

## **St Albans City & District Local Plan 2020-2036**

### **Examination Hearing Statement**

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### **Matter 3 – The Spatial Strategy, Settlement Hierarchy and Development Strategy (Policies S1 and S2)**

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**Prepared by Strutt & Parker on behalf of Taylor Wimpey Strategic Land**

**December 2019**

## **Context and Introduction**

1. Strutt & Parker has participated in the preparation of the St Albans City & District Local Plan ('the Local Plan'), on behalf of Taylor Wimpey Strategic Land (Representor ID 1187472) and in relation Land at Hill Dyke Road, Wheathampstead ('the Site').
2. Such participation included representations on the St. Albans City and District Detailed Local Plan Publication Draft 2018 ('the LPPD'), which was published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. A copy of our LPPD representations are appended to our Matter 1 Hearing Statement.
3. Prior to representations on the LPPD, submissions were also made on the St. Albans City and District Local Plan Regulation 18 consultation.
4. The Site was identified within the Strategic Housing Land Availability Assessment (2009) as site reference SHLAA-GB-W-3. As set out in our representations, the Site is considered to afford the opportunity to deliver a sustainable extension to the settlement of Wheathampstead without undermining the strategic purposes of the Green Belt, providing approximately 100 homes to help meet the District's acute housing need.
5. Notwithstanding the Site's potential, the LPPD does not propose allocation of the Site for residential development.
6. As per our representations on the LPPD, we have a number of concerns in respect of the soundness of the process that has been used to determine proposed allocations in the LPPD and consider the rejection of the Site to exemplify a flawed approach to the selection of sites, which is neither justified nor consistent with national policy.
7. In addition, and again as set within our LPPD representations, we have a number of concerns with regards to the Local Plan's approach to Wheathampstead which we consider renders it ineffective and contrary to the requirement to be positively prepared.

8. This Hearing Statement concerns Matter 3 (The Spatial Strategy, Settlement Hierarchy and Development Strategy (Policies S1 and S2)) of the Local Plan Examination Stage 1 Matters, Issues and Questions (ED26).
9. The Inspectors have identified the main issue of Matter 3 to be whether the Spatial Strategy, Settlement Hierarchy and Development Strategy is justified, effective and consistent with national policy.
10. Further to this, nine separate questions have been set out. This Hearing Statement provides responses to three of these: Questions 2, 6 and 8.

## Question 2

**Is the growth in large villages consistent with their position in the settlement hierarchy set out in policy S1?**

11. The supporting text to Policy S1 explains that development will be concentrated on the basis of the settlement hierarchy set out within the policy, giving priority to the larger urban centres.
12. After city, towns and main urban settlements ('Category 1' settlements) the next tier in the hierarchy comprises 'large villages' as 'Category 2' settlements.
13. The LPPD indicates Category 2 settlements are the most sustainable settlements in the District to accommodate growth, with the exception of the four in Category 1: St Albans, Harpenden, London Colney, Hemel Hempstead (which is actually within Dacorum Borough, but through which the LPPD proposes expansion into the District).
14. Produced as part of the Council's previous attempt to prepare a Local Plan, the St Albans City and District Strategic Local Plan Publication (2016) confirmed that large villages such as Wheathampstead were sustainable locations to accommodate proportional additional growth, noting at paragraph 4.14 that they have a range of facilities to meet the day-to-day needs of their communities. Whilst it was stated that the amount of development that will be acceptable within such settlements will generally be less than in towns, there is clear acknowledgement that some development should take place. The St Albans City and District Strategic Local Plan Publication (2016) also recognised the importance to the future of such settlements that proportionate growth be directed to them, stating:

*"The continued sustainability of these settlements as places to live and work is dependent on the retention and expansion of local services that meet community needs, coupled with improved transport services enabling access to larger centres for those services that are not available locally".*
15. The relevant extract from the St Albans City and District Strategic Local Plan Publication (2016) is provided as **Appendix A**.

16. The above is still relevant – nothing has changed to suggest otherwise. It is clear that the provision of sufficient housing and direction of proportionate growth to such settlements is a key aspect of ensuring they remain sustainable, viable communities. It is essential for the vitality of the community that the planning system supports sustainable growth of settlements such as Wheathampstead – failure to do so would have negative social and economic implications for the settlement.
17. However, the LPPD proposes no growth for Wheathampstead over the entirety of the plan period.
18. Wheathampstead is one of six existing settlements identified as Category 2 (along with a proposed new Garden Village). Policy S1 proposes the following broad policy approach to such settlements:

*“The scale and density of development will generally be lower than in the Category 1 settlements. This is to reflect the lower level of services available and in order to retain their particular character.”*
19. As such, as a broad approach at least, Policy S1 should result in a proportionate level of growth to settlements such as Wheathampstead (albeit not necessarily as much as to Category 1 settlements).
20. It is recognised that it would not be appropriate for the spatial strategy and distribution of growth to slavishly follow the settlement hierarchy, and that it instead should consider the multitude of factors which can influence the level of growth that is sustainable and deliverable for an area. At the same time, however, the settlement hierarchy should form part of the consideration of the strategy – as Policy S1 of the LPPD suggests. If no growth were to be proposed for settlements placed relatively high in the settlement hierarchy, then such an approach would need to be robustly justified.
21. Looking at the characteristics of Wheathampstead, as set out in our LPPD representations, it is an established community with a population of 6,410 (Census, 2011) and benefits from a range of facilities and services, including strong education provision. Wheathampstead benefits from an established High Street, which runs

centrally through the village on a north-south axis. The High Street contains a variety of services, shops and businesses, including; hairdressers, restaurants, variety of retail uses, pharmacy, and public houses.

22. In addition to being an active and vibrant service centre, Wheathampstead has two primary schools which perform an important function for the existing community. Other community facilities include allotments, a library, and a village hall with sports pitches. The village has its own Lawn Tennis Club, Cricket Club, and branch of the Women's Institute.
23. There are no physical, environmental or heritage designations which suggest that the growth of Wheathampstead should not reflect its position in its settlement hierarchy. The only significant constraint is the Green Belt, a policy constraint which surrounds not only this settlement, but also others within the District – including those where the LPPD does propose growth.
24. The NPPF confirms (paragraph 136) that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.
25. Whilst 'exceptional circumstances' are not defined, there is case law which provides a framework for the consideration of the issue. In particular, the judgment in *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078 (Admin) suggests (paragraph 51) that the following matters are relevant in the consideration of whether exceptional circumstances exist:
  - The scale of the objectively assessed need;
  - Constraints on supply/availability of land with the potential to accommodate sustainable development;
  - Difficulties in achieving sustainable development without impinging on the Green Belt;
  - The nature and extent of the harm to the Green Belt; and
  - The extent to which impacts on the purposes of the Green Belt may be mitigated as far as practicable.

26. The first three points from the *Calverton* judgment relate to the District as a whole. Through the Local Plan process, it is eminently clear that the District's development needs cannot be accommodated without alterations to the Green Belt.
27. Turning to the fourth and fifth points raised in *Calverton*, these are dependent on the characteristics of specific sites (including its contribution to the strategic purposes of the Green Belt) and the nature of proposals. In respect of these, and in relation to Wheathampstead and its growth, it should be recognised that the Council's own evidence base has already confirmed that some Green Belt can be released around Wheathampstead without harm to the purposes of the Green Belt. The Green Belt Review Purposes Assessment (2013) (GBRPA 2013) identified two parcels of land (referenced SA-SS7 (GB43A) and SA-SS8 (GB41)) which make limited or no contribution towards checking sprawl, preventing merging, safeguarding the countryside, preserving setting or maintaining local gaps.
28. The Site promoted by Taylor Wimpey Strategic Land (reference SHLAA-GB-W-3) is within one of these parcels (SA-SS7 (GB43A), development of which the GBPRA 2013 confirms would not undermine the purposes of the Green Belt. In addition to being acceptable in Green Belt terms, the Site is suitable, available and achievable for development, as confirmed through previous representations. Development of the Site would see the creation of a new Green Belt boundary to the south which would have permanence in the long term as required by the NPPF at para 136.
29. There are clearly opportunities for the Local Plan to direct growth to Wheathampstead, and there is no justification for the proposed absence of growth which fails to reflect Wheathampstead's position in the settlement hierarchy.
30. Such lack of growth for Wheathampstead is illustrated by the trajectory at Appendix 2 of the LPPD, which suggests no additional homes will be provided in Wheathampstead as a result of the plan. The list of small sites with planning permission at Appendix 5 of the LPPD suggests that three additional dwellings will be provided in Wheathampstead. This appears to constitute the entirety of housing provision for Wheathampstead for the whole of the plan period.
31. It must be recognised that the current Green Belt boundary is drawn tightly around the existing settlement of Wheathampstead, and if it were to remain it would represent a

near absolute policy constraint on future development. In order to facilitate growth of the settlement, alterations to the Green Belt are required. The NPPF is very clear (paragraph 136) that the only appropriate vehicle through which to make alterations to the Green Belt is the preparation or updating of plans. Separately, (again paragraph 136), the NPPF is clear that Green Belt should endure beyond the plan period. As such, if adopted in its current form (without alterations to the Green Belt to facilitate sustainable growth of Wheathampstead) the LPPD is not only unlikely to facilitate proportionate growth of the settlement, but will actively prevent this (with the exception of limited infilling) until at least 2036. Clearly such a strategy is wholly inappropriate and could result in significant social and economic harm to Wheathampstead.

## **Question 6**

**Is the proposed development strategy set out in policy S2 appropriate and realistic?**

32. The proposed strategy set out in Policy S2 is considered to be inappropriate. For the reasons set out in our response to Question 2, the proposed strategy's approach to Category 2 settlements is wholly unsustainable: it fails to support the vitality of these communities (particularly in its approach to Wheathampstead); or to reflect the ability of these settlements to sustainably accommodate a proportion of the District's development needs. Indeed, as expressly confirmed with Policy S2 itself, the proposed strategy proposes the expansion of only one existing Category 2 settlement.
33. The proposed approach to Wheathampstead through Policy S2 is also contrary to Policy S1 of the same plan, which suggests such settlements will be subject to growth which reflects their level of services and character (again, as discussed within our response to Question 2). As such, Policy S2 is not effective.
34. In addition, Figure 1 of the LPPD helps illustrate how reliant on a small number of large sites the strategy proposed by Policy S2 is. This is clearly contrary to the NPPF, which requires Local Plans to not merely seek to meet development needs, but to do so through a strategy which is sufficiently flexible to adapt to rapid change.



35. Furthermore, this reliance on large strategic sites (which, as per our LPPD representations, are considered unlikely to contribute to delivery in the short term) raises significant doubts as to the LPPD's ability to meet housing requirements in the short-term. It cannot be ignored that the NPPF (paragraph 67) requires plan policies to enable a sufficient supply and mix of deliverable sites to meet housing requirements in years one to five of the plan period; and (paragraph 73) to maintain and update on an annual basis a supply of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing requirements. The ability of the strategy proposed by Policy S2 is to achieve this is considered highly questionable.

## **Question 8**

**Should the Plan include some small and medium size sites in order to provide greater choice and flexibility and accord with NPPF paragraph 68?**

36. Yes. The NPPF makes absolutely clear (at paragraph 68) that Local Planning Authorities should seek to ensure that at least 10% of their housing requirement can be met through development of site no larger than one hectare, unless there are strong reasons why this target cannot be achieved. Clearly the LPPD, with its significant reliance on large strategic sites, will not meet this requirement.
37. In addition, we consider that an appropriate strategy should also include medium-sized sites as well as those under one hectare. The NPPF recognises the importance of medium sized sites, noting their ability to be delivered relatively quickly. Medium sized sites have the potential to make meaningful contributions to housing needs within the short-term and are generally better placed to be able to facilitate other community and infrastructure improvements than small sites.
38. The lack of small and medium sized sites proposed to be allocated is in itself contrary to the NPPF. In addition, it also gives rise to other concerns, such as those we have identified in our response to Question 6: the overreliance on large strategic sites to meet housing needs, the resultant lack of a sufficient flexibility strategy to meeting development needs and the limited prospect of delivering sufficient housing to meet need in the first five years of the Plan period.