



East Herts District Council
District Plan

Examination in Public

Hearing Statement by

Andrew Martin – Planning Ltd

On behalf of

Countryside Properties (UK) Ltd

PART 1

Matters 2 (Housing), 4 (Infrastructure)
and 5 (Green Belt)

September 2017



INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning Ltd (AM-P) and Mayer Brown (MB), on behalf of Countryside Properties (UK) Ltd (CP).
2. CP has an option agreement in place to promote 53 hectares of agricultural land at Bishop’s Stortford South (previously known as land south of Whittington Way, Bishop’s Stortford). Bishop’s Stortford South is allocated in Policy BISH5 of the East Herts District Plan Pre-Submission Document (SUB/001) for release from the Green Belt and for a new residential-led mixed-use development, to accommodate approximately 750 new homes and a variety of other uses.
3. This Hearing Statement supplements formal representations made to the District Plan in December 2016 and considers the Inspector’s Matters and Issues for Part 1 of the Hearing Sessions (ED117).

MATTER 2 – HOUSING

Calculation of the Objectively Assessed Need for Housing (OAN) and the housing requirement – policies DPS1 and DPS2.

(Q.5) Would the provision of a minimum of 18,396 dwellings between 2011 – 2033, meet the full OAN for housing?

4. CP raised concerns in their previous representations in December 2016 that SUB/001 was not planning for the District’s full OAN, particularly in relation to the Government’s latest household projections (July 2016). At present Policy DSP1 makes provision for a minimum of 16,390 dwellings and Policy DPS3 identifies a total housing supply of 18,040 dwellings, for the period 2011-2033.
5. However, CP is pleased to read that East Herts District Council (EHDC) has supplemented its evidence base with an Updated Housing Topic Paper (August 2017) (ED121) and that the document identifies an increased OAN of 18,396 dwellings for 2011-2033.
6. Set against this requirement, ED121 also identifies an increased housing supply of 18,681 dwellings for 2011-2033. This is based on:
 - updated completion data (+619);
 - additional planning commitments including at Bishop’s Stortford North (+2,809);
 - a slight reduction in windfall allowance (-50); a similar slight reduction in SHLAA sites marked as “deliverable” (-45); and
 - a major reduction in Site Allocations (-2,692) predominantly brought about moving Bishop’s Stortford North into the “planning commitments” category.
7. Subject to these updated OAN (18,396 dwellings) and housing supply (18,681 dwellings) figures being incorporated into Policies DPS1 and DPS3, by some form of modification either during or after the Examination in Public (EiP), CP is willing to withdraw their previous concerns and to support this part of the emerging East Herts District Plan.



Spatial distribution / supply – policy DPS3

(Q.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?

8. Providing that the updated OAN (18,396 dwellings) and housing supply (18,681 dwellings) figures set out in ED121 are incorporated into Policies DPS1 and DPS3, then yes, CP considers that there will be sufficient supply to meet the overall housing requirement, for plan period up to 2033.
9. The availability of a five-year housing land supply (5YHLS) is considered separately in the response to Q.15 below.

Housing delivery – policy DPS3

(Q.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?

10. Appendix B of the Plan estimates that 250 dwellings will be delivered at Bishop's Stortford South (i.e. Allocation BISH5) in the period 2017-2022 and the remaining 500 dwellings in the period 2022-2027.
11. CP considers this to be a reasonable estimate of delivery at Bishop's Stortford South and notes that this is consistent with the broad timescales and build rates set out in Sections 10 and 11 of the Statement of Common Ground (SoCG) between CP and EHDC.

(Q.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 but abutting settlement boundaries where major policies constraints are absent).

12. CP raised concerns in their previous representations in December 2016 that SUB/001 was not making provision for a full 5YHLS, contrary to paragraph 47 of the National Planning Policy Framework (NPPF). Taken together, Policies DPS2 and DPS3 currently refer to a five-year requirement of 6,041 dwellings and a five-year supply of 5,897.
13. However, in view of the latest work carried out in relation to OAN, it is clear that these figures should be updated. ED121 seeks to do this and makes the case that:
 - the base five-year requirement should be 4,181 dwellings (i.e. five years at 836 dwellings per annum (which is derived from the total OAN of 18,396 dwellings divided by the 22-year plan period));
 - the whole of the previous shortfall in delivery from 2011 to 2017, i.e. 1,773 dwellings, should be added to this figure (i.e. the "Sedgefield" method, as recommended in paragraph 3-035 in the Planning Practice Guidance (PPG));
 - an additional 20% buffer of 1,191 dwellings should be added to comply with paragraph 47 in the NPPF and to reflect that persistent under delivery has occurred in the past; and
 - this produces an updated total five-year requirement of 7,145 dwellings.



14. Set against this requirement, ED121 also provides an updated supply figure of 6,769 dwellings for the first five years of the plan period (i.e. 2017-2022). Strictly speaking this equates to 4.74 years of housing land supply and even if incorporated into Policies DPS2 and DPS3, would still render the District Plan's housing policies out-of-date, on adoption.
15. EHDC suggests in ED121 that this problem can be overcome by accommodating the previous shortfall in delivery for 2011 to 2017, i.e. 1,773 dwellings, over the next 10 years, rather than 5 years. This approach is more in keeping with the "Liverpool" method of calculating 5HYLS and has the effect of reducing the total five-year requirement from 7,145 to 6,082 dwellings. In this scenario, the updated supply figure of 6,769 dwellings for the first five years of the plan period (i.e. 2017-2022) would equate to 5.56 years of housing land supply.
16. Although this approach does not accord with the Government's recommendations, as set at paragraph 3-035 of the PPG, technically it is not contrary to paragraph 47 of the NPPF or the tests of soundness at paragraph 182 of the same document.
17. CP considers that this is a pragmatic solution to address the current 5YHLS shortfall in Policies DPS2 and DPS3, and if incorporated into the Plan by some form of modification, could make the Plan "sound". The alternatives, i.e. to seek additional housing allocations or to change other policies to encourage small-scale development abutting settlement boundaries, risks delaying the adoption of the Plan by perhaps 6 to 12 months (to allow time for additional public consultation and further sustainability appraisal). This would have knock-on implications for many of the allocations within the Plan that are currently coming forward through the planning application process, but are relying on adoption of the Plan to make the principle of development acceptable on their sites (for example, where Green Belt releases are concerned). In turn this could delay the grant of a number of major planning permissions and could serve to frustrate housing delivery in the early years of the plan period, which is the antithesis of what the NPPF is trying to achieve.
18. For these reasons, CP supports the approach proposed in ED121 and respectfully requests that the Inspector deals with the matter of 5YHLS in this way.

MATTER 4 – INFRASTRUCTURE

Infrastructure requirements – policy DPS4.

(Q.1) Would the distribution of development in the Plan have proper regard to the quality and capacity of the road network, the quality and capacity of public transport and wider aims to promote sustainable development?

19. The Strategic Modelling undertaken by Hertfordshire County Council (HCC) has assessed the capacity of the network and has provided a robust framework to understand the capacity of the road network and the requirements for mitigation, which are contained in the Infrastructure Delivery Plan (IDP) (IDM/001).
20. To support the Strategic Assessment details were provided in relation to the Bishops Stortford South allocation to demonstrate the ability to make journeys by bus, on foot and by cycle for the purpose of understanding the residual highways implications.



21. To support a forthcoming planning application, it has been agreed with HCC to test the impact of the proposals using the HCC TRANSYT model and a model of the London Road corridor, together with providing detailed public transport, pedestrian and cycle strategies. This will allow the final details of the mitigation proposals to be finalised in the context of the Strategic Assessment undertaken by HCC, which has identified the overall impacts and mitigation requirements.

(Q.2) What are the principal transport improvements and projects that are required for the implementation of the Plan?

22. These are set out in IDM/001.

MATTER 5 – THE GREEN BELT

Green Belt release – policy DPS3

(Q.4) Are there exceptional circumstances to justify the Plan’s alterations to the existing adopted GB boundaries?

23. It is noted that paragraph 83 of the NPPF states that Green Belt (GB) boundaries should only be altered in “exceptional circumstances” through the preparation or review of the local plan. However, EHDC has been clear from the outset and reiterates at paragraph 4.3.3 of SUB/001 that the challenging level of housing need in the District cannot be met in a sustainable way without undertaking a carefully planned review of the GB.
24. Furthermore, the previous Minister of State for Housing and Planning, Gavin Barwell MP, wrote to EHDC in August 2016 to confirm that:
- “...Where Green Belt is constraining a local authority from meeting objectively-assessed need, then they may wish to consider whether exceptional circumstances exist to warrant re-drawing their Green Belt boundaries, but these are decisions for the local authority...”*
25. This advice is consistent with the Government’s broad approach to GB review – i.e. it is the local authority’s prerogative, via the local plan process, to consider whether there are exceptional circumstances to warrant an adjustment to the boundary of the Green Belt.
26. Bishop’s Stortford is the largest town in the District and provides an important sub-regional role in relation to its retail, leisure and employment offer. The Town is also highly accessible via the London Liverpool Street to Cambridge rail line and the M11 and A120 strategic highway corridors. With a defined “Principal Town Centre”, numerous areas of greenspace and a reputation for good schools, the Town is a very sustainable settlement and an obvious location to accommodate part of the District’s objectively assessed housing and employment needs.
27. However, Bishop’s Stortford is constrained on all sides by GB and even once all major previously developed sites have been identified, there is still excess housing and employment need that must be addressed. It necessarily follows that some limited GB release is required to meet these needs.
28. Bishop’s Stortford South (i.e. Allocation BISH5) is the last undeveloped location within the Town’s bypass, which is available and suitable for development and has strong connections to the railway station and town centre. It is therefore a natural choice for GB release in order to address objectively assessed housing and employment needs.



29. CP submits that these factors cumulatively demonstrate exceptional circumstances and justify EHDC's decision to revise the GB boundaries around Bishop's Stortford and particularly at Bishop's Stortford South.

(Q.6) Is the site selection / Green Belt review processes robust?

30. CP considers the site selection and GB review processes to be robust. These are based on extensive evidence base documents (including SSS/001 to SSS/017 and GRB/001 to GRB/003) and are supported by EHDC's Sustainability Appraisal (SUB/004).

(Q.7) Are the boundaries appropriately defined having regard to GB purposes and the need to use readily recognisable physical features that are likely to be permanent?

31. In relation to Bishop's Stortford South (i.e. Allocation BISH5), the revised GB boundary will comprise the bypass (i.e. A1184 / St James Way). This is a recognisable local physical feature, which will create a clearly defined southern edge to the town and will act as a strong defensible boundary, capable of being permanent and enduring far beyond the plan period.
32. Therefore the revised GB boundary at Bishop's Stortford South is "appropriate" and complies with paragraphs 83 and 85 of the NPPF.

SUMMARY

33. CP is promoting a new residential-led mixed-use development at Bishop's Stortford South, as allocated in Policy BISH5 of SUB/001.
34. Although CP raised concerns in their December 2016 representations, with regard to the Plan's failure to identify the District's full OAN and to demonstrate a full housing supply in the first five years of the plan period, EHDC has addressed these issues in ED121 and now proposes modifications to the Plan to update and increase the OAN, the total housing supply and the five-year housing supply. Subject to these modifications being incorporated into Policies DPS1, DPS2 and DPS3 of SUB/001, CP is willing to withdraw their previous concerns and to support these parts of the Plan.
35. CP is satisfied that the Plan has proper regard to the road network, public transport and wider aims to promote sustainable development. CP has assisted this process by providing details of the transport strategy for Bishop's Stortford South, in particular the allocation's ability to make journeys by bus, on foot and by cycle and to understand the residual highway implications.
36. CP is also satisfied that there are factors that cumulatively demonstrate exceptional circumstances and justify EHDC's decision to revise the GB boundaries around Bishop's Stortford. In relation to Bishop's Stortford South, the revised GB boundary will comprise the bypass (i.e. A1184 / St James Way) – a recognisable local physical feature, which will act as a strong defensible boundary and will endure far beyond the plan period.