

Response to the submissions by St Albans Council and Stantec
(on behalf of Alban Developments Limited and Alban Peter Pearson,
CALA Homes (Chiltern) Ltd and Redington Capital Ltd)

The Implications of the NPPF (Dec 23) and the 2022 Housing Delivery Test figures (Dec 23)

Section 78 Appeal by Headlands Way Limited

Land North of Chiswell Green Lane, Chiswell Green, St Albans AL2

Planning Inspectorate Ref: APP/B1930/W/22/3312277

LPA Ref: 5/2021/3194

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Introduction

1. This document provides comment on submissions made by St Albans Council (the Council) and Stantec (on behalf of Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd) in respect of the revised National Planning Policy Framework (NPPF) and the Government's 2022 Housing Delivery Test (HDT) figures, both of which were published in December 2023.
2. As requested, this written representation is made by 12th February 2024 and relates to matters arising from the two submissions.

The Council's Submission

3. The Council's submission confirms its lamentable record on delivering housing continues to worsen:
 - In relation to the Housing Land Supply, the Council acknowledges that this has now fallen to just 1.7 years (from 2.0 years at the time of the Inquiry); and
 - In relation to the Housing Delivery Test, the Council acknowledges that its delivery has fallen from 69% to 55%.
4. In relation to the revised NPPF, the Council's case can be summarised as 'nothing's changed'. And if one considers St Albans' approach to plan-making or decision-making, nothing has:
 - In respect of **plan-making**, the Council:
 - Still intends to ignore Paragraphs 60 and 63 of the NPPF by refusing to assess and reflect the housing needs of Key Workers in its Emerging Local Plan (ELP); and
 - Is still committed to altering its Green Belt boundaries to meet housing needs, albeit the needs of those it wrongly prioritises above Key Workers.

- In respect of **decision-making**, and despite its own evidence identifying Key Workers as essential for the “*balanced and sustainable development of the local community*”¹, the Council’s case remains the same as it put at the Inquiry, that a scheme for 100% affordable housing for essential local workers off Chiswell Green Lane is (bizarrely):
 - The wrong housing – because the Council still wants the majority of new houses to be very expensive, market dwellings without any discounts;
 - For the wrong people – because the Council still does not regard essential local workers worthy of specific consideration; and
 - In the wrong place – because neither site either side of Chiswell Green Lane has been allocated in its ELP following another flawed site-allocation process.
5. Instead, the Council continues to ignore the evidence of its own SHMA by persisting with a model which prioritises very expensive market housing that are out-of-reach of most Key Worker households and deliberately under-delivers affordable housing. This is an imbalanced and unsustainable model which will only exacerbate the “affordability gap” identified by Ms Gingell² and, now, by Stantec, too³. The “affordability gap” has been created, and intensified, by the Council’s persistent failure to deliver for its local communities.
6. There is nothing in the revised NPPF which justifies the Council’s persistent refusal to engage properly with the Government’s policies on plan-making and decision-making, a course of action which will only worsen what Stantec calls the “*crippling housing affordability gap*”⁴.

Stantec’s Submission

7. The Stantec submission is an assessment of the implications of the new material on the cases put at the Inquiry. However, Stantec’s comparative assessment of the two Appeal schemes at Sub-Paragraph 2.5 (8) and (11) and the suggestion that the intention of the new NPPF would see its scheme Allowed but Addison Park Dismissed, ignores two important facts.

¹ Parker, Proof, CD 4.77 (3.61)

² Gingell Summary Proof, CD 4.80.1 (2.26-2.27)

³ Stantec submission, Paragraph 2.5 (1)

⁴ Ibid.

8. **First**, whilst Stantec rightly acknowledges the “*crippling housing affordability gap*” in St Albans, its proposal does not adequately address it. This is because it proposes the same 60:40 split promoted by the Council. This ignores the fact that the 93% of the annual capped housing need in St Albans is for affordable housing⁵.
9. Instead, the Stantec scheme seeks to perpetuate the same flawed model which prioritises expensive market housing. In St Albans, these houses are simply out-of-reach of most households, including those with Key Workers on which a balanced and sustainable community relies. Consequently, when comparing the two sites, the suggestion that a scheme for 100% discounted affordable housing exclusively for Key Worker households is “*less compelling*”⁶ makes no sense. The Stantec scheme prices out many Key Workers, excluding them because:
 - a) They earn too little to buy an open market house; and yet
 - b) Their household income exceeds the Council’s thresholds for social housing⁷.
10. Put simply, the Stantec scheme, therefore, fails to address the “*crippling housing affordability gap*” they identify.
11. That is not say that “*very special circumstances*” do not exist for the scheme south of Chiswell Green Lane, too, because there is an urgent need for all types of houses including market housing. But the greater need, clearly, is for affordable housing and, specifically, for affordable homes for Key Workers which will go some way to addressing the “*crippling housing affordability gap*” which has been identified.
12. **Secondly**, the site south of Chiswell Green Lane is no longer “*the top-performing candidate GB release site*”⁸. In June 2023, the Council published a new Green Belt Review by Arup. In addition to noting the presence of the popular Chiswell Green Riding School on the site⁹ (the loss of which, without being replaced locally, would be contrary to Paragraph 103 of the NPPF [previously, Paragraph 101]), the Arup report concluded that the Stantec site was now “*Not recommended for further consideration*”¹⁰.

⁵ Parker submission, Paragraph 38, second bullet point

⁶ Stantec submission, Paragraph 2.5 (11)

⁷ In other words, falling into the “*affordability gap*” referred to by Stantec and first identified in St Albans by Ms Gingell [Gingell Summary Proof, CD 4.80.1 (2.26-2.27)]

⁸ Stantec submission, Paragraph 2.5 (4)

⁹ St Albans Stage 2 Green Belt Review, Annex report. Arup. P.621

¹⁰ Ibid. p.623

13. The Arup Report is not referenced to give any weight to the draft allocations in the ELP because the current allocation process is as flawed as the one for last abortive Local Plan¹¹. It merely serves to demonstrate how little reliance can be placed on the actions of what the Secretary of State rightly called “one of the worst authorities in terms of plan-making”¹².

Conclusions

14. In his Closing Submission at the Inquiry, Mr Stinchcombe KC explained:

“Indeed, whilst the Appellants emphatically assert that the Appeal Scheme, of itself, not only represents a balanced community, but addresses a fundamental imbalance in St Albans as it currently is, it is beyond any doubt whatsoever that, together, the two Appeal Schemes will not only mark the step change in housing delivery, across all tenures, that St Albans needs, but do so in a balanced way - a total of 721 homes, comprised of 486¹³ affordable housing units (67%)¹⁴, with a variety of affordable tenures - affordable home ownership for Key Workers, social rental housing, affordable rental housing, intermediate housing, First Homes housing, and self-build and custom-build plots; and 235 market housing units¹⁵ (33%)¹⁶ on top of that.”

15. To dismiss either scheme would undermine the purpose of the revised NPPF and encourage one of the worst performing Local Planning Authorities in the country to continue to fail local people desperate for new housing for themselves and their children. Such a decision would be bleak indeed. However, to allow the scheme which prioritises very expensive market houses whilst dismissing the proposal to deliver discounted affordable homes to essential local workers would be inexplicable.

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¹¹ Parker submission, Paragraph 38, first and second bullet points

¹² Parker submission, Paragraph 13 second bullet point

¹³ 330 (Addison Park) plus 156 (Cala Homes) (391/40 x 100).

¹⁴ 486/721 x 100.

¹⁵ 391/60 x 100.

¹⁶ 235/721 x 100.