
EAST HERTFORDSHIRE

DISTRICT PLAN EXAMINATION

**Matter 2 – The Development
Strategy: Housing**

Tues 3rd and Wed 4th October 2017

STATEMENT PREPARED BY:



On behalf of:

Croudace Homes Ltd



SEPTEMBER 2017

Executive Summary

Croudace Homes Group owns the 9ha of land to the south of Welwyn Rd and west of Thieves Lane, Hertford, allocated under draft Policy HERT3 (Part III) for 250 dwellings.

We support the allocation of the site for housing and consider the general policy approach to be sound, including in relation to the spatial approach to meeting housing needs and the release of land from the Green Belt.

A Statement of Common Ground has been prepared with the Council setting out a number of agreed matters in relation to the allocation and future development of the site.

We are seeking the deletion of part (c) of the policy on the basis that they we do not intend to make self-build housing plots available on the site.

Spatial Distribution / Supply – Policy DPS3

Q9

What options were considered for the distribution of housing? When and how were these options considered?

1. The spatial approach underpinning the distribution strategy has evolved through the preparation of the District Plan, with the various options assessed as part of the Sustainability Appraisal (SUB/004). Full details are set out in the Development Strategy Topic Paper (TPA/001).
2. Paragraph 2.18 of TPA/001¹ summarises the spatial approach to meeting the identified housing need (which has since been increased through preparation of ED120 and which position is detailed in the Updated Housing Topic Paper (ED121)). This makes clear that the majority of the District's larger (and most sustainable) settlements are located in the southern, eastern and western parts of the District which are constrained by the Green Belt.

¹ See also TPA/003 (Para 3.4, 4.11 and 4.18).

3. Having assessed the various spatial options available to them (TPA/001, Para 5.1 refers), the Council (understandably in our view) concluded that the lack of access to services and facilities in the central and northern parts of the District meant that providing for development in these non-Green Belt locations would fail to provide for the most appropriate and/or sustainable development strategy.
4. The most logical place to provide for development is at the larger and more sustainable settlements, which is the approach promulgated by the Council. This approach is also consistent with paragraph 85 of the Framework in so far as it relates to the Green Belt.
5. On the basis of the foregoing, we consider the spatial approach to the distribution of housing, including in relation to the approach to the allocation and release of sustainably located Green Belt sites for housing, is in accordance with the tests of soundness and paragraph 182 of the Framework, being positively prepared, justified, effective and consistent with national policy.

Housing Delivery – Policy DP3

Q12

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.

6. It is our understanding that Appendix B to the Local Plan has been largely superseded by the content at Appendix B to the Updated Housing Topic Paper (ED121). Our separate comments in response to Q15 address the content of the Topic Paper in so far as it related to the five year housing land supply position.
7. Our comments upon site delivery are confined to Policy HERT3 and specifically to the land south of Welwyn Road. As set out above, the site is owned by Croudace Homes. As confirmed in the Statement of Common Ground (“SoCG”), there are no technical constraints to bringing the site forward in the early part of the plan period. In addition, we have commenced dialogue with the LPA in relation to the pre-application process and we are in the process of preparing a screening opinion in relation to the need or otherwise for an EIA.

8. A detailed layout is being prepared for the site, and whilst it will need to be the subject of detailed dialogue with the Council as part of the pre-application process, we remain of the view, as per the position recorded at paragraphs 10.1 and 12.1 of the SoCG, that an application could be submitted in early 2018.
9. Subject to the timely grant of planning permission (it is expected that the application would be a hybrid, with an outline for the entire site and a detailed for phase 1 comprising circa 100 dwellings), it is expected that a meaningful start could be made on site end 2018/early 2019. This could result in the following rate of completions:

2019/20	60
2020/21	60
2021/22	65
2022/23	65
Total	250

10. On the basis of the foregoing, the site could be expected to yield approximately 185 dwellings in the five year period to 2022 and would be completed by 2023.
11. The anticipated trajectory could be impacted by the imposition of self-build homes under draft Policy HOU8. As drafted, the policy requires developers on sites of more than 200 dwellings to supply 5% of dwelling plots for sale to self-builders.
12. This may have the effect of undermining delivery of part of the site. Reserving an area for self-build plots could mean the loss of some of the largest plots on the site (but definition, we assume the self-builders won't be necessarily interested in building parts of terraces or semis) and therefore Croudace might not be able to deliver the mix of dwelling types which allows them to maximise their ability to cater for the full range of need, which could slow down sales. Moreover, the self-build plots will be effectively sterilised until Croudace have progress the building works to another part of the site, as otherwise there would be health and safety site management issues with having our scheme underway whilst third parties are building certain plots.

Q13

For sites which seek extraction of minerals prior to commencement of development, has the extent of the mineral/viability of extraction been identified?

Can it be demonstrated that the sites can come forward within a reasonable timescale?

What is the risk of these sites not coming forward in the plan period?

13. The County Council as mineral planning authority have a duty to avoid unnecessary sterilisation of mineral bearing land that might be caused by other forms of development and require evidence as to the mineral potential of sites proposed for other uses.
14. As recorded at section 8 of the SoCG prepared for the southern part of the HERT3 allocation, the County Council is supportive of the proposed wording at part (d) of the policy requiring an assessment to be taken at the time of, and in support of, a planning application, with prior extraction of any materials as necessary.
15. We have made initial enquires to and met with Tarmac to see what information they had in order to substantiate why minerals weren't extracted on the land. They advised that the sand and gravel deposits under the site were low-grade and would have required more processing than normally required thus making the exercise of processing the mineral deposits unviable.
16. The separation distances required between extraction works and the ancient woodland and residential property would also have significantly reduced the part of the site on which extraction could have been undertaken.
17. In support of the allocation of the site for housing, we have obtained a technical minerals report which includes further surveys and investigations to confirm the presence or otherwise of materials on-site. The report has been prepared by Wardrop Minerals Management Ltd (Aug 2017) (**Appendix A** to the Statement) and has been shared with the Council.

18. The report concludes as follows:

- A thorough series of drilling investigations, carried out in stages over 30 years show that there is a resource of clayey gravel, known locally as Hoggin in the land at Thieves Lane. With the application of surface constraints however the workable area becomes too small, and the resultant excavation would be too deep and steep to offer an economic, practicable mineral excavation whilst providing for a developable landform.
- It would not be practicable or economically viable to work a small volume of this clayey gravel without a source of cleaner mineral for blending purposes being immediately available on the same site.
- One of the principal uses of gravels and granular aggregates is to provide an oversite layer on building sites to create suitable ground conditions. With only a thin topsoil layer at Thieves Lane the mineral is likely to perform this function when left in-situ. In effect any sterilisation of mineral is a 'virtual' sterilisation.
- A permanent surface landuse including built development would therefore not sterilise any workable construction material mineral.

19. Subject to the County Council's consideration of the investigative report, it may be that part (d) of the policy is no longer required and/or the wording revised.

20. The above demonstrates that mineral deposits do not represent an obstacle and/or delay to bringing the site forward for development at the point envisaged. As a result, there are no technical constraints to the delivery of a substantive part of the site for housing within the five year period to 2022.

Q15

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 policy constraints are absent).

21. The Council's Updated Housing Topic Paper (ED121) addresses the five year housing land supply position as at the 2017 base date.

22. At Table 3.3 the Council transparently sets out the five year housing land supply position, applying the revised OAN figure from the start date of the plan period (2011) and identifying an accumulated shortfall of 1,909 dwellings (Accrued in the period 2011 to 2017). The Council then seeks to meet the shortfall in the current five year period to 2022 (the Sedgfield methodology) and also applies a 20% buffer due to the record of persistent under delivery.
23. On this approach the Council is unable to demonstrate a five year supply of deliverable housing land.
24. However, and perhaps as a result of the foregoing, the Council is proposing to spread the accrued shortfall over a 10yr period and thus resulting in a requirement for 6,082 dwellings on which basis they would be able to show a five year supply.
25. In the particular circumstances and for this Development Plan, we think the Council's approach is reasonable. They are in effect saying, as a result of historic Green Belt constraints we have not been able to meet the revised OAN on an annualised basis since 2011². However, and instead of seeking to apply the Liverpool approach and spreading the shortfall over the remainder of the plan period, they are seeking to address the shortfall on the basis of a hybrid approach and thus within a 10 year period. This approach seems justified in the particular circumstances and the stepped trajectory was an approach found sound in the preparation of the East Staffordshire Local Plan.
26. As a word of caution, the increased housing requirement is such that sites are needed to be released for development in the short term and it would be helpful if the Inspector could give an early indication following the Examination sessions in the form of a preliminary report concluding upon the general soundness of the Plan and the proposed allocations, in particular those proposed to be removed from the Green Belt, as this would provide the necessary certainty for the development industry to progress with schemes that have largely been on hold pending the outcome of the Local Plan and the assessment of the acceptability or otherwise of the Green Belt releases.

² The revised OAN of 18,396 dwellings (2011 to 2033), equivalent to 836dpa is 2,000 dwellings more than the requirement set out in the submission version of the District Plan which planned for 745dpa.

27. The above would assist in providing for a five year supply of deliverable housing land.
28. We also support the notion of building in flexibility to the Plan in relation to the allocation of additional sites, including potential as reserve allocations, to be released on the basis of the monitoring of the five year position. This has been successful in other local authority areas, including Wokingham.
