

## ST ALBANS DRAFT STRATEGIC LOCAL PLAN CONSULTATION 2014: CPRE HERTFORDSHIRE REPRESENTATIONS

### General Comments on Consultation Draft SLP

CPRE Hertfordshire is extremely disappointed with the Consultation Draft Plan because it undermines long established and vitally important Planning policy for the protection of the Green Belt.

The Draft Plan does this because it is incompatible with national Green Belt policy, and fails to observe both this and Government guidance on whether development needs should be met in districts in the Green Belt. In addition, the Draft Plan fails to justify its proposals for the development of individual sites in terms of Green Belt policy. Representations on these matters are set out below in respect of the Plan's Strategy (Section 4)

CPRE Hertfordshire also has major concerns about the reasoning for the Plan's proposals for individual development sites. Representations on this are set out below on Section 6 of the Draft Plan.

### Section 4: Strategy

Introduction, paragraphs 4.1 and 4.2 The Introduction to the Strategy does not explain or justify the scale of housing development, and in particular how the 'Context' for the Plan in Section 2, or the 'Vision and Objectives' in Section 3 have determined the Spatial Strategy and Development Strategy set out in Section 4. Paragraph 2.2.1, on the Plan's context, states that the Council have balanced need against other factors set out in the National Planning Policy Framework (NPPF), but the Strategy reveals, in Policy SLP1, that this has not been done as required by the NPPF.

Paragraph 3.14, in the Section on Core Strategy Objectives, states that the SLP has two underlying objectives derived from the NPPF, which are to meet development needs, but only in so far as is consistent with sustainable development including maintaining effective Green Belt policy. The Strategy fails to meet these objectives, because it proposes that development needs are met in full.

The Strategy Section should, in its introduction, explain and justify the scale of development proposed, and how this implements the stated Vision and Objectives, given the district's 'Planning' context.

Paragraph 4.19 This states that '*the SLP Development Strategy includes providing for the District's future needs partly through a major expansion of Hemel Hempstead*'. This wording demonstrates that the Council has failed to address the fundamental planning requirement to first determine the extent to which development needs should be met in the District.

This failure is explained comprehensively below in representations on Policy SLP1, and CPRE Hertfordshire urges the Council to reconsider the methodology and process it has followed and to amend the Plan accordingly.

SLP1: Spatial Strategy and Development Strategy. In b), Development Strategy, the Policy identifies the ‘...*main locations where future development needs that cannot be accommodated within existing urban areas and other previously developed land will be met*’. This statement is made without any justification or evidence to support it. In particular, no ‘exceptional circumstances’ are demonstrated, as required by the NPPF, for the release of the Green Belt land in these locations. Indeed, in the Council’s Summary Booklet on the Draft SLP Consultation, but not in the Draft Plan itself, the Council states that ‘*The Council has not yet made up its mind whether or not ‘exceptional circumstances’ exist and will do so only after it has considered the response to this consultation.*’

The demonstration of exceptional circumstances is a pre-requisite for any Local Plan proposal for the allocation of Green Belt land for development, and all the Housing proposals in the Draft Plan are therefore unacceptable, and should be withdrawn.

CPRE Hertfordshire also objects to the presumption in the above wording of SLP1, that all future needs ‘*will be met.*’ No justification for this is provided, either in the Draft Plan or any of the background documents. CPRE Hertfordshire is not alone in having drawn the Council’s attention to the failure of the emerging Plan to determine Housing targets in the context of the district’s Green Belt location, as required by National Policy in the NPPF, and the Draft Plan is unsound in the absence of this stage in the plan-making process.

The Council seems to believe that it is obliged to make provision in its SLP for 436 houses per annum, that number being the figure the Council considers represents its “objectively assessed need” for housing, averaged over the plan period. This assumption is wrong.

Under the NPPF and clarified in the NPPG, the Council is not obliged to meet all of that objectively assessed need. The NPPF, in paragraph 14, states, that the presumption in favour of sustainable development is at the heart of the NPPF and that... “*for plan-making this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

Crucially, and as apparently ignored by the Draft SLP, Green Belt protection is expressly set out in the footnote to this policy statement as being one of the “specific policies” indicating development should be restricted. Similarly, in paragraph 47, which deals with the supply of housing, the NPPF states *“To boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework...*”, this being a further reference to Green Belt as well as other protective designations.

This policy was drawn to the Council’s attention by the Court of Appeal in their case against Hunston Properties last year, where the judges stated *“There is no doubt, that in proceeding [with] their local plans, local planning authorities are required to ensure that the “full objectively assessed needs” for housing are to be met, “as far as is consistent with the policies set out in this Framework”. Those policies include the protection of Green Belt land. Indeed a whole section of the Framework, Section 9, is devoted to the topic, a section which begins by saying “The Government attaches great importance to Green Belts”: paragraph 79. The Framework seems to envisage some review in detail of Green Belt boundaries through the new Local Plan process but states that “the general extent of Green Belts across the country is already established.” It seems clear, and is not in dispute in this appeal, that such a Local Plan could properly fall short of meeting the “full objectively assessed needs” for housing in its area because of the conflict which would otherwise arise with policies on the Green Belt or indeed on other designations hostile to development, such as those on Areas of Outstanding Natural Beauty or National Parks. What is likely to be significant in the preparation of this Local Plan for the district of St Albans is that virtually all the undeveloped land in the district outside the built up areas forms part of the Metropolitan Green Belt.”*

It is part of Green Belt policy that Green Belt boundaries may be changed, but *“once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan”*. (NPPF, para.83)

Therefore, in order to adopt a “sound” plan, the Council needs to take a conscious decision on the extent to which it should provide for its objectively assessed housing and other needs, consistent with the policy for Green Belt protection. This includes deciding whether there are “exceptional circumstances” justifying development in any specific Green Belt location that would in turn justify the alteration of a Green Belt boundary.

The Council may decide not to release any land from Green Belt, to release sufficient land from Green Belt to meet all its objectively assessed needs, or it may decide to release some land from Green Belt in order to meet a

proportion of its needs, but that decision must be explicit, justified by evidence, and be consulted on in a Draft Plan.

The Council appears to believe that there is a two-stage process, the first being assessment of objective need, and the second a 'sustainability test' on the balance of economic, social and environmental sustainability. Although sustainability is important, this does not address whether there are exceptional circumstances justifying Green Belt boundary changes, or the extent to which the Council can meet objectively assessed need consistent with Green Belt policy in the NPPF.

St Albans Council has not yet done any of this, and no site specific development proposals in the Green Belt can be supported until and unless it has done so.

CPRE Hertfordshire therefore considers that the Council should take a step back to the stage at which it should, in accordance with the NPPG, identify the extent to which existing planning permissions, brownfield and other previously developed land, and expected windfall development, would meet housing need, and then determine objectively the extent to which the remaining need should be met. Following that step, the Council should decide, following appropriate consultation, which sites should be proposed for development through the SLP.

There are well-documented examples of Councils who have successfully adopted this approach, including Reigate and Banstead in Surrey, also entirely within the Green Belt.

CPRE Hertfordshire also has concerns about the 'Broad Locations' set out in SLP1. Following the completion of the Green Belt Review by SKM, their consultants, the Council decided that further work was required to test the contribution of each potential site to 'sustainable development', in terms of the economic, social and environmental role of each site, as set out in NPPF paragraph 7. However, the Council appears to have overlooked NPPF para 6, which states that "The policies in paragraphs 18 to 29, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system". As a result it has downplayed the environmental role and has therefore allowed socio-economic factors to outweigh Green Belt policy.

As described in the technical report '*Development Site and Strategy Options Evaluation*', an evaluation framework for site and development strategy option assessment was devised. Four Development Strategy Options were prepared: 1a) Mixed Location/Scale Development; 1b) Mixed Location/Scale Development with Smaller, but more, Sites; 2) Dispersed Development; and 3) Concentrated Development.

The main variable in all these options appears to be the role that the expansion of Hemel Hempstead into St Albans District should play. We consider that the Council gave undue weight in this exercise to the socio-

economic benefits of addressing sub-regional housing and employment 'need' and 'Duty to Co-operate' (with other Councils) issues identified by the Dacorum Core Strategy Inspector.

The evaluation process resulted in Option 1a) Mixed Location/Scale Development being selected, with the greatest emphasis being placed on the development of East Hemel Hempstead (paragraphs 2.4.2 - 2.4.3 of the technical report). The recommendations in the Green Belt Review were downplayed, so that less weight was given to environmental constraints, greenfield/Green Belt considerations and landscape impacts, and greater emphasis was given to the socio-economic factors (para 2.3.12).

As a result, priority has been given to the two East of Hemel Hempstead Broad Locations, with the East St Albans and North-west Harpenden locations being selected as 'Phase 1' because they can be delivered in the shorter term, whereas there would be a long lead-in time for the East Hemel Hempstead sites (section 2.5 of the technical report).

CPRE Hertfordshire asks the Council to reconsider the proposals for Broad Locations for development in the light of a review of Housing Targets and of the Green Belt Review Findings, before re-consulting on amended draft Proposals.

More specific concerns about the Broad Locations for development set out in the Draft Plan are set out in comments on Section 6.

## **Section 5: Our Special Character**

### Policy SLP2 -Metropolitan Green Belt

Whilst this draft policy states that the Green Belt will be protected from inappropriate development and that an essential characteristic of the Green Belt is its permanence, the policy also states the Green Belt boundary changes will be made as a result of the SLP Development Strategy.

CPRE Hertfordshire notes that these statements are incompatible because the draft SLP Development Strategy, as set out in Section 4, fails to protect the Green Belt from inappropriate development, and would result in the loss of 'permanent' Green Belt, in both cases without explicit demonstration of exceptional circumstances to justify such action. Please see CPRE Hertfordshire's representations on both Sections 4 and 6 on the Draft SLP, for a full explanation of these concerns.

It is also clear from the last paragraph of this draft Policy and from Policies SLP13a) and SLP13b) that there is an intention in the long term to extend Hemel Hempstead beyond the potential development areas indicated in the SKM Part 2 report. This would have an even greater negative impact on the Green Belt and countryside. CPRE Hertfordshire strongly objects to this prospect being trailed in the wording of the Draft SLP without any supporting justification, and it should be removed.

## **Section 6: Mixed and Balanced Communities**

### Paragraph 6.9 to 6.11 and SLP6: Educational Facilities

CPRE Hertfordshire notes that in this section, the Draft SLP expresses support for inappropriate development in the Green Belt, without requiring that proposals for any such development be accompanied by a demonstration that very special circumstances exist (in the case of a planning application), or of ‘exceptional circumstances’ if a proposal is set out in a subsequent development plan document.

The Inspector’s Report on the Three Rivers Sites Allocations DPD confirmed that it is “unsound” to plan for a school building, as opposed to playing fields, in a Strategic Local Plan and to keep the land in the Green Belt. If the land is to be made available for a school, the area proposed for built development should be taken out of the Green Belt, and this has to be justified by exceptional circumstances.

The above caveats should be incorporated in the wording of the SLP at the next stage.

CPRE Hertfordshire also asks that the proposed locations of built educational facilities in the Green Belt, be reconsidered in the context of CPRE Hertfordshire’s representations calling for reconsideration of the proposals for Broad Locations for development in Sections 4 and 6 of the Draft SLP.

### Paragraphs 6.24 and 6.25

These paragraphs state that the start point for setting housing targets is the level of housing need ‘balanced against’ appropriate and long term sustainable development, and that this balance is one of the principles behind the Plan’s Spatial and Development Strategies. This approach is flawed, as explained in representations on Section 4 of the Draft SLP, because it ignores paragraph 14 of the NPPF, and guidance in the NPPG. In particular it fails to address the key task of determining housing targets in the context of the district’s Green Belt location. The wording should be changed to fully reflect national Planning policy.

### Paragraph 6.28

This paragraph states that the draft SLP makes limited provision for Green Belt boundary change to allow building on greenfield Green Belt land necessary to meet growing population and demographic pressures and consequent development needs. The table in paragraph 6.33 indicates that 43.8 per cent of overall housing delivery is proposed to be met from large scale greenfield Green Belt Broad Locations and a further 5.5 per cent from small scale greenfield Green Belt sites. 4,500 dwellings, out of a total provision of up to 9,125 is hardly “limited” and may be unnecessary on this scale, for the reasons set out in Section 4.

This paragraph also repeats the erroneous approach of balancing need with sustainability, rather than with the protection of the Green Belt, as explained in comments on Section 4, and above on paragraph 6.24 and 6.25.

This paragraph also states that ‘the SLP Development Strategy results from a full assessment of reasonable choices in selecting development strategy and site options within the Sustainability Framework. The Strategy will meet development needs with minimum impact on the Green Belt and best prospects for delivery of appropriate social, economic and environmental objectives and specific community benefits.’ This conclusion is disputed.

#### 6.33 to 6.37 and SLP8 - Local Housing Target/Requirement

These paragraphs and draft Policy refer to ‘housing targets’ and ‘requirement’ for 436 dwellings per annum as being the same thing as the ‘need’ for new housing, stating in paragraph 6.37 that this ‘would meet full need’ and that ‘*this estimate of need has been used directly as the Plan Housing requirement/target*’.

This interpretation is a flawed interpretation of both NPPF policy and NPPG guidance, as explained in comments on Section 4, and CPRE Hertfordshire seeks the redrafting of these paragraphs to be consistent with the NPPF.

CPRE Hertfordshire is also concerned that the basis for the calculation of housing supply used for the Draft SLP was not available in the evidence base and background documents. Paragraph 6.33 states that the figures set out are based on up to date information, but despite a Land Availability assessment update between 2009 and 2012, the results have not been made available, and the statement in the draft SLP is therefore questioned.

This is of concern, because CPRE Hertfordshire has recorded the approval of 395 dwellings in the district under the Office to Residential Change of Use prior notification process since May 2013 alone, with another 69 under consideration. Such an increase in supply from this and other expected windfall sources could reduce the need for the release of greenfield Green Belt sites, and the Council is asked to include a review of housing supply in the review of Housing Targets requested in representations on Section 4 of the SLP.

CPRE Hertfordshire also disputes the Council’s conclusions on the impact of the proposed Broad Locations for the reasons given below.

#### Paragraphs 6.29 and 6.30; 6.69, 6.70 and Policy SLP13a); and 6.71 and Policy SLP13b) Broad Location - Mixed Use (to be excluded from Green Belt)

- East Hemel Hempstead (North)
- East Hemel Hempstead (South)

The Draft SLP Development Strategy is centred on a major expansion of Hemel Hempstead that will meet a wide range of local development needs

for the district and sub-region over the plan period and beyond. This requires a significant loss of land from the Green Belt.

The SKM Green Belt Review: Sites & Boundaries Study (the Part 2 study) ranked sites SA-S1 East of Hemel Hempstead (North) and SA-S2 East of Hemel Hempstead (South) as being in the lowest (3rd) tier of the 8 strategic sub-areas identified by them. These rankings were based on detailed assessment of the performance of each sub-area against four categories of assessment. Those categories were: contribution towards Green Belt purposes; environmental and historic constraints; integration with existing urban areas; and landscape sensitivity.

The Council has chosen to bypass the recommendations made by SKM through its own subsequent assessment of the strategic sub-areas using a 'Final Matrix' evaluation, which ignored the relative contribution of each site towards meeting Green Belt purposes.

The Council's assessment scored each sub-area against economic, social and environmental criteria in accordance with the concept of sustainable development set out in paragraphs 7 to 9 of the NPPF. In doing so, the Council failed to give due weight to the requirement in NPPF paragraph 14 policy on Green Belt, to restrict the extent to which the Local Plan should meet development needs.

CPRE Hertfordshire considers that the draft SLP therefore gives excessive weight to economic and social considerations and to the duty to co-operate with neighbouring local authorities set out in the NPPF, and insufficient weight to environmental factors and Green Belt policy.

Moreover, the SKM Part 2 report specifically concluded (Table 13.1) that Sites S1 and S2 should be classified as safeguarded land to meet longer term needs (20+ years) beyond the Local Plan period. Instead, the Council has brought both sites forward to start in 2019, which is the earliest date possible given the long lead time that would be necessary. No reasonable justification for doing this is given in the Draft SLP.

CPRE Hertfordshire also has reservations about some of the conclusions reached by SKM in respect of Sites S1 and S2, for example in paragraph 8.2.3 of the Part 1 report. Although there is a gap of about 3.8km between Hemel Hempstead and St Albans at present, it is significantly compromised by the M1 motorway, which reduces the gap to a relatively narrow strip on the Hemel Hempstead side.

Urban influences on this strip are inevitably strong due to the proximity and prominence of commercial and industrial development on the eastern flank of Hemel Hempstead. This counts against, rather than in favour of housing or other community development in this area. We consider that Sites S2a (north) and S2b (south) identified by SKM in the Part 2 report should not be released for development based on the justification currently provided, so as to maintain a strategic gap between Hemel Hempstead and the M1.

With regard to Sub-area S1, we consider that insufficient weight has been given to the likely impact on the landscape, particularly in the area south of the B487 Hemel Hempstead Road between Cherry Tree Lane and the M1. Development of Site 1 as proposed in Figure 3.3 of the SKM Part 2 report would extend Hemel Hempstead over the brow of the hill and down into the valley towards Redbourn, with significant detrimental impact on views from that direction.

The indicative layout for Site 1 shows development in the southern part extending north eastwards as far as the existing National Grid power line which cuts across the open fields from Hemel Hempstead Road to Punch Bowl Lane at a point close to the M1. The power line is an artificial barrier which would not present a defensible Green Belt boundary, even with the structural landscape planting proposed.

Cherry Tree Lane would provide the most defensible Green Belt boundary in the area east of Hemel Hempstead if the current boundary were to be amended in future. This would allow the narrow strip of Green Belt land between the administrative boundary with Dacorum and Cherry Tree Lane to be released for residential development as a small scale greenfield Green Belt site, in accordance with paragraph 6.32 of the draft SLP.

In addition, Sites S1 and S2 do not meet the definition of sustainability in terms of accessibility to Hemel Hempstead town centre and the railway station. At 3.6km and 3.2km respectively from the town centre, and 5km and 4.7km respectively from the station (further than the strategic gap between Hemel Hempstead and St Albans), it is unrealistic to expect a realistic level of provision of bus services to provide sustainable transport to meet the needs of residents of the up to 2,500 dwellings envisaged for Sites S1 and S2 within the Plan period.

Paragraphs 6.30 and 6.31 The second part of paragraph 6.30 proposes two further areas for development:

Broad Location - Principally Housing (to be excluded from Green Belt):

- North West Harpenden
- East St Albans (Oaklands)

The draft plan includes these two Broad Locations principally to meet housing development needs in the first half of the Plan period (to 2021). The Broad Locations are stated to have been selected to minimise adverse impact on Green Belt purposes.

Paragraphs 6.72 to 6.75 and Policy SLP13c) North West Harpenden. Broad Location. Site SA-S5.

It is not clear from the draft SLP and the supporting SKM Green Belt Review report exactly what is meant by the “sub-area” and the “site” - terms which appear to be used interchangeably. Paragraph 7.1.1 of the SKM Part 2 report defines the strategic sub-area as land “in the vicinity of Luton Road, Cooters End Lane and Ambrose Lane”, which is the area shown in Figure 7.3

in yellow as “potential urban development area, infrastructure & POS”, to be released from the Green Belt. However, it is apparent from the Landscape Appraisal carried out by SKM and from Figure 7.1, that the sub-area under consideration was all the land stretching from Luton Road to the railway line over the hill in the Lea Valley. Not surprisingly, the northern and eastern part of this sub-area scored highly in the landscape sensitivity assessment.

The Northwest Harpenden sub-area forms part of strategic parcel GB40 in the SKM Part 1 study ‘*Green Belt Review: Purposes Assessment*’, and which was assessed as contributing significantly towards 4 of the 5 Green Belt purposes. The “sub-area” (meaning just the southern section) was then assessed in isolation as making limited or no contribution towards restricting sprawl, preventing merging or maintaining local gaps.

However, it was found to contribute significantly towards safeguarding the countryside from encroachment (paragraph 11.1.14 of the SKM Part 2 study). In Table 9.1, the Northwest of Harpenden “site” is ranked 4<sup>th</sup> equal out of the 9 sites tested against the four assessment categories used to inform the overall suitability of each site for potential Green Belt release and future development.

Despite this, as a result of the subsequent evaluation exercise carried out by the Council (see our comments under Chapter 4 - Strategy), Site S5 has been made joint first of the four Broad Locations put forward by the Council. CPRE Hertfordshire objects to this for the reasons given in the response to Section 4.

The table in section 2.5 of the technical report ‘*Development Site and Strategy Options Evaluation*’ lists the four Broad Locations, with dwelling estimates and explanatory notes added. The note on Site S5 states “SKM site but reduced in scale with north eastern [sic] boundary on Cooters End Lane”. This raises questions about how the 500 dwellings estimated for the site could be accommodated if 40 per cent of the area is to be set aside for infrastructure, including a possible new primary school, as proposed in the draft SLP.

The SKM Part 2 report found that the indicative layout area of 18 hectares, including the area beyond Cooters End Lane, could provide 319 residential units at a net density of 30 per hectare and 531 units at 50 per hectare. It seems likely from this that, if the Council’s aspiration for 500 dwellings at 40 per hectare were to be realised, the North-west Harpenden site would need to extend further into the Green Belt than is currently being proposed in the Draft SLP.

Paragraphs 6.76 to 6.79 and Policy SLP13d) East of St Albans (Oaklands). Broad Location. Site SA-S3 .

Sub-area S3 lies within ‘Strategic Parcel’ GB36 in the Green Belt Review, which SKM assessed as contributing significantly towards three of the five

Green Belt purposes, of which we regard preventing the merger of St Albans and Hatfield as being of critical importance.

That part of the sub-area identified in the SKM Part 2 report (Figure 5.3) as land suitable for potential release from the Green Belt is bounded by Sandpit Lane to the north, North Drive to the east, and Home Wood and Beaumont School to the south and west. On this basis, SKM concluded that the virtual enclosure of this part of the sub-area by urban development on three sides limits the contribution it makes to the role of the Green Belt in separating settlements.

Paragraph 5.6.9 of the SKM Part 2 report states that the “site” (which we assume means the whole sub-area up to Oaklands Lane as far as its junction with Hatfield Road, but this is not clear because SKM appear to use the terms “sub-area” and “site” interchangeably in their report) has a total area of 55 hectares (ha), of which 33 ha. (60%) would be suitable for housing. This is used to calculate the potential site yield of 990 dwellings at 30 dwellings per hectare or 1,650 dwellings at 50 per hectare. Paragraph 5.6.10 states that the remaining 22 ha. should be used to provide supporting infrastructure including facilities such as education or health.

Draft SLP Policy SLP13d) refers to a “substantial urban extension” with a minimum capacity of 1,000 dwellings at an overall net density of 40 dwellings per hectare (equivalent to a developable area of 25 hectares), but does not specify in either the Policy or the supporting text the intended extent of this urban extension.

Paragraph 6.79 states that this Broad Location “can accommodate major housing development which is well located for access to services and facilities and can be integrated with the urban edge of St Albans with minimum impact on Green Belt purposes”. Given the lack of clarity engendered by the SKM report as referred to above, it seems that this proposed urban extension would extend to the roundabout at the junction of Oaklands Lane with Hatfield Road. This is a major incursion into the Green Belt which would lead to the coalescence of St Albans with Smallford and render the strategic gap between St Albans and Hatfield unviable, and is strongly opposed by CPRE Hertfordshire.

The Council presents the East St Albans Broad Location as providing a major benefit in the form of enabling the redevelopment and enhancement of Oaklands College (without mentioning the word “enabling”, which effectively means subsidising other development in this case). No attempt is made in the Draft SLP to quantify or justify the amount of residential development actually required to ‘improve’ the College’s facilities to the necessary standard, or to set out the exceptional circumstances that justify it, in accordance with NPPF Green Belt policy.

Any housing development and other inappropriate development as defined in the NPPF, should be limited to the minimum that is demonstrated to be necessary to secure the future of the College.