

ST ALBANS LOCAL PLAN EXAMINATION IN PUBLIC STAGE 1 HEARINGS

Response to Matter 1: Legal Compliance

Written Statement on behalf of Catesby Estates

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This document has been prepared and checked in accordance with ISO 9001:2015.

1.0 Issue 1 – Duty to Cooperate

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?

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?

Paragraph 35c) of the National Planning Policy Framework (NPPF) 2023 sets out that in order to be found ‘sound’, plans should be based on effective joint working on cross-boundary strategic matters that are dealt with rather than deferred, as evidenced by the statements of common ground.

Question 1 of the Inspectors Initial Questions (SADC/ED28) requested that St Albans provide further evidence as to how the Council have complied with their requirements around the Duty to Co-Operate and specifically in relation to any unmet housing needs that have been identified. In response, St Albans District Council (SADC) have provided a number of Statements of Common Ground (SOCG) prepared with neighbouring plan making authorities across the South West Herts area, agreed between November 2024 and January 2025.

However, we consider that the SOCGs prepared do not provide sufficient evidence that the Council has worked effectively to determine if there are any unmet housing needs arising from other authorities within the area that would need to be met within SADC.

Each SOCG simply states that there is support from the relevant SW Herts authority for the proposed approach in the St Albans Regulation 19 Plan to meet SADC’s housing needs (as per the Standard Method) in full. There is however no reference to any detailed discussions that have taken place relating to the need for SADC to accommodate any identified unmet housing needs arising from the other districts. This is despite the findings of the Sustainability Appraisal (SA), and the discussion in Box 5.1 of the SA Main Report (LPCD 03.01) around the risk of unmet housing need arising from neighbouring authorities. This recognises that unmet need is likely to arise from Three Rivers District, Hertsmere Borough, Dacorum Borough and Welwyn and Hatfield Borough council’s. There is therefore an inconsistency between the SA compared to SADC’s response to the Inspector’s Initial Questions (SADC/ED30).

Paragraph 1.2 of the Council’s response states that Three Rivers District Council have not currently identified any ‘unmet housing needs’ that could potentially need to be addressed by SADC. However, decisions made by the Three Rivers Local Plan Sub-Committee on the preparation of their Local Plan in October 2024 are contrary to this statement. The Local Plan Sub-Committee outlined that Three Rivers District Council agreed “to continue with the Green Belt constraint approach for Regulation 19”¹ and to deliver 270 dwellings per annum, which equates to 42.2% of the local housing need. In a subsequent Full Council meeting on 12 December 2024, Three Rivers Council approved a new Local Development Scheme which provided officers with time to finish compiling evidence to prepare a local

¹ Paragraph 2.7 - [Implications of NPPF consultation and transitional arrangements on Local Plan progress.pdf](#)

plan under this ‘low growth’ option. This approach to the Three Rivers housing requirement would therefore likely result in significant unmet housing need which could potentially need to be addressed by neighbouring authorities, as recognised in the SADC Sustainability Appraisal, but not in the Plan preparation.

Similarly, an additional Regulation 18 consultation was undertaken on the Hertsmere Local Plan in April 2024 which proposed to deliver circa 590 homes per annum² and it is recognised in the publication document that this is 75% of the level of housing need identified by the Government’s Standard Method (2023). This housing requirement is lower than the 760 homes per annum³ proposed within the 2021 consultation referenced in SADC’s reply to Question 6 of the Inspector’s Initial Questions (SADC/ED28). This is another example that a SW Herts planning authority is likely to set the housing requirements in it’s local plan below the level set by the standard method and could potentially generate further unmet housing needs in the region.

The above examples also need to be considered in the context of the revised Standard Method (2024) which has increased the housing requirements for St Albans (+75%) as well as of Three Rivers Borough Council (+15%) and Hertsmere Borough Council (+31%), suggesting that a higher growth scenario should be considered within St Albans.

The St Albans Local Plan Sustainability Appraisal (SA) Main Report (2024) specifies that the SW Herts Joint Spatial Plan (JSP) *“will likely prove well-placed to deal with unmet housing need. However, that does not mean that the St Albans Local Plan can be prepared blind to known or potential unmet housing need from elsewhere, particularly arising from adjacent or otherwise well-linked neighbouring authorities”* (Box 5.1). It is recognised in the discussion within Box 5.1 that *“there is the risk of the SW Herts JSP facing unforeseen issues, given that the JSP is being prepared voluntarily”* and that addressing unmet housing need as close to source as possible, and in a timely fashion, is a key issue for any local plan. Further, there has been a lack of progress on the South West Hertfordshire JSP, with no new evidence, publications or consultations since June 2024. There is a risk that in the absence of the JSP, and St Albans pushing forward with the adoption of their Local Plan, unmet housing needs could be identified in the other South West Herts authorities through work on the JSP or their respective local plans which will continue to be unmet.

The Duty to Co-operate statement submitted with the Plan indicates that during plan making the Council sought to engage with its neighbours and SADC has sought to reaffirm this through it’s reply to the Inspectors Initial Questions. They have published the SOCGs and some supporting records of meetings, albeit notes of meetings with Dacorum are the only SW Herts that seem to be recorded here (SADC.ED61-63). There is however a lack of recognition within those meetings that there would be some unmet housing needs, despite the consultation and Plan preparation being undertaken by others.

In the absence of evidence that the Council has effectively cooperated with neighbouring authorities on the topic of unmet housing needs, despite there being clear evidence that unmet housing needs are likely to arise across the South West Herts area, it cannot be concluded that St Albans District Council has done all it can to maximise the effectiveness

² Chapter 4. The Proposed Spatial Strategy - [Hertsmere-Local-Plan-Regulation-18-Consultation-Document-2024-compressed-pdf-9.56-Mb](#)

³ Chapter 7. Meeting Local Housing Needs - [Regulation-18-Local-Plan-2021-compressed](#)

of the Plan to deal with unmet needs arising in neighbouring authorities across the South West Herts area. We consider that there is a need for the housing requirement in the St Albans Local Plan to be increased and for the plan to allocate more sites to account for this. Alternatively, an immediate review of the Local Plan should be required so that unmet need, as well as the increase in St Albans housing requirement as a result of the revised Standard Method, can be accounted for.

2.0 Issue 2 – Public Consultation

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

It is unclear how the Council could have taken account of representations made to the Regulation 19 consultation given the Full Council voted to submit the Plan for examination on 16th October 2024, halfway through the Regulation 19 consultation period (26 September to 8 November 2024). The Full Council minutes⁴ state:

Council Decision

- 1.1 *That Council approves the draft Local Plan (as set out at Appendices A, B, and C) for the purpose of its Submission to the Secretary of State under the Local Authorities (Committee System) (England) Regulations 2012 and under the Town and Country Planning (Local Planning) (England) Regulations 2012.*

The Plan was intended to be submitted on 2 December 2024 which provided the Council with less than a month to reflect on the consultation responses, and in any event the Full Council had already approved the consultation version of the Plan for submission. We raised this concern in our written representations at Regulation 19 stage (ID 193).

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<https://stalbars.moderngov.co.uk/mgCalendarMonthView.aspx?XXR=0&M=10&DD=2024&ACT=Go>

3.0 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?

The Sustainability Appraisal (SA) discusses potential unmet housing need arising from neighbouring authorities within Box 5.1 in Section 5.2 of the Main Report (LPCD 03.01). This discussion concludes that it is reasonable to consider higher growth scenarios to be assessed in the SA as a result of the St Albans Local Plan housing requirement having to take account of wider unmet housing need from neighbouring authorities. As stated within our answer to Issue 1 (Q1), there is recognition within Box 5.1 of the SA that a higher housing requirement could help to meet identified unmet need (emphasis added) across SW Herts. However, no further consideration is then given to unmet housing need in the assessment of reasonable growth scenarios in Section 5.5 of the SA, where the preferred option is identified.

Appendix III of the Sustainability Appraisal Main Report (2024) conducts a high level appraisal of 4 growth scenarios which includes a range of growth quanta from 300 dpa up to a “reasonable high growth ‘bookend’ for testing”, set at 1200 dpa (scenario 4). Within the Appraisal there is a recognition that there are three theoretical benefits in relation to scenario 4 which includes:

- 1) To assist with meeting affordable housing needs;
- 2) The potential to provide for unmet needs from somewhere else; and
- 3) The possibility to provide for Gypsy and Traveller accommodation needs more fully via strategic urban extensions.

However, it is not clear how these theoretical benefits have been considered in the assessment of reasonable alternatives and the weight afforded to them in finalising the spatial strategy chosen for the Plan. We consider that the SA does not test a reasonable alternative option that takes account of unmet housing need, and it is unclear what weight is given to the benefits of a higher growth option, outlined above, as these benefits are not referenced in the discussion set out in the appraisal of growth scenarios in Section 6 of the SA.

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?

The SW Herts Strategic Housing Needs Assessment (2024) outlines that the affordable housing needs of St Albans amounts to 802 dpa, which is 90% of the total housing requirement identified in the submitted Plan. Whilst it is not a plan making requirement for the Council to increase its housing requirement to meet affordable housing needs in full, there is a strong argument, for reasons set out in our Regulation 19 representations (including the historic under delivery of affordable homes in St Albans and the district’s 16.1 affordability ratio) that at least one of the growth scenarios in the SA should have tested a higher housing requirement figure that considered the Council planning to meet the district’s affordable housing requirements in full. However, none of the eight reasonable alternative growth scenarios tested within the SA would meet affordable

housing needs in full. There is recognition that the higher growth scenario would improve the delivery of affordable housing but beyond this commentary in Box 5.1 in Section 5, there is no further commentary or justification as to why this approach was discounted or not taken forward.

Increasing the Plan's housing requirement in response to affordable housing needs is supported by the PPG (paragraph 2a024-20190220) which states that an increase in housing figures may need to be considered where it could help deliver the required number of affordable homes. As such it is clearly important to consider a strategy that would meet the affordable housing in SADC in full, this should have been given more consideration when setting the growth scenarios that were appraised within the SA to provide a more robust appraisal.

Q6. How are reasonable alternative site options defined and considered as part of the SA process? Does the SA adequately test a suitable range of reasonable alternative sites allocated in the Plan, including for housing and employment sites?

Adding to our answer to Q2 above, we would consider that the SA does not adequately test a suitable range of reasonable alternative sites to those allocated in the Plan. The SA is conducted on the assumption that several housing developments are constants in all of the tested scenarios. For example, all growth scenarios include Hemel Garden Communities, which places an over reliance on one site to deliver significant housing numbers in every scenario rather than considering a wider range of allocations and the infrastructure improvements that these could unlock. Similarly, scenarios 4 – 8 assesses a combination of three omission sites, which focuses growth at St Albans to the north and east, there is no consideration of how growth could be achieved through including other omission sites and particularly those to the south of the City. There is a discussion in paragraph 5.4.43 of other options for strategic urban extensions and it is outlined that these options “perform less well” than those chosen for inclusion in the growth options. However, this claim is not substantiated by the evidence provided on the site selection process or Green Belt assessment for the Plan. We have made comments on the Green Belt Assessment in our Matter 3 statement.

We do not consider the approach taken to growth scenarios in the SA to be suitably robust to test reasonable alternatives and is contrary to PPG (paragraph 038 Reference ID: 11-038-20190722) which states that “*reasonable alternatives should be the realistic options considered in developing the policies in the plan. They need to be sufficiently distinct to highlight the different environmental implications of each that meaningful comparisons can be made*” (emphasis added). There is recognition in paragraph 6.15.8 of the SA Main Report that “*differentiating between the remaining five scenarios is then very challenging*”.