

St Albans City and District Local Plan Examination

Matter Statement 6 The Broad Locations for Development General Matters

**Responses on behalf of
Tarmac - 1153600**

December 2019

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Client

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Our reference

TARC 3000

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Turley, on behalf of Tarmac, pursuant to Matter 6 (The Broad Locations for Development – General Matters) of the St Albans City and District Council (SACDC) Local Plan Examination.
- 1.2 Tarmac is an established land promotion and development company with significant commercial and freehold land interests in the south of the St Albans District. Tarmac is a major national employer and has nationwide experience of bringing land forward for mixed-use development.
- 1.3 Tarmac is promoting a number of sites for development in the south of the district in the A414 and M25 corridors. SLR, on behalf of Tarmac, submitted representations for each of these sites in response to the SACDC Regulation 19 Consultation and the SACDC Call for Sites Consultation, January 2018. The details of all five of these Regulation 19 sites are set out in the Matter 4 Statement (Green Belt) submitted by Tarmac.
- 1.4 Tarmac maintains its objection to a number of policies within the emerging St Albans City and District Local Plan, as set out in the submitted 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. The primary concern relating to Matter 6 is that the St Albans Local Plan Publication Sustainability Appraisal Report (SAR) published September 2018, and its previous iterations have not adequately tested all reasonable alternatives and have thereby not demonstrated that the preferred Broad Locations taken forward into the submission Local Plan is the most appropriate strategy for the scale of growth required.
- 1.5 The Sustainability Appraisal (SA) is not sufficiently robust and comprehensive to have properly evaluated all reasonable alternatives, based on current growth requirements. St Albans City and District Council (SACDC) has largely pre-determined the preferred strategy based on an earlier failed strategy for a lower level of growth, derived from the 2016 SLP, instead of testing all reasonable alternatives. As such, SACDC has tested only a very limited number of alternative options for the overall Development Strategy and the spatial distribution of the site allocations.
- 1.6 A key addendum to the main 2018 SA Report was published in March 2019, however to date we are unaware that SACDC have ever published this document for consultation. The failure to do so brings into question the robustness of the entire SA process and reinforces the in principle critique of the 2018 SAR raised above. The remainder of this Statement responds directly to a number of related questions raised by the Inspector.
- 1.7 Tarmac and its professional advisors also request to participate in the relevant Matter 6 Hearings to articulate the above concerns.

2.0 POLICY S6 ISSUES: THE BROAD LOCATIONS FOR DEVELOPMENT

Whether the policies for the development and delivery of the Broad Locations are justified, effective and consistent with national policy? Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall provision for the infrastructure needs of St Albans over the Plan period.

Q1: How were the Broad Locations selected?

- 2.1 The Development Strategy which underpins the selection of the Broad locations is not justified as it has not been prepared using an appropriate strategy. Essentially, it is an unvarnished derivative of the earlier failed Strategic Local Plan from 2016, with the inclusion of additional Broad Locations. Some of these additional locations have little or no supporting technical evidence to justify their inclusion for residential use and so the dwelling yield from these sources cannot be relied upon in the Housing Trajectory.
- 2.2 As set out in our response to Matter 3, whilst a Call for Sites exercise was held until 21st February 2018 and the evaluation methodology later determined by the Planning Policy Committee, in March 2018, by May of 2018 a Draft Plan had been presented to the Committee containing 11 of the Broad Location sites. To justify the proposed Broad Locations, SACDC presented the findings of the site evaluation process at the Planning Policy Committee in May 2018 as being an objective exercise.
- 2.3 As stated in the Sustainability Appraisal Working Note (May 2018) 70 sites capable of accommodating residential development were considered at Stage 1. At this stage of the evaluation process a Green Belt Review (GBR) was undertaken for all 70 sites which were rated as 'higher impact', 'medium impact' or 'lower impact', set out as Red, Amber, and Green (RAG) in relation to Green Belt purposes. A new GBR was however not commissioned to inform the new site selection process, instead SACDC used the conclusions from the SKM 2013 Green Belt Review (GBR) which had similarly informed the former 2016 SLP.
- 2.4 To continue to Stage 2 of the evaluation process the site had to be identified as having a lower or medium impact (green or amber), with all red rated sites (higher impact) not being progressed any further. Of the 70 sites evaluated by SACDC only 12 received either a Green or Amber rating and thereby passed through to Stage 2. Then of the 12 potential (Green / Amber rated) sites considered at Stage 2, a total of 11 sites were selected for inclusion as Broad Locations in the Publication Draft Local Plan.
- 2.5 We disagree with the methodology employed by SACDC to evaluate the suitability of sites for development and in particular the less than objective manner in which the Council interpreted the findings of the 2013 GBR (see Tarmac Matter 4 Statement). The summary is that there were a whole tranche of sites that were simply excluded from further consideration for various reasons, amongst which was scale, and the fact that they were located within a larger, previously discounted Broad Location.

- 2.6 Notwithstanding the unjustified omission of completely credible sites from the process thereafter, at Stage 2 of the evaluation process SACDC assessed the suitability of the 12 potential development sites to determine *‘if there are any issues which are overriding constraints to development – e.g. Access, Transport, Heritage, Biodiversity, Flood Risk’*.
- 2.7 At **Stage 3**, the sites were then assessed in terms of the contribution new development could make with regards to the following categories:
- improving public services and facilities;
 - enhancing local high quality job opportunities;
 - infrastructure provision or community benefits; and
 - whether there is a reasonable prospect that the development, including all key aspects (including viability) being assessed as part of the overall ‘package’ proposed, is viable and deliverable
- 2.8 Paragraph 017 Reference ID: 3-017-20190722 of the Planning Practice Guidance states:
- ‘Plan-makers will need to assess the suitability, availability and achievability of sites, including whether the site is economically viable. This will provide information on which a judgement can be made as to whether a site can be considered deliverable within the next five years, or developable over a longer period.’*
- 2.9 The site evaluation forms for each site which had been assessed were attached as an Appendix to the Local Plan – the Draft Strategic Selection Evaluation Outcomes Report presented at Planning Policy Committee in May 2018. In making their evaluation SACDC however do not refer to any technical evidence produced for the purpose of informing the site selection process. Therefore it is not clear upon what basis SACDC actually judged the selected Broad Locations to be suitable, achievable and deliverable.
- 2.10 In accordance with Paragraph 35 of the NPPF 2018 for a Local Plan to be considered sound and the strategy justified, the selection of the Broad Locations should be based on a proportionate and robust evidence base. Following the decision in 2017 to prepare a new Local Plan SACDC did not commission any technical evidence on key matters relating to landscape sensitivity, agricultural land value, flood risk, natural heritage and heritage to inform the site selection of the Broad Locations. The only technical evidence referred to during the site evaluation process is the 2013 GBR, which is strongly associated with the failed 2016 SLR and in this regard SACDC have shown substantive bias in the interpretation of its findings.
- 2.11 The conclusions to be drawn from SACDC’s approach to the site selection of the Broad Locations, strongly indicates that the outcome of the evaluation had been largely pre-determined. The preparation of the Local Plan and the selection of the Broad Locations for allocation has not been undertaken on an objective basis and without prejudice and is essentially a reworking of the strategy for the failed 2016 SLP.

- 2.12 This has resulted in a strategy for the current local Plan which is heavily reliant on strategic sites of 1,000 dwellings or more to deliver nearly 50% of all new housing in the Plan period. Whilst we do not question the allocation of strategic sites in principle, we question the objectivity of the site selection process and the omission of other sites, including other strategic sites, which have similar or better Green Belt scoring.

Q2: Have landscape, agricultural land, flood-risk, natural heritage and heritage assessments been carried out to inform the locations of the proposed broad locations?

- 2.13 As stated above, based on a review of the Council's evidence base, it would appear that no technical reports have been prepared in relation to landscape, agricultural land value, natural heritage and built heritage to inform the selection of the current proposed Broad Locations, which are all major developments. However, given the need for such strategic allocations to be founded on a robust evidence base it is incumbent upon SACDC to provide the examination with tangible evidence of deliverability, as the failure to do so renders the timing and capacity assumptions made by SACDC in the Housing Trajectory as meaningless.
- 2.14 In this respect it is noted that the Environmental Agency in their representations to the Regulation 19 Draft Local Plan advised that an updated Flood Risk Assessment should have been undertaken to inform the Local Plan. Subsequently an updated Strategic Flood Risk Assessment (SFRA) dated October 2018, was published on SACDC's website.
- 2.15 Given that the SFRA was published after the consultation on the Regulation 19 Draft Local Plan it is highly unlikely that the findings of this limited strand of technical work was able to inform and influence the selection of the proposed Broad Locations. Furthermore this document was conspicuously absent from the site evaluation process undertaken earlier in 2018 and not referred to by SACDC.

Q3: Is the Sustainability Appraisal of the options for the broad locations robust?

- 2.16 As set in our response to Matter 1, we do not consider that the assessment of options for the Broad Locations undertaken as part of the Sustainability Appraisal is robust. Therefore as a result, SACDC have tested only very limited alternative options for the distribution of site allocations, skewed by the application of a 'policy on' approach to the minimum scale of development which SACDC considers should be assessed.

Q5: What are the anticipated timescales for the proposed masterplans? What form will these take? Are they being progressed alongside the Local Plan?

- 2.17 In accordance with Policy S6 of the Plan, planning applications for development at the Broad Locations must materially accord with Masterplans which have also been prior approved by the Council following consultation with local communities and other stakeholders.

- 2.18 The process of producing a Masterplan typically involves extensive liaison with a large number of key stakeholders together with extensive public engagement. Accordingly this preliminary consultation stage is not to be underestimated and will occupy a considerable period prior to the submission of a planning application.
- 2.19 We note that there are no anticipated timescales provided in the Regulation 19 Draft Local Plan or the Local Development Scheme (November 2017). Also no explanation is provided as to the form the Masterplans should take or whether these documents will be subject to public consultation or formally adopted by SACDC as development briefs. The timescales for the preparation of these Masterplans needs to be clarified as this will also materially impact on the housing trajectory set out at Appendix 2.

Q19: What are the implications of allocating the site of the approved Strategic Rail Freight Interchange at Park Street Garden Village for housing? Can an alternative site be provided? What are the wider cross boundary/national consequences of the Interchange not being delivered there?

- 2.20 The obvious implication of the allocation of Park Street Garden Village is that it will reduce the likelihood of the site coming forward to deliver a Strategic Rail Freight Interchange (SRFI). Whilst a valid planning permission is in place, which we understand has been implemented, no further material progress has been made to date to take forward the delivery of the SRFI.
- 2.21 Therefore on the balance of probability, if the Park Street Garden Village allocation is confirmed as part of this examination, the likelihood is that the majority owner of the site, Hertfordshire County Council, may want to take forward this residential option for development. In this respect, the intentions of the County Council will no doubt be further explained in their relevant matter hearing submissions.
- 2.22 However even with a residential allocation in place, there would be no impediment to progressing the SRFI development at a future date should this be desired, dependent upon agreement being reached by all key stakeholders. As such, whilst an allocation for a new Garden Village at Park Street may be made by this Plan in principle on the site of the SRFI, this cannot guarantee with absolute certainty that the site will be developed for such purposes, as SACDC have no control over the commercial future of the site.
- 2.23 Accordingly in the absence of certainty regarding the future intended land use of the site, the Plan needs to respond in two ways: Primarily the uncertainty regarding the future use of the site needs to be resolved through this examination and a definitive judgement needs to be made as to whether the proposed alternative residential use of the SRFI site is acceptable in principle before the Plan can be adopted.
- 2.24 In this regard, it is clear that the site and its related rail infrastructure is an important asset to the district as it has the capability of contributing to the local and regional economy, either by way of an SRFI, or by providing the opportunity to be part of a planned new settlement to help meet both local and neighbouring unmet needs.

- 2.25 Therefore, given the importance of the site and the level of evidence submitted to this examination in support of opposing uses, the matter must not be left unresolved to other decision makers or deferred to other Plans, as this would be a recipe for further stagnation and continuing uncertainty. A site as regionally important as the site at Park Street needs a definitive answer from this examination to allow the Plan to positively respond with an appropriate strategy to ensure soundness and continuity of provision.
- 2.26 Secondly, what is abundantly clear is that the uncertainties surrounding the site mean that the housing numbers sought by the Plan at Park Street Garden Village cannot be relied upon for the foreseeable future. Accordingly the strategy needs to respond by safeguarding the housing numbers required during the Plan period by making suitable alternative housing provision for all 1,670 dwellings currently proposed in the Park Street Garden Village allocation as part of this examination.
- 2.27 This is critically important as no technical work has been undertaken to specifically support a residential use of the new Garden Village site and much of the prerequisite other technical work required to support a development of this scale does not exist. Whilst we do not question the principle of a new settlement in this location, essentially if a residential allocation is definitively ruled out, then alternative sites will need to be found in any event to replace the new homes required. Alternatively, in an allocation scenario, there is such a major gap in the evidence base that future delivery timings and capacity are currently impossible to accurately predict in the Housing Trajectory.
- 2.28 Therefore, under either scenario, the housing allocation in the trajectory cannot be relied upon for the foreseeable future and needs to be reallocated to other more deliverable and sustainable sites which have more certainty and can deliver earlier in the new Plan period.
- 2.29 The scale of the shortfall, combined with other shortfalls identified in the Housing Trajectory (as set out in our Matter 4 Statement) will however necessitate a range of site options, including further strategic options where they are sustainable and there is more certainty that they can be delivered.
- 2.30 One such site is land southwest of London Colney (SHLAA-GB-LC-545) promoted by Tarmac. This site is highly self-contained in nature, with strong and permanent defined boundaries (M25, London Colney and adjacent major retail). The site can accommodate a minimum of 570 dwellings as part of a mixed-use scheme or a higher number of dwellings as a residential only scheme.
- 2.31 A summary of Tarmac's call for sites representation submitted by SLR at the Regulation 19 stage is attached at **Appendix 1** for reference.
- 2.32 Tarmac is also promoting four other sites for development in the south of the district in the A414 and M25 corridors, which are similarly available and deliverable.

2.33 Tarmac has also submitted Regulation 19 representations setting out the suitability of each of the following sites for residential development:

- Moor Mill North (SHLAA Ref: GB-PS-542)
- Moor Mill South (SHLAA Ref: GB-BW-547)
- Tyttenhanger (SHLAA Ref: GB-CH-548)
- Colney Heath (SHLAA Ref: GB-CH-549)

2.34 Full details of the achievability and deliverability of these sites, their Green Belt scoring and their contribution to sustainable development is set out at **Appendix 1** of the Tarmac Matter Statement 4 (Green Belt).

Appendix 1

Land Southwest of London Colney

