

HEARING

STATEMENT

St Albans City and District Local Plan

Stage 2 Matter 1 – Legal Compliance

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

September 2025

TABLE OF CONTENTS

1.	INTRODUCTION.....	1
2.	ISSUE 1 – SUSTAINABILITY APPRAISAL	2
3.	ISSUE 2 – STRATEGIC FLOOD RISK ASSESSMENT	3

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 1 (Legal Compliance) of the Matters, Issues and Questions published in respect of Stage 2 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 (Sustainability Appraisal) and Issue 2 (Strategic Flood Risk Assessment).
- 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 – SUSTAINABILITY APPRAISAL

- 2.1 As a general point regarding the Sustainability Appraisal (SA), we wish to stress that it is important to distinguish between matters pertaining to legal compliance (i.e. meeting the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations')); and those which relate to matters of soundness, such as how the Sustainability Appraisal has been used to inform and justify the DLP.

Q1 Has the Council updated the SA to reflect the suggested changes? Does the SA assess the proposed changes and compare these against all reasonable alternatives?

- 2.2 Regulation 12(2) of the SEA Regulations requires the SA to identify, describe, and evaluate the likely significant effects on the environment of proposed options, as well as those of reasonable alternatives. It also requires that the SA sets out the outline reasons for selecting the alternatives dealt with.
- 2.3 It is not currently entirely clear what changes the Council is proposing, or the justification for making main modifications to the DLP, either as part of the SA or elsewhere within the Council's suite of Examination documents. We consider it will be essential for the Council to clearly present the proposed main modifications, appraise these (including in relation to reasonable alternatives) as an update to the SA, and then publish these for consultation alongside the updated SA.
- 2.4 In preparing updates to the SA, as confirmed in *Cogent*¹ it is critical that the appraisal does not amount to an *ex post facto* exercise which merely seeks to justify the changes to the DLP that are proposed. Instead, the SA must look objectively at the proposed main modification, relative to reasonable alternatives; and the Council needs to retain an open mind to the possibility of making further or alternative modifications to the DLP to reflect the outcome of the appraisal process.

¹*Cogent LLP v Rochford District Council* [2012] EWHC 2542 (Admin)

3. ISSUE 2 – STRATEGIC FLOOD RISK ASSESSMENT

Q3 Subject to the suggested changes, is the Plan consistent with national planning policy insofar as flood risk avoidance and mitigation is concerned?

- 3.1 We welcome the Council's review, in principle, of proposed allocations in respect of flood risk, and the need to steer development towards land less at risk of flooding, as set out in the Flood Risk Addendum (SADC/ED77).
- 3.2 Whilst we agree it is necessary for the Council to revise the number of new homes to be provided through potential sites, where part of such sites is subject to flood risk, we note that the approach to be very much a numerical exercise focused on considering the percentage of a site that is subject to flood risk.
- 3.3 This is a somewhat problematic approach, given that the location of flood risk within a site has the potential to impact on the extent of the site that can provide homes, or even if a site can be considered deliverable at all from a flood risk perspective.
- 3.4 For example, we note that the Flood Risk Addendum suggests that the estimated residential capacity of site UC53 (Motor Repair Garage, Park Street Lane) should be revised from 11 to 9 homes, on the basis that 22% of the site is subject to surface water flood risk (1 in 30-year / 1 in 100-year). However, the Council's Strategic Flood Risk Assessment Level 2 Detailed Assessment of this site suggests that the areas of higher surface water flood risk are located at and around likely vehicular access points – it is unclear if access or escape routes can be provided without impinging on areas of flood risk. In this scenario, the key issue is less the percentage of the site that is subject to flood risk, and more where such flood risk is located.
- 3.5 Other issues could arise as a result of the location of the area of the flood risk if a site is subject to constraints that render the part of the site suitable from development on flood risk grounds as being more suitable for residential development from a flood risk perspective, unsuitable overall due to other factors; or if, for example the extent of flood risk was such that it render a feasible configuration of development without impinging on it unrealistic.
- 3.6 In short, a discount based purely on the percentage of a site subject to flood risk does not necessarily represent an appropriate calculation of the deliverable number of new homes on such a site.

- 3.7 We suggest either a more detailed assessment be undertaken to give a more robust estimate of the deliverable number of new homes; or, whilst policy remains supportive of the development of such sites, ensuring the DLP is imbued with sufficient flexibility such that development needs will be met even if fewer homes are delivered on such sites than currently anticipated.
- 3.8 In any event, we note that the Council's initial work to address this issue through the Flood Risk Addendum already result in fewer homes being considered deliverable than the DLP had projected. We suggest it is important that the housing trajectory be updated to reflect these changes, so that it is clear what impact this has on the DLP's ability to ensure a five-year housing land supply as well as meet overall development needs.