

St Albans City and District Local Plan Examination.

Matter 8 Hearing Statement.

On behalf of Clowes Developments.

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Author: Clare Clarke

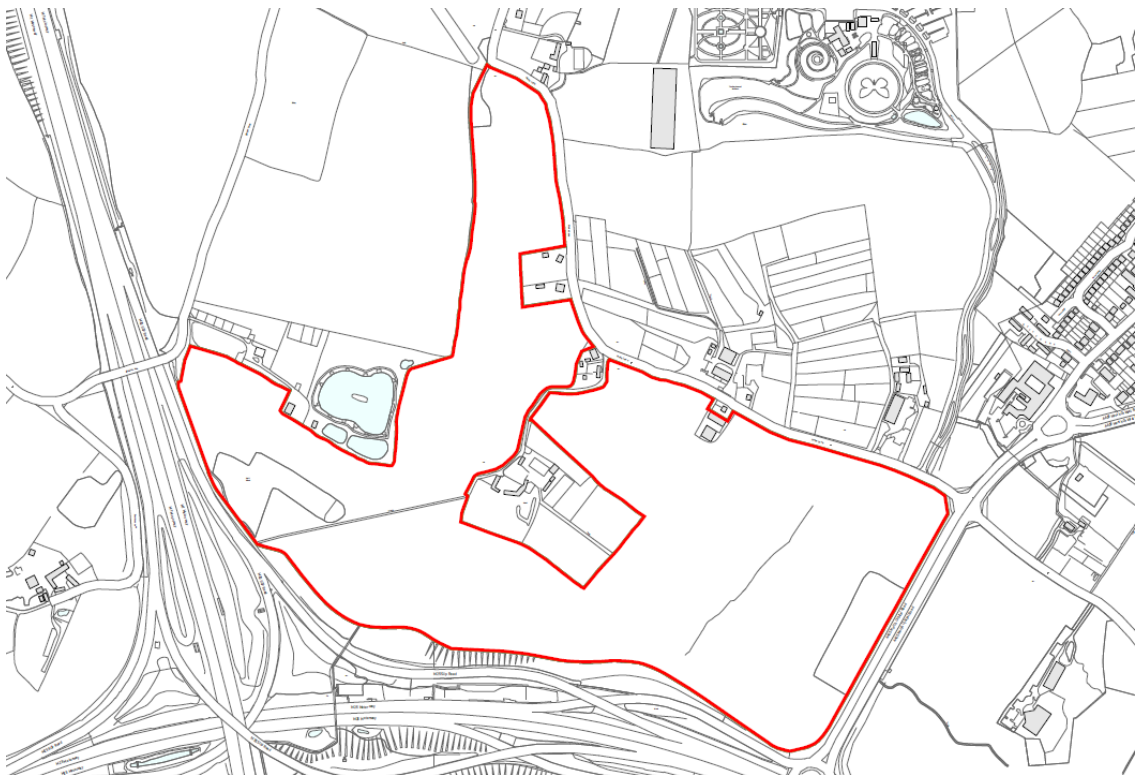


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1. Introduction

- 1.1. This Hearing Statement has been prepared by Pegasus Group on behalf of Clowes Developments in response to the Matters, Issues and Questions set out by the Inspectors for the St Albans City and District Local Plan Examination. This statement addresses the single question under Issue 2 of Matter 8.
- 1.2. Clowes Developments are freehold owners of land off Noke Lane, Chiswell Green, St Albans (shown below). This site is circa 74 hectares and located to the north of the M25, Junction 21a, east of the M1 and west of the North Orbital Road (A405) and wholly within St Alban's Metropolitan Green Belt.
- 1.3. This site is being promoted for development of a new stadium and training facilities for St Albans City FC (including associated training, community access, education and conferencing provision), alongside employment and commercial development, supporting infrastructure and open space, which it is proposed will cross-fund and thereby ensure delivery of the Stadium.



- 1.4. Clowes Developments are working in close partnership with St Albans City Football Club in respect of the above proposal. The current football ground ('Clarence Park') is located close to the centre of St Albans, just north of St Albans City Train Station. The current site is not fit-for-purpose and cannot support the Club's growth, meet league requirements, or generate sustainable income. The site is not owned by the football club, rather it is owned by a Trust which is managed by the City and District Council, and can be released for more efficient land uses consistent with its highly sustainable location upon the relocation of the club.

- 1.5. Accordingly, a new stadium (together with training, community access, education and conferencing provision) is urgently needed. In order to cross fund the delivery of the stadium and secure the Club's future some commercial development will have to be brought forward together with the new stadium.
- 1.6. Clowes Developments has engaged in each stage of the preparation of the Local Plan including the Call for Sites, Regulation 18 Consultation in September 2023 and submitted representations to the Regulation 19 consultation in November 2024.

2. Matter 8 – Community Infrastructure

Issue 2 – St Albans City Football Club – Policy COM5

Question 1

What is the justification for setting out what might constitute very special circumstances in Policy COM5? Would this not be a matter of judgement for the relevant decision-maker taking into account site specific circumstances and evidence available at the time? Does the Plan set out what constitutes very special circumstances for other types of development in the Green Belt?

Justification

- 2.1. Policy COM5 (St Albans City Football Club) expressly supports the future development of a new stadium and training facilities for St Albans City Football Club. The policy is firmly supported by evidence from the Football Club which demonstrates that the current stadium at Clarence Park is no longer fit for purpose with no option to update the facilities and grow in the current location. This evidence is summarised below.
- 2.2. The Council highlight in the supporting text of Policy COM5 that a thriving football club and the development of a new stadium and training facilities would bring community benefits and the draft policy properly recognises those benefits.
- 2.3. In the context of the need for a new site for the Football Club, the Council has proposed a Development Management policy to assist decision-makers should a planning application for new stadium and associated facilities be brought to the Council for determination.
- 2.4. Based on the current evidence of land availability and the scale of such a facility, it is highly likely that any new stadium would need to be delivered outside the built-up area of St Albans and within the defined Green Belt, which is tightly defined against the existing urban area. This evidence is also summarised below. One of the key site specifications is the need for the site to be located close to St Albans City to maintain the Club's connection with its fanbase and the local community, as well as minimising travel.
- 2.5. In this context it is acceptable and helpful for the Council to set out what might realistically contribute towards a finding of very special circumstances.
- 2.6. First, the draft policy does not mandate what will comprise very special circumstances. It leaves sufficient flexibility for that judgement to be made by the decision-maker. Moreover, the weight attributed to any relevant factor lies wholly within the discretion of the decision-maker.
- 2.7. Secondly, it provides a helpful indication to both the developer (in preparing a planning application) and decision-maker (in determining that application) of some of the key factors that are likely to be relevant in the development management process. That guidance is likely to make the development management process more effective.
- 2.8. Thirdly, there is no inconsistency with national policy in setting out a list of potentially relevant factors in the determination of very special circumstances. The NPPF and the supporting Planning Practice Guidance contain no restrictions to prevent the Council setting

out a helpful framework for the developer and the decision maker on what might constitute very special circumstances as proposed in Policy COM5. Setting out such a list would not result in any predetermination of whether very special circumstances have been demonstrated or not. For the reasons set out above, the approach is likely to make the policy more effective.

Need

- 2.9. As set out above, the policy recognises that the current stadium, Clarence Park, can no longer support the Football Club's existing needs nor its growth plans and provides a framework for future decisions on the development of a new stadium and associated facilities, as well as the need for cross-funding development to assist with deliverability.
- 2.10. St Albans City Football Club is a semi-professional association football club that competes in the Isthmian League Premier Division, the seventh level of the English football league system. The Club has outgrown Clarence Park and requires modern facilities to meet league requirements, generate a sustainable income and serve the wider community.
- 2.11. A sustainable football club is a major social and economic asset to the city, and the Club aims to provide a year-round benefit to the community through education, sport and wellbeing programmes.
- 2.12. The current location has significant limitations with ageing facilities coupled with a lack of space for potential development to expand the Club's offer and assist with cross-funding improvements. There are also restrictive covenants that impede development and the current ground is owned and controlled by a historical trust.
- 2.13. The current ground is over 100 years old, and the current facilities are not designed to meet modern safety standards. The site is bounded by transport infrastructure, a cricket pitch and public park and cannot be expanded on its current site. Despite its potential, the Club is presently running at a loss with very minimal opportunities to boost its income.
- 2.14. A new stadium and associated facilities, such as training facilities, community access, education and conferencing provision, are urgently needed to secure the Club's long term future together with the raft of community benefits that it currently provides and aspires to expand upon. It would allow the Club to increase its capacity, provide hospitality, improve commercial revenue from non-football activities including hiring out facilities, conferencing and banqueting opportunities. There would be an opportunity to attract new supporters, contribute to the visitor economy and provide a community hub.

Green Belt Site

- 2.15. Significant work has been progressed by Pegasus Group on behalf of St Albans Football Club on site availability and this has been shared with the Council and has informed their understanding of the need for a Green Belt site when drafting the proposed policy wording.
- 2.16. This Site Search Assessment identified a Site Search Area to reflect the need for the site to be well related to St Albans City. The assessment used the Council's Housing and Economic Land Availability Assessment (HELAA 01.01, 2021) to identify land potentially available, prioritising brownfield land and non-agricultural land.

2.17. A total of 48 potential sites were assessed. All but three of the sites identified were within the Green Belt which surrounds the City. The three sites not within the Green Belt were unsuitable for the delivery of a new, viable stadium for St Albans City FC.

2.18. It is therefore entirely realistic and reasonable for the draft policy to recognise that a new stadium may have to be located in the Green Belt.

Proposed Modifications

2.19. The Club supports the principles set out in the draft Policy, namely;

- support for the provision of a new stadium (and associated facilities),
- recognition that other development may be required in order to support that provision, and,
- recognition that the new stadium and associated development may have to be located in the Green Belt.

2.20. In addition, it is our view that the proposed policy requires modification to be consistent with national policy and effective in achieving the stated aim of supporting the St Albans City Football Club to relocate to a new stadium with associated facilities.

2.21. We have set out our proposed modifications below to assist the Examination. The majority of these are minor modifications which we are discussing with the Council to ensure the policy is clear and robust. One of the proposed minor modifications is to use the word 'could' instead of 'might' in relation to 'very special circumstances' to further confirm the status of the factors listed in the policy.

2.22. The other minor modifications include clarifying the full range of associated facilities that would be sought alongside the new stadium and training facilities, as acknowledged in the supporting text. The majority are proposed to provide greater clarity in the policy wording and to ensure that the policy aims and objectives are met when the policy is used in a development management environment.

2.23. There are however four proposed modifications that could be considered as main modifications as they are required to ensure the policy is effective and consistent with national policy.

2.24. The first is the clarification that the necessary cross-funding development will need to be delivered as part of the same scheme. It is believed this is the intention of the policy, but this is not currently stated and is important to ensure the policy is effective.

2.25. The second proposed main modification is the inclusion of reference to a vision led approach to transportation to reflect the Government's current national policy. Whilst this Local Plan is being examined against the 2023 version of the NPPF, the change would ensure that the policy wording is consistent with the language of current government policy which is material to the examination of this Plan and will be applied to any future planning application.

2.26. The third main modification is the reference to a strategy for the future use of the Football Club's existing stadium at Clarence Park. The future of the existing ground is a key part of

facilitating and delivering the full community benefits of a new stadium and this addition will ensure the policy is effective.

2.27. Finally, the fourth proposed main modification is the final additional criterion b, which ensures the policy is consistent with national policy. This additional criterion sets out the requirement for compensatory improvements including environmental and recreational accessibility of the Green Belt.

2.28. All the proposed modifications are shown below:

COM5 - St Albans City Football Club

*The Council supports the principle of the development of a new stadium and training facilities, **(including associated training, community access, education and conferencing provision)** for St Albans City Football Club, ~~and it is likely that the~~ **The wider social and** community benefits arising from **such** a ~~thriving football club would~~ **proposal will** carry considerable weight in considering any future ~~application~~ **proposal** for **such** a new stadium.*

*~~The development may potentially include such enabling development~~ **It is likely that such a proposal will need other development to cross-fund its delivery. Any cross funding development should be part of the same scheme and should be limited to** that **which** is demonstrably necessary and required to ensure the delivery of the stadium **as well as** ~~and~~ its continuing viability as a facility for the use of the wider community. Such development may be supported within the Green Belt if very special circumstances can be clearly demonstrated;*

a) Factors that ~~might~~ **could** contribute to 'very special circumstances' considerations include:

- I. *It is demonstrated, ~~by means of a sequential test,~~ that **there are** no **reasonable** alternatives sites ~~exists for~~ **to locate** the proposals outside **of** the Green Belt;*
- II. *It is demonstrated that **the proposals will deliver** ~~there are~~ significant community **and public** benefits. **This will include** ~~including~~ how the development would help meet identified community, sports and leisure facility needs;*
- III. ***That the proposals minimise their** ~~The impact upon the Green Belt is minimised;~~*
- IV. *The scale of the proposal, including any ~~enabling~~ **cross funding** development, is appropriate and necessary for the delivery and viability of the stadium, and such viability is demonstrated through the submission of evidence **which includes** ~~in the form of a~~ **robust** ~~business case and viability appraisal;~~*
- V. *A ~~location~~ **vision-led approach to transportation** that **will facilitate** ~~can provide people with~~ a choice of sustainable transport options for both local and longer journeys that will be made to such a destination; and*

VI. ~~The delivery of~~ **A mechanism is proposed which secures** community benefits in perpetuity **including a strategy for the future use of the club's existing stadium at Clarence Park.**

b) **Where any such development occurs in the Green Belt then the proposals must demonstrate the delivery of compensatory improvements such as improvements to the environmental quality and recreational accessibility of the Green Belt.**

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

East Midlands

4 The Courtyard, Church Street, Lockington,
Derbyshire, DE74 2SL
T 01509 670806
E EastMidlands@pegasusgroup.co.uk
Offices throughout the UK.

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