

St Albans Local Plan Examination in Public

Stage 2 Hearing Sessions

Matters 8 to 12

Statement on behalf of The Crown Estate

INTRODUCTORY STATEMENT

- i. Hearing Statements are submitted by David Lock Associates Ltd on behalf of The Crown Estate (hereinafter referred to as TCE), promoter of land at **East Hemel Hempstead (EHH)**.
- ii. A full explanation of The Crown Estate's land interests within St Albans and Dacorum Borough Local Plan areas, alongside a delivery statement summarising TCE activity in respect of site draft site allocations H2-H4, is provided in the first section of TCE's Hearing Statement submitted in respect of Stage 2 Matter 6.

MATTER 8 – COMMUNITY INFRASTRUCTURE**Issue 1 – Community Infrastructure – Policies SP7, SP14 and COM 1-4**

Q1: Are Policies SP7 and SP14 justified, effective and consistent with national planning policy? Will they enable the timely provision of new or enhanced infrastructure where need to support growth proposed in the plan?

- 1.1 We note that policies addressing the provision of community infrastructure across the District are being addressed through the Examination as a separate matter (Matter 8) from those considered under Matter 6 in relation to Hemel Garden Communities.
- 1.2 We anticipate that policies relating to the provision of community infrastructure across the HGC Growth Areas are to be addressed in the Matter 6 sessions. However, we also note that the Appendices to the Council's Matter 1 Statements – published after 26 September (doc ref: SADC/ED85A) - includes proposed Main Modifications to Policy SP14 which has implications for HGC site allocations.
- 1.3 TCE did not make specific representations on Submission Version Policy SP14 at Reg 19 stage as it was considered an effective and proportionate district-wide policy, that seeks to ensure that *"Proposals should make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development"* (our emphasis).
- 1.4 However, TCE are concerned that the proposed Main Modifications to Policy SP14 set out in SADC/ED85A are neither justified nor will be effective in respect of SP14 and delivery of infrastructure via the planning obligations route. Indeed, as drafted, we contend that the suggested changes to the policy wording and addition of criteria (ba) risks the ability of individual allocations to each deliver infrastructure *"fairly and reasonably related in scale and kind to the development"* as required by reg. 122 of the Community Infrastructure Levy Regulations 2010/948.
- 1.5 The Inspectors have advised that any proposed Main Modifications now proposed by the Council will be dealt with during the matters to which they relate. TCE are keen that the implications of any proposed Main Mods to SP14 in respect of the HGC allocations can be considered under Matter 6 Issue 4; nonetheless, we trust it is helpful here to signpost TCE's comments in this respect to the Inspectors.

Issue 2 – St Albans Football Club - Policy COM5**Issue 3 – Utilities Infrastructure – Policies SP9 and UIN1 & 2**

- 1.6 It is anticipated that questions relating to these issues will be addressed by the Planning Authority.

MATTER 9 – HOUSING LAND SUPPLY**Issue 1– Total Land Supply**

Q1: What is the most up to date position regarding the projected total supply of housing over the plan period?

Q2: What is the windfall allowance based on and is it justified?

Q3: Is the projected supply of housing justified and has sufficient land been identified to ensure that housing needs will be met, including an appropriate buffer to provide flexibility and allow for changing circumstances? If not, what modifications can be made to the Plan in order to make it sound?

- 2.1 We have no specific comments to make on SADC's 's approach to the total supply of housing land.
- 2.2 In relation to the housing trajectory assumptions for the HGC Broad Locations H2 and H4, TCE agrees with the Council's reconfirmed position on page 2 of its *Updated Housing Trajectory Addendum* (SADC Hearing Statement, Matter 2 Issue 1 Q1 Appendix 1) of a minimum of 3,175 dwellings from H2 and H4 within the plan period to 2041 as deliverable. This continues to align with the anticipated start dates and delivery trajectory assumed in the draft outline planning application material, accompanying technical assessments and EIA currently being finalised for EHH.

Issue 2– Five Year Housing Land Supply

- 2.3 It is anticipated that questions relating to this issue will be addressed by the Planning Authority.

MATTER 10 – TRANSPORT**Issue 1– Transport Strategy – Policies SP8 and TRA1**

Q1: Is it sufficiently clear where proposals will be required to submit travel plans, assess air quality impacts and provide mobility hubs under Policy SP8? Is it effective?

Q2: What is the justification for the separate requirements under Policy TRA1 based on size.

Q3: Are the requirements under Policy TRA1 consistent with the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe?

- 3.1 It is anticipated that questions relating to these issues will be primarily addressed by the Planning Authority. However, we offer the following short commentary for clarity.
- 3.2 TCE did not object to the wording of Submission Version Policy SP8 and supporting text and did not make specific representations on this matter at Reg 19 stage.
- 3.3 Whilst we note Policy SP8 remains unchanged, we also note that the Council is proposing Main Modifications (SADC/ED85A) in relation to the introduction of additional supporting text in proposed paras 8.7A to 8.7E and a new Policy TRA0.
- 3.4 Criterion (a) of proposed Policy TRA0 refers to delivering interventions required "*in, and beyond, the plan period*" for development within the HGC Programme Area. TCE does not consider this to be an appropriate form of policy wording: allocations delivered within this plan period cannot be reliant on future interventions (beyond the plan period) and hence should not contribute towards them. Furthermore, HGC schemes delivered within the Plan period are being asked (through the IDP) to fund transport infrastructure that will be used by development schemes beyond the plan period (eg Breakspear Junction Improvement; the Sustainable Transport Corridor (STC) through the Growth Area allocations H1 to H4 and M1 J8 (although TCE do not consider H1-H4 should contribute towards the M1 J8 improvement). It is therefore entirely appropriate for schemes delivered beyond the plan period to fund all their infrastructure requirements that are over and above those elements already provided within the plan period.
- 3.5 On this basis, we question whether this proposed Modification in respect of new Policy TRA0 is compatible with the CIL Regulations.

Issue 2– Major Transport Schemes – Policies TRA2 and TRA3

Q1: Is it sufficiently clear what the 'package of measures' are for M1 Junction 8 improvements and how they will be delivered under Policy TRA2. Is the policy effective?

- 3.6 It is anticipated that questions relating to these issues will be primarily addressed by the Planning Authority. To assist the Inspectors we also draw attention to TCE's response to Matter 6 Issue 3 Q2 (para 3.6) in respect of defining the works to Junction 8 of the M1, which may be helpful in clarifying what is meant in the TRA2 reference to "*enhancing M1 Junction 8*", part of the "*package of transport measures*" referenced.

Q2: What are the transport schemes 'identified in the IDP' for the purposes of Policy TRA2. If a major transport scheme is necessary to support the growth proposed in the Plan, should it be listed in the Policy?

- 3.7 Policy TRA2 is one of expressed support, signalling that the Council will lend its in-principle support to the bringing forward of major transport schemes to support the growth proposed in the local plan. This encompasses both the specific schemes listed, plus the considerable number of schemes which have been (and will continue to be) identified through the IDP, which is a "*living document and will be subject to ongoing updates and refinements*" and "*is not static*" (wording from advisory preamble to the HGC IDP Schedule (*ref: SADC Matter 6 Issue 4 Appendix 1b*)).
- 3.8 To list the entirety of these schemes in TRA2 in a way which would provide the requisite degree of specificity to enable TRA2 to be an effective policy for development management purposes would render this policy unwieldy. It would render the policy ineffective as the description and details of such transport schemes will be updated through the plan period as part of IDP revisions and updates. As such, TCE considers that it is appropriate to list these schemes in the IDP rather than in policy.
- 3.9 A number of specific transport infrastructure requirements are set out within the criteria of site-specific allocations, for example:
- i. mobility hubs within East Hemel (H2, H3 and H4);
 - ii. requiring the safeguarding of land for the HERT scheme (H4) to ensure that planned development does not prejudice its future delivery.
- 3.10 As currently drafted, there is a degree of overlap between these and the references in TRA2. Whilst we do not object to the inclusion of Policy TRA2 insofar as it offers support for delivery of major transport schemes, we would welcome minimising duplication between TRA2 and site allocation policies in the specific nature of what is listed. We would welcome clarification from the Local Planning Authority on this point.

Q3: What is the justification for Policy TRA2(d)? What does it require from development proposals?

- 3.11 It is anticipated that this question will be addressed by the Planning Authority.

Issue 3– Parking Standards - Policy TRA4 and Appendix 1***Q1: How has the Council considered accessibility, the type, mix and use of development, the availability and opportunities for public transport, local car ownership levels and the need to ensure an adequate provision of spaces for plug-in and ultra-low emission vehicles when determining the car parking standards in Policy TRA4 and Appendix 1?***

- 3.12 It is anticipated that this question will be addressed by the Planning Authority.

Q2: What is the justification for taking a different approach with the 'broad locations' under Policy TRA4? Are the policy requirements justified and effective?

- 3.13 It is anticipated that this question will be addressed by the Planning Authority. However, we offer the following commentary to assist.
- 3.14 TCE supports the Growth Area Place Principles set out in Policy LG3 – and specifically Criterion (e) - in terms of support for the HGC ambition, through targets, to deliver 60% of all journeys starting or ending within the Growth Areas being made by active and sustainable modes by 2050. In order to achieve this target, a significant level of retention of trips within the growth areas will need to be achieved along with good quality on site active travel provision and a suite of off-site interventions. Measures will include both 'carrot and stick' measures to incentivise those living and working in new development at the Growth Areas to favourably consider a change to more sustainable travel patterns. This approach reflects the move to a vision-led approach for transport issues set out in the NPPF para 109 and the measures that should be considered to support a move to sustainable transport and active travel when designing and delivering development (NPPF paras 111-112 and 117).
- 3.15 A flexible approach to the provision of car parking is one such measure, where over time, levels of private vehicle parking can be reduced or repurposed as alternative forms of transport are made available, prioritised and embedded into the habits of users, thereby reducing demand for car use over time. This is especially pertinent for strategic scale development, where interventions secured in initial phases (such as active travel priority, support for early bus penetration and well-designed mobility hubs) can justify a reduction in private vehicular parking through subsequent phases as development is built out.
- 3.16 Reducing parking standards cannot happen in isolation, hence the policy requirement set out in TRA4 for applicants to provide justification for a reduction in parking provision against the standards. The extent and timeframe for any reduction in parking must be evidenced against

the delivery of sustainable transport measures and the monitoring of travel behaviours, secured through mechanisms including Travel Plans and Transport Review Groups.

- 3.17 Without policy support for a flexible approach to parking standards – such as that set out in TRA4 – it will be difficult for applicants to secure approval to both ‘carrot and stick’ measures as part of an integrated suite of interventions agreed through S106 planning obligations. This in turn will make it more challenging to deliver on the strategic policies of the plan in respect of sustainable transport and travel outcomes.
- 3.18 We therefore consider Policy TRA4 as currently drafted is justified and effective.

Q3: What is the justification for referring to Hertfordshire County Council guidance in Policy TRA4(h) and (i)? To be effective, should any requirements be contained in the Plan?

- 3.19 It is anticipated that this question will be addressed by the Planning Authority.

MATTER 11 – THE NATURAL ENVIRONMENT**Issue 1 – The Green Belt – Policies LG5 – LG9**

Q1: Are any alterations proposed to the Green Belt boundary which do not form part of the site allocations under Matter 7? If so, what are the exceptional circumstances which justify the alterations proposed?

- 4.1 It is anticipated that this question will be addressed by the Planning Authority.

Q2: What is the rationale for Policy LG5 criterion a) and b), given that the overarching approach is to consider development proposals in the Green Belt against national planning policy?

- 4.2 We understand that Policy LG5 is intended to provide a supportive local policy context against which development management decisions can be considered for certain built development and land uses to be acceptable within the Green Belt within the Local Plan area.
- 4.3 TCE has previously raised reservations (Reg 19 stage) about the efficacy of this policy (a) when considered against NPPF conformity and (b) in overcoming the policy constraint currently in place within the Growth Area (Broad Locations) allocations by way of their partial retention in the Green Belt (see also our response to Matter 6 Issue 2 Q3): in essence that:
- (i) **First**, the provisions of this policy do not align with national policy, thus risking its soundness¹;
 - (ii) **Second**, if Policy LG5 were to be found sound and retained in this plan, this would not remove the need to make a VSC case in any Planning Application in order to deliver the supporting infrastructure that growth within the plan is required to provide. There is a risk that a future development plan - or indeed, any future change of national Green Belt policy – during the lifetime of the delivery of local plan growth within St Albans could render this policy out of date or in conflict with national policy, thus risking the ability for applicants (for public or private sector infrastructure delivery) to secure planning permission for these uses on land within the Green Belt.
- 4.4 Notwithstanding the above, should the Inspectors be minded to retain Policy LG5 within the Plan, TCE consider the reference to 'small scale' in criterion (iii) of the Submission Version may be open to interpretation and therefore ineffective in guiding decision making.
- 4.5 Our Reg 19 representations suggested an amendment to the wording of criterion (iii) of LG5 (reproduced below) to signpost in-principle support for infrastructure commensurate with the scale of planned development to which the infrastructure relates:

¹ We are content that drainage works required on land east of the M1 associated with the East Hemel OPA do meet the provisions of para 154 criterion (h) (ii) of the NPPF and therefore no local policy provision is needed.

*"iii. ~~Small-scale,~~ Largely open forms of infrastructure development, **at a scale necessary to support planned development**, such as outdoor sport and recreation facilities and uses..."*

Q3 to Q9 - Policies LG6 to LG9

- 4.6 It is anticipated that these questions will be addressed by the Planning Authority.

Issue 2 – Local Green Spaces – Policies NEB2 and NEB3

Q1 to Q5 - Policies NEB2 and NEB3

- 4.7 It is anticipated that these questions will be addressed by the Planning Authority.

Issue 3 – Biodiversity and The Chilterns National Landscape – Policies SP10 and NEB5 to NEB12

Q1: Are Policies SP10 and NEB5 – NEB12 positively prepared, justified, effective and consistent with national planning policy?

- 4.8 At Reg 19 stage, TCE welcomed a revision to the policy wording of NEB12 to replace 'must' with 'should' in recognition that, for strategic sites, a degree of flexibility around how open space provision is to be determined taking into account the need to provide site specific green infrastructure such as SANG as well as open space in accordance with standards. We raised a concern at that time about the level of increase in open space standards from previous iterations of the plan, having not had an opportunity at the time to work through the implications of this increase for the assumed development capacity of site allocations H2 and H4 in the draft plan.
- 4.9 Our ongoing engagement with the Council through the PPA activity for East Hemel throughout 2025 has provided helpful clarity and we are now comfortable that the changes to open space requirements do not impact the ability of the allocations to deliver the quantum and nature of development envisaged.

Q2 to Q4 – Policies NEB6, 7 and 11

- 4.10 It is anticipated that these questions will be addressed by the Planning Authority.

MATTER 12 – DESIGN STANDARDS AND THE NATURAL ENVIRONMENT

Issue 1 – High Quality Design– Policies SP12 and DES 1-DES8

Issue 2 – The Historic Environment – Policies SP11 and HE1 – HE8

Issue 3 – Climate Change and Building Efficiency – Policies SP2, CE1 and CE2

- 5.1 TCE does not have any comments to make in relation to the MIQs in relation to these issues.