

**St Albans City and District Local Plan
Examination**

**Matter 6 - The Broad Locations for
Development (Policy S6)**

**Responses on behalf of
M Scott Properties Limited**

December 2019

Turley

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Client

M Scott Properties Ltd

Our reference

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1. Introduction

- 1.1 This Statement has been prepared by Turley on behalf of M Scott Properties Ltd (herein referred to as Scott Properties), pursuant to Matter 6 (Broad Locations for Development (General Matters)) of the St Albans Local Plan Examination.
- 1.2 Scott Properties are promoting land to the west of Watling Street, Park Street, for the delivery of residential development, including a minimum of 50% affordable housing to be delivered within the first 5 years of the Plan. Scott Properties has submitted written representations in connection with the promotion of this sustainable site to all previous consultation stages of the emerging Local Plan
- 1.3 Scott Properties 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 strategy underpinning Policy S6 is unsound on the basis that it ***is unjustified*** and ***is not positively prepared***.
- 1.4 The primary areas of concern in relation to Matter 6 is the lack of site specific evidence to demonstrate that the 11 Broad Locations identified in the Draft Local Plan are deliverability and viable. The evidence base relating to the Broad Locations and in particular Park Street Garden Village is materially deficient, providing little certainty that the sites can come forward in the timescales set out in SACDC's housing trajectory.
- 1.5 The remainder of this Statement responds directly to the questions raised by the Inspector. Scott Properties and its professional advisors have also requested to participate in the relevant Matter 6 Hearing Session to articulate the issues within this Statement.

2. Responses to the Broad Locations for Development (General Matters)

Q1) How were the broad locations for development selected, and what evidence documents were produced to inform their selection?

- 2.1 As set out in our response to Matter 3, 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.
- 2.2 This is reflected in the fact that although a Call for Sites exercise was held until 21st 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.
- 2.3 To justify the proposed Broad Locations, SACDC presented the findings of the site evaluation process at the Planning Policy Committee in May 2018. Sites smaller than 14 ha / 500 dwellings were automatically excluded from the process and not evaluated. 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).
- 2.4 As stated in the SA Working Note (May 2018) seventy sites capable of accommodating residential development of a minimum of circa 500 dwellings or 14 hectares of developable land were considered at Stage 1. At Stage 1 of the site evaluation process a Green Belt Review (GBR) evaluation was undertaken for all seventy 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 not produced to inform the site selection process instead SACDC used the conclusions from the 2013 Green Belt Review (GBR), undertaken by SKM.
- 2.5 To continue to Stage 2 of the evaluation process the site must 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 seventy sites evaluated by SACDC only 12 received either a Green or Amber rating and passed through to Stage 2. Then of the 12 potential (Green / Amber rated) sites considered at Stage 2, 11 were selected for inclusion as Broad Locations in the Publication Draft Local Plan.
- 2.6 Scott Properties have significant objections to the methodology employed by SACDC to evaluate the suitability of sites for development and in particular the manner in which the Council have interpreted the findings of the 2013 GBR (see our Matter 4 Statement). As a result, a number of the red rated sites which were discounted by SACDC as part of the site evaluation process, are located within GB parcels that scored better in terms of contribution to the five green belt purposes than three of the Broad

Locations: South East Hemel Hempstead; North Hemel Hempstead and Park Street Garden Village (PSGV).

2.7 At Stage 2 of the site evaluation process SACDC assessed the suitability of the 12 potential sites to determine 'if there are any issues which are overriding constraints to development – e.g. Access, Transport, Heritage, Biodiversity, Flood Risk'. At Stage 3 the sites were then assessed in terms of the contribution 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 that:

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 assessed were attached as an appendix to the Local Plan – Draft Strategic Selection Evaluation Outcomes Report presented at Planning Policy Committee in May 2018. In making their evaluation SACDC do not refer to any technical evidence produced for the purpose of informing the site selection process. Therefore it is not clear on what basis SACDC judged the sites 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 evidence base. Following the decision in 2017 to prepare a new Local Plan SACDC did not commission any technical evidence on 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 and in this regard SACDC have shown strong bias when interpreting its findings.

2.11 The conclusions to be drawn from SACDC's approach to site selection, suggests that the outcome of the evaluation had been pre-determined. The preparation of the Local Plan and in particular the selection of the sites for allocation has not been undertaken objectively and without prejudice, resulting in a strategy which is heavily reliant on large strategic sites of 1,000 dwellings or more to deliver nearly 50% of all new housing in the Plan period.

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

- 2.12 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 heritage to inform the selection of the proposed Broad Locations.
- 2.13 It is noted that the Environmental Agency advised in their representations to the Regulation 19 Draft Local Plan that an updated Flood Risk Assessment should have been undertaken to inform the Local Plan. Subsequently an updated Strategic Flood Risk Assessment, dated October 2018, was published on SACDC's website.
- 2.14 Given that the SFRA was published after the consultation on the Regulation 19 Draft Local Plan it appears unlikely that the findings of this technical work informed the selection of the proposed broad locations. Furthermore this document was not referred to by SACDC during the site evaluation process undertaken earlier in 2018.

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

- 2.15 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.
- 2.16 Together with the GBR the SA forms part of the evidence base prepared by the Council to demonstrate that 'exceptional circumstances' exist. However, there are serious deficiencies with the St Albans SA Report 2018. As set out a page 44 of the 2018 St Albans SAR, sites that were not identified as capable of accommodating residential development of a minimum of circa 500 dwellings or 14 hectares of developable land were simply not assessed as part of the SA process. 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 to assess.
- 2.17 For the reasons set out in our response to Matter 1, we do not consider that the likely environmental, social and economic effects of the Plan have been adequately and accurately assessed in the 2018 St Albans SAR. In particular, we are very concerned that that SA fails to evaluate the 'likely significant effects' of the Draft Plan on those Sustainability Objectives which seek to reduce the consumption of fossil fuels and levels of CO2 and promote the most sustainable patterns of new development.
- 2.18 The findings of the GBR and SA do not support SACDC's belief that 'exceptional circumstances' exist in order to justify the release of existing Green Belt areas within the Draft Local Plan. Rather than gather evidence in an objective manner and without prejudice, the conclusions of the GBR and the SA have been reverse engineered to support a largely pre-determined preferred Development Strategy. This has resulted in the most significant feature of the spatial strategy within the Local Plan being an almost exclusive emphasis on strategic sites and ignoring the needs within smaller existing settlements.

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

- 2.19 In accordance with Policy S6 planning applications Masterplans for development at the Broad Locations must materially accord with Masterplans which have been approved by the Council following consultation with local communities and key stakeholders. The process of producing a masterplan typically involves a number of stakeholders and is likely to take a considerable amount of time.
- 2.20 There are no anticipated timescales provided in either the Regulation 19 Draft Local Plan or the Local Development Scheme (November 2017) and no explanation provided to the form the masterplans will take, i.e. will these documents be subject to public consultation and adopted by SACDC as development briefs. The timescales for the preparation of these masterplans should be carefully considered and the potential impact on the housing trajectory set out at Appendix 2.

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?

- 2.21 Under paragraph 72 of the NPPF LPA's should make a 'realistic assessment of likely rates of delivery, given the lead-in times for large scale sites'. As set out above there is no tangible evidence, particularly in relation to Park Street Garden Village, that the Broad Locations can come deliver the quantum of development allocated under Policy S6 in the Local Plan.
- 2.22 Taking an objective view of the allocation at Park Street Garden Village, none of the dwellings proposed can currently be relied upon until such time as all the necessary technical evidence has been provided. In the absence of any technical work specifically relating to the residential use of the site it is not possible to quantify with any degree of certainty, when housing delivery can commence or the number of dwellings that can actually be delivered during the Plan period.
- 2.23 Accordingly, all of these dwellings should be re-allocated to alternative locations, on sites which can deliver, or at least commence delivery, within the first five years of the Plan.

Q9) 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

2.24 The Infrastructure Delivery Plan (2019) (IDP) does not appear to contain any costings in respect of the infrastructure requirements for the S6 policies. There is a distinct lack of technical evidence to demonstrate that the provision of infrastructure is deliverable or achievable, therefore the policies cannot be considered sound.

2.25 Paragraph 11.81 of the IDP states:

“Collection of CIL or developer contributions from smaller developments may assist in delivery of wider HCC transport initiatives and highway improvements in line with LTP4.”

2.26 This highlights the importance of allocating small and medium sized sites with the Plan, and demonstrates how unjustified SACDC’s development strategy is in setting a minimum threshold of 14ha and/or 500 dwellings and above on the basis that this could provide significant new infrastructure.

Q17) 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?

2.27 Owing to the lack of robust evidence underpinning the viability of the Broad Locations, it cannot be said that the delivery of the key infrastructure included within Policy S6 will not hinder the delivery of development in accordance with the trajectory.

2.28 Matter 8 responses sets out of concerns in relation to the trajectory, including the longer lead-in times to be expected from the Broad Locations, partially as a result of the onerous infrastructure requirements. In addition, we also raise serious concerns as to the potential for provision of 40% affordable housing on the Broad Locations to be compromised as a result of the infrastructure requirements.

2.29 SACDC refers to the Planning Policy Committee Meeting minutes of 18 June 2018 in the response to Q15 of the Inspectors’ Initial Questions, which contain responses of landowners/developers to Strategic Site Selection Evaluation Outcomes. We would draw attention to the comments made in response to the 40% affordable policy requirements, particularly by the Crown Estate, responsible for delivering S6 i) and iii); a total of 4050 dwellings, who state in their response that:

“The proposed schemes can deliver 40% affordable housing subject to viability and the delicate balance between delivering infrastructure and housing concurrently.”

2.30 As highlighted within our Matter 8 response, SACDC has no strategy in place should the Broad Locations fail to deliver 40% affordable housing. We contend that this highlights the necessity for the provision of additional, smaller sites within the Plan, to address the under-supply of dwellings within the trajectory, and the chronic shortage of affordable housing within the District, which will unlikely be delivered as planned through the Broad Locations.

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?

- 2.31 The allocation of the Former Radlett Aerodrome would reduce the likelihood of the Site come forward to provide a Strategic Rail Freight Interchange.
- 2.32 As set out in our response to Matter 7 the exacting operational requirements for new SRFIs, which severely constrain the number of potentially suitable sites. For example, a site needs to be suitably sized, comprise of suitable topography, be within close proximity of a rail connection, and have good road access. The lack of alternative sites was an important factor for the Secretary of State, who granted outline planning permission in July 2014.
- 2.33 The conclusion of the 2014 decision states (paragraph 53):

“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.”

- 2.34 With regards to the wider cross boundary/national consequences of the Interchange not being delivered these are likely to be significant. The need for SRFI developments to reduce the dependence on road haulage will increase as a result of additional capacity at Felixstowe North Terminal and the construction of London Gateway. As set out at paragraphs 2.57 and 2.58 of the National Networks National Policy Statement there is an acute need for additional SRFI capacity in the South East:

“Existing operational SRFIs and other intermodal RFIs are situated predominantly in the Midlands and the North. Conversely, in London and the South East, away from the deep-sea ports, most intermodal RFI and rail-connected warehousing is on a small scale and/or poorly located in relation to the main urban areas.

This means that SRFI capacity needs to be provided at a wide range of locations, to provide the flexibility needed to match the changing demands of the market, possibly with traffic moving from existing RFI to new larger

facilities. There is a particular challenge in expanding rail freight interchanges serving London and the South East.”

- 2.35 The Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth. 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. SACDC have presented limited analysis with regards to the economic implications of the SRFI not being delivered. Our view is that such a study should have independently commissioned by SACDC and Network Rail as the relevant statutory consultee should have been consulted on the findings before the decision was taken to propose the site for a new settlement.

Q20 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:

- 2.36 The whole plan viability assessment, provided by SACDC in response to the Inspector's initial questions (Q15), states at paragraph 2.2 that:

“Viability testing of specific strategic sites is anticipated to follow as a subsequent piece of work.”

- 2.37 We are not aware that this has been commissioned, therefore there appears to be no evidence to support viability of the Broad Locations.
- 2.38 SACDC also refers to the Planning Policy Committee Meeting minutes of 18 June 2018 in the response to Q15, containing responses of landowners/developers to the Strategic Site Selection Evaluation Outcomes. For each of the Broad Locations landowners and or promoters were asked to complete a proforma answering questions on availability, deliverability and viability. It is noted that some responses, particularly in respect of PSGV are lacking in any level of detail that would enable SACDC to place any reliance on the deliverability or viability of the site. There is one instance where the promoter of the West of Chiswell Green Broad Location refers to a viability appraisal. However, this appraisal has not been appended to the relevant proforma.
- 2.39 The information provided in the proformas completed by the landowners and or promoters does not provide any certainty that the Broad Locations are deliverable at the scale proposed in the Local Plan. Furthermore, we cannot identify evidence commissioned by SACDC, especially with regards to costs, to corroborate that the assertions made by the landowners/promoters in the proformas on matters relating to deliverability and viability are justified. Without this evidence the Plan and in particular the allocation of the 11 Broad Locations under Policy S6 cannot be considered sound.

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