

**East Herts
Examination in Public**

**Hearing Statement
Matters and Issues
Part 1**

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Appendix 1: Extract from Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework (February 2015)



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 2 – The approach to housing development in villages – policies DPS3, DPS6, VILL1 and VILL4**
- **Matter 5 – The development strategy – the green belt**



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

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

- 2.1 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).
- 2.2 'Establishing the Full Objectively Assessed Need' (ED112) acknowledges (para 3.2) that a 20% uplift might still be appropriate and is consistent with figures endorsed by Inspectors in other similar HMAs (para 3.22). However, the document proposes a reduction to 14%.
- 2.3 Regarding market signals NPPG (ID: 2a-019) states 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. Household projections are the starting point, it does not invite plan makers to look behind these figures.
- 2.4 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.
- 2.5 The 2015 SHMA (HOP/001) followed the guidance outlined in the NPPG and concluded the appropriate uplift was 20%. However, ED112 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, contradicting the NPPG.
- 2.6 The NPPG is clear. If market signals are worsening, which the HOP/001 states 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. This was the approach adopted by HOP/001 and we do not consider that the conclusion of 20% should be disregarded.

- 2.7 Debate around whether the approach within the NPPG produces a figure that is too high is irrelevant. The soundness issue is whether the approach adopted in ED112 follows the NPPG. We do not consider it does.

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

- 2.8 The OAN should include the 20% uplift for market signals, i.e. be 19,427, as set out within HOP/011.

3.0 MATTER 2 - SPATIAL DISTRIBUTION/SUPPLY DPS3

QUESTION 8 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?

- 3.1 Our answers to questions 2 & 3 regarding the villages is pertinent.

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?

- 3.2 Supply is stated to be 18,681 dwellings (updated Housing Topic Paper TPA/004). Our answer to questions 3 and 5 above set out that the full OAN is 19,427 dwellings. Insufficient supply has therefore been identified.
- 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 Group 1 villages would accord with this spatial strategy. As set out in our answers in regard to the approach to housing development in the villages, we consider the Council's approach to development within the Villages, particularly Group 1 villages in the Green Belt, to be unsound. The adoption of a sound approach would enable sustainable villages to properly contribute to housing supply, whilst also ensuring the vitality of rural communities is maintained.

4.0 MATTER 2 – HOUSING DELIVERY – POLICY DPS3

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 Our original representation to policy DPS3 sets out why a number of sites are unlikely to contribute to the housing supply in the first five years to the extent expected. This exacerbates the shortfall in 5YHLS (see our answer to question 15).

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).

4.2 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 5YHLS shortfall is more acute than that outlined in TPA/004, rising from 376 dwellings to 1,038 dwellings.

4.3 As outlined in our answer to question 12 above, we do not consider that the deliverability of a number of the strategic has been realistically determined and as such the 5YHLS shortfall in the first five years of the Plan period will be greater than 1,038 dwellings.



4.4 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 the adoption of a sound approach to development in villages (see our answers to questions 1 - 4 regarding housing development in the villages) would enable sustainable villages to properly contribute to housing supply in the district, whilst also ensuring the vitality of rural communities was maintained during the Plan period.

**5.0 MATTER 2 – THE APPROACH TO HOUSING DEVELOPMENT IN THE VILLAGES – POLICIES
DPS3, DPS6, VILL1 AND VILL4**

QUESTION 1 Where is the evidence to demonstrate that 300 dwellings could come forward in the villages from 2017 – 2022 and 500 within the Plan period?

- 5.1 TPA/004 outlines that there are 359 dwellings committed in villages that are expected to contribute to the village housing requirement, which appears to corroborate the Council’s assertion that 300 dwellings will be delivered 2017 – 2022. However, a delivery schedule of these sites should be provided to allow review of the deliverability assumptions behind this figure.
- 5.2 In regard to the balance of the 500 within the remaining Plan period, NPs must be in conformity with the strategic policies of the Local Plan, including in regard to housing delivery. VILL1 requires that NPs should deliver 10% growth in 5 group 1 villages (i.e. 327 dwellings) between 2017 and 2033. VIL1 – 3 encourage provision in excess of this but it is not required. So even with NPs in place, there could still be 173 dwellings (or 141 if the 359 commitment figure is robust) out of the 500 proposed for the villages unallocated, the delivery of which would be reliant on the review mechanism at VIL4.
- 5.3 As NPs are not a legal requirement, the delivery of the remaining dwellings are in any case reliant on VIL4. We have further commented on this in our answer to question 4 below.
- 5.4 We are concerned that there may be double counting between commitments and the annual windfall allowance. Windfalls coming forward in the next two years would



already be expected to be consented (i.e. counted within the commitments). It is not clear whether any allowance has been made for this within the windfall figure.

QUESTION 2 Where is it demonstrated that this would meet the needs of the rural area?

- 5.5 The proposed figure of 500 dwellings does not appear to be justified by reference to an evidence base. Chapter 10 of the Plan (paragraphs 10.1.4 and 10.1.5) sets out the problems of affordability and declining services and facilities in villages. Paragraph 10.2.2 sets out that growth will sustain shops, services and facilities, deliver affordable housing, provide local job opportunities and deliver community benefits.
- 5.6 NPPG (ID 50-001) requires local authorities to consider the role of housing in supporting the broader sustainability of rural settlements in terms of housing supply, affordability and supporting services and facilities. Rural housing is stated to be ‘essential’ to ensure viable use of these local facilities.
- 5.7 No justification provided as to why and how the growth required at VIL4 (500 dwellings) and the amount and distribution of growth required at VIL1 (327 dwellings across 5 Group 1 settlements) will address these issues in the District’s villages.
- 5.8 We are particularly concerned that the three Group 1 Green Belt villages are not required to deliver any housing growth. Whilst they are ‘encouraged’ to do so via NPs, there are two issues – first, we do not consider national policy allows Green Belt review. This will remove any opportunity to allocate sites beyond existing development boundaries. There are generally few (if any) sites within development boundaries - Hertford Heath has none within the SLAA. Second, even if NP Green Belt review was permitted, it is unlikely housing would be delivered in the absence of a requirement to do, so given the inevitable level of opposition.
- 5.9 Group 1 villages are the most sustainable in the district and it is acknowledged by paragraph 10.2.2 of the Local Plan that growth in these settlements will sustain existing services and facilities and deliver affordable housing. A failure to deliver any growth would therefore jeopardise services and facilities and have a further negative impact on affordability.



- 5.10 An evidence based approach to establishing the housing needs of individual villages which has regard to government policy for rural areas as set out at NPPG ID 50-001 is therefore required.
- 5.11 Group 1 villages also have a role in meeting general housing need arising in the district, given they have good access to facilities and services. Given our concern that the Plan fails to meet the OAN and provide a 5YHLS, the allocation of deliverable sites adjacent to Group 1 villages would contribute towards meeting a proportion of this shortfall as well as addressing rural sustainability policies.

QUESTION 3 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 the housing need until 2033? Could these villages take more development?

- 5.12 The East Herts District Plan Supporting Document (SSS/001) which accompanied the Preferred Options consultation set out a suggested scale of growth to test the impact of development, which for villages was set at 10% over 20 years. This was based on a Government Community Right to Build Q&A issued in 2011, which suggested that such rights should be limited to 10% over 10 years to 'prevent over-development'.
- 5.13 It is clear that there is no justified, evidence based, rationale behind the 10% figure (now over 16 years) and no regard has been had to national policy in establishing this figure. As such, for the same reasons set out in our answer to question 2 above regarding the 500 dwelling figure, we consider it unsound.
- 5.14 We consider Group 1 villages can, and should, take more development in order to both ensure that Government policy for sustainable rural communities (NPPG ID 50-001) is met and also to contribute to meeting the district's full OAN and providing a robust 5YHLS. In light of the inability of NPs to review Green Belt boundaries, in order for the Plan to ensure national policy concerning sustainable rural communities is met for those Group 1 villages situated within the Green Belt (and consequently address paragraph 84 of the NPPF), all sites put forward to the SLAA for housing development around Group 1 Green Belt villages should be subject to Green Belt review, with suitable sites allocated



QUESTION 4 The Council rely on neighbourhood plans (NP) to identify and allocate land for 250 dwellings within villages. What is the timescale for the production and adoption of NPs? What progress has been made so far? Is the trigger sufficient to ensure that 500 homes would be delivered if NPs do not come forward within a reasonable timescale?

- 5.15 Given the concern regarding the ability of NPs to review Green Belt boundaries, the concern that even if this were possible NPs would not allocate sites given local opposition (in the absence of a requirement to do so) and the lack of available sites within current development boundaries, it is clear that the current strategy will not address the needs of group 1 Green Belt villages when considered in light of NPPG ID50-001 and NPPF paragraph 84. We do not therefore consider a reliance on NPs to be a sound approach for allocating development within Villages.
- 5.16 Progress on NPs is greatest in Group 1 settlements which have been exposed to speculative 5YHLS shortfall consents. Conversely progress on NPs in Group 1 villages within the Green Belt appears slow. No discernible progress has been made at Hertford Heath following the area designation and no designation has been applied for at Stansted Abbots & St Margaret's.
- 5.17 We note that TPA/004 outlines that there are 359 dwellings committed in villages. It would therefore appear likely the review mechanism in part II of the policy will not be triggered.
- 5.18 We do not consider that the trigger in part III of the policy is sufficient as it fails to specify a number of dwellings below which the Council will trigger a review.



6.0 MATTER 5 – THE DEVELOPMENT STRATEGY – THE GREEN BELT

QUESTION 2 What is the link between the amount of land released from the Green Belt and the housing requirement, the need to direct development to sustainable locations and the localised need for housing? Where is the evidence that broadly justifies the amount of land to be released?

- 6.1 We do not consider there is an adequate regard paid to need to direct development to sustainable locations and the localised need for housing.
- 6.2 Our answers to villages questions 1-4 set out our concerns about the needs of Group 1 Green Belt Villages arising from the lack of any effective housing requirement for these villages. This is compounded by the inability of NPs to review Green Belt boundaries (see question 5 below).

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

- 6.3 The Green Belt Review (GRB/001) does not fully consider all reasonable alternatives for Green Belt release and therefore cannot be considered as robust and proportionate evidence. This issue is explored in the following answers.

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

- 6.4 The Green Belt Topic Paper (TPA/003) refers to the five requirements set out in the case of *Calverton Parish Council v Greater Nottingham Councils [2015]*.
- 6.5 We agree that the Council can demonstrate compliance with the first three requirements of *Calverton* and is therefore right to proceed with a Green Belt review.
- 6.6 The fifth requirement of *Calverton* 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 the judgement 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.



- 6.7 Given this requirement, the aim of a Green Belt Review is to establish that the sites proposed for release cause the least harm in Green Belt terms in the context of the Plan's overall strategy and the need to achieve sustainable development.
- 6.8 The Council accepts Group 1 villages are a sustainable location for growth, and that growth is required to achieve the rural sustainability objectives set out in National Policy. The proposed approach for Group 1 Green Belt villages is to encourage NPs to undertake Green Belt reviews. Our concerns with this approach is set out below at question 5 and in our answers to questions 1-4 concerning the villages. We consider that the sound approach, in order to both meet the Government's rural sustainability policies and contribute to meeting the full OAN, is for the Local Plan to allocate sites adjacent to Group 1 Green Belt villages. This requires full green belt review of sites around Group 1 Green Belt villages.
- 6.9 In order for this further process to be robust, and meet the fifth requirement of *Calverton*, the Green Belt review must consider options for development around Green Belt villages at a site scale rather than at a parcel scale.

QUESTION 5 NP's cannot alter Green Belt boundaries which the National Planning Policy Framework advises can only be carried out as part of the local plan. What options are there to address this and to ensure the Plan complies with national policy?

- 6.10 We agree that Neighbourhood Plans (NP) cannot alter Green Belt Boundaries, NPPF para 83 is clear on this issue. Attached at appendix 1 of this statement is an extract from the *Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework* (February 2015). This confirms (paragraph 21) that responsibility for a review of the Green Belt rests with the Local Planning Authority through the Local Plan process.
- 6.11 NPPF paragraph 84 emphasises the importance of sustainable patterns of development in a green belt review context. Chapter 10 of the draft District Plan confirms the Councils view that Group 1 Villages are the most sustainable villages in the District and that growth in these areas will help to sustain existing shops, services and facilities, deliver



affordable housing, provide local job opportunities and deliver community benefits. It goes on to state that the Group 1 Villages in the Green Belt are considered sustainable locations for development.

- 6.12 The use of NP's as a vehicle to review green belt boundaries eliminates the ability for these sustainable settlements to grow and evolve. This has consequences not only for the Council's ability to meet full OAN in the district in a sustainable manner, but also for the vitality and viability of these villages (see our answers to matter 2 – housing development in the villages).
- 6.13 To remedy this issue we consider that the Council must undertake a Green Belt Review which properly assesses smaller areas of land adjacent to Group 1 Villages which have been put forward as potential sites for future housing (see our answer to question 6 below). If it is found that these sites are assessed as being of high or moderate suitability for development the land should be released from the Green Belt and the site allocated for housing in order to enable the Plan to both meet the full OAN for the district, and also to assist in providing a 5YHLS upon adoption.

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

- 6.14 We do not consider the Green Belt Review/site selection process robust. In order to meet the full OAN and deliver a 5YHLS, in a sustainable manner (as required paragraph 84 of the NPPF) which also satisfies the fifth requirement of the *Calverton* case to reduce or mitigate impacts where possible, the Green Belt review must consider all reasonable alternatives to accommodate development in sustainable locations. Such locations include Group 1 Green Belt villages.
- 6.15 In order to be robust, the reasonable alternatives considered must be at a site scale, rather than at the larger, 'parcel' scale considered in GRB/001. Assessments at a parcel scale fail to accurately reflect the realistic reasonable alternatives available for accommodating development.
- 6.16 GRB/001 does not permit the conclusion that the Plan is the most appropriate strategy as reasonable alternatives which might reduce impact on the Green Belt whilst still



delivering sustainable patterns of development, including those around Group 1 Green Belt Villages, have not been properly considered.



APPENDIX 1



Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework

Presented to Parliament
by the Secretary of State for Communities and Local Government
by Command of Her Majesty

February 2015

Cm 9016



how it should apply in relation to large sites. In the Government's view it is already clear that all sites would count against the five year supply of housing land unless it is very clear that these sites will not be delivered.

20. The requirement for a five-year housing land supply has supported the increase in planning permissions granted for housing development (permission was granted for 240,000 homes in the year to September 2014). Any change to the current approach would undermine the operation of the five-year supply requirement, and result in less deliverable land for housing. To further support implementation, the Government is considering some changes to planning guidance to clarify the operation of the five-year housing land supply.

Recommendation 7

We recommend that the Government amend paragraph 89 of the NPPF to make clear that development on sites allocated in an adopted neighbourhood plan, and which has the approval of the local planning authority, does not constitute inappropriate development for the purposes of the green belt. In addition, where neighbourhood plans, ahead of the local plan, make proposals to change the green belt, local authorities should have a duty to consider them as part of the local plan production process.

21. The Government does not accept this recommendation. Where a locally-led review of the Green Belt is proposed, the local planning authority will need to engage carefully with local people and other interested groups in the process. The Government supports the principle of local planning authorities working with those preparing neighbourhood plans where a review of the Green Belt is underway. But the Government is also clear that the responsibility for a review of the Green Belt rests with the local planning authority and must be conducted through the local plan process of consultation and examination. The rationale for this approach is to ensure the Green Belt is considered in the round of all the other planning issues the Council is addressing in its Local Plan and on an authority-wide, and indeed a cross-authority basis where appropriate.
22. It is already the case that neighbourhood plans can consider developing policies related to development in the Green Belt where these have regard to national policy on Green Belt and are in general conformity with the strategic policies of the adopted development plan for the local area. Planning guidance is clear that where a neighbourhood plan has been made following referendum the local planning authority should take it into account when preparing the Local Plan strategy and policies, and avoid duplicating what will be non-strategic policies set out in the neighbourhood plan.

Recommendation 8

We recommend that the Government restore to the NPPF the policy on disaggregation, so that local authorities are required to ask developers for evidence of flexibility as to whether a proposed retail development can be broken down into specific parts on separate sites.

23. The Government recognises the Committee's view that planning policies should support the vitality and viability of our town centres. The Framework makes clear that local authorities should apply a sequential test which requires proposals for main town centre uses including