

# **St. Albans City & District Local Plan Examination Matters, Issues & Questions**

**Response to Matter 6 on Behalf of Canton Ltd**

**December 2019**



**Woods Hardwick**  
Architecture | Engineering | Planning | Surveying

### Issue - The Broad Locations for Development (Policy S6)

#### **Q3. *Is the Sustainability Appraisal of the options for the broad locations robust?***

- 3.1 The Sustainability Appraisal (SA) of the options for the broad locations is far from robust, and in fact seeks to justify their sustainability at the expense of more sustainable growth options.
- 3.2 Particularly, the Inspectors are referred to Appendix E of the SA which contains details on the assessment of growth options which the inform emerging Local Plan. This Appendix draws its findings on the conclusions of the flawed SKM Green Belt Review (as discussed in our Matter 4 Response) and the Strategic Local Plan (SLP) Technical Report which contains an Assessment of Development Strategy Options (ADSO), to include development strategy for the broad locations. In evaluating the relevant evidence base of the SA, it is clear that the option of the broad locations and the specific broad location themselves fail to meet the objectives set out in the NPPF.

#### Development Strategy Options

- 3.3 Firstly, *Appendix E8: Assessment of the SLP Options* details the four options that are assessed as part of the SA. Options 1(a) and 1(b) adopt a mixed location strategy; the former strictly comprises of large scale development, whereas the latter incorporates fewer large scale and more smaller scale sites, with scope to include sites in rural areas. It is acknowledged that Option 1(a) will meet its short term needs across the District, with medium to long term needs being met by development at east Hemel Hempstead (EHH). Option 1(b) is noted to use more strategic sites, but would appear to be disfavoured as this approach would “*necessitate more work on detailed Green Belt Boundaries to see what might be appropriate*”. Little else is mentioned in relation to the benefits or disbenefits of Option 1(b). Option 2 pertains to dispersed developed and is the only option to exclude the EHH site allocation as part of its strategy, and acknowledges that “*there would be no likelihood of safeguarded land beyond the Plan period*”. Option 3 pertains to concentrated development and relies heavily on development at EHH, with only limited development elsewhere in the District.
- 3.4 Most notable is that under Option 3 the assessment remarks “*there is some uncertainty about the capacity of east Hemel Hempstead to actually deliver dwellings at the required rate within the Plan period*”. Evidently, this is due to the greater risks and uncertainties that come with developing large scale sites in comparison to small scale sites, and reinforces the points we have raised in our Matter 5 Response regarding deliverability of small and large scale sites.

#### Significant Adverse Impacts

- 3.5 Nonetheless, it is these four options that are assessed under the objectives of the SA, the results of which can be found in Table 5 of the same document. Option 1(a) and 3 were both deemed to have significant adverse impacts for soils, due to substantial loss of best and most versatile (BMV) agricultural land, and the landscape. Options 1(b) and 2 have no significant adverse impacts under any of the SA objectives.
- 3.6 It is immediately clear that the broad locations, which are supported by the strategies under Option 1(a) and 3, are in direct conflict with Paragraph 32 of the NPPF which sets out that “*significant and adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued*”. The NPPG leaves no room for misinterpretation as guidance specifically for SEAs

and SAs stipulates, under paragraph 18 of that NPPG, SAs should “*identify any significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them*”; this is in addition to providing “*conclusions on the reason the rejected options are not taken forward*”.

- 3.7 Compliance with the above would have seen a development strategy along the lines of Option 1(b) and/or 2 in the emerging Local Plan, however this is clearly not the case. Certainly, the conclusions found in the SA as to why the rejected options are not taken forward, discussed later, raise serious concerns about the approach the LPA has taken in its development strategy which favours the broad locations for growth.

#### Significant Positive Benefits

- 3.8 The supporting text that follows Table 5 does not accurately reflect the benefits of all options as outlined in the table or the preceding section. Whilst Option 2 is the only option which does not include growth at EHH, this section asserts that it is Options 1(a) and 3 that provide “*the greatest potential economic benefits as they will support the regeneration of Hemel Hempstead that is a key aim of Hertfordshire’s Strategic Economic Plan (March 2014)*”.
- 3.9 This overlooks the fact that Option 1(b) is the *only* option that provides great economic benefit by facilitating growth at EHH without presenting any significant adverse impacts against any of the SA objectives as compared to all other options. Indeed, this document and its reader are made visually and textually aware that such impacts would result via implementation of Options 1(a) and Option 3, however these appear to be overridden by the significant positive benefits. The approach to this in national policy is clear in that Paragraph 32 of the NPPF does not permit growth where there is a risk of significant adverse impacts, regardless of what, if any, significant positive benefits would arise as a result of said growth.

#### Access to Facilities and Services

- 3.10 If we turn now to the SLP Technical Report which provides further clarity on the matter, it is evident that not only have the LPA failed to mitigate in any way the significant adverse impacts of the emerging Local Plan’s proposed growth, but the evaluation of the different strategies presented is assessed against criteria that prejudice the results.
- 3.11 Page 22 of the Report at paragraph 2.2.6 stipulates that the less concentrated forms of development sought under Options 1(b) and 2 perform less well as the reliance on a range of site would inevitably mean “*some development is necessary in locations that are less well placed for access to existing services and facilities.*”
- 3.12 The Report fails to mention that due to the scale of growth proposed under Options 1(a) and 3, development would be so significant it would require entirely new provision of infrastructure, facilities and services. Subsequently, it would not capitalize on the existing facilities and services of settlements that they will adjoin. The Report does not address that there is opportunity for Options 1(b) and 2 to provide for new infrastructure, facilities or services where these may be necessary and appropriate, instead resting on the presumption that the entirety of the broad locations, which are preferred under Options 1(a) and 3, will merely make use of greater levels of existing provision with no indication as to the sustainability of this.

#### Deliverability & Viability

- 3.13 More importantly, paragraph 2.2.5 establishes that “*the evaluation framework and weighting places the mixed and concentrated options fairly close, but this should be seen*

*in context of deliverability issues not included in the evaluation.” Paragraph 2.3.1 qualifies this by asserting that deliverability is a key issue in plan-making but is one that “needs to be addressed separately from evaluation against sustainability factors”. However, no further clarification is given on why this is the case.*

- 3.14 Undoubtedly, if a proposed strategy has significant implications for deliverability of development, it very well may not be the most sustainable option if it cannot sustain the levels of growth required in the right places at the right time. The Report acknowledges that for more concentrated development one consideration is that *“to achieve the best housing market conditions to sustain start up investment, it will be important that competition from easier to develop sites is not so intense as to suppress demand and price incentives”*.
- 3.15 The above makes clear that if deliverability were included as a criterion in the evaluation of development strategy options, the outcomes would be substantially different. Indeed, if the realization of development under a more concentrated growth option is sought, it would appear that artificial market conditions are required to make this option deliverable and viable. This brings the approach to excluding deliverability and viability from the evaluation taken by the LPA into direct conflict with Paragraph 31 of the NPPF which requires that the evidence which underpins Plan policies *“should be adequate and proportionate, focused tightly and justifying the policies concerned, and take into account relevant market signals”*. It is indisputable that consideration of deliverability and viability inform, and are informed by, market signals. Failure to justify the policies in the context of deliverability and viability in conjunction with, as opposed to separate from, the sustainability objectives leads to highly prejudiced outcomes with inadequate Plan policies.
- 3.16 The Report accepts that a *“concentrated longer term development strategy would mean accepting an inevitable time lag on the start of development”*. While it attempts to justify that this may be necessary in a Green Belt area with policy constraints, it does not consider the impact that a time lag would have on a Plan that has substantially reduced its housing targets due to the same policy constraints, and the implication that has for meeting the needs of the District’s residents as efficiently as possible. This is further exacerbated by the deliverability issues posed by more concentrated development.

#### Small Scale vs. Large Scale Development

- 3.17 Indeed, the Report is aware of the substantial advantages of smaller development, noting there would be a greater geographical spread of development (which limits the degree of harm that would arise as a result of Green Belt land loss in the context of the purposes which it serves); development would still be delivered in the District’s core areas; and short lead-in times for development with more efficient build-out rates which would accommodate a higher sustained level of housing supply. Nonetheless, the Report arrives at the erroneous conclusion that Option 1(b) *“tends to offer the ‘worst of both worlds’ by combining higher Green Belt and landscape impacts at east Hemel Hempstead with inclusion of a number of the least well performing smaller sites”*.
- 3.18 The claim is largely unsubstantiated. Options 1(a) and 3 result not only in Green Belt and landscape impacts at EHH, but in other locations, too (discussed further in detail below). As for requiring development on the least well performing sites, it has been raised elsewhere, and it bears repeating now, the SKM Green Belt review is flawed and gives no consideration whatsoever to more discrete parcels of Green Belt land on land which may reveal that more granular sites present as more sustainable options for growth. It cannot

be demonstrated by this LPA what the performance of smaller sites is in *both* the context of Green Belt purposes and potential for development.

#### Preferred Development Strategy

- 3.19 The Report accepts that if consideration to deliverability was a criterion in the evaluation of options there would be *“further advantages to the mixed strategy option”*. This is on the basis the LPA would be able to deliver housing in both the short-term and long-term, which makes eminently clear that Option 1(b) should be the preferred approach when all of the above is taken together. However, this is not the case where immediately following this statement, the Report indicates that *“in limiting the number of small sites included in the mixed strategy the market risks of achieving major development are minimised”*.
- 3.20 It would be difficult to argue that this could be interpreted in any other way than indicating that large scale development, as per Options 1(a) and 3, in natural market conditions faces significant deliverability issues and that this should be addressed by way of artificially limiting the number of smaller, more deliverable sites from the strategy, thereby excluding Option 1(b) as the preferred strategy.
- 3.21 It is evident the LPA has significantly prejudiced the evaluation of growth options and, indeed, have sought to justify in the SA what would appear to be a pre-determined strategy. There is clear intent to suppress development opportunities of smaller, more deliverable sites to enhance the deliverability and viability of larger, less deliverable sites which bring with them significant adverse impacts in realizing development in addition to limiting the levels of sustained housing supply the District could provide over the Plan period.
- 3.22 The findings of the Report deems Option 1(a) to be the most suitable strategy for growth and provides a package of sites which are claimed to be the *“best performing sites”*. However, this includes EHH and East St. Albans which present multiple, significant adverse impacts against SA objectives. The LPA seem have to defined best performing sites in a different context to that of the NPPF which makes clear that every effort should be taken to avoid, reduce or eliminate such impacts via alternative options. This is not the case here.

#### Broad Locations

- 3.23 Turning back to the main body of the Sustainability Appraisal Report, the Broad Location SA Working Note (May 2018) is highlighted, and this reveals that the potential locations were determined against three stages and eight criteria. The very first stage is the criteria of the Green Belt Review (GBR) evaluation which did not contain a review of smaller sites and itself included the erroneous “Hertfordshire” Green Belt purpose of maintaining the existing settlement pattern - thereby providing inaccurate results.
- 3.24 Certainly, the Report makes clear that at Stage 1, the Green Belt land parcels used in the GBR were designed such that they would be capable of *“accommodating residential development for a minimum of 500 dwellings or 14 hectares of developable land”*. In determining the size of Green Belt land parcels in such a fashion at such an early Stage, *without* then refining or producing a separate evaluation to assess smaller, more discrete sites, the GBR and, hence, the SA would appear to have prejudiced any option other than a strategy which included broad locations for growth. The LPA cannot claim to have fully explored and assessed all their growth options if the GBR is used as the foundation for the SA. Nonetheless, 12 sites from the GBR were taken forward and all passed Stage 2 criteria, with 8 receiving a Green evaluation, and 4 Amber, following Stage 3.

- 3.25 Table 4-4 provides a *Summary of Assessments of Broad Locations* which include all twelve sites. Three of the sites in the table that have been included in the emerging Local Plan are assessed as having significant adverse impacts under the SA objective for soils. These include east Hemel Hempstead (North), East St. Albans and North St. Albans which were all evaluated as being Green as part of the Site Selection Evaluation Process. The SA Report does not demonstrate the cumulative effect of developing these sites against the SA objectives; the only indication of what this would be comes from the ADSO which depicts Option 1(a) - the option that facilitates growth in broad locations - as having significant adverse impacts for *landscape*, in addition to soils. The Inspectors are referred back to Appendix E8 of the SA, where it is explicitly stated that “*the scale of development at east Hemel Hempstead under these two options [Options 1(a) and 3] would have significant effects on landscape*”.
- 3.26 Evidently, it can only be concluded that there is an inconsistency in the SA process which does not reflect this in Table 4-4 of the SA Report, or it is the cumulative effect upon the landscape that broad locations for growth under Option 1(a) have which is deemed to be significant adverse.
- 3.27 In any case, it cannot be claimed that the SA of the options for broad locations is robust. This includes the development strategy options that would justify development at broad locations, and the broad location options themselves. Both present significant adverse impacts against two SA objectives which the LPA have in no way attempted to avoid, reduce or eliminate in accordance with the NPPF and NPG. Nor has the SA scrutinized the methodology or findings of the GBR thereby failing to present reasonable and unprejudiced options for growth on smaller sites.
- Q7. *In allocating larger scale sites have the Council considered the advice in paragraphs 72 a-d of the NPPF? If so, where can we find the evidence to support this?***
- 7.1 Paragraph 72(c) requires that LPAs, in identifying suitable locations for large scale development, should ensure the needs of different groups in the community will be provided. However, the lack of small, rural site allocations indicates that the needs of all groups in many rural communities will not be met. While large scale development may offer significant benefits, they should not be the only form of growth.
- 7.2 We are of the position that the LPA have not, then, fully considered the advice in Para. 72 (c) of the NPPF. In facilitating primarily larger sites, developers with an interest and capability of developing smaller, more rural sites - particularly those classified as Green Belt Settlements, such as Colney Heath - have extremely limited opportunities in achieving growth under the current plan period and in the future. Certainly, there is no safeguarded land for rural communities which would, by extension, indicate their needs would not be met for several decades under the currently proposed Plan.

