



East Herts District Council
District Plan

Examination in Public

Hearing Statement by

Andrew Martin – Planning Ltd

On behalf of

Cambrils Limited

PART 1

Matters 1 (General), 2 (Housing),
and 5 (Green Belt)

September 2017



INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning Ltd (AM-P), on behalf of Cambrils Limited.
2. Cambrils Ltd is promoting some 2.7 hectares of previously developed land to the west of the River Stort and south of Station Road, in the centre of Sawbridgeworth. Known as the Esbies Estate this land currently contains a mix of established uses and is in need of regeneration and enhancement. Access is gained from Station Road in the north and the site is divided into a number of plots located to either side of a central north-south internal access road. The majority of the site is previously developed land (PDL). To the north and south is open land. A towpath runs along the eastern side of the site. To the west the land rises within the Forebury Estate. Historically the estate was used for leisure purposes with a larger number of plots. However, it has been progressively changing and continues to change today with an emphasis now on residential use. The site has been the subject of planning enforcement appeals relating to its use for the storage of mobile homes and issues relating to gypsy and traveller accommodation.
3. Esbies has been promoted for housing development at various stages of the emerging Local Plan and its Sustainability Appraisal (SA), and key evidence base documents i.e. the Strategic Land Availability Assessment (SLAA) and Green Belt Review.
4. Esbies was proposed as an allocation for comprehensive residential development in the previous Local Plan for East Herts District, in order to improve its appearance and remedy various breaches of planning control. Late objection to the Draft Deposit Local Plan by the Environment Agency (EA) in 2000 and to the Re-Deposit version in November 2004, led to the allocation being deleted on the grounds of Flood Risk. However, the Inspector appointed to examine that Plan did not rule out the site's potential, and likelihood that it would come forward for development in the future.
5. Work subsequently undertaken by Peter Brett Associates (PBA) finds the majority of the site to be located in Flood Zone 1. Previous objections by the EA are now addressed and when taken with other relevant planning considerations there is considerable merit in the redevelopment of this site for housing and its formal allocation in the emerging Local Plan.
6. Previous representations to the Local Plan have called into question its soundness on the grounds that Esbies has not been the subject of a fair and equitable assessment in the context of the emerging Plan, its Sustainability Appraisal (SA) and evidence base including a Green Belt Assessment. Objection has also been raised to The Development Strategy in terms of the housing target and sources of supply. We acknowledge that the Council has undertaken further work on the District's Objectively Assessed Housing Need (OAHN) but we continue to have concerns regarding the Council's ability to meet its short term needs, in the first five years of the Plan. To ensure that the revised housing target is met we submit that there is a need to allocate additional small to medium sized sites, such as Esbies, that can be delivered in the early years of the Plan.
7. This Hearing Statement supplements formal representations made to previous versions of the emerging Local Plan including those in December 2016 to the Pre-Submission Plan, and considers the Inspector's Matters and Issues for Part 1 of the Hearing Sessions (ED117).

MATTER 1 – GENERAL

(Q.3) Has the Plan been the subject of suitable comprehensive and satisfactory Sustainability Appraisal and if not, what else needs to be done?



8. We object to the SA and its supporting evidence base in the form of the Green Belt Review and Strategic Land Availability Assessment (SLAA). Detailed explanation of our objection is set out in representations to the Pre-Submission Plan on behalf of Cambrils Limited.
9. In respect of the town of Sawbridgeworth It is not possible to understand why the allocated sites represent better opportunities for growth than Esbies. This is rooted in the failure to consider up to date information on this alternative site (in particular in respect of potential flood risk) or to undertake a detailed comparative assessment of Esbies with the Local Plan allocations to the north and west of the town. The SA and supporting evidence base is insufficient to justify the allocations SAWB2, SAWB3 and SAWB4 and the rejection of Esbies as a sustainable site for development within the settlement of Sawbridgeworth.
10. We call for an addendum to the SA to be prepared to correct this position and either identify Esbies as an allocation for growth or set out the reasons for not choosing it as an alternative option. Unless the SA can be shown to have properly assessed both selected and rejected sites, the Plan will not be legally compliant.



MATTER 2 – HOUSING

Spatial distribution/supply – policy DPS3 (Q11) Would the supply be sufficient to meet the housing requirement?

11. We question the soundness of some of the potential sources of housing supply proposed by the Council to meet its target figure for growth. For example Housing Commitments as at 31/05/17 are said to total 3,607 units to be delivered 2017 – 2022 and 1,637 units 2022 – 2027. Specific sites that make up these figures are listed in the latest Authority Monitoring Report. It is relevant to note that 60% of these sites have not been started and a number of the planning permissions have lapsed or are soon to do so. This demonstrates the importance of current advice from DCLG that account should be taken of lapse rates of 10 to 20%, and a non-implementation rate of between 15 to 20%. We submit therefore that in considering supply, some degree of contingency is required to offer sufficient flexibility to protect delivery from unforeseen circumstances.
12. In addition the housing supply proposed places a considerable reliance on large strategic sites such as land east of Stevenage, Gilston and east of Welwyn Garden City. These are known to have constraints to delivery. In this context we refer to guidance set out in the PPG in paragraph 025 (Ref ID: 3-025-20140306) that “*An overall risk assessment should be made as to whether sites will come forward as anticipated*”.
13. Finally there is no firm evidence to demonstrate that 500 homes will come forward in villages. Some of these are to be delivered via Neighbourhood Plans, which in many cases lag behind the Local Plan. The Local Plan should therefore identify specific sites in villages to meet this not insignificant contribution towards the District’s housing target.

Housing delivery – policy DPS3

(Q 13) Can it be demonstrated that sites can come forward within a reasonable timescale?

14. See response to Q11 above.

(Q.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 but abutting settlement boundaries where major policies constraints are absent).

15. Concerns were raised in previous representations in December 2016 that the Council was not making provision for a full 5YHLS, contrary to paragraph 47 of the National Planning Policy Framework (NPPF). Taken together, Policies DPS2 and DPS3 currently refer to a five-year requirement of 6,041 dwellings and a five-year supply of 5,897.
16. In the light of the latest work carried out in relation to OAN, it is clear that these figures should be updated. ED121 seeks to do this and makes the case that:
 - the base five-year requirement should be 4,181 dwellings (i.e. five years at 836 dwellings per annum (which is derived from the total OAN of 18,396 dwellings divided by the 22-year plan period));



- the whole of the previous shortfall in delivery from 2011 to 2017, i.e. 1,773 dwellings, should be added to this figure (i.e. the “Sedgefield” method, as recommended in paragraph 3-035 in the Planning Practice Guidance (PPG));
 - an additional 20% buffer of 1,191 dwellings should be added to comply with paragraph 47 in the NPPF and to reflect that persistent under delivery has occurred in the past; and
 - this produces an updated total five-year requirement of 7,145 dwellings (1,429 dwellings per annum).
17. Set against this requirement, ED121 also provides an updated supply figure of 6,769 dwellings for the first five years of the plan period (i.e. 2017-2022). This equates to 4.74 years of housing land supply and even if incorporated into Policies DPS2 and DPS3, would still render the District Plan’s housing policies out-of-date, on adoption. Additional small and medium sized sites should be allocated to address this shortfall and provide more flexibility in meeting short-term needs.
18. EHDC suggests in ED121 that this problem can be overcome by accommodating the previous shortfall in delivery for 2011 to 2017, i.e. 1,773 dwellings, over the next 10 years, rather than 5 years. This approach is more in keeping with the “Liverpool” method of calculating 5HYLS. We submit that the Sedgefield approach is generally considered preferable because it aims for a shorter period to remediate the backlog. However, advice in the PPG does not rule out the Liverpool approach, advocating that Local Planning Authorities should ‘aim to deal with any undersupply within the first five years where possible’. The following sentence in the PPG states that where this cannot be met in the first five years, LPAs will need to work with neighbouring authorities under the “duty to Cooperate”, i.e. a plan making approach to dealing with undersupply. We note that a Memorandum of Understanding has been signed that commits all four Councils within the West Essex/East Hertfordshire HMA to meeting their individual housing needs.
19. We submit that to address this shortfall the Plan should allocate additional land for housing, including small-scale sites outside but adjoining settlement boundaries. Esbies is a good example of such a solution to meeting the known shortfall. It is sustainable and deliverable in the early years of the plan period.

The approach to housing development in villages – policies DPS3, DPS6, VILL1 and VILL4

(Q.4) The Council rely on Neighbourhood Plans to identify and allocate land for 250 dwellings within villages....Progress made on NPs and will the 500 homes in villages be delivered if these do not come forward within a reasonable timescale?

20. In East Herts the rural housing market has a not inconsiderable part to play in meeting housing need and has a role in contributing towards annualised housing supply in the early years of the plan. Reliance on Neighbourhood Plans to deliver this element of growth is ad hoc and offers no certainty in terms of actual delivery or timescales. This element of housing supply should take the form of specific allocations.



MATTER 5 – THE GREEN BELT

Green Belt release – policy DPS3

(Q.3) Where can it be demonstrated that the Council has examined fully all other reasonable options?

21. It is noted that paragraph 83 of the NPPF states that Green Belt (GB) boundaries should only be altered in “exceptional circumstances” through the preparation or review of the local plan. However, EHDC has been clear from the outset and reiterates at paragraph 4.3.3 of SUB/001 that the challenging level of housing need in the District cannot be met in a sustainable way without undertaking a carefully planned review of the GB.
22. Furthermore, the previous Minister of State for Housing and Planning, Gavin Barwell MP, wrote to EHDC in August 2016 to confirm that:

“...Where Green Belt is constraining a local authority from meeting objectively-assessed need, then they may wish to consider whether exceptional circumstances exist to warrant re-drawing their Green Belt boundaries, but these are decisions for the local authority...”
23. The emerging Plan seeks to provide clear unambiguous Green Belt boundaries whilst acknowledging the capacity for market towns and villages to grow.
24. With regard to the settlement of Sawbridgeworth, we submit that the assessment of land that could potentially be released to meet the need for additional housing has not given due consideration to all the reasonable options. Key arguments objecting to the allocated sites SAWB2 and SAWB3 principally on traffic and access grounds, are set out in our previous representations. It is submitted that the Green Belt Review to support the SA has been conducted on an area wide level rather than a site-by-site basis. As such the individual merits of a site such as Esbies are overlooked. The review, as others before it, fails to recognise the specific characteristics of the site that would attract Government support in terms of its redevelopment for housing.
25. In the latest 2015 Green Belt Review Esbies is linked with land to the south of Sawbridgeworth and is rejected on the basis of the Green Belt role being performed by the wider area. This wider area of land between Sawbridgeworth and Harlow is described as a mosaic of woodland, managed pasture and wet grasslands. It is said to include a Country Park, Registered Parks and Gardens and other important Wildlife Sites. Its protection as Green Belt ranks as ‘Paramount’ largely due to the need to ensure separation from Harlow. The narrow strip of land in the north of this parcel comprises Esbies and is described as follows:

“Northern end lies partly within flood zone and forms an integral part of the narrow valley corridor that extends northwards along the River Stort; although it contains some unauthorised development which disrupts the continuity of the riverside landscape and has a local impact on the open and linear character of the valley, any development would be perceived as an encroachment into this well-defined and valued parcel of land leading to a reduction in the river corridor landscape at this narrow point between adjoining built-up areas.

Northern end of the parcel includes/adjoins eastern end of Conservation Area where the river contributes to the setting of the nearby former Maltings. Whilst a large part of parcel is Registered Parks and Gardens this does not contribute to the setting of the historic core of the town being separated from it by extensive modern development”.



26. The above text fails to acknowledge that Esbies does **not** share the characteristics of the much larger parcel of land to the south, with which it has been grouped. The Esbies Estate does not serve any of the five purposes of the Green Belt set out in the NPPF. Instead it forms part of the urban area of the town and unlike the housing allocations in West Road (SAWB2 and SAWB3) that have no defensible boundaries, its redevelopment would not lead to unrestricted sprawl into the open countryside. The Esbies site is clearly PDL, with an extensive history of authorised and unauthorised development. The Council recognise that the site is an eyesore and have previously sought to encourage comprehensive development in order to improve the appearance of the site and remedy the problem of frequent breaches of planning control. Its redevelopment for housing within an enhanced landscaped setting would represent a significant enhancement in visual terms. Additionally it would enhance the appearance and setting of the nearby Conservation Area. Its characteristics and brownfield status should be given priority for development over and above the proposed greenfield releases. Furthermore Green Belt policies have not changed in terms of its five purposes since the last Local Plan when the Council saw sufficient justification to release the site for housing. There is no new reason to justify its retention as Green Belt.
27. We sustain our objection to the SA which fails to undertake a comparative assessment of Esbies against other sites proposed for development in Sawbridgeworth including the proposed allocations. This lack of detailed assessment is confirmed in the settlement appraisal of Sawbridgeworth which states:
- “Three sites were submitted to the east of the town, south of Station Road. One of these sites, known as Esbies, has previously been in use for some time as an unauthorised Gypsy and Traveller site. While all three sites are located within the Green Belt, this area was not assessed through the Green Belt Review. Nevertheless development of these areas would lead to clear coalescence issues in terms of the relationship of the town with Lower Sheering. Development would also likely have a negative impact on the environmental quality of the river-scape. These areas are therefore considered to be less preferable than the proposed allocations.”*
28. This lack of detailed assessment has resulted in a site of little or no Green Belt significance being prevented from contributing to housing need in the District. This is also a lost opportunity in terms of enhancement of the nearby Conservation Area and improvement of the landscape of the adjoining River Stort. These findings are contrary to those of the previous Local Plan Inspector who found merit in developing part of the site.
- (Q.5) Neighbourhood Plans cannot alter Green Belt boundaries ...what options are there to address this?***
29. Provision of housing in the rural area cannot be left to Neighbourhood Plans because they are not able to allocate land for development within the existing Green Belt. Firm allocations need to be made to address this element of housing supply.
- (Q.6) Is the site selection / Green Belt review processes robust?***
30. See comment in response to Q3 above.