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# **St Albans City & District Council Local Plan Examination**

Representations on behalf of L&Q Estates

Matter 1: Legal / Procedural Requirements

December 2019

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Local Plan Examination**

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<b>Project Ref:</b>	25257/A4/P5/PD/SO	25257/A4/P5/PD/SO
<b>Status:</b>	Draft	Final
<b>Issue/Rev:</b>	01	02
<b>Date:</b>	December 2019	December 2019
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Ref: 25257/A5/P4/PD/SO  
File Ref: 25257.P4.LPEM1.PD  
Date: December 2019

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## **1.0 INTRODUCTION**

- 1.1 This statement has been prepared by Barton Willmore LLP on behalf of L&Q Estates (formerly Gallagher Estates) pursuant to Matter 1: Legal/Procedural Requirements. This follows representations to both the Regulation 18 and Regulation 19 Local Plan consultations in relation to L&Q Estates' land interest at Land South of London Road, St Albans (the 'Site'). It has been titled 'The Greenway' during the Local Plan consultation process.
- 1.2 The Site extends to 14.22 hectares in area and provides the opportunity to successfully accommodate a highly sustainable development of 300 residential units in this edge of town location. The Regulation 19 representations were accompanied by a Vision Document dated February 2018 and a Landscape Appraisal and Green Belt Review, which describe the Site and its opportunities in more detail.

## **2.0 MATTER 1: QUESTION 14**

### **Why is the Plan Start Date in the Future?**

- 2.1 The Local Plan as submitted is a 16 year Plan from 1 April 2020 to 1 April 2036, and is broken down into three sub periods, those being 2020-2025, 2025-2030 and 2030-2036. L&Q Estates has concerns regarding the use of 2020 as the start for the Plan period, set out further below.
- 2.2 Given the start date of the Plan period, the evidence base does not consider housing need for the preceding year since the submission of the Plan, namely delivery within 2019/20. As a result, any consequences of under delivery within the preceding year is not taken into account. This is fundamental when calculating the five year housing land supply. The latest monitoring reports do not show housing delivery within this period. However, the result for the 2017/18 period shows 385 dwellings completions. The result of the 2018 Housing Delivery Test also demonstrates a significant shortfall, with only 58% of the housing need delivered in the three years between 2015/6 and 2017/18.
- 2.3 The Local Plan will be examined against the 2019 National Planning Policy Framework, and as such, the standard methodology provides the starting point for calculating the objectively assessed housing need. This suggests that as a starting point the Council should be planning for a minimum of 913 dwellings per annum within the District. There is likely to be a significant shortfall (circa 500 dwellings) within 2019/20 given the history of delivery within the District. There is no current mechanism to ensure this shortfall is met.
- 2.4 In order to ensure the Plan is positively prepared, justified and effective it would be appropriate to commence the plan period from the time of submission. The Local Plan should therefore be considered for the period 2019 and 2036. The objectively assessed need should therefore be recalculated to take into account 2019 need and, should there be additional under supply, additional sites should be allocated. The Site at the Greenway provides an opportunity to deliver 300 dwellings in a sustainable location and on a deliverable site.
- 2.5 Appendix 5 of the Local Plan provides a list of small residential sites with permission, which represents 950 dwellings on a total of 334 individual sites, with a range of site sizes to accommodate between 1 and 58 units. The table within Appendix 5 is dated April 2018. If any of these sites delivered ahead of 2019/20, they should be deleted from the

table. Until it is updated, it cannot be relied upon when assessing the spatial strategy and housing needs target.

- 2.6 The delivery of any of the 950 dwellings before the commencement of the Plan period will significantly impact upon the housing completions anticipated within the Plan period. The housing trajectory shows 18 dwellings on 'small sites with permission' and 'conversions with permission' are anticipated within the Plan period, as well as 417 dwellings on sites with planning permission. This table does not clearly show the deliverability of the 334 small sites identified with residential permission. However, should these either be delivered before the start of the Plan period, be delayed, or not be implemented, then the objectively assessed need calculation would be considered inaccurate.
- 2.7 We also highlight the age of the planning permissions for the small sites, with a number of these applications dating from 2015 and 2016. The intervening timeframe suggests the predicted delivery of these small sites may not be accurate.

### **3.0 SUMMARY**

- 3.1 By starting the plan period in 2020, the Council has not taken into account 2019/20 and as a result are not considering any under delivery of housing in that year. As a result, the Council effectively is giving themselves a 'free' year of housing delivery ahead of the commencement of the Plan period.
- 3.2 The effect of this is any shortfall within 2019/20 is not calculated within the objectively assessed need within the plan period, and also does not influence the 20% buffer applied during the calculation.
- 3.3 The Local Plan is therefore considered unsound. In order to move forward, the Plan period should be adjusted to 2019-2036, with the objectively assessed need recalculated accordingly.

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