



ST ALBANS CITY AND DISTRICT LOCAL PLAN (2020-2036) EXAMINATION

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

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1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared by DLA Town Planning Ltd in response to the Inspector's Matters, Issues and Questions for the St Albans City and District Local Plan 2020-2036.

Overview of DLA representations

- 1.2 DLA Town Planning is instructed by a group of around 10 landowner/developer clients with interest in a total of 16 sites across St Albans district. These sites range in size from 10 to 200 dwellings and are in a range of locations. These sites are not included within the draft Local Plan, despite being suitable and deliverable, and this reflects the fact that these sites have not been adequately assessed by the Council. The representations made by each client are similar in many respects and primarily focus on the weaknesses in the Council's chosen strategy, inadequacies in the evidence base and a lack of consistency with government guidance. This statement draws together clients' views into a combined position. The key points cut across many of the Inspectors' Matters and Issues and are summarised below for ease of reference:

- **Procedural issues** – we do not consider the draft Local Plan to be sound in terms of the way the strategy has been devised, the alternatives considered and relied upon, and the evidence that underpins both;
- **Housing provision east of Hemel Hempstead** – there is a strong argument advanced by Dacorum Borough Council, among others, that some or all of the housing proposed to the east of Hemel Hempstead should contribute to meeting Dacorum's housing need, rather St Albans' need; this raises a fundamental question as to whether this Local Plan can sustainably rely upon that housing to meet its own needs;
- **Park Street Garden Village** – this site has planning permission for a Strategic Rail Freight Interchange. This is common knowledge. This permission was granted by the Secretary of State on the basis of "very special circumstances", mainly around the specific need for this use. This planning permission has now been implemented and its delivery is outside of the control of the council. On this basis, it plainly follows that it is not deliverable as a housing site and should be deleted;
- **The 'stepped' approach is flawed** – The draft Local Plan is unable to demonstrate a five-year supply of housing land due to the lack of any proposed small and medium-size site allocations. The exclusive focus on strategic sites means that a

“stepped” housing trajectory is required which defers housing delivery, contrary to government policy;

- **There is conflict with Paragraph 68 of the NPPF** – A specific conflict with government policy arises in respect of the Framework’s requirement at paragraph 68 that 10% of the housing requirement be met on sites of less than one hectare.

1.3 In view of these soundness issues, modifications are needed to the Local Plan to enable it to be found sound. It is clear that additional housing provision is needed and such provision needs to be found particularly from small and medium-sized sites. These additional allocations should be made from the following sources as a priority:

- The small scale sub-areas already identified in the Council’s Green Belt Review but not taken forward;
- Medium-sized allocations around the main towns where these relate well to the urban area and where robust new Green Belt boundaries can be identified or where brownfield opportunities exist;
- Extensions to allocations already proposed in the draft Local Plan;
- A specific allowance for Neighbourhood Plans to allocate small and medium-scale housing sites in the Green Belt.

1.4 A short postponement to the hearing sessions may be necessary while the Council compiles the list of additional sites and produces additional policy wording. However, these changes can be made in the context of the current Local Plan examination and should **not** require the withdrawal of the Plan, particularly since much of the evidence base needed already exists.

2.0 **MATTER 3 – THE SPATIAL STRATEGY, SETTLEMENT HIERARCHY AND DEVELOPMENT STRATEGY (POLICIES S1 & S2)**

- 2.1 The Main Issue identified by the Inspectors for discussion under this matter is “Whether the Spatial Strategy, Settlement Hierarchy and Development Strategy is justified, effective and consistent with national policy”.

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?

- 2.2 This question is primarily for the Council to respond to. There is no readily available, succinct answer in the submitted Local Plan and this highlights the lack of any explanatory text or reasoned justification for the policies in the Plan. Neither is there a simple explanation of how the strategy has been arrived at in the evidence base submitted with the draft Local Plan. To understand how the strategy has evolved it is necessary to delve forensically through reports presented to the Council’s Planning Policy Committee (PPC).
- 2.3 The best explanation that we have found as to how the submitted strategy has been chosen and what alternatives have been considered is set out in PPC report June 2018. A committee report of this type is not what one would normally consider “evidence” to support a Local Plan and it was not published at pre-submission stage as part of the formal evidence base. Neither is it part of the Sustainability Appraisal and it does not take the form of a detailed assessment of pros and cons and a balancing exercise. Rather it appears as a statement of a decision taken. The weight that can be attributed to the PPC report is therefore limited but it does shed some light on how the development strategy was arrived at.
- 2.4 At pages 18 and 19, the June PPC report explains how alternatives have been considered. Alternatives 2 and 6 are relevant since they reflect our view that the Council should have allocated more small and medium-sized sites, rather than exclusively large sites. There are two key reasons referred to in these sections for the focus on large sites – Green Belt and infrastructure/community benefits. These two issues are taken in turn below.

Green Belt

- 2.5 It is true that the Council’s Green Belt Review has been influential in the selection of the strategy and the Broad Locations. However, while influential, the approach has not been entirely based on the Green Belt Review and it departs from it in a number of respects. These departures are set out in our statement on Matter 4 (Green Belt).

The Green Belt Review does not therefore justify the Council's approach in isolation. For reference, an approach based on Green Belt Review would have involved the small scale sub-areas recommended by SKM.

- 2.6 In any event, reliance on the Green Belt Review would be misguided, given the lack of site-specific detail on the impact of proposed development sites. There is no basis in the Green Belt Review for the view that there is no further capacity for development in the Green Belt outside of the 8 strategic and 8 small scale sub-areas identified by SKM. The Review simply isn't detailed enough to support that position.

Infrastructure/community benefits

- 2.7 The second reason given by the Council for only allocating strategic sites is the provision of infrastructure and community. The June 2018 PPC report states that such benefits are important and larger sites are "likely to provide a range of services and facilities that will benefit the whole community".
- 2.8 Traditionally, securing developer contributions towards infrastructure has been easier from a single large site rather than multiple smaller sites. However, the introduction of the Community Infrastructure Levy (CIL) has made it far easier for contributions to be collected from all developments irrespective of size. The Council sets out in its CIL documentation what infrastructure is needed to deliver growth and CIL contributions can then be collected towards this infrastructure. On this basis, there is far less advantage than there used to be in focusing on large sites. Even without CIL, changes to the CIL Regulations that came into effect on 1 September 2019 now remove the pooling restrictions and allow Section 106 obligations to be used more effectively even where there are more than 5 projects funding any particular infrastructure scheme. The Council's development strategy and its focus on large sites was agreed prior to these changes coming into force and it is not clear whether the strategy would have been the same had the Council known about the changes in advance.

School provision

- 2.9 It is accepted that some infrastructure delivery needs more than just funds. School provision is an example that is often cited as being easier to deliver on large sites and the Broad Locations proposed in the draft Local Plan all include provision for a primary school on site. However, there is evidence to suggest that the County Council's estimates of the number of new primary schools required is substantially inflated. The headline figure of 29 forms of entry is based on one form of entry per 500 homes. While this equation may work when viewing a site in isolation, it assumes that all of the new homes will be occupied by "new" residents moving into St Albans.

In reality, many of the occupants of the new homes are already resident in the district.

- 2.10 By way of illustration, the 2014-based population projections that underpin the standard methodology used to calculate the housing requirement for St Albans indicates growth in primary school aged pupils (aged 5 to 10) from 13,580 children in 2020 to 14,557 children in 2036 – total growth of 977 children, equivalent to two additional forms of entry. This compares with the 29 forms of entry being planned for by the County Council.
- 2.11 This statement and the Matter 3 hearing session are not the forum to forensically examine the need for school places. However, taking a more realistic view of school place requirements leads to a position where some of the children from new development can and should be accommodated within existing schools and therefore do not need a new school to be built. On this basis, the benefits of large-scale development over smaller sites are much diminished.
- 2.12 It is also true that while the Broad Locations are each providing a two-form entry (2FE) primary school, the size of many of these developments is not sufficient to justify a school of this size. Using the County Council's "rule of thumb" of one form of entry per 500 homes, 1,000 homes are needed for a 2FE school. The size of four of the proposed Broad Locations is set out in Table 1 below.

Table 1: selected Broad Locations and their education funding status

Broad Location	Proposed dwellings	Primary forms of entry proposed	"Shortfall" of housing	Potential funding shortfall
NE Harpenden	760	2	-240	£1,920,000
NW Harpenden	580	2	-420	£3,360,000
West London Colney	440	2	-560	£4,480,000
West Chiswell Green	365	2	-635	£5,080,000
Total	2,145	8	1,855	£14,840,000

- 2.13 The 8 forms of entry proposed would normally require 4,000 new homes, yet only 2,145 are proposed on these sites. This questions whether this scale of education provision is needed. More fundamentally, it questions whether a primary school could actually be delivered when the housebuilders at each Broad Location are not able (under the CIL regulations) to provide more school capacity than is created by their development. If a 2FE school costs around £8m to construct, developer shortfalls on these four sites could total £14.84m.

- 2.14 If these extra school places were being built in areas where there was currently a shortfall of places that would at least explain matters (although it doesn't solve the funding issue). However, Harpenden for example, currently has a surplus of primary school places according to the latest County Council forecasts for the 2019-20 period,

11.2 Harpenden									
School Code	School Name	Places available 2019-20	Actuals			Forecast			
			2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
2033	Sauncey Wood Primary School	30	25	21	21				
2034	Manland Primary School	30	30	30	26				
2060	Harpenden Academy	60	28	25	16				
2203	Roundwood Primary School	45	44	45	45				
2336	The Grove Infant and Nursery School	90	79	77	87				
2390	Crabtree Infants' School	60	60	59	59				
2412	The Lea Primary School and Nursery	30	28	27	21				
2437	High Beeches Primary School	60	59	49	60				
2457	Wood End School	60	60	60	60				
3336	St Nicholas CofE VA Primary School	22	22	20	11				
3401	St Dominic Catholic Primary School	30	30	30	30				
	Total Year R Pupil Demand		465	443	436	428	442	426	410
	Total Year R Places Available	517				517	517	517	517
	Surplus or Shortage of Year R Places (No.)					89	75	91	107
	Surplus or Shortage of Year R Places (%)					17.2%	14.5%	17.6%	20.7%
	Surplus or Shortage of Year R Places (FE)					3.0	2.5	3.0	3.6

Figure 1: Herts County Council primary Forecast summer 2019 (extract)

see extract in Figure 2 below.

- 2.15 As set out above, this statement is not the place to forensically examine education forecasts or provision. However, in a context where the provision of new schools is being given substantial weight in housing site selection, such that it overrides other considerations (such as maintaining a five-year housing land supply), the fact that the proposed schools look substantially undeliverable and largely not needed is highly relevant.

Other infrastructure

- 2.16 While school provision is important, it is presumably not the only form of infrastructure provision to which the Council has given weight in terms of site selection. However, with CIL contributions, most forms of development funding can be secured from sites irrespective of their size. Even without a CIL charge, the pooling of contributions is now easier as a result of changes to CIL Regulations brought in from 1 September 2019.
- 2.17 Site-specific policies S6 set out the requirements for each of the Broad Locations. Aside from policies on housing numbers, density and mix (all of which can be secured on sites of any size), and excluding education provision which is dealt with above, the policies typically ask for the following infrastructure to be provided:

- 50+ home C3 Flexi-care scheme;

- Retention of important trees and landscape features;
- Recreation space and public open space;
- Transport network (including walking and cycling links) and public transport services upgrades/improvements;
- Significant improvements to existing and/or new walking and cycling facilities to promote car-free access to local facilities;
- self-build housing;
- Sufficient assets to provide sustainable management of community facilities, open spaces and parklands;
- Excellence in design, energy efficiency and water management;
- Appropriate renewable energy production and supply mechanisms.

2.18 The vast majority of this list could be applied to a site of 100 dwellings, or even a site of 20 dwellings. The scale of any open space will be smaller but then it would be distributed around the district more evenly and would mean more residents have provision nearer to them. Self-build housing can be secured on most sites and some smaller sites could even be promoted specifically for self-build. Affordable housing provision would be secured from any site specifically allocated in a Local Plan (or Neighbourhood Plan). Public transport upgrades might be easier on larger sites. The same would be true for energy production and supply mechanisms, although the likelihood of these actually being delivered from the Broad Locations must be questioned.

2.19 On the flip side, there are substantial benefits associated with small and medium-sized sites, including those listed below in response to Inspectors' Question 8.

2.20 The strategy in the draft Local Plan and its exclusive focus on strategic-scale sites, differs substantially from that produced by many other local authorities, including local examples of Welwyn Hatfield, North Hertfordshire, Broxbourne and Central Bedfordshire. While this is not determinative, it is nevertheless noteworthy.

Question 2 – Is the growth in large villages consistent with their position in the settlement hierarchy set out in policy S1?

2.21 The Large Villages identified in Policy S1 are set out in Table 2 below, along with the housing proposed in the draft Local Plan.

Table 2: Large Villages in Policy S1 and their proposed housing allocations

Large Village	Proposed housing allocations
Bricket Wood	0
Chiswell Green	365
How Wood	0
Park Street and Frogmore	0
Park Street Garden Village	2,300
Redbourn	0
Wheathampstead	0

- 2.22 As can be seen, of the existing Large Villages, only one sees any housing allocations. The other Large Villages have no growth at all proposed. Wheathampstead has a population of over 6,500 and Redbourn, over 5,000. These are not small settlements, yet the draft Local Plan makes no provision for housing there. Clearly, there will be some scope for windfall developments to occur but this is likely to be strictly limited. Of the small sites listed at Annex 5 of the Local Plan, only 11 dwellings are projected to be completed in Redbourn and only 6 in Wheathampstead.
- 2.23 This emphasises the unbalanced nature of the housing trajectory and signals a clear need for the addition of small and medium-sized sites.

Question 6 – Is the proposed development strategy set out in policy S2 appropriate and realistic?

- 2.24 As set out above, we do not consider the development strategy to be appropriate.

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?

- 2.25 Our response to this question is covered in response to question 8 below. There is not a sufficient mix of sites.

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?

- 2.26 There are substantial benefits associated with small and medium-sized sites, including the following:
- Delivery rates – a site of anything less than 200 dwellings would almost certainly be able to be completed within five years of adoption of a Local Plan;
 - Diversifying housing supply – the Government has often referred to the benefits of a broader range of housebuilders in terms of speeding up delivery and providing a range of house types and locations. This is reflected in paragraph 68 of the NPPF. The supply proposed in the draft Local Plan is very limited in terms of site size and type and will only be delivered by national housebuilders. The role for regional and local firms is severely restricted. This will not help housing delivery at all;
 - Market demand – small and medium-size housebuilders are less able to control the supply of land in order to influence price. Large housebuilders with larger sites can choose to delay or slow down completions in order not to saturate the market at any one time and therefore keep prices high. This is far less of a risk with smaller sites;
 - The viability of development is often stronger on medium-sized sites because they are not saddled with delivering expensive on-site infrastructure. As an example, a site of 100 homes could be access via a priority junction whereas 500 homes would require two points of access and often a roundabout. These viability gains could be captured for the community via CIL and used in strategic ways by the Council;
 - Smaller sites can be assimilated into a community more easily than a site of 500+ dwellings.
- 2.27 The Council’s evidence lacks any detail on how a more dispersed strategy has been analysed and balanced against alternatives. We therefore do not know whether it is a sound strategy. We would say there are strong common-sense reasons for achieving a more balanced portfolio of sites.
- 2.28 However, and leaving aside any question of weighting or balance, it is a fundamental requirement of a Local Plan to be consistent with national policy. Government policy at paragraph 68 of the NPPF sets out the important contribution that small and medium sized sites can make to meeting the housing requirement of an area. Paragraph 68 then goes on to set out a range of requirements for local authorities to

“promote the development of a good mix of sites”. Sub-paragraph 68a states that local planning authorities should:

“identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare;”

- 2.29 Despite the statement in policy S4 that *“Small sites of half a hectare or less have been and will continue to be an important source of housing land supply”* the draft Local Plan makes no provision for such sites.
- 2.30 Annex 5 of the draft Local Plan constitutes a list of small sites, believed to be those under 0.5ha. The list totals 950 dwellings. However, this list was produced over 12 months ago and many of the sites on the list may well be completed before the plan period starts in 2020. Such sites should not contribute towards the 10% small sites requirement. It will be for the Council to explain how the submitted draft Local Plan complies with the requirement in paragraph 68 of the NPPF.
- 2.31 The lack of small and medium-sized sites is a fundamental failing and an obvious unsoundness point. The draft Local Plan must be modified in this regard.

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?

- 2.32 The housing trajectory assumes delivery of 95 dwellings in 2020-21 and 105 dwellings each year thereafter from windfall sites. There is no evidence in the reports published alongside the Draft Local Plan to explain or evidence the 105dpa assumption and no analysis of past trends presented in either the SHLAA or AMR. A windfall allowance in the first five years requires *“compelling evidence that they will provide a reliable source of supply”* (NPPF, para 70) but no evidence has been published within the Local Plan.

3.0 CONCLUSIONS

- 3.1 There is no readily available, succinct explanation in the submitted Local Plan or the evidence base of how the strategy has been arrived at. From what we can gather, issues of Green Belt, infrastructure provision and community benefits have been important in deciding to focus solely on strategic-scale sites.
- 3.2 Our statement on Matter 4 highlights concerns about the Green Belt Review and the way it is used, incorrectly in our view, to support a strategy that only allocates the 8 strategic sub-areas and rules out other forms of development. The evidence base does not support this position. These Green Belt concerns also affect the spatial strategy.
- 3.3 The Council's position that larger sites are "likely to provide a range of services and facilities that will benefit the whole community" is not supported by evidence. CIL arrangements can secure infrastructure contributions from a greater range of sites than has been historically possible, thereby negating the advantage of large sites.
- 3.4 The provision of primary schools on strategic sites has been given substantial weight in terms of selecting the overall strategy. However, the total number of schools required as part of the Broad Locations seems to far outweigh the projected number of pupils being planned for. There are also substantial doubts about whether the schools can actually be delivered given that on at least four of the Broad Locations, the number of homes proposed will not generate sufficient pupils to fill the school and therefore will not be able to generate sufficient financial contributions to build the school. The funding shortfall on these four Broad Locations could be as much as £15 million.
- 3.5 There are substantial benefits associated with small and medium-sized sites, not least the ability to deliver housing quickly and help demonstrate a five-year housing land supply. These benefits have been overlooked by the Council in its pursuit of strategic scale sites.