Statement on behalf of Hertfordshire County Council services to the Examination of the St Albans Draft Local Plan to 2041

Matter 1: Legal Compliance

1. Background

1.1.1. Hertfordshire County Council (HCC) is the upper tier authority covering the area of St Albans City and District Council (SACDC) and Dacorum Borough Council (DBC). HCC has statutory responsibility for multiple local government services, including transport, school place planning, adult and children's social care, and advising on surface water drainage.

1.1.2. HCC has made representations to the most recent Regulation 18 and 19 consultations to the SACDC local plan. HCC also has two agreed Statements of Common Ground with SACDC [SADC/ED3, and another SOCG that is not yet referenced].

2. Issue 2: Strategic Flood Risk Assessment

2.1. Question 1: How does the additional evidence consider surface water flood risks?

2.2. The proposed methodology contained within the addendum and SFRA Level one states in relation to surface water flood risk 'Using this mapping, it is not anticipated that the sequential test for surface water would normally require alternative sites at lower risk to be considered, because the widespread and dendritic nature of surface water flood risk differs conceptually to river and sea flood risk'. This is in contradiction to the requirement of the Sequential Test as set out in NPPF and the PPG.

2.2.1. In section 3.3.3 of the SFRA level 1 completed in 2024 states 'The level 1 SFRA defines a site at low risk of flooding using the following parameters:

(1) Site is within Flood Zone 1.

(2) Site is not within Flood Zone 3a plus climate change.

(3) Site is <10% at risk from surface water flooding in the 1 in 1,000-year event.

(4) Site is <10% within highest risk category in JBA Groundwater map (groundwater is <0.025m below the surface in the 1 in 100-year event).

(5) Site is not within the Historic Flood Map.

(6) Site is not at risk of reservoir flooding.

(7) Site is not at risk of breach from canal flooding.

(8) Site does not contain an Ordinary Watercourse.

2.2.2. This clearly does not comply with paragraph 175 of the NPPF or 023 of the PPG which requires the different sources of flooding to be considered consistently with each other. This methodology has been carried over in the addendum to screen the current sites which would not have been in accordance with the old PPG or the revised PPG as does not consider the

Spatial variation of that risk. The use of a percentage of area impacted does not allow for the spatial variation of that impact on the site. Less than 10% of a site impacted but the overland flow path is through the middle of the site or along the only access route affecting the safe access and egress of a site during a design flood event as defined in paragraph 002 of the PPG is very different to a flow path that had been left undeveloped as open green space along the edge of a development and would have different consequences in regards to Flood Risk. For example although the residential numbers have been reduced, access would still need to be in an area with a hazard rating of less than 0.75 to be considered safe as per the PPG guidance and research.

2.2.3. The inspectors' attention is drawn to the appendixed letter that sets out in the initial paragraphs context to the above.

2.3. Question 2: Are the suggested changes necessary to make the submitted Plan sound?

2.3.1. The proposed addendum does not differentiate this nor look at if an alternative site would be more suitable in this instance as the flood risk is less. The addendum does not make clear that these flow paths shall remain undeveloped and within open green spaces as stated in paragraph 175 of the NPPF. It is unclear from the addendum if these flow paths will impact any highway or access through the information submitted as only housing numbers have been altered and not the development footprint including infrastructure. It is also not clear if any residential development would also have to cross these flow paths during a design event therefore impacting the flow path or impacting safe access and egress of residents and users during a design event.

2.3.2. In relation to Surface water flood risk the Environment Agency long term flood risk data as well as the Flood map for planning was updated in January 2025, it is unclear if the data has been used within the Flood Risk Assessment Addendum to determine the areas impacted by each site.

2.3.3. Although the council has carried out the Sequential test for fluvial flood risk it has not been carried out in relation to Surface water flood risk and indeed this is confirmed by paragraph 7.3 of the Addendum.

2.3.4. Therefore the current addendum would still not make the Plan sound and additional work is required.

2.4. Question 3: Subject to the suggested changes, is the Plan consistent with national planning policy insofar as flood risk avoidance and mitigation is concerned?

2.4.1. To make the plan sound then surface water flood risk should be sequentially tested equally to other forms of flooding and if it is deemed necessary that these sites are indeed required to meet the housing numbers and no alternative sites with a lower risk of flooding (i.e. if a small area of a large site is located in flood zone 3 but no development, access or infrastructure is

located within it as it is along the very edge of the site boundary then this would be preferable to a site with a surface water flow path impacting the middle of the site or the only access route). Then it needs to be made clear that these sites must keep these flow paths as undeveloped and that all access and egress routes from the site as well as each dwelling/unit are classified as 'Safe' as per the requirement in NPPF and PPG and no infrastructure is located within a surface water flow path.

2.4.2. The wording within the addendum needs to be altered to ensure when windfall sites do come forward that they are tested in accordance with NPPF and its PPG. That only development that can via a site-specific flood risk assessment, demonstrates clearly that the proposed layout, design, and mitigation measures would 'ensure' that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere and therefore does not rely on mitigation measures that would require active maintenance, as their effectiveness in mitigating flood risk cannot be guaranteed for the lifetime of the development do not need to undertake the Sequential Test in relation to Surface water Flooding'.

2.4.3. As per paragraph 7.6 the sites should be removed for a consistent approach with fluvial flooding.