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Our ref LAN002/0000/4145-2817-8000/1/PA
Your ref Christine Traill and Christopher Briggs
18 June 2024

Dear Sir or Madam,

St Albans City and District Regulation 18- Draft Local Plan
Our client: Land Improvement Holdings
Re: The land at North East Redbourn

1. Introduction and Executive Summary

- 1.1 We act for Land Improvement Holdings ('LIH') in relation to planning legal matters in connection with the land at North East Redbourn ('Site').
- 1.2 LIH is a strategic development company and is the promoter partner of the Site with the owners of the Site, the Lawes Agricultural Trust ('LAT').
- 1.3 The Site is surplus to the operational requirements of LAT and is suitable, available, and developable to provide long term funding to support the nationally important charitable objectives of the LAT which include supporting Rothamsted Research Limited who undertake world leading agricultural and scientific research.
- 1.4 Together, LIH and LAT are promoting the Site for allocation in the draft emerging St Albans City & District Council Draft Local Plan 2041 ('Draft Local Plan') for a major mixed use residential led development scheme which would deliver very significant public and planning benefits.
- 1.5 A Regulation 18 consultation exercise on the Draft Local Plan took place between July and September 2023. According to the Local Development Scheme published by St Albans District Council ('StADC'), the Regulation 19 pre submission publication of the Draft Local Plan is scheduled to be consulted on between October and December 2024.
- 1.6 This letter should be read together with and alongside the Regulation 18 submission submitted by Urbanissta on behalf of LIH and LAT dated 25th September 2023 which comprised (in summary):

Partners: Paul Arnett, Elizabeth Christie, Mary Cook, Duncan Field, Clare Fielding, Michael Gallimore,
Raj Gupta, Meeta Kaur, Victoria McKeegan, Simon Ricketts, Louise Samuel, Spencer Tewis-Allen

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- (a) A Technical Submission;
 - (b) An Identified Sites Deliverability Assessment;
 - (c) A Vision Document for the Site; and
 - (d) A Draft Indicative Masterplan
- (collectively 'the LIH Regulation 18 Submission')
- 1.7 This letter addresses, from a legal perspective, the significant deficiencies in the Draft Local Plan in relation (among other things): (a) to its compliance with the relevant legal and procedural requirements (b) to its compliance with the soundness test in paragraph 35 of the National Planning Policy Framework ('NPPF'); and (c) other fundamental issues relating to matters such as, for example, viability, housing needs, and the Infrastructure Delivery Plan ('IDP').
- 1.8 In summary, and for the reasons set out in this letter and the LIH Regulation 18 Submission:
- (a) There are very significant gaps in the current evidence base for the Draft Local Plan which lead to serious concerns as to the adequacy and robustness of, among other things, the site selection and identification process that has been adopted by StADC.
 - (b) The Draft Local Plan (as is) is fundamentally unsound and is clearly contrary to paragraph 35 of the NPPF. As currently formulated, it is not prepared with the objective of achieving sustainable development, it is not prepared positively or is effective as the Draft Local Plan fails to adequately account for the acute unmet housing need. It is also not justified as reasonable alternative sites, such as the Site have plainly been discounted incorrectly, unfairly, and unjustifiably.
 - (c) The LIH Regulation 18 Submission clearly demonstrates the requisite exceptional circumstances required for the Site to be released from the Green Belt and allocated for residential development in the Regulation 19 version of the Draft Local Plan. Among other things, these exceptional circumstances include, for example:
 - (i) Supporting the needs and objectives of the world leading scientific centre at Rothamsted;
 - (ii) The very substantial planning and public benefits of the proposed development of the Site as outlined in the Vision Document and Indicative Masterplan components of the LIH Regulation 18 Submission which individually and collectively clearly and demonstrably outweigh any Green Belt or other perceived disbenefits of the proposals; and
 - (iii) The very pressing need for further substantial site allocations in the Draft Local Plan to be allocated such as the Site to meet the significant deficiencies in the housing supply trajectory in the Draft Local Plan (as is) which LIH/LAT conservatively estimate (for the reasons set out in the LIH Regulation 18 Submission) to be some 4,606 dwellings.
- 1.9 In short, these very significant inadequacies with the Draft Local Plan (as is) will need to be urgently addressed by StADC at the Regulation 19 Draft Local Plan stage if it is to have any reasonable prospect of being found sound at examination.
- 1.10 LIH remain willing and able to work with StADC to seek to address these deficiencies and would request (for the reasons set out in this letter and the LIH Regulation 18 Submission) that significant changes are made to the Draft Local Plan at the Regulation 19 stage, including (in summary):

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- (a) A greater number of sites, including the Site (which is available, deliverable and suitable in NPPF terms), are allocated to meet the significant acute unmet housing needs;
 - (b) Substantial updates to the evidence base are brought forward to address (among other things): (i) the gaps in the current evidence base (ii) the discrepancies in the published materials; and (iii) the erroneous discounting of sites which are deliverable in NPPF terms;
 - (c) Less reliance (among other things) on speculative windfall sites replaced with a mixture of housing allocation; and
 - (d) The need for further Green Belt release- including the Site- to accommodate for the objectively assessed housing need (including the Site) to ensure that the plan is sound in accordance with paragraph 35 of the NPPF.
- 1.11 This letter is structured so as to consider (in turn):
- (a) The relevant legal and policy framework;
 - (b) The duty to co-operate;
 - (c) The current evidence base;
 - (d) The housing supply position;
 - (e) The IDP; and
 - (f) The compelling case for the allocation of the Site at the Regulation 19 stage as is demonstrated in the Site Vision and Exceptional Circumstances case components of the LIH Regulation 18 Submission.
- 1.12 We reserve the right to draw this letter to the attention (in due course) of the Inspector at Examination in the event that some or all of the points set out in this letter and in the LIH Regulation 18 Submission are not addressed by StADC at the Regulation 19 Stage of the Draft Local Plan.
- 1.13 It is sincerely hoped, however, that this course of action will not be required and that the StADC will work co-operatively and collaboratively with LIH and LAT going forwards to address and resolve these shortcomings with the Draft Local Plan and to recognise and proceed to allocate the Site in the next iteration of the plan.
2. **Relevant Legal and Policy Framework**
- 2.1 Section 20(2) of the Planning and Compulsory Purchase Act 2004 ('PCPA 2004') confirms that at examination the Inspector will be required to consider whether, with respect to the Draft Local Plan:
- (a) The relevant legal and procedural requirements in the PCPA 2004 and Local Planning Regulations 2012 ('2012 Regulations') have been complied with;
 - (b) The plan is sound; and
 - (c) The duty to co-operate has been complied with.
- 2.2 The paragraph (a) above legal requirements are those in section 17 (plan content) and section 19 (preparation in accordance with LDS, regard to particular policies, compliance with the Statement of Community Involvement (SCI), sustainability appraisal) of the PCPA 2004, and the 2012 Regulations.
- 2.3 The soundness test is set out in paragraph 35 of the NPPF and provides that:
- "Plans are 'sound' if they are (a) Positively prepared- providing a strategy which, as a minimum, seeks to meet the areas's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; (b) Justified- an appropriate*

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strategy, taking into account the reasonable alternative, and based on proportionate evidence; (c) Effective- deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and (d) Consistent with national policy- enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant"

2.4 The duty to co-operate is particularised in section 33A of the PCPA 2004 and, in summary, requires StADC as the plan making authority to co-operate with other plan-making authorities and bodies on strategic matters arising in relation to the Draft Local Plan.

2.5 In addition to the relevant provisions of the PCPA 2004, 2012 Regulations, and NPPF summarised above and elsewhere in this letter, the plan making section of the Planning Practice Guidance ('PPG') are also highly material including (among other things and for present purposes) the Maintaining Effective Cooperation and Evidence Base sections of the PPG.

3. The Duty to Co-operate

3.1 As set out above, section 11 of the Localism Act 2011 inserted section 33A into the PCPA 2004 which- in essence- requires StADC to co-operate with other plan-making authorities and bodies on strategic matters.

3.2 The duty to co-operate ('DtC') requires StADC to engage constructively, actively and on an on-going basis in relation to the preparation of the Draft Local Plan in relation to strategic matters.

3.3 While paragraph 1.11 of the Regulation 18 version of the Draft Local Plan recognises- in passing- the statutory DtC, little if any detail has been provided, to date, by StADC as to how it considers that it will comply with the duty.

3.4 Among other things, no separate DtC statement is included within the evidence base to set out how StADC considers it is or will be able to meet its statutory obligations under section 33A of the PCPA 2004.

3.5 This is particularly surprising in view of the fact that the failure to engage constructively and actively with neighbouring authorities on strategic matters pursuant to the DtC was one of the six fundamental areas of concerns that the Inspector outlined to StADC in its letter dated 14 April 2020 in relation to the previous failed draft local plan.

3.6 As is, the Draft Local Plan simply states, at paragraph 1.11, that:

(a) A DtC workshop was held for all prescribed bodies, including all neighbouring authorities and Hertfordshire County Council in September 2022; and

(b) Following this workshop, letters were sent to neighbouring authorities that could "potentially" help to meet St Alban's need, including for land for housing and for a potential Strategic Freight Rail Interchange ('SFRI');

3.7 It is unclear what the outcome of the DtC workshop was and/or whether and if so what responses have been received to these letters.

3.8 Moreover, paragraph 1.13 of the Draft Local Plan goes on to state that StADC is working with other Councils in South West Hertfordshire to deliver a Joint Strategic Plan ('JSP') for South West Hertfordshire.

3.9 Whilst this JSP would, if brought forward, potentially provide a mechanism in which cross boundary matters may be addressed, no further details and timescales are provided as to the timelines for the JSP workstream. As such, this JSP work (which seems to be in its infancy) in and of itself will not be

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sufficient for StADC to satisfy the DtC and to demonstrate the ongoing constructive and active engagement which the DtC requires.

- 3.10 Accordingly, the significant DtC failings which cannot, of course, be remedied during Examination must be addressed by StADC as a matter of urgency between now and its publication of the Regulation 19 Draft Local Plan, among other things, to comply with section 33A of the PCPA and paragraphs 24 to 27 of the NPPF.

4. The Current Evidence Base

- 4.1 It is a clear from a review of the current evidence base which supported the Regulation 18 version of the Draft Local Plan that that there are significant gaps in the suite of material which are important, and in many cases, fundamental to the prospects of the Draft Local Plan being found sound. Other documents are (as is) defective including the Green Belt Review and Interim Sustainability Appraisal.

- 4.2 In this regard, it is worth remembering that paragraph 31 of the NPPF requires the preparation and review of all policies to be underpinned by a relevant and up-to-date evidence base.

- 4.3 These significant omissions in the current evidence base for the Draft Local Plan include:

- (a) The Annual Monitoring Report 2023 ('AMR 2023');
- (b) The Strategic Housing Land Availability Assessment 2022/2023 ('SHLAA 2022/2023');
- (c) Full Sustainability Appraisal ('SA') and Strategic Environmental Assessment ('SEA');
- (d) Housing Needs Assessment;
- (e) Site Selection Methodology and Conclusions;
- (f) Statement of Community Involvement ('SCI');
- (g) Viability Assessment; and
- (h) Landscape and Visual Impact Assessment ('LVIA')

- 4.4 As to (a) above, conspicuously, the 2021/2022 AMR has not been updated by StADC to support the Regulation 18 version of the Draft Plan. The 2021/2022 AMR is not sufficiently up to date or accurate to enable a robust view to be taken of the housing trajectory and allocation assumptions to be undertaken. This omission should be addressed through an updated AMR.

- 4.5 As to (b) above, there is no up to date material capable of review linked to the site selection process. In addition, and for the reasons set out in the Technical Submission component of the LIH Regulation 18 Submission, the 2021 HELAA also contains material errors.

- 4.6 As to (c) above, pursuant to section 19(5) of the PCPA 2004 and the Environmental Assessment of Plans and Programmes Regulations 2004 ('SEA Regulations'), the Draft Local Plan must be accompanied by a detailed SA and SEA assessment (which, as recommended by the PPG, are typically combined in the same document). This combined SA/SEA (among other things):

- (a) Is an appraisal of the sustainability of the proposals in the Draft Local Plan (section 19(5) PCPA 2004)
- (b) *"Is a systematic process that must be that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives"* (paragraph 11-0001-20190722 of the PPG)

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- (c) *"Is integral to the preparation and development of a local plan or sustainable development strategy, to identify how sustainable development is being addressed, so work should start at the same time that work starts on developing the plan"* (paragraph 11-006-20140306 of the PPG)
- 4.7 The PPG is further clear that StADC, as the local planning authority, are *"responsible for ensuring that the sustainability appraisal has been carried out in accordance with the relevant planning and environmental assessment legislation"* (paragraph 11-010-20140306).
- 4.8 The relevant context for this relevant consideration is also the fact that the failure of the SA to consider obvious and credible reasonable alternatives was one of the main concerns raised by the Inspector in respect of the previous submitted draft local plan in its April 2020 letter to StADC.
- 4.9 Contrary to the above provisions of the PCPA 2004 and relevant applicable guidance in the PPG, the Interim Sustainability Appraisal ('ISA') provided with the Regulation 18 Draft Local Plan, like the previous withdrawn plan, has failed to properly or at all consider some credible and obvious reasonable alternatives to the proposals in the Draft Local Plan.
- 4.10 As outlined in the LIH Regulation 18 Submission, the significant deficiencies with the ISA workstream, which need to be remedied at the Regulation 19 stage, include (among other things):
- (a) That no details have been provided as to how the sustainability appraisal work has been informed by the infrastructure capacity and need and/or influenced the proposed site selection process;
 - (b) That the growth quantum and nature of the scenarios assessed in the IHA are inconsistent with those considered in the IDP suggesting, among other things, that a holistic review of StADCs needs, capacity, sustainability and investment decision has not been applied calling into question, among other things, the approach to site selection and the decision making criteria that has been applied by StADC to determine the site identification and growth decisions that have been made;
 - (c) That the Hemel Garden Community ('HGC') scheme's delivery capacity seems to have been predetermined together with insufficient regard paid to the relationship between sustainability and meeting infrastructure needs across the StADC district; and
 - (d) That in 3 of the 4 growth scenarios tested in the ISA, only 1 approach for Redbourn has been assessed. No other options or approaches have been evaluated other than no growth at all in 1 option raising questions as to the robustness and adequacy of the process adopted for exploring different growth options for the settlement.
- 4.11 As to (d) above, no up to date details of the housing needs for the district has been provided by StADC. This is particularly surprising given the high living costs and significant affordability challenges in the district. Such an assessment providing information on housing needs is imperative and must be provided as part of the evidence base going forwards to demonstrate how the proposed site selection decisions in the Draft Local Plan meet these assessed housing needs.
- 4.12 As to (e) above, there is no detail and/or transparency provided whatsoever in the current evidence base as to the criteria and/or methodology adopted by StADC in the site selection process calling into question the rigorousness and robustness of the process. Openness and clarity around this must be provided by StADC moving forwards.
- 4.13 As to (f) above, no Statement of Community Involvement ('SCI') has been provided by StADC and/or any details provided as to how engagement has and will be undertaken. As StADC will be fully aware, section 19(3) of the PCPA 2004 requires StADC to comply with its SCI, the current version of which

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was adopted in February 2023. This is a particularly surprising omission which needs to be remedied given that the draft local plan preparation being not in accordance with the SCI was also one of the main areas of concern raised by the Inspector with respect to the previously submitted plan in its April 2020 letter.

- 4.14 As to (g) above, we are very surprised and disappointed to note that no viability assessment seems to have been undertaken as part of the current evidence base material, among other things, to assess the viability implications of either the proposed policies and spatial strategy assumptions and/or the viability and deliverability of the identified sites proposed for allocation in the Draft Local Plan. Moreover, no evidence has been provided as to any or any adequate assessment having been undertaken as to how the strategic infrastructure requirements and the ability of the proposed allocated sites to meet these infrastructure needs has, if at all, influenced StADCs site selection and allocation decisions. Indeed, no details whatsoever have been provided as to how the policy assumptions have been applied to the proposed site allocations with particular reference to the small and medium sized sites which are inherently limited and constrained in their ability to deliver key policy requirements such as, for example, SANGS and open space requirements.
- 4.15 As to (h) above, there is no or no sufficient information provided in the current evidence base as to how, if at all, the landscape considerations and impacts of the proposed site selection and/or spatial strategy decisions has informed the draft plan and the proposed allocations contained therein. As with the absence of any viability assessment, these are very significant gaps in the current evidence base which need to be urgently addressed by StADC.
- 4.16 Turning from the substantial omissions in the current evidence base, there are also significant deficiencies in the suite of documents provided with the Regulation 18 version of the Draft Local Plan. First and foremost of which (and of most relevance in relation to the Site), is the Green Belt Review.
- 4.17 With respect to Green Belt matters, relevant applicable national planning policy provides as follows:
- (a) Paragraph 140 of the NPPF states that *"new Green Belt should only be established in exceptional circumstances"*.
 - (b) Paragraph 146 of the NPPG provides that:
"Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy: (a) makes as much use as possible of suitable brownfield sites and underutilised land; (b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and (c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground".
- 4.18 LIH consider that there are strong "exceptional circumstances" in St Albans District which fully warrant and justify the review of Green Belt boundaries and include, among other things (which accord with key exceptional circumstances identified in various Inspector's Reports in surrounding authorities such as, for example, Welwyn Hatfield BC):
- (a) The lack of proper spatial planning for circa 30 years;

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- (b) The very significant level of unmet needs;
 - (c) The acute housing need;
 - (d) The strategic locational significance of the district and its proximity to London and the Midlands; and
 - (e) The highly sustainable nature of the location.
- 4.19 We are also surprised to note (in light of the concerns raised by the Inspector in its April 2020 letter with respect to the previous withdrawn local plan that there was inadequate evidence to support the exceptional circumstances case) that the current evidence base does not include a stand-alone exceptional circumstances statement/report to sit alongside the Green Belt review supported by accompanying evidence. We would recommend that such a standalone statement is prepared to take account (among other things) of:
- (a) The acuteness of the housing need;
 - (b) The constraints on supply/availability of non-green belt land;
 - (c) The difficulties of delivering sustainable development without impinging on the designed Green Belt;
 - (d) What harm to the Green Belt would arise if the boundaries were to be reviewed; and
 - (e) The extent to which the consequent impacts on the Green Belt purposes may be reduced to the lowest reasonable practicable extent.
- 4.20 Turning to the Green Belt review itself, to attempt to bolster its approach to consider where to amend the Green Belt boundaries, StADC have prepared a Stage 2 Green Belt Review ('**2023 Review**') which seeks to address the significant concerns raised by the Local Plan inspector with the respect to the previous withdrawn local plan which included (among other things) the approach of the Green Belt Review and Boundaries Review Study ('**2014 Review**') in only examining 8 strategic sub-areas and not considering small-scale sub areas identified in the Stage 1 Green Belt Review ('**2013 Review**').
- 4.21 As set out in more detail in the LIH Regulation 18 Submission, the deficiencies with the 2023 Review (generally and specifically in relation to the assessment of the Site) include:
- (a) A flawed 'buffer approach' being adopted for the 2023 Review whereby sites were also considered that are immediately adjacent to another area/ site entirely or partially within the buffer thereby:
 - (i) enabling additional land to be cherry-picked by StADC to extend any one of the original 8 sub-areas that might otherwise be considered too small to achieve StADCs housing targets; and
 - (ii) avoiding the need to sub-divide the 66 land parcels identified in the 2012 Review
 - (b) An atypical approach adopted of considering 'in combination effects' for each parcel making it purportedly acceptable to allow harm in one part of the Green Belt because removal of a high-performing parcel lies within StADCs preferred development site. In the context of the Site, it is asserted that in combination with parcels SA-4, SA5 and SA-7 the removal of the sub-area would represent an irregular spread of Redbourn whereas, on the contrary, development of parcels SA-6 and SA-7 represents, for the reasons set out in the LIH Regulation 18 Submission, a logical extension and rounding off of the settlement.

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- (c) The inconsistency of the assessment approach adopted. For example, the assessment of the sites to the west of Redbourn- RA 1-3- whilst achieving the same score as the Site is recommended to be taken forward for further assessment.
 - (d) The erroneous assessment undertaken as to the supposedly strong contribution that Parcels SA-6 and SA-7 (within which the Site falls) make to Green Belt Purpose 3 as set out in paragraph 143 of the NPPF (i.e. to assist in safeguarding the countryside from encroachment) whereas, in fact, these parcels- whilst largely rural- should properly be regarded as having a suburban feel to them affected by roads and development along the boundaries.
 - (e) The discrepancies between the outer boundary assessment of Parcel SA-6 and SA-7 whereby SA-6 is assessed as readily recognisable and permanent whereas the same boundary for SA-7 is assessed as readily recognisable but not necessarily permanent which is particularly surprising when the bypass forms the outer boundary for both parcels.
 - (f) An overstated and unjustified contribution that parcel SA-6 supposedly makes to the wider Strategic Parcel GB20, which in reality constitutes less than 3.5% to the total strategic parcel area.
- 4.22 Overall, and for the reasons set out above and outlined in more detail in the LIH Regulation 18 Submission, with respect to the Green Belt Review workstream:
- (a) The contents and recommendation of the 2013 Review and 2023 Review are inherently inconsistent, contradictory, and irreconcilable;
 - (b) The Site is unfairly, adversely and detrimentally assessed as a result of the erroneous inclusion of the Site within the much wider parcels which have a more strategic function and no or no sufficient rationale has been provided for the adoption of this flawed in-combination approach;
 - (c) The material deficiencies, discrepancies, and inconsistencies of the 2023 Review and the erroneous assessment of the contributions that Parcels SA-6 and SA-7 make to the purposes of the Green Belt call into question the whole robustness and rigour of the Green Belt review process.
- 4.23 As such, and for these reasons, these material discrepancies should be robustly addressed in a comprehensively revised Green Belt review that must be undertaken by StADC.

5. Housing Supply

- 5.1 Turning to the overarching issue of housing supply, relevant applicable national policy provisions to consider for these critically important housing supply purposes include:
- (a) Paragraph 60 of the NPPF, which states that:
“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community” (emphasis added)
 - (b) Paragraph 61 of the NPPF, which provides that:

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"To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the 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"

- (c) Paragraph 67 of the NPPF, which requires that:

"Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement".

- (d) Paragraph 70 of the NPPF which provides that:

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- (a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
- (b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;*
- (c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;*
- (d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and*
- (e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes".*

- (e) Paragraph 72 of the NPPF, which stipulates that:

"where an allowance is to be made for windfall sites as part of an anticipated supply, there should be compelling evidence that they will provide a reliable source of supply.

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Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends”.

- (f) Paragraph 74 of the NPPF, which provides that:

“The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

- (a) consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains;*
- (b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*
- (c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;*
- (d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)³⁹; and*
- (e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size”*

- (g) Paragraph 75 of the NPPF, which states that:

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies”.

- 5.2 Applying the above key NPPF policies to the Draft Local Plan (as is), we note (among other things) that:

- (a) it is imperative, in order to meet the key overarching policy objective to significantly boost the supply of housing in the NPPF, that StADC adopt a positive and proactive approach to meet its acute unmet housing needs and persistent under delivery recognising, among other things, that it is in a key strategic location on the edge of London;
- (b) StADC is basing its housing targets on the standard methodology. Both paragraph 61 of the NPPF and the relevant paragraphs of the PPG make it clear that this is only an advisory starting point calculating minimum need and it is often applicable, as is plainly the case with

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respect to StADC, to plan for a higher number and provide some contingency in the plan to, for example, account for under delivery and delays in allocations coming forward.

- (c) No updated AMR for 2022/23 has been provided by StADC to enable the housing trajectory assumptions and wider site allocation decisions to be accurately set in context.
- (d) The level of housing which is proposed in the Draft Local Plan as comprising windfall sites is unsound. Some 20% of the total housing supply to come forward on sites which do not have allocations nor are formally identified is, in short, not a positively prepared plan and is a huge outlier as compared to neighbouring local planning authorities. In the absence of an updated AMR, it is also not a projection which is, in any, evidenced or justified.
- (e) As to small and medium sites, while StADC have identified 10% of this category of sites are under 1ha, for the reasons set out in the Identified Sites Deliverability Assessment component of the LIH Regulation 18 Submission, there are significant concerns with the deliverability assessment approach undertaken by StADC to date. Specifically, as a consequence of significant constraints affecting the availability, deliverability and suitability in NPPF terms of many of such sites, LIH/LAT have identified in its LIH Regulation 18 Submission that the available supply from this source is reduced from 1,303 to 662 dwellings.
- (f) As to large sites and broad locations, for the reasons set out in the Identified Sites Deliverability Assessment component of the LIH Regulation 18 Submission, very substantial elements of the proposed housing delivery are anticipated to be secured from the significant urban extension proposed at HGC. Specifically, 4,750 dwellings are anticipated during the plan period rising from 100 dwelling in 2028/2029 to 440 dwellings plus in 2035/2039 onwards. It is considered that these delivery projections are highly ambitious and unrealistic, among other things, (i) when generally such sites would generate circa 50-70 dwelling per year (ii) given the significant infrastructure requirements of the HGC site and its scale and nature (comprising 4 drafts sites proposing to be allocated) being such that it will be inevitably complex and time consuming to ensure that the necessary consents and agreements are in place to deliver the development. As such, and for the reasons set out in the Identified Sites Deliverability Assessment, it is considered that 3,340 dwellings are potentially deliverable during the plan period and not 4,750 as is projected in the Regulation 18 identified supply.
- (g) There have also been significant overestimates of projected delivery during the plan period of Previously Developed Land sites, and Urban Capacity Sites for the reasons set out in the Identified Sites Deliverability Assessment and Technical Submission components of the LIH Regulation 18 Submission.
- (h) As to trajectory matters, we would refer to the submissions made at section 3 of the Technical Submission element of the LIH Regulation 18 Submission relating to pipeline matters, windfall site, large and medium site assumptions, urban areas, and PDL sites within the Green Belt, delivery rates, and stepped requirement etc. Among other things, it is evident that no or sufficient regard has been paid by StADC to infrastructure capacity or delivery and how this relates to the assumed delivery rates from such identified sites.
- (i) Concerning matters of unmet housing need, St Albans is in an area with very high market demand, low affordability and is proximate to London. In addition to its acute unmet need for market and affordable housing, its relationship to London and the unmet need of the capital should also be acknowledged and robustly addressed by StADC in the evidence base going forwards.

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5.3 Overall, and for the reasons set out above, it is considered that the current housing land supply assumptions in the draft Regulation 18 plan are lacking in evidential support. To help to address some of the major deficiencies outlined above the Site (which is available and suitable and deliverable in NPPF terms) should be allocated at the Regulation 19 stage iteration of the Draft Local Plan.

6. IDP

6.1 Turning to the IDP, the relevant applicable paragraphs of the NPPF for StADC to consider include:

- (a) Paragraph 20 of the NPPF which requires strategic policies *“to anticipate and respond to long term requirement and opportunities such as those arising from major improvements in infrastructure”*; and
- (b) Paragraph 74 of the NPPF which requires StADC- particularly in relation to larger scale development- to *“consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potentiality and the scope for net environmental gains”*.

6.2 For the reasons set out in the Technical Submission component of the LIH Regulation 18 Submission:

- (a) No evidence has been provided by StADC that the paragraph 74 requirement of the NPPF has been considered by them properly or at all;
- (b) The IDP, in utilising a top-down (i.e. assessing an already decided spatial distribution) rather than bottom-up approach (i.e. assessing need and then looking to see how a spatial allocation could support redressing the identified infrastructure requirements) is adopting a fundamentally flawed approach;
- (c) The two growth scenarios modelled in the IDP differ from and are inconsistent with the relevant assumptions tested through the ISA;
- (d) As to Growth Scenario 1, no or no sufficient attempt is made by StADC in the IDP to consider the disproportionate balance of growth to the west of the district;
- (e) As to Growth Scenario 2, no alternative development strategies are modelled or tested by StADC. Moreover, the trajectory, spatial assumptions, and delivery assumptions for the infrastructure are unjustifiably backloaded;
- (f) There is an insufficient focus on increasing the density and support in the viability of existing bus services which should be preferred to the current adopted approach of promoting rural sites which require new services to be provided;
- (g) As to walking and cycling provision, we note that no details are provided in the evidence base for the Draft Local Plan as to the anticipated pedestrian and cycle accesses;
- (h) Many items in the IDP appear to be uncoded;
- (i) No regard is paid to the proposed urban capacity sites (775 dwellings) in the IDP; and
- (j) No information is provided on the proposed approach towards CIL.

6.3 Overall and (in summary) for the reasons set out above, in the current IDP the necessary link between growth and the delivery of strategic infrastructure requirements to accommodate the proposed growth in the Draft Local Plan is missing, which is a very significant omission which needs to be addressed by StADC going forwards.

7. Site Vision and Exceptional Circumstances

7.1 As is demonstrated in the Site Vision component of the LIH Regulation 18 Submission, the vision for the delivery of the Site includes:

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- (a) Supporting the charitable and world leading agricultural research objectives of LAT and Rothamsted Research;
- (b) The provision of a well-connected, sustainable, planned and logical extension to the village;
- (c) The proposed retention of the bulk of the existing landscape structure;
- (d) The protection of the River Ver Chalk stream;
- (e) The provision of much need new market and affordable homes of up to 1,000 dwellings in total;
- (f) A proposed new 2FE primary school;
- (g) A proposed new care home;
- (h) A comprehensive provision of a network of green spaces and 22ha of SANG; and
- (i) The provision of community and retail facilities

7.2 For the reasons set out in the LIH Regulation 18 Submission, LIH/LAT considers that very strong exceptional circumstances exist to justify the release of the Site from the Green Belt. This compelling case includes:

- (a) The heavily constrained nature of the district;
- (b) The acute unmet need for market and affordable housing to address the significant historic shortfall in housing delivery;
- (c) The unavailability of suitable brownfield sites;
- (d) The very moderate performing nature of the Site's contribution to the Green Belt purposes when the Site is properly and robustly assessed;
- (e) The need and ambitions of supporting Rothamsted Research in its world leading agricultural research, as well as the development of the Rothamsted campus as a whole in supporting business start-ups, innovation and employment in this important sector; and
- (f) The very significant public and planning benefits of the proposed development of the Site which collectively comprise very special circumstances clearly and demonstrably outweighing any Green Belt or other disbenefits robustly justifying the Site's release from the Green Belt.

8. Conclusion

- 8.1 Overall, and for the reasons set out in this letter and in more detail in the the LIH Regulation 18 Submission, it is abundantly clear that there are very significant deficiencies in the current evidence base for the Draft Local Plan that must be addressed by StADC going forwards.
- 8.2 LIH/LAT are ready, willing and able to work collaboratively and constructively with StADC to address these discrepancies and to enable StADC to make the necessary robust and evidence-based decisions for the Draft Local Plan going forwards including, among other things, the allocation of the Site at the Regulation 19 stage.
- 8.3 Such actions are required to be taken by StADC if the Draft Local Plan is to be found sound at Examination.

FAO: The Strategic Director of Community and Place Delivery

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Yours faithfully

Town Legal LLP

Town Legal LLP

