

ST ALBANS CITY AND DISTRICT LOCAL PLAN EXAMINATION

MATTER 6:

THE BROAD LOCATIONS FOR DEVELOPMENT (POLICY S6) – GENERAL MATTERS (POLICY S6) AND STRATEGIC INFRASTRUCTURE (POLICIES L17 AND L18)

**ON BEHALF OF: BLOOR HOMES AND THE DEPARTMENT OF HEALTH
AND SOCIAL CARE**

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Introduction

Pegasus is instructed by Bloor Homes and the Department of Health and Social Care to submit a Statement in respect of Matter 6, pursuant to the Matters and Questions identified by the Examination Inspectors.

Separately additional Statements have been submitted in respect of the following Matters:

- Matter 1
- Matter 2
- Matter 3
- Matter 4
- Matter 5
- Matter 7
- Matter 8

Pegasus previously submitted representations in response to the Reg 19 Publication Plan in October 2018 and the Draft Issues and Options and Call for Sites in February 2018. The Hearing Statements should be read alongside our representations and supporting evidence.

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**6. MATTER 6 – THE BROAD LOCATIONS FOR DEVELOPMENT (POLICY S6)
GENERAL MATTERS (POLICY S6) AND STRATEGIC INFRASTRUCTURE
(POLICIES L17 AND L18)**

**6.1 How were the broad locations for development selected, and what
evidence documents were produced to inform their selection?**

6.1.1 This is a question directed to the Council to explain their approach to the identification of the broad locations. Pegasus have objected to the Council's methodology for strategic site selection and evaluation and also that only sites that could accommodate in excess of 500 dwellings were considered.

6.1.2 The Planning Policy Committee of 13th March 2018, item: Local Plan - Development Strategy and Draft Strategic Site Selection Process, at paragraph 4.2 states:

**This evaluation will be of potential strategic scale sites only.
These are sites capable of accommodating residential
development of a minimum of circa 500 dwellings or 14
Hectares of developable land.**

6.1.3 The Council's method is predicated on their view that only larger strategic sites that provide a unique contribution to infrastructure and services are considered to have exceptional circumstances.

6.1.4 The Council's approach fails to consider the wider cumulative benefits that can accrue from smaller sites. The approach also fails to consider that development is only required to provide contributions that are: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related to the scale of that development. The benefits accruing from any development would address the impacts of that development regardless of scale. Furthermore, no evidence has been provided to show that the threshold of 500 units used in consideration of strategic sites would provide a unique contribution to infrastructure compared to smaller sites.

6.1.5 The Council have failed to consider the potential for smaller sites to be released with minimal harm in order to provide a range and choice of sites consistent with the NPPF and include an appropriate buffer with regard to housing land supply.

- 6.1.6 The process also seems to have been time driven as evidenced in the above report at paragraph 4.6:

The timeframe for a September 2018 Regulation 19 Local Plan publication set out in that agreed LDS requires a focussed and concise evaluation method and process for sites in order to meet that timetable. The importance of timely progress is emphasised by the Secretary of State's Intervention letter and SADC's response that committed to progressing the Plan swiftly.

- 6.1.7 A further concern is the interpretation of the Council's evidence by the Council. For example, the Stage 1 assessment *"To achieve 'further consideration for development' the site must be evaluated as lower or medium impact (Green or Amber). Any Red rating (higher impact) will rule a site out for further consideration."* This is a "policy on" assessment.
- 6.1.8 This can be illustrated as follows:
- 6.1.9 Table 1 of the 13th Mach Planning Policy Committee assesses the land at the former Radlett Aerodrome (now proposed as the Park Street Garden Village), reference number 52 in the Table and site reference PS-607, it is assessed as "Amber" in terms of the Green Belt Evaluation whereas Land South of Harper Lane (number 66 in the table) site reference LC-622 is assessed as "Red" in terms of the Green Belt evaluation.
- 6.1.10 However, importantly it is not clear how this judgment has been made using the Green Belt Review Annex 1 (November 2013) as the former Radlett Aerodrome (now proposed as the Park Street Garden Village) i.e. Green Belt Parcel 30 makes a significant contribution to the purposes of the Green Belt. "Overall the parcel contributes significantly to 3 of the 5 purposes."
- 6.1.11 Whereas land adjacent to Harpersbury Hospital is within Green Belt Parcel 31, although it contributes significantly to the Green Belt, overall the parcel contributes to only 1 of the purposes of the Green Belt, yet it was scored "Red" in Table 1 of the Councils assessment attached to the Planning Policy Committee Papers of 22nd May, 2018.
- 6.1.12 The evidence base does not support the Council's assessment or the inclusion of the land at the Radlett aerodrome /SRFI site for a Garden Village. The

Council's interpretation of the evidence base must be questioned as it does not support the strategy.

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

6.2.1 This is a question directed to the Council. From the Examination Library there is a Strategic Flood Risk Assessment (ENV 001) dated October 2018. There is a landscape report (ENV 008), this collates all the district-scale Landscape Character Area Statements that apply to the St Albans District. The statements were produced as part of the "Hertfordshire Landscape Character Assessment" undertaken between 2000 & 2005. It is not clear whether there is an up to date assessment that supports the strategy. As referred to previously in our Hearing Statements, the PINs Procedure Guide for Local Plan Examinations (June 2019) states:

"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, particularly as they may rely on data that is even older. As a minimum, any such documents should be updated as necessary to incorporate the most recent available information."

6.2.2 It is not clear whether there has been an agricultural land assessment, natural heritage and heritage assessments carried out to inform the locations of the proposed broad locations. There do not appear to be any up-to-date evidence base documents/topic papers in the Examination Library or Core Documents List.

6.2.3 The Council's letter to the Secretary of State on 30th January 2018 confirms the reliance upon the evidence of the previous SLP to support the new LP, this includes the Green Belt review dated 2013 and 2014.

6.2.4 Paragraph 31 of the NPPF states that

"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."

6.2.5 The PPG Plan Making, is clear that policies need to be justified and the evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively.(Paragraph: 038 Reference ID: 61-038-20190315).

6.2.6 It is considered that the evidence to support the plan is out of date and therefore the Plan is not positively prepared, justified, effective or consistent with national policy.

6.3 Is the Sustainability Appraisal of the options for the broad locations robust?

6.3.1 Pegasus Group has objected to SA as it is considered that not all reasonable alternatives were considered and the evidence base to support the plan is out of date.

6.4 Are the locations of the proposed broad locations adequately identified on the policies map? Should they be more clearly defined?

6.4.1 According to the PPG Plan Making Paragraph: 002 Reference ID: 61-002-20190315, "The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map". This does not appear to be the case for SADC.

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

6.5.1 This is a question directed to the Council.

6.6 Should the Broad Locations East and North of Hemel Hempstead be considered comprehensively as one broad location?

6.6.1 East of Hemel Hempstead is well advanced by the Crown Estate and North of Hemel Hempstead could complement that scheme.

6.7 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?

6.7.1 This is a question directed to the Council.

6.8 What strategic infrastructure is necessary for the Plan to be implemented? Is this clearly set out in a policy/policies in the Plan? If not, should it be?

6.8.1 Pegasus have no comments on this question.

6.9 Have the infrastructure requirements of the broad locations and other strategic infrastructure been adequately identified and costed in an up to date IDP? Including the requirements for:

a) road improvements;

b) public transport systems and sustainable transport networks;

c) water supply and waste water treatment;

d) the provision of electricity/gas and other services;

e) primary healthcare;

f) schools and early years' provision;

g) green infrastructure; and

h) leisure and sports facilities.

6.9.1 Pegasus have no comments on this question.

6.10 Are any infrastructure requirements missing?

6.10.1 Pegasus have no comments on this question.

6.11 Are there known sources of funding, particularly for development expected to be delivered in the next 5-7 years of the Plan? Are these all in the Council's latest Infrastructure Delivery Plan?

6.11.1 This is a question directed to the Council, who are best placed to respond on matters of funding.

6.12 Is there evidence that the infrastructure requirements will be delivered within the necessary timescales?

6.12.1 This is a question directed to the Council, who are best placed to respond on matters of funding.

6.13 Should policy S6 make more specific requirements as regards the provision and timing of the infrastructure needs for the proposed broad locations?

6.13.1 Pegasus have no comments on this question.

6.14 Are there effective mechanisms in place between the Council, other neighbouring authorities and infrastructure providers to co-ordinate the planning and provision of infrastructure?

6.14.1 This is a question directed to the Council, who are best placed to respond.

6.15 Will the broad locations for development have any potential cross boundary transport impacts? How will these be addressed?

6.15.1 Pegasus have no comments on this question.

6.16 Is any of the strategic infrastructure reliant on other development coming forward in neighbouring authorities?

6.16.1 Pegasus have no comments on this question.

6.17 Will the delivery of key infrastructure allow for the delivery of planned development in line with the housing trajectory in the Plan? If not, what will be the shortcomings and how will the Council address these matters?

6.17.1 Pegasus have no comments on this question.

6.18 Are there any other constraints on the delivery of strategic infrastructure?

6.18.1 Pegasus have no comments on this question.

6.19 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?

6.19.1 The Radlett site has permission for Strategic Rail Freight Interchange that was granted on appeal by the Secretary of State in July 2014. The appeal was recovered by the Secretary of State because it was a proposal for development of major importance having more than local significance and because it was for significant development in the Green Belt.

6.19.2 After a lengthy inquiry the Secretary of State agreed with the Inspector's conclusions at para IR.13.106 that the proposal would constitute inappropriate development and that further harm would arise from a substantial loss of openness, significant encroachment into the countryside and that development would constitute urban sprawl. He considered that harm would be substantial and that further harm would be caused to the setting of the historic city of St Albans. In line with paragraph 88 of the NPPF (2012 version), the Secretary of State attached substantial weight to the harm that the appeal scheme in the Green Belt.

6.19.3 The Secretary of State also concluded that the effect of the proposal on the landscape and visual impact would be moderately adverse.

6.19.4 However, he shared the Inspector's view that the need for SRFIs to serve London and the South East is a material consideration of very considerable weight.

"The Secretary of State agrees with the Inspector's analysis at IR13.112 – 13.115. He agrees with the Inspector that the assessment of alternative locations for an SRFI conducted by the appellant has been sufficiently methodical and robust to indicate that there are no other sites in the north west area of search which would be likely to come forward in the foreseeable future which would cause less harm to the Green Belt (IR13.114)."

6.19.5 Paragraph 53 of the Secretary of State's decision is clear that there are very special circumstances which exist for the Strategic Rail Freight Interchange in this location in the Green Belt.

"The Secretary of State considers that the factors weighing in favour of the appeal include the need for SRFIs to serve

London and the South East, to which he has attributed very considerable weight, and the lack of more appropriate alternative locations for an SRFI in the north west sector which would cause less harm to the Green Belt. He has also taken account of the local benefits of the proposals for a country park, improvements to footpaths and bridleways and the Park Street and Frogmore bypass. The Secretary of State considers that these considerations, taken together, clearly outweigh the harm to the Green Belt and the other harms he has identified including the harm in relation to landscape and ecology and amount to very special circumstances. Despite the Secretary of State's conclusion that the scheme gives rise to conflict with LP policies 104 and 106, in the light of his finding that very special circumstances exist in this case he is satisfied that, overall the scheme is in overall accordance with the development plan."

- 6.19.6 It is clear from both the Inspector's decision and the Secretary of State's decision that there are very special circumstances for development of the SRFI to be acceptable in this location in the Green Belt which have in the planning balance outweighed the impact the development would have on the Green Belt.
- 6.19.7 It is considered that exceptional circumstances have not been demonstrated for the Park Street Garden Village at this location.
- 6.19.8 Furthermore the loss of SRFI in his location would not be in the national interest.
- 6.19.9 The National Policy Statement for National Networks - Department of Transport ,December 2014 (NPS'), sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England.
- 6.19.10 The documents confirms the need for an expanded network of large SRFIs across the regions to accommodate long term growth in rail freight. Paragraph 2.44 states that:

" The aim of a strategic rail freight interchange (SRFI) is to optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road, through co-location of other distribution and freight activities. SRFIs are a key element in reducing the cost to users of moving freight by rail and are important in facilitating the transfer of freight

from road to rail, thereby reducing trip mileage of freight movements on both the national and local road networks.”

6.19.11 The forecasts confirm the need for an expanded network of large SRFIs across the regions to accommodate the long-term growth in rail freight. They also indicate that new rail freight interchanges, especially in areas poorly served by such facilities at present, are likely to attract substantial business, generally new to rail.

6.19.12 The report notes both the environmental and economic benefits of SRFIs.

6.19.13 Para 2.53 states that:

“The Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change.”

6.19.14 Para 2.56

“The Government has concluded that there is a compelling need for an expanded network of SRFIs. It is important that SRFIs are located near the business markets they will serve – major urban centres, or groups of centres – and are linked to key supply chain routes. Given the locational requirements and the need for effective connections for both rail and road, the number of locations suitable for SRFIs will be limited, which will restrict the scope for developers to identify viable alternative sites.”

6.19.15 Furthermore, EMP South West Herts Economic Study Update (A Final Report by Hatch Regeneris, 5 September 2019) paragraph 8.8 states that if the SRFI did come forward:

“....this would be sufficient to meet all of the strategic demand for industrial space in the FEMA.

6.19.16 The Hatch Regeneris report identifies congestion as an issue.

6.19.17 The Hertfordshire LTP 4, Policy 16 Freight & Logistics supports a shift from road-borne freight to more environmentally friendly modes like rail. The LTP 4 (2016) (page 39) supports the Radlett Rail Freight Terminal.

The proposed new rail freight terminal at Radlett is supported in principle due to its economic development impacts and the promotion of sustainable transport.

6.19.18 It should also be noted that the LTP 4, Section 4.10 states that the County Council:

"The county council is committed to encouraging the modal shift of freight traffic to rail, both by encouraging Network Rail to continue to provide sufficient freight access on key corridors, and by supporting the provision of suitable freight terminals. The county council also supports the improvement to freight corridors outside the county if this would mean that freight movements would transfer from the county rail network, releasing capacity for passenger services."

6.19.19 The recent consultation on the Draft LEP (October 2019) page 17 refers to the pressures for growth

"London has grown very quickly and is facing undoubted pressures, not least in relation to housing. The strength of links to London has direct implications for Hertfordshire's housing market, which is also under pressure. This, in turn, is affecting the supply of employment land. Within Hertfordshire, it is estimated that over 771,000 square metres (over 7 million square feet) of commercial floorspace has been lost over the last decade (equivalent to the entire stock of St Albans, Stevenage and Watford combined).

6.19.20 The evidence points to the locational need for the SRFI at Radlett, the need for employment land and the need for more movements of freight by rail.

6.20 In response to our initial question – 'Have the Council undertaken a whole plan viability assessment of the submitted Plan to ensure that the policies are realistic and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan? If so, can you direct us to it please?' the Council replied 'Yes, the St Albans CIL and Viability Report Final Draft – November 2017 (INFR 009), submitted on Friday 26th March 2019, assessed the viability of the emerging Local Plan....The assessment included looking at the cumulative cost and impact of the proposed (and now in similar form final) draft Plan.'

Has the economic viability of each of the proposed broad locations been adequately demonstrated in the St Albans CIL and Viability Report (Nov 17)? Is the study robust and does it demonstrate that the

local Plan is viable and based on reasonable assumptions? In particular:

- a) Is it based on the publication version of the Plan or a previous draft?**
- b) Has the viability assessment been carried out in accordance with the advice in the PPG and is it up to date?**
- c) Are appropriate assumptions made about the level and timing of infrastructure costs and other costs associated based on the most up to date IDP?**
- d) Is there a contingency allowance? If not, should one be included?**
- e) Are appropriate assumptions made about the rate of output?**
- f) Are appropriate assumptions made about the timing of land purchases?**
- g) Is the viability threshold set at an appropriate level?**
- h) Should an allowance have been made for inflation?**
- i) Is an appropriate allowance made for finance costs?**
- j) Is the residual value methodology appropriate?**
- k) Has income from commercial floorspace been factored into the calculations?**

6.20.1 Pegasus have no comments on this question and have not submitted any representations on the viability of the Plan.