



East Herts District Council
District Plan

Examination in Public

Hearing Statement by
Andrew Martin – Planning Ltd
On behalf of
Deville Estates 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 Deville Estates Limited.
2. Deville Estates Ltd is promoting some 27.9 hectares of land incorporating the Thomas Rivers Hospital in Sawbridgeworth, for a retirement village as well as the permanent retention of an existing orchard and County Wildlife Site. Previous representations to the emerging Local Plan have called into question the soundness of the Plan on the grounds that the Thomas Rivers Site 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 the Thomas Rivers Site, that can be delivered in the early years of the Plan.
3. This Hearing Statement supplements formal representations made to the District Plan in December 2016 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?

4. 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 Deville Estates Limited.
5. With regard to the town of Sawbridgeworth it is currently not possible to understand why the sites allocated in the Local Plan represent better opportunities for growth than the Thomas Rivers Site. We submit that this is rooted in the failure of the Council to consider up to date proposals for the Thomas Rivers Site, and its reliance therefore upon incorrect facts/findings about the site. For the Plan to be found sound it must be demonstrated that it proposes the most appropriate strategy when considered against the reasonable alternatives. We submit that it is not possible to reach this conclusion in respect of the town of Sawbridgeworth.
6. We call for an addendum to the SA to be prepared to correct this position and either identify the Thomas Rivers site as an allocation for housing or set out set out the reasons for not choosing the it as an alternative option. Unless the SA can be shown to properly assess both selected and rejected sites, the Plan cannot be regarded as legally compliant.



MATTER 2 – HOUSING

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

7. 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.
8. 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*”.
9. Finally there is no firm evidence to demonstrate that 500 homes will come forward in villages. Some of these are to be delivered via the Neighbourhood Plan process, which in many cases lags 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?

10. 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).
11. 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.
12. 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).
13. 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.
14. 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.
15. We submit that to address this shortfall the Plan should allocate additional land for housing, including small to medium sized sites, outside but adjoining settlement boundaries. The Thomas Rivers site is a good example of such a solution to meeting the known shortfall. It is sustainable and capable of delivery early in 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?

16. 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?

17. 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.
18. 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...”
19. The emerging Plan seeks to provide clear unambiguous Green Belt boundaries whilst acknowledging the capacity for market towns and villages to grow.
20. 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. In addition we have previously set out the unique benefits of the proposed specialist retirement housing and the retention of the Thomas Rivers Orchard and wildlife site on the Thomas Rivers Site. The Sawbridgeworth Settlement Appraisal 2016 (SSS/005) supports our assertion regarding the site selection process:

In considering ‘alternatives’ it states:

“The final site on the western side of the town encompasses the Thomas Rivers Hospital site. The Supporting Document considered this area as part of the sieving process. It was dismissed due to its location within the strategic parcel of Green Belt that separates Sawbridgeworth from High Wych. However, the site promoters have since submitted a proposal that would only see the eastern portion of this site developed. While this development would still cause some harm to the Green Belt, it is relatively well contained and is well related to the existing urban area. It could therefore be argued that, in Green Belt terms, the difference between this proposal and the SAWB2 and SAWB3 sites is marginal. However, in terms of access to services and facilities, the two proposed allocations are clearly preferable. Meanwhile the SAWB4 site is also clearly preferable in Green Belt terms, as confirmed by the Green Belt Review.

There is no evidence to support the Council’s assumption that the allocated sites are “clearly preferable”.



(Q.5) Neighbourhood Plans cannot alter Green Belt boundaries ...what options are there to address this?

21. 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?

22. The Green Belt review for the District has been conducted at an area-wide level rather than on a site-by-site basis. As such the individual merits of a site such as Thomas Rivers are overlooked. Indeed justification for selecting the allocated sites in Sawbridgeworth in terms of Green Belt appraisal criteria apply at least equally, if not more so, in respect of the Thomas Rivers Site. The allocated sites SAWB2 and SAWB3 are located within the same GB Review Parcel (No.56) as the Thomas Rivers site i.e. of 'low' suitability for development. Extension of the Thomas Rivers Site into the Green Belt is in fact far less extensive than either of the two allocations, which would encroach further into the open countryside to the west of Sawbridgeworth. Yet in the Green Belt Review Final Report prepared by PBA in August 2015 the Thomas Rivers site, is appraised as part of Area 56 where the boundary around the hospital is described as being 'arbitrary' and where there is scope to adjust the boundary to follow the access road and with potential to expand the hospital and to realign the boundary along the northern edge of the open area/woodland which together with land form, provides containment. It is submitted that proposals for the Thomas Rivers Site would have far less impact on the Green Belt and the openness of the countryside than SAWB2, SAWB3 and SAWB4.