

**EAST HERTFORDSHIRE DISTRICT PLAN (EXAMINATION)**  
HEARING STATEMENT  
PIGEON LAND LTD  
SEPTEMBER 2017



## **1 East Hertfordshire District Plan Examination**

### **Matters & Issue Statement**

- 1.1 Terence O'Rourke submits this statement on behalf of Pigeon Land (respondent ref: 1053728). It should be read alongside representations to the East Herts Pre-submission District Plan (December 2016).
- 1.2 This document responds to questions raised under Matter 2 (The Development Strategy – Housing) and Matter 5 (The Development Strategy – Green Belt).

### **Matter 2 - The Development Strategy – Housing**

#### **Spatial distribution/supply – policy DPS3**

*Q7. To what extent does the apportionment of housing in the local authorities comprising the HMA reflect their needs and constraints?*

- 1.3 The NPPF paragraph 47 is clear regarding the requirements for the identification of Housing Market Areas (HMA) and an Objective Assessment of housing Need (OAN) through a Strategic Housing Market Assessment (SHMA). Also with regard to the maintenance of a five-year housing land supply.
- 1.4 The Sustainability Appraisal of the East Herts District Plan (Sept 2016) concludes that the proposed 'Spatial Option' represented the most sustainable distribution of the OAN identified in the original SHMA.
- 1.5 A Memorandum of Understanding (MoU) has been signed that commits all four Council's within the HMA (East Herts, Epping Forest District Council, Harlow District Council & Uttlesford District Council) to meeting their individual needs as identified in the original SHMA. They are also committed to updating the MoU to reflect the latest agreed position across the HMA.
- 1.6 A MoU has also been signed between East Herts District Council and the Welwyn Hatfield Borough in respect of a strategic urban extension at the Birchall Garden Suburb. MoUs are in the process of being agreed between East Herts District Council and the other neighbouring authorities.

*Q8. What evidence is there that the proposed supply is of the right type and scale and in the right place to provide a mixed, balanced and healthy community and support sustainable growth? Q9. What options were considered for the distribution of housing? When and where were these options considered?*

- 1.7 The Sustainability Appraisal of the East Herts District Plan (Sept 2016) demonstrates that the Council's preferred strategy provides a balanced distribution of housing to meet the identified needs of both rural and urban communities, when assessed against reasonable alternatives.

*Q10. What evidence is there to show that the allocations proposed to Stevenage and Welwyn Garden City, which are outside of the joint housing market area, would meet the housing needs of East Herts?*

- 1.8 The HMA covers the whole of the district of East Hertfordshire. Whilst the town of Stevenage is situated within a different HMA (the Stevenage and North Hertfordshire HMA), the proposed allocation of land East of Stevenage (draft policy EOS1) is not.
- 1.9 The Development Strategy Topic Paper (March 2017) acknowledges that providing development on the edge of neighbouring towns but within the East Herts local authority area is a sustainable option in order to contribute towards the District Council's needs. The three large towns bordering East Herts (Harlow, Welwyn Garden City and Stevenage) contain significant services, facilities and transport options to other major services including London.
- 1.10 The proposed allocation of land to the east of Stevenage will deliver a new sustainable neighbourhood on the eastern edge of Stevenage, close to existing employment opportunities, services and facilities, and public transport links. It will also form a natural extension to Stevenage, within a discreet self-contained landscape parcel that will be in keeping with both the character of the immediate surrounding area and Stevenage as a whole.
- 1.11 As the site lies adjacent to the administrative boundary of Stevenage and East Herts, this site provides an opportunity for two authorities to plan comprehensively to meet the needs of their residents through the creation of new community services and facilities. The Development Strategy Topic Paper also acknowledges that it plays a significant role in meeting the requirements of the West Essex and East Herts HMA.

*Q11. Would the supply be sufficient to meet the housing requirements?*

- 1.12 It is noted that the Housing Topic Update (August 2017) sets out the OAHN for East Herts has increased to 18,396 dwellings over the period 2011-2033 (836 dwellings per annum). The draft local plan should therefore be updated to include this figure.

*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?*

- 1.13 Pigeon supports the Council's position (as set out in Updated Housing Topic Paper) that it is unlikely that the Council will achieve a delivery rate of 1,429 dwellings per annum over the first five years (i.e. Sedgefield plus 20% buffer).
- 1.14 Of the strategic sites, East of Stevenage (draft policy EOS1) will deliver 600 homes within five years, therefore making an important contribution towards housing delivery during this period. A concept Masterplan for the site has been developed that will provide three distinct development parcels, each served by all requisite infrastructure, to facilitate the early delivery of new homes. This will enable the site to be developed by three separate home builders concurrently ensuring that the site is fully deliverable within the first five years of the plan period.

- 1.15 A Statement of Common Ground between Pigeon Land and Hythe Limited and East Herts District Council has been prepared for the examination. Pigeon are committed to working with East Herts District Council and other stakeholders to deliver this allocation within this timeframe.
- 1.16 Policy DPS3 is supported as being justified, effective and consistent with national policy.

#### Housing Delivery - policy DPS3

*Q13. Where is the assessment of the deliverability of sites which are dependent on additional school capacity? For sites which seek extraction of minerals prior to the 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?*

- 1.17 The East of Stevenage allocation (draft policy EOS1) allocation proposes the delivery of education facilities as part of the scheme, including land for a two-form entry primary school with an early years facility. Discussions are on-going with the Hertfordshire County Council Education Team to address details of the primary school including timings of its delivery.
- 1.18 The Settlement Appraisal prepared by the Council for land East of Stevenage (draft policy EOS1) correctly identifies that the site is located outside the sand and gravel belt, and therefore no prior extraction is required.
- 1.19 A Statement of Common Ground between Pigeon Land and Hythe Limited and East Herts District Council has been prepared for the examination. It provides a timetable detailing that there is a reasonable prospect that 600 homes will be delivered within a five-year period, meeting the tests at paragraph 47 of the NPPF and footnote 11.
- 1.20 The "Development Strategy" Topic Paper (March 2017) acknowledges that the East Stevenage allocation plays a significant role in meeting the requirements of the HMA. A significant amount of technical work has already been undertaken with respect to the suitability of the site. There are no technical obstacles to its delivery and there is an active landowner promoting the site with a development partner. The risk that it will not come forward as projected is therefore low. Conversely, without the allocation and its timely delivery the risk to the soundness of the plan is significant – the Council will not be able to demonstrate a sufficient five year supply and over the plan period will not be able to meet the plan housing requirement. This will undermine the plan led process at the heart of the NPPF. The allocation of the site, and its removal from the Green Belt at this stage is essential.
- 1.21 Policy DPS3 is supported as being justified, effective and consistent with national policy

**The approach to housing development in villages - policies DPS3, DPS6, VILL4 and VILL4**

*Q3. What is the basis for the 10% increase in housing in the group 1 villages which for some is only 35/37 dwellings? Would this meet housing need until 2013? Could these villages take more development?*

- 1.22 Pigeon are supportive of the strategy that proposes the proportional increase in housing in the most sustainable villages (the Group 1 villages). It is however considered that to increase the burden on the smaller settlements to accommodate a higher proportion of the HMA requirement would risk promoting unsustainable forms of development.
- 1.23 Pursuing this alternative strategy will result in a higher level of development in areas that predominantly have poor access to services and facilities, employment opportunities and sustainable transport modes. The majority of residents would still travel using the private vehicle to the main settlements along key transport routes in order to access a greater range of facilities/services and employment opportunities. It would therefore run contrary to the aims and objectives of Section 4 of the NPPF.
- 1.24 Early work on plan development (see, for example, the 2010 Interim SA Report) drew attention to the weaknesses of the 'focus large volumes of growth at villages' option on the basis that villages are associated with limited services and entrenched car dependency.
- 1.25 Directing a greater proportion of the housing requirement to the Group 1 villages would have urbanising impact on these smaller settlements, be detrimental to the character and setting of them and would cause harm to the intrinsic character, beauty and openness of the countryside, contrary to paragraph 17 of the NPPF.
- 1.26 The NPPF tests for sustainability have been met and the Council's approach is justified.

**Matter 5 - The Development Strategy – Green Belt**

**Green Belt Release – policy DPS3**

*Q3. Where can it be demonstrated that the Council has considered all reasonable options?*

- 1.27 The Council has considered alternatives to the release of Green Belt land around the main towns including the redirection of growth to the rural area and the potential for two new settlements in the District. The Sustainability Appraisal concluded that the dispersal of housing across the rural area would not represent a sustainable form of development. The new settlement option was not considered deliverable due to a lack of available land and concerns regarding the delivery of infrastructure.

*Q4. Are there exceptional circumstances to justify the Plan's alterations to the existing adopted GB boundaries?*

- 1.28 The NPPF (paragraphs 83 and 84) states that Green Belt boundaries can be altered in exceptional circumstances, through the preparation or review of the Local Plan, and that in reviewing boundaries LPAs should take into account the need to promote sustainable patterns of development.
- 1.29 We support the Council's assessment of the Green Belt against the 'five purposes' set out in paragraph 80 of the NPPF, and consideration of the judgments made in the case of *Calverton Parish Council v Greater Nottingham Councils* [2015].
- 1.30 We concur with the Council's view that the high level of housing need within the District exacerbated by a significant backlog of unmet need, and the lack of suitable alternative sites to the north of the District constitute the exceptional circumstances that provide sufficient justification for the Council to amend its Green Belt boundaries in areas that are well related to the urban edge of key settlements such as Stevenage.

*Q6. Is the site selection/Green Belt review process robust?*

- 1.31 It is clear from the documentation forming the Local Plan evidence base that the Council has undertaken a thorough review of the Green Belt. The Green Belt Topic Paper (March 2017) provides a summary of the approach taken by the Council. The Stevenage Green Belt Reviews in 2014 and 2015 provide a comprehensive analysis of the extent to which land to the east of Stevenage serves the five purposes of the Green Belt. It should be noted that the Council's analysis initially looked at larger parcels before focusing on smaller sites including draft policy EOS1.

*Q7. 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?*

- 1.32 The Council acknowledges in the Green Belt Topic Paper (March 2017) that the impacts associated with significant Green Belt release can be achieved through careful design, suitable planting and landscaping, and by following easily recognisable features on the ground where possible.
- 1.33 In respect of the draft allocation EOS1, the Gresley Park site can be developed without significant harm to Green Belt purposes. The Councils acknowledge EOS1 makes no contribution to Purpose 2 (Merging) and Purpose 4 (Setting or special character of a historic town). Whilst the wider parcel does contribute to Purpose 1 (sprawl) and Purpose 3 (encroachment), importantly EHDC considered EOS1 further as part of their work on the emerging Local Plan; the supporting Settlement Appraisal document noted (para. 4.2) that structural planting on ridgelines has created 'a well-contained site with a relative sense of enclosure' which separates it from the Beane Valley noting that, consequently, 'the smaller parcel has a more limited role in preventing urban sprawl as there is a clearly defined edge to the site', noting 'the structural planting makes the site physically and visibly removed from the Beane Valley'.

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- 1.34 We broadly support the methodology used and conclusions drawn. We support the release of the land from the Green Belt, as proposed by East Herts District Council and supported by Stevenage Borough Council. It is considered that the Council has provided sufficient justification for the approach taken in the context of the NPPF. The draft policy is considered to be sound.