

## **Matter 2 – Housing Growth and Spatial Strategy**

- 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')<sup>1</sup> of the Local Plan.
- 1.2 Assistance has also been provided by Town Legal in preparing these representations and in preparing Appendix 1<sup>2</sup>.
- 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 – Local Housing Need**

- 1.4 With regards to Issue 1, we address the following question: MIQ1, MIQ2, MIQ3.

### **MIQ1 - What is the plan period for the submitted St Albans Local Plan? Is this sufficiently clear to users of the Plan?**

- 1.5 The short answer to MIQ1 is that we agree with the Inspectors' comments that the plan period is insufficiently clear. The LIH/LAT Submissions show that StADC's position on land supply has changed significantly from Regulation 18 to 19 stage and even in its Regulation 19 submission version, the position is unclear, inconsistent and confusing.
- 1.6 The Regulation 19 Plan states that it is based upon a period defined as 1 October 2024 to 31 March 2041 based upon a 16.5-year period but assumes 15 years from adoption in March 2026.<sup>3</sup>

### **MIQ2 - What is the minimum number of new homes needed over the whole plan period as calculated using the standard method? Are the calculations accurate and do they reflect the methodology and advice in the PPG?**

- 1.7 The LIH/LAT Submissions show that the housing land supply calculations have not been presented accurately and vary across Part A and Part B of the Local Plan and its associated evidence base.
- 1.8 Part A and Part B have numerous mathematical errors with different figures even for allocated sites across the two Parts. The SA and IDP have different housing requirements within them. The housing supply identified is insufficient and fails to meet the standard method required by the NPPF (2023). It fails to have regard to serious flaws in the delivery assumptions of HGC, broad locations, medium and small site as well as exaggerates likely capacity of urban capacity sites.
- 1.9 No evidence is forthcoming to show how the Local Plan in its land use decisions anticipate "from on the day after adoption"<sup>4</sup> planning for 1,660 dwellings.
- 1.10 In the first 5 years of the Local Plan only about 54% of the required annual supply (485 to 885 dwellings (2023 standard method) and 29% of the (485 to 1,660 dwellings 2024 standard method) are proposed to be delivered. This cannot be a proper basis upon which to meet housing need (and unmet need). The Stepped Trajectory (in Policy SP3) suggested runs counter to Paragraph 12 of the PPG by unnecessarily delaying meeting clearly identified development needs.
- 1.11 StADC have been clear that their position is to rush the Plan's preparation to 'avoid' the new NPPF (2024) standard method requirement<sup>4</sup> which has led to errors and poor decision making.

<sup>1</sup> 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

<sup>2</sup> Town Legal Letter to StADC 18th June 2024

<sup>3</sup> SADC Housing Land Supply Windfall & Capacity Evidence Paper - Sep 2024 V5 and para 1.5 of Regulation 19 Plan.

<sup>4</sup> Policy Officer PPC Committee 12th and 23rd September 2024

- 1.12 StADC have been overt in declaring that their haste to progress the Regulation 19 Plan to submission is to avoid dealing with the implications of the new NPPF and associated standard method. Statements to such effect were made in a StADC press release<sup>5</sup> (29<sup>th</sup> August 2024) and at Planning Policy & Climate Committee (PPCC) meetings on the 12<sup>th</sup> and 23<sup>rd</sup> September 2024<sup>6</sup>.
- 1.13 The standard method (2023) for 16.5 years at 885 dwellings per annum is 14,603 dwellings. Based upon the Trajectory<sup>7</sup> allocations are made for some 10,653 dwellings. Although Part B Table A1.1 and the Table 3.2 Part A or Housing Evidence Paper/Appendix A Trajectory are contradictory and inconsistent in nature.
- 1.14 StADC's approach clearly has not been progressed within the spirit of the relevant PPG provisions and, at best, has been rushed resulting in errors, inconsistencies and confusion.

Q3 Do any of these circumstances apply to St Albans?

- 1.15 StADC has not been able to prepare a sound Local Plan since the current Plan was adopted in 1994, the level of unmet housing need has been actively acknowledged in an area of significant housing pressures and costs.
- 1.16 StADC have acknowledged that if found sound and adopted in the format sought by the Council, it will need to 'immediately' start to review the Plan to have regard to the requirements of the NPPF (2024) and the substantive increase in housing requirement for the district applying paragraph 236 of the NPPF (2024).
- 1.17 Surely, therefore, a more sensible and prudent approach would be to ensure a suitable transition from the current Local Plan to the next, informed by a spatial strategy and housing requirements that more ably assists such a notable transition. Based upon the stepped trajectory (and suggested revised Policy SP3), the transition would in effect not be from 485 dwellings to 1,225 but should be to 1,660 as this would be the anticipated requirement of the new NPPF - and a new Local Plan.
- 1.18 Overall, the Local Plan should be reviewed to look towards existing and future housing needs in a more pragmatic (and less protectionist) manner. In ameliorating such fundamental flaws, of particular significance too, is Matthew Pennycook MP's letter to the CEO of the Planning Inspectorate (PINS)<sup>8</sup> on the 31<sup>st</sup> July 2024 in relation to the time needed during examinations to 'fix' soundness issues in Local Plans.

**Issue 2 – The Housing Requirement**

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

Q1 What is the justification for a) the level of housing proposed in the first 5 years post adoption, and b) the significant uplift from 485 to 1,255 dwellings per annum thereafter? Are the figures justified?

- 1.20 The LIH/LAT Submissions show that in moving from the Regulation 18 to 19 versions of the Local Plan, the Stepped Trajectory was reduced by 42% (from 710 to 485 dwellings per annum) for years 1 – 5 following the Local Plan's adoption. Why the Local Plan strategy has been revised to be based solely on a roll forward in effect, of existing completion rates for the first 5 years, is unclear and unjustified.
- 1.21 The significant step change anticipated from year 5 to 6, increasing from 485 dwellings to 1,255 per annum dwellings is also unclear and unjustified in the Local Plan/Trajectory. In addition, as noted above, this also has no regard to the Council's stated intention '*to immediately commence a review on day one following the Plan's adoption*' (as required by paragraph 236 of the NPPF (2024)) when the housing requirement would then need to be circa 1,660 dwellings per annum<sup>9</sup>.
- 1.22 Moreover, no clear evidence is provided to substantiate the suggested threefold increase in supply for year 5 and year 6.

<sup>5</sup> <https://www.stalbans.gov.uk/news/council-speeds-its-local-plan-process>

<sup>6</sup> Paragraphs 2.46-2.91 LIH/LAT Regulation 19 LIH/LAT Submissions St Albans Technical Submission - Final Draft - 7th November 2024

<sup>7</sup> Table 3.2 of the Regulation 19 Plan

<sup>8</sup> <https://assets.publishing.service.gov.uk/media/66aa157b0808eaf43b50dad5/minister-pennycook-to-chief-executive-of-planning-inspectorate.pdf>

<sup>9</sup> NPPF 2024 standard method for StADC

- 1.23 Paragraph 12 of the PPG states clearly that a stepped trajectory should not be a means to “*delay meeting identified development needs*”. The approach taken in the Local Plan is plainly seeking to achieve precisely that objective.
- 1.24 On the basis set out, it is unclear how StADC is seeking to limit its 5-year land supply as far as possible from the point of adoption. 885 dwellings over 5 years would require 4,425 dwellings to be capable of delivery, based upon a stepped trajectory of some 485 dwellings this would represent just 2,425 dwellings, just 54% of the 5-year requirement or, 8,300 dwellings (29%) if assessed against the NPPF (2024).
- 1.25 For the next 6-7 years, the current level of housing provided is in effect to defer housing delivery as far as possible. This does little to address meeting unmet needs; mitigate affordability issues; and/or enable a transition to an ‘immediate review’ new Local Plan process following adoption of this Plan as the Council indicated they intend to undertake and are required to do pursuant to paragraph 236 of the NPPF (2024). This is not what is intended by the PPG and does not represent sustainable development.

MIQ2 In response to the Inspectors’ Initial Questions, the Council suggests that Policy SP3 should be modified to include a stepped requirement. Is this necessary for soundness, and if so, what should the housing requirement be?

- 1.26 Whilst we have no objection to the basis of the stepped trajectory in principle at Policy SP3, our concerns relate to the basis for the thresholds set and the expectations (and review mechanisms) that would result if performance does not keep pace with proposed expectations as detailed in the LIH/LAT Submissions.
- 1.27 As currently proposed, StADC appear to be limiting their 5-year land supply on adoption of the Plan to the lowest possible denominator.

### **Issue 3 – Settlement Hierarchy**

- 1.28 With regards to Issue 3, we address questions: MIQ1 and MIQ2.

MIQ1 What is the justification for this approach given the period of time which has elapsed? Does the assessment adequately reflect the form, role and function of existing settlements in the area?

- 1.29 The LIH/LAT Submissions have shown that there is inconsistency in the way the settlement hierarchy between Tier 3 and 4 has been developed and set out in Table 1.3, Figure 1.2, and Policy SP 1 of Part A of the Plan and Table 6.1 Centre Hierarchy, where Redbourn and London Colney are similarly classified.

MIQ2 Are the scores used in the settlement hierarchy assessment accurate and robust?

- 1.30 LIH/LAT Submissions have shown an inconsistent application of transportation assessments across omission and draft site allocations which needs to be addressed and the Local Plan and associated allocations in Part A and Part B of the draft Plan amended.

### **Issue 4 – Distribution of Housing Growth**

- 1.31 With regards to Issue 4, we address questions: MIQ1, MIQ2, MIQ4, MIQ5.

MIQ1 How does the distribution of housing growth compare with the settlement hierarchy over the plan period, taking into account completions, commitments and sites identified in the Local Plan? Does the spatial strategy reflect the size, role and function of settlements in Policy SP1?

- 1.32 Redbourn and London Colney are in the settlement hierarchy at Table 6.1 Centre Hierarchy (Part A Local Plan), which is inconsistent with the hierarchy set out in Table 1.3 of Part A of the Plan.

MIQ2 What is the justification for referring to sites over 250 dwellings as ‘broad locations’ when they are identified in Part B of the Plan? Is this approach sufficiently clear to users of the Plan and is it effective?

- 1.33 LIH/LAT Submissions show that the term ‘broad locations’ is misleading as the identified sites are draft allocations. The Plan has inconsistencies between the identified capacity of Sites within Part A and Part B of the Plan. This makes interpreting the Local Plan, confusing and undermines confidence in the robustness of the outputs.

- MIQ4 Has the Council identified land to accommodate at least 10% of their housing requirement on sites no larger than 1 hectare, as required by paragraph 70 of the Framework?
- 1.34 The LIH/LAT Submissions show that the deliverability of StADC's position on small sites is highly questionable. The availability and/or deliverability of the identified sites is far from clear and/or informed by a robust assessment of capacity and deliverability – or suitability for housing.

- MIQ5 How did the classification of land as Green Belt and the availability of land within the urban area determine the spatial strategy and distribution of housing growth?
- 1.35 The LIH/LAT Submissions show that the infrastructure needs and/or requirements of sites in urban areas have been overlooked and have not been tested adequately in the SA or associated IDP. Limited regard has been shown as to the way infrastructure requirements will be overcome and how this has influenced the Local Plan's spatial strategy.
- 1.36 Limited regard has also been had to the sustainability of the Site and its potential, being well-located to a key settlement ('grey belt' sites as defined by NPPF 2024) forming part of the Plan's spatial strategy. The benefits of the allocation of certain sites over others has not been consistently or robustly tested and generally in many instances, sustainability benefits have been ignored.
- 1.37 In addition, the LIH /LAT Submissions show the weakness of StADC's Stage 2 Green Belt Review in defining the A5183 bypass as a non-permanent boundary for the purposes of the green belt assessment.
- 1.38 Many of the urban sites are significantly constrained - either in whole or part and are not necessarily as deliverable as potential green belt opportunities.

#### **Issue 5 – Site Selection Methodology**

- 1.39 With regards to Issue 5, we address questions MIQ1, MIQ2, MIQ3, MIQ5, MIQ6, MIQ8.

- MIQ1 What were the reasons for discounting sites at the initial assessment stage? Was this done on a consistent and transparent basis?
- 1.40 LIH/LAT Submissions show that the process has not been transparent or consistent. The application of constraints in selecting and discounting sites has been inconsistent and has lacked transparency and rigour. Representations made to the Local Plan at both Regulation 18 and 19 have not been addressed properly and as demonstrated by the range of anomalies highlighted. We suspect that this is most likely as a consequence of the unseemly haste at which StADC has sought to submit the Local Plan for the reasons we have clearly set out. The extent of local support for sites has also not been taken into account – such as for the Site.

- MIQ2 Were all sites beyond the 'buffers' discounted at this stage? Is this a justified and effective approach to site selection?
- 1.41 StADC's approach to buffers has been poorly and inconsistently applied. LIH/LAT Submissions show that whilst in the buffer, the Site was discounted despite it being a sustainable location, on a site that would (when assessed under NPPF 2024) be considered grey belt.
- 1.42 The way land use decisions have been taken has been inconsistent with some sites with similar characteristics being included - or excluded - as site allocations in the Plan without clear differentiation in approach or 'scoring'.

- MIQ3 What was the justification for using distances when determining accessibility? How were other factors taken into account such as the ability to access services and facilities by walking, cycling and public transport?
- 1.43 A holistic approach to sustainability considerations, does not appear to have been undertaken, rather a selective and inconsistent application of purported sustainability constraints have been applied to sites which in many instances have been 'selectively' applied and/or given undue significance.
- 1.44 With reference to the Site, significant opportunities for job creation, support for local employers – such as the Rothamsted Campus' (RC) local infrastructure enhancements again does not appear to have formed a systematic basis for the selections process. LIH/LAT Submission have shown that sites have been included in the Local Plan where acceptable walking distances are exceeded, the quality of walking routes are questionable and bus service diversions are unlikely or inappropriate. It is unclear how such assessments have consistently been addressed within the Council's site selection approach.

- 1.45 Furthermore, the LIH/LAT Submissions show that the respective relationship to facilities such as (existing) secondary schools have not been consistently explored, and no regard has been had to the provision of such facilities by other allocations (such as HGC) which would provide services and facility enhancements that would in turn support alternative land use decisions being made - for example, HGC providing new secondary schools which would no doubt, include school places for residents of Redbourn.

MIQ5 How did the Council consider the viability and deliverability of sites, especially where new or upgraded strategic infrastructure is required?

- 1.46 The LIH/LAT Submissions show that limited regard has been paid to the role that strategic allocations can make in addressing infrastructure deficiencies.

- 1.47 The flaws and errors in the IDP have been highlighted and include matters such as (in summary):
- Flawed premise in the growth options.
  - Insufficient evidence to demonstrate how compliance with paragraph 173 of the NPPF (2023) can be achieved.
  - Limited details or assessment as to how infrastructure requirements (and benefits) resultant from the circa 6,535 dwellings (beyond HGC's contribution) will be addressed.
  - A lack of details showing how the spatial arrangements of the Plan have been rigorously scrutinised and different spatial distributions tested.

- 1.48 With regards to deliverability, the LIH/LAT Submissions<sup>1</sup> show significant failings as to the basis and extent of rigour applied to the infrastructure requirements and impacts of the Local Plan's land use decisions. Indeed, sites were identified in the Regulation 18 version of the Local Plan that had not been submitted through the call for sites and were not deliverable – such as sites at Rothamsted, which subsequently needed to be removed. Cumulatively, such inexplicable errors, haphazard process, and general confusion significantly undermines and calls into question, the underlying soundness (or perceptions of such) in respect of the Local Plan, its evidence base and associated assumptions.

- 1.49 StADC's lack of regard to National Highways considerations (for example Matter 1MIQ7) not least having potential practical implications for anticipated timescales for the delivery of the HGC project. There is no clear evidence of sensitivity testing of any potential delays in infrastructure delivery impacting upon the assumed trajectory for delivery of HGC within the Plan period (or beyond).

- 1.50 The implications of any expansion at Luton Airport and the DCO being approved were not (fully) assessed in the IDP. Luton Airport DCO was consented on the 3<sup>rd</sup> April 2025<sup>10</sup>.

MIQ6 What was the justification for this approach, and why did it differ from potentially sustainable development proposals in other Tiers of the hierarchy?

- 1.51 StADC have applied constraints in an inconsistent manner when determining the allocation or omission of sites as highlighted by the LIH/LAT Submissions<sup>11</sup>.

Q8 Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

- 1.52 LIH/LAT Submissions have shown that the site selection process has not been either robust or transparent. The potential benefits that might be accrued from sites as well as constraints have been inconsistently applied and insufficiently considered, resulting in spurious and ill-judged decision making.

- 1.53 The lack of any or, any sufficient regard to representations made in respect of either Regulation 18, or 19 versions of the Plan is also evident, and we have detailed elsewhere.

- 1.54 In addition, essential criteria (such as the interrelationship between infrastructure provision between allocations and/or differing spatial distributions) has not been fully assessed.

(@2,900 words excluding questions)

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<sup>10</sup> Development Consent Order 3<sup>rd</sup> April 2025. <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR020001/TR020001-003766-FINAL%20CLEARED%20VERSION%20OF%20DL%20-%20V.4%20PINS.pdf>

<sup>11</sup> Paragraph 8.8-8.22 of LIH/LAT Submission Regulation 19 and Regulation 18 Identified Sites Deliverability Assessment - FINAL Compressed Version - 25th Sept 23