

ST ALBANS CITY & DISTRICT LOCAL PLAN EXAMINATION

HEARING STATEMENT

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

LAND NORTH OF SANDRIDGE

ON BEHALF OF LONGBOURN ESTATES

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CONTENTS:

Page No:

1.	INTRODUCTION	1
2.	MATTER 6 – THE BROAD LOCATIONS FOR DEVELOPMENT (POLICY S6) – GENERAL MATTERS (POLICY S6) AND STRATEGIC INFRASTRUCTURE (POLICIES L17 AND L18)	4

1. INTRODUCTION

- 1.1 This Matter Statement has been prepared by Pegasus Group on behalf of Longbourn Estates, the Freehold owner of Land North of Sandridge, as shown in Figure 1 and Figure 2 below.

Figure 1: Land North of Sandridge in context with St Albans City & Heartwood Forest

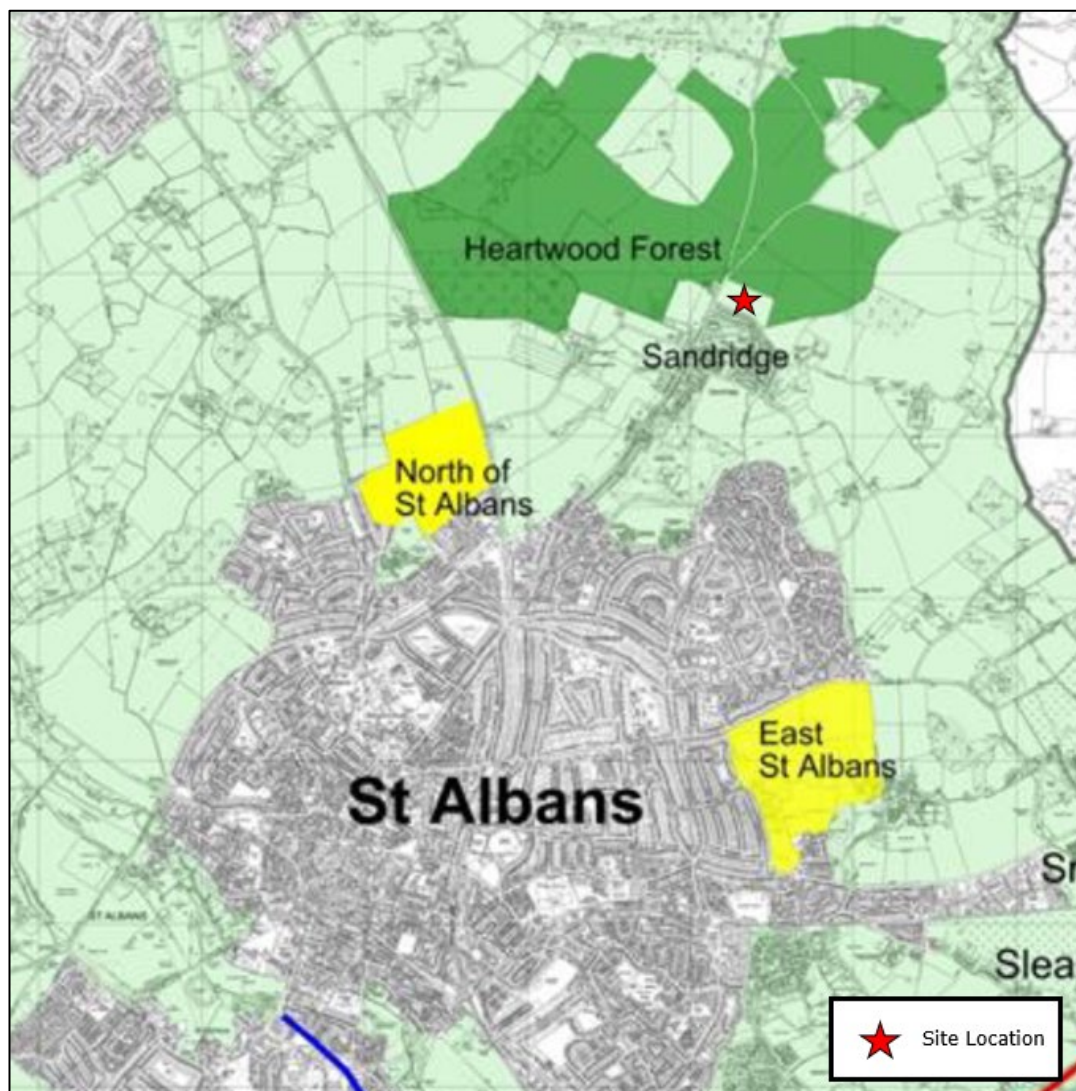
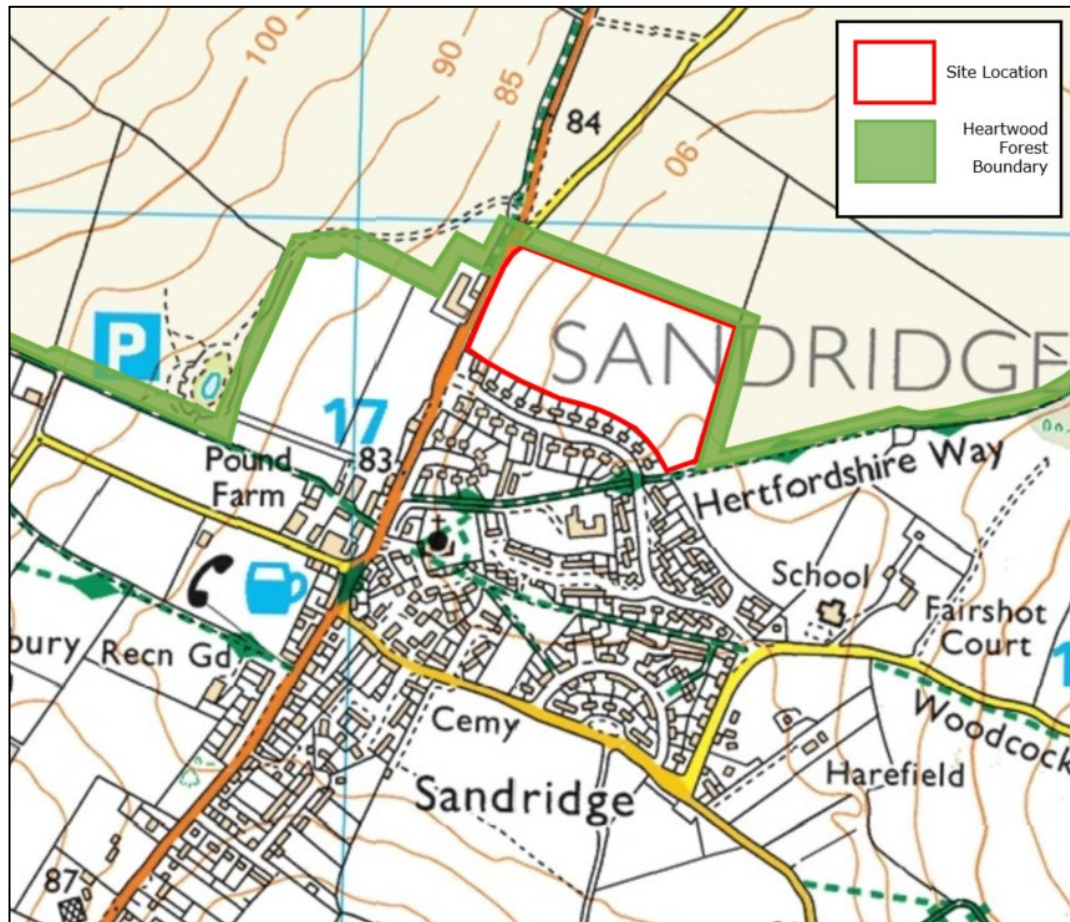


Figure 2: Site in Context with Sandridge and Heartwood Forest



- 1.2** This Matter Statement is prepared pursuant to the Matter 6 and the associated Issues and Questions raised by the St Albans City & District Council (SADC) Examination Inspectors.
- 1.3** This Statement is also to be considered alongside submissions made in respect of the following Matters:
- Matter 1: Legal / Procedural Requirements;
 - Matter 2: Duty to Cooperate;
 - Matter 3: The Spatial Strategy, Settlement Hierarchy and Development Strategy Policies S1 & S2);
 - Matter 4: The Metropolitan Green Belt (Policy S3);
 - Matter 5: Objectively Assessed Needs for Housing and Employment Land (Policies S4 & S5); and
 - Matter 8: The Supply and Delivery of Housing Land

- 1.4** Our Matter Statements should be read alongside our Representations to the SADC Regulation 18 (Issues & Options) consultation and 'Call for Sites' submission (February 2018) and our Representations to the Regulation 19 (Publication Plan) consultation (October 2018).

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

Main issues: Whether the policies for development and delivery of the Broad Locations for Development 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 infrastructure needs of St Albans over the Plan period.

Whether it contains effective mechanisms to secure the provision of strategic infrastructure as and when it is needed.

2.1 Question 1: How were the broad locations for development selected, and what evidence documents were produced to inform their selection?

2.1.1 Please refer to our response to Matter 1, Matter 3 and Matter 4 and our Regulation 19 representations¹.

2.1.2 The process of site selection appears to be time driven as evidenced in the Council's committee papers:

"The timeframe for a September 2018 Regulation 19 Local Plan publication set out in the agreed LDS requires a focused and concise evaluation method and process for sites in order to meet the 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."

(SADC Planning Policy Committee Paper, 13th March 2018, paragraph 4.6)

2.1.3 Whilst pressure has indeed been asserted by Central Government, and for good reason, this has led SADC to make fundamental errors in the preparation of the Plan.

2.1.4 As highlighted within our Matter 1 Statement, the accompanying Sustainability Appraisal (SA) is explicit that the Plan is in effect a continuation of the same strategic planning process to replace the 1994 Local Plan, rather than a

¹ Pegasus Regulation 19 Representations (October 2018) – paragraphs 3.2 – 3.35, 4.2 – 4.75 & 5.2 – 5.43

- completely 'new' Plan. Consequently, the Plan relies on much of the previous and now out-of-date work undertaken to support the Strategic Local Plan (SLP).
- 2.1.5 Indeed, we go further and suggest that the very basis for the SA and selection of the Broad Locations is fundamentally flawed so as to preclude the assessment of reasonable alternatives as required by the National Planning Policy Framework (NPPF, 2019) and National Planning Practice Guidance (NPPG).
- 2.1.6 We highlight within our Matter 1 Statement that the SA is explicit in highlighting that it has not considered any sites / reasonable alternatives that were not first identified by the GBR and that the circular site evaluation methodology is designed to effectively prevent 'new' sites from being considered. The consideration of reasonable alternatives is therefore a 'closed process'.
- 2.1.7 It is clear from the SA that the spatial strategy and broad distribution of growth is based purely on a site's perceived contribution to the purposes of the Green Belt as assessed in the Green Belt Review (GBR) (2013 & 2014) (GB001, GB002, GB003 & GB006) and as such the Council considers (at Policy S2) that the "*exceptional circumstances required for Green Belt release for development only exist in the Broad Locations*".
- 2.1.8 The NPPF is clear however, that in order to be found 'sound', Local Plans should be 'justified' on "*an appropriate strategy, taking into account the reasonable alternatives*" (paragraph 35) and that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries that the LPA "*should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development*" (paragraph 137). Moreover, the NPPF requires that "*when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account*" (paragraph 138).
- 2.1.9 SADC may assert it was 'reasonable' to base their assessment of 'reasonable alternatives' on those sites initially identified by the GBR. However, as highlighted in our response to Matter 1, this fails to recognise that the GBR was a joint study across the administrative areas of St Albans, Dacorum and Welwyn & Hatfield and SADC would have been well aware when preparing the Plan of the Welwyn & Hatfield Borough Council (WHBC) Local Plan Inspector's comments in December 2017:

“In my concluding remarks to the Hearing sessions into Strategic Matters, I pointed out that I did not consider the development strategy put forward in the plan to be sound, in part because there was insufficient justification for the failure to identify sufficient developable sites within the Green Belt. That is largely because the phase 1 Green Belt Review was at such a strategic level as to render its findings on the extent of the potential harm to the purposes of the Green Belt, caused by development within the large parcels considered as a whole, debatable when applied to smaller individual potential development sites adjacent to the urban areas. It goes without saying that a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt. Such an approach is also more likely to reveal opportunities as well as localised constraints, both of which might reasonably be considered further.”

- 2.1.10 It is difficult to see how the SADC Inspectors can come to any different conclusions given the GBR is the same document as examined in WHBC. WHBC subsequently accepted the failings of the GBR and have undertaken further detailed assessment (which it should be noted has also resulted in significant delays to their Examination).
- 2.1.11 SADC have however wilfully ignored the WHBC Inspector’s findings on this key evidence base document and in fact seek to underpin their entire spatial strategy and consideration of reasonable alternatives on only those sites identified through the flawed GBR process. This can only be anticipated to have similar consequences for the forthcoming SADC EIP as in WHBC, with resultant delays and inevitable consequences for the delivery trajectory of proposed development sites which will rely on formal allocation and adoption of the Plan before being capable of being granted planning permission (due to the Green Belt location).
- 2.1.12 As such and given the well documented failings of the GBR there can be no sound evidence base to support the proposed spatial and development strategy and SA assessment of reasonable alternatives based only on those sites identified through the GBR process.
- 2.1.13 Moreover, SADC also arbitrarily excluded from its assessment all sites of less than 500 dwellings or 14 hectares in size. The Planning Policy Committee Paper, dated 13th March 2018 stated at paragraph 4.2 in respect of the ‘Draft Strategic Site Selection Process:

“This evaluation will be of potential strategic scale sites only. These are sites capable of accommodating residential development as a minimum of circa 500 dwellings or 14 hectares of developable land.” [our emphasis]

- 2.1.14 It is of course curious then that Policy S6ix) ‘West of London Colney’ and Policy S6x) ‘West of Chiswell Green’ should now propose allocations for 440 dwellings and 365 dwellings respectively.
- 2.1.15 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.
- 2.1.16 The Plan’s spatial and development strategy 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 in scale and kind to the development. The benefits accruing from any development would therefore address the impacts of that development of scale. The point is therefore one of proportionality, as smaller sites will have less demand/need on infrastructure compared to larger sites. Furthermore, no evidence has been provided by SADC to show that the threshold of 500 dwellings used in consideration of strategic sites would provide a unique contribution to infrastructure compared to smaller sites.
- 2.1.17 Finally, the justification for proposing some sites and discounting others is entirely inconsistent as the GBR does not in fact support the Park Street Garden Village (PSGV), yet this is included in the Plan as a proposed Broad Location. The PSGV location within parcel GB30 scores significantly in 3 of the purposes of the Green Belt and yet it was assessed as “Amber”, whilst parcel GB43A between Wheathampstead and Hatfield (location of Land North of Sandridge) only scored significantly in 1 of the national purposes of the Green Belt as defined by the NPPF and yet it was not assessed as the site fell below the arbitrary threshold of >500 dwellings or 14 hectares.
- 2.1.18 As such, it is considered that there are reasonable alternatives to the PSGV and other Broad Locations which have not been considered in the SA, which should

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- have reasonably been assessed, particularly in light of the PSGV being the location for a SRFI; a decision made in the national interest by the Secretary of State.
- 2.1.19 The SRFI is in the national interest and was granted on appeal by the Secretary of State who concluded that 'Very Special Circumstances' (VSCs) applied to the SRFI; VSCs are not the same as 'Exceptional Circumstances' and cannot be simply applied to the PSGV proposals as proposed by SADC.
- 2.1.20 It is considered that the consideration and selection of the PSGV site is fundamentally flawed as it gives no weight to the decision or the reasoning of the Secretary of State in granting planning permission for the development of the SRFI to serve London and the South East in the national interest. The SRFI is being actively pursued as evidenced by the recent planning applications and decisions. The PSGV is also being actively objected to by Network Rail as highlighted in their Regulation 19 representations.
- 2.1.21 Moreover, the selection of the Broad Locations more generally is also considered to be fundamentally flawed given the Council's reliance on the GBR which has already been examined and found to provide insufficient justification to underpin site selection. The Council's strategy is heavily focused on the Broad Locations which have long lead-in times to delivery and these should be supplemented by a range and choice of sites as required by the NPPF (paragraph 59) to ensure a sufficient amount and variety of land can come forward where it is needed to address the District's acute identified housing needs and begin to address existing chronic housing affordability pressures.

2.2 Question 2: Have landscape, agricultural land, flood-risk, natural heritage and heritage assessments been carried out to inform the locations of the proposed broad locations?

2.2.1 Paragraph 31 of the NPPF (2019) requires:

“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.”

2.2.2 From review of the Examination Library it is evident that a Strategic Flood Risk Assessment (October 2018) (ENV001) has been undertaken.

2.2.3 However, it is clear that key elements of the Council’s evidence base are significantly out-of-date.

2.2.4 Please refer to our response to Matters 1, Matter 3, Matter 4 and Matter 6, Question 1 above in respect of the failings of the GBR.

2.2.5 It is also evident that the Council are relying on the ‘Hertfordshire Landscape Character Areas Statements’ (ENV008) undertaken in 2000 & 2005 which for obvious reasons, makes no reference to the implementation of Heartwood Forest since 2008 and the resulting significant changes to the local landscape to the immediate north of Sandridge.

2.2.6 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 as such evidence appears to be missing from the Examination Library and Core Documents List.

2.2.7 Accordingly, it is considered that the evidence in support of the Plan is out-of-date or missing and therefore the Plan is not positively prepared, justified, effective or consistent with national policy and indeed, SADC’s desire for haste has in fact led to further fundamental failings in the Local Plan-making process.

2.3 Question 3: Is the Sustainability Appraisal of the options for the broad locations robust?

- 2.3.1 Please refer to our responses to Matter 1, Matter 3, Matter 4 and Matter 6, Question 1 above.
- 2.3.2 We have highlighted the inconsistencies in the SA assessment of the Broad Locations, with particular reference to the PSGV site and the unjustified approach to consideration of all reasonable alternatives to addressing SADC's acute and identified housing needs.

2.4 Question 4: Are the locations of the proposed broad locations adequately identified on the policies map? Should they be more clearly defined?

2.4.1 The NPPG requires that²:

“The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map”.

2.4.2 This does not appear to be the case for SADC.

² Paragraph: 002 Reference ID: 61-002-20190315

2.5 Question 5: What are the anticipated timescales for the proposed masterplans? What form will these take? Are they being progressed alongside the Local Plan?

2.5.1 This is a matter for the Council to respond to.

2.6 Question 6: Should the Broad Locations East and North of Hemel Hempstead be considered comprehensively as one broad location?

2.6.1 There is certainly a case that the Broad Locations East and North of Hemel Hempstead should be considered as one broad location given the inter-relationship between these sites and the infrastructure requirements to serve Hemel Hempstead as a whole.

2.6.2 It is also important to understand the extent to which each Broad Location around Hemel Hempstead contributes towards the identified housing needs of SADC and Dacorum and it is noted that this situation still remains unresolved.

2.7 Question 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?

2.7.1 Paragraph 72 of the NPPF requires strategic policy-making authorities to identify suitable locations for development where this can help to meet identified needs in a sustainable way and in so doing, LPAs should:

“d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation”

2.7.2 Appendix 2 of the Plan illustrates the anticipated rates of delivery for the Broad Locations however it is apparent through a review of the Examination Library and Core Documents List that SADC has undertaken no detailed analysis in support of this.

2.7.3 Our submitted Regulation 19 Representations highlight the ‘optimism bias’ SADC has applied to the anticipated delivery rates, the risks this poses should one or more of the Broad Locations not come forward as anticipated and the adverse consequences of such an approach on the ability of the Council to address their acute identified housing needs when they are most needed – i.e. now.

2.7.4 As such, in line with paragraph 59 of the NPPF, the Plan should be supplemented by a range and choice of small and medium sized sites to ensure a more balanced approach to the delivery of housing in the District.

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- 2.8** Pegasus has no comment in respect of the following questions.
- 2.9** **Question 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?**
- 2.10** **Question 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.**
- 2.11** **Question 10: Are any infrastructure requirements missing?**
- 2.12** **Question 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?**
- 2.13** **Question 12: Is there evidence that the infrastructure requirements will be delivered within the necessary timescales?**
- 2.14** **Question 13: Should policy S6 make more specific requirements as regards the provision and timing of the infrastructure needs for the proposed broad locations?**

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- 2.15 Question 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?**
- 2.16 Question 15: Will the broad locations for development have any potential cross boundary transport impacts? How will these be addressed?**
- 2.17 Question 16: Is any of the strategic infrastructure reliant on other development coming forward in neighbouring authorities?**
- 2.18 Question 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?**
- 2.19 Question 18: Are there any other constraints on the delivery of strategic infrastructure?**

2.20 Question 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?

2.20.1 The Secretary of State granted planning permission for a SRFI at Radlett in July 2014 at the site now proposed by SADC under Policy S6xi for the PSGV.

2.20.2 The Secretary of State recovered the SRFI Appeal due it being a proposal of major importance having more than local significance and being located within the Green Belt.

2.20.3 In reaching their decision the Secretary of State considered that there were no other sites in the area of search which would be likely to come forward in the foreseeable future which would cause less harm to the Green Belt³ and at paragraph 53 of their decision concluded that 'Very Special Circumstances' exist specifically for the SRFI at this location:

"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."

2.20.4 The evidence therefore indicates a locational need for the SRFI at Radlett, supported by Very Special Circumstances sufficient to outweigh the impact on the Green Belt.

³ Inspector's Report 13.114

- 2.20.5 However, as highlighted within our other Matter Statements, 'Exceptional Circumstances' are required to justify the release of the site from the Green Belt for the PSGV proposals. We consider that such Exceptional Circumstances have not been demonstrated.
- 2.20.6 Moreover, at the national level the need for and the environmental and economic benefits associated with SRFI facilities is also supported within the National Planning Policy Statement for Networks – Department for Transport (NPS, December 2014)⁴. The provision of such infrastructure is clearly of strategic importance to the Government and the loss of the SRFI at this location is therefore not considered to be in the national interest.
- 2.20.7 The delivery or not of the SRFI also has potential implications on the provision of employment land across the wider South West Hertfordshire area. The South West Herts Economic Study (September 2019) highlights (paragraph 8.8) that if the SRFI did come forward:
- "...this would be sufficient to meet all of the strategic demand for industrial space in the FEMA.**
- 2.20.8 The potential loss of the SRFI therefore clearly has potential cross-boundary implications in respect of the Duty to Cooperate and the provision of employment land throughout South West Hertfordshire which needs to be addressed in this Plan and agreed with SADC's neighbours.
- 2.20.9 Whilst SADC's objections to the SRFI are well documented, the decision to grant planning permission for the SRFI was taken at the national level. The consequences of not implementing the SRFI are therefore also of national significance.

⁴ [National policy statement for national networks \(print version\)](#) – in particular, paragraphs 2.44.2.53 & 2.56

2.21 **Question 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?

2.21.1 No comment.

(MATTER 6 STATEMENT WORD COUNT: 2,794)