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16/10/2018

Dear Sir/ Madam

### **Response by the House Builders Federation to the St Albans Local Plan**

Thank you for consulting the Home Builders Federation (HBF) on the St Albans Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

**We would like to submit the following representations on the Local Plan and we would welcome, in due course, participating in hearings of the Examination in Public.**

#### **Duty to co-operate**

The local plan states St Albans District Council's (SADC) commitment to working with Dacorum, Hertsmere, Three Rivers and Watford as part of South West Hertfordshire Housing Market Area and the agreement to produce a joint strategic plan for this area. This commitment to joint working is welcomed by the HBF and we look forward to seeing the progress that is made on this plan and that it can provide the homes and infrastructure required to meet the areas development needs. However, whilst this commitment to joint working in future is welcomed it is still important that SADC in preparing this local plan can show they have considered the development needs of neighbouring areas and how these will be met.

Given that the inspector examining the previous local plan submitted by the Council considered SADC to have failed in its Duty to Co-operate we are surprised that there is very little evidence provided as to how the Council have rectified this matter in preparing this local plan. The only statement on co-operation within the Council's evidence base we could find is in the Council's 2017 Authority Monitoring Report. Paragraph 3.6 of this report outlines the various discussions that have taken place with neighbouring authorities and other bodies. However, the Council have not indicated whether there are any neighbouring areas that cannot meet their own needs and how



the Council have worked with those areas to try and meet these needs despite the National Planning Policy Framework (NPPF) stating in paragraph 60 that:

*“In addition to local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”*

The Council will know that Welwyn Hatfield are currently at examination with a local plan that does not meet housing needs and that Watford outline in their issues and options consultation<sup>1</sup> that meet housing needs will be a “*considerable challenge*” given their geographical constraints. Yet no evidence is presented as to how these issues have been considered as part of the preparation of this local plan.

The NPPF is clear as to what is required to demonstrate effective and on-going joint working, stating in paragraph 27 that:

*“In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”*

If this plan is to be found sound the Council must produce the necessary statements of common ground identifying the key cross boundary issues and the progress made in addressing these matters. The plan should not be submitted until these statements have been produced if the Council wishes to avoid a repeat of the examination into the previous local plan.

## **Policy S2 – Development Strategy**

### Policy is unsound as it is not effective of justified

The Council state in this policy that the exceptional circumstances required for Green Belt release only exist in the broad locations set out in policy S6. Whilst we agree that there are exceptional circumstances for the amendment of Green Belt within St Albans we cannot find any evidence presented by the Council as to why they should only exist in these broad locations. The Council’s Green Belt Assessment has not considered the degree to which smaller sites contribute to the purposes of the Green Belt and has seemingly ignored the small-scale sub areas identified as contributing least to the Green Belt purposes.

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<sup>1</sup> Watford BC Issues and Options Local Plan consultation September 2018  
[https://docs.wixstatic.com/ugd/b57e7b\\_e5856a36deb643f6a4d875c203c136e3.pdf](https://docs.wixstatic.com/ugd/b57e7b_e5856a36deb643f6a4d875c203c136e3.pdf)

The Council's Green Belt Assessment identified eight small scale sub areas (paragraphs 8.3.4 to 8.3.11 of the Green Belt Review Purposes Assessment 2013) in St Albans that make little or no contribution to the purposes of Green Belt, yet these have seemingly been ignored by the Council in preparing the plan. Such sites could have provided the Council with the opportunity to deliver more homes earlier in the plan period and thus complement the longer term delivery that can be achieved at the broad locations. As such exceptional circumstances may well apply as equally to these parcels of land as they do to the broad locations.

These same concerns regarding this Green Belt Assessment were raised by the Inspector examining the Welwyn Hatfield Local Plan. In his interim letter on the Green Belt Review he stated:

*"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."*

Whilst SADC have, unlike Welwyn Hatfield, identified sufficient sites to meet needs the principle behind the necessity to consider smaller sites is still relevant given the Council's difficulties in delivering homes early in the plan period. A more fine grained assessment would have provided the Council with a broader range of options from which to develop a more robust strategy for meeting not only its own needs but, potentially, the needs neighbouring areas.

#### Recommendation

The Council must consider the release of smaller development sites in the Green Belt that would contribute towards:

- Ensuring SADC's backlog of housing needs are addressed earlier in the plan period as required by national policy; and
- SADC delivering against the unmet needs in neighbouring areas.

#### **Policy S4 – Housing strategy and housing requirement/ target**

The plan is unsound as it is inconsistent with national policy

This policy sets out the Council's intention to deliver 913 dwellings per annum (dpa) between 2020 and 2036. Delivery over this period will be based on stepped trajectory which will deliver 565 dpa for the first five year of the plan which will increase to 1,075 dpa for the remainder of the plan period. Whilst we welcome the Council's decision to meet needs there are aspects of this policy we do not consider to be sound:

- The base date used for assessing housing needs is not consistent with the approach set out in Planning Practice Guidance (PPG);
- The stepped trajectory has not been adequately justified as required by PPG;
- The Council will not have a five-year housing land supply on adoption.

#### Base date for the housing requirement

In establishing the housing requirement the Council have used the standard methodology as set out in the NPPF and its associated guidance. However, the approach taken to the application of the standard methodology by SADC is not consistent with the approach established in national policy and guidance as it seeks to use a base date of 2020. Paragraph 2a-006-20180913 sets out that the first year of the plan must be the current year. By setting requirement to start in 2020 the Council are effectively removing two years of assessed housing needs from the point at which needs are set. This will mean the Council will ignore any under delivery during this period. Whilst the plan may not be adopted until 2020 the housing requirement must start from the point at which needs are calculated. We would suggest the Council prepares a plan to meet needs between 2018 and 2036 and allocates additional sites to meet these needs.

#### Stepped trajectory

Paragraph 3-034-20180913 of PPG sets out when it is appropriate to use a stepped trajectory, stating:

*“A stepped requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and/or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period.”*

We accept that in the case of St Albans there is a significant change between what has been delivered in the past and what needs to be delivered. However, it must be remembered that this step would not have been so significant had the Council been quicker and more effective in preparing a sound local plan. The inability of the Council to prepare such a plan has led to the need for such a significant increase due to its failure to meet housing needs. Be that as it may it is important when considering the introduction of the stepped trajectory the second half of paragraph 3-034 which 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.”*

We could find no justification in the local plan or the supporting evidence base for the stepped trajectory and in particular a stepped trajectory that will delay the delivery of much needed housing to much later in the plan period. Based on a flat trajectory of 913 dpa it is possible to examine the effects of the proposed stepped trajectory. On this basis it would mean that the backlog in housing delivery on adoption of this plan not being addressed until 2029/30. This would suggest that the Council have set the step at a level that would cause an unnecessary delay in meeting housing needs. It would also negate the use of the 20% buffer to take account of past poor delivery. Whilst a step might be justified in the case of St Albans it should be set at a level that will allow housing needs to be delivered more quickly and not push them back until later in the plan period. This will require the allocation of additional smaller sites that could come forward earlier in the plan period. This would provide the more balanced approach to delivery envisaged by national policy.

### Housing supply

The Council set out in policy S2 their development strategy for the Borough. This strategy focusses delivery on a number of broad locations where Green Belt boundaries will be amended to allow for the necessary development. Further detail of these broad locations are then set out within policy S6. Whilst we welcome the identification of these areas it is important for the Council to ensure that all these locations can deliver residential development at the rates and scale that is being suggested. Our key concerns with regard to supply are:

- The availability and deliverability of the Park Street Garden Village (Policy S6xi)
- Evidence supporting windfall
- Allowance for 'delivering urban optimisation'
- Allowance for 'unanticipated delay factor'
- No five year land supply on adoption with a plan period from 2018.

### *Park Street Garden Village*

Whilst we would have no objection to the development of a Garden Village at this location we are concerned that the Council do not have the necessary evidence with regard to the availability of this site for its proposed allocation as a Garden Village. At present there does not appear to be a clear decision as to the type of development that will take place on this site and as such whether there is a reasonable prospect of the site being available at the point envisaged within the local plan. The uncertainty over the development of this site must be addressed prior to the submission of the local plan if it is to be considered developable as outlined in S6xi.

### *Windfall*

Appendix 2 sets out the Council's housing trajectory and includes an estimate of windfall delivery across the local plan period of 1,670 homes. Paragraph 70 of the NPPF outlines that whilst windfall can form part of anticipated supply there must be

compelling evidence that it will form a reliable source and any allowance should be realistic. However, we could not find any evidence to support the inclusion of this rate of windfall within the housing supply trajectory.

#### *Delivering urban optimisation*

The Council include an allowance of 80 dwellings each year between 2025/26 and the end of the plan period for “Delivering urban optimisation”. However, we can find no explanation as to why this line has been included in the supply trajectory. It would appear that this is an uplift to take account of sites that come forward as a result of the NPPF which in paragraph 122 and 123 outlines the need for policies and decisions to make the most efficient use of land. However, we would suggest that this would form part of any assumptions with regard to windfall or be considered in the assessment of sites capacities set out in the SHLAA. To include a separate allowance is likely to lead to double counting. As such this allowance should be removed from the any estimates of supply.

#### *Unanticipated delay factor*

The Council have applied a discount to take account of anticipated delays in current planning applications. This discount has then been redistributed across the remaining plan period. Whilst good practice suggests that a discount factor for delayed delivery be considered in the calculations of the Council’s five year land supply we do not consider it appropriate to redistribute this across the remaining plan period. Rather than looking to manufacture supply the Council would be better served by rebasing their plan period from 2018 and including any unimplemented planning permission as part of their expected supply trajectory.

#### *5 year housing land supply*

The Council must be able to show a five year housing land supply on adoption. We are therefore concerned that even with the proposed stepped trajectory and starting the plan period at 2020 the Council will only have a 5.02-year land supply on adoption. This is a marginal position and places the Council of significant risk of the plan being considered out of date on or soon after adoption.

	<b>5% Buffer</b>	<b>20% Buffer</b>
Basic five-year requirement 2020/21 to 2023/24	2825	2825
Backlog 2013/14 to 2017/18	0	0
total five-year requirement 2018/19 - 2022/23	2825	2825
Buffer applied (5%/20%)	2966	3390
Supply 20/21 to 24/25	3401	3401

Surplus/shortfall	435	11
<b>Years supply in first five years</b>	<b>5.73</b>	<b>5.02</b>

However, if the plan period starts from 2018 as is required by national policy the Council would have, even using the Council's proposed stepped trajectory, a 4.57-year housing land supply. The table below outlines this situation for both the 20% and 5% buffer. However, we would agree with the Council's assessment that they will be required to include a 20% buffer as set out in paragraph 73 of the NPPF.

	<b>5% Buffer</b>	<b>20% Buffer</b>
Basic five-year requirement 2020/21 to 2023/24	2,825	2,825
Backlog 2018/19 to 2019/20	276	276
total five-year requirement 2018/19 - 2022/23	3,101	3,101
Buffer applied (5%/20%)	3,256	3,721
Supply 20/21 to 24/25	3,401	3,401
Surplus/shortfall	145	-320
<b>Years supply in first five years</b>	<b>5.22</b>	<b>4.57</b>

As with our comments on the stepped trajectory the evidence indicates a plan that does not look to allocate sufficient sites in the first five years of the plan and is overly reliant on delivery later on in the plan period. Rather than seek to manipulate the plan period and trajectory the Council should have looked to plan more effectively to meet its housing needs earlier in the plan period.

#### Recommendations on land supply

To ensure the plan is sound SADC must:

- Provide clear confirmation regarding the availability of the site allocated in policy S6xi for housing development;
- Provide evidence supporting the proposed windfall allowance;
- Remove the allowance for urban optimisation;
- Remove the redistribution of the unanticipated delay factor across the plan period; and
- Allocate further sites to ensure the Council has a five year land supply on adoption of the local plan with a base year of 2018.

## **Policy S6 – Broad locations for development**

### Requirement for master planning in broad locations to be led by the Council is not effective

Whilst the HBF does not comment on the specific merits, or otherwise, of allocations in Local Plans we are concerned that all the allocations in policy S6 will require any master planned development to be led by the Council. Given the difficulties St Albans have had in preparing a local plan we are concerned that there could be significant delays to the delivery of development in the broad locations if all master planning in these locations is required to be led by the Council. Whilst we recognise that the Council will need to be closely involved in this process we would suggest that an amendment be made to the policy for each broad location amending the phrase “*master planned development led by the Council...*” to read “*master planned development led by the Developer in collaboration with the Council*”. We consider developer led master planning to provide the most effective approach to delivery of large-scale development within suitable timeframes.

## **Policy L1 – Housing Size, Type, Mix and Density**

### Policy is unsound as it is not effective

The policy provides no indication to applicants as to what mix would be considered to be appropriate. Whilst we welcome flexibility in the application of policy the Council must provide an indication as to the mix it is seeking to achieve or even how the mix will be assessed. Such an approach will lead to uncertainty and delays as both applicants and decision makers seek to interpret this policy. The Council must provide a clear indication within this policy as to the general mix of property size based on number of bedrooms it is seeking to deliver within the Borough. This general mix can then inform, but should not dictate, the type of development that is delivered.

### Recommendation

Policy L1 be amended to provide an indicative housing mix for development

## **Policy L3 – Provision of and financial contributions towards Affordable Housing**

### The policy is unsound as it unjustified and inconsistent with national policy

In general, we consider this policy to be clumsily worded and lacks the precision and clarity to ensure consistent decision making. Paragraph 16 of the NPPF states that policies should be “*clearly written and unambiguous*” which is not the case regarding this policy. We would suggest that it be rewritten to provide the necessary clarity required by the NPPF. Aside from this general point we have more specific concerns regarding the soundness of this policy that will need to be addressed prior to submission.



## *Viability*

Paragraph 34 of the NPPF establishes that the policies and infrastructure requirements in a plan should not undermine the deliverability of plan. Paragraph 57 of the NPPF provides further guidance on this issue and outlines the significant emphasis on the testing of viability at the local plan to ensure that there will be less need for negotiation on an application by application basis. The assumption in this paragraph is that developments that complies with policies in the local plan are viable. This position is conformed by PPG which states at paragraph 10-002-20180724:

*“Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without need for further viability assessment at the decision-making stage.”*

It is therefore surprising that the Council have set a policy for affordable housing without publishing the evidence to support its position. PPG sets out in paragraph 10-001-20180724 that policy requirements should be informed by “... a *proportionate assessment of viability*”. With no evidence provided the only conclusion that can be made is that the decision to require a 40% contribution was made without recourse to this key piece of evidence. Given that the Council should have involved a range of partners in the development of the viability study we have significant concerns about the soundness of the plan and whether viability has genuinely been considered during the preparation of this plan. This must be addressed prior to submission of the local plan.

## *Land values*

Some degree of flexibility is provided for within the policy, but we are concerned that the Council’s consideration of land values is not consistent with PPG. The Government have been clear that consideration will need to be given to the amount at which a willing landowner will release a site for development. There needs to be an incentive for the land owner to sell and this needs to be recognised within any viability assessments. If the Council sets land values within its viability assessment without the inclusion of a reasonable premium it will lead to a local plan that is likely to make development unviable as well as reduce the amount of land coming forward for development. PPG states that the establishment of land values should be undertaken with developers and land owners and without a published viability assessment we are concerned that the Council has not complied with this key part of the process.

## *Threshold for contributions*

The council are proposing to collect financial contributions for affordable housing on sites of 9 homes or less. This is not consistent with paragraph 63 of the NPPF and no

evidence has been provided as to why the Council considers it necessary to depart from national policy. As such this element of policy L3 should be deleted.

#### *Default mechanism for non-provision*

This mechanism is wholly inappropriate. Where provision for affordable housing is agreed through planning permission and the appropriate legal agreements this is sufficient to ensure that the homes are delivered. The proposed mechanism does not recognise that there may be circumstances where it is not possible to secure the necessary arrangements for the delivery of affordable housing before development commences. As such this provision could delay the commencement of development for no good reason. There are sufficient mechanism to ensure developments are built as per an application and as such this policy cannot be considered sound.

#### Recommendation

In order for this policy to be sound the Council must:

- Produce a viability assessment that has been prepared in accordance with the latest policy and guidance;
- Remove the requirement for developments of under 10 units are required to make contribution to affordable housing provision;
- Remove the default mechanism for non-provision.

### **L23 – Urban design and layout of New Development**

Part ix of L23 will require 10% of all new development to be built to the optional technical standard part M4(2). However, paragraph 56-007-20150327 of PPG expects Councils to provide evidence on need and viability to justify the introduction of these standards. We could find no evidence presented by the Council setting out their case for the inclusion of the optional standards on accessibility. Without this justification policy cannot be considered sound.

#### Recommendation

The policy should be deleted.

### **L24 – Development amenity standards**

#### Policy is unsound as it is not effective

The Council outline in policy L1 that it will seek to support higher density development and with this in mind it has seemingly included an uplift in its housing supply for 'delivering urban optimisation'. However, this aim is not supported by its policies in L24 could prevent the Council from achieving higher densities. Policies in part a) with regard to separation, distances from boundaries and amenity space in residential development will all compromise the Council's ability to deliver increased densities.

We would suggest that such standards are not set out as requirements recognising that in order to achieve higher densities developments may well not be able to deliver against these requirements.

### Recommendation

The Council should remove or reduce requirements on separation, minimum distances to rear boundaries and amenity space for residential development in order to support higher density development where appropriate

### **Conclusion**

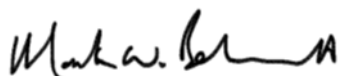
At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 182 of the NPPF, in the following key areas:

- No statements of common ground with neighbouring areas have been published as evidence of effective co-operation;
- Base date of housing requirement not consistent with approach set out in national policy;
- Insufficient justification to support the use of the stepped trajectory;
- No five-year land supply likely on adoption;
- Clarification required with regard to the deliverability of the land supply as set out in appendix 2; and
- No viability assessment has been published. Without this evidence the Council cannot justify the deliverability of the plan and its policies.

Given the difficulties St Alban's has had in preparing a local plan and ensuring sufficient development can come forward it is vital that the Council addresses these points. We would welcome the opportunity to discuss these issues and how we consider they can be rectified prior to submission. We support a plan led system as the best way of bringing land forward for development and want to see a sound plan for St Albans adopted as soon as possible.

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. I would also like to express my interest in attending any relevant hearing sessions at the Examination in Public.

Yours faithfully



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