

EAST HERTS DISTRICT PLAN 2011-2033 EIP – PART 2
DETAILED POLICIES: CHAPTER 25: DELIVERY AND MONITORING
REPRESENTATIONS PREPARED BY LICHFIELDS ON BEHALF OF ST
WILLIAM HOMES

26. Is the Plan flexible enough to cope with delayed changes to the expected rate of delivery of development to achieve the strategic aims?

- 1 No, the delivery rates assumed for some sites, in particular large Green Belt Sites, are over optimistic due to significant infrastructure required. In another case, HERT2, there is scope to make the Plan more flexible, in terms of delivery and rates, by allocating more housing. The housing trajectory should be amended accordingly, so that the Plan is sound. It is crucial that the housing supply position is robust to avoid a situation arising soon after adoption that the Council cannot demonstrate five years' supply.
- 2 The NPPF makes clear that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change (para. 14). To be considered sound a plan must identify a supply of specific deliverable sites sufficient to provide five years' worth of housing (para. 47). To be deliverable there must be a realistic prospect of the housing being delivered within five years.
- 3 Furthermore, in the Suffolk Coastal Judgement ([2017] UKSC 37) Lord Gill cautions against the reliance on sites where the delivery prospects are unrealistic.

“These requirements, and the insistence on the provision of “deliverable” sites sufficient to provide the five years’ worth of housing, reflect the futility of authorities’ relying in development plans on the allocation of sites that have no realistic prospect of being developed within the five-year period.” (para. 78)

- 4 As previously explained in representations on behalf of St William, it is considered that the housing land supply position is not accurate for the following reasons:
 - **Windfall** - The assumption for windfalls over the period appears to be 50 dpa (550 between 2022 and 2033), if the figure of 50 is accepted the assumption for 200 dwellings to be delivered between 2017 and 2022 on as yet unidentified sites is not robust. As a starting point, it is reasonable to assume that everything which will be completed over the next two years, i.e. by 31 August 2019 will already have permission. It would be unreasonable to assume windfalls would be higher than the 50dpa average so early in the plan period, if anything they would be lower. Accordingly, if a delivery rate of 50dpa is assumed over the residual 2 years 7 months (Sep 2019 to March 2022 inclusive) the windfall yield would be 129 rather than 200, a reduction of 71 dwellings.
 - **HERT3** - The HERT3 delivery is inconsistent with the representations submitted by the developers and the statements of common ground. The delivery rates issued by EHDC on 5 October (ED143) remain inconsistent and overestimate the delivery.
 - **EOS1** - Similarly, the delivery rates issued by EHDC on 5 October (ED143) for East of Stevenage site appear to be very optimistic for a site without planning permission and not in the ownership of a housebuilder. The assumption (within the SOCG) that outline planning permission can be obtained, with the site then sold to three separate housebuilders, who would then all submit reserved matters, clear the conditions and start on site by early 2019 to deliver from 2020 onwards appears unrealistic.
- 5 The housing land supply situation is, therefore, not robust and without modification, the plan would be inconsistent with paragraphs 14 and 47 of the NPPF and therefore unsound. As explained in representations on Chapter 7 (Hertford), site HERT2 can deliver a greater number of dwellings than presently allocated. Approximately 300 homes can come forward within the five years to 31 March 2022.

- 6 Whilst there may be a need to identify more sites for the early delivery of homes in the first 5 years, Policy HERT2 should be amended to allocate the site for at least 400 dwellings, this would allow the site's full potential to be realised and assist EHDC in demonstrating five years' supply.
- 7 In the context of the above, the current plan is not flexible enough to cope with delays to the delivery of development. In many cases, the delivery rates assumed are over optimistic for the large Green Belt sites which require significant infrastructure before they can be delivered, and the housing land supply position is not robust. In order for the Plan to be flexible, there is an opportunity for previously developed sites to accelerate their development rates within the first 5 years.