



East Herts Examination in Public

Hearing Statement Matters and Issues Part 1

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On Behalf of
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**Sworders
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1.0 INTRODUCTION

1.1 This hearing statement considers the following Matter 2 Issues:-

- Calculation of the objectively Assessed Need for Housing (OAN) and the Housing requirement – policies DPS1 and DPS2;
- Spatial distribution/supply – policy DPS3
- Housing delivery – policy DPS3
- Green Belt Release – policy DPS3

1.2 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 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 1 Does the evidence base for OAN reflect national policy and guidance

2.1 No. We do not consider the adjustment for market signals adequately reflects the approach set out in the NPPG ID: 2a-019 and ID: 2a-020. Please see question 3 below.

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

- 2.2 The 2015 The West Essex and East Hertfordshire Strategic Housing Market Assessment (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).
- 2.3 The 2017 document 'Establishing the Full Objectively Assessed Need' (ED112) acknowledges (para 3.2) that a 20% uplift might still be appropriate to address affordability pressures and is consistent with figures endorsed by Inspectors in other



similar HMAs (para 3.22). However, notwithstanding this, the document then proceeds to set out a reduction of this 20% to 14%.

- 2.4 NPPG ID: 2a-019 sets out that the 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. Given household projections are the starting point, it does not invite plan makers to look behind these figures.
- 2.5 NPPG ID: 2a-020 outlines the quantum of this adjustment should simply reflect strength of the signals. It specifically warns against attempting to determine precise impacts.
- 2.6 HOP/001 followed exactly 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, in direct contradiction to the guidance set out in the NPPG.
- 2.7 The NPPG is clear. If market signals are worsening, which HOP/001 clearly sets out that 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. It is clear that this is exactly the approach adopted by HOP/001 and as such we do not consider that the conclusion of 20% uplift for market signals should be deviated from.
- 2.8 Undoubtedly there could be extensive debate around whether the approach within the NPPG is right and whether it produces a figure that is too high, but this is irrelevant. The issue at hand is simply whether the approach adopted in ED112 is sound; it is not as it does not reflect national policy.

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

- 2.9 No. For the reasons set out in our answer to question 3 above, the OAN should include the 20% uplift for market signals, i.e. be 19,427, as set out within document HOP/011



'Updating the Overall Housing Need Based on 2014-based projections for West Essex & East Herts'. This document combines the most up to date projections with the 20% uplift for market signals.

3.0 MATTER 2 - SPATIAL DISTRIBUTION/SUPPLY DPS3

QUESTION 10. What evidence is there to show that the allocations proposed to Stevenage and Welwyn Garden City, which are outside the joint housing market area, would meet the housing needs of East Herts?

- 3.1 Specifically in relation to the allocation to the East of Stevenage (EOS1), whilst Stevenage Borough lies outside of the joint housing market area, the allocation itself lies within the joint housing market area.
- 3.2 The NPPG ID 2a-010 defines a Housing Market Area (HMA) as a geographical area defined by household demand, household preferences and reflects the key functional linkages between places where people live and work. It acknowledges that the extent of HMAs will vary and cut across administrative boundaries and consequently requires authorities to work together under the duty to cooperate.
- 3.3 HOP/001 undertakes a detailed analysis of house prices and rates of change in house prices, household migration and search patterns and other contextual data (e.g. travel to work area boundaries, retail and school catchment areas).
- 3.4 Whilst it did find that EOS1 lies within the Stevenage commuting zone, this is only one element of establishing the most appropriate functional HMA and, in any event, the East Herts population is split between the Harlow and Stevenage commuting zones.
- 3.5 Having undertaken the analysis of all the factors affecting the HMA, HOP/001 concludes that the administrative boundaries of East Hertfordshire, Epping Forest, Harlow and Uttlesford represent the most appropriate "best fit" for West Essex and East Hertfordshire HMA.



- 3.6 Whilst it acknowledges that these “best fit” groupings do not change the actual geography of the functional HMA, they do provide a pragmatic arrangement for the purposes of the District Plan evidence base.
- 3.7 The housing needs for the HMA have therefore been assessed and distributed according to these boundaries so it follows that allocations to meet this need follow the same boundaries.
- 3.8 The Stevenage Borough Council SHMA 2013 undertook a similar analysis, concluding that Stevenage lies within an HMA with Central Beds, Luton, North Herts and Welwyn Hatfield.
- 3.9 The Stevenage Borough Local Plan (currently awaiting the Inspector’s Report following Examination in Public) does not rely on EOS1 as part of the spatial strategy for delivering housing needs.

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?

- 3.10 The supply within the submission Plan as updated by the Housing Topic Paper (TPA/004) is stated to be 18,681 dwellings. Our answer to questions 3 and 5 above set out that the full OAN is 19,427 dwellings. Insufficient supply has therefore been identified to meet the housing requirement.
- 3.11 NPPG ID: 3-026 is clear that in this event the first step is to revisit the land availability assessment assumptions. If this does not yield sufficient sites, neighbouring areas should be approached under the duty to cooperate. However, we consider a rigorous reappraisal of sites within the Strategic Land Availability Assessment 2017 (HOP/004 - hereafter ‘SLAA sites’) will yield additional sites to contribute towards this shortfall that would accord with the Plan’s spatial strategy.
- 3.12 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 of 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.

- 3.13 Directing additional development to Stevenage would accord with this spatial strategy. As set out in our response to matter 5 questions 4 and 6, we consider a more robust assessment would yield additional sites.
- 3.14 If this reassessment fails to produce the necessary number of dwellings, adjoining areas should be approached under the duty to cooperate.

4.0 MATTER 2 – HOUSING DELIVERY – POLICY DPS5

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 We do not consider the trajectory at Appendix B reasonable in regard to its assessment of the deliverability of sites within the first five years of the Plan period.
- 4.2 Our original representation to policy DPS3 sets out why we consider the larger site allocations, as well as the windfall and village development are unlikely to contribute to the housing supply in the first five years to the extent expected by the table at Appendix B. This exacerbates the shortfall in 5YHLS outlined within our answer to question 15 below.

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).



- 4.3 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 shortfall in five year housing land supply is more acute than that outlined in TPA/004, rising from 376 dwellings to 1,038 dwellings.
- 4.4 Moreover, we do not consider that the deliverability of a number of the strategic sites, windfall and village sites has been realistically determined and we consider it to be very likely that in reality the housing land supply shortfall in the first five years of the Plan period will be greater than 1,038 dwellings.
- 4.5 In light of the need to allocate additional sites to meet the full OAN, the focus should be on allocating further sites to meet this shortfall and we consider that a robust re-assessment of sites within the SLAA would yield additional deliverable sites. An obvious choice which remains in line with the overall Plan strategy is to look at sites which could increase the quantum of development proposed at the strategic locations.



5.0 MATTER 5 – THE DEVELOPMENT STRATEGY – THE GREEN BELT

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

- 5.1 The Council has not fully examined all reasonable options for Green Belt release.
- 5.2 Our answer to question 6 below outlines that the site selection process is not robust. The Council has failed to consider the reasonable alternative option of treating all potential development sites within the Green Belt consistently. This approach would have yielded a greater number of sustainable sites suitable for Green Belt release.

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

- 5.3 We agree that a case for exceptional circumstances exists, as demonstrated in TPA/003 paragraph 4.1 onwards. However, we do not consider that the approach to reviewing the Green Belt boundaries and selecting sites for release taken by Council is in accordance with paragraphs 83 to 85 of the NPPF, as set out in our response to question 6 below.

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

- 5.4 Whilst the Council is able to demonstrate exceptional circumstances sufficient to justify alteration to Green Belt boundaries, the process of Green Belt review as set out in paragraphs 83-85 of the NPPF, has not been followed.
- 5.5 Paragraphs 83 is clear that having established exceptional circumstances sufficient to justify a review, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.
- 5.6 Paragraphs 84 and 85 give further direction when defining boundaries, including that they should take account of the need to promote sustainable development, not include land which is unnecessary to keep open and be defined clearly, using physical features



that are readily recognisable and likely to be permanent.

- 5.7 In order to satisfy paragraphs 83-85, a comprehensive review of all Green Belt boundaries should be undertaken, not a selective review only in the locations the Council seeks to allocate development.
- 5.8 Neither GRB/001 nor the site selection process make a robust and complete assessment of all Green Belt boundaries and there has not been a thorough assessment of all sites within HOP/004 in relation to the Green Belt.
- 5.9 GRB/001 does not follow the methodology it sets out in chapter 2. The methodology follows the recommendations of the 2014 critical friend Appraisal of the 2013 Draft Green Belt Review to reduce the size of parcels for assessment as the contribution to Green Belt purposes could be quite different in one area of the parcel compared to another.
- 5.10 In light of this, the table at paragraph 2.1.2 of GRB/001 states that the methodology has been amended to include an assessment of individual SLAA sites in parcels identified as “high” or “moderate” suitability.
- 5.11 This assessment has not been carried out.
- 5.12 Even if it had been, such an assessment would not have addressed the reason for this change to the methodology. The justification for the change was that smaller sites may not serve the same purposes as those of the larger parcel (GRB/001 1.6.3), meaning smaller sites within larger parcels considered less suitable, may still be suitable. It therefore follows that all parcels, including those considered less suitable should be the focus for more detailed assessment of SLAA sites, rather than those already considered more suitable.
- 5.13 Paragraph 4.23 of TPA/003 explains that the Council consider GBR/001 is only one aspect of the overall evidence base and do not disagree with the principle of release of sites within parcels of lower suitability, where the evidence base suggests it is justified. However, not all SLAA sites have been subject to the same degree of assessment.
- 5.14 This has had the result of sites being proposed for allocation in parcels with lower



suitability scores without all development options within those parcels, or other parcels with the same suitability score, having been fully assessed. As such, the site assessment process has been inconsistent and not considered all sites in an equal and proportionate way.

- 5.15 HOP/004 makes only a very brief, high level assessments of site suitability. Whilst it frequently discounts sites on the basis of the Green Belt location, there is no evidence that this has been done through a more detailed assessment of the site against the purposes of the Green Belt.
- 5.16 Taking the example of Stevenage, site EOS1 has been proposed for allocation. According to GRB/001 it lies within parcel 2 which is assessed as having “very low” suitability. As such, it is excluded from further consideration through the GRB/001 methodology.
- 5.17 It was also discounted as a suitable location for a new settlement or urban extension at the earlier sieving stages through the East Herts District Plan Supporting Document (SSS/01).
- 5.18 However, following representations from Stevenage Borough Council, the findings of the Stevenage Green Belt Review (GRB/002 and GRB/003) and information provided by the site promoter it was subject to further assessment and proposed for allocation, as set out in the East of Stevenage Settlement Appraisal (SSS/010).
- 5.19 In the case of EOS1, the Council has preferred the findings of GRB/003 to its own GRB/001. Given the smaller parcels and more detailed assessment undertaken, we do not disagree that GRB/003 is more robust and should take preference.
- 5.20 However, GRB/003 did not consider all potential development sites within the parcel; it includes only those directly adjacent to Stevenage as it has been prepared for the benefit of Stevenage Borough Council.
- 5.21 The effect is to exclude land within East Herts district beyond the physical ownership boundaries of SLAA site 43/002 from the re-assessment process.
- 5.22 The result is that SLAA sites 43/002 and 43/003 were both discounted through the



earlier stages for the same reasons. Both achieved an identical assessment under HOP/004, that they could form part of a larger strategic scale development yet only SLAA site 43/002 has been reconsidered and part of it proposed for allocation.

- 5.23 We consider a consistent evaluation of all sites put forward would be a more robust approach and will yield deliverable sites that would contribute to meeting the full OAN and providing a 5YHLS on adoption.

Question 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?

- 5.24 No. Specifically in relation to the east of Stevenage, site EOS1 has been proposed for allocation without due regard for recognisable physical features. SLAA site 43/003 should be included within allocation EOS1.
- 5.25 It is a similarly well-contained site. The northern boundary is defined by Box Wood and the B1037 (which can be straightened as part of the development), the south western boundary by the proposed allocation and small woodland and the south eastern boundary by a farm track, which can be reinforced by new structural landscaping.
- 5.26 Such an approach would be in accordance with paragraphs 83-85 of the NPPF and guiding principle 4 of the District Plan, as set out in Chapter 3; The Development Strategy.