



North Hertfordshire Local Plan Examination
Statements for Weeks 1-4 – November 2017
On behalf of Beck Homes Ltd

This Statement on behalf of Beck Homes Ltd relates to the Examination Hearings for Weeks 1-4 of the North Hertfordshire Local Plan.

Matter 2 – Sustainable development: the settlement hierarchy (Policy SP2)

Question 2.2

a) Should Policy SP2 be more specific about the amount of different types of development that is anticipated in each tier of the hierarchy, or even in each settlement?

The Local Plan does provide information on new homes within each community in Section Four of the Plan, based on proposed housing allocations and committed homes with extant permission. The Plan is clear at Paragraph 13.3 that this information provided is not a target and does not necessarily represent the maximum number of new homes that will be built. However, as detailed in previous objections relating to potential new development, it is unclear where the figures have come from, other than being related to the proposed allocations from the SHLAA. Our client's site on which we are seeking consent for housing was unfortunately not presented to or considered in the SHLAA, only coming to our attention in mid-2016 when the SHLAA information dates from December 2015.

However, we maintain a principle objection to this Plan that the Council has not adequately considered the potential for new development on the edge of existing settlements, particularly those defined as Category A villages outside of the Green Belt.

Policy SP2 states that it will allow for general development within the defined settlement boundaries, but the approach taken to the proposed settlement boundaries has been to amend these only where a site has been promoted through the SHLAA, rather than reviewing the suitability of the old settlement boundaries around villages in the context of providing new development sites or defining a housing strategy based on the capacity for growth a particular location in the context of the OAN.

It is very unclear what assessments have been made in relation to the Category A villages, and other settlements, that determine the level of development that is proposed to be accommodated, detailed in Section Four of the Local Plan.

In the context of this question on Policy SP2, whilst a summary of how development may be distributed would be useful, this must not be done on the basis of the figures being maximums, but should rather be minimums, as the sites included have already been considered through the SHLAA, have consent or are already built.

We suspect that the Council has sought to avoid providing this detail in the table in Policy SP2 as it would highlight the vast discrepancy between the amounts of new housing provided at each settlement within the Plan period, even within each level of the settlement hierarchy. This further highlights that there has been no detailed assessment of the reasoning behind the allocation of new sites to each settlement in terms of the context of housing need or potential capacity.

The Local Plan proposes that more than 50% of new homes should be on land released from the Green Belt, using the exceptional circumstance that no other land can be developed in the Borough. However, land outside of existing settlements, particular the Category A Villages, that are not within the Green Belt has not been explored in any significant detail beyond a call for sites for the SHLAA, now almost two years old. This is not good planning and fails to adequately consider reasonable alternatives.

An approach that fully assesses the existing boundaries around each settlement should be undertaken to determine areas that could be developed at the sustainable settlements. The Council's proposed approach to set tight settlement boundaries and policy that restricts new development outside of this, combined with an approach that artificially reduces the annual requirement for new housing to adapt the housing numbers to fit a five year supply of sites, is seeking to obfuscate the significant issue of a shortfall of housing delivery within the Plan Period already passed and the lack of extant permissions.

Further to this, the Council's approach to rely on larger strategic sites in the later stages of the Plan is a risky one, and the restrictive approach taken to other development seems to undermine and circumvent the approach in Paragraph 14 of the NPPF. This approach ensures that where a Local Plan cannot deliver the required housing in the short term, the NPPF still allows for sustainable development in sustainable locations to come forward. The approach of the Local Plan highlighted above seeks to stop this from happening. As significant areas of Green Belt land are sought to be released, this should surely only be considered once a full detailed assessment of potential land as it exists on the ground has been undertaken, rather than a simple SHLAA call for sites being the only source of potential supply.

c) What is the "general development" that will be allowed in Category A Villages – should the policy be more explicit, for effectiveness?

The policy could be more specific and should define many more houses to the sustainable settlements that are not constrained by Green Belt. Also, this question goes to the heart of our argument relating to the lack of amendments proposed to the old arbitrary settlement boundaries

and the lack of assessment that has been undertaken of the potential for new sites to come forward beyond those submitted through the Call for Sites, which is not a catch-all approach.

Our client's site meets the criteria of a suitable site within the SHLAA, being suitable, available and achievable. The Sustainability Appraisal that defines why the only allocated site in Ashwell has been chosen identifies the site as having poor access, no link to a bus service, and impacting on a SAM. The site presented by our client does not have similar issues and an application was prepared to demonstrate this. It would certainly be classed as general development, as the proposal includes sports pitches to meet identified need. The Local Plan has not adequately assessed the needs of each local authority in terms of other uses and how potential new housing could assist in supporting a prosperous rural economy and promoting sustainable development of rural communities.

Further details of the particular site will be discussed further in Matter 10, but we present it as an example of a site that would have likely been considered as a potential amendment to the settlement boundary if a detailed assessment of the old arbitrary settlement boundaries had been undertaken. The site would certainly be considered deliverable in terms of an update to the SHLAA and presents limited sustainability issues if it was to be considered under the sustainability appraisal in a similar way to the site proposed for allocation.

Matter 4 – The housing strategy: the supply of land for housing (Policy SP8)

Question 4.2

c) What level of contribution is anticipated from windfall sites? What is the justification for including windfall delivery in the overall supply?

The approach taken by the Council to define tight boundaries around settlements and limit development on the edge of settlements, even where this may be sustainable, can severely restrict the amount of windfall development coming forward. Insufficient flexibility is provided within the Plan to allow for new developments to come forward beyond those considered in the SHLAA, which is now almost two years old.

Question 4.3

Overall, is there a supply of specific deliverable sites sufficient to provide five years' worth of housing, with an appropriate buffer (moved forward from later in the plan period) to ensure choice and competition in the market for land? In particular:

a) What is the five year requirement?

The five year requirement should be based on the OAN and not adjusted on an artificial basis to allow a five year supply to be justified, particularly as insufficient evidence has been provided as to the potential for sustainable development on the edge of existing settlements, as detailed in our answer to question 2.2 above. Such sites on the edge of Category A villages are likely to be smaller in size and therefore more likely to come forward within a five year period.

c) Within the five year requirement, is there a need to take account of any shortfall (under-delivery in the plan period i.e. from 2011)?

The level of undersupply from the early stages of the Local Plan is more than 50% of the requirement, representing a severe case that must be addressed as soon as possible.

d) Any shortfall should be dealt with either in the first five years of the Plan – this is the Sedgefield method – or over the whole plan period – this is the Liverpool method. If there is a shortfall to be accounted for, does the Council propose to use the Liverpool or Sedgefield method, and what is the justification for the approach proposed?

Given the severe undersupply and lack of extant sites at present (approximately one years' worth), the Sedgefield method should be the approach taken. The Council should also undertake further assessment of the suitability of land on the edge of existing sustainable settlements and provide policy to allow development to come forward in line with the NPPF where a five year supply is not forthcoming.

e) Has there been a record of persistent under delivery of housing, such that a buffer of 20% should be added (for consistency with paragraph 47 of the Framework)?

Yes, this is clearly the case and we believe the Council have accepted this in previous submissions. The under-delivery of housing however is intended to be continued in the short term by the Plan, an approach that is unsound as it conflicts with national guidance.

Question 4.4

Paragraph 4.99 of the Plan says that “housing supply will be measured against targets to deliver an average of 500 homes per year [from 2011 to 2021] ... for the period beyond 2021, a target of 1,100 homes per year will apply”. Is it intended that the five year requirement should be calculated on this basis? What is the justification for this approach?

There is no justification for this approach, which seeks to undermine and circumvent the approach in Paragraph 14 of the NPPF. This approach ensures that where a Local Plan cannot deliver the required housing in the short term, the NPPF still allows for sustainable development in sustainable locations to come forward. The approach of the Local Plan highlighted above seeks to stop this from happening. As Green Belt land is sought to be released, this should surely only be considered once a full detailed assessment of potential land as it exists on the ground has been undertaken, rather than a SHLAA call for sites being the only source of supply.

Matter 5 – The housing strategy: the spatial distribution of new housing (Policies SP2 and SP8)

Question 5.1

Policy SP2 aims to focus the majority of the District’s development within or adjoining the Towns, and also allows ‘general development’ within Category A Villages and infilling development in Category B Villages. However, neither Policy SP2 nor Policy SP8 quantifies the spatial distribution of new housing.

a) What is the overall distribution of new housing proposed through the Plan? Should it be clearer in this regard? Would the inclusion of a Key Diagram or some kind of illustration assist?

See our comments in relation to other questions above, particularly 2.2.

b) What level of new housing is directed towards each of the Towns and the Category A and B Villages?

c) How has this distribution been arrived at and what is the justification for it?

d) Is the distribution consistent with the settlement hierarchy set out in Policy SP2?

e) Is the distribution of housing supported by the Sustainability Appraisal, and will it lead to the most sustainable pattern of housing growth?

f) Has the Green Belt, and any other constraints, influenced the distribution of housing and, if so, how?

Our answer to Matters 2 and 4 above provides an answer to the above questions and we wish to be involved in the discussions at Examination as they relate to Category A Villages.

Matter 6 – Deliverability (the housing trajectory, infrastructure and viability)

Question 6.1

Is the housing trajectory shown in Figure 6 of Section 5 of the Plan based on a realistic assessment of the likely timing of housing delivery? What evidence is there to support the completions shown for each year, and what assumptions have been made?

In general terms the plan has a significant lack of medium sized housing sites, those between 10-50 dwellings, which are sites capable of being approved and developed within any given five year period. There are proven delivery issues with larger strategic sites in terms of moving from allocation to development on site, in terms of infrastructure requirements, mitigation, ownership issues and the release of the site to several developers. These issues are anticipated on all larger sites, but the plan does not allow for any contingencies and, as highlighted, the current restraints on land not allocated in the Plan, but that may meet the sustainability credentials of the NPPF, is a risky strategy that threatens the delivery of the Local Plan in housing terms, against an already significant shortfall of new housing across the Borough.

Matter 7 – Countryside and Green Belt: the Green Belt review and the approach to safeguarded land (Policy SP5)

Question 7.1

Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. In broad terms:

a) Do the exceptional circumstances necessary exist to warrant the proposed alterations to Green Belt boundaries, in terms of both removing land from and adding land to the Green Belt?

The level of Green Belt release represents more than half of the housing requirement for the Borough for the next fifteen years. Insufficient assessment has been undertaken of the potential for development on land not within the Green Belt, namely at the Category A Villages with tight settlement boundaries drawn around them and being unrelated to the existing Green Belt. These areas should clearly be considered prior to Green Belt release.

d) Is there any non-Green Belt rural land which could meet all or part of the District's housing and employment needs in a sustainable manner (having regard to any other significant constraints)?

Our arguments made previously in this report are relevant to this question also, and our specific site in Ashwell is an example of such a site that would likely have been identified had an assessment of the old arbitrary settlement boundaries been undertaken.

Matter 9 – The basis for the housing allocations and the settlement boundaries

Question 9.2

What process or methodology has been used to select sites for allocation? In particular:

a) Has information from the SHLAA formed the starting point, then the outputs from the SA and the Green Belt review considered, along with an assessment of suitability, availability and achievability?

b) Have all sites put forward for allocation been considered through the process/methodology? Has the testing of reasonable alternatives been robust?

As detailed above, we do not consider that sufficient assessment has been made to direct new development to sustainable Category A Villages that are not affected by Green Belt.

Question 9.5

What methodology has been applied to the identification of the settlement boundaries around the Towns and Category A Villages? Is the methodology appropriate and adequately robust?

No clear methodology has been carried out to assess, propose allocation or define new boundaries around the Category A villages, which are defined as sustainable settlements and therefore suitable for new development. The approach appears to be based on the SHLAA, principally informed by the call for sites.

Matter 15 – Countryside and Green Belt: the policy approach to the Green Belt, Rural Areas beyond the Green Belt and Urban Open Land (Policies SP5, CGB1, CGB2, CGB3, CGB4 and CGB5)

Question 15.2

Policy SP5 says that “We will operate a general policy of restraint in Rural Areas beyond the Green Belt”.

a) What policy is this referring to?

b) What does this mean? Is this strand of Policy SP5 sufficiently clear so as to be effective?

We consider that this policy, combined with unassessed settlement boundaries in Category A Villages, severely restricts the potential of these sustainable settlements to provide for new housing at a time when the Council is proposing to radically alter the Green Belt in North Hertfordshire. Where land can be seen to form part of the settlement or provide a suitably scaled extension to the old boundary, amendments should be made or policy written to provide flexibility for sustainable developments to come forward in compliance with the NPPF and based on the incredible need for new homes and significant restrictions on the Borough by the level of existing Green Belt. Current proposals for a policy of restraint, with no acknowledgement of the position of a site adjacent to a sustainable settlement will result in a policy that effectively operates as Green Belt and restricts the potential for new housing in sustainable locations and in this way actually requires the release of more Green Belt land through the Plan.

Question 15.3

Is Policy CGB1 justified and consistent with national policy?

No, as detailed above, the policy does not provide sufficient flexibility for future developments that may serve existing sustainable developments consistent with the NPPF.