

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

**Matter 8 –  
The Supply and Delivery of Housing Land**

**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 8 (The Supply and Delivery of Housing Land) 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 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 to be sound in its current form and requires major modification.
- 1.4 The primary areas of concern in relation to Matter 8 relate to the following issues:
  - The plan period, commencing from 2020 not 2018, is contrary to national guidance and will not seek to address any under delivery during this period. As a result, the Plan will not be effective in meeting its needs across the Plan period;
  - The Housing Trajectory (Appendix 2) is not realistic, nor are the provisions for windfall or dwellings arising from 'Delivering Urban Optimisation' justified;
  - There is no contingency plan should the Broad locations not deliver as expected, nor is there any flexibility within the supply, contrary to paragraph 11(a) of the NPPF;
  - The Council's refusal to assess sites under 14 ha and/or 500 dwellings is unjustified and based upon manufactured and subjective assumptions;
  - The Plan should have considered small and medium sized sites to meet needs within the short to medium term of the Plan period, particularly given the prevalent need for affordable housing within the District.
- 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 8 Hearing Session to articulate the issues within this Statement.

## 2. Responses to the Housing Trajectory

**Q1) What is the estimated total supply of new housing in the plan period and how does this compare with the planned level of provision?**

**Q4) Is the housing trajectory realistic?**

- 2.1 Policy S4 of the Local Plan states the housing requirement/target as 14,608 between 2020-36, based on a calculated annual need of 913 dwellings. The Housing Trajectory (Appendix 2 to the Plan) shows a total supply of 14,781 dwellings during this period. By starting the Plan period from 2020, the Council are not meeting their housing need from 2018 onwards, from the point at which needs are meant to be set, which is contrary to national guidance.
- 2.2 Appendix 1 to this hearing statement shows a simplified version of the Housing Trajectory (Appendix 2 of the Plan), showing the annual shortfall/surplus in housing delivery based on a 2018 commencement date, compared to commencement in 2020 as proposed. This clearly shows a more positive outcome resulting from a 2020 commencement date, given it ignores a total shortfall of 972 dwellings between 2018 and 2020.
- 2.3 The housing requirement should be calculated from 2018 at a rate of 913 dwellings per annum (dpa), which equates to 16,434 dwellings across the Plan period. As a minimum, in accordance with Paragraph 11 of the NPPF, the Plan should be seeking to meet this in full, which in its current form it fails to do. The Housing Trajectory (Appendix 2 to the Plan) includes a total supply of 15,726 dwellings from 2018-2036, which represents an undersupply of 708 dwellings. However, we consider that this represents the most optimistic scenario, given the Trajectory is based upon a questionable expected delivery.
- 2.4 The Trajectory overstates the five year land supply, given the Annual Monitoring Report (2018) confirms that delivery in 2017/18 was 365 dwellings (net) compared to 432 as stated in the Trajectory. It also contains a line for sites with pre-application discussions occurring, which, as at 1 April 2018, were expected to deliver 49 sites as early as 2019/20, and earlier than any sites with a planning application already submitted. In addition, sites with outline permission only are also expected to deliver 47 dwellings as early as 2020/21. We consider the Council's assessment as to the delivery of sites to be unrealistic, and as a result of this, the five year land supply is likely to be significantly lower than set out in the Housing Trajectory.
- 2.5 Given the Trajectory is so prescriptive as to the different types of development in addition to allocated sites that is expected to come forward, we question whether the justification exists for such a high windfall allowance across the Plan period. Paragraph 70 of the NPPF requires compelling evidence that windfall sites will provide a reliable source of supply if these are to be included as part of the anticipated supply. We consider there to be an absence of any such evidence to justify the inclusion of 105 dwellings per annum from 2021/22 onwards (especially given the Green Belt).

- 2.6 There are two lines within the Trajectory for Council Owned Sites; those within the 'current known/expected delivery (2020-2036)' section, those within included as part of 'Delivering Urban Optimisation'. It is unclear why these have been displayed in this way and therefore whether there has been an element of double counting.
- 2.7 We are also unclear as to the rationale for the inclusion of 880 dwellings in total under the heading 'Delivering Urban Optimisation'. The Trajectory describes this as Local Plan/NPPF policies, although there is no corresponding policy or any reference to this within the Local Plan, nor the NPPF.
- 2.8 Although paragraphs 122 and 123 of the NPPF relate to achieving appropriate densities and supporting development that makes efficient use of land, it is considered that maximising efficiency is covered within Policy L1 of the Plan, which states:
- "Development proposals that fail to make efficient use of land for housing, having appropriate regard to local character and site-specific factors, will be refused permission."*
- 2.9 It is therefore considered unjustified to include an additional allowance for 880 dwellings within the Trajectory, and to assume that 1,834 will be delivered post plan. There is no evidence that supports this inclusion. In any event, site capacities and appropriate densities should have already been determined through the SHLAA and used to inform the Trajectory. The absence of this clearly undermines the robustness and accuracy of the Trajectory.
- 2.10 With regards to the lead-in times for the delivery of the Broad locations, we do not consider it realistic nor justified that the Broad Locations: Policies S6 vi (North St Albans and vii (North West Harpenden), will each deliver 75 units in 2022/23. Policy S6 states:
- "Planning applications 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."*
- 2.11 We are not aware that any such Masterplans have been produced, nor any planning applications having been submitted. The Nathaniel Litchfield Study *From Start to Finish* (2016) confirms that the planning process takes on average 2.5 years for a planning application determination period for schemes of up to 500 units, but that this can double for schemes of 1,000 units and over. Therefore, we consider it highly unlikely that these allocations will come forward as soon as 2022/23, and that their inclusion within the supply this early in the Plan period to be unjustified.
- 2.12 As set out within our Matter 7 statement, the number of dwellings proposed for Park Street Garden Village cannot be relied upon until such time as all the necessary technical evidence has been provided. Therefore, it is considered unjustified to include 1,670 dwellings within the Trajectory in light of the uncertainty of delivery.
- 2.13 In addition, it has not yet been agreed with Dacorum what numbers they will take from the East of Hemel Hempstead Broad Location. It cannot be said that the trajectory represents a realistic or robust supply of housing, therefore is unlikely to contribute as

many as 1,600 dwellings. This should be ascertained and the trajectory updated to reflect this.

**Q5) The majority of the proposed housing will be provided on a small number of large sites. Does the Council have a contingency Plan should one or all of these sites not deliver as expected?**

- 2.14 As set out within our statement for Matter 3, we do not consider that the Council has a contingency plan in place. The chosen development strategy to allocate sites of 14 ha and/or 500 units and above was based on a misconception that smaller sites would fail to satisfy the Green Belt exceptional circumstances test, and, would be unable to provide significant new infrastructure. As a result, the Plan fails to allocate any small or medium sized sites, capable of delivering within the early years of the Plan. This is based on an unjustified strategy, which is both inconsistent with national policy and, which results in a Plan incapable of meeting its housing need.
- 2.15 Paragraph 11(a) of the NPPF states that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change. In its current form, the Plan does not seek to meet its need in full, therefore failing to ensure any flexibility to adapt to change, including in the event one or more of the Broad Locations do not deliver as expected.
- 2.16 We do not consider that the expected delivery of housing as set out in the Trajectory is realistic, nor it does not carry sufficient certainty. Therefore, it should not be relied upon to underpin the overall supply in the event that the strategic allocations do not deliver as expected. Given the inevitably longer lead-in times and the onerous infrastructure requirements as set out within Policy S6, the Council should have also included a number of smaller, suitable sites, such as the Land to the West of Watling Street, Park Street, which can deliver in the short-medium term and help to address the chronic shortfall of affordable housing within the District.

**Q6) Has there been persistent under delivery of housing? In terms of a buffer for a five year supply of housing sites, should this be 5% or 20% in relation to para 73 of the NPPF?**

We agree with the Council's use of 20% buffer in calculating the five year land supply, considering there has been a significant under delivery of housing since the adoption of the adopted Local Plan in 1994, as shown in Table 1 overleaf.

	<b>Total Housing Completions (Gross)</b>	<b>Affordable Housing Completions</b>	<b>% Affordable</b>
1994-95	418	96	23%
1995-96	474	170	36%
1996-97	238	57	24%
1997-98	415	-6	-1%
1998-99	529	124	23%
1999-00	600	25	4%
200-01	415	30	7%
2001-02	356	64	18%
2002-03	301	45	15%
2003-04	248	7	3%
2004-05	601	243	40%
2005-06	329	28	9%
2006-07	377	10	3%
2007-08	293	36	12%
2008-09	398	92	23%
2009-10	272	129	47%
2010-11	382	115	30%
2011-12	380	20	5%
2012-13	320	105	33%
2013-14	375	-42	-11%
2014-15	313	70	22%
2015-16	396	97	24%
2016-17	340	59	17%
2017-18	387	106	22%
<b>Average</b>	<b>381</b>	<b>68</b>	<b>18%</b>

**Table 1: Housing Delivery 1994-2018** (taken from AMR 2018)

**Q7) What are the implications of stepped delivery of housing on the supply and delivery of housing?**

- 2.17 Our concerns in relation to the use of the stepped trajectory are detailed in Matter 5. Appendix 1 (as referenced above) shows the implications of the stepped trajectory on the supply and delivery of housing. Regardless of the Plan commencement date (which we consider should be 2018 in accordance with national policy, and not 2020), there is a continuous annual shortfall in supply when compared against the annual housing need figure, until 2025/26, which will only further exacerbate the affordability issue within the District.
- 2.18 The cumulative annual shortfall, as shown in Appendix 1, highlights the concerning implications of the stepped trajectory on housing delivery. Assuming a 2018 commencement date, the Plan not only under-delivers as a whole by 708 dwellings in total, there is also a continuous shortfall in delivery across the entirety of the Plan period, reaching a concerning peak in shortfall at 2,136 dwellings by 2024/25.

- 2.19 We raised concerns within our response to the Regulation 19 consultation as to the justification for the use of a stepped trajectory. When considering the use of a stepped trajectory, paragraph 3-034-20180913 of PPG states:

*“Strategic policy-makers will need to set out evidence to support using stepped requirement figures, and not seek to unnecessarily delay meeting identified development needs.”*

- 2.20 Based on a review of the Council’s evidence base, there appears to be no justification for the use of a stepped trajectory. We consider that this will unnecessarily delay meeting identified development needs, contrary to national policy. Table 1 above shows the persistent historic under-delivery of housing within the District and highlights the critical need for the Plan to provide much-needed housing, particularly to address the chronic shortage of affordable housing within the District. As a result of this, the use of a stepped trajectory is not justified, will not enable the Plan to meet its identified need at all during the Plan period, and therefore renders the Plan unsound.

**Q8) What impact will this have on the 5 year supply of deliverable housing land and the delivery of affordable housing?**

**Q9) On the basis of the Plan as submitted, is it realistic that it would provide for:**

- a) A supply of specific deliverable sites to meet the housing requirement for five years from the point of adoption?**
- b) A supply of specific, developable sites or broad locations for growth for years 6-10 from the point of adoption?**

**If you contend that the Plan would not provide for either (a) or (b) above (or both) could it be appropriately modified to address this?**

- 2.21 We do not consider that the Plan contains a supply of specific deliverable sites to meet the housing requirement for five years from the point of adoption, contrary to paragraph 67a) of the NPPF, which requires specific, deliverable sites for years one to five of the plan period and b) specific, developable sites or broad locations for growth for years 6-10 of the Plan, and where possible, years 11-15.
- 2.22 The Plan has failed to identify a sufficient supply of specific, deliverable sites within the first five years, due to the reliance on the Broad Locations, which are not capable of delivering within this period. Therefore, the Plan should be modified through the inclusion of suitable smaller sites, which should be assessed against robust criteria and not against the pre-determined assumption that smaller sites cannot meet infrastructure needs and will fail to satisfy the green belt exceptional circumstances test. The allocation of such sites would have significantly improved housing delivery over the short and medium term and likely negated the requirement for a stepped housing trajectory. On this basis, the use of the stepped trajectory is not justified, and the five year requirement cannot be adjusted artificially to provide the Council with a five-year housing land supply on adoption.



**Q10) In overall terms would the Plan realistically deliver the number of dwellings required over the Plan period?**

- 2.23 As set out in our response above, we do not consider that the Plan will deliver the required number of dwellings, not least because of the proposed start date of 2020, which ignores the requirement for a total of 1,826 dwellings from 2018-20. As shown in Appendix 1, there is a shortage of at least 708 dwellings from a 2018 commencement, which is based on a trajectory that we consider to be unrealistic and overly optimistic. There is also a permanent shortfall in supply / delivery, exacerbated by the stepped trajectory, the justification for the use of which is not supported by any evidence.
- 2.24 The expected delivery within the trajectory is unjustified, with a notable absence of any evidence to support the high windfall allowance, and 880 dwellings from 'Delivering Urban Optimisation.' In addition, we consider the housing numbers for Park Street Garden Village and the East of Hemel Hempstead Broad Location are unjustified and likely to be lower than projected.
- 2.25 In its current form, the Plan will not be effective in meeting its identified need, and is therefore unsound.

**Q12) What are the targets for the provision of affordable housing? What has been achieved in recent years?**

- 2.26 Table 1 above shows the concerning under delivery of affordable housing since the adoption of the existing Local Plan Review 1994. This averages at 18% of overall delivery, and, despite a target of 200 affordable dwellings per annum in Policy 7A, this was achieved only once in 2004-05.
- 2.27 The target for a minimum of 40% for the Broad Locations is considered too ambitious and unrealistic, firstly when compared to past completions achieved within the District. Secondly, in light of the considerable level of infrastructure commitments required within the S6 policies, it is considered unlikely that affordable housing will be delivered at the policy compliant level. In addition, our concerns as to the overly optimistic planned delivery rates are set out above, exacerbated by the failure to allocate sufficient sites to meet immediate and short-term housing needs.
- 2.28 We do not consider that the Plan's strategy adequately addresses the prevalent need for affordable housing within the District, contrary to paragraph 61 of the NPPF, which requires the type and tenures of housing needed for different groups, including those who require affordable housing, to be assessed and reflected in planning policies.
- 2.29 In addition to affordable housing, given the amount of infrastructure required to facilitate the Broad Locations, these costs could also impact upon the delivery of housing for other groups within the community, such as those requiring specialist / highly accessible housing.

**Q14) Is there sufficient variety in terms of the location and type of sites allocated?**

- 2.30 We do not consider there to be sufficient variety in terms of location and type of sites most notably due to these being larger sites with longer lead-in times, which will not

provide housing during the early years of the Plan. The development strategy is contrary to paragraph 67 of the NPPF, which requires planning policies to identify a supply of specific, deliverable sites

- 2.31 As discussed above, and as shown in Table 1, St Albans have consistently under-delivered on their housing targets, including the provision of affordable housing. The Plan makes little provision to address this, favouring a strategy which instead seeks to push delivery towards the latter period of the Plan, ignoring existing need and placing a heavy reliance on an unjustified supply of non-allocated sites. To rectify this, the Council should look to revisit the evidence base, and properly re-assess smaller, suitable sites put forward for inclusion within the Plan which were improperly and unjustifiably discounted.
- 2.32 In conclusion, the housing trajectory is unrealistic and *is not justified*, the Plan does not seek to meet the identified need across the Plan period, and is therefore *unsound*.

## **Appendix 1:    Housing Trajectory**

Housing Trajectory: St Albans District Council 1 April 2018 indicative draft

Description	5 Year Land Supply																			Total supply - 2020 onwards	Total supply - 2018 onwards
	2017/18*	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36		
Current known/expected delivery (2020-2036)	385	426	428	544	541	553	324	219	162	169	155	155	155	155	155	155	155	155	155	3906	4,761
East Hemel Hempstead (North) (Policy S6 i)							75	140	180	180	180	180	180	180	140	100	65			1,600	1,600
North Hemel Hempstead (Policy S6 iv)															75	125	125	125	125	575	575
East Hemel Hempstead (South) (Policy S6 iii)							75	140	180	180	180	180	180	180	180	180	180	180	180	2,195	2,195
North West Harpenden (Policy S6 viii)						75	75	75	75	75	75	75	55							580	580
East St Albans (Policy S6 v)							75	100	100	100	100	100	100	100	100	25				900	900
North St Albans (Policy S6 vi)						75	120	120	120	120	120	120	120	85						1,000	1,000
North East Harpenden (Policy S6 vii)										75	75	75	75	75	85	75	75	75	75	760	760
West of London Colney (Policy S6 ix)									75	75	75	75	75	65						440	440
Chiswell Green (Policy S6 x)								75	75	75	75	65								365	365
Park Street Garden Village (Policy S6 xi)										80	150	180	180	180	180	180	180	180	180	1,670	1,670
LP/NPPF Delivering Urban Optimisation									80	80	80	80	80	80	80	80	80	80	80	880	880
Trajectory Total	385	426	428	544	541	703	744	869	1,047	1,209	1,265	1,285	1,200	1,100	995	920	860	795	795	14,871	15,726

\*Actual Delivery figure taken from AMR 2018

2020 Plan Commencement (as proposed)

Annual Housing Need Figure				913	913	913	913	913	913	913	913	913	913	913	913	913	913	913	913		14,608
Annual <span>Deficit / Surplus</span>				-369	-372	-210	-169	-44	134	296	352	372	287	187	82	7	-53	-118	-118		264
Cumulative <span>Deficit / Surplus</span>				-369	-741	-951	-1,120	-1,164	-1,030	-734	-382	-10	277	464	546	553	500	382	264		264

2018 Plan Commencement (as per national policy)

Annual Housing Need Figure		913	913	913	913	913	913	913	913	913	913	913	913	913	913	913	913	913	913		16,434
Annual <span>Deficit / Surplus</span>		-487	-485	-369	-372	-210	-169	-44	134	296	352	372	287	187	82	7	-53	-118	-118		-708
Cumulative <span>Deficit / Surplus</span>		-487	-972	-1,341	-1,713	-1,923	-2,092	-2,136	-2,002	-1,706	-1,354	-982	-695	-508	-426	-419	-472	-590	-708		-708

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