

Matter 1 – Legal Compliance

- 1.1 This Hearing Statement has been prepared by Urbanissta Ltd on behalf of Lands Improvement Holdings ('LIH') and Lawes Agricultural Trust ('LAT') in relation to Land at North East Redbourn ('Site'). It supplements, updates and in some instances relies upon material prepared and submitted at Regulation 18 and 19 stages ('LIH/LAT Submissions')¹ of the Local Plan.
- 1.2 Assistance has also been provided by Town Legal in preparing these representations and in preparing Appendix 1².
- 1.3 LIH is a strategic development company that acquires land and is the promoter partner of the Site owners, LAT. The Site has been deemed surplus to LAT's operational requirements and is available to provide longer term funding to support LAT. Together LIH and LAT seek to secure the release of the Site from the Green Belt for a residential led development scheme. The Site is an omission site.

Issue 1 – Duty to Cooperate

- 1.4 With regards to Issue 1, we address questions: MIQ1, MIQ2, MIQ4, MIQ5, MIQ6, MIQ9.

MIQ1 How has the Council engaged constructively, actively and on an ongoing basis to maximise the effectiveness of the Plan in relation to potential unmet housing needs? Where is this evidenced?

- 1.5 St Albans City and District Council ('StADC') has not engaged constructively throughout the Regulation 18 and 19 stages of the Local Plan's preparation. With respect to the Site, officers were not prepared to meet with LIH and their Team until after the Regulation 18 Local Plan was publicised.
- 1.6 This lack of constructive engagement is most evident by the example of Full Council voting on the 16th October 2024 - during the consultation period on the Regulation 19 Plan - to approve the Local Plan for Submission. The Local Plan consultation concluded on the 8th November 2024, some 3 weeks after the Full Council decision. This plainly represents token engagement and pre-determination of the outcome of the Regulation 19 consultation process. A brief and cursory Report was then presented to members on the 28th November 2024 summarising representations to the Regulation 19 consultation.
- 1.7 Adopting its 'ploughing on regardless' approach, StADC has also not provided sufficient evidence to demonstrate that unmet housing needs have been fully assessed either within the Housing Market Area (or otherwise). StADC's Statements of Common Ground (SOCGs) do not demonstrate a constructive or active engagement with other authorities in any meaningful way, for example, there is no regard to how the Joint Strategic Plan area will look to deal with the implications of the revised NPPF for the JSP area, not least given that if found sound and adopted the Local Plan would need immediate review applying paragraph 236 of the NPPF to address the shortfall in housing need.
- 1.8 Very scant details on timescales, activities, and ongoing collaboration have been provided in the form of meeting minutes, memorandums of understanding etc. The lack of clear and robust SOCG's at the time of submission of the Local Plan is of concern, again with matters seemingly being retrospectively agreed after the Submission of the Local Plan.

MIQ2 What evidence can the Council point to which documents how and when it has engaged on cross-boundary issues, such as potential unmet housing needs, and what progress was made in cooperating to address these matters?

- 1.9 Limited evidence has been provided on the Hemel Garden Community (HGC) and the cross-boundary considerations which will inevitably affect the manner and timescales in which HGC will be delivered. No 'risk assessments' of the potential for delay on the Local Plan's anticipated delivery

¹ LIH/LAT Submissions:

- Regulation 19 - St Albans Technical Submission - Final Draft - 7th November 2024 and associated material listed in paragraph 2.1 & 2.4 p8;
- Regulation 18 - St Albans Technical Submission - Final Submission - 25th Sept 23 and Identified Sites Deliverability Assessment (September 2023) and associated material listed paragraph 1.6 p8.
- Appendix 3 - Green Belt Appraisal & Landscape Analysis 07 November 2024

² Town Legal Letter to StADC 18th June 2024

have been identified or seemingly considered, in supporting evidence such as the Sustainability Appraisal ('SA') or Infrastructure Delivery Plan ('IDP').

- 1.10 The housing trajectory is flawed and blinkered in the manner and level of delivery anticipated which bears no relationship to the way unmet needs will be addressed.

- 1.11 As the LIH/LAT Submissions (at both Reg.18 and Reg.19 stage) have shown, StADC's haste to progress with their Local Plan has led to clear failings in the level of assessment undertaken to substantiate the evidence base underpinning the spatial strategy. The contradictory, inconsistent presentation of numerical aspirations in the SA and IDP as well as errors in interpretation of constraints such as the Stage 2 Green Belt Review demonstrate this. The issues with National Highways and their Regulation 19 representations/SOCG process (MIQ7) also highlights the lack of coordination of assessment.

MIQ4 Has work on the South West Hertfordshire Joint Strategic Plan identified any issues which are pertinent to the examination of the St Albans Local Plan? If so, is this consistent with paragraph 35 of the Framework, which states that in order to be effective, Plans should be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred?

- 1.12 As with many difficult decisions, StADC's position has been 'deferred' as evidenced by their position on the NPPF (2024).

MIQ5 How much employment land does the Plan provide for and how does this compare to the identified needs?

- 1.13 The overreliance in the Plan on HGC appears to come at the expense of other local employers such as the Rothamsted Campus ('RC'). LIH/LAT Submissions have set out how the RC vision and masterplan can be achieved through the development of the Site. The national research, jobs and educational benefits that would result from a spatial strategy which puts local employment generators at the heart of the Plan is key. Limited discussion has been had with LAT/Rothamsted in relation to their growth aspirations and their need to sustain their business. If the StADC had fully ascertained employment needs and progressed a spatial strategy to meet such needs, the allocation of the Site in the Plan would have been evident. StADC's insular approach has been disappointing.

- 1.14 For example, if the entire RC was completed in line with the entire masterplan over 500 additional jobs would be created in addition to the 700 already employed on site. How might the Plan address the increased pressure that will result from Luton airport expansion³? It does not appear that such a (potential) eventuality was tested by the SA or IDP.

MIQ6 How has the Council engaged constructively, actively and on an ongoing basis to maximise the effectiveness of the Plan in relation to employment land requirements? Where is this evidenced?

- 1.15 The LIH/LAT Submissions show that there are increased employment opportunities at RC which through pursuing a different spatial strategy could have been supported. The Local Plan's lack of focus to support existing employment sites is stifling growth. The Local Plan's approach and planning policy does not support RC, a key local employer's aspirations.

MIQ9 Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to the advice contained in the Framework and the PPG?

- 1.16 For the reasons set out in the LIH/LAT Submissions and Town Legal letter (Appendix 1), the Council have not complied with the duty to cooperate. The Local Plan has been rushed through to avoid locally 'unpalatable' national policy on the levels of housing to be delivered to meet local housing need under the standard method. This preoccupation with beating the NPPF (2024) and unseemingly haste in rushing ahead with the Local Plan, has led to the Local Plan being prepared in a blinkered and inward-looking way which fails to meet unmet housing needs, and which predetermines meaningful consultation on the Local Plan.

Issue 2 – Public Consultation

- 1.17 With regards to Issue 2, we address questions: MIQ1, MIQ2.

³ Development Consent Order 3rd April 2025. <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020001/TR020001-003766-FINAL%20CLEARED%20VERSION%20OF%20DL%20-%20V.4%20PINS.pdf>

MIQ1 Has public consultation been carried out in accordance with the Council's Statement of Community Involvement, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations?

- 1.18 The short answer to MIQ1 is no. The Council have been overt in declaring that their haste to progress the Regulation 19 Plan to submission to avoid dealing with the implications of the NPPF (2024) and its associated standard method. This increases the Council's requirement to 1,644 dwellings per annum (as compared to the 885 dwellings currently proposed within the Local Plan in line with the NPPF (2023)).
- 1.19 Statements to such effect were made in a StADC press release⁴ (29th August 2024) and at Planning Policy & Climate Committee (PPCC) meetings on the 12th and 23rd September 2024. Officers and key members expressly stated their intention in progress the Local Plan and expedite submission, the implications of which were states as being a reduced the level and nature of SOCGs; fewer topic papers; and less time would be spent on reviewing Regulation 19 representations.
- 1.20 These fundamental 'compromises' in our opinion strike at the heart of the soundness of the Plan and undermine the intentions of the Council's SOCG. This is not in line with either the letter or the spirit of the relevant provisions of the NPPF and PPG.
- 1.21 As detailed for Issue 1 (MIQ1), we do not see how StADC can vote at a Full Council meeting, to submit a Local Plan that is still the subject of public consultation, this cannot be meaningful consultation and is directly contrary to the Gunning Principles for lawful public consultation exercise. StADC's SCI seeks to ensure effective engagement, this cannot have taken place in the above scenario.

MIQ2 How has the Council taken into account representations made in response to public consultation?

- 1.22 LIH/LAT Submissions show that, at best, parties' representations have been paid 'lip' service' in the way they have been considered at both Regulation 18 and 19 stages of the Local Plan's preparation. No effective assessment or detailed review of the comments made has been demonstrated – indeed members even highlighted such concerns at committee's 12th/23rd September 2024 as the LIH/LAT Submissions⁵ detail. In addition, the implications of the representations on the Plan, its spatial strategy, SA and/or IDP have not been fully assessed, and very limited information has been provided by officers or considered by PPCC or Full Council's meetings.
- 1.23 In prematurely determining to submit the Local Plan on the 16th October it is evident that members could not have been advised of the implications of representations as the consultation process in the Regulation 19 Plan had not even concluded.
- 1.24 Additionally, we have even made the Programme Officer aware of the many instances where StADC has not attributed our representations to the aspects of the Local Plan to which our representations related. This suggests a lack of due consideration, robust analysis and assessment of representations. Short cutting a lawful public consultation exercises was a risk in the words of officers at PPCC on the 12th September (and reiterated on the 23rd September 2024) 'well worth taking'.
- 1.25 The overriding objective of the Council, in seeking to game the consultation requirements of the Local Plan process, has been to avoid the implications of the NPPF (2024) and to progress their Local Plan regardless, and irrespective of representations received from members, and third parties.

Issue 3 – Sustainability Appraisal (SA)

- 1.26 With regards to Issue 3, we address questions: MIQ1, MIQ2, MIQ3, MIQ4, MIQ5, MIQ6.

MIQ1 The SA tests a range of housing growth options in Table A, from 300 dwellings per annum to 1,200 dwellings per annum. What are the figures based on and do they represent an appropriate range of reasonable alternatives to the submitted Plan? How does the SA consider the potential for wider unmet housing needs?

- 1.27 LIH/LAT Submissions show that StADC has not tested a variety of spatial options to determine the most appropriate spatial land use decisions to make and have in effect sought to retrofit their assessment processes to a preconceived and predetermined outcome.

⁴ <https://www.stalbans.gov.uk/news/council-speeds-its-local-plan-process>

⁵ Paragraphs 2.46-2.91 LIH/LAT Regulation 19 LIH/LAT Submissions St Albans Technical Submission - Final Draft - 7th November 2024

- 1.28 The SA does not, for example:
- Examine alternative growth options for settlements such as the Site and/or assess their potential sustainability credentials.
 - Consistently apply constraints – such as proximity or relationship to stations, schools etc
 - Review opportunities to enhance the viability of existing settlements through additional growth.
 - Assess fully the employment benefits arising from alternative growth options which might represent sustainable development.
 - Explore how infrastructure deficits might be addressed through alternative growth options.
 - Accurately assess the implications of many allocations delivering at a rate and sense check the land use assumptions in the Plan accordingly.
- MIQ2 Do any of the spatial options test a scale of housing growth that would enable affordable housing needs to be met in full? If not, what are the reasons why?
- 1.29 LIH/LAT Submissions indicate that affordable need is circa 800 dwellings per annum⁶. No evidence of this has been provided as to the SA testing a spatial strategy that seeks to address affordable housing needs, either substantively or in full. Indeed, the Council's decision to seek to circumvent the NPPF (2024) standard method highlights the lack of regard to effectively seeking to redress the housing needs of the authority's area.
- 1.30 The Local Housing Needs Assessment Report (LHNR)⁵ shows that:
- House prices exceed earnings by some 15 times.
 - Home ownership rates are declining.
 - Significant overcrowding.
 - Very substantial needs for affordable housing.
 - *"adverse consequences on affordable housing delivery from reducing overall need below the standard method"*
- 1.31 If StADC were serious about addressing the significant affordability and unmet housing need it would not be seeking to pursue the current Local Plan 'regardless'.
- MIQ3 How does the SA consider different spatial options for housing and employment growth over the plan period and test reasonable alternative strategies?
- 1.32 The SA does not fully examine differing spatial arrangements for accommodating growth as summarised above and in the LIH/LAT Submissions.
- 1.33 The constraints associated with the sites that are, for example, allocated in Redbourn, have not been assessed against the sustainability credentials of the Site (for example delivering surplus SANG or a primary school) and as LIH/LAT Submissions indicated, it is unclear whether the deliverability of the Site compared to other possible growth options for the settlement, have been accurately – or comprehensively assessed.
- MIQ4 What is the justification for treating the Hemel Garden Communities ('HGC') "as a constant" in paragraph 5.4.23 of the SA? What alternatives to the HGC have been considered as part of the plan-making process?
- 1.34 The short answer to MIQ4 is that there is no justification provided to treat HGC as a constant. However, in addition to HGC being treated "as a constant" many other allocations have also been similarly treated. This applies to previously allocated 'broad location' sites regardless of the recommendations within the Green Belt Review. For Redbourn no other spatial options were tested than those identified in the Local Plan. No higher levels of housing have been tested, and assessments made of the interrelationship between different levels of growth and/or the disposition of site allocations might assist with overcome or address local infrastructure requirements. The LIH/LAT Submissions highlight many flaws in the Council's approach in this regard.
- 1.35 There has been no examination of reasonable alternatives to HGC being delivered or being delivered at a slower rate than anticipated, which given the scale and nature of HGC, with significant cross boundary administrative considerations, should be an essential and fundamental aspect of testing the robustness of the SA and spatial strategy.

⁶ Table 1.2 of the Local Housing Needs Assessment Report (2024)

⁷ Paragraph 6.75 bullet point 10 South West Hertfordshire - Local Housing Needs Assessment Report

- 1.36 Moreover, insufficient regard appears to have been had to the previous Local Plan Inspector's assessments of the benefits and opportunities presented by certain alternative spatial arrangements or allocations in previous iterations of the withdrawn Local Plans.

MIQ5 How does the SA take into account deliverability, especially around larger, strategic sites when assessing the submitted Plan against reasonable alternatives?

- 1.37 The LIH/LAT Submissions show that this has not been fully considered and that very limited regard has been taken in the SA (or IDP) to alternative strategic growth assumptions and assessing their impact or implications for the Local Plan's preferred spatial strategy.
- 1.38 The Housing Trajectory assumptions are not thoroughly tested as part of the SA assumptions either for HGC or other larger strategic site – or indeed the assumptions on smaller site delivery as the LIH/LAT Submissions show. Indeed, the substantial changes made to the Trajectory (for Regulation 18 to 19) do not appear to have been examined in the SA.
- 1.39 Rather it would seem that the SA (and IDP) have been prepared to substantiate an already determined spatial distribution. As we detail above, the deliverability of a scheme of the scale, nature and cross boundary considerations that apply to HGC have not been rigorously explored or any tangible reasonable alternatives considered should delivery be delayed beyond current assumptions. It is the role of an SA, among other things, to test the spatial implications of a range of scenario's including, sites being delayed in delivering as anticipated, especially when they are of the scale, nature and complexity of the HGC site.
- 1.40 Furthermore, the role of small sites in the SA has been underplayed and does not fully address the multiple constraints that affect the potential deliverability of these elements such as infrastructure demands, multiple landownerships, policy constraints, ransom strips etc.

MIQ6 How were reasonable alternative site options defined and considered as part of the SA process? Does the SA adequately test a suitable range of reasonable alternatives to the sites allocated in the Plan, including for housing and employment sites?

- 1.41 The LAT/LIH Submissions have shown alternative site options have not been considered or tested robustly. The implications for spatial decision making around certain housing and employment allocations have not been effectively or consistently examined.
- 1.42 For example, the SA has made unsubstantiated assertions relating to the Site stating "*it seems likely that landscape is a constraint*" without having any evidential basis to substantiate such a claim, and, that sites progressed in the SA are identified as "*challenging*"⁸ and those omitted are "*with merit*"³....such conclusions seem contradictory at best, but demonstrate the inconsistency of approach to alternative site testing.

Issue 5 – Strategic Flood Risk Assessment

- 1.43 With regards to Issue 5, we address question: MIQ1.

MIQ1 Where sites were identified in areas at risk of flooding as part of the sequential test, what was the reason for taking them forward to be assessed against the exceptions test? Are there reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding?

- 1.44 It is unclear why sites with flooding constraints were included in the Plan when sequentially preferable sites – such as the Site, were not included when they do not have any flooding issues. The inconsistent way that constraints have been applied to allocated and non-allocated sites is evident as set out in the LIH/LAT Submissions.

Issue 7 – Habitats Regulations Assessment

- 1.45 With regards to Issue 7, we address question: MIQ3.

M1Q3 How will the provision of mitigation affect the deliverability and viability of sites, especially strategic-scale allocations in the Plan?

- 1.46 The LIH/LAT Submissions have demonstrated that insufficient regard has been paid to the infrastructure requirements of the proposed site allocations. In addition, opportunities have not been assessed fully in the Plan's approach to land use allocations, not least in respect of the SANG which is proposed at the Site. The SANG not only addresses the needs of the Site (unlike other

⁸ Paragraph 5.4.106 of LPCD 03.01 - St Albans Local Plan Sustainability Appraisal Report (2024)

proposed allocations within Redbourn) but also provides wider community SANG benefits beyond the site requirements.

1.47 This does not seem to have been considered in the Local Plan's spatial rationale.

Issue 8 – Other Legal Requirements

1.48 We make no further comments on this issue albeit agree with the Inspector's comments at MIQ1.

(@ 2,800 words excluding MI questions)