

Written Statement

12/19

St Albans City & District Local Plan Examination Matter 1

On behalf of Hilton House Properties



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Introduction

1. This representation is submitted on behalf of our clients, Hilton House Properties Limited, to the consultation being undertaken by St Albans City and District Council under the provisions of Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations, 2012.
2. Hilton House Properties Limited own a site at Orchard Drive, How Wood, St Albans, which is in the Parish of St Stephen. The site is formed of two parcels which are divided by a residential property 'Meadowside'. The site is adjoined to the north, south and east by existing residential development. The western boundary adjoins the A405. It is anticipated that the site could accommodate approximately 30 dwellings.
3. The site is located in a sustainable location. How Wood railway station is located approximately 1200m walk to the south-east of the site and Park Street railway station is approximately 1700m to the east. Both are served by the Abbey Line operated by London Midland. The line serves Watford Junction, Watford, Garston, Bricket Wood, Park Street and St Albans Abbey.
4. Our Regulation 19 representation referred to the absence within the Plan of a clear explanation as to the role that Neighbourhood Plans can have in bringing forward additional development.
5. The main issue identified by the Inspector to be examined in relation to Matter 1 is: Whether the Council has complied with the relevant procedural and legal requirements.
6. The focus of this Written Statement is upon responding to Question 16.

Questions:**16. Are there any 'made' Neighbourhood Plans or any being prepared or in the pipeline? If so, how have these been taken into account and where is this evident?**

7. The NPPF emphasises that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. It specifies that within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations¹.
8. Planning Practice Guidance (PPG) states that where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination².
9. The PPG also emphasises that proactive engagement with neighbourhood plan-making bodies is important as part of this process, in order for them to understand how the figures are reached. This is important to avoid disagreements at neighbourhood plan or local plan examinations, and minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted³.

¹ Paragraph 65, NPPF (2019)

² PPG, Paragraph: 009 Reference ID: 41-009-20190509

³ PPG, Paragraph: 102 Reference ID: 41-102-20190509

10. We see no reason why St Albans City and District Council has not set out clear and transparent housing requirement figures for designated neighbourhood areas within its Draft local Plan.
11. Our Regulation 19 representations highlighted that apart from a general reference to Neighbourhood Plans at Section 1.2 of the draft Local Plan, there is no further reference to neighbourhood planning within the entire document. As a result, it is unclear how policies and proposals within a Neighbourhood Plan will be assessed in the future given the requirement for a Neighbourhood Plan to be in overall conformity with the strategic policies contained within a Local Plan.⁴
12. Seven neighbourhood plan areas have been designated by St Albans City and District Council. Of these, only the Harpenden Neighbourhood Plan has been made, the remainder are still being prepared, including the St Stephens Neighbourhood Plan. It will therefore be of concern to these parishes, and others that might be contemplating the production of a Neighbourhood Plan, that their efforts could be undermined by the lack of any strategic guidance in the draft Local Plan.
13. We are concerned that the draft Local Plan provides no encouragement to Parish Councils that might be thinking about producing a Neighbourhood Plan or using the other community-led development 'tools' set out in the Localism Act, 2011. Instead the Local Plan as currently drafted would preclude the modest expansion of the larger villages detailed in the Table on page 9 of the document which it obliquely acknowledges have a range of services available to satisfy everyday needs.
14. Only those higher order settlements listed as Category 1, and the proposed Park Street Garden Village' listed in Category 2, are expected to accommodate additional development. Yet the larger settlements listed in Category 2, such as How Wood, could accommodate further modest growth which is consistent with the size of the settlement without undermining the purposes of the Green Belt. At present the development strategy is 'skewed' towards the provision of large-scale

⁴ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

developments with almost 70% of the total supply being reliant upon the delivery of just six sites as set out in a separate representation to Policy S4.

15. Our clients have been following with interest the progression of the St Stephen Neighbourhood Plan and are fully supportive of the Parish Council's efforts to ensure that the community can continue to grow and prosper. Our clients are however concerned that the draft Local Plan fails to provide a strategic framework and policy base, upon which the proposed Neighbourhood Plan can rely.
16. St Stephen Parish Council has been encouraged by the District Council to identify potential sites for development using the "Neighbourhood Planning Site Allocations Guidance and Toolkit" (2017) prepared for Town and Parish Councils in the St Albans administrative area. The Parish Council therefore undertook a "call for sites" exercise and consulted on the findings in June 2018. The exercise revealed that some small-scale sites were suitable for development and could be released from the Green Belt, including our client's land.
17. Policy S2 of the draft Local Plan states that "exceptional circumstances" to justify the release of Green Belt land only exist in the Broad Locations set out in Policy S6 and identified on the Policies Map. How Wood is not within one of the Broad Locations and a Neighbourhood Plan that advocated additional development would conflict with the policy. It is not clear if this is the intention of the Policy but consequently it undermines the purpose of the Localism Act, 2011 and the empowerment it confers to Town and Parish Councils to ensure that they get the right type of development for their community. Such an approach also fails to recognise the flexibility that has been introduced into the National Planning Policy Framework, 2018 which provides at paragraph 136 that:

... **"Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans"**.

18. In claiming that "exceptional circumstances" only exist in the Broad Locations the District Council has failed to demonstrate that it has fully explored reasonable

alternatives, such as the contribution that small-scale sites (which make very limited, if any, contribution to the purposes of the Green Belt) that could be identified in Neighbourhood Plans can offer in meeting the established need for development. Neighbourhood Plans are required to promote the principles of sustainable development and modest extensions to existing settlements could bring additional vitality, maintain community cohesion, and safeguard services. Those settlements listed in category 2 offer the most significant opportunities to extend the range of smaller sites which can be brought forward more readily and help support local construction firms.

19. In the absence of a clear explanation within Policy S2 and the supporting text as to the role that Neighbourhood Plans can have in bringing forward additional development the draft Local Plan does not accord with the provisions of national planning policy and fails to provide an overarching strategy to guide future growth that might be considered appropriate by local communities interested in the preparation of a Neighbourhood Plan.
20. Policy S2 requires revision to indicate that communities within the large villages and settlements listed within Category 2 will be encouraged to prepare Neighbourhood Plans to allocate land for development, including amendments to the Green Belt boundary, especially where it contributes to wider sustainability objectives and the delivery of community benefits.
21. We welcome the fact that the Table of Minor Modifications (CD 024) seeks to add the following wording to the end of Policy S2 **“If detailed local evidence supports a Neighbourhood Plan that justifies development at a neighbourhood scale on land currently designated as Green Belt, that is supported in principle”**. However, whilst we support this change, we believe that a definition should be given regarding what precisely is meant by ‘at a neighbourhood scale’ and consider that the Plan needs to be go much further in order to comply with national policy. It is vital that it provides a strategic steer in respect of identifying appropriate levels of housing development for designated neighbourhood areas, and recognising the contribution these can make to meeting the District’s overall housing needs, particularly through the allocation of small and medium-sized sites.

22. The Draft Pre-Submission Document in respect of the St Stephen Neighbourhood Plan 2019-2036 has recently been published (dated 28 November 2019). The accompanying Strategic Environmental Assessment scoping report has been completed, and is undergoing consultation with statutory bodies. The Parish Council has stated that it hopes to be in a position to go out to public consultation on the Draft Neighbourhood Plan early in 2020.
23. Draft Neighbourhood Plan Policy SP1 (Spatial Strategy) seeks to remove 6 locations from the Green Belt including our Client's site 'Land at Orchard Drive' for approximately 30 dwellings.
24. Paragraph 4.6 of the Draft Neighbourhood Plan specifies that it seeks to amend the Green Belt boundary in order to allocate six sites for residential development totalling circa. 140 new dwellings, to meet locally defined needs.
25. The Draft Local Plan should be amended in order to explicitly acknowledge the contribution to housing supply that the St Stephen Neighbourhood Plan and other such Neighbourhood Plans in the District can make.
26. Paragraphs 10.5 – 10.8 of the Neighbourhood Plan refer to specific benefits that will arise from the proposed Orchard Drive housing allocation. These include the upgrading of an existing children's playground, the provision of a wildlife corridor, footpath improvements, and a mix of housing including starter and family housing. Our Clients have demonstrated their full commitment to the delivery of the Orchard Drive site by submitting a planning application to the local planning authority.
27. We consider that the Draft Local Plan needs to be amended in order to identify the approximate amount of housing development anticipated to come forward from each individual neighbourhood area. It is considered highly important to ensure that there is proper and appropriate alignment between it and future Neighbourhood Plans that will be made.



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