

**Response to St. Albans District Council letter to the Examiner dated 30<sup>th</sup> October 2020 and the attached Appendix 1.**

**SADC letter 30<sup>th</sup> October 2020**

**This letter raised five general issues:**

**1. Status of the Emerging Local Plan 2020 – 2036**

At the time of drafting the SPC Neighbourhood Plan and at the time of submission to the Examiner, the SADC Emerging Local Plan was in existence. In accordance with the NPPF (paragraph 13), it was therefore required that SPC ‘should support the delivery of strategic policies’ of the SADC emerging plan. SADC have now confirmed (Council Cabinet meeting 19<sup>th</sup> November 2020) their plan will be withdrawn. SPC will therefore have to carry out a timely review of how the withdrawal affects their Neighbourhood Plan.

Although the whole Plan will need to be reviewed, we believe that a number of policies will require particular scrutiny:

Policy D1: Settlement Boundary

Policy D2: Potential Development Land

Policy D7: East St. Albans Broad Location (see below)

Policy C1: Commercial Areas

Policy C2: Retail Areas

**2. D7: Implications for new strategic housing development**

The withdrawal of the Local Plan will have a major impact upon Policy D7: East St. Albans Broad Location. We would make the following observations concerning this policy.

- i. To date, there have been two draft/emerging plans prepared by SADC. In both these plans, development has been anticipated within the Parish on the Oaklands site. It must be assumed that any future plan will also include housing on this site.
- ii. One of the reasons the current emerging plan has been rejected was the allocation of approximately 2,000 homes on the proposed Rail Freight Terminal site. As it

is likely that SADC will have to take this site out of housing numbers, all existing broad locations are very unlikely to be removed or reduced in size.

- iii. Development has already commenced on the East St. Albans Broad Location with the Oaklands Grange site which is currently being built by Taylor Wimpey. This was granted permission prior to the development of this current emerging plan. This development of 348 homes could be considered the 1<sup>st</sup> phase of the development on this site. This again indicates that the full potential of the site will be included in any future plan.
- iv. Although the reference to the Broad Location or to a specific site location may have to be amended, SPC are determined to keep the intent of Policy D7 in place. As a further plan is prepared by SADC, SPC will wish to ensure that, in accordance with the localism agenda, any major development within our parish is community led, not developer led.
- v. It must be anticipated that SADC will draw up a new plan very quickly and to assume that the 1994 Plan will apply over the long term is extremely unlikely. The indications are that if the Council cannot prepare an acceptable plan, one will be imposed upon them by the National Government. All new plans will include a similar number of new homes over the lifetime of the plan.

Based upon the above, SPC believe that the most constructive time to review this policy will be once the details of the future Local Plan have begun to be set out by SADC.

### **3. Policy D3: Allocation of Affordable Housing**

SADC concern over this policy is based upon the lack of housing need information on a Parish level. SPC do not feel that this is a valid or relevant concern. We are certain that a simple mechanism could be established during the construction period to invite those on the current Council housing waiting list to submit evidence of a 'strong local connection'. SADC policy already contains a 'local connection' provision – see below:

#### 7.6 Local Connection

Applicants must demonstrate that they have a local connection to be considered for registration on the housing waiting list. For an applicant to be considered as having a local connection to the St Albans Council's district they must qualify under one or more of the following grounds:

- Applicant or joint applicant's usual residency is in St Albans District by the applicant's choice. This must have been for a minimum period of 3 consecutive years immediately prior to applying for housing. Please note that applicants in hostel accommodation in St Albans District or applicants without a fixed abode will not be considered to meet the residency requirements.
- Applicant or joint applicant is currently in permanent employment in the St Albans District for 16 hours or more a week and has been for a minimum of 12 months immediately prior to applying for housing.
- The applicant is an existing social housing tenant in St Albans District.
- Applicants with a housing need that can demonstrate a local connection through close family living in St Albans will be considered eligible under special circumstances only. Close family includes parents, brothers, sisters, sons or daughters who are over 18 and they must have lived in the district for the last 10 years immediately prior to the housing application being made.
- Where the Council agrees that there are special circumstances.

We would propose that where the local connection can be related back to the Parish, this will receive a higher score. While we accept that defining a local connection is not easy, though SADC have attempted to do so above, providing homes for persons with a local connection is considered an important aspect of this and other Neighbourhood Plans.

We do not believe that a developer led assessment of local need as proposed by SADC would be effective in identifying true local needs.

#### 4. **Policies D4 & D5: Housing Development and Building Guidelines (Less than 10 dwellings & 10 or more dwellings)**

Concern over the level of parking provision and possible conflict with other policies including E2: Landscapes Views and Gaps. This issue is also raised within the Appendix and SPC response is detailed in item d) below.

#### 5. **Amendment to the Town and Country Planning (Use Classes) Act 1987**

This question has been raised by the Examiner (item 7) and we refer to the response under that item.

## Appendix 1

### Policy D2: Potential Development Land

- a) **Construction routes would be difficult to enforce and some sort of vehicle tracking would be needed to do this. This is therefore considered to fail the tests of conditions set out in the NPPG.**

This was discussed during meetings with SADC Spatial Planning Department when it was agreed that this requirement would be retained within the policy as it has been demonstrated that the local community are adept at ensuring developers enforce construction routes, but the chance of enforcement is required in the background.

- b) **Concern is raised about the implications for enforcement of infrastructure damage arising from construction works. This should be a matter for County Council.**

It was considered that this was previously resolved by changing the wording in Policy D4: Point 13 which now reads as follows;

*'Where footpaths, pavements and grass verges are to be retained after construction, a commitment to provide evidence that all footpaths, pavements and grass verges are returned to a similar or better condition than before works commenced.'*

Damage to footpaths, pavements and grass verges during building works is a concern of many residents. The lack of any conditions being imposed by the District Council to prevent this is an issue with many residents.

- c) **The Construction Management Plan would have to be agreed with Sandridge Parish Council at discharge of condition stage. SADC is the decision maker. No requirement to consult with parish. This is set out in NPPG.**

The wording actually states that 'the Construction Management Plan ....should be agreed in consultation with Sandridge Parish Council' which is not a requirement for SPC to agree the document. As such, this enables the local community to have a limited involvement in the preparation of a proportional CMP covering such items as hours of delivery if near a school, maintenance of pavements, noisy operations.

We do not believe that this policy impinges on the role of SADC as the decision maker. The purpose of the Neighbourhood Plan is to involve the community (through the Parish Council) in those decisions. We would propose retaining this policy.

**D4: Housing Development and Building Guidelines (less than 10 dwellings)**

**d) Point 4 would be in conflict with sustainability and Government advice. Would be in conflict with policies T1 & T3**

We would support the retention of this Policy item 4 with two clarifications:

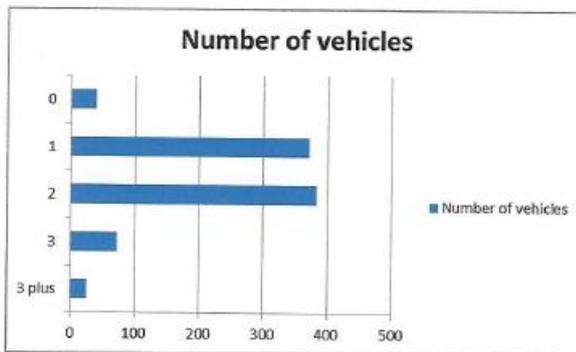
(i) The opening paragraph to this policy states ‘Any new build on a brownfield site development or extension that includes the following aspects, *where relevant, will be viewed favourably:*’ Thus, the policy items are not requirements, but a guide to what is favoured. In addition, such provision does not apply to developments which are not brownfield sites or extensions.

(ii) We demonstrated that car ownership in the parish is higher than the average for St. Albans & the county via the survey undertaken at the start of our Neighbourhood Planning exercise. This is an extract from the summary submitted to Sandridge Parish Council in February 2016 which supports the figures given in paragraph 5.23.

**Q8 How many vehicles are there in your household?**

890 people answered this question.

Answer Choices	Responses	
0	4.38%	39
1	41.69%	371
2	43.03%	383
3	8.09%	72
3 plus	2.81%	25
Total		890



The majority of residents 85% (754 households) had 1 or 2 vehicles, 8% (72 households) had 3 vehicles and 3% (25 households) had 3 or more vehicles. 4% (39 households) had no vehicles.

The number of vehicles identified within the residents' occupancy was 1448. This averaged 2 per household allocated to properties originally planned for 1 or 2 at most, which put pressure on road side parking for those with more than 2 vehicles or visitors. It was further noted that households have been permitted by the SADC planning department to convert garages to living areas so reducing the original availability of parking space for residents.

On top of this number the additional number of builders vans parked during building works and the large numbers of School traffic vehicles entering and passing through the area. This increases the pressure on road capacity.

For these reasons, added to the lack of, and recently reduced, good public transport or connected cycle and walking routes to the city station or town centre, there is a need to cater for the increased car ownership without encouraging excessive on-road parking.

We would propose adding to point 4. the following: ‘This minimum standard will be applied unless there is a clear justification for the application of a lower standard to achieve sustainable development.’

Research indicates that similar off-road parking provision has been included in other made Neighbourhood Plans within Hertfordshire (Buntingford) where the following justification has been supplied, which fully supports the proposal in this Plan:

*‘The proposed standards are recommended in order to prevent cars from being parked on streets that cannot easily accommodate them and prevent the parking of vehicles on the roadways or footways within a new development which can both impede access and have an impact on the main road network’*

- e) **Point 6: how do we secure 'fully operational'. Would not be enforceable and fail to confirm with tests set out in the NPPG. Policy should be reworded to allow the provision of future proofing for electric car points.**

The Government carried out a consultation on changing the Building Regulations on the supply of vehicle charging points in July 2019. The results of this consultation have not yet been published and Building Regulations have not been updated. Following the wording of the consultation, the wording of point 6 could be changed to:

*Provision of Electric Vehicle charging infrastructure up to and including the chargepoint either individually or communally.*

#### **D6: Sustainable Future Housing Design**

- f) **Point 1 does not specify the size of the porch. This should either be clarified or removed.**

As with all items listed within Policy D6, this would be ‘viewed more favourably’ if it retains the special character of the area. What is applicable in Marshalswick may not be appropriate on a cottage facing onto Sandridge High Street.

However, should it be considered that a guide size be added, we would propose using the National Housing Federation 'Standards and quality in development' which requires a minimum depth of 750mm with porch 450mm wider than door on each side. (Technical Illustration 6).

- g) Unreasonable to require all new developments to have triple glazed openings. Such requirement be covered by building regulations if necessary. This should be removed.**

The purpose of this item is to encourage development which exceeds the current Building Regulation standards. It is not a requirement, but a feature which would be viewed more favourably. We would propose retaining this item.

- h) Point 4 (enhanced insulation) is more relevant to building control and may be considered unreasonable to seek by way of planning. This should be removed as secured by building regulations.**

The purpose of this item is to encourage development which exceeds the current Building Regulation standards. It is not a requirement, but a feature which would be viewed more favourably. We would propose retaining this item.

- j) Point 8 contrary to point 3 and 7 and the policy is overall confusing. All points should be reduced to a single point encouraging solar gain.**

The purpose of this item is to encourage development which exceeds the current Building Regulation standards. It is not a requirement, but a feature which would be viewed more favourably.

SADC have mis-understood the purpose of these items, but on reflection, a single item replacing points 3, 7 & 8 may be:

*‘Increased thermal mass and improved solar control through direction of windows and solar shading to reduce the need for mechanical heating or cooling.’*

Although not yet Government policy, the Department of Business, Energy and Industrial Strategy issued a ‘Ten Point Plan for a Green Industrial Revolution’ on 18<sup>th</sup> November 2020. Item 7 of that strategy was for Greener Buildings. The standards that SPC have set out in Policy D6 closely follow the principles of the Strategy in promoting a more sustainable housing stock.

### **Policy T1: Traffic Congestion and Road Safety**

- k) List of Transport improvements aspirational. Has HCC agreed these would be deliverable? Should be explicit that these are aspirations.**

**Should be explicit these are aspirations**

The wording of the final paragraph of the policy (see below) makes it clear these are not requirements:

**Effective mitigation schemes to reduce the impact of through traffic within residential areas will be supported. Examples of such schemes are provided in the tables below.**

### **Has HCC agreed these would be deliverable?**

HCC specifically requested that detailed transport improvement local priority examples be added into the Plan under the Transport Policies. See attached notes of meeting with HCC's then Strategy and Programme Manager and the current relevant Area Highway Development Control Manager on 12 October 2017. See extract below:

#### ***“Sandridge Neighbourhood Plan – what do we need to consider?”***

*Lindsey's view is that the SNP needs to include more specific detail relating to the SPC locality and priorities. For example, where the SNP refers to the footpath network, we need to specify where we see missing links, maybe provide a map to show the routes we think are key. This also applies to cycling. We have the local knowledge and this will help HCC in 'unlocking' routes when considering developments in our area. Jim explained that one of our problems has been that such routes inevitably interlink with other surrounding areas and the group had thought the SNP needed to remain more generic and relate just to our parish....*

*James supported Lindsey's view. If the SNP is 'generic', it will probably sit on their shelf and not be used. The value of this document to HCC would be to specify what we actually want to see and why using local knowledge..... Lindsey suggested that it will be important to say that the Oaklands residential schemes should not just be a 'dormitory'. If the SNP says what local people actually want of it, then HCC can try to help us achieve that, including through use of Section 106/CIL monies. They can look at the SNP in relation to developments as they come up and it gives weight to Section 106 requirements if they can be tied into specific proposals in a 'made' Neighbourhood Plan.*

#### ***HCC use of NPs***

*Jim asked for confirmation that HCC uses 'made' Neighbourhood Plans when giving their input on planning applications. John said he was aware that planners were using other NPs, such as Bishops Stortford. James reiterated that, from his read through, the SNP as it stands is too general – everyone can agree with it, but it doesn't say anything new. James pointed out that the SNP is likely to be more controversial if specifics are added in and may upset a few people. John said that the SNP had been made deliberately more generic as there could be some development we haven't thought about at this stage. Lindsey confirmed with John, however, that NPs can be reviewed during their lifetime. She said that HCC were not advising taking out the generic policies, simply amplifying them to identify specifics we know of now.*

#### ***East St Albans***

*James said the SNP was our opportunity to say 'what we want' as a community. For example, SNP reps had previously mentioned the basic need for a road link of some kind through the East St Albans site linking the residential developments to Hatfield Road to ease the likely loading on Sandpit Lane. There could be ways of routing it around the College campus and making it less attractive as a general cut through. We could suggest what form it might take. Similarly, the bus and cycling routes. Why should local residents not also have the benefit of this? If we do not add this kind of thing into the NP, we are missing an opportunity.”*

Subsequently, at a stage prior to the Regulation 14 consultation, the SPC team asked for and had some feedback from HCC on the specific measures proposed under T1,

T2 and T3. These were changed in accordance with HCC advice, including being less specific about the type of traffic management measures we were proposing under T1.

The Regulation 14 consultation stage took place between July-September 2019, i.e. after LPT4 had been adopted by HCC. HCC made no criticism under any of the Sustainable Transport policies that there was too much specific detail in the Plan.

On the listed local priority measures for Policy T1 (5.59, 5.61 and 5.62) at the main Regulation 14 consultation stage, HCC only objected (7.5 of their response) to the suggestion of specific additional parking bays designed to improve traffic flow. The SPC team recognised that the justification given had not been sufficiently clear as these suggestions have arisen from road safety concerns. The justification text was accordingly changed for the submission version.

The only specific measure to which HCC raises an objection in their Regulation 16 response (6.41) relates to the introduction of additional parking places and extension of parking restrictions around bends in Villiers Crescent (SNP 5.62(1)). This issue was raised with the SPC team by the bus operator themselves during dialogue with them about local bus routes as it is creating a dangerous situation for the buses, their passengers and pedestrians. To address HCC concerns, we would propose to remove the text ‘**Introduce additional parking places and**’.

The latest Regulation 16 representations by HCC (SNP20) do not appear to support inclusion of the specific examples of highway improvements seen as priorities for the local community (paras 6.37-6.42 of their submission). It is unclear why HCC appears to be changing its stance on including specific proposals at this late stage. We would propose that the examples of local priorities should remain an integral part of the plan for the following reasons:

- Following HCC’s 2017 request, considerable work was carried out with local resident groups to draw up what measures they saw as priority mitigation transport improvements in their areas. These measures were then discussed and refined with groups such as the St Albans Access Forum, Ramblers Association etc. They were one of the main subjects of interest during public consultations and have received many supportive comments. As they have been included in all versions of the Plan since, local residents will be expecting their inclusion. This is a visible opportunity for local people to influence the future shape of their communities and underpins the concept of localism.
- HCC indicate in their most recent submission that they are ‘willing to engage with the parish to identify highway improvement measures that may be required’. Our experience in the past on specific developments in the parish has not borne such assurances out. There are no existing mechanisms for such local consultation to be initiated by HCC, complicated by the fact that planning applications are

made to the District Council and multiple departments of the County Council may be involved in any one case. As a result, local knowledge has been unused, to the detriment of effective future infrastructure. Examples of previous difficulties include a failure to insist on the inclusion of Rights of Way Improvement Plan measures at the Oaklands Grange development (the first phase of the East St Albans Broad Location) and unsuitable proposals as part of the Section 106 agreement relating to bus provision.

- All the measures suggested in the specific examples make use of local knowledge to improve safety and conditions for pedestrians and other non-vehicle road users and thus support HCC's LTP4.
- Specific local transport improvement measures prioritised by local residents have been included in other 'made' Neighbourhood Plans, including in Hertfordshire e.g. Bishops Stortford All Saints (TP1, TP11, TP12) Buntingford (p.59)
- The UK Government is currently pressing ahead with a well-publicised new wave of schemes to encourage Active Travel. In its latest guidance, it stresses the need for engagement and consultation over these schemes. "Effective engagement with the local community, particularly at an early stage, is essential to ensuring the political and public acceptance of any scheme. The department advises engagement as good practice even where there is no legal requirement to do so for the measures being proposed" (Traffic Management Act 2004: network management in response to COVID-19 Nov 2020). The Plan provides 'oven ready' suggestions that have already undergone public consultation for HCC to consider.

More detailed evidence of these points can be made available if required.

**1) The threshold for asking for traffic impact assessment is too low. A scheme of 10 homes is not going to generate sufficient amounts of movement.**

**An issue not previously raised by SADC.**

The threshold for 'major' development is at 10 dwellings and above as this is coherent with the definition in all other parts of the Plan. It also accords with HCC policy which is that: "Transport Statements and Transport Assessments are provided for all major development proposals of 10 dwellings or more. Roads in Hertfordshire (HCC Highways Guidance) provides further information in relation to this."

The key wording in Policy T1 is '**proportional to the scale of the development proposed**'. For a development of only 10 dwellings we suggest this would not be unduly onerous.

This policy reflects the very strong views of local residents about traffic congestion in the area with its consequent effects on air quality etc. and the amount of through traffic crowding several routes at the edges of the area at peak hours. See Marshalswick North/Jersey Farm Residents Survey 2016, Qs3 – 5. See Sandridge Parish Council website at <http://www.sandridge-pc.gov.uk>.

### **Policy T2: Public Transport (Buses)**

- m) **Viability of bus service for 10 homes or more is highly questionable. Dwelling number to be increased or requirement should be removed.**

#### **An issue previously raised and explained**

The threshold of 10 or more dwellings is used to be coherent with the rest of the Plan. Careful reading clarifies that we would not be expecting a new bus service to be provided for the smaller major developments. The wording ‘**wherever possible**’ in T2 reflects this, also the clause ‘**will be expected to contribute to a new or expanded service and/or associated infrastructure proportionate to its size**’. This issue has been previously discussed with HCC Network and Travel Planning Team and, at their request, with other HCC reps – see extract from meeting notes dated 12 October 2017 (under heading Section 106/CIL).

*“A small development is never going to generate a lot of funding (e.g. £750 per dwelling) so the SNP would have to be careful in its proposals as it couldn’t e.g. fund a bus service year on year. HCC needs to be able to identify the facility in relation to the development e.g. if it was to say that we need a bus shelter providing real time information near the development. This would make it relatively easy for HCC to negotiate. The SNP could usefully add the word ‘infrastructure’ into Policy T2.”*

The objective of this policy is to support the promotion of more sustainable forms of transport in line with HCC LTP4. The wording of this policy is taken from ‘made’ Neighbourhood Plans, see for example, Buntingford 2017 (p.63 T6).

HCC support this in their responses to the Plan, saying that for smaller developments, contributions towards improved bus stop infrastructure within the vicinity of the development can be sought.

- n) **Good aim but implication would be tricky for smaller major developments. Is there any structure in place to provide a new bus services? Are the operators on board? How would this be secured? Should be explicit that these are aspirations rather than explicit requirement of development.**

Members of the Parish team instigated meetings/correspondence with the relevant HCC Network and Travel Planning Team through the development of the Plan and

beyond. Over 2019, there was extensive dialogue on the development of the S6 bus service for the Oaklands Grange component of the East St Albans Broad Location (which is already part constructed) and this service then came into operation. This is an example of how, based on the foundation of suggested measures in the Plan, this partnership structure could work successfully.

The Plan also contains specific reference to the possibilities for future collaboration under the Bus Services Act 2017 (5.68). This was inserted at the express suggestion of HCC Network and Travel Planning Team. Recently, this Act has been used to form an Enhanced Partnership between HCC and bus operators which should facilitate improved joint working. HCC has not raised these issues as a difficulty.

- p) **Second paragraph needs to bear in mind NPPF planning contribution test. Could easily make development unviable. Should be explicit that these are aspirations rather than explicit requirement of development.**

See above, response to point m) above on viability. The wording is designed to achieve 'proportionate' contributions for all sizes of development, including just small parts of infrastructure, and to support the aim of achieving more sustainable transport in line with HCC's Local Transport Plan 4.

#### **Policy E2: Landscapes, Views and Gaps**

- q) **Views need to not be classed as 'designated'. Significant or important would be a NPPF compliant alternative.**

Agreed. This was picked up previously. It was changed in the policy but we have missed changing 'designated' to 'significant in paragraph 5.119 and figure 13. We would propose that these paragraphs are updated.

#### **Policy E5: Heritage Assets**

- r) **Point (a) - to be compliant with the NPPF this should also include preserve or enhance the significance of the affected listed building(s). To include reference to listed buildings.**

This issue was raised during the Regulation 14 consultation and the words 'preserve and enhance' were added to point a. We believe this clause is now NPPF compliant.

- s) **Point (b) Does this refer to St. Albans published CACS and if so which heritage assets is this referring to - to the locally listed and listed buildings? If this is the**

**case then would suggest referring to listed and locally listed buildings specifically.**

Yes, this does refer to the SADC document which is detailed in Appendix 4 to the Neighbourhood Plan. For clarity (and to correct a typing error), the wording of point b. could be re-written as:-

*'b. Development must maintain the local character and landscape and not cause reduction or loss of views within and/or around heritage assets as detailed in the Character and Conservation Statements for Sandridge – see Appendix 4.'*

### **Policy E6: Health Needs**

- t) **This applies to all applications of 10 or more dwellings? Is this reasonable and viable? Dwelling number to be increased, or requirement to be removed.**

For clarity, we would propose repeating the wording from D5 - point 4 'proportional to the size of the development' at the end of the opening paragraph to the policy.