

HBF Statements St Albans Local Plan EIP

Matter 1 – Legal Compliance

Issue 1 – Duty to Cooperate

Housing

The Council's response to the Inspectors' Initial Questions states that "No unmet housing needs have been identified. There are no identified unmet housing needs within the relevant Housing Market Area for SADC, which is the South-West Herts Housing Market Area. This has been confirmed by all the constituent LPA's, Dacorum, Hertsmere, Three Rivers and Watford, including through the DtC meetings set out in LPCD 06.01 Duty to Cooperate Statement of Compliance."

However, the Sustainability Appraisal ('SA') (LPCD 03.01) states that "...two or three neighbouring local authorities in South West Hertfordshire are proposing to generate significant unmet need)." (2.2.13). It goes on to describe the situation across South West Hertfordshire at Box 5.1, with possible unmet housing needs from Three Rivers District Council and Hertsmere Borough Council in particular. Furthermore, the Statements of Common Ground with Three Rivers District Council (SADC/ED9) and Hertsmere Borough Council (SADC/ED6) include, amongst other things, "Approach to accommodating unmet housing needs that may exist within the wider Housing Market Area."

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?

The Council submitted a more detailed Duty to Co-operate Compliance Statement (LPCD 06.01). This was prepared following the regulation 19 and is dated one day prior to submission. In addition, the Council have, following submission, published Statements of Common Ground with neighbouring and nearby local planning authorities.

The information in these statements is still limited as to consideration of unmet housing needs as the plan has been prepared. For example, in December 2023 Three River District Council (TRDC) and Dacorum Borough Council (DBC) both published a regulation 18 consultations that proposed to reduce the number of sites to be allocated leaving a shortfall of 1,274 homes over the plan period. Following this in May 2024 Hertsmere District Council (HDC) published a regulation 18 consultation that reduced the number of sites to be allocated leading to a shortfall of 2,216 homes. Neither of these consultations are mentioned by the Council in LPCD 06.01 nor in the relevant Statements of Common Ground. HBF would have expected some mention in the timeline of the situation at that time and how these

were considered during plan preparation.

It is also unclear is the breadth of these discussions, and whether they went beyond the statements in each SoCG that the neighbouring LPA supported SADC's approach, and from correspondence and meetings that no authority was in a position to help anyone else. The focus of the discussion from the evidence would therefore appear to be more in relation to each authority satisfying paragraph 146 of the NPPF and the requirement that any decision to amend GB boundary must be informed by discussion with neighbouring authorities rather than a conversation as to whether they could accommodate some of their identified needs through further amendments to the green belt boundary. It was important that these discussions took place, and it is evident that the decision to amend green belt boundaries has been informed by SADC's conversation with its neighbours. But what is not clear from the evidence presented is whether the unmet needs that were being proposed by Dacorum, Hertsmere and Three Rivers, were discussed at that time and how these fed into any decisions on the number of homes being planned for.

However, HBF recognise the situation changed somewhat prior to the regulation 19 consultation, in large part due to the Government publishing its consultation on the proposed amendments to the NPPF. The new NPPF places greater emphasis on Councils meeting needs in full and gives more scope to achieve this through amendments to Green Belt boundary. The proposed changes to NPPF, alongside a number of appeals decisions, influenced Dacorum to prepare and submit a local plan that meets housing needs in full, all be it at the lower level required by NPPF23. Since SADC submitted their local plan TRDC and HDC have also adopted new timetables for the preparation of their respective local plans under this latest more positive Framework and as such it is less likely that there will be unmet needs. There is still a risk that Three Rivers and Hertsmere will not meet their housing needs in full, but this will only become clearer as these plans progress with TRDC scheduled to reach regulation 19 in February 2026 and HDC in April of the same year.

To conclude, questions remain as to why no reference is made in the DtC compliance statement to the strong likelihood of unmet needs following consultations by Dacorum, Three Rivers and Hertsmere that were proposing not to meet housing needs. The Council will need to show when these were discussed with its neighbours and whether they were taken into account by the Council when preparing this local plan and on any decisions with regard to the housing recruitment before it can be concluded that the approach to DtC has maximised the effectiveness of the SALP. But HBF do acknowledge that the discussions that did take place have been considered by SADC and informed their decision to amend green belt boundaries and meet its own housing needs in full.

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?

As set out above the Council has engaged with its neighbouring on the issue of unmet needs with the DtC statement indicating that during plan making the council engaged with its neighbours. What is surprising is that at all of these meetings no mention is seemingly made that there would be some unmet housing needs despite consultation being undertaken by Hertsmere, Dacorum and Three Rivers.

Q3 What is the latest position regarding the South West Hertfordshire Joint Strategic Plan?

For Council.

Q4 Has work on the South West Hertfordshire Joint Strategic Plan identified any issues which are pertinent to the examination of the St Albans Local Plan? If so, is this consistent with paragraph 35 of the Framework, which states that in order to be effective, Plans should be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred?

For Council.

Issue 2 – Public Consultation

Q1 Has public consultation been carried out in accordance with the Council's Statement of Community Involvement, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations?

No comment

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

The regulation 19 consultation closed on the 7 November 2024 with the local plan being submitted on the 28th of November 2024. It is difficult to imagine that any realistic consideration was given to the concerns raised in the representations prior to submission. HBF recognises that the plan at regulation 19 is the plan that the council expects to submit but sufficient time must still be taken to properly review the representations and the soundness of the local plan.

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?

This is principally for the council to answer. However, HBF would consider these to be a range of reasonable alternatives with 1,200 dpa being a sustainable option that would meet SADC's needs as well as those of other areas. With regard to the wider issue of unmet needs the SA notes in table 5.1 that there is a high risk of unmet needs. HBF would agree with the assessment presented as an accurate reflection of the position at that time. The potential to address some of these needs is then considered in paragraph 5.2.31 which outlines that there is an increased strategic argument for the higher growth scenario on the basis of unmet needs, despite this scenario being ruled out in 2023. This would suggest that there was some clarity, at least to the consultants preparing the SA, that there were unmet needs and that this could justify the adoption of a higher housing requirement. As such the SA was robust in its

consideration of unmet needs. However, what is not clear is how this was considered by decision makers given that the Council state with regard to the duty to co-operate that at no point was the issue of unmet needs raised with them by another Council.

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 possibility of increasing the housing number provided for in the local plan in response to affordable housing needs is supported by PPG with paragraph 2a-024-20190220 stating that an increase in housing figures included in the local plan 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 improve the delivery of affordable housing in SADC.

None of the spatial options proposed would meet affordable housing needs in full the SA does consider a housing figure that would improve the delivery of affordable housing. The SW Herts Strategic Housing Market Assessment (HOU02.01) states in table 7.53 that affordable housing need in St Albans is 802 dpa – 67% of the highest housing growth scenario tested by the Council and 90% of the proposed requirement. Whilst it is not necessary meet affordable housing needs in full there is certainly a strong argument for housing supply to be increased to better meet the affordable housing needs of St Albans given that since 1994 on average just 72 affordable homes have been delivered each year.

Q3 How does the SA consider different spatial options for housing and employment growth over the plan period and test reasonable alternative strategies?

For Council.

Q4 What is the justification for treating the Hemel Garden Communities ('HGC') "as a constant" in paragraph 5.4.23 of the SA? What alternatives to the HGC have been considered as part of the plan-making process?

For Council.

Q5 How does the SA take into account deliverability, especially around larger, strategic sites when assessing the submitted Plan against reasonable alternatives?

For Council.

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

For Council.

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