
**Examination of the Submitted St Albans
City & District Local Plan**

STATEMENT FOR STAGE 1 HEARINGS:

**MATTER 2 – HOUSING GROWTH AND
SPATIAL STRATEGY**

WRITTEN STATEMENT

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On behalf of:

Linden Wates (Bricket Wood) Limited

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WBP Ref: 9030



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Executive Summary

Linden Wates (Bricket Wood) Limited have a controlling interest in a sustainably located and deliverable site at the former HSBC Training Centre, Smug Oak Lane, Brickett Wood which is available to contribute to identified housing in the early years of the plan period.

The wider site has planning permission for residential development and is presently being delivered. In granting permission, it was established at appeal that the whole site has brownfield/ Previously Developed Land (PDL) status and that development would not cause encroachment into the countryside (due to the site's developed character as a former training campus in parkland setting). This PDL status, along with the limited contribution to Green Belt purposes and its sustainable location mean that this site is suitable for additional residential development.

However, the approach taken by the Council failed to fully consider the scope for development of such sites in the Green Belt – despite the NPPF (December 2023) identifying such as land being a primary focus for meeting housing need (paragraph 147).

Linden Wates (Bricket Wood) Limited, as detailed in the representations, have concerns with the failure to ensure sufficient housing growth (in terms of the overall housing target in Policy SP1) and the failure to identify and allocate sufficient land to meet housing needs. Accordingly, additional site allocations should be identified. The objections may be summarised as follows:

- The Plan is **not positively prepared** in so far as the proposed strategy for growth will fail to deliver the identified housing need. It should plan for the at least 887 dwellings annually over a minimum 18 year plan period from April 2024 until March 2042; &*
- The Plan is **not consistent with national policy** having regard to the obligation to provide a strategy for at least 15 years post adoption.*

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy under paragraph 60 of the NPPF which is seeking to significantly boost the supply of housing to address the current housing crisis.

The land at the former HSBC Training Centre should be included as an allocation in policies LG4 & LG8 for around 60 dwellings.

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (December 2023)¹.

¹ Paragraphs 234 and 235 of the 'current' NPPF (Dec 2024) states that Local Plans submitted for examination before 12th March 2025 will be examined under the relevant previous version of the NPPF. Paragraph 230 of the preceding NPPF (December 2023) indicates where a plan was submitted after 19th

CONTEXT AND BACKGROUND

- 1.1. This Statement has been prepared by Woolf Bond Planning Ltd on behalf of Linden Wates (Bricket Wood) Limited and addresses several questions posed for Matter 2 of the Stage 1 Hearing Sessions as set out in the Inspector's Schedule of Matters, Issues and Question ("MIQs") (SADC/ED69).
- 1.2. In setting out our response, we continue to rely upon the content of our detailed Regulation 19 representations ("our Representations") submitted on behalf of Linden Wates (Bricket Wood) Limited in response to the Regulation 19 consultation on the Draft Local Plan on 7th November 2024.
- 1.3. As set out at footnote 1 on page 2 above, the Local Plan is being examined for consistency against the December 2023 version of the NPPF. Accordingly, all references to the NPPF in this Statement relate to that version (unless otherwise stated).
- 1.4. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the submitted Local Plan in order to contribute towards addressing unmet needs of neighbouring authorities (NPPF paragraph 61) together with ensuring the strategy extends for at least 15 years after its adoption (NPPF paragraph 22).
- 1.5. The Plan would not be sound without modifications to include:
- Amending the Plan period so that it covers full monitoring years and extends until March 2042. Since full information on sources of supply relate to the position at 1st April 2024 is now available (SADCED71A and HOU01.01), the logical plan period would be April 2024 to March 2042;
 - Additional site allocations are made to ensure that the minimum housing

March 2024, they will be examined under that version of the NPPF. Where the Plan was submitted on or before 19th March 2024, they would be examined under the NPPF (September 2023).

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requirement (887dpa) is achieved over the extended plan period; &

- Small and medium sites are allocated in particular to avoid the need for a stepped housing trajectory.

- 1.6. This Statement amplifies our Representations and references are made to that document where relevant.

MATTER 2: HOUSING GROWTH AND SPATIAL STRATEGY

Issue 1: Local Housing Need

14. To determine the minimum number of homes needed, paragraph 61 of the Framework states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in the PPG, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. The PPG advises that the standard method provides local planning authorities with an annual housing need figure which can be applied to the whole plan period.

Question 1: What is the plan period for the submitted St Albans Local Plan? Is this sufficiently clear to users of the Plan?

- 2.1. The plan period is not sufficiently clear and nor is it appropriate. As submitted, the plan period does not cover an appropriate timeframe for the provision of housing. See paragraphs 2.4 to 2.14 of the representations, which highlighted our view that due to the overly optimistic timeframe for examination of the Local Plan, adoption would not realistically occur until at least autumn 2026.
- 2.2. Our earlier representations also suggested the plan period should commence in April 2023 so as to align with available robust data. Due to the subsequent release of robust data on the sources of supply at 1st April 2024 (SADCE71A and HOU 01.01), our suggestion is that the Plan period should start in April 2024. Therefore, an 18 year period is appropriate, running from 1 April 2024 to at least March 2042.
- 2.3. Extending the Plan period will ensure it reflects the obligations in NPPF paragraph 22 such that the Plan is both positively prepared and consistent with national policy.

Question 2 - What is the minimum number of new homes needed over the whole plan period as calculated using the standard method? Are the calculations accurate and do they reflect the methodology and advice in the PPG?

- 2.4. It is acknowledged that the minimum requirement under the NPPF (December 2023) is for 885dpa (assuming an April 2024 start date rather than April 2023 as set out in our representations).

15. The PPG advises that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method. Circumstances may include situations where there are growth strategies for an area, where strategic infrastructure improvements are proposed or where an authority is taking on unmet housing needs from elsewhere.

Question 3 – Do any of these circumstances apply to St Albans?

- 2.5. Whilst we acknowledge that the Plan is being examined under the December 2023 NPPF, the implications of the December 2024 changes are relevant, given that the level of housing growth being planned for falls sufficiently below the new standard method requirement (an almost doubling to 1,658dpa) such that an immediate plan review will be necessary upon adoption. We consider this context is particularly relevant to the question of whether a stepped trajectory approach is appropriate or justified, but also to the question of the overall housing requirement. This is discussed further in relation to Matter 2, Issue 2, Question 1 (below).

Issue 2: The Housing Requirement

16. In response to the Inspectors' Initial Questions, the Council states that a stepped housing requirement is justified to allow sufficient time for the significant uplift in housing delivery to be realistically delivered. The stepped requirement is proposed at 485 dwellings per annum for the first 5 years post adoption of the Plan, rising to 1,255 dwellings per annum in years 6-10.

Question 1: What is the justification for a) the level of housing proposed in the first 5 years post adoption, and b) the significant uplift from 485 to 1,255 dwellings per annum thereafter? Are the figures justified?

- 2.6. There is no justification for the stepped housing requirement as envisaged

since this fails to significantly boost the supply of housing (as required by NPPF paragraph 60). It is essential that housing is delivered at the earliest opportunity.

- 2.7. St Albans District now has one of the oldest existing Development Plans in the country (following the City of York Council's adoption of a new Local Plan on 27th February 2025). Since the previous plan was adopted over 30 years ago (in 1994), there have inevitably been significant changes in the demographic and planning landscape. The failure to proactively plan, over such a long period of time, has inevitably contributed to a significant worsening of housing affordability over that period; the median house price to medium workplace earnings ratio in the District now comprises 17.61 in 2023. That same statistic in 2003 was 10.52. More recently, the very significant increase in housing targets arising through the latest changes to NPPF reinforce the need for the plan to address housing needs at the earliest opportunity. Whilst strategic sites as envisaged in the plan form an important part of the wider package for achieving housing delivery, this must be supplemented by the identification and allocation of additional small and medium sites which can be delivered more quickly. This is where we consider the plan as drafted misses an opportunity.
- 2.8. As discussed in relation to Matter 2 Issue 5, the site selection methodology has failed to robustly identify or assess all smaller site options in the Green Belt (including our client's site at Smug Oak, Bricket Wood). In our client's case, their site is available and deliverable and is PDL land in a sustainable location where an Inspector has concluded development would not cause any encroachment into the countryside. Yet the site was discounted from the site selection process very early on (2021) based on a) an error as to its capacity (incorrectly stating that there was not capacity for 5 dwellings despite being promoted for 60); and b) an error as to availability (incorrectly assuming it was part of the adjacent site already under construction). It was then omitted from the Green Belt Stage 2 review process. These points are addressed further below. At this point, we wish to emphasise that the Council has not robustly assessed options for delivering housing growth, particularly on smaller sites, and has therefore failed to make out any robust justification for lower rates of

delivery in the early plan period via a stepped trajectory approach. The result is a less effective plan and one that is unjustified when compared to the reasonable alternative of identifying some additional small and medium sized sites for delivery within the early part of the plan period, so to supplement the necessary strategic releases also proposed.

- 2.9. From April 2026 until March 2031, the Council only seeks to deliver 485dpa; a delivery rate that is only approximately half of the identified housing requirement across the plan period. Such a low requirement is the antithesis of the Government's objective of boosting the supply of housing, both in the context of December 2023 NPPF and, as important, in the current December 2024 edition. This failure is unjustified, particularly in the context that small, available sites were not subject to any assessment in the site selection methodology (to be dealt with under Matter 2 Issue 5). Immediately upon adoption of this plan the Council will be required to undertake an immediate review (pursuant to paragraph 236 of the December 2024 NPPF) given the vast disparity between the plan's proposed rates of housing delivery and the new requirements under the December 2024.
- 2.10. Although the Plan is being examined under the December 2023 NPPF, the current version is nonetheless relevant given that the latest calculation of local housing need for St Albans results in an annual requirement for 1,658 dwellings. The 887dpa figure calculated via the December 2023 NPPF approach is only 53% of the new 1,658 dwellings figure (under the 2024 NPPF approach). The Council's proposed stepped trajectory approach only rises to 1,255 at its highest rate (from April 2031 onwards), which is still only 76% of the new 1,658dpa requirement under the 2024 NPPF.
- 2.11. In order to facilitate the necessary step change in housing delivery to accord with – initially - the December 2023 NPPF (and thereafter with the higher requirements associated with the current December 2024 NPPF), it is essential that the St Albans Plan maintains the approach of the draft submission version of delivering at least 885dpa across each year of the plan period. The immediate review which will be necessary following adoption (pursuant to

paragraph 236 of the December 2024 NPPF) can then address the necessary further boost to fulfil the current Government's objectives.

Q2 In response to the Inspectors' Initial Questions, the Council suggests that Policy SP3 should be modified to include a stepped requirement. Is this necessary for soundness, and if so, what should the housing requirement be?

2.12. In summary, the proposed stepped requirement is not a subtle transition from a situation of no up to date plan through to one that does offer strategic development opportunities. It is one that jumps from a proposed requirement of circa half the housing requirement through to one that then goes substantially beyond the housing requirement later in the plan period. Such an approach is inconsistent with the need to increase and boost the supply of housing in the short term. Effectively, the reason for the Council suggesting a stepped trajectory is due to the absence of housing sites being identified within the District for a very long period of time. The primary reason for this is the absence of an up-to-date plan for the past 30 years. We express considerable caution to the prospect of delaying until 5 years into the plan period, delivery of housing that reaches the required rate. To do so would first unduly acknowledge the Council's approach towards not updating their plan for a long period of time and second, compound housing delivery issues when the when reviewing the Local Plan review under the 2024 NPPF (so to respond to the 1,658dpa figure). There is a reasonable alternative available. That is to identify some more small / medium sites now to supplement the strategic ones already identified.

2.13. As indicated in the response to question 1, there is no justification for the stepped requirement. Such an approach would be unsound as it results in a Local Plan that is not positively prepared nor consistent with national policy. The latter is because it does not contribute towards boosting the supply of housing as obligated by NPPF paragraph 60.

Q3 Is the housing requirement intended to be found in Policy SP1 or SP3?

2.14. This is a matter for the Council, although it must be consistent with the achievement of at least 885dpa from April 2024 to March 2042.

Issue 3: Settlement Hierarchy

Q1: The Settlement Hierarchy study Part 1 (LPCD13.01) states that defined settlement areas should remain as shown in the Local Plan Review 1994. What is the justification for this approach, given the period of time which has elapsed. Does the assessment adequately reflect the form, role and function of existing settlements in the area?

- 2.15. The list of defined settlement areas should be updated to reflect changes in the form and function of settlement areas across the District in the 30 years since the 1994 plan was adopted. New developments in the Green Belt should be recognised and included in the list of Green Belt settlements where appropriate. Our client's site at Hanstead Park (Former HSBC Training Centre) is one such example which should be identified as a defined Green Belt Village due to its population size, capacity to accommodate development and proximity to the services and facilities at Bricket Wood (including public transport).
- 2.16. The Council's Settlement Hierarchy Study (part 1) expressly acknowledges (at paragraphs 1.3 and 3.5) that there has been development (including some larger developments) in the Green Belt since 1994. These areas should in some cases be categorised as settlements in their own right. The reference at paragraph 3.5 of that report specifically relates to our client's site at Hanstead Park; the development which has now come forward at that site was not accounted for in the 1994 Settlement Hierarchy (having been redeveloped as a new residential community following the grant of permission in 2016).
- 2.17. The approach taken in the 1994 Local Plan review was to categorise Green Belt settlements based on their capacity to accommodate development. As noted at paragraph 2.14 of the Settlement Hierarchy report, 'Green Belt Settlements' were defined as locations where development would be limited to "small scale infilling and redevelopment of previously developed land that reflects the Green Belt context and open character of the area." By contrast, the remainder of the Green Belt was considered to have very limited scope for development under Green Belt policy.
- 2.18. As can be seen at paragraphs 4.25 to 4.44 of the Settlement Hierarchy Part 1

report, the Council has had regard to population when defining settlements. The other listed Green Belt settlements have populations of predominantly 80 – 500 residents. At paragraph 6.59 of the report the Council utilises the population level of 250 to differentiate ‘Green Belt Hamlets’ (below 250) from Green Belt Villages (above 250). Green Belt villages are also said to be those which have a functional relationship to higher tier settlements and public transport.

2.19. Applying that rationale, the Hanstead Park site (Former HSBC Training Centre site) at Smug Oak, near Bricket Wood, should now be classified as a ‘Green Belt settlement’ in its own right (as a Green Belt Village), for the following reasons:

- Population: The 138 approved dwellings at Hanstead Park Smug Oak will create a community of approximately 300 (at a rate of 2.4 people per dwelling), which is consistent with the scale of these other Green Belt Villages.
- Sustainable Location: The Site is 800m by road to Bricket Wood railway station (which, we note, is closer than the distance for other existing dwelling within Bricket Wood itself). A bus service provides a connection from the site to the station/Bricket Wood.
- Capacity to accommodate development: There is further capacity to accommodate additional built form on the site. Under NPPF policy, the site is suitable for development; The Secretary of State, in granting planning permission for 138 dwellings at this 20.54ha site (Appeal Reference APP/B1930/W/15/3028110) concluded that the whole of the 20ha site comprises PDL, as it formed a training estate campus within a parkland setting. The NPPF provides that limited infilling or re-development of PDL would not be inappropriate development in the Green Belt, so long as there is no substantial harm to openness (paragraph 154 NPPF December 2024).

2.20. Paragraph 6.5 in LPCD13.01 explains that for the purpose of the LPCD13.01 study, the defined settlement areas were determined to remain as those shown

in the Local Plan 1994. The reason being so as to ensure any settlement area defined in this study is not confused with the future consideration of potential alterations to the Green Belt boundary which may emerge through the plan making process. An alternative (and more sound) approach would be to identify defined settlement areas first (including those that have evolved post 1994, such as Hanstead Park) and then second, consider whether they should be inset / potentially play a role in meeting housing needs within existing Green Belt locations. This is evidenced by the examples referenced at paragraph 6.14 of LCD13.01 that refers to new developments that have occurred in the Green Belt since 1994 including Highfield Park, Napsbury Park, Harperbury Hospital and Hanstead House. All of which have a population of greater than 250 residents but have been automatically omitted because from the Part 1 study because they are considered to be individual developments washed over by the Green Belt rather than defined settlement areas. Indeed, paragraph 3.5 of the document acknowledges the findings of the 2013 Green Belt review which concluded that the “large-scale” developments of Highfield Park and Napsbury Park were considered to make a limited contribution towards Green Belt purposes. The key point that arises here is that if the Hanstead Park site were identified as a settlement and inset from the Green Belt accordingly, there would then be a resulting need to assess whether it has potential to meet some of the defined housing need. However, the methodology employed has effectively excluded (or missed) that opportunity.

- 2.21. For these reasons, Hanstead Park at Smug Oak should be identified as a Green Belt village. Such a boundary should be consistent with that shown in the image underneath paragraph 6.59 in the Regulation 19 representations.

Q2: Are the scores used in the settlement hierarchy assessment accurate and robust?

- 2.22. No comment.

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Q3: How have the scores and baseline evidence been used to determine which settlements fall within the proposed tiers? Is the settlement hierarchy justified, effective and sound?

2.23. No comment.

Issue 4: Distribution of Housing Growth

Q1: Policy SP1 states that the Settlement Hierarchy provides the basis for the allocation and location of growth, locating most growth generally within and adjacent to the larger and most sustainable urban centres in Tiers 1 – 3. How does the distribution of housing growth compare with the settlement hierarchy over the plan period, taking into account completions, commitments, and sites identified in the Local Plan? Does the spatial strategy reflect the size, role and function of settlements in Policy SP1?

For the Council.

Q2: What is the justification (in Policy SP1) for referring to sites over 250 dwellings as ‘broad locations’ when they are identified in Part B of the plan?

For the Council.

Q3: How does the distribution of sites by size reflect the settlement hierarchy? For example, are all the ‘broad locations’ within Tier 1-3?

For the Council.

Q4: Has the Council identified land to accommodate at least 10% of their housing requirement on sites no larger than 1ha?

2.24. For the Council. However, this point does link to the points made within this statement whereby a greater quantum of small and medium sized site allocations would assist with the housing delivery problems identified in the earlier parts of the plan period.

Q5: How did the classification of land as Green Belt and the availability of land within the urban area determine the spatial strategy and distribution of housing growth?

- 2.25. This question is primarily directed at the Council.
- 2.26. However, we note that it is clear from the Site Selection Methodology Outcomes and Site Allocations Report (2024) (LPSS.01.01), Green Belt Stage 2 review (2023) and Green Belt Review Report (2023) (GB02.02 plus appendices) that Green Belt status has been a key driver of the spatial strategy and planned distribution of housing growth. In summary, the Council has undertaken only a limited assessment of sites in the Green Belt which lie beyond the 250m / 400m buffers around settlements.
- 2.27. The Council suggests that ‘no stone has been left unturned’ in the search for appropriate sites on brownfield land and that this approach has included potential PDL opportunities in the Green Belt yet found there was an insufficient supply of such sites (see paragraph 3.3 of LPSS01.01 Site Selection Methodology, Outcomes and Site Allocations Report). Yet as is clear from paragraph 3.4 of the same report, a number of sites were excluded from further consideration at the HELAA stage during 2016-2021, on the basis that the Council did not consider them to be ‘suitable, available or achievable’. Paragraph 3.6 notes that the Stage 2 Green Belt Review “fed directly into the site selection process”; that study assessed sub-areas based on sites considered through the HELAA process.
- 2.28. It is clear, therefore, that the site selection and Green Belt review processes were inherently linked. Green Belt status (and position either within or outwith the defined buffers) was a key factor in whether or not a particular site was viewed as a suitable option for accommodating housing.
- 2.29. It is less clear / transparent how Green Belt sites beyond the buffers were assessed. By what process did the Council conclude that the three PDL Green

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Belt sites listed in LPSS02.07 should be recommended for allocation?² Two of those three sites are situated in the Green Belt beyond the relevant 250m/400m buffers. Paragraph 3.13 of the Site Selection Methodology report (LPSS01.01) states that Green Belt sites beyond the buffers “were not considered suitable due to their less sustainable location and because development on such sites would create holes in the Green Belt leading to its fragmentation.” Despite this, two have been recommended to progress in the LPSS02.07 (and are shown as PDL Green Belt Site Allocations on the Policies Map/ Policy LG4).

- 2.30. The process for identifying urban PDL sites is clearly set out: Paragraph 3.9 states in detail the process followed to identify all possible *urban* brownfield sites; this included a proactive desktop review of maps, photographs, and some site visits. By contrast, for non-urban Green Belt sites, paragraph 3.1 simply states that other PDL sites in the Green Belt “were identified for assessment” without explaining the process by which this occurred. There is a distinct lack of transparency in this regard. The effect is that a clear conclusion that NPPF paragraph 147 has been complied with cannot be made. An exercise to thoroughly review whether there is land of previously developed nature and / or well served by public transport nature that could be allocated to assist with the identified housing delivery issues could only result in a plan that is more effective, justified and consistent in particular with NPPF paragraph 147.

Issue 5: Site Selection Methodology

Q1: The Site Selection methodology paper indicates that the HELAA was the basis for assessing/ selecting sites. What were the reasons for discounting sites at the initial assessment stage? Was this done on a consistent and transparent basis?

- 2.31. Our client's site at Hanstead Park (Former HSBC Training Centre Site) is one example where the site was discounted prematurely based on errors, assumptions and a lack of robust assessment. This is inconsistent with the decision to allocate PDL Green Belt sites which lie outwith the Green Belt buffer

² These three sites are C-027 (HELAA Ref CH-30-21, Smallford Works); C-137 (HELAA Ref SA-20-21, Land at North Orbital Road) and C-168 (HELAA Ref SM-01-18, Friends Meeting House Hemel Hempstead).

(as set out in response to Issue 4, above).

- 2.32. As set out at paragraph 4.12 of the HELAA 2021 (HELAA01.01), 33 HELAA sites were not taken forward to site selection, having been excluded on the basis that they were either unsuitable, unachievable or unavailable. These sites are detailed in Table 5 of the report. Our client's site, included in Table 5, is referenced as STS-59-21 'Hanstead Park, Smug Oak Lane'.
- 2.33. The reason for exclusion, as set out in Table 5, is that the site is of "insufficient size to provide a capacity for five or more dwellings." The 2ha site had been actively promoted for circa 46 dwellings (in addition to the 138 already consented on the wider 20ha site). As such, the Council's conclusion regarding capacity is clearly incorrect.
- 2.34. The location of our client's site is shown in HELAA04.15 (Annex 15 St Stephen) (2021) at page 285 of the PDF, along with the pro-forma site assessment. This demonstrates another error which led to the premature discounting of our client's site. In summary, the pro-forma records that the 2.13ha site has no absolute constraints, is potentially suitable for development. However, the overall conclusion at the bottom of the pro-forma is that "the site is not being progressed as an existing permission currently being implemented" (HELAA04.15 Annex 15 St Stephen Page 285 of PDF). Yet Linden Wates (Bricket Wood) Limited had actively promoted the site throughout, making clear that it had capacity for circa 46 dwellings in addition to the 138 already consented on the wider 20ha site. The site promotion form is included in the examination library documents at HELAA 16.03 'St Stephens Parish Part 3' (2021) at page 1 of the PDF document. The Regulation 19 representations also indicated capacity could increase to circa 60 units if an additional surplus car park area were utilised.
- 2.35. It is apparent, therefore, that the Council prematurely discounted our client's site STS-59-21 on the mistaken assumptions that it was not available, and that it did not have capacity for 5 dwellings. Neither point is correct. The result is that this developed site, which is just 800m from a railway station (with bus service connecting to the same and servicing the development) was discounted at a very

early stage of the process (2021) without detailed consideration. It was then not included in any Green Belt sub-area assessed in the Stage 2 review.

2.36. By contrast and as detailed above, three PDL sites in the Green Belt have been recommended for allocation (as set out in the LPSS02.07), two of which are beyond the relevant buffers. This decision was taken after the Green Belt review suggested they did not warrant further consideration. There is a lack of transparency as to how these sites were selected, and there appears to be an inconsistent approach taken to PDL sites in the Green Belt and their suitability / achievability / availability assessment. Our client's site was excluded based on errors in the assessment process which wrongly concluded that the site was not available and below the size threshold. Our client's site was then excluded from the Green Belt Review Stage 2 process, whereas other PDL Green Belt sites were included, and then taken forward for allocation despite that review not finding any basis for this.

2.37. Our representations upon the Regulation 19 Plan highlighted the Council's errors in the assessment process (see paragraph 1.5-1.8 in particular) yet they were not rectified by the Council prior to submission of the Local Plan to the Secretary of State. At paragraph 1.7 of our representations, we made clear there is capacity for circa 60 dwellings at the site alongside the existing 138 consented dwellings. In section 6 of our representations we made clear that there was capacity for 50 dwellings on the former running track (STS-59-21) plus an additional 10 on the retained car park area within the wider 20.54ha brownfield site.

Q2: The methodology paper says a buffer was applied around each settlement inset from the GB to assist in encouraging a sustainable pattern of development? Were all sites beyond the buffers discounted at this stage? Is this a justified and effective approach to site selection?

2.38. The buffers are arbitrary and are not a robust proxy for an assessment of sustainability. By way of example, we highlight our client's site at Hanstead Park (Former HSBC Training Centre). The sustainability credentials of the site were set out in section 6 of our representations at Regulation 19 stage. We emphasised the need to identify and robustly assess PDL sites such as this, and particularly those which are well served by public transport as is the case for

Hanstead Park. At paragraph 6.36 of our representations we highlighted that the site lies under 800m (by road) from Bricket Wood railway station which provides an 8 minute service to Watford Junction. This is an accepted 10 minute walk. In addition, the completed development is served by regular bus service which connects to Bricket Wood train station, Borehamwood and St Albans. As such it is clear that the site is in an inherently sustainable location.

2.39. Yet this PDL site in a sustainable location was discounted early in the process (a) based on errors as to availability and capacity, as detailed above and (b) because it lies just outside the 250m buffer around Bricket Wood. Had it been within that buffer it would presumably have been subject to further assessment. The site has already been considered in detail, in terms of its Green Belt purpose, with the conclusion that development would have limited impact on Green Belt purposes. The Secretary of State concluded that development of the site would not involve any encroachment into the countryside, as the whole site is PDL and does not have the character of countryside land. As is discussed in relation to matter 3, the approach taken means that that the sequential approach required by NPPF paragraph 147 when considering the use of Green Belt land for development cannot be considered to have been appropriately and robustly followed.

Q3: Each site was then analysed for sustainable development potential, taking account of the GB study, major policy and environmental constraints, and distance to key infrastructure and services. What was the justification for using distances when determining accessibility? How were other factors taken into account such as the ability to assess services and facilities by walking/cycling and public transport?

2.40. This question is directed at the Council. As detailed in relation to Question 2, we do not consider that there has been adequate consideration of access to public transport / services and facilities.

Q4: How did the Council consider the necessary infrastructure requirements of proposed sites, such as the need for highway improvement works or new and improved services?

2.41. This question is primarily for the Council, although we note that our client's site

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is presently under construction and as such, the availability of infrastructure including highways, access and utilities should have been given some weight in the site assessment process.

Q5: How did council consider the viability and deliverability of sites, especially where new or upgraded strategic infrastructure is requirement?

For the Council.

Q6: The methodology paper says the GB assessment did not recommend further consideration of some sites but were recommended for further assessment in the HELAA proformas, if next to a tier 1 or 2 settlement. What is the justification for this approach and why were tiers 1 and 2 treated differently from other settlements?

For the Council.

Q7: How did the Council decide which sites to allocate, following completion of pro-formas?

For the Council.

Q8: Was the site selection process robust? Was an appropriate selection of potential sites assessed and where appropriate criteria taken into account?

2.42. For the reasons set out above we do not consider the site selection was robust.

The Council failed to robustly assess all potential sites, including our client's site at Hanstead Park, Smug Oak Lane. The site was discounted based on errors by the Council (as to development capacity and availability), despite the site having clearly been actively promoted and demonstrating the capacity to accommodate additional growth at this site. The Council appears to have mistakenly excluded the site from the process, assuming that it was the same parcel of land upon which permission had been granted in 2016 for 138 dwellings. The site was then excluded from the Green Belt review process, not forming part of any identified sub-area.

Changes sought to the Local Plan

2.43. The following are necessary for the Local Plan to satisfy the tests of soundness at paragraph 35 of the NPPF:

- a) Amending the Plan period so that it covers full monitoring years and extends under March 2042. Since full information on sources of supply relate to the position at 1st April 2024 is now available (SADCED71A and HOU01.01), the plan period would be April 2024 to March 2042;
- b) Remove the proposed stepped housing requirement so to better meet housing needs at an early stage in the plan period;
- c) Additional small and medium site allocations to ensure that the minimum housing requirement (887dpa) is achieved over the extended plan period; and
- d) Re-assess our client's PDL site at the former HSBC Training Centre/ Hanstead Park to correct errors made regarding capacity and availability. Allocate the site for circa 60 dwellings to boost delivery rates at an early stage in the plan period.

TRBTGR/WBP/9030
