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Your ref: 5/2019/3022  
Our ref: J0015049

Sarah Smith – Team Leader (East)  
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Civic Centre  
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3<sup>rd</sup> February 2019

Dear Sarah,

## 5/2019/3022 | EMERGING LOCAL PLAN POSITION STATEMENT

As you will be aware, the examination of the St Albans City & District Council Local Plan 2020-2036 has been taking place, with the initial Examination in Public hearings having been heard last week, 21<sup>st</sup>-23<sup>rd</sup> January 2020. Stackbourne Ltd was represented by ourselves, alongside Counsel at the Matter 3 (Spatial Strategy) and Matter 4 (Green Belt) sessions.

You will also be aware of the letter (ED38) from the examining Inspectors to the Council setting out their “*serious concerns in relation to legal compliance and soundness*” resulting from discussions at these hearings and consideration of the examination documentation to-date. We await a more detailed note from the Inspectors, but it is evident that issues will be raised that go to the fundamental acceptability of the Plan.

What was evident from the examination was the Council's intended approach to the Spatial Strategy of the new Plan. The Council stated at paragraph 1.1 of its Matter 3 Hearing Statement:

*“The basis for the overall spatial strategy and broad distribution of growth set out in Policy S1 is a direct response to the relevant Statute and national policy, principally set out in the NPPF. In simple terms, following the NPPF, **the basis has been to start by making the best use of previously developed land (PDL) in existing settlements (and PDL in the Green Belt as far as it is compatible with NPPF paragraph 145 (g)) first.**”* [Our emphasis]

We were told on numerous occasion at the hearings that the Smallford Works site, as with all other PDL Green Belt sites, was considered for the Local Plan through its assessment in the Strategic Housing Land Availability Assessment (SHLAA) process, with suitable sites to be incorporated as part of Local Plan trajectory as ‘windfall’ development. It was actively encouraged by Chris Briggs, the Council's Spatial Planning Manager, that the development management process would be the appropriate place to deal with such sites (in place of a specific allocation in the Plan), and that they have formed and will continue to form a crucial part of windfall development:

*“The view is that those [PDL Green Belt] sites that are reasonable contenders are coming forward through the call for sites, pre-application, planning application over a period of time, we are well aware of them. Broadly speaking, the policies of the new Plan*

*are seeking to maximise them, maximising reasonable capacities on these sorts of sites and it is through that way [that they would come forward]...*

*...We do have calculations for windfall. That has over the years included a number of previously developed sites within the Green Belt and we are expecting for that to continue and that again is part of the trajectory that we have.”*

*Chris Griggs, SACDC Spatial Strategy Manager, Local Plan Examination in Public Matter 3 Hearing  
22<sup>nd</sup> January 2020*

Turning to the SHLAA (2009 being the sole year of assessment for the site) pro-forma of Smallford Works (appended), the site receives a largely favourable assessment, with it concluding:

*“The site is previously developed land and the Council has long had aspirations to remove the poorly located industrial uses on the site, in order to secure some major environmental enhancement of the area as part of Watling Chase Community Forest. It is recognised that this is unlikely to happen without some ‘enabling development’.*

*However, almost the entire site is within Flood Zone 3b Functional Flood Plain. PPS25 says that more vulnerable uses (including residential dwellings) should not be permitted in Flood Zone 3b.”*

As has been corrected through technical study, updated on Environment Agency mapping, and dictated to the Council through representations to the Local Plan, pre-application discussions, and this application, the site is actually located within Flood Zone 1. This removes the one absolute constraint considered by the Council as the reason for the site not to be ‘suitable’ for residential development.

In regard to the Green Belt, the SHLAA appreciates the previously developed nature of the site and the limited contribution it makes to the purposes of including land within the Green Belt, concluding against these purposes:

1. Development would result in unrestricted sprawl of large built up areas – No;
2. Development would result in neighbouring towns merging into one another – PDL;
3. Development would result in encroachment into open countryside – PDL;
4. Development would affect the setting and special character of St Albans – No;
5. Development would assist in urban regeneration by encouraging the recycling of derelict and other urban land – Yes.

These conclusions largely align with those we set out within the submitted Planning Statement supporting this application.

Overall, the site should be considered to align with the principles of the Spatial Strategy that was being sought in the emerging Local Plan, albeit there have clearly been significant shortcomings by the Council in producing a Plan that can deliver that Spatial Strategy. This is significant in the context of the large shortfall in supply proposed in the Plan – our Matter 8 Hearing Statement indicates a gap in supply of at least 4,788 dwellings over the Plan period, with 4,251 dwellings in the first five years alone. The success of this, or future iterations of the emerging Local Plan rely on sites such as Smallford Works to come forward for residential development, as is proposed here.

We stand by the assessment set out in our submitted Planning Statement to the acceptance of the principle of the proposed development in the Green Belt – accordance with paragraph 145(g) bullet 2 and/or paragraphs 143/144 in regard to ‘very special circumstances’. The Council has stated that it supports the approach of submitting an application on this basis, and indeed, it has been shown that the emerging Local Plan will be dependant on such proposals.

We will continue to work with you and your team in the interests of bringing forward a positive determination for the submitted application.

Yours sincerely,

A handwritten signature in black ink that reads "J Stanley". The signature is written in a cursive, slightly slanted style.

Jamie Stanley  
**Associate**

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