



The countryside charity
Hertfordshire

St. Albans City & District Local Plan

EXAMINATION HEARINGS

Matter 1: Legal Compliance

STATEMENT

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On Behalf of

**CPRE Hertfordshire – the countryside
charity**

April 2025

Introduction

1. This statement has been prepared by Jed Griffiths MA DipTP FRTPI on behalf of CPRE Hertfordshire – the countryside charity (CPREH). It has been compiled in response to the Examination Inspectors’ invitation to participate in Stage One of the Hearings into the soundness of the St. Albans City & District Local Plan.
2. A full summary of the CPREH views on the pre-submission Local Plan can be found on LPCD 20.03 Regulation 19: Responses by Submissions (Submission 288). This may be referred to as appropriate in the discussions, but this statement is concerned with Matter 1: Legal Compliance. It will be used as the basis for the CPREH contribution to the round table hearing sessions, under the guidance of the Inspectors.

Issue 1: Duty to Co-operate

3. On housing, the Inspectors note the Council’s response to their Initial Questions, which stated that there are no identified unmet housing needs in the South-West Herts Housing Market Area, which includes the City & District of St. Albans. This appears to be contradicted by the Sustainability Appraisal, which indicates that there may be possible unmet need in at least two of the other local authorities. The evidence for that is unclear, however, and CPREH notes that adjacent authorities are well-advanced on their Local Plan Reviews where the issue is being addressed.
4. Concern about the Duty to Co-operate has been raised by CPREH in its earlier consultation responses both at the Regulation 18 and the Regulation 19 stages. The basic problem lies with the lack of progress on a South-West Hertfordshire Joint Strategic Plan. It is now five years since the initiative was launched and the last event – the establishment of a vision – was in the autumn of 2023. It is the view of CPREH and many others that the preparation of a Joint Strategic Plan (JSP) should provide an essential framework for the Local Plan reviews in the five constituent local authorities, including St. Albans City & District. Support for the concept was expressed by CPREH in its response to the JSP “Realising Our Potential” consultation in October 2022.

5. In the current circumstances, answers to the Inspectors' Questions 3 and 4 are key to the determination of Matter 1. It is hoped that a representative of the Joint Planning team can be called upon to respond to the strategic issues which have been raised. As recognised by the Inspectors, there is a clear linkage between the provision of housing and employment land requirements. This too needs to be considered on a sub-regional basis – the South West Hertfordshire strategic planning area is defined not only by the housing market but also by the Journey to Work zone which transcends local authority boundaries. The critical role of the Green Belt was a major omission from the JSP 2022 consultation and needs to be addressed in the Joint Strategic Plan as it emerges.
6. In the earlier consultations on the South West Herts JSP, the importance of the transport network and its effectiveness was acknowledged. Local movements, particularly east-west, are complicated by the fact that the sub-region is crossed by a number of strategic transport routes, both road and rail. The exchanges between the Council and National Highways (paragraph 8 of the Inspector's note) point up the potential effect on the strategic highways network of cumulative developments of housing and employment. Although the Council has belatedly agreed a Statement of Common Ground with National Highways, this does not resolve the issue for this Local Plan.
7. In conclusion, in answer to the Inspectors' Question 9, it would seem that the Council has at least partially complied with the Duty to Co-operate. From the evidence in LPCD 06.01, the Council has actively engaged to some extent with the other four constituent authorities in South West Hertfordshire and Hertfordshire County Council. There is doubt, however, as to whether it has done enough to maximise the effectiveness of the Local Plan in relation to potential unmet housing needs. There is extraordinarily little evidence to suggest that the Council has engaged actively with the team who are preparing the South West Hertfordshire Joint Strategic Plan. A belated contact was made with National Highways, which generated a Statement of Common Ground. There is no guarantee that this will fully address the issue of cumulative impact of development on the strategic road network which was raised by National Highways in their Regulation 19 response.

Issue 2: Public Consultation

8. With regards to the Inspectors' Question 1, it may seem that the Council have attempted to discharge their responsibilities on public consultation. There are many detailed omissions, however. At both the Regulation 18 and Regulation 19 stages, CPREH made representations which are referenced in the Statement of Consultation and LPCD 20.03. In the latter (Submission 288) CPREH were concerned that its comments made at the Regulation 18 stage were not adequately dealt with by the Council. In the Statement of Consultation, there is no clear explanation as to how the Council reacted to many of the CPREH representations. Comparing the submitted Local Plan with the earlier Regulation 18 draft, there has been little change in many key areas and no change at all in some instances.
9. Significant concerns were raised by CPREH on a number of key issues – these included the formulation of housing targets and the ineffectiveness of the Local Plan in protecting the Green Belt and the countryside. These have not been addressed in the comprehensive manner which was required.
10. In its Regulation 18 and Regulation 19 responses, CPREH recognised the importance of the St. Albans District Council Plan and the role of the Local Plan in delivering the five key priorities. Although CPREH has expressed its support for the stated priorities, the one glaring omission in the Council Plan 2024-2029 and the draft Local Plan remains the recognition of the presence and contribution of protected open land in St. Albans and the surrounding countryside. A key priority should be the appropriate recognition of the Green Belt and its contribution to the intrinsic character of both the City and the District as a whole. As CPREH will point out in its response to Matter 3, this has not been embodied in the Regulation 19 Plan.

Issue 3: Sustainability Appraisal

11. The Inspectors note that the Sustainability Appraisal (SA) has tested a range of housing growth options, from 300 to 1,200 dwellings per annum. A range of spatial options were assessed, but CPREH would query whether these have been sufficiently extensive. It would appear that the key input to the exercise has been the Call for Sites, which indicates which sites are deliverable in terms of land ownership and viability. The SA can only assess the spatial options which have been generated within the Local Plan area. As CPREH have indicated under Issue 1, the failure to consider the strategic choices at the sub-regional scale diminishes the value of the assessment. As the Inspectors have noted in Question 4, the Hemel Garden Communities has been included “as a constant”. CPREH has been consistent in its opposition to the project, and believes it should have been considered as an option in the SA, rather than a firm element.

Issue 4: Climate Change

12. The Council Plan’s identification of the Climate Emergency is a key priority. With the inclusion of a complete chapter in the Local Plan on the Climate Emergency, the Council reiterates its commitment to tackling the issues of climate change. CPREH is strongly supportive of this approach, but would point out that Chapter 2 is only four pages of a total 164 in the Local Plan. In its earlier Regulation 18 submissions, CPREH stated the draft Local Plan provided “entirely inadequate treatment of this critical area.” The potential roles of the Green Belt and the countryside in tackling the Climate Emergency were not recognised and the policies contained no meaningful means of implementation.
13. The Regulation 19 version of the Local Plan has strengthened the wording of Policies CE1, and CE2 on Design, Construction, and Energy. Delivery of the policy intentions will depend on corporate initiatives and programmes of action, as well as development management – it should be more than a tick-box exercise. CPREH is disappointed that Policy SP2 is still deficient and makes no mention of the critical role of the Green Belt and countryside – this must be addressed.

Issue 5: Strategic Flood Risk Assessment

14. The Inspectors note that the Council has produced the Flood Risk Sequential and Exception Test Report and that of 118 sites tested, 109 passed the sequential test. Of the remainder, only one site failed the exception test. Given the pattern of rivers and streams in the area, this result is not surprising. Nevertheless, these tests should have been conducted and reported upon at a far earlier stage of the Local Plan programme, rather than December 2024.

Issue 6: Public Sector Equality Duty

15. The Council appears to have discharged its duties in respect of s149 of the Equality Act 2010.

Issue 7: Habitats Regulations Assessment (HRA)

16. The HRA (EDH 06.01) is concerned mainly with the Chilterns Beechwoods Special Area of Conservation and the definition of a 12.6 Km Zone of Influence around the Ashridge Commons and Woods Site of Special Scientific Interest. The zone covers a considerable area in the west of the District. The concept is supported by CPREH. The Council has completed a Strategic Access Management and Monitoring Strategy (SAMMS) and supports the creation of Suitable Alternative Natural Greenspaces (SANGS) through contributions from development.
17. In response to the Inspectors' questions, CPREH has serious doubts about the relationship between the amount of development with the Zone of Influence and the costs. In answer to the Inspectors' Question 2, it is not clear to CPREH (and many others) when, where, and how the necessary mitigation on SANGS will be provided. It is also unclear how the provision of mitigation will affect the deliverability and the viability of sites, in particular the Hemel Gardens Community. This must be made more explicit in the SAMMS; the uncertainty casts doubt on the scale of development proposed. There is a marked contrast between the approach taken to these issues by the City & District and Dacorum Borough Council. The latter have been assiduous in seeking SANG/SAMMS and have published strategy based on the approach taken by Thames Heath District Council.
18. The approach to the HRA by the Council contrasts strongly with the more detailed strategy of Dacorum Borough Council, which is linked to the appropriate policies in their draft Local Plan. The Borough Council has also adopted a Chilterns Beechwoods SAC Mitigation Strategy, which sets out a requirement for the location of SANG. This specifies that SANG should have a catchment area of five kilometres or less, although this is not expressed in Local Plan policies. CPREH strongly believes that the Local Plan should have such a policy if it is to comply fully with HRA Regulations.

Issue 8: Other Legal Requirements

19. The identification of policies which are intended to supersede policies in the existing Local Plan is not always explicit. As the “saved” policies in the existing Local Plan are more the 30 years old, CPREH would suggest that this not a strong issue.

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Hertford

11th April 2025