

ST ALBANS CITY & DISTRICT LOCAL PLAN EXAMINATION

HEARING STATEMENT

MATTER 3: THE SPATIAL STRATEGY, SETTLEMENT HIERARCHY AND DEVELOPMENT STRATEGY (POLICIES S1 AND S2)

LAND NORTH OF SANDRIDGE

ON BEHALF OF LONGBOURN ESTATES

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1. INTRODUCTION

- 1.1 This Matter Statement has been prepared by Pegasus Group on behalf of Longbourn Estates, the Freehold owner of Land North of Sandridge, as shown in Figure 1 and Figure 2 below.

Figure 1: Land North of Sandridge in context with St Albans City & Heartwood Forest

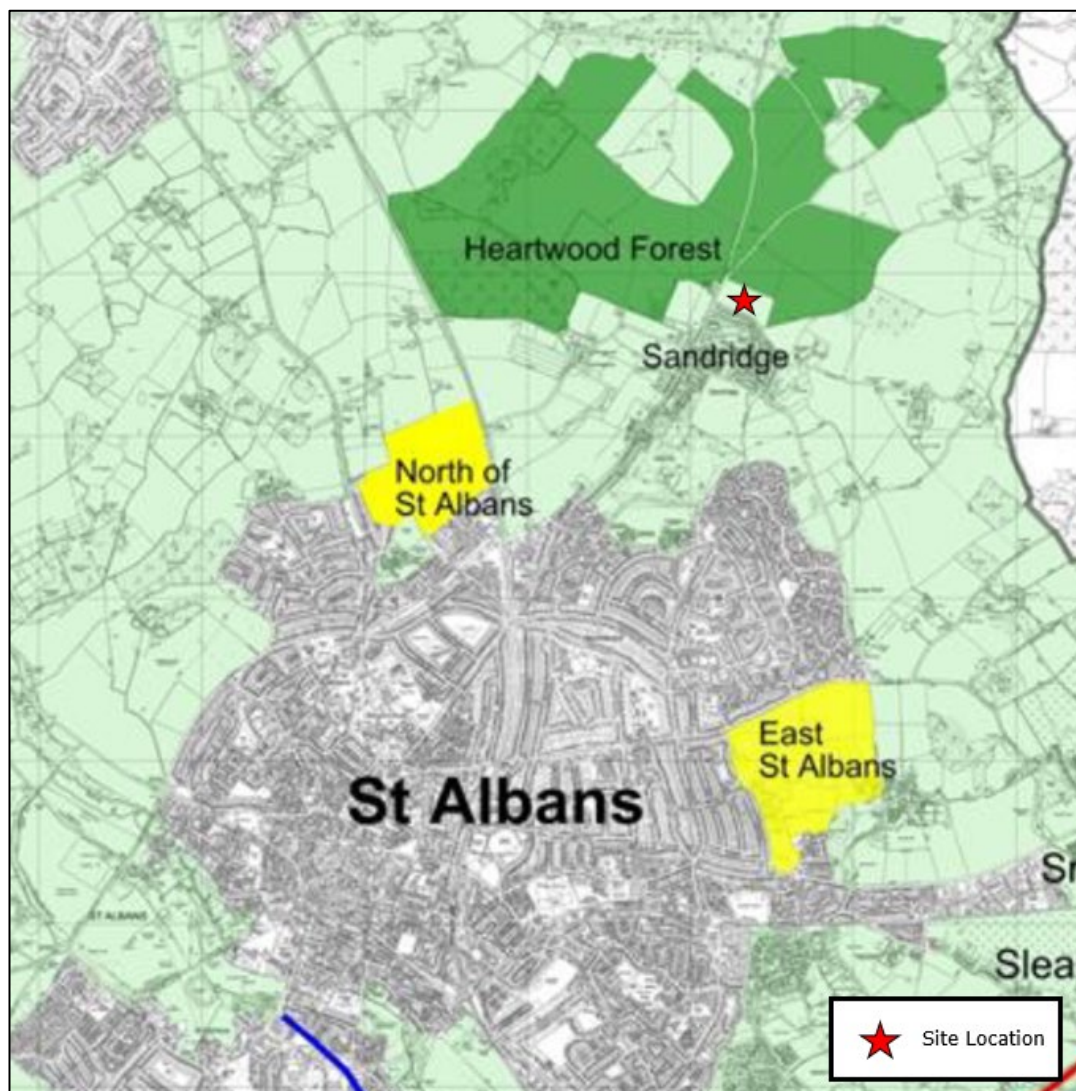
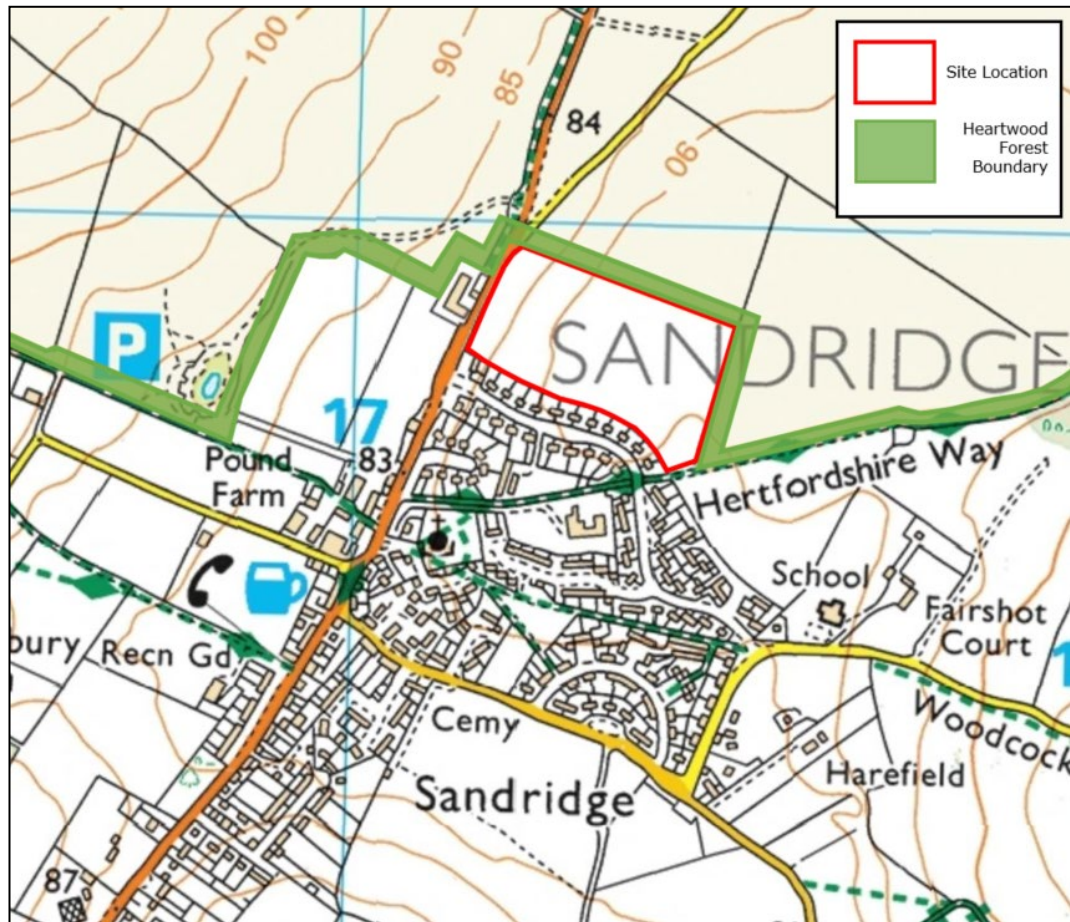


Figure 2: Site in Context with Sandridge and Heartwood Forest



1.2 This Matter Statement is prepared pursuant to the Matter 3 and the associated Issues and Questions raised by the St Albans City & District Council (SADC) Examination Inspectors.

1.3 This Statement is also to be considered alongside submissions made in respect of the following Matters:

- Matter 1: Legal / Procedural Requirements;
- Matter 2: Duty to Cooperate;
- Matter 4: The Metropolitan Green Belt (Policy S3);
- Matter 5: Objectively Assessed Needs for Housing and Employment Land (Policies S4 & S5);
- Matter 6: The Broad Locations for Development (Policy S6) – General Matters (Policy S6) and Strategic Infrastructure (Policies L17 & L18); and
- Matter 8: The Supply and Delivery of Housing Land

- 1.4** Our Matter Statements should be read alongside our Representations to the SADC Regulation 18 (Issues & Options) consultation and 'Call for Sites' submission (February 2018) and our Representations to the Regulation 19 (Publication Plan) consultation (October 2018).

2. MATTER 3 – THE SPATIAL STRATEGY, SETTLEMENT HIERARCHY AND DEVELOPMENT STRATEGY (POLICIES S1 AND S2)

Main issue: Whether the Spatial Strategy, Settlement Hierarchy and Development Strategy is justified, effective and consistent with national policy?

2.1 Question 1: What is the basis for the overall spatial strategy and broad distribution of growth set out in Policy S1? What options were considered and why was this chosen?

2.1.1 Please refer to our response to Matter 1 and to our Regulation 19 representations¹ for further details.

2.1.2 It is clear from the Sustainability Appraisal (SA) that the spatial strategy and broad distribution of growth is based purely on a site's perceived contribution to the purposes of the Green Belt as assessed in the Green Belt Review (GBR) (2013 & 2014) (GB001, GB002, GB003 & GB006) and as such the Council considers (at Policy S2) that the "*exceptional circumstances*" required for Green Belt release for development only exist in the Broad Locations".

2.1.3 The National Planning Policy Framework (NPPF, 2019) is clear however, that in order to be found 'sound', Local Plans should be 'justified' on "*an appropriate strategy, taking into account the reasonable alternatives*" (paragraph 35) and that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries that the LPA "*should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development*" (paragraph 137). Moreover, the NPPF requires that "*when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account*" (paragraph 138).

2.1.4 SADC may assert it was 'reasonable' to base their assessment of 'reasonable alternatives' on those sites initially identified by the GBR. However, as highlighted in our response to Matter 1, this fails to recognise that the GBR was a joint study across the administrative areas of St Albans, Dacorum and Welwyn & Hatfield and SADC would have been well aware when preparing the Plan of the

¹ Pegasus Regulation 19 Representations (October 2018) – paragraphs 3.2 – 3.35, 4.2 – 4.75 & 5.2 – 5.43

- Welwyn & Hatfield Borough Council (WHBC) Local Plan Inspector's comments in December 2017².
- 2.1.5 WHBC subsequently accepted the failings of the GBR and have undertaken further detailed assessment (which it should be noted has also resulted in significant delays to their Examination).
- 2.1.6 As such, SADC's position that reliance on the GBR represents a reasonable starting point is similarly fundamentally flawed and the proposed spatial strategy, distribution of growth and assessment of reasonable alternatives therefore fails at the first hurdle.
- 2.1.7 The SA also arbitrarily excluded from its assessment all sites of less than 500 dwellings or 14 hectares in size.
- 2.1.8 However, as highlighted within our response to Matter 1, sites of >500 dwellings were subsequently discounted due to the circular/closed assessment process within SA and GBR and moreover, there is also no sound evidence base or decision-making process to support the position that only sites of 500 dwellings or more should be identified for assessment through the SA process.
- 2.1.9 It is of course curious then that Policy S6ix) 'West of London Colney' and Policy S6x) 'West of Chiswell Green' should now propose allocations for 440 dwellings and 365 dwellings respectively.
- 2.1.10 SADC have not assessed sites of less than 500 dwellings submitted through the 2018 'Call for Sites' process and for many sites, including Land North of Sandridge, the Strategic Housing Land Availability Assessment (SHLAA) has either not been revisited since the 2009 update or provide an accurate depiction

² Inspectors Letter to WHBC (December 2017):

"In my concluding remarks to the Hearing sessions into Strategic Matters, I pointed out that I did not consider the development strategy put forward in the plan to be sound, in part because there was insufficient justification for the failure to identify sufficient developable sites within the Green Belt. That is largely because the phase 1 Green Belt Review was at such a strategic level as to render its findings on the extent of the potential harm to the purposes of the Green Belt, caused by development within the large parcels considered as a whole, debatable when applied to smaller individual potential development sites adjacent to the urban areas. It goes without saying that a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt. Such an approach is also more likely to reveal opportunities as well as localised constraints, both of which might reasonably be considered further."

of site suitability and sustainability, despite new material having been submitted to both the former SLP/DLP and current Plan process.

- 2.1.11 The assessment of reasonable alternatives is a 'soundness' test for the Local Plan and SADC has both relied on the flawed GBR and provided no evidence justifying the exclusion of a spatial development option of allocating sites of below 500 dwellings or consideration of the positive contribution such smaller scale sites can deliver both in terms of local infrastructure improvements, supporting the vitality and viability of local services and faster delivery timescales.
- 2.1.12 Accordingly, contrary to NPPF (paragraphs 35, 137 & 138) SADC has made no attempt to consider any reasonable alternatives to the proposed development strategy, having discounted potential sites (of all scales) on the basis of high-level Green Belt impact alone, with no consideration of site-specific assessment against Green Belt purposes or other sustainability criteria necessary to demonstrate the exceptional circumstances required to justify changes to Green Belt boundaries.
- 2.1.13 In addition, as highlighted in our response to Matter 1, the inclusion in the Plan (Policy S1) of the Park Street Garden Village (PSGV) is not justified or supported by the evidence base. Moreover, and notwithstanding the failings highlighted above, the inclusion of the PSGV further prejudices the entire plan-making process as the site was assessed on an inconsistent and separate basis to the rest of the Plan. Such an approach cannot be considered 'justified' or fair and as such the Plan is also considered to be 'unsound' on this basis.

2.2 Question 2: Is the growth in large villages consistent with their position in the settlement hierarchy set out in Policy S1?

- 2.2.1 As highlighted within our Regulation 19 representations³, the distribution of growth across the district is questioned given the absence of any evidence underpinning the proposed settlement hierarchy.
- 2.2.2 The current Plan relies on the settlement hierarchy as per the 1994 Plan and as such the current demographic and sustainability credentials of settlements across the District may not be accurately reflected. As such, the evidence base to support the capacity of settlements to accommodate growth is currently lacking.
- 2.2.3 Moreover, given the flawed approach to site selection and SA employed by SADC, the settlement hierarchy as drafted is in fact considered somewhat redundant as only those settlements where 'Broad Locations' are proposed are deemed capable by SADC of supporting growth, regardless of their categorisation in the hierarchy.
- 2.2.4 As highlighted in Question 1 above, this issue goes to the heart of the requirement of Local Plans to be based on an 'appropriate strategy, taking into account the reasonable alternatives' and demonstrating 'exceptional circumstances' to justify the release of Green Belt, having regard to 'the need to promote sustainable patterns of development'.
- 2.2.5 As set out in our Regulation 19 representations, we consider the sustainability and demographic credentials of Sandridge to warrant re-categorisation as a 'Tier 2 – Large Village'. However, notwithstanding the evidence submitted, it is also considered that the 'Tier 3 – Green Belt Settlements' should nonetheless be able to grow and expand sustainably, as they have been able to through Green Belt releases in the past, through development of an 'appropriate scale' and in 'suitable locations' beyond current settlement boundaries.
- 2.2.6 The settlement hierarchy should therefore be based on a detailed evidence base with a clear methodology for calculating the sustainability credentials of

³ Pegasus Regulation 19 Representations (October 2018) – paragraph 3.9 – 3.35

settlements and capacity to support growth. The evidence base should then in turn inform the proposed spatial and development strategy in the Plan.

2.3 Question 3: Has the settlement hierarchy taken account of facilities in neighbouring settlements, outside of the local authority's boundary? If no, should it?

2.3.1 The Plan acknowledges the District's significant spatial relationship with London and other regional cities/towns, particularly Hemel Hempstead, Welwyn Garden City, Hatfield, Watford and Luton, all of which strongly influence local patterns of employment, travel, retail, leisure and migration. However, these spatial relationships do not appear to have influenced the current Plan strategy.

2.3.2 Indeed, as highlighted within CD028⁴ it is clear that SADC has no intention of working collaboratively with its neighbours in respect of this Plan, seeking instead to meet their own needs and then to undertake a future Plan review:

"SADC is under pressure from the Government Intervention process to progress its Plan in accordance with its LDS [Local Development Scheme]. The approach in the context of joint working is to prepare a Plan which meets full need and then undertake future review in the context of SWH [South West Hertfordshire] joint working and the proposed Joint Strategic Plan (JSP)."

2.3.3 As highlighted in our representations, there is no agreed timetable for the preparation of the JSP and the current draft timetable cannot be relied upon at this time.

2.3.4 SADC may point to cross-boundary evidence base documents such as the South West Hertfordshire (SWH) Economic Study (2019), but in the absence of any signed Statement of Common Ground (SoCG) demonstrating how such employment needs arising from the evidence base are to be met across the SWH area, it can only be concluded that the current Plan has not taken a collaborative and cross-boundary approach.

⁴ CD028 SADC Duty to Cooperate Statement (April 2019)

2.4 Question 4: Does the Plan clearly set out the approach to be taken to proposed development in the countryside? If not, should it?

- 2.4.1 It is not clear what the Council's approach is to development in the countryside, but this should be clearly set out.

2.5 Question 5: Is there a need to define settlement boundaries?

- 2.5.1 In line with paragraph 140 of the NPPF, it is clear that settlements in the Green Belt should no longer be washed over by the Green Belt designation simply to avoid further development and instead should only be included in the Green Belt where they have an open character.
- 2.5.2 Our Regulation 19 Representations⁵ set out the case for Sandridge (including Land North of Sandridge) to be excluded or 'inset' from the Green Belt in accordance with the NPPF, especially due to the existence of the established Heartwood Forest on the site's immediate northern boundary.

⁵ Pegasus Regulation 19 Representations (October 2018) – paragraphs 3.8 – 3.35

2.6 Question 6: Is the proposed development strategy set out in Policy S2 appropriate and realistic?

2.6.1 The NPPF (paragraph 31) requires the preparation of all policies to be underpinned by relevant and up-to-date evidence and supporting guidance for Local Plan Examinations further states that evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events.

2.6.2 However, the justification for the Plan's proposed spatial and development strategy⁶ refers to a number of evidence base documents that may be considered out-of-date. For instance, as the Plan is based on the Standard Method, it is not necessary to refer to the Strategic Housing Market Assessment (January 2016) for the evidence to determine the housing requirement.

2.6.3 Fundamentally, as highlighted within our response to Matters 1 & 2 and Matter 3, Question 1 above, SADC's site selection process and Sustainability Appraisal of 'reasonable alternatives' has been based purely on the GBR.

2.6.4 We have set out in our response to Matters 1 & 3, why this approach is fundamentally flawed, in particular having regard to the WHBC Local Plan Inspector's comments in December 2017.

2.6.5 Due to the flawed GBR, SA and Site Selection methodology which has employed a 'policy on' approach and arbitrarily set the threshold for sites being considered at >500 dwellings only, SADC has made no attempt to consider any reasonable alternatives to the proposed development strategy, having discounted potential sites (of all scales) on the basis of perceived high-level Green Belt impact alone and no consideration to site-specific Green Belt and sustainability credentials.

2.6.6 The NPPF requires (paragraph 137) that:

"Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development." [our emphasis]

⁶ ED25F – paragraphs S2.1-S2.3

- 2.6.7 As such, SADC's assertion that "*exceptional circumstances only exist in the Broad Locations set out in Policy S6*" is plainly wrong as this process has been prejudiced by a flawed GBR and SA process in respect of due consideration of 'reasonable alternatives'. The evidence base fails to examine whether smaller parcels of Green Belt land could be identified as serving very limited Green Belt purposes and would be suitable for removal from the Green Belt or revision of the Green Belt boundary.
- 2.6.8 SADC's decision to underpin their entire spatial and development strategy and SA consideration of 'reasonable alternatives' on only those sites identified through, and assessed against the flawed GBR process, is considered to be entirely unsound and as such cannot be considered a 'justified' and 'appropriate strategy' in accordance with the NPPF (paragraph 35). The Plan is therefore unsound.
- 2.6.9 The second part of this question relates to whether the Plan is 'realistic'.
- 2.6.10 In the context of the NPPF and National Planning Practice Guidance (NPPG), this is considered to relate to whether the Plan will realistically deliver the number of new homes required over the Plan period. This issue is dealt with in more detail in our Matter 8 Statement, however in summary it is important to note the requirements of the NPPF where it states:
- "Authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should...**
- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites."**
- (NPPF, paragraph 72)
- 2.6.11 As set out in our Regulation 19 Representations⁷ demonstrate that SADC have adopted an overly optimistic bias when estimating the time to first delivery of the proposed 'Broad Locations' and it is clear that SADC has no contingency should one or more of these large sites not deliver as expected.
- 2.6.12 Moreover, SADC's proposed 'stepped approach' to meeting housing need is only required due to the Council's over-reliance on the proposed large-scale strategic

⁷ Pegasus Regulation 19 Representations (October 2018) – paragraphs 5.9 – 5.43 & Appendix 7

sites and such an approach fails to address the District's chronic housing affordability issues when it is most needed – i.e. now.

- 2.6.13 We have also highlighted within our other Matter Statements, the failings of the GBR, as concluded by the Inspector into the WHBC Local Plan and as accepted by WHBC. Given the GBR is in fact the same 'joint' document being examined now in the context of SADC, it is considered that the Inspectors cannot possibly come to any different conclusions other than that the GBR is fundamentally flawed and which will have inevitable implications on the date of adoption of the Plan⁸, which will further delay the delivery of the proposed Broad Locations.
- 2.6.14 In line with the NPPF (paragraph 59) it is evident that SADC has failed to ensure that a sufficient amount and variety of land can come forward where it is needed.
- 2.6.15 Pegasus has submitted detailed Regulation 19 Representations⁹ highlighting the deficiencies of SADC's site assessment process and demonstrating the deliverability (suitability, availability and viability) of Land North of Sandridge which is capable of contributing towards SADC much needed housing supply in the early part of the Plan period (years 0-5). Our representations also highlight the deficiencies in respect of the Council's evidence base given the failure to acknowledge anywhere the presence of Heartwood Forest (see Figure 1 & Figure 2 in the Introduction above) to the immediate north of Sandridge, which in line with NPPF (paragraph 139) represents a robust, defensible and permanent boundary to the Green Belt at this location. The failure of the evidence base to even acknowledge the existence of Heartwood Forest has resulted in incorrect definition of the Green Belt parcels in the GBR and inaccurate conclusions regarding the importance of the site in contributing to certain Green Belt purposes. The site is therefore capable of providing much needed flexibility in the supply of housing land over the next Plan period.
- 2.6.16 It appears evident to all but SADC that a variety of smaller and medium sized sites will be needed to ensure a sufficient amount and variety of land can come forward where it is needed and as such it can only be concluded that the proposed spatial and development strategy is also not 'realistic' as the Plan will

⁸ NB: the examination into the Welwyn & Hatfield Local Plan commenced in May 2017 and is not anticipated to close until May 2020 at the earliest, due in part to the fundamental failings of the GBR at the outset.

⁹ Pegasus Regulation 19 Representations (October 2018) – paragraphs 4.15 – 4.59

not deliver the number of new homes required over the Plan period. The Plan is therefore unsound.

2.7 Question 7: Will this provide a sufficient mix of sites and provide the size, type and tenure of housing to meet the needs of different groups in the community? Does this reflect the evidence from a local housing needs assessment?

2.7.1 Please refer to our response to Question 6 above.

2.7.2 It is considered that the Plan relies too heavily on the proposed Broad Locations, which rely themselves firstly on formal Allocation and release from the Green Belt through the adoption of the Plan.

2.7.3 In light of the findings of the Welwyn & Hatfield Local Plan Inspector (December 2017) in respect of the Green Belt Review, it is considered inevitable that further delays to the Local Plan-making process will ensue and that delays to the delivery of much needed housing (including Affordable Housing) will be the consequence.

2.7.4 Moreover, please also refer to our submissions in respect of Matter 5 and Matter 8 with regards to SADC's unrealistic assumptions in respect of the Housing Trajectory in Appendix 2 of the Plan.

2.8 Question 8: Should the Plan include some small medium size sites in order to provide greater choice and flexibility and accord with NPPF paragraph 68?

- 2.8.1 Yes. Please refer to our response to Questions 6 & 7 above and our Regulation 19 Representations.
- 2.8.2 SADC experiences even greater affordability pressures than Greater London¹⁰ and given the proposed stepped trajectory and longer lead-in times for large strategic sites, it is considered that the Plan should include a range and choice of sites, which would make a valuable contribution to housing supply in the short-to-medium term.
- 2.8.3 Such an approach would provide a more flexible and balanced approach to housing delivery in SADC and would comply with the provisions of the NPPF.

¹⁰ Pegasus Regulation 19 Representations (October 2018) – paragraph 5.17

2.9 Question 9: Does this strategy rely on windfall housing and if so, is this made clear in the Plan and is it based on the advice in paragraph 70 of the NPPF?

2.9.1 Please refer to our Regulation 19 Representations for full details¹¹.

2.9.2 The NPPF (paragraph 70) requires:

“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply”.

2.9.3 The Plan makes only one reference to ‘windfall sites’ at paragraph L8.1 in ED25F and the Housing Trajectory in Appendix 2 of the Plan includes a ‘windfall allowance’ of 421 dwellings within the first 5 years of the plan and an average of 105 dwellings per annum thereafter until the end of the Plan period (to 2036). The windfall allowance therefore forms a significant part of the anticipated housing supply until the Broad Locations start to deliver.

2.9.4 The NPPF is clear that any windfall allowance should be realistic and supported by compelling evidence. The Inspector’s will no doubt wish to investigate where this evidence is currently located?

(MATTER 3 STATEMENT WORD COUNT = 2,864 WORDS)

¹¹ Pegasus Regulation 19 Representations (October 2018) – paragraphs 5.30 – 5.36