

SENT BY EMAIL
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29/05/2026

Dear Sir/ Madam

HERTSMERE LOCAL PLAN

Thank you for consulting with the Home Builders Federation (HBF) on the Hertsmere Local Plan.

HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which include multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

Part 1: Delivering a Better Future for Hertsmere

Hertsmere's Housing Target

Q3: Do you agree that the correct place to start in identifying a housing requirement for the Borough is the standard method?

In preparing the local plan the Council must ensure that its plan is consistent with national policy and as such is required to use the standard method to determine the minimum number of homes the council must plan for. The Council state that an alternative method for assessing housing needs can be considered in exceptional circumstances. While the PPG does recognise that there are specific circumstances where an alternative method could be used relate to areas that do not align with local authority boundaries, or the data required is not available, such as in a national park. As Hertsmere does not fall within this category it must use the standard method.

The most up to date information on affordability and housing stock result in a local housing need for Hertsmere of 970 dpa. As for the total number of homes the council are required to deliver, the Council have not specified the plan period, the only indication is in table 7.1 which refers to a plan period of

2025 to 2041. If this is the proposed plan period it will be inconsistent with paragraph 22 of the NPPF which requires local plans to look ahead for 15 years from the point of adoption. As the Local Development Scheme is out of date, as it assumes submission in the summer of this year, it is not clear whether the Council intends to submit prior to the deadline in December for plans to be considered under the current system. If that is the intention, then it is likely that the plan will take between 12 and 18 months to be examined and the Council should assume it will not be adopted until after April 2028. This will require the plan period to be extended. HBF would recommend an end date of 2043/44 to ensure that even if the examination takes longer than expected it would still look ahead 15 years from adoption.

HBF would recommend a start date of 2025/26 as in the assessment of housing needs the affordability information relates to the five year average ending in 2025 and the housing stock figure also relates to that year. As such HBF consider the overall minimum housing figure the council should be planning for is 18,430 homes.

Q5: Do you agree that poor developer performance in delivering new homes in a timely manner means that Hertsmere is subject to a 20% buffer on the five-year housing land supply?

The Council are subject to a 20% buffer; however, this is not the fault of the development industry. HBF fundamentally disagrees with the premise that in Hertsmere the Housing Delivery Test (HDT) is an indication that the development industry has been slow to build out permissions. The HDT is a measure of how many homes are built against an areas assessed need for new homes and given that the Council last adopted a local plan in 2012 with a housing requirement of 266 dwellings per annum (dpa) and has since failed to update its local plan in order to ensure housing needs are met. As such it is inevitable that housing delivery is now well below assessed housing needs and it is this inaction that has resulted in the Council having to apply a 20% buffer to its five year housing land supply. If the Council wanted to increase delivery in order to meet housing needs and avoid the application of the 20% buffer, it should have prepared a new plan that allocated sufficient sites to ensure housing needs were met. Instead, the Council have relied on developers submitting speculative applications to bolster supply, that it should be noted are brought forward at considerable additional risk compared to an allocated site.

Q6: Do you agree that the Borough's baseline housing target should be comprised of both the national standard method figure and an appropriate buffer on the five-year housing land supply?

The Council will need to submit a local plan with sufficient allocations to meet the housing requirement. The level of supply will need to take into account any buffers to ensure that throughout the plan period

the Council will have a five year land supply. However, it must be noted that the housing requirement itself does not need to include the buffer as this is variable and needs to be considered only when assessing the Council's five year housing land supply.

HBF considers a contingency in overall supply of between 10% and 20% is required to ensure that, as required by paragraph 35 of the NPPF, the plan is deliverable over the plan period. This would result in the need for the Council to have an overall housing supply in the range of 20,000 to 22,000 homes.

Q8. Do you agree that the Hertsmere Local Plan, once submitted, must be demonstrably sound?

This is an odd question. The Council must submit what it considers to be sound local plan alongside the evidence showing that the strategy and policies in the plan meet the tests of soundness in paragraph 35 of the NPPF. To submit a plan that is not demonstrably sound for whatever reason is not an appropriate approach and will simply waste the time of the Council, the inspectorate and those making representations on the local plan.

Q10. Do you have any comments on the proposed format and content of the Local Plan?

The structure of the plan will be for the Council to decide. However, the content may need to change following the adoption the draft NPPF which will remove the need for detailed development management policies. HBF consider it necessary for there to be a clear distinction between policy and supporting text. Policies should also be clear, concise and avoid repeating each other. Too often Councils seek to cross reference policies and forget that the plan should be read as a whole and as such cross referencing is unnecessary. The requirements of policy must also be in the policy itself. The Council must not seek to require applicants to meet standards set outside of the local plan. HBF would also recommend that the period by the plan is clearly stated on the front cover.

Q15: Do you agree with the proposed approach towards meeting the legal requirements for the Duty to Co-operate in relation to strategic cross boundary matters?

As the Council will be aware they are no longer under a duty to co-operate. However, this does not mean that the Council do not need to co-operate on strategic matters just that this is now a test of soundness rather than a pass/ fail legal test. One result of this change is that should an inspector consider the Council not to have co-operated effectively. For example with regard to any considerations as to the unmet need for housing in neighbouring area, the inspector could seek to remedy this matter through main modifications. Therefore, if there are any unmet needs in neighbouring areas the Council must consider a strategy that would meet some of these needs.

However, HBF are concerned about how the Council may approach cross boundary matters. It is stated in paragraph 3.4 of the consultation document that the outcome of any engagement will be a suite of statements of common ground (SoCG), setting out the agreed position on relevant matters and any action that will be required. This is a concerning statement. The outcome of any co-operation will be that the strategic matters highlighted are, as required by paragraph 36c of the NPPF, dealt with and not deferred. The SoCG should be seen solely as the evidence as to what has happened rather than the outcome of the engagement itself.

Q17: Do you agree with the proposed settlement hierarchy and the technical evidence that supports it?

HBF has no comments to make about the settlement hierarchy as currently set out. However, as part of plan preparation the Council will need to recognise that the plan making process is not there to set the current settlement hierarchy in stone. Too often Councils seek to use the settlement hierarchy as a means of limiting development to lower tier settlements rather than thinking how development could improve services for the benefit of existing residents as well as new ones. The Council should also consider how new development can ensure services are retained. Many communities often lament the loss of services without recognising that more development can ensure new services are provided and existing services are retained by increasing the number of people who use them.

Q19: Do you agree with the approach taken in assessing Hertsmere's Green Belt?

HBF have no specific comments to make on the approach taken in assessing the Green Belt.

Q23: Do you consider the proposed spatial strategy for Hertsmere, an appropriate strategy that will deliver successful and sustainable place making; planned-for growth; meet the Borough's development needs; and necessary infrastructure investment during the plan period?

HBF does not comment on specific spatial strategies for meeting development needs. Our primary concern is that the proposed strategy ensures that housing needs are met consistently across the plan period. On basis of the evidence in the HELAA and proposed allocation in the plan, the Council expect the spatial strategy to deliver in the region of 21,000 to 22,000 homes, in line with what HBF would expect of this plan to ensure needs are met over the plan period.

However, what is notable is that for many of the sites in the urban area which are being proposed for allocation it is still to be ascertained whether these sites are even available. Many still have existing and viable uses such as super markets, fast food restaurants, offices and hotels with no indication from the existing land owner that these sites will come forward for development over the plan period. For example, in Borehamwood nine of the sites on previously development land have no indication that this are

available which would be expected to deliver of some 1,300 new homes. In Potters Bar five of the PDL sites proposed for allocation have no indication they are available – around 900 homes. Therefore, while HBF do not object to the spatial strategy having a focus on the urban regeneration within the higher tier settlements we are concerned that this strategy will not deliver as many homes across the plan period as the Council are currently suggesting. Without any evidence showing these sites to be available the plan will not meet housing needs, and the proposed strategy cannot be considered sound.

Based on the current evidence as to the availability of sites HBF considers it necessary for additional sites on edge of the urban area to be allocated in order for housing needs to be met in full. In particular the Council should look to allocate a range of smaller and medium sized sites of up to 2.5 ha as is being proposed in policy HO6 of the draft NOPPF which requires 10% of homes to be delivered on allocated sites of less than one hectare and then a further 10% on allocated sites of between one and 2.5 hectares. Given the Council's concerns regarding five year land supply the allocation of such sites would have the added benefit of increasing supply in the five years post adoption ensuring that the plan remained up to date.

There is also more potential within the spatial strategy to focus on smaller settlements – restricting such areas to allocations of less than 10 homes, as is suggested in paragraph 3.21, is not justified. It is perfectly reasonable for a smaller settlement to accommodate sites delivering more than 10 homes. Rather than a blanket approach such as the one proposed by the Council HBF would suggest that additional allocations in smaller settlements is based on the small and medium sized site thresholds being proposed by Government which are reflected in HO6 of the draft NPPF.

Part Managing Development (Planning Policies)

The Council will need to review this section once the new NPPF is published and removes the need for every local authority to have detailed development management policies where these are addressed in the national decision-making policies (NDMP). In addition, the Council will need to ensure it doesn't include policies that are not supported by the draft NPPF. For example, policy PM13 in the draft NPPF outlines that quantitative standards set through development plans should be limited to infrastructure provision, affordable housing requirements, parking and design and placemaking. The policy then goes on to state that these should not cover matters that are covered in building regulation or than in relation to space standards and water efficiency. The policy also states that policies should not cover matter relating to construction or internal layout. As such there would be no need for policies such as SD2 and SD4 on sustainable design minimising greenhouse gas emissions which are addressed through part L of the building regulations.

Chapter 4: High Quality Design.

Many of the policies in this chapter are likely to be addressed by national decision-making policies (in particular DP3 and DP4 in the draft NPPF). For example, it would appear the policy HQD3, HQD5 and HQD6 will not be necessary as decision makers will be able to use NDMPs. In HQD2 the Council are proposing to introduce requirements for homes to be built to part M4(2) and M4(3). As set out in PPG these standards must be justified not only the basis of needs and viability but also affordability. These standards may be considered to be viable on paper, but the increased size of these homes they may also increase the price of new housing pushing it beyond some households in the area who are currently in the market to buy them. This will restrict the opportunity for some households to buy their own home but potentially impact on the market for those homes and the viability of that development.

Chapter 6 Housing

H1: Meeting Hertsmere's Housing Needs.

The council are proposing in H1 to require measures that ensure development is built out in a timely manner. The most effective way of ensuring housing needs are met consistently over the plan period is to allocate a wide range of sites, both in terms of size and location and to reduce the additional burdens placed sites by the local plan that will inevitably increase the time taken for a development to come forward once it is allocated and potentially the rate at which homes are built.

The Council will also need to ensure that its assumptions as to the delivery trajectory on each allocated site is accurate. In seeking to ensure a five-year land supply on adoption and to limit the number of sites that are allocated many Councils rely heavily on strategic sites and underestimate the time it takes for such schemes to come forward. This leads to a perception from decision makers and the public that the development industry is slow to deliver. Simply by having a more realistic and cautious approach to development timescales the Council are likely to allocate a suite of sites that meets needs consistently over the plan period. Relying on a few sites with unrealistic timeframes for delivery will increase the likelihood of the plan failing to have a five-year land supply soon after it is adopted.

H2: Urban Extensions

It is not particularly clear what is the intention of this policy. It appears to be stating that sufficient development will be allocated to ensure that further development outside of the urban area will not be required, but should the Council fail the HDT, and do not have a five-year land supply, it will give positive consideration to development that will deliver new homes in timely manner. HBF do not consider this to be necessary as it would be considered through the paragraph 11 of the NPPF and the

application of the tilted balance. Instead, we would suggest a more positive approach would be to have reserve sites which are likely to deliver in short term or a policy in the plan that commits the Council to reviewing its local plan allocations with the aim of identifying additional sites for allocation if it fails the HDT and does not have a five-year housing land supply.

H3: Optimising delivery from small urban sites.

Whilst HBF is not opposed to a policy that supports small urban sites from coming forward and seeking to support SME house builders our smaller members would much prefer to have their sites allocated. Therefore, alongside this policy the Council will need to ensure that it allocates sufficient sites to guarantee that at least 10% of new homes are delivered on sites of less than one hectare, as required by paragraph 73a of NPPF²⁴. However, in preparing this local plan the council will need to have regard to the HO6 in the draft NPPF which at present states that not only should local plans accommodate at least 10% of its housing requirement on site no larger than one hectare but also a further 10% on sites of between one and 2.5 hectares. The allocation of small sites, and not just small sites in the urban area, is the most effective way of supporting SME developers enabling them to benefit from the lower risk of bringing an allocated site forward for development and not having to rely on speculative applications.

Paragraph 6.3.3 states that the council intends to prepare an Supplementary Planning Documents (SPD) during the plan period to set out further guidance for small site development. However, as the council will no doubt be aware the new planning system is replacing SPDs with Supplementary Plans (SPs), which have a far more limited scope than SPDs and will be examined by the Planning Inspectorate. As the act prevents new SPDs from being adopted after the 30th of June 2026 the Council will need to consider the level of guidance provided in the local plan.

H4: Delivering Genuinely Affordable Housing

At present the Council are proposing that development of 10 or more homes will be required to deliver at least 30% of those dwellings as affordable homes and that this has been set so as to not prejudice the delivery of new homes. HBF agree it will be important for a cautious approach to affordable housing requirements as the house building industry has faced significant increase in costs in recent years and expects global uncertainties to continue to provide a challenging economic environment in which to build new homes. For example, since 2020 HBF estimates that new taxes, regulations and inflation have increased the cost of building a new homes by £76,000¹. Continuation of inflationary and regulatory pressures faced by development industry will need to be recognised by including a viability clause

¹ [The Viability Crunch](#) (HBF, 2026)

within the policy. This will need to state that where it can be shown that changed circumstances render development unviable the council will agree to reduce the contribution for affordable housing.

H5: Accommodation for Older People

This policy needs to set out a positive approach to decision making for older people's housing. Such a policy should include the number of units that are required to meet the needs of older people to ensure the policy can be monitored and decision makers are fully aware of what is needed and any shortfalls in provision. In addition, the policy set out that should there be shortfall for this type of accommodation that the presumption in favour of sustainable development will be applied. Should this approach not be taken HBF would consider the policy to be ineffective.

The HBF would also suggest that such development is excluded from providing affordable housing. The Draft Viability Assessment states that the ability of such schemes to provide affordable housing will be tested in due course, but it is notable that flatted schemes on PDL sites are not viable with 30% affordable housing contribution. Given that the majority of older peoples housing comes forward on PDL sites in the urban area and there are significant addition costs in developing such schemes, the evidence would suggest that requiring an affordable housing contribution is not justified. As for the additional costs faced by developers of older people's housing it is noted that non-saleable floorspace has been included and flat size reflects that set out by the Retirement Housing Group. However, what is not clear is whether the sales rates have been amended to reflect the longer time it takes to sell older people's housing which increases cost of finance and leads to empty property costs. This should be addressed in the viability assessment.

Policy H8: Self and Custom Build Housing

The council will need to ensure that this is based on robust evidence of the demand for such homes. While the self-build register can provide an indication as to the demand unless it is regularly reviewed, it may overestimate the demand for such homes. The Council must ensure that the register is reviewed if it is to be relied on to support this policy. The Council must also look at other means of delivering self-build prior to placing a requirement on developers. For example, paragraph 57-025 of PPG suggest the Council look at its own land or seek to identify willing land owners looking to provide a site for self-build. The Council must have evidence that it has explored such option before it considering placing requirements on development to deliver self-build plots. Where it is agreed that self-build plots will be provided there should be a mechanism in policy where by these plots return to the developer after marketing period to be built out as market housing.

Chapter 9 Green and Blue Infrastructure.

GI4: Biodiversity and Access to Nature.

HBF does not consider it necessary for this policy to set out the need for a 10% BNG to be delivered on each site as it is a legislative requirement with clear regulations and guidance setting out how this should be delivered. This also ensures that the distinction between net gains and the protection of habitats and species is clearly delineated.

GI5: Urban Greening and Trees

HBF objects to the use of an Urban Greening Factor which is a blunt tool that fails to take into account site specific elements of site nor its proximity to other green infrastructure. Any policy should look to ensure that green infrastructure is provided but this must be on a site-by-site basis taking into account site context and viability. With regard to trees again the policy must be flexible in seeking to ensure that the provision of trees reflects the nature of the site, delivery of BNG (which is not always compatible with the provision of trees) and the infrastructure that is to be provided.

GI6: Food Growing and Development on Agricultural Land

With regard to the provision of allotments the Council will need to have evidence that these are necessary in order to make the development acceptable in planning terms. As for the provision of community gardens HBF is not clear where this is supported by national policy and why the development industry should be providing such spaces alongside all the other demands for open space and biodiversity. If there is demand for community gardens it should be for the council to provide these on their own land.

Chapter 10 Sustainable Design and Infrastructure.

As set out earlier the Council will need to have regard to the new NPPF once it is published as it seeks limit the scope of Councils setting standards within local plans. The Council will therefore need to reconsider policy SD1, SD3 and SD4 which all propose standards for new buildings and would be contrary to the approach set out in PM13 of the Draft NPPF.

Policy SD6 states that development proposal will be required to prioritise connection to a decentralised heat network with developers providing a feasibility assessment for connecting to or extending existing or planned heat networks. HBF object to such an approach. Firstly, the Council should set out where there are opportunities for development to draw their heat from communal networks and only then ask the developer to consider whether it is appropriate and feasible to connect to such a network. It must also be recognised that communal heat network severely reduces customer choice, and it is also unclear

as to how these will work alongside the Future Homes Standard which will require the use of heat pumps. The Council will need to be very clear as to where such considerations may be appropriate rather than create a blanket policy to be followed by all development.

SD8 Water Supply and Waste Water.

Paragraph 10.8.2 states that the policy could require development proposals to demonstrate that the local water supply and public sewerage networks have adequate capacity both onsite and offsite to serve demand arising from development. HBF does not consider it to be sound for such matters to be considered as part of the development management process. The capacity of infrastructure is a matter for plan making and if through this process there is considered to be sufficient capacity to support proposed levels of development then the decision maker does not need to consider it any further. The decision maker must also assume that other regulatory regimes are operating satisfactorily to ensure there is sufficient infrastructure to meet needs. It must be assumed by decision makers that the legal requirements of the water company to supply potable water and remove waste water will be delivered and that bodies such as Ofwat and the Environment Agency will ensure compliance with their duties. This position has been clarified in the draft NPPF which states in policy DM7 that “*Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively*”.

The Council are proposing a water standard that goes below the current minimum standard of 110 litres per person per day (lppd) and is proposed in relation to recent advice by Natural England on water neutrality. HBF recognises that in some instances it may be necessary for the council to require more stringent targets, but this will be exceptional and must be clearly justified both in terms of need and viability.

Part 3: Hertsmere’s Towns and Places.

Chapter 17 Residential Candidate sites.

As set out earlier in our representation HBF are concerned that at present the evidence shows that many of the PDL sites in this section are not available. For example, in the two main settlements of Borehamwood and Potters Bar alone the Council expect over 2,200 homes to come forward on sites where there is no evidence to show that the site is available at any point during the plan period. These sites cannot be relied on and without further evidence as to availability for the proposed use should not be included as allocations. If the Council are to continue to rely on these sites in order to ensure housing needs are met, then more evidence to show they will come forward as proposed is needed.

Part 4: Delivery and Monitoring

Chapter 19 Delivery and monitoring.

DM3: Masterplans and comprehensive development.

The Council will need to be clear when they will seek to require development to be supported by a masterplan. Masterplanning is usually reserved for setting out a comprehensive long-term vision for complex strategic developments or regeneration areas. As such the requirement for development proposals to be accompanied by a masterplan will need to be limited to large scale multiphase developments where there is a need to set out a strategic vision for an area and how development and its supporting infrastructure will be delivered. For the majority of development masterplanning such as this is not necessary with well-designed and sustainable development able to come forward without undertaking a detailed masterplanning process, especially where the development will be delivered in a single phase by the same developer.

DM6: Health Impact Assessments

For the majority of residential development, a Health Impact Assessment (HIA) is not necessary as the suite of policies in the local plan will ensure that development addresses the health objectives of the area without the need for site-by-site HIAs. There may be a need for larger development proposals on unallocated sites to prepare an HIA but for allocations and smaller sites this should have been considered and addressed as part of plan preparation.

DM7 Monitoring and review.

This is an essential part of the local plan and as well as monitoring the performance of the plan it should also set out when and what actions the Council will take if specific objectives are not being met. In particular it should set out when specific policies or the whole plan itself would be reviewed.

Chapter 20: Appendices

Appendix 5: Housing Trajectory and Five-year Land supply

The Council must set out an annual housing trajectory for the plan period. HBF would recommend that the trajectory includes details as to the expected delivery from all allocated sites in order to provide a clear indication as to when sites were expected to come forward at adoption in order to allow for effective scrutiny of the local plan both at examination and following adoption.

Future Engagement

I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider housebuilding industry.

The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

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