



For and on behalf of:  
**Moralis Group**

## **ST ALBANS CITY & DISTRICT LOCAL PLAN EXAMINATION IN PUBLIC**

**Matter 1 – Legal Compliance**

**Hearing Statement**

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April 2025



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## **1.0 INTRODUCTION**

- 1.1 This response to Matter 1 of the Inspectors' MIQs in respect of the St Albans City & District Local Plan Examination has been prepared by the Research & Analysis team within DLP Planning Ltd. We have been instructed to appear at the Examination on behalf of Moralis Group.
- 1.2 Submissions were made on behalf of Moralis Group to the Regulation 19 consultation on the emerging Local Plan, objecting to the Submission Version of the Local Plan on several grounds, including its failure of the four tests of soundness in the NPPF, paragraph 35. This statement should be read in conjunction with those submissions.
- 1.3 The cumulative effect of the issues raised in our previous representations and our submitted hearing statements for Matters 1 to 3, are such that the Draft Local Plan should not be allowed to continue through the examination process in its current form.

## 2.0 MATTER 1 – LEGAL COMPLIANCE

### a) Issue 1 – Duty to Cooperate

#### Housing

***Q1 - 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?***

- 1.4 We see very little evidence that there has been meaningful engagement with neighbouring authorities on the issue of unmet housing needs.
- 1.5 St Albans forms part of the South West Hertfordshire (SWH) HMA alongside Dacorum, Three Rivers, Watford & Hertsmere. Within the Three Rivers Regulation 18 consultation plan the authority was proposing a housing figure of 270dpa, against its standard methodology figure of 637 dpa. A shortfall of -367dpa. We note a decision has since been taken by TRDC to delay submission of its Local Plan until spring 2026. It should be noted that in the Council's Statement of Common Ground with Three Rivers (ED9) one of the strategic matters identified is "*Planning for housing needs – Approach to accommodating unmet housing needs that may exist in the wider Housing Market Area*". No further explanation is provided as to what these unmet housing needs are.
- 1.6 Similarly, within Hertsmere's most recent consultation (Regulation 18), it proposed 590 dpa against its standard methodology figure of 726 dpa. A shortfall of -136dpa. HDC's most recent published LDS timetable anticipates submission of their plan is not expected until April 2026. It should therefore be noted that in the Council's Statement of Common Ground with Hertsmere (ED9) we would again point out that one of the strategic matters identified is "*Planning for housing needs – Approach to accommodating unmet housing needs that may exist in the wider Housing Market Area*". Again, no further explanation is provided as to what these unmet housing needs are.
- 1.7 This position is highlighted by the Council in its own Sustainability Appraisal Report (LPCD 03.01) Box 5.1 (p16). In summary this sets out that there is a risk of unmet needs from the south amounting to the following:
  - Three Rivers – "unmet need could easily be 7,000 homes"
  - Hertsmere – "could easily be 3,000 homes"
  - Dacorum – "unmet need figure in the region of 2,800 homes"
- 1.8 The Council's own evidence points to the fact that there are significant unmet needs to be addressed in the HMA, yet these are not reflected or addressed in the Duty to Cooperate Statements of Common Ground with the relevant authorities. We submit that simply agreeing that meeting unmet needs in the HMA is a strategic issue to be addressed is not sufficient to satisfy the DtC. We would expect actions to be taken i) to identify what the level of unmet need is, and ii) to agree how that need will be met by plans coming forward within the SWH HMA, of which St Albans is one.
- 1.9 Further, the SA Report also makes reference to meeting London's unmet housing need, particularly north London borough's such as Barnet, Enfield and Harrow. Indeed the Inspector should note that the Enfield Local Plan Inspector's letter to the Council in February

(IN7) set out significant concerns in relation to DtC and their housing requirements, which places uncertainty as to whether that plan will progress and emphasises SADC role in providing sufficient sites to meet unmet needs from neighbouring HMAs.

- 1.10 According to a report commissioned by the SoS for Levelling Up, Housing and Communities in January 2024, the current London Plan sets a capacity-based ten-year target of 52,300 homes each year from 2019/20 to 2028/29, within a context of its assessment of need of around 66,000 homes per annum<sup>1</sup>. That equates to a shortfall of some 13,700 per annum or 60,000 over the plan period. We can see no DtC evidence of SADC meeting with any London Borough's or the GLA to seek to discuss ways in which the St Albans Local Plan may be able to help meet some of London's unmet needs.

***Q2 - 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?***

- 1.11 As above, simply producing Statements of Common Ground that identify strategic issues, without any discussion around solutions to those issues is not sufficient evidence to satisfy the DtC. We can see no progress documented in any of the DtC SoCG's submitted to confirm any progress has been made, beyond identifying unmet need as a strategic issue.

***Q3 - What is the latest position regarding the South West Hertfordshire Joint Strategic Plan?***

- 1.12 The South West Hertfordshire Joint Strategic Plan remains in its early stages of preparation. A Regulation 18 'Issues and Options' consultation on the SWH JSP took place in late summer 2022. The latest update on the SWH JSP website is May 2023 and this envisaged a "Consultation on options for the scale and pattern of growth" in "mid 2024" however there is no evidence that this has taken place, or indeed when it is planned for.
- 1.13 In short, there is little prospect of a JSP being adopted in the foreseeable future to pick up those unmet needs that aren't being met in the HMA. The future of the JSP is also brought into question as a result of the Government's announced intention to bring forward local government reorganisation via the English Devolution Bill.

***Q4 - 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?***

- 1.14 As set out above, there are identified unmet needs for housing in the HMA now and deferring these to be dealt with by the SWH JSP is contrary to paragraph 35c) of the NPPF. At present

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<sup>1</sup> London Plan Review Report of Expert Advisers Commissioned by the Secretary of State for Levelling Up, Housing and Communities 15 January 2024  
[https://assets.publishing.service.gov.uk/media/65ca302914b83c000ea716e8/London\\_Plan\\_Review\\_-\\_Report\\_of\\_Expert\\_Advisers.pdf](https://assets.publishing.service.gov.uk/media/65ca302914b83c000ea716e8/London_Plan_Review_-_Report_of_Expert_Advisers.pdf)



there is no Infrastructure Delivery Plan for the wider SW Herts sub region, which raises concerns about the effectiveness of larger cross-boundary strategic allocations within the plan such as Leverstock Green and SE Hemel Hempstead.

#### Employment

***Q5 How much employment land does the Plan provide for and how does this compare to the identified needs?***

1.15 No response.

***Q6 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?***

1.16 No response.

#### Highways

***Q7 If National Highways had raised concerns regarding the impacts of Local Plan growth in response to the consultation, what were the reasons for seeking to address these concerns between January and February 2025, after submission of the Local Plan for examination? Does this point to constructive, active and on-going engagement in the preparation of the Plan?***

1.17 No response.

#### Gypsy and Traveller Accommodation

***Q8 As part of the Plan's preparation, how has the Council engaged with neighbouring local planning authorities to consider the accommodation needs of gypsies and travellers and travelling showpeople?***

1.18 No response.

***Q9 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?***

1.19 No response.

**b) Issue 2 – Public Consultation**

***Q1 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?***

1.20 No response

***Q2 How has the Council taken into account representations made in response to public consultation?***

- 1.21 It is clear that the Council rushed to Regulation 22 stage in order to avoid having to plan for the new Standard Method figure. In doing so we are concerned there was insufficient time to properly review and submit a 'sound' local plan. The Regulation 19 consultation closed on the 7th November 2024 with the Local Plan being submitted 21 days later on the 28th of November 2024.
- 1.22 It is also most unusual that the Local Plan was agreed for submission at the Council's Full Council Meeting on October 16, 2024 – three weeks prior to the end of the consultation period. This approach suggests a disregard for the consultation process and we share the HBF's concern as to whether there was any realistic prospect of the Council taking account of the representations made.
- 1.23 Section 20(2) of the Planning & Compulsory Purchase Act 2004 specifically states that the LPA must not submit the plan unless they think it is ready for independent examination. Having considered the Regulation 19 consultation responses, the LPA should only submit a plan if they consider it to be sound and there will not be delays of over 6 months during the examination because significant changes or further evidence work are required.

**c) Issue 3 – Sustainability Appraisal**

***Q1 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?***

- 1.24 Broadly speaking the housing growth options in the SA represent a reasonable range of alternatives. That said, despite the new SM not applying to this plan under the NPPF transitional arrangements, it would not have been unreasonable for the SA to test a higher growth option that aligns with the new Standard Method. In St Albans case, the Standard Method produces an LHN figure of 1,660 dpa. Whilst it is accepted the new SM only came into force in December 2024, at the time the SA was finalised (Sept 2024) the Government's consultation on proposed new SM methodology was available and for St Albans proposed a figure of 1,544 dpa. The SA could therefore have reasonably tested a higher growth scenario than 1,200 dpa.
- 1.25 This higher figure is particularly relevant given the SA recognises that there is a "high risk" of significant unmet housing needs both within the HMA and arising from London.
- 1.26 The SA is robust in recognising the unmet need and testing a higher growth scenario that

could go some way to help meet some of that need.

**Q2 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?**

- 1.27 The SW Herts Strategic Housing Market Assessment (HOU01.02) states in table 7.53 that affordable housing need in St Albans is 802 dpa. This is over 90% of the housing target of 885 dpa set out in draft policy SP3 of the submitted plan. Draft Policy HOU2 of the submitted plan requires 40% affordable housing on sites of 10 or more homes or 0.5ha or more, so clearly a target of 885 dpa is not going to enable the Council to get anywhere close to the 802 affordable homes needed per year.
- 1.28 Paragraph: 024 Reference ID: 2a-024-20190220 of the PPG says that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.
- 1.29 Notwithstanding the question of meeting unmet needs elsewhere, this represents a strong argument for the overall housing target for St Albans to be closer to the 1,200 homes than the 885 homes proposed.

**Q3 How does the SA consider different spatial options for housing and employment growth over the plan period and test reasonable alternative strategies?**

- 1.30 The SA considers spatial options in terms of 'sub areas' of the District as set out in section 5.4 of the SA report.
- 1.31 We broadly support this approach and would highlight to the Inspector statements made at para 5.4.124 of the SA Report in relation to the suitability of Bricket Wood as a location for growth:

*"With regards to Green Belt options, the first point to make is that there is a strategic argument for Green Belt release at Bricket Wood, in light of the appraisal of growth scenarios and consultation on the Draft Local Plan in 2023."*

**Q4 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?**

- 1.32 The Council's justification for keeping Hemel Garden Communities ('HGC') as a constant in all of the SA growth scenarios appears to be that without it, there would need to be further consultation at Regulation 18 stage to find alternatives, and a risk of '*struggling to defend against planning applications due to the presumption in favour of development*'. That in itself is not a robust reason not to test alternative scenarios, including looking at smaller site allocations.
- 1.33 There is a clear reliance on the Hemel Garden Communities allocation to provide a significant proportion of overall housing needs over the plan period. Typically larger sites have significant infrastructure requirements which slows the rate of delivery. An alternative scenario which considered release of more small/medium sites, reducing reliance on HGC,



could have been considered in the SA and could provide more flexibility of supply, particularly in the earlier stages of the plan period – noting that the Council's trajectory (HOU 01.01) doesn't expect HGC to deliver any homes until 2029/30 at the earliest.

***Q5 How does the SA take into account deliverability, especially around larger, strategic sites when assessing the submitted Plan against reasonable alternatives?***

- 1.34 There is little/no discussion in the SA around the deliverability risks of larger allocations, particularly Hemel Garden Communities, and alternative scenarios should these larger sites not deliver at the rate the Council expects. Given the inherent uncertainties around a larger site such as HGC, the SA should also have been tested a higher needs scenario where the trajectory for meeting LHN wasn't stepped and/or this site was stepped and for unmet needs.

***Q6 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?***

- 1.35 No response

**d) Issue 4 – Climate Change**

***Q1 Is it sufficiently clear what is required of proposals for new development under Policies SP2, CE1 and CE2?***

- 1.36 No response

***Q2 Does the Plan (taken as a whole) include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change? If so, how?***

- 1.37 No response

**e) Issue 5 – Strategic Flood Risk Assessment**

***Q1 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?***

- 1.38 No response

**f) Issue 6 – Public Sector Equality Duty**

***Q1 In what ways does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?***

1.39 No response

***Q2 What are the identified accommodation needs for gypsies and travellers and travelling showpeople over the plan period? What are these needs based on and how have they been calculated?***

1.40 No response

***Q3 Does the Plan make suitable and effective provision to meet identified needs? Will needs be met in full?***

1.41 No response

#### **g) Issue 7 – Habitats Regulations Assessment**

***Q1 Which allocations in the Plan fall within the Zone of Influence and will therefore require the provision of mitigation? How was this taken into account as part of the site selection process?***

1.42 No response

***Q2 Is it sufficiently clear to users of the Plan when, where and how the necessary mitigation will be provided?***

1.43 No response

***Q3 How will the provision of mitigation affect the deliverability and viability of sites, especially strategic-scale allocations in the Plan?***

1.44 No response

***Q4 Will the mitigation strategies be effective in ensuring that the policies and allocations in the Plan will avoid significant adverse impacts on the integrity of relevant European sites?***



1.45 No response

**h) Issue 8 – Other Legal Requirements**

***Q1 Where the Local Plan contains a policy that is intended to supersede another policy in the adopted development plan, does it state that fact and identify the superseded policy?***

1.46 No response

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