

On behalf of Persimmon Homes and Taylor Woodrow, I have pleasure in enclosing a submission to the Barker Review setting out the problems that my clients have faced as they have sought to supply the 5,000 new homes to the west of Stevenage, the principle of which was approved by Hertfordshire County Council in 1998.

As you will see, this submission focuses on the West Stevenage case study. I understand that Persimmon and Taylor Woodrow are submitting separate responses on the full scope of the issues being considered in the Review

Please do not hesitate to let me know if you should require any further information.

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to Persimmon Homes and Taylor Woodrow***

THE BARKER REVIEW OF HOUSING SUPPLY

CASE STUDY: WEST STEVENAGE

Submission by Persimmon Homes and Bryant Homes, July 2003

Introduction

When it was approved in 1998, the strategic allocation of 5,000 dwellings to the west of Stevenage was heralded by both Hertfordshire County Council and the Government as the dawn of a new, more sustainable approach to accommodating housing needs.

5 years on, the development has still to receive planning permission and a change of political control at County Hall has significantly delayed the planning process. The County Council is now seeking to reverse the allocation of West Stevenage in its revised Structure Plan.

One of the consequences of the County Council's actions has been to delay the delivery of housing (including affordable homes) to help address local needs. This is despite the fact that, at the time it adopted the Structure Plan, the County Council acknowledged that its planned level of housing growth fell significantly short of the number required to meet the expected growth in households.

House prices in Hertfordshire in the future are therefore likely to be higher than they would otherwise have been without the planning delays caused by political interference and the lack of any effective sanctions on local planning authorities that work against their own adopted planning policies.

Persimmon Homes and Bryant Homes (Taylor Woodrow) consider that their experiences at West Stevenage exemplify how the current system is open to political abuse with insufficient rights and remedies available to those seeking to bring forward the housing needed in an area

The companies are both submitting separate responses on the full scope of the issues being considered in the Review. This paper focuses on the following questions that are considered particularly relevant to the West Stevenage experience –

1(v): Is the land allocated for housing in local development plans sufficient to meet housing needs?

Hertfordshire's adopted Structure Plan approved in 1998 acknowledges that the planned level of housing growth (including West Stevenage) fell some 9,000 dwellings short of the number indicated by the latest household projections.

As can be seen from the attached notes detailing events over the last few years, it is widely recognised (by public and private sectors alike) that the development strategy on which the Deposit Version of the Structure Plan Review is based would not allocate sufficient land to meet identified housing needs.

3(i): Are there problems with the interpretation of planning guidance by local authorities, if so what are they and why?

In order to support its political opposition to West Stevenage, Hertfordshire County Council has relied on a theoretical, non-site-specific urban capacity study to support its contention that there is no longer a need for greenfield development in the County. The County Council is believed to be the only Structure Plan authority in the country to look to pursue a strategy that ignores strong objections from its District Councils both in terms of the findings of the urban capacity study and its general development strategy.

Meanwhile North Hertfordshire District Council (the only one of the 10 District Councils that objects to the development) has steadfastly refused to publish the results of a study that it claims supports the County Council's assessment.

The lack of clarity of advice from central government in PPG3 and in ministerial statements over the issue of development on greenfield sites has provided some local planning authorities with an excuse to delay indefinitely the release of allocated greenfield sites with severe consequences for the delivery of new housing. PPG3 has been interpreted by some local planning authorities as meaning there should be no development on greenfield sites until all brownfield development has been completed.

3(ii): Are there any particular aspects of planning policy which do not properly reflect the wider social and economic costs and benefits of housing?

There is little in current planning policy that requires local planning authorities to have regard to the economic and social consequences of failing to provide an adequate supply of housing, or to consider the direct benefits that housing development can bring to local communities.

In areas of housing need, local planning authorities should be required by planning guidance to consider the consequences that a shortfall in the delivery of the necessary housing will have on, for example, the supply of labour for local businesses and the effective provision of public services within the communities they serve.

Planning policy should also require local authorities to consider the specific benefits that housing developments can bring, including new private sector investment in community infrastructure and services.

The benefits of West Stevenage (which would be lost if the County Council were able to implement the suggestions contained in its proposed Structure Plan Review) include:

- . The creation of a higher density, sustainable urban extension of the town, complete with new schools, employment areas and a high quality public transport system all funded by the development.
- . A total private sector investment approaching £600m of which over £100m is to be in the form of planning gain and other contributions to the local authorities.
- . Provision of housing to help address Hertfordshire's housing needs, including at least 25% affordable housing and market housing available for those who currently are having to commute over long distances each day to local companies such as Glaxo.
- . Support for the regeneration of Stevenage and its town centre.
- . An extensive range of measures to reduce the environmental impact of modern day living (see "A Step Change Towards More Sustainable Living at www.weststevenage.co.uk)

3 (iv): Is planning guidance applied appropriately?

Not by Hertfordshire County Council.

PPG3 (para 68) makes clear that sustainable urban extensions such as West Stevenage are likely to be the next most sustainable option after developing appropriate brownfield land.

Despite strong criticism from its own sustainability consultants who see the proposed Structure Plan strategy as resulting in a “process of hasty make-do solutions rather than proper planning”, Hertfordshire County Council contends that the “plan, monitor and manage” approach allows it to avoid making any decisions on major developments until what it contends to be “current uncertainties” are resolved. The Chairman of the Structure Plan Panel has even declared sustainability to be a “flawed concept”!

The role of “strategic sites” is not being properly recognised. Although best practice guidance (“Planning to Deliver - The Managed Release of Housing Sites”: ODPM, September 2001) advises on the importance that should be attached to major development with long lead-in times, the antics of Hertfordshire County Council over the last 4 years show how politicisations of the process can delay and even prevent such developments from being brought forward.

3(v): Is the current reform programme sufficient to address inefficiencies in the planning system?

Not fully. The following additions would help to improve the system –

1. There should be a specific duty on Local Authorities to assist with the bringing forward of developments contained in adopted plans.
2. Effective sanctions should be applied to local planning authorities that fail to deliver their housing supply targets.
3. In order to provide greater certainty, it should only be possible to reconsider strategic sites in very exceptional circumstances, not just on a political whim. If a Local Authority were to attempt to review an allocation but fail to demonstrate exceptional circumstances then the Local Authority should be responsible for the additional costs incurred by those seeking to implement adopted policy.
4. There needs to be better and stronger guidance given to local authorities on urban capacity studies to avoid them over-estimating the number of dwellings likely to come forward in the urban areas in an attempt to resist sustainable greenfield development. In particular, studies need to highlight how much reliance is being placed on “windfalls” as opposed to identified sites.

Local Authorities should also be required to publish the draft results of urban capacity studies for public comment and scrutiny.

5. There could be considerable savings in time and resources if there were to be a maximum of two public inquiries for major developments – one to agree the regional/sub-regional principle of development and the other (if required) to deal with the detailed policies to be included in a Local Development Document or Action Plan. At one stage, it looked as if the West Stevenage proposals would need to be subjected to 5 public inquiries (including the Examinations in Public) before gaining planning permission.
6. In abolishing Structure Plans, it is vital that proper transitional arrangements are put in place to avoid the problems that were experienced when PPG3 was first enacted. In particular, it should not be possible for any County Council to “save” policies such as the proposal to de-allocate West Stevenage in the face of the sort of objection that the plan is currently facing and without the opportunity for full public scrutiny at an Examination in Public.

7. Local Development Documents need to contain firm policies on how to address identified needs. The statement made in the initial consultation that Local Authorities should “review their core policies every three years and refresh their vision for an area and their strategy for achieving it” would leave the system open to the kind of political abuse that has been evidenced at West Stevenage.
8. Planning officers should be required to make firm recommendations on strategic policy issues rather than leaving it for Members to decide how to proceed, as is the practice under Hertfordshire County Council’s current administration.

Other Issues

In addition to the above, we would also make the following observations which we hope will be of assistance to the Review

1. We do not feel that it is helpful that the Government appears so reluctant to publicly recognise the need for some greenfield development in order to provide everyone with the opportunity of a decent home. This only serves to raise the expectations of groups such as CPRE and local residents.
2. We are concerned that the debate over housing supply is becoming too dominated by the affordable housing issue rather than recognising that this is at least partly a sub-issue to the general problems of supply facing the country.
3. We welcome the Government’s recent clarification of the 10-year housing supply requirement for local plans. We believe any emerging Structure Plans that are to be “saved” under the new procedures should be required to plan for the full duration of their plans (in the case of Hertfordshire up to 2016).
4. We consider that the more general need to maintain a 5-year housing land supply should be reinstated to prevent local authorities simply adopting a wait-and-see attitude (as is the growing practice at the moment), with developers finding it difficult to resort to appeal in view of the primacy of the development plan.
5. The Government’s announcements about the new growth areas in the South East is being used by some, including Hertfordshire County Council, to suggest that allocations lying outside of the identified areas are now in the “wrong place”. The Government should make it clear that the growth areas are in addition to existing requirements, not replacements.
6. The Local Government Act 2000’s removal of the sanction of personal surcharge may increase the propensity for Councillors to vote against development proposals without adequate and appropriate justification.

BARKER REVIEW OF HOUSING SUPPLY

CASE STUDY: WEST STEVENAGE

Background

In 1998, and after some 5 years work, Hertfordshire County Council adopted the Hertfordshire Structure Plan 1991-2011 setting out the strategic direction for the planning of land use and development in the County for the period up to 2011.

Whilst the general strategy was to concentrate development within existing urban areas, the plan recognised that not all of the new housing could be accommodated in this way without leading to “town cramming”. Rather than allowing unconstrained “pepperpotting” of small greenfield sites around the County, the Structure Plan allocated an area of Green Belt land to the west of Stevenage as a strategic housing site for 5,000 new homes in the Hertfordshire Structure Plan 1991-2011. The allocation, which affects land in both Stevenage Borough and North Hertfordshire District, was supported by 9 of the County’s 10 District Councils (all except North Hertfordshire District Council which has campaigned against the development over many years) and the Government Office. It was also endorsed by the Independent Panel which conducted a 6 week Examination in Public.

Following adoption of the Structure Plan, the County Council set up the “Garden City 21” programme of technical and community consultation aimed at securing high standards of social, environmental and economic sustainability through the development. The consultation, which was co-ordinated by a partnership involving the County Council and two District Councils, the Countryside Agency and Persimmon Homes (representing the development interests), involved an extensive programme of seminars, focus groups and visioning conferences.

In tandem with the Garden City 21 process, the developers commenced work on drawing up a detailed Master Plan for the new development, including commissioning a team of some 40 consultants to prepare the required Environmental Statement and carry out consultation on the emerging proposals.

Following changes in political control in 1999, a new Conservative administration at County Hall (whose Leader has been a vociferous objector to the scheme over many years) made it clear that it intended to try to seek means to “de-allocate” the West Stevenage site. It also withdrew from the Garden City 21 partnership, leaving Persimmon and Stevenage Borough Council to take forward and complete the County-inspired programme.

In summer 2001, the West Stevenage Consortium submitted planning applications for the development. The approach demonstrated towards both planning and sustainability has been praised by (amongst others) CABE, the BRE’s Sustainability Unit and WWF. Details of the proposals contained in the planning applications, including a document explaining how the development represents a “step change towards more sustainable living”, can be viewed at www.weststevenage.co.uk

In support of its aim of seeking to de-allocate West Stevenage, the County Council published in the Autumn of 2001 the initial findings of what was to become a much-criticised “urban capacity study”, which suggested that almost all of required 3,280 dwellings per annum could be accommodated on previously-developed land. The figures were mostly derived from theoretical assumption-based modelling rather than the type of site-specific survey work recommended in the DETR’s best practice guidance, “Tapping the Potential”. The findings contradicted views expressed by the County Council less than a year before when it was seeking to reduce its RPG numbers by claiming that it could not accommodate the housing number it was eventually set without significant additional greenfield development in addition to West Stevenage.

Following detailed review of the County's figures in the light of their more detailed knowledge and experience of their own areas, the collective view of the District Councils was that a total of some 36,000 dwellings (75% of its requirement) could be accommodated on previously developed land over the next 15 years – leaving over 13,000 needed on greenfield sites.

The County Council carried out consultation in summer 2002 on various options to roll-forward the Structure Plan to 2016. Its "Preferred Option" suggested abandoning West Stevenage and reviewing the need for strategic greenfield releases in 2006.

The consultation aroused strong opposition from a wide range of organisations, including most of the District Councils, EEDA, English Partnerships, the Water Companies and the Housebuilders Federation. Extracts from some of the objections are included in the Annex. Even a report prepared by the County Council's own consultants (Baker Associates) was deeply critical of the proposed approach, advising that the suggested strategy "could lead to a process of hasty-make do solutions rather than proper planning which is likely to have adverse consequences on the economy, on social divisions, and perhaps on open space, the mix of uses and the character of settlements." The County Council did, however, receive support from the Campaign Against Stevenage Action Group, the CPRE and other groups and individuals who saw the approach as offering a way to fend off the West Stevenage development and other greenfield schemes.

Despite the overwhelming objection to its proposed strategy, the Conservative administration at County Hall resolved (February 2003) to continue with its strategy to try to de-allocate West Stevenage. The Deposit Draft Version of the Alterations was formally placed on deposit in Spring 2003.

In response to objection from the Government Office, the County Council resolved to postpone holding the Examination in Public that was previously programmed for September 2003. However, despite removing this opportunity for public testing and scrutiny of its proposed approach, the County Council resolved that:-

"in the meantime and pending the publication of draft RPG14 and the holding of the EIP, the deposit Structure Plan and the underlying technical work should be relied upon as material considerations in responding to any strategic planning consultations, emerging local plans and the emerging RPG14"

The Deputy Prime Minister "called-in" the applications in November 2002. In June 2003 the County Council resolved to raise strategic objection to the planning applications for West Stevenage and to pursue these through to the Call-In Inquiry which is due to commence in January 2004. In its objection, the County Council also raised a number of other issues, including questioning the sustainability of the urban extension.

Extracts from Various Objections to Structure Plan Strategy, July 2002

“Option C is a short term approach which fails to provide sufficient guidance for future planning in Hertfordshire and was likely to be a tool for not pursuing the West Stevenage development St Albans considers that the strategic site at West Stevenage should be developed. If Option C were pursued there is a considerable risk that there will be a severe shortage of housing land in Hertfordshire in or before 2011.”
– **St Albans District Council**

“The Council do not agree that it has been established that sufficient previously-developed sites will come forward to meet the County’s housing requirements until 2006.... It appears unrealistic to restrain key allocations in other districts or to drop the strategic housing allocations at Stevenage and Bishops Stortford in the current Structure Plan.” – **Broxbourne Borough Council**

“There are flaws in the urban capacity work The deletion of west of Stevenage should be reconsidered.” - **Dacorum Borough Council**

“The County Council’s figures are considered to be over-optimistic” – **East Hertfordshire**

“The Structure Plan Review fails to justify the deletion of the strategic allocations at Hemel Hempstead and west of Stevenage, which emerged through thorough examination.” – **Hertsmere Borough Council**

The County’s urban capacity figures represent a “gross over-estimate” of urban capacity. The strategic housing sites in Dacorum and west of Stevenage “represent an important resource which should be incorporated into future planning for housing provision in Hertfordshire.” – **Welwyn Hatfield**

“Option C is not a sound basis for strategic planning and fails to tackle long-term housing needs. The planning case for Stevenage West remains sound. It is the best way forward to accommodate substantial housing needs in the county.”– **Stevenage Borough Council**

Bedfordshire County Council stressed “most strongly” that, “in its opinion, to abandon the strategic land release west of Stevenage will lead to the creation of unsustainable patterns of development. Without a strategic land release new development will be “peppercotted” across Hertfordshire so encouraging greater car use. This will be exacerbated further as the small scale of such development will be insufficient to enable the funding of the necessary services such as schools, better public transport, shops and local medical facilities that are vital for an increasing population.”

The East of England Development Agency (EEDA) challenged the County Council’s proposed approach to the Structure Plan Review, expressing concern that the proposed deletion of West Stevenage “will significantly diminish the labour supply and the potential for job growth at Stevenage.”

English Partnerships considered that the County’s preferred approach could result in a significant shortfall in housing land opportunities with the County. It suggested that there needed to be a recognition that opportunities for sustainable urban extensions require certainty and long lead-in times in order to procure investment and infrastructure to create a balanced community.

The Hertfordshire Chamber of Commerce and Industry expressed strong concerns about the impact of Option C on the needs and organic expansion of the County’s businesses and inward investment.

Three Valleys Water objected to the County’s preferred approach which it considered would only serve to precipitate uncontrolled, ad hoc pattern of new housing development across the County which would affect the Water Company’s ability to plan and programme investment in infrastructure to serve the new housing.

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CASE STUDY: WEST STEVENAGE

Supplementary Submission by Persimmon Homes and Bryant Homes, September 2003

In July 2003, Persimmon Homes and Bryant Homes submitted a paper to the Barker Review highlighting the extensive obstacles that the companies have been forced to overcome as they have sought to bring forward the 5,000 new homes to the west of Stevenage, the principle of which was approved through the adoption of the Hertfordshire Structure Plan 1991-2011 in 1998.

This supplementary submission is intended to update the Review team on further issues that have developed since July and which hold the propensity to further delay the delivery of the new housing.

In September 2003, the Inspector's report into the Stevenage Local Plan was published. In his report, the Inspector concluded that there is insufficient previously developed land available in Stevenage to accommodate its housing needs and that some greenfield development is needed. In particular, he rejected Hertfordshire County Council's contention that significant additional housing could be built on brownfield sites or by re-allocating employment land to residential use. However, whilst accepting that the land west of Stevenage remained suitable for the strategic allocation, the Inspector recommended that, in the light of the "uncertainty" about the need for the development on a county-wide basis, formal planning permission should not be granted until the strategic justification for the development has been reconsidered and accepted.

The suggestion of "uncertainty" stems from the County Council's contention that there is enough previously-developed land in Hertfordshire to obviate the need for any greenfield releases for the next decade or so and that PPG3 therefore requires the allocation to be reconsidered and deleted. The County's assessment is based on a highly theoretical urban capacity study, the methodology and findings of which are the subject of strong objections from 9 of the County's 10 District Councils and a host of external groups and organisations, including EEDA, the Hertfordshire Chamber of Commerce and the Housebuilders Federation.

At the time of the Local Plan Inquiry, an Examination in Public (EiP) into the draft Structure Plan review was expected to have been held in September 2003. However, in May 2003, the County Council resolved to postpone the EiP indefinitely but in the meantime to "rely on the deposit Structure Plan policies and the underlying technical work", thereby sidestepping the considerable objections. This has therefore not only removed the opportunity for full public scrutiny of the County Council's urban capacity claims but has also removed what would have been an obvious opportunity for a strategic re-evaluation.

If the Inspector is right in what he says, the Consortium must now look to the public inquiry into its planning applications programmed for January 2004 to consider the strategic justification. The alternative would be to look to regional planning guidance to confirm the strategic need, but, in view of the timescales involved, this could result in further delay.

Conclusion

The strategic case for West Stevenage was fully debated at the Examination in Public into the current Structure Plan. That exercise resulted in the Independent Panel confirming the County Council's view that the scheme represented the most sustainable option for Hertfordshire and recommending that it needed to be brought forward immediately as a full and firm strategic allocation (rather than being contingent on further events). The County Council accepted that recommendation in April 1998 and adopted the Structure Plan accordingly.

This most recent event in the saga of the West Stevenage development demonstrates how the planning system is currently failing in its objective of providing a proper and effective framework for the delivery of new housing. It is vital that this is addressed as a matter of urgency.

We would strongly urge the Barker Review to recommend that Government pay particular attention to the need to put in place proper and effective transitional arrangements when any new policies are announced. Without this, laudable policies and initiatives aimed at issues such as improving the rate of brownfield recovery are merely being used as another weapon in the armoury of those seeking to prevent and avoid the delivery of new housing. A current example is the proposed changes to PPG3 relating to the reallocation of employment land to housing which, without the introduction of proper safeguards, could be used by opposition groups and Councils not wanting to face up to their housing responsibilities, to suggest that there is a greater amount of potential brownfield sites, thereby delaying the bringing forward of greenfield sites.

In the meantime it is relevant to note that North Hertfordshire District Council has recently published figures that show that, over the last 3 years, the total number of new affordable and key worker homes provided in the entire District has averaged 24 per annum. By contrast, West Stevenage would bring forward up to 150 new affordable and key worker homes each year – a total of 1,250 (of 5,000) over the life of the project.