

HEARING STATEMENT

St Albans City and District Local Plan

Matter 2 – Housing Growth and Spatial Strategy

On behalf of

Taylor Wimpey Strategic Land
(Land at Pipers Lane, Harpenden)
(Respondent no.317)

April 2025

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf Taylor Wimpey Strategic Land (TWSL) in response to questions set out in Matter 2 (Housing Growth and Spatial Strategy) of the Matters, Issues and Questions published in respect of the examination of the St Albans City and District Local Plan ('the Draft Local Plan' or 'DLP').
- 1.2 This Hearing Statement includes responses to specific questions under Issue 1 (Local Housing Need), Issue 2 (the Housing Requirement), Issue 3 (Settlement hierarchy), Issue 4 (Distribution of Housing Growth), and Issue 5 (Site Selection Methodology).
- 1.3 TWSL is promoting the residential development of Land at Pipers Lane, Harpenden ('the Site') through the plan-making process.
- 1.4 The Site forms most of the land referenced WH12 in the Council's Call for Sites; and WH-04-21 in the Council's Housing and Economic Land Availability Assessment (HELAA) (2021/22).
- 1.5 The Site is not proposed to be allocated in the DLP.
- 1.6 Representations ('the Regulation 19 representations') were made on the Regulation 19 Publication Draft Local Plan by TWSL and in respect of the Site (respondent no.317), through which changes to the plan were sought.
- 1.7 Matters raised within this Hearing Statement seek to avoid repeating points already made in the representations on the Regulation 19 iteration of the DLP, unless they expressly relate to the Matters, Issues and Questions published.
- 1.8 Our position is that the DLP is capable of being made sound, but that modifications are required to ensure this is the case.
- 1.9 Under the 2024 NPPF transitional arrangement, it is recognised that the DLP will be examined in relation to national policies contained in the December 2023 NPPF. Consequently, unless expressly stated otherwise, references to the NPPF in this Hearing Statement refer to the December 2023 NPPF.

2. ISSUE 1 – LOCAL HOUSING NEED

Question 1

What is the plan period for the submitted St Albans Local Plan? Is this sufficiently clear to users of the Plan?

- 2.1 We have interpreted the DLP as setting a plan period up to 2041. However, as per our Regulation 19 representations we consider there is a risk that the new Local Plan will not be adopted in time to ensure its strategic policies address the minimum 15 years from adoption required by the NPPF.

Question 3

The PPG advises that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method. Circumstances may include situations where there are growth strategies for an area, where strategic infrastructure improvements are proposed or where an authority is taking on unmet housing needs from elsewhere.

Do any of these circumstances apply to St Albans?

- 2.2 Our concerns, as per our Regulation 19 representations, pertain more to the establishment of the housing requirement (and in particular the failure to consider an uplift to the minimum requirement in order to better meet affordable housing needs, as suggested by the PPG¹).
- 2.3 However, in direct response to the question posed regarding local housing need, the only point we wish to add regarding the calculation of housing **need** is that the PPG referenced in the question makes clear the examples it gives of circumstances where actual housing need exceeds the minimum figure generated by the Standard Method “**include, but are not limited to**” those cited in the question.
- 2.4 In respect of St Albans, it should be recognised that a) the figure generated by the Standard Method is subject to an arbitrary 40% cap on the affordability adjustment, without which it would be significantly higher; and b) the affordable housing need is very substantial and, at 443 dpa (calculated by the South West Hertfordshire Local Housing Needs Assessment (September 2020) (‘the LHNA)) represents just over half the figure generated by the Standard Method.

¹ Paragraph ID 2a-029-20140306

3. ISSUE 2 – THE HOUSING REQUIREMENT

Question 1

What is the justification for a) the level of housing proposed in the first 5 years post adoption, and b) the significant uplift from 485 to 1,255 dwellings per annum thereafter? Are the figures justified? 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 We noted the lack of justification for the stepping of the housing trajectory as proposed by the DLP in our Regulation 19 representations (please see paragraph 4.3 – 4.7).
- 3.2 We consider the Council's response of 5 March 2025 (SADC/ED34) to the Inspectors' initial questions regarding the stepped trajectory fails to evidence that the principle of stepping the trajectory in the case of this Local Plan is justified, and certainly not to the degree to which it is proposed to be stepped in the DLP.
- 3.3 The Council's response references the relevant paragraph of the PPG², but does not cite it in full. Important elements of this paragraph it does not quote include the need for the approach to be evidenced and for it to avoid "*unnecessarily delay meeting identified development needs*".
- 3.4 Whilst the Council has sought to explain in its response 5 March 2025 that the stepped trajectory is necessary because it reflects a realistic estimate of the time it will take for the allocations the DLP proposes, it fails to explain why additional allocations could not be proposed which bolster housing delivery in the earlier years of the plan period. Indeed, the Council's response appears to merely suggest that the need to step the housing trajectory is a function of the proposed spatial strategy, and thus could be said to indicate a concern with the approach the DLP proposes.
- 3.5 The Council's response to the issue at paragraph 13.5 reads:

"The relatively lower housing requirement of 485 net dwellings per annum in years 1- 5 (post adoption) of the plan period from 2026/27 to 2030/31 corresponds with the relatively lower level of housing land supply in this period".

² Paragraph: 012 Reference ID: 68-021-20190722

- 3.6 This suggests an oddly passive approach to housing delivery by the Council – as if there is nothing the new Local Plan could possibly do regarding housing supply in the early years of the plan period.
- 3.7 Having identified that the proposed DLP's proposed approach to housing delivery would result in development needs going unmet in the early years of the plan period, the Council could and should have sought to identify additional sites capable of addressing the current and severe housing shortages the District currently faces, i.e. explored opportunities to avoid unnecessary delay to meeting housing needs, as the PPG requires.
- 3.8 As per our Regulation 19 representations, we consider the stepped trajectory can only be considered justified if all deliverable options to address needs have been identified and proposed for allocation, but this still does not meet housing needs.
- 3.9 We suggest that the proposed stepped housing trajectory needs to be seen in combination with the unjustified rejection of sustainable and deliverable sites that could provide much needed homes in the first five years of the plan period (discussed in paragraphs 6.22 – 6.28 of our Regulation 19 representations in relation to the Site, specifically).
- 3.10 The potential ramifications of adopting significantly reduced housing requirements in the early years of the plan period should not be ignored. There is, for example, an acute affordable housing shortage in the District. The annual affordable housing need (443 – as per the LHNA, equates to 91% of the proposed annualised housing requirement (485) for the first five years of the plan. If 485 dpa were to be adopted as the housing requirement for the early years of the plan period, a very substantial affordable housing need would go unmet. Furthermore, if an artificially low housing requirement were to be adopted for these years, it could also frustrate opportunities to reduce housing shortage through development of, unallocated, Grey Belt sites in accordance with the 2024 NPPF.
- 3.11 Separately, we suggest it cannot be ignored that a stepped housing trajectory would mean that the Council's persistent record of failing to meet the District's housing needs (the HDT measurement for the District has never exceeding 69% since its inception), would be allowed to continue for a further five years.
- 3.12 This is an issue that can nevertheless be rectified through main modifications. The Council should revisit potential residential sites previously rejected for allocation to determine if these can sustainably provide homes in the early years of the plan period. At the very least, the Council should seek to reduce the extent of the housing shortfall in the first five years of the plan period that any stepping of the trajectory will entail.

4. ISSUE 3 – SETTLEMENT HIERARCHY

Question 3

How have the scores and baseline evidence been used to determine which settlements fall within the proposed tiers? Is the settlement hierarchy justified, effective and sound?

- 4.1 As set out in our Regulation 19 representations (please see paragraphs 2.10 – 2.19) we recognise that seeking to quantify characteristics of settlement to determine a hierarchy is inherently problematic, but that the approach is nevertheless considered proportionate and has been established as appropriate in principle through the preparation and examination of Local Plans elsewhere.
- 4.2 We note that whilst Harpenden is identified as a first-tier settlement alongside St Albans in the adopted Development Plan, it is now proposed to be categorised as a second-tier settlement. Whilst it seems counterintuitive that the characteristics of the two settlements will have changed to the extent that this is warranted in the last 30 years, it is recognised that this differentiation is supported by proportionate evidence and that St Albans can reasonably identified as a higher tier settlement than Harpenden.
- 4.3 Importantly, neither the spatial strategy nor distribution of housing seeks to slavishly adhere to the settlement hierarchy. Rather it, entirely appropriately, seeks to take a more nuanced approach.
- 4.4 Furthermore, we note that the proposed settlement hierarchy appropriately recognises that Harpenden is a more sustainable location to which to direct growth than any other settlement within the District, with the exception of St Albans.
- 4.5 However, as per our Regulation 19 representations, we are unclear as to how decision-makers are intended to respond to the proposed settlement hierarchy.

5. ISSUE 4 – DISTRIBUTION OF HOUSING GROWTH

Question 1

How does the distribution of housing growth compare with the settlement hierarchy over the plan period, taking into account completions, commitments and sites identified in the Local Plan? Does the spatial strategy reflect the size, role and function of settlements in Policy SP1?

- 5.1 Focussing on Harpenden, as per our Regulation 19 representations (please see paragraphs 2.10 to 2.19) we consider the DLP takes a proportionate and pragmatic approach in determining the settlement hierarchy; and that it has rightly avoided taking an oversimplistic approach to the use of it in determining the spatial strategy and housing distribution.
- 5.2 Furthermore, the settlement hierarchy's proposed identification of Harpenden as one of the most sustainable settlements in the District to accommodate growth, renders the concerns with the rejection of Land at Pipers Lane as a potential site to provide homes, particularly in light of other concerns with the DLP (most notably its failure to address housing needs in the short term) even more problematic.
- 5.3 Separately, and again as per our Regulation 19 representations (please see paragraphs 4.8 – 4.41), the DLP places reliance on a number of sites to deliver growth for Harpenden, the deliverability of which is questionable. There is a clear concern that significantly fewer homes will be delivered for Harpenden than the housing trajectory might suggest.

Question 5

How did the classification of land as Green Belt and the availability of land within the urban area determine the spatial strategy and distribution of housing growth?

- 5.4 Whilst the need to explore non-Green Belt opportunities to sustainably meet development needs is recognised, as confirmed through *Calverton*³ in considering whether there are exceptional circumstances which justify alterations to the Green Belt boundary, it is necessary to consider not simply whether there are non-Green Belt sites, but whether these will help address housing needs (i.e. whether they are deliverable) and the extent to which they will support *sustainable* development.

³ *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078 (Admin)

- 5.5 As per our Regulation 19 representations (please see paragraphs 4.8 – 4.41) we question whether the sites relied upon to facilitate sustainable growth of Harpenden are deliverable.

6. ISSUE 5 – SITE SELECTION METHODOLOGY

Question 8

Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

- 6.1 As per our Regulation 19 representations (please see paragraph 6.22 – 6.28 in particular) whilst we appreciate that the sites that **are** proposed to be allocated by the DLP have been robustly evidenced as being sustainable and deliverable, the process has resulted in the unjustified rejection of other sustainable and deliverable sites.
- 6.2 The rejection of such sites needs to be seen in the context of both the NPPF's exhortation to significantly boost housing land supply, and the DLP proposed failure to meet housing needs in the short term, based on the claim there are insufficient deliverable sites to do so.
- 6.3 In the consideration of the Site, for example (C-257), and as noted at paragraph 6.3 of our Regulation 19 representations, the Site was identified as being potentially suitable through the Council's Housing and Economic Land Availability Assessment (2021) ('the HELAA'). The text cited from the HELAA at paragraph 6.3 very much suggests that it was the subsequent Green Belt Review that resulted in the Site ultimately not being proposed for allocation. A policy constraint as opposed to physical, environmental, ecological, or heritage constraint to development.
- 6.4 Mindful of how exceptional circumstances could and should be considered (as demonstrated through *Calverton* and *Compton*⁴) and the shortfall in housing land supply the Council in the early years of the plan period, the Council should have revisited such sites. In particular, and again using the Site as an example, the conclusions of the Green Belt Review were clearly fed into and were determinative in the consideration of the Site, despite such conclusions being very questionable and the concerns with how the Council's appraisal of the Site's contribution to the Green Belt having been raised through consultation responses to the DLP. Furthermore, in the case of this Site at least, the approach resulted in a site that would contribute dwellings to one of the higher tier settlements in the District being overlooked.
- 6.5 This is of course an issue that can be rectified through main modifications to the DLP.

⁴ *Compton PC v Guildford Borough Council & SSHCLG* [2019] EWHC 3242 (Admin)