

**St Albans City and District Council  
Local Plan 2041**

Independent Examination

Written Statement relating to Matter 1

Hill Residential Ltd

April 2025

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Reference                    239102	Signature	S Goodhead
This document is issued for	Date	April 2025
<input type="checkbox"/> Information <input type="checkbox"/> Approval	Checked by	S Goodhead
<input type="checkbox"/> Comment <input checked="" type="checkbox"/> Submission	Signature	SG
Comments	Date	April 2025
	Authorised by	S Goodhead
	Signature	SG
	Date	April 2025
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## 1.0 Introduction

- 1.1 This examination statement is submitted on behalf of Hill Residential Ltd (Hill) in respect to Matter 1 of the St Albans City and District Council (SADC) Local Plan 2041 examination process. The comments provided respond directly to the Planning Inspectors' questions set out in the *Matters, Issues and Questions for Stage 1* document (ED69). The responses should be read in conjunction with the submitted examination statement regarding Matter 2 and Hill's Regulation 19 representations (submission number: 350 LPCD 20.03 – Page 2597- 2647), copies of which can be re-provided on request.
- 1.2 In responding to the Inspectors' matters, issues and questions, due regard is had to the NPPF paragraph 35 in assessing the Plan's soundness.
- 1.3 Hill responded to the previous Reg 19 Submission Draft Local Plan consultation in November 2024, including submissions in relation to legal compliance and draft strategic policies SP1 (A Spatial Strategy for St Albans District), SP2 (Responding to the Climate Emergency), CE1 (Promoting Sustainable Design, Construction and Building Efficiency) and CE2 (Renewable and Low Carbon Energy) with regard to Matter 1. The previous representations remain valid, unless specifically updated by this submission.
- 1.4 Hill is promoting land at Townsend Lane, Harpenden (the Site) on behalf of the landowner, Lawes Agricultural Trust (the Trust), for a sustainable and deliverable residential allocation within the emerging SADC Local Plan. The submission plan retains the draft residential allocation of the Site (referenced under M7) which is strongly supported by Hill and the Trust. Harpenden is one of the district's largest settlements and we agree with the Council that the site is a suitable and sustainable opportunity for future residential development. It is directly adjacent to the existing settlement boundary, in close proximity to public transport connections and local services, unconstrained and lacking technical obstacles to delivery and is available for development now (subject to Green Belt release).

## 2.0 Matter 1: Legal Compliance

- 2.1 Hill has previously submitted representations in relation to this matter and continues to raise some concern in regard to legal compliance and soundness regarding the Duty to Cooperate in relation to unmet need, housing growth options and climate change policies, which it is considered can be overcome by addressing the matters where practical through this Local Plan.

### Issue 1 – Duty to Cooperate

***Question 1 - 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?***

***Question 2 - 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?***

***Question 9 - Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to the advice contained in the Framework and the PPG?***

- 2.2 The NPPF (paragraph 35), states that councils should provide a strategy *“which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development”*. Hill raised concern in their Regulation 19 consultation response (LPCD 20.03 – Page 2600) in regard to SADC not addressing unmet need and the Duty to Cooperate.
- 2.3 There is no mention of unmet housing need within the plan and how this might impact the housing requirement. At the time of SADC’s Regulation 19 consultation, it was unclear whether they had actively engaged with their partners through the Duty to Cooperate, to consider whether any unmet need from neighbouring authorities could be accommodated within the District.
- 2.4 The Statement of Common Ground (overarching) document published for the Regulation 19 consultation (DTC 01.01) included a table that indicated SADC had considered the approach to accommodating unmet housing needs that may exist within the wider Housing Market Area for Dacorum, Hertsmere, Three Rivers and Watford, albeit there was no information about discussions or conclusions on this matter, with the statement advising that *“More detailed matters specific to SADC and individual Duty to Co-operate partner organisations will be covered by individual Statements of Common Ground between SADC and the relevant organisation”*. Further, there was no indication of any consideration or discussion regarding unmet need with other neighbouring authorities such as North Hertfordshire, Welwyn Hatfield and Central Bedfordshire.
- 2.5 As Hill has previously noted, according to the Sustainability Appraisal Interim Report (SA) (2023) (LPCD 03.03), there will be a significant level of unmet housing need from neighbouring authorities (e.g c.7,000 homes for Three

Rivers, c.3,000 homes for Hertsmere, c.2,800 homes for Dacorum and at the time an unidentified but significant level of unmet need for Welwyn Hatfield and London boroughs such as Enfield, Harrow and Barnet).

- 2.6 The more recent SA (2024) (LPCD 03.01) reiterates the above levels of unmet need across South West Hertfordshire at Box 5.1, albeit states that the significant unmet need at Welwyn Hatfield is intended to be addressed through an early plan review. The SA concludes at paragraph 5.2.15 that the situation in respect of unmet need within the sub-region has worsened since 2023 (including as a result of the increase in LHN across neighbouring authorities) and clearly states at paragraph 5.2.24 that *“with regards to ‘unmet’ housing need from neighbouring areas the simple fact is that unmet need is a significant issue.”*
- 2.7 As part of the Local Plan submission, SADC published a more detailed Duty to Cooperate Statement of Compliance (dated 29 November 2024) (LPCD 06.01) which sets out evidence of ongoing engagement and meetings undertaken to date with neighbouring authorities. Hill acknowledges that these discussions informed SADC’s decision to amend green belt boundaries and meet its own housing needs in full. In addition, and following submission, SADC also recently published a number of Statements of Common Ground, including with constituent LPA’s Three Rivers, Watford, Dacorum and Hertsmere, as well as their response to Inspectors’ Initial Questions, which all state that no unmet needs have been identified and that no neighbouring local authorities have formally requested that the SADC local plan provides for unmet need. This is currently in direct conflict with the evidence provided within both the SA Interim report and the more recent full SA, which is still of concern to Hill.
- 2.8 Further, the published statements lack detail in terms of considering the latest unmet need position and local plan progress for the local planning authorities including Three Rivers, Dacorum and Hertsmere, who have all held Regulation 18 consultations that have reduced the number of sites to be allocated. Dacorum has since submitted a plan that seeks to meet their housing needs in full, as a result of the changes to the NPPF. These updates and their impact on unmet need and how these impacted decisions on the number of homes being planned for has not been mentioned within any of the published statements.
- 2.9 In order for SADC to demonstrate that the plan is legally compliant and positively prepared, in accordance with NPPF paragraph 35, SADC should consider and respond to the unmet need position, including as set out above and within the SA, and consider how it could increase its own housing requirement/supply, where practical, to address some of these unmet needs. SADC has not demonstrated that it would be impractical, or that it would be inconsistent with achieving sustainable development, to meet some of the SA identified unmet need across South West Hertfordshire. In this context, and whilst now at a relatively late stage, known and tested sustainable additions could be made to the land supply in the district to help address need. It is important to show that these needs, and those of London, are considered through this Local Plan in accordance with paragraphs 61-010 – 61-012 of the Planning Practice Guidance (PPG) and should not be delayed or rely on it being addressed through the preparation of the South West Herts Joint Strategic Plan.
- 2.10 If the above has already taken place and been addressed, SADC will need to demonstrate this and show how it has been taken into account by the Council

before it can be concluded that the approach to Duty to Cooperate has maximised the effectiveness of the Local Plan.

### **Issue 3 – Sustainability Appraisal**

***Question 1 - 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?***

- 2.11 The SA recognises that there are strategic arguments for considering a housing requirement both above and below LHN, testing 8 reasonable growth scenarios from 14,517 homes at the lowest level to 16,389 homes at the highest level over the plan period (ranging from 854 to 964 dwellings per annum). Note this differs from the high-level appraisal of 4 alternative growth quanta figures referred to in the MIQs Q1 above, which the SA states was undertaken with no assumptions regarding spatial strategy or specific supply components. However, as set out within Hill's Regulation 19 consultation response (which we would refer the Inspector to avoid repetition), the preferred growth scenario (Scenario 3 from the 8 reasonable growth scenarios) provides for 14,989 homes and does not meet the LHN of 15,045 (based upon the full 17 year plan period and using the previous Standard Method). This approach is inconsistent with SADC's objective and proposed spatial strategy to meet the LHN in full over the plan period and as a result, should be amended to ensure it is positively prepared and justified.
- 2.12 The summary appraisal of the reasonable growth scenarios set out in Table B from the SA Non-Technical Summary shows that a higher level of growth (Scenario 4) has a higher number of best performing topics than the preferred Scenario 3 option. The summary discussion even states that the appraisal matrix shows a very mixed picture, suggesting that the choice between the reasonable alternative growth scenarios is finely balanced. This is a strong indication of their 'reasonableness', in that all or most could arguably deliver on key objectives and their performance varies 'at the margins'.
- 2.13 Consequently, the SA assessment does not suggest that higher levels of growth are unreasonable and should be dismissed. In fact, it states that the lowest growth scenarios would generate unmet need, whilst the highest growth scenarios would allow for: A) a generous 'supply buffer' as a contingency for delivery issues; and/or B) flexibility to consider a housing requirement modestly above LHN. This could provide further flexibility and help to address affordability issues and some of the unmet housing needs of neighbouring areas identified by the SA (as set out in response to Issue 1 above).
- 2.14 Further, with regards to higher growth, paragraph 5.2.31 of the SA concludes that there is an increased strategic argument for higher growth, particularly given unmet need, but also noting the Government's direction of travel at the time of writing (August 2024), which is focused on a strengthened drive to meet housing and other development needs.
- 2.15 As a result, whilst Hill consider that the assessment tests an appropriate range of alternatives, it is clear the SA indicates the higher growth options to be reasonable alternatives, especially in the context of significant unmet need in neighbouring authorities, acute affordability issues and government drive to

meet housing needs. Further detailed consideration should be undertaken of the higher growth options as reasonable alternatives within the SA (or if this has been undertaken then evidence to demonstrate it has been taken into account) to ensure that a sufficiently justified, appropriate and positive strategy is put forward and that it accommodates the LHN over the full plan period.

#### **Issue 4 – Climate Change**

##### ***Question 1 - Is it sufficiently clear what is required of proposals for new development under Policies SP2, CE1 and CE2?***

- 2.16 Hill considers that there are some instances where policy text wording included under Policies SP2, CE1 and CE2 is not sufficiently clear. Specifically, with regard to Strategic Policy SP2 (Responding to the Climate Emergency), the list set out for climate change mitigation / adaptation appears to better reflect more detailed aspirations or objectives than a list of specific clear and deliverable requirements. The policy text even notes that many policies in the Plan are cross-cutting and therefore the detailed policies for some aspects of this strategic policy are set out in other parts of the Plan.
- 2.17 As a result, Policy SP2 lacks clarity and does not serve a clear purpose over and above the more detailed policies of the Plan, which should not be repeated. The policy is inconsistent with paragraph 16d and 16f of the NPPF and should be removed.
- 2.18 If Policy SP2 is not deleted, the following comments are also provided, as set out within Hill's Regulation 19 consultation response. Part b) of the policy sets out that development proposals will need to 'prioritise the development of previously developed land'. The prioritisation of brownfield land is part of the preparation of the Local Plan but should not form part of the decision-making process. As such, the inclusion of part b) would not be effective or consistent with national policy and should be removed.
- 2.19 Part k) of the policy states that the Council will support proposals where they '*Combine environmental payments through stacking different types of credits on sites (e.g. carbon, biodiversity, Suitable Alternative Natural Green Space (SANG) etc) where appropriate*'. The wording at the end should be amended to include '*where appropriate and viable*' to provide flexibility and ensure the policy does not overly burden sustainable sites from coming forward where this is not feasible.
- 2.20 Ahead of setting out the policy requirements, Hill notes at the start of the policy text that the reference to "*Where appropriate, development proposals will need to:*" has been removed. Hill consider this reference should be reinstated to ensure the policy is sufficiently flexible and effective and can take into account various development scenarios and scales, particularly given that the policy and its requirements take no account of the existing nature of sites.
- 2.21 With regard to Policy CE1 (Promoting Sustainable Design, Construction and Building Efficiency), it is noted that part b) of the policy still requires water conservation measures to reduce household consumption to under 110 litres per person per day. Whilst this appears to be a clear set requirement, it currently conflicts with Building Regulations as set out at paragraph 2.8 of the supporting text, which states that Building Regulations Part G2 sets a higher option standard for new development of 110 litres per person per day that can



be applied where there is an evidence based need that the area is water stressed. If the council is to adopt this lower standard it must ensure that it has the necessary justification as required by paragraph 56-014 of the PPG. Further, it appears the policy wording goes further than the Building Regulations to state 'under' 110 litres per person per day. If the requirement is shown to be clearly justified and remains, the reference to 'under' should be removed so that it aligns with Building Regulations and avoids confusion.

- 2.22 Hill continues to object to the current wording of Part d), which requires the adoption of sustainable construction and demolition methods, including the use of materials with low embodied carbon. Hill recognises the importance of minimising waste and reducing the use of material with high embedded carbon, however, this must be left to the developer to decide on, based on the nature of the site and the type of development proposed. To take into account a variety of development scenarios and ensure the policy is sufficiently clear and flexible (and thus effective), it is suggested that the wording be amended to state "*The Council encourages the use of sustainable construction and demolition methods including using materials with low embodied carbon that are sustainably sourced where possible, and the reuse and recycling of demolished material from the development site;*".
- 2.23 Part e) requires applicants to minimise waste during the construction and operation phases of development by using the Circular Economy approach. Again, whilst this is generally clear as a requirement, Hill would highlight that there are limits as to how much of the industry's materials can come from such sources at present. To ensure the policy is effective, it is suggested that the text be amended to state: "*As far as possible, minimise waste during the construction and operation phases of development by using the Circular Economy approach...*".
- 2.24 Finally, Part f) requires proposals to include Sustainable Drainage Systems (SuDS) in new developments, however there may be certain development scenarios where new or retrofit SuDS may not be appropriate on site. To ensure the policy is sufficiently flexible and effective for various development scenarios, the policy should include 'where appropriate' at the end of the policy.
- 2.25 Finally, with regard to Policy CE2 (Renewable and Low Carbon Energy), Part b) of the policy requires major developments to set out how proposals will make use of renewable or low carbon energy within the site through an Energy Statement at application stage, and that agreed measures will be secured through conditions.
- 2.26 The requirement for deliverables such as an Energy Statement is part of the application process which can be set out separately within the Council's validation list. In addition, the final part of the text is already a mechanism that can be used to secure agreed proposals through planning conditions and shouldn't be set out separately within planning policy. Consequently, part b) of policy CE2 is not justified and does not serve a clear purpose. To avoid confusion it should be removed in accordance with paragraph 16f of the NPPF.

## **Issue 7 – Habitats Regulations Assessment**

***Question 1 - Which allocations in the Plan fall within the Zone of Influence and will therefore require the provision of mitigation? How was this taken into account as part of the site selection process?***

**Question 2 - Is it sufficiently clear to users of the Plan when, where and how the necessary mitigation will be provided?**

**Question 3 - How will the provision of mitigation affect the deliverability and viability of sites, especially strategic-scale allocations in the Plan?**

2.27 The Habitats Regulations Assessment (HRA, 2024) (LPCD 04.01) sets out that the Test of Likely Significant Effects identified nine allocations for residential development are located within the 12.6km core recreational ZOI for the Chilterns Beechwoods SAC and that these could result in a Likely Significant Effect upon the SAC in combination. These sites (which includes the Site at Townsend Lane) will require mitigation and are as follows:

- H1 - North Hemel Hempstead, AL3 7AU
- H2 - East Hemel Hempstead (North), HP2 7HT
- H3 - East Hemel Hempstead (Central), HP2 7LF
- H4 - East Hemel Hempstead (South), HP2 4PA4
- B3 - West Redbourn, Redbourn, AL3 7HZ
- M6 - South of Harpenden Lane, Redbourn, AL3 7RQ
- M7 - Townsend Lane, Harpenden, AL5 2RH
- M16 - Falconers Field, Harpenden, AL5 3ES
- P3 - Friends Meeting House, Blackwater Lane, Hemel, HP3 8LB
- UC33 - Land Rear of 53 Snatchup, Redbourn, AL3 7HF.

2.28 The Mitigation Strategy comprises of two elements, a Strategic Access Management and Monitoring Strategy (SAMMS) and SANG strategy. The SAMMS requires developer contributions per net new dwelling to enable interventions within the Ashridge Estate. The SA (Box 9.1) sets this out as £829 per dwelling. A second element in the Mitigation Strategy will be the identification and/ or creation of Suitable Alternative Natural Greenspace (SANG) to draw people away from using the SAC.

2.29 All allocations that provide for new housing that are located within the 12.6km core recreational ZOI will require mitigation and include text that acknowledges the relevance of the ZOI by stating *“The site lies within the Chilterns Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI). Appropriate contributions must be made towards the Strategic Access Management and Monitoring Strategy (SAMMS). Development proposals will also need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.”*

2.30 The Local Plan also contains policy wording within Strategic Policy SP10 to ensure that any allocations and any windfall development that falls within the 12.6km core recreational ZOI does not result in a likely significant effect and also adheres to the forthcoming Mitigation Strategy and require an appropriate contribution to be made towards the SAMMS.

2.31 Whilst Hill recognise the need to mitigate adverse impacts on such areas, the need for Local Plan allocations to make SAMMS contributions and associated cost (per net new dwelling) must be considered as part of the site’s overall viability to ensure sustainable sites are not overly burdened or hindered from

coming forward. Equally, SANG mitigation has implications for development viability and SADC must liaise closely with Dacorum Borough in respect of how to bring forward strategic SANG as a solution for all relevant allocated sites, most notably in respect of SANG to mitigate the strategic Hemel Garden Community.

### **3.0 Conclusions**

- 3.1 Hill supports SADC's approach to progressing the Local Plan 2041 and the general requirement to meet the need for homes based on the Standard Method figure. However, Hill considers that SADC will need to clarify and demonstrate how the housing requirement and preferred growth option has responded to and addressed unmet need, given the clear indication by the SA that there is significant unmet need from neighbouring areas which is contrary to the conclusions in the Duty to Cooperate Compliance Statement and associated Statements of Common Ground. This will need to be addressed before it can be concluded that the approach to the Duty to Cooperate has maximised the effectiveness of the Local Plan.
- 3.2 In addition, the policies as currently drafted on climate change are not sufficiently clear in some instances and Hill therefore requests the policies be amended to ensure they are sound, justifiable and consistent with National Policy.

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