



**EAST HERTFORDSHIRE DISTRICT COUNCIL – DISTRICT PLAN
2011-2033 – EXAMINATION**

**EXAMINATION HEARING STATEMENT – MATTERS AND ISSUES
PART 1**

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East Hertfordshire District Plan 2011 – 2033 Examination

Matter 2 – The Development Strategy – Housing

Matter 4 – The Development Strategy – Infrastructure

Matter 5 – The Development Strategy – The Green Belt

Introduction

1. Strutt & Parker LLP are instructed by Barratt Homes North London to submit this Hearing Statement to the Examination for the East Hertfordshire Submission District Plan 2011-2033 (EHSDP). Previous submissions on behalf of our clients have been made to East Hertfordshire District Council (EHDC) throughout the emerging Plan process.
2. This Hearing Statement addresses issues raised by the Inspector in the Matters and Issues Part 1 and specifically concerns Policies DPS1, DPS2, DPS3, DPS4 and GBR1 of the Submission Plan.

Matter 2 – The Development Strategy - Housing

Policy DPS 1 – Housing, Employment and Retail Growth

3. Policy DPS1 sets out a requirement for the Plan to provide 16,390 new homes (equating to 745 new homes per year) in the District up to 2033.
4. We are aware of the detailed response prepared by the HBF concerning the Pre-Submission Draft Plan (PSDP) plan relating to the potential drawbacks with the Strategic Housing Market Assessment (SHMA) and the issues they have raised regarding household projections and the OAHN. This would all suggest that EHDC should be providing for additional housing numbers within the District.
5. In addition, there is a clear admission at paragraph 3.2.7 of the PSDP that EHDC are unable to identify sufficient sites to meet the higher than projected housing need of 19,500 homes resulting from the Government's July 2016 household projections (equating to 886 per year). This would result in a substantial increase of some 19% on the stated figure set out in DPS1. The National Planning Practice Guidance (NPPG) considers the Government's projection figures are robust and based on nationally consistent assumptions. The NPPG does allow for sensitivity testing specific to local circumstances but there appears to be no evidence available as part of the PSDP to date which would justify setting the target at that contained in the PSDP or indeed any possible revised figure. The PSDP makes provision for a projected housing supply of 18,040 new homes between 2011 and 2033.

6. Paragraph 3.2.7 of the PSDP confirms that there will be a need to identify more sites and Policy DPS5 provides for an early review in order to seek to meet the additional housing needs arising from the 2016 Household Projections. However, this is not compliant with paragraph 47 of the NPPF which provides for development plans to meet an area's OAHN in full.
7. The Council has now produced an Objectively Assessed Housing Need (OAHN) Report (ED112) and an updated Housing Topic Paper (August 2017), which state that the OAHN for EHDC is 18,396 dwellings over the period 2011-2033 (836 dwellings per annum) and that the projected Housing Supply over the Plan Period 2011-2033 will be 18,681 dwellings. Despite EHDC's assertion that it can meet its OAHN over the duration of the Plan, paragraph 4.2 of the Housing Topic Paper (August 2017) highlights that the Council is unable to deliver an appropriate level of housing within the first five years of the plan to account for historic under-delivery and increased OAHN. At the presented trajectory, EHDC would have to provide 1,429 dwellings per annum for the first five years of the Plan in order to make up the shortfall within five years. The Local Plan should seek to achieve this in order to accord with national advice, and the NPPF's requirement for there to be a significant boost in housing land supply. EHDC consider meeting this obligation to be unachievable and present a solution to extend the five-year period to ten years from 2016 to make up the shortfall. Such an approach could only have merit in the event that the Local Plan supported the delivery of proposed allocated sites to their maximum potential and, even after this, the shortfall could not be made up within the requisite time period. However, this is not the case. The Local Plan does not support the optimum utilisation of sites found to be deliverable and sustainable, for example Site SAWB3, which is capable of delivering up to 300 units. The maximisation of deliverable sustainable sites, such as SAWB3 would assist in ensuring development needs are met.
8. Against this backdrop of an increasing housing need and little flexibility afforded in terms of potential housing supply, it is critical that the proposed housing allocation sites in the Plan fulfil their maximum potential to deliver new homes in accordance with the Plan's objectives to deliver sustainable new development. In this respect, the Plan is **not justified**, as it fails to set out the most appropriate strategy for housing allocation sites at Sawbridgeworth. Specifically, with regard to our client's site at Chalk's Farm, and identified as proposed allocation SAWB3, the Plan now identifies land at the western part of the site proposed as Local Green Space, which serves to reduce the dwelling capacity of this site from 300 dwellings (as contained in the Preferred Options Plan) to 175 dwellings in the Submission Plan. This serves to illustrate how the Plan is failing to maximise the potential housing capacity and deliverability of sustainable sites (such as SAWB3) during the critical next five years of the Plan period, when there is a need to boost housing delivery to reduce the underlying shortfall in delivery that has occurred since 2011. In this case, the proposed reduction in capacity from 300 dwellings to 175 dwellings is not supported by robust evidence **justifying** the designation of the western part of the site as Local Green Space.

Policy DPS2 – The Development Strategy 2011 – 2033

9. Policy DPS2 sets out the intended supply across the Plan period. It is notable that paragraph 3.3.6 of the Submission Plan confirms that, in the first five years, only 3,161 homes will be built leaving a shortfall of 1,309 homes. As a consequence, there will be a significant under-delivery of 1,309 homes in the first five years. The Policy acknowledges that due to past under-delivery a 20% buffer must be added to the first five-year period of the Plan as required by paragraph 47 of the NPPF. The shortfall, taken with a 20% buffer, results in a total housing requirement for the first five years of the Plan for 6,041 homes. This equates to 1,208 per annum. This is a very challenging target given that past delivery has been 488 per year according to EHDC Annual Monitoring Report (AMR). It is therefore absolutely critical to ensure that the Plan provides for “front loading” of suitable achievable and deliverable sites.
10. Having regard to our client’s interests at Site SAWB3 there is an opportunity to deliver a greater proportion of housing than that provided by the relevant site policy. It is therefore considered that Policy DPS2 has not been **positively prepared**. EHDC has failed to properly weigh the benefits between the delivery of suitable and sustainable sites for housing to meet the shortfall as well as having regard to the NPPF requirements to boost the supply of housing (paragraph 47).
11. It is clearly critical that unconstrained and immediately deliverable sites such as SAWB3 come forward in the first five years. Moreover, based on the fact that the site can deliver 300 homes, its identification for 175 homes is not the most appropriate strategy or **justified**.
12. The Plan is also **not effective**, in that it fails to set out a robust strategy for the delivery of new housing, particularly during the first five years of the Plan period, but also extending across the whole Plan period. We have concerns that Policy DPS3 dealt with at paragraphs 13 and 14 below contains unrealistic assumptions regarding the timing of delivery of new homes at a number of major sites within the District, whilst failing to recognise the potential of smaller or medium sized sites, such as our client’s site, to make a more significant contribution to housing supply. We consider that the housing delivery strategy of the Plan is flawed, and as such the Plan is unsound and requires modification.

Policy DPS3 – Housing Supply 2011 - 2033

13. Table 3.1 of the PSDP assumes the delivery of 1,180 dwellings per annum from 2017. As indicated at 12 above some 1,208 will need to be delivered in the first five years. In order to meet this challenging requirement for the first five years, the sites must be deliverable, available now and suitable to be able to deliver within five years. We, therefore, have some concerns that the assumptions are over optimistic and the Policy is not therefore **positively prepared**. It is considered that the strategy should allow for flexibility to be **justified** in order for it to be the most **effective** strategy in accordance with the advice of the NPPF and NPPG.

14. In this regard, for the reasons set out at above, our client's site at SAWB3 has the ability to provide for an increased proportion of housing to assist meet the housing supply in the early years of the Plan period.

Matter 4 – The Development Strategy - Infrastructure

Policy DPS4 – Infrastructure Requirements

15. We have no comments or objections to the strategic infrastructure requirements set out at Policy DPS4. Nevertheless, we draw attention to the strategic requirement for a new junction 7a on the M11 and upgrades to junction 7 and 8 of the M11. As far as our site interests are concerned at Sawbridgeworth, EHDC has set a 500 limit on housing numbers principally due to the fact that a figure in excess of that number would require the provision of a by-pass. Subject to the implementation of the aforementioned strategic infrastructure requirements, the likely traffic that currently runs through the town may reduce sufficiently to enable more homes to come forward.

Matter 5 – The Development Strategy – The Green Belt

Policy GBR1 – Green Belt

16. EHDC's approach to the Green Belt as set out at paragraphs 4.3.2 and 4.3.3 of the Submission Development Plan is generally supported and is considered to be **positively prepared** and **justified**.
17. It is clear that EHDC have sought to address the challenge of housing need across the District to ensure that development is in sustainable locations. As such, the review of the Green Belt to meet this objective is broadly welcomed. Nevertheless, for the reasons set out in our representations regarding the OAHN and housing supply referred to at paragraphs 3 to 7 above, it is considered that it will be necessary to continue to exercise a judgement on those additional sites that may be necessary to fulfil those housing requirements which involve a further review of the Green Belt in suitable and sustainable locations.
18. In this regard and in respect of our client's interests at site SAWB3, a greater area of the site was proposed for removal from the Green Belt to assist meet housing requirements at Preferred Options stage. The Submission Development Plan has however reduced the area now considered by EHDC to be suitable for development. This was based on a Stage 2 Green Belt Review by Peter Brett Associates (PBA) as part of the evidence base for the PSDP.
19. Whilst the reasons for reducing the housing allocation at SAWB3 from that contained in the Preferred Options for Green Belt are acknowledged, this is now questionable given the issues related to housing numbers overall and the need to bring forward sites quickly to meet the five year supply shortfall, all as referred to at paragraphs 12 to 14 above. Against this background and as far as SAWB3 is concerned, it is considered that the Green Belt boundary as expressed on the Proposals Map accompanying the PSDP is not **positively prepared** or **justified**. The larger site with capacity for 300 units would assist in meeting housing requirements and would be more appropriate when considered against reasonable alternatives in Sawbridgeworth and elsewhere. It is our client's case that the need to maximise the housing capacity of the site is of paramount importance in terms of helping to boost housing delivery in the district in the short-term.
20. The Submission Plan includes an allocation of part of the site for Local Green Space. We recognise that this is a site specific issue and reserve the right to prepare a further Hearing Statement on this, following confirmation of the Inspector's forthcoming Matters, Issues and Questions in respect of the second stage of the Examination pertaining to site specific considerations.

Chapter 8 – Sawbridgeworth

22. We **support** the identification of Sawbridgeworth as an important component of the EHDC development strategy. The principal constraints to possible growth relate to transport and the Green Belt. As far as transport is concerned, the work undertaken to date by EHDC and the Highway

Authority have provided for a limit on the amount of housing that the town can accommodate on the existing road network to around 500 homes. The identification of our client's site, albeit with a potential capacity of 175 dwellings rather than 300 dwellings, confirms that land in this part of Sawbridgeworth should be released from the Green Belt in order to provide opportunities for housing growth at this sustainable location.