



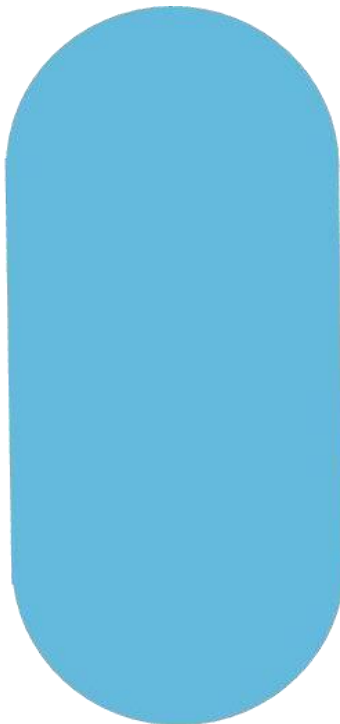
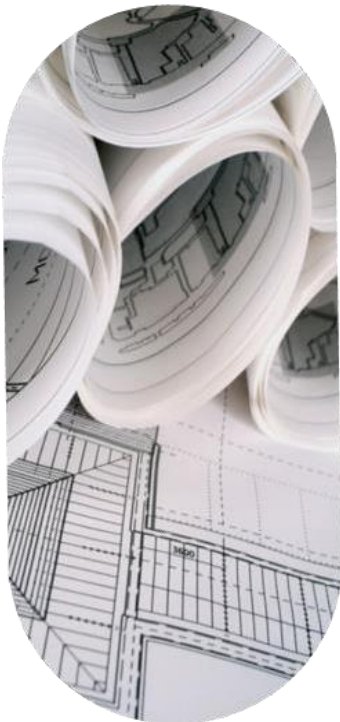
 Part of Shakespeare Martineau

St Albans Local Plan Examination

Matter 1 Hearing Statement

Prepared on behalf of
Martin Grant Homes and Kearns Land Ltd

April 2025



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1. Introduction

- 1.1 This Matter Statement has been prepared on behalf of Martin Grant Homes and Kearns Land Ltd (the Promoters) in respect of Matter 1 relating to the procedural and legal requirements of St Alban District Council's (SADC) Local Plan.
- 1.2 The Promoters have interests in the District at Land to the East of Redbourn, Redbourn (the Site, HELAA reference R-18-21). The Site is identified within the Plan as part of allocation site M6. Representations have been submitted at earlier stages of Plan preparation through Regulation 18 and 19 consultations.
- 1.3 This Matter Statement responds to the Inspectors' questions and have been considered in the context of the tests of 'Soundness' as set out at Para 35 of the NPPF (December 2023¹). These require that a Plan is:
- Positively Prepared – providing a strategy which, as a minimum, seeks to meet the area'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;
 - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - 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
 - Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

¹ The Plan is submitted under the transitional arrangements of the NPPF 2024, and as such is to be considered against the NPPF 2023.

2. Issue 1 – Duty to Cooperate

Q.1 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.

Q.2 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?

2.1 The Duty to Cooperate (DtC) is not a duty to agree, but is a mechanism to ensure necessary cooperation of strategic cross boundary matters are considered as part of the Plan-making process. This is a legal duty and requires the Council to 'engage constructively, actively and on an ongoing basis with relevant bodies, including neighbouring authorities.

2.2 Para 20 of the NPPF 2023 sets out what could constitute strategic matters, including housing, employment, infrastructure, community facilities and the natural, built and historic environment.

2.3 SADC has prepared a Duty to Cooperate Compliance Statement (November 2024) which sets out the approach to the DtC during preparation of the Local Plan. This identifies how the Council has engaged with relevant bodies throughout the process, including meetings, co-working and joint evidence gathering.

2.4 In addition, SADC have published Statements of Common Ground with neighbouring and nearby authorities.

2.5 We consider this shows there has been active and ongoing engagement with relevant bodies throughout the Local Plan preparation. Further, there is clear impetus for regional cooperation on strategic matters through the South West Hertfordshire Joint Strategic Plan.

2.6 DtC discussions have included those relating to housing needs and potential unmet needs of the District and wider region. This is a continually evolving matter, notably with the calculation of housing needs change post-submission of the Local Plan in December 2024. There are discrepancies between the DtC Statement, which identifies no unmet needs, and the Sustainability Appraisal (Box 5.1) which identifies there is known or potential unmet needs. The South West Hertfordshire Joint Strategic Plan is identified by the Sustainability Appraisal as "well-placed to deal with unmet housing need".

2.7 SADC should provide clarity on whether unmet needs do or do not exist, including confirmation through ongoing engagement with neighbouring authorities.

3. Issue 3 – Sustainability Appraisal

Q.1 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?

3.1 The Sustainability Appraisal (SA) identifies 4no. housing requirement alternatives ranging from 300dpa (no Green Belt release) to 1,200dpa (a reasonable high growth 'bookend' for testing). This includes a scenario at 900dpa, a figure close to the local housing needs figure.

3.2 The findings of each scenario are as summarised in Appendix III, Table A of the SA. In the main, the 900dpa option performs best against the Sustainability Appraisal Framework topics with the exception of Historic Environment, where a lower growth option is judged to perform better, and Housing, where the highest growth option performs best.

3.3 We consider these to be a justified range of reasonable alternatives which capture a constrained alternative, the housing needs preferred option, and a high growth / accommodating unmet needs alternative.

3.4 Section 5.2 of the SA considers the potential for the Plan accommodating a higher growth scenario noting there to be "a high level case for exploring growth scenarios involving setting the housing requirement above LHN".

3.5 Whilst it is recognised there is potential for unmet need across the region, the SA is cautious in the absence of a "strategic argument" with "inherent challenges" in the higher growth figure in the "absence of a higher-level plan to distribute growth across the sub-region". The SA rules out the argument of waiting for the outcomes of the South West Herts Joint Strategic Plan in this regard, highlighting there is a critical need for an up-to-date Local Plan.

3.6 Whilst the implications of unmet need of the wider region have clearly been considered, there appear to have been no formal approaches from neighbouring authorities for SADC to accommodate this. As such, this is a matter (if it arises) to be address through joint strategic planning in the future.

3.7 We consider the SA is positively prepared, justified and consistent with national policy.

Q.2 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?

3.8 As detailed in the SW Herts Strategic Housing Market Assessment (SHMA, March 2024) the affordable housing need in St Albans is 802dpa. This equates to circa. 90% of the housing

need figure, or circa. 67% of the high growth figure assessed in the SA. None of the spatial options tested would therefore address affordable housing needs in full.

- 3.9 As set out previously, the SA has ruled out the higher growth figure. Whilst this would have beneficial effects in respect of housing (including affordable housing delivery), it would overall not perform as strongly as the preferred option against the SA Framework topics.
- 3.10 Whilst this is unfortunate, the adoption of an up-to-date Plan will have a number of beneficial effects in respect of the delivery of housing and affordable housing. Most notably it will address the existing policy vacuum which has resulted from the lack of modern-day housing needs being addressed in a plan-led way.
- 3.11 As a consequence, since 1994 SADC has delivered on average just 72 affordable homes per year. The adoption of a Plan on the basis of a housing needs led requirement will deliver the necessary step-change to rectify this across the Plan period.
- 3.12 Adoption of a Plan which seeks to address local housing needs through changes to Green Belt boundaries will enable sites like Land to the East of Redbourn, Redbourn (the Site), which have previously been constrained, to deliver both market and affordable housing.
- 3.13 We therefore consider the approach taken by SADC is justified.

4. Issue 5 – Strategic Flood Risk Assessment

Q.1 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?

4.1 The NPPF 2023 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (para 165) and that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources (para 166).

4.2 Para 167 – 168 highlights how flooding should be considered through Plan-making, through applying the sequential test and steering new development to areas with the lowest risk of flooding. Para 169 notes that where it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

4.3 SADC's approach to site selection has followed a methodological approach which considers a range of factors, including those from a sustainability perspective. As detailed in our Matter 2 Statement, we consider the approach taken to site selection is sound.

4.4 In respect of Flood Risk, as detailed in the St Albans Level 2 Strategic Flood Risk Assessment (SFRA, July 2024) this includes 36 sites which have been assessed as being at risk from at least one source of flooding. Each of these are assessed in detail through the SFRA.

4.5 The approach taken to site selection includes a balance between Green Belt sensitivity with wider factors from a sustainability perspective, including use of "buffers" in the Green Belt review and directing the highest levels of growth to the most sustainable settlements. This aligns with the Vision and Objectives of the Plan, as well as the Sustainability Appraisal framework. It is consistent with national policy.

4.6 SADC has completed an exhaustive process in formulating the sites which make up the Local Plan site allocations. The sites identified have preferentially been chosen, following detailed consideration of the site selection factors and when compared to sites which have not been progressed. This includes consideration of flood risk.

4.7 The SFRA detailed summary tables provide an in-depth overview of site-specific characteristics and constraints. It summarises the implications for each site, including detailing the requirements for drainage and flood risk management. Further, it provides site-specific key messages and requirements / guidance for site-specific Flood Risk Assessments.

4.8 Taken together, for each of the sites assessed as being at risk of flooding, the detailed summary tables highlight how development can suitably and safely come forward in those locations. It provides clarity that development is achievable within the context of the constraints, subject to appropriate design and mitigation.

4.9 The NPPF has recently (December 2024) been updated to clarify where and when the sequential test should be used. As set out in NPPF 2024 para 175:

The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)

4.10 It may therefore be the case development on these sites can satisfy the sequential test requirements through avoid areas at risk of flooding through tweaks to the red-line or avoiding built form (i.e. homes and roads) on those areas at risk.

4.11 Section 8.2 of the SFRA identifies that 8no. allocation sites may need to undertake the Exception Test (at the time of application/s) accounting for presence of Flood Zone 2 and/or 3. However, the SFRA confirms this should, in principle, be achievable through measures including:

- locating development away from the highest areas of risk;
- considering safe access / egress in the event of a flood;
- using areas in Flood Zone 2 and 3a for the least vulnerable parts of the development;
- testing flood mitigation measures, to ensure that they will not displace water elsewhere; and
- considering space for green infrastructure in the areas of highest flood risk.

4.12 If the Exception Test is required, it is therefore likely it can be 'passed' for the sites identified.

4.13 Land to the East of Redbourn, Redbourn (the Site, HELAA reference R-18-21) and wider allocation site M6 are subject to flood related constraints, mostly as a result of the River Ver passing through the centre of the allocation. As detailed in the SFRA detailed summary table for the allocation, there remains a large part of the allocation not at risk of any sources of flooding now and in the future. This is reflected in the work completed by the Promoters for

the Site, including in the Indicative Proving Layout (see **Appendix A**) which proposes all built development outside of the Flood Zone. Flooding is not an insurmountable constraint in this instance.

- 4.14 The Site is one example of how the 36 sites which have been assessed as being at risk from at least one source of flooding could successfully navigate flood constraints in order to deliver homes which are safe from flooding.
- 4.15 We consider SADC's approach to site selection to be justified, including how flood risks have been considered and approached. The Environment Agency's updated response to the Local Plan (27 January 2025) confirms they have no outstanding soundness concerns relating to the approach to and conclusions of the SFRA.

Appendix A

Indicative Proving Layout

