

St Albans City and District Local Plan Examination

Matter Statement 3 The Spatial Strategy, Settlement Hierarchy and Development Strategy

**Responses on behalf of
Bovis Homes - 977889**

December 2019

Contents

1.	Introduction	3
2.	Response to the Spatial Strategy, Settlement Hierarchy and Development Strategy	4

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Client

Bovis Homes
Respondent 977889

Our reference

BOVC 3000

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Turley, on behalf of Bovis Homes, pursuant to Matter 3 (Spatial Strategy, Settlement Hierarchy and Development Strategy) of the St Albans City and District Council (SACDC) Local Plan Examination 2020. Bovis Homes is an established national housebuilding company with a legal promotional interest in land in St Albans District. Bovis Homes is a national employer and has nationwide experience of bringing land forward for mixed-use residential development.
- 1.2 Bovis Homes is actively promoting land at Gaddesden Lane, Redbourn, for residential development (formerly promoted by Mr Richard Blair). Representations in response to the St Albans City and District Council Regulation 19 Consultation and the SACDC Call for Sites Consultation, January 2018, have been submitted in relation to the above site (SHLAA Ref: GB-R-444a).
- 1.3 Bovis Homes maintains its objection to a number of policies within the emerging St Albans City and District Local Plan, as set out in the Regulation 19 representations. Namely; that the SACDC Local Plan is not positively prepared, is not justified, is not effective, or consistent with national policy. As such, the submitted Local Plan cannot be considered sound in its current form and requires major modification.
- 1.4 The primary areas of concern in relation to Matter 3 relate to the following issues:
- The robustness of the Sustainability Appraisal and the lack of a genuine assessment of suitable alternatives to inform the Spatial Strategy.
 - Inconsistent and incorrect application of the Green Belt exceptional circumstances policy test, resulting in a deficient Spatial Strategy with an over-reliance on a small number of large development sites.
 - An over-concentration of strategic development to the west of the M1 corridor east of Hemel Hempstead, relative to other key locations in the District.
 - Specific delivery and timing issues in relation to the East Hemel Hempstead and Park Street Garden Village broad locations, with over 40% of the housing allocations directed to only two broad site locations.
 - The lack of any flexibility in the overall development strategy to respond to rapid change or delay in the delivery of the broad locations.
 - Unrealistic large scale expectations from unspecified sites (urban optimisation).
- 1.5 The following Statement identifies the evidential basis for the above concerns and sets out our proposed resolutions.
- 1.6 Bovis Homes and its professional advisors have requested to participate in the relevant Matter 3 Hearings to articulate the above concerns.

2.0 POLICY S1 ISSUES: SPATIAL STRATEGY AND SETTLEMENT HIERARCHY

Whether the Spatial Strategy and Settlement Hierarchy are justified, effective and consistent with national policy?

Q1: What is the basis of 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 The basis of the overall spatial strategy and the rationale for the broad distribution of growth is very poorly defined, as the policies which present the spatial strategy and the development strategy have no supporting or explanatory narrative. Therefore in the absence of any suitable explanation for the construct of Policy S1, it is necessary to cross reference with other documents in the evidence base in an attempt to find the justifications for the approach taken. The evidence in this regard is however materially deficient and in the absence of clear and reasoned justification, Policy S1 does not meet the soundness tests set out at paragraph 35 of the NPPF.
- 2.2 The spatial strategy is fundamentally flawed as it is predicated upon a Sustainability Appraisal (SA) which does not objectively appraise the potential impacts of the Plan, the proposed allocations and all other reasonable alternatives to the same level of scrutiny to properly identify their contribution to sustainable development. The SA is the primary mechanism for assessing and enhancing the sustainability performance of policies and allocations within a draft plan to ensure that new development is directed to the most sustainable locations within the local authority area. However by reason of the arbitrary exclusion from consideration of all small to medium Green Belt sites in sustainable locations, irrespective of their contribution to sustainable development, the SA is materially unsound (see our Matter Statements 1 and 4).
- 2.3 National guidance (PPG) advises that the SA should predict and evaluate the effects of the preferred approach and reasonable alternatives and should identify the significant positive and negative effects of each alternative. The SA should outline the reasons the alternatives were selected, the reasons why rejected options were not taken forward and the reasons for selecting the preferred approach in light of those alternatives.
- 2.4 However is it clear that a more subjective conclusion has been reached, that considers only large-scale development (14 ha and/or 500 units and above) as the appropriate model for growth to the exclusion of lesser scales of development. This is based on the erroneous perception that only this minimum threshold of development can provide significant new infrastructure along with policy compliant levels of affordable housing.
- 2.5 There is however no evidential basis for this judgement, which fails to recognise the wider cumulative benefits that can accrue from smaller sites. There are also tensions with the CIL Regulation 122 tests as infrastructure contributions can only be levied in order to make a proposed development acceptable in planning terms. The benefits accruing from any scale of development as part of the growth strategy are therefore able to address impacts arising from that development.

- 2.6 Furthermore, the Community Infrastructure Levy Regulations (2019) are now in force and have ended the former pooling restrictions which enables SACDC to take a more objective, plural approach to the spatial strategy and the apportionment of obligations. Consequently there is no justification for excluding lesser scales of new development from the spatial strategy on the basis of future infrastructure provision, as all scales of development can proportionately contribute to new infrastructure within the district.
- 2.7 There is a tangible lack of evidence to justify the basis for the overall spatial strategy and the broad distribution of growth as set out in policy S1. This is mainly because the strategy is largely a derivative of an earlier 2016 strategy, conceived for a different Plan which had a materially lower scale of assessed growth. In terms of the options considered, whilst the SA did identify some alternatives options, these were not properly considered as reasonable alternatives because they involved reliance on a scale of development which was judged in principle as contrary to the pre-determined Green Belt methodology set for the Plan.
- 2.8 For the above reasons, the resultant spatial strategy has no objective basis and has been prejudiced, as reflected in the maintenance of the disproportionate emphasis on the strategic expansion of East Hemel Hempstead, to the detriment of the vitality and viability of other settlements in the district.
- 2.9 The sequencing of site selection in favour of focusing the highest levels of growth at Hemel Hempstead, in conjunction with the creation of a new Category 2 village at Park Street, has resulted in other sustainable Category 2 settlements, with access to key transport corridors, such as Redbourn, not being prioritised to the degree that should be expected.
- 2.10 There are however significant deliverability issues surrounding these sites, both in terms of capacity and timescale, which is unsound given that they cumulatively account for over 40% of the overall housing allocations in the district. With regards to capacity at the East Hemel Hempstead Broad Locations, the Regulation 19 responses submitted on behalf of the Crown Estate make clear that the 2,400 homes required cannot be delivered at the density required by SACDC (40 dph).
- 2.11 This will necessitate either a reduction in numbers, significantly higher densities or an increase in land take. There is also competition for other land uses in the East Hemel (South) allocation from the West Hertfordshire Hospital Trust for a major new hospital facility to serve West Hertfordshire. In addition, the issue of the allocation of numbers from the East Hemel Hempstead Broad Locations towards meeting the housing needs of Dacorum Borough Council is not resolved (see our Matter 7 Statement).

3.0 POLICY S2 ISSUES: THE DEVELOPMENT STRATEGY

Whether the Development Strategy is justified, effective and consistent with national policy?

Q6: is the proposed development strategy set out in Policy S2 appropriate and realistic?

- 3.1 For the reasons set out in response to Q1 above, the current Development Strategy is neither appropriate, nor realistic.
- 3.2 Policy S2 sets out the proposed development strategy for new homes and employment during the period 2020-2036. The accompanying diagram identifies a limited number of broad locations for strategic housing growth, which are almost exclusively focused only on the top tier settlements in the District. It is fundamental test of soundness that a Local Plan demonstrates a clear and logical connection between the identification of the future strategic priorities of the area and the resultant allocation of land to accommodate the growth that will deliver on those strategic priorities. However as the Development Strategy does not adequately set out any context for the District, this translates into a vague and generic vision for the area, with a lack of clear, strategic priorities resulting in an incoherent Development Strategy.
- 3.3 The Development Strategy is flawed on numerous counts. The principal issue being the patent lack of any properly considered alternatives in the SA, which fetters the ability of the Strategy to genuinely deliver upon the most pressing strategic priorities of the district (the persistent, chronic undersupply of affordable housing). The Development Strategy is also heavily compromised by the automatic exclusion of sites smaller than 14 ha / 500 dwellings, although it is noted that the Council appears content to breach its own methodology at both Chiswell Green (365) and West of London Colney (440).
- 3.4 The perception of the need for a minimum development scale threshold in order to satisfy the Green Belt exceptional circumstances test however has no evidential basis and is therefore an entirely subjective judgement. This approach is also inconsistent with national planning policy and runs counter to the judgement of the Secretary of State in other Hertfordshire authorities in the recent adoption of Local Plans (see our Matter 4 Statement).
- 3.5 The Development Strategy in the current Plan largely mirrors that of the Council's earlier Strategic Local Plan (SLP) submitted for examination in August 2016, but which subsequently failed the Duty to Cooperate in November 2016. Whilst the examining Inspector mainly focused on legal compliance within his letter of 28 November 2016, the Inspector also concluded there was a significant risk that the SLP, as presented, would also be found unsound. The inspector reasoned that the SLP was not based on effective joint working on strategic matters and that there was insufficient evidence to suggest that the SLP had been positively prepared (**see Appendix 1**).

- 3.6 Consequently, even if the Duty to Cooperate had of been met, there was little prospect of the SLP being adopted without fundamental modification to the version originally submitted for examination. Accordingly, the fact that the Council has continued to take forward such a similar spatial approach to that proposed in the abandoned 2016 SLP is highly pertinent to the assessment of the Development Strategy at this examination.
- 3.7 The current Development Strategy is not justified as it has not been prepared using an appropriate strategy, rather it is a clear derivative of the earlier failed Strategic Plan with the inclusion of further broad locations, predicated on a very similar methodology. This is reflected in the fact that although a Call for Sites exercise was held until 21 February 2018 and the evaluation methodology set by the Planning Policy Committee as late as March 2018, within just two months (May 2018) a Draft Plan was presented to the same Committee containing 11 of the current Broad location sites.
- 3.8 Given the scale and nature of work required to develop the proposals for each of the Broad Locations (combined with the fact that they were presented to the Committee alongside the results of the Call for Sites exercise) the conclusion to be drawn suggests that the outcome of the evaluation had been largely pre-determined. This seriously calls into question whether the Call for Sites exercise was undertaken objectively and without prejudice, or was merely a perfunctory statutory exercise to validate a largely pre-determined and preferred Development Strategy.
- 3.9 This has resulted in the most significant feature of the spatial strategy within the Plan being an almost exclusive emphasis on strategic sites, with nearly 70% of the housing delivery in the Plan coming from the Broad Locations. There is also a heavily reliance upon only two locations at Hemel Hempstead and the recently allocated Park Street Village to deliver over 40% of the total housing numbers required (6,000 homes) during the new Plan period. In total, nearly 50% of all new housing in the Plan period (around 7,000 homes) is proposed from strategic sites of at least 1,000 dwellings or more.
- 3.10 Whilst we do not question the principle of populating the Development Strategy with a proportionate amount of strategic development, the current strategy is too 'top heavy' as was the case with its failed 2016 SLP predecessor. In essence, the strategy lacks the plurality and flexibility necessary to address the existing strategic priorities of the District, notably affordability, particularly in the early years of the Plan. There is also no 'Plan B' with a development strategy predicated upon a static model for delivery, with no allowance made for delay or failure to deliver from one of the Broad Locations.
- 3.11 The concentration of such a large scale of development west of the M1 corridor also does not correlate with the established pattern of settlement in the St Albans district as the strategic allocation at East Hemel Hempstead is a major extension to an already very large town with sub-regional influence in another LPA area. The LPA in question (Dacorum) is heavily constrained, both by the Green Belt and by an Area of Outstanding Natural Beauty. Accordingly it is not an unreasonable request from this constrained LPA that some of the housing numbers directed towards Hemel Hempstead for the benefit of St Albans should contribute to meeting some of Dacorum's future housing needs.

- 3.12 Setting aside the principle of whether a new settlement at Park Street Garden Village is an appropriate strategy for this emerging Local Plan, the primary issues which affect the soundness of the SACDC Development Strategy in the current context are whether this new settlement is viable in its current form and deliverable within the timeframe required by the new Local Plan.
- 3.13 In this regard it is apparent that as little or no technical work has been undertaken to validate the illustrative Masterplan and no technical studies have been undertaken that specifically relate to the use of the site for residential development (as made clear by the agents for Hertfordshire County Council at the Regulation 19 stage) the submitted Masterplan and the housing capacity and timing assumptions made within it will all be subject to considerable uncertainty and future change.
- 3.14 The appropriate resolution therefore to make the Plan sound is to materially reduce the scale of the growth expectations from East Hemel Hempstead within the new Local Plan period in favour of additional and proportionate growth at sustainable locations elsewhere in the District. Furthermore, in recognition of the considerable uncertainties relating to the capacity and timescales involved in delivering a new settlement at Park Street Garden Village, it is critical that alternative provision is made in the current Development Strategy. This will allow sufficient time for a more detailed assessment of the required key infrastructure and a full technical evaluation of the overall capacity and deliverability of the new settlement.

Q7: Will this provide a sufficient mix of Sites?

- 3.15 As stated above, our primary concern is that the development strategy places excessive reliance on the allocation of only a limited number of large, strategic scale allocations, with fundamental delivery issues left unresolved. The larger of these sites, by virtue of their strategic nature and high infrastructure requirements, will also have considerably longer lead in times which will impact upon the delivery of housing in the early years of the Plan period (see our Matter 6 Statement). Therefore to ensure that the strategy is sound and in accordance with the requirements of the NPPF, an additional mix of sites needs to be identified, consistent with the objective of sustainable development.

Q8: Should the Plan include some small and medium Sites?

- 3.16 The failure by SACDC to consider the potential for other scales of sustainable sites to be released with minimal Green Belt harm has distorted the Development Strategy, which fails to provide a correct balance of housing, including an appropriate buffer, to boost overall supply and meet the unmet needs of neighbouring areas.
- 3.17 NPPF paragraph 68 notes the importance of small and medium sized sites in meeting the housing requirement of an area. Accordingly, in the light of the issues identified above, further sites clearly need to be allocated. Such sites also need to be genuinely capable of delivering housing in the first five years of the Plan, thereby ensuring that identified housing needs are met throughout the whole Plan period following adoption.

Appendix 1

Letter to SACDC dated 28 November 2016

From Inspector: David Hogger.

