 3.22). However, notwithstanding this, the document then proceeds to set out a reduction of this 20% to 14%.

2.4 The NPPG (ID: 2a-019 '*How should market signals be taken into account?*') sets out that the household projections are the starting point. Market signals should then be considered. If these signals show a worsening trend, an upwards adjustment should be made. Given household projections are the starting point, it does not invite plan makers to look behind these figures.

2.5 The NPPG (section ID: 2a-020 '*How should plan makers respond to market signals?*') outlines the quantum of this adjustment should simply reflect strength of the signals. It specifically warns against attempting to determine precise impacts.

2.6 The 2015 SHMA followed exactly the guidance outlined in the NPPG and concluded the appropriate uplift was 20%. However, the 2017 document steps away from this



approach and looks instead to estimate the precise impacts of an increase in housing supply on net migration and average household sizes in order to justify a reduction in the uplift, in direct contradiction to the guidance set out in the NPPG.

- 2.7 The NPPG is clear. If market signals are worsening, which the 2015 SHMA clearly sets out that they are, then an uplift should be applied. This uplift should not attempt to assess the precise impacts of the uplift in order to determine its quantum - this would be misleading given the complexity of factors at play. It should simply be reasonable, reflecting the extent of the worsening compared to other areas. It is clear that this is exactly the approach adopted by the 2015 SHMA and as such we do not consider that the conclusion of 20% uplift for market signals should be deviated from.
- 2.8 Undoubtedly there could be extensive debate around whether the approach within the NPPG is right and whether it produces a figure that is too high, but this is irrelevant. The issue at hand is simply whether the approach adopted in the 2017 document is sound, and it is not as it does not reflect national policy as set out in the NPPG.

QUESTION 5 Would the provision of a minimum of 18,396 dwellings between 2011 and 2033, meet the full OAN for housing?

- 2.9 No, it would not. For the reasons set out in our answer to question 3 above, the OAN should include the 20% uplift for market signals, i.e. be 19,427, as set out within document HOP/011 'Updating the Overall Housing Need Based on 2014-based projections for West Essex & East Herts'. This document combines the most up to date projections with the 20% uplift for market signals.

3.0 MATTER 2 - SPATIAL DISTRIBUTION/SUPPLY DPS3

QUESTION 11. Would the supply be sufficient to meet the housing requirement? If not what other options are there, what would be the implications in terms of the spatial strategy?

- 3.1 The supply within the submission Plan as updated by the Housing Topic Paper (TPA/004) is stated to be 18,681 dwellings. Our answer to questions 3 and 5 above set out that



the full OAN is 19,427 dwellings. Insufficient supply has therefore been identified to meet the housing requirement.

- 3.2 NPPG ID: 3-026 is clear that in this event the first step is to revisit the land availability assessment assumptions. If this does not yield sufficient sites, neighbouring areas should be approached under the duty to cooperate. However, we consider a rigorous reappraisal of sites within the SLAA will yield additional sites to contribute towards this shortfall, on sites that would accord with the Plan's spatial strategy.
- 3.3 Whilst the submission Plan does not set out a settlement hierarchy or explicit 'spatial strategy', the guiding principles at paragraph 3.3.2 set out the prioritisation of brownfield land and land within urban areas, and the promotion self-containment by directing development to areas where services and facilities are accessible and which reflect 'functional geographies'. These principles are in line with the provisions of the NPPF.
- 3.4 Directing additional development to Bishops' Stortford would accord with this spatial strategy. Sites within areas of green belt around Bishop's Stortford which have high suitability as areas of search for development have been discounted owing to their location within Bishop's Stortford's green wedges. However, as set out in our response to matter 5 question 6, we consider a more robust assessment which considers both the role and character of the green wedges in the town and the contribution of sites within the SLAA to this role and character, would yield additional sites.
- 3.5 If this reassessment fails to produce the necessary number of dwellings, adjoining areas should be approached under the duty to cooperate.

4.0 MATTER 2 – HOUSING DELIVERY – POLICY DPS5

QUESTION 12. Is the indicative housing trajectory at Appendix B of the Plan a reasonable estimate of delivery over the Plan period 2011 – 33, having regard to the likely contribution of the strategic sites.

- 4.1 We are assuming 'strategic sites' refers to all those sites with the prefix 'Allocation'



within the table at Appendix B.

- 4.2 We do not consider the trajectory at Appendix B reasonable in regard to its assessment of the deliverability sites within the first five years of the Plan period.
- 4.3 Our original representation to policy DPS3 sets out why BISH5, EOS1, HERT3 and BISH6 are unlikely to contribute to the housing supply in the first five years to the extent expected by the table at Appendix B. This exacerbates the shortfall in 5YHLS outlined within our answer to question 15 below.

QUESTION 15. There has been persistent under delivery and a 20% buffer is appropriate. Taking this into account, would the Plan realistically provide for a five year housing supply (5YHLS) on adoption? Will a five year supply be maintained? Should the Plan's policies contain any flexibility measures to ensure a continued 5-year supply? (for example, allocating additional sites or allowing for small-scale development outside by abutting settlement boundaries where major policy constraints are absent).

- 4.4 The updated Housing Topic Paper (TPA/004) acknowledges the Plan does not provide for a five year housing supply upon adoption. Our answer to question 3 above sets out that the OAN is 19,500 dwellings. As such, the shortfall in five year housing land supply is more acute than that outlined in the updated Housing Topic Paper, rising from 376 dwellings to 1,038 dwellings.
- 4.5 Moreover, as outlined in our answer to question 12 above, we do not consider that the deliverability of a number of the strategic sites currently expected to contribute to the 5YHLS has been realistically determined and we consider it to be very likely that in reality the housing land supply shortfall in the first five years of the Plan period will be greater than 1,038 dwellings.
- 4.6 In light of the need to allocate additional sites to meet the full OAN (see our answer to question 11 above), the focus should be on allocating smaller, deliverable sites to meet this shortfall and we consider that a robust re-assessment of sites within the SLAA would yield additional deliverable sites.



5.0 MATTER 5 – THE DEVELOPMENT STRATEGY – THE GREEN BELT

QUESTION 3 Where can it be demonstrated that the Council has examined fully all other reasonable options.

- 5.1 The Council has not fully examined all reasonable options for Green Belt release.
- 5.2 Our answer to question 4 below outlines that sites within Green Belt Review parcels which have high suitability as areas of search for development have been discounted for reasons that are not evidence-based and that as such, the reasonable alternative of allocating sites that make a low contribution to green belt purposes has not been fully explored.

QUESTION 4 Are there exceptional circumstances to justify the Plan's alterations to the existing adopted GB boundaries?

- 5.3 In making the case for exceptional circumstances the Green Belt Topic Paper (TPA/003) refers the five requirements set out in the case of *Calverton Parish Council v Greater Nottingham Councils [2015]*. The fifth of these is the extent to which the impact of releasing land on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent. Paras 20 – 22 of *Calverton* outline that this requirement is rooted in para 152 of the NPPF, which provides that wherever possible alternative options that reduce or mitigate impacts should be perused.
- 5.4 The Council's explanation as to how it has met this requirement is set out in the Topic Paper from para 4.21 onwards. The Council outlines that it has where possible allocated sites within those areas identified within the Green Belt Review as having high suitability as areas of search for development. However, it has rejected all sites within the western and south western Bishops' Stortford 'green wedges' on the basis that despite being areas which have a high suitability as areas of search in green belt terms, the entirety of the wedges are considered to be integral to the character of the town and therefore inherently unsuitable.
- 5.5 We do not consider this conclusion to be justified as it is not based on proportionate



evidence. No evaluation has been undertaken of the character or role of the green wedges, the extent to which individual sites within the SLAA contribute to this character and role, and whether their development would result in an unacceptable harm to the green wedges.

- 5.6 In failing to consider the SLAA sites within the western and south western wedges at Bishops Stortford in detail, the Council has not therefore satisfactorily demonstrated that it has discharged the fifth requirement of *Calverton*, to ameliorate or reduce to the lowest reasonably practicable extent the impact on the green belt purposes.
- 5.7 However, whilst we question whether the Council has adequately demonstrated the fifth requirement to establish exceptional circumstances as set out in *Calverton*, we do consider that exceptional circumstances exist; but only if the Council can adequately demonstrate they have fully appraised options that reduce the impact on the Green Belt, which in this instance we do not believe they have.

QUESTION 6 Is the site selection/Green Belt review process robust?

- 5.8 We do not consider this process robust as sites within areas that the Green Belt review considers to have 'high' suitability as an area of search for development in green belt terms have been discounted for reasons that are not founded on a robust evidence base.
- 5.9 The Green Belt Review (GRB/001) concludes that parcel 67, being the western 'green wedge' at Bishops' Stortford, has high suitability as an area of search for development.
- 5.10 The methodology at section 2 of GRB/001 2.1.2. sets out that a criticism of the Council's earlier Green Belt Review was that the Green Belt parcels should be smaller and each SLAA site should be a parcel. The response to this criticism is to amend the methodology to include an assessment of SLAA sites within each Green Belt parcel identified as 'high suitability', or 'moderate suitability' for development. Whilst GBR/001 paragraph 4.6.2 sets out a list of sites falling into these suitability categories it does not further assess them.
- 5.11 The Green Belt topic paper (TPA/003 para. 4.24) indicates the Bishops Stortford green



wedges are integral to the character of the town and are therefore are not suitable for development. The blanket conclusion is therefore that all sites within parcel 67 are considered to be unsuitable – there is no assessment of each site.

- 5.12 The problem with this blanket conclusion is that first, no assessment of the character and role of the wedges has been undertaken and secondly no consideration has been given at a site scale as to whether the release of sites within these areas in the SLAA would compromise the wedges' character and role.
- 5.13 Without such an assessment is not possible to conclude that all sites within areas of high or moderate suitability as areas of search for development are unsuitable, and as a result it is not possible to conclude that the Plan is the most appropriate strategy, as the reasonable alternative of considering allocating sites within areas that have high suitability as areas of search in Green Belt terms has been discounted without evidence based justification.
- 5.14 We consider a robust evaluation of sites put forward within these areas of search will yield deliverable sites that would contribute to meeting the full OAN and providing a 5YHLS on adoption. This issue is illustrated in more detail within our original representations to policy BISH1.