

# Examination of the St Albans City and District Local Plan - Matter Statement

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**Our ref** 60885/01/MS/BHy  
**Date** 15 April 2025  
**From** Lichfields on behalf of Legal & General

## Subject Matter 1 Legal Compliance

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### Context

- 1.1 This Matter Statement should be read alongside Legal & General's (L&G) representations to the Regulation 19 Consultation of the St Albans Local Plan, **representor ID 351**, specifically representations 351-1, 351-2 and 351-3. Both the Reg 19 representations and this Matter Statement are prepared by Lichfields on behalf of L&G in respect of L&G's site at North West Harpenden ("NWH").
- 1.2 NWH is identified in the Local Plan (LPCD 02.01) ("the plan") as a 'Broad Location' for a minimum of 293 homes, mixed-use residential, green infrastructure, transport infrastructure and other community infrastructure.
- 1.3 In February 2025, St Albans Council issued a resolution to grant permission (subject to S106) for an outline application for up to 550 dwellings (including 130 Class C2 integrated retirement homes), affordable housing, early years setting, public open space, allotments and publicly accessible recreation space at NWH. The site to which the application relates is larger than the site currently proposed for allocation in the plan.

## 2.0 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?

- 2.1 Table A of Appendix 3 of the Sustainability Appraisal ("SA") (LPCD 03.01) sets out the high-level appraisal of growth quanta, at 300/600/900/1,200 dwellings per annum (dpa). The reasoning for these is given in Appendix 3 (p.134) as follows:
- 300 dpa - approximate figure that could be provided without Green Belt release;
  - 600 dpa - low growth scenario that might be considered in order to reflect Green Belt constraint;
  - 900 dpa - figure suitably close to the standard method; and
  - 1,200 dpa - a reasonable high growth 'bookend' for testing.

- 2.2 It is unclear how the highest scenario (1,200 dpa) relates to housing need (including, for example, addressing St Albans' affordable housing need or contributing to wider unmet need) and/or housing supply (we note that these factors are discussed in the main report, but it is unclear how they have informed the selection of scenarios).
- 2.3 The SA finds that *"900 dpa is preferable in respect of more topics than any of the other scenarios and is also associated with a good number of predicted positive effects"* (LPCD 03.01 p.136). The reasonable alternative growth scenarios tested<sup>1</sup> range from 3% below the standard method to 12% above the standard method, of 885 dpa.

## **Do they represent an appropriate range of reasonable alternatives to the submitted Plan?**

- 2.4 No. This is for two reasons.
- 2.5 Firstly, the options do not encompass the *"different realistic options"*, as set out in PPG<sup>2</sup> (see also our Reg 19 representations para 2.36-39). The scale of demand in St Albans and amount of unmet need in the wider area is such that it is a realistic option for housing delivery in St Albans to exceed the standard method (insofar as if land were made available for housing, this would result in increased delivery).
- 2.6 We also note that for the highest scenario considered – 1,200 dpa - the SA<sup>3</sup> has negative effects of limited or unknown significance across just three indicators (air and environmental quality, historic environment and landscape), with neutral outcomes across most other areas and positive outcomes for accessibility and housing. Although we are unclear on the logic behind the selection of 1,200 dpa as an upper 'bookend', the SA itself suggests that housing at this level - if not higher - represents a realistic option for growth, however this has not been taken forward as an alternative for testing.
- 2.7 Secondly, the reasonable alternatives are not *"sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made"* as required by PPG. In the context of the typical buffers which are applied to assessments of housing land supply (ranging up to 20%, to allow for competition and account for the fact that not all sites will come forward), eight scenarios spanning a range of -3% to +12% around a central housing need figure might realistically lead to the same supply outcomes (and therefore the same, or very similar, sustainability outcomes). They are not sufficiently distinct to determine the degree to which their outcomes would vary; indeed, in the SA<sup>4</sup> outcomes across many topics are similar across many of the scenarios tested.

<sup>1</sup> Which are shown in the SA Non-Technical Summary ["SA NTS"], LPCD 03.02 Table A

<sup>2</sup> PPG Strategic environmental assessment and sustainability appraisal ID: 11-018-20140306

<sup>3</sup> Appendix 3, Table A

<sup>4</sup> See SE NTS [LPCD 03.02] Table A

## How does the SA consider the potential for wider unmet housing needs?

- 2.8 References to wider unmet housing needs are made throughout the SA (LPCD 03.01), including at para 2.2.13<sup>5</sup> and para 5.2.24<sup>6</sup> with the ‘risks’ of unmet need summarised as follows (see Box 5.1 of LPCD 03.01):
- 1 From Three Rivers, c.7,000 homes;
  - 2 From Hertsmere, c.3,000 homes;
  - 3 From Dacorum, c.2,800 homes;
  - 4 From Welwyn Hatfield, ‘significant’ but unquantified unmet need; and
  - 5 From London, it is noted that Barnet, Enfield and Harrow plan to meet their London Plan target but that actual housing need (based on the standard method) is significantly higher, which could generate unmet need, although unquantified.
- 2.9 The SA notes that “*with regards to higher growth, the conclusion here is that whilst such scenarios were ultimately ruled out as unreasonable in 2023, there is now increased strategic argument, particularly given unmet need, but also noting the Government’s direction of travel at the time of writing (August 2024)*”. We concur that there is an increased strategic argument (compared with circumstances in 2023) for consideration of higher growth options. This is particularly prudent in light of the Government’s ambition to see 1.5m homes delivered by the end of this parliament. This represents a c.30% increase in the number of homes delivered in the next five years (2024-29) compared with the number of homes delivered over the prior five years (2019-24)<sup>7</sup>.
- 2.10 The SA also notes that awaiting the outcomes of the South West Herts Joint Strategic Plan is ‘not a realistic option’ (para 5.2.27), and we concur with this view.
- 2.11 However, the SA does not test scenarios which contribute to wider unmet need, asserting (inter alia) that there were “*no clear calls for higher growth from organisations with a wider strategic interest*”<sup>8</sup>. Its highest scenario is just 12% above the standard method (which, in the context of housing supply buffers, is likely akin to actual delivery as per the standard method for St Albans alone. Its scenarios appear to be supply-led<sup>9</sup> and do not appear to be informed by any assumptions regarding unmet need.
- 2.12 It has been established<sup>10</sup> that authorities do not necessarily need to “*wait*” for formal requests to accommodate a specific amount of unmet housing need before they can consider whether unmet need can or should be accommodated in the local plan process (this was summarised by the Tonbridge & Malling Inspector<sup>10</sup>).

<sup>5</sup> Which states: “*there is a need to consider the implications of ...any unmet need not provided for (noting that two or three neighbouring local authorities in South West Hertfordshire are proposing to generate significant unmet need)*...”

<sup>6</sup> This states: “*With regards to ‘unmet’ housing need from neighbouring areas the simple fact that is that unmet need is a significant issue...*”

<sup>7</sup> Source: MHCLG Live Table 122 which shows total net additional dwellings across England between 2019/20 and 2023/24 as 1,156,170 dwellings.

<sup>8</sup> LPCD 03.01 para 5.2.32

<sup>9</sup> See LP 03.01 para 5.5.1-10

<sup>10</sup> See Inspector’s Report into the Tonbridge & Malling Local Plan June 2021 (available [here](#)) IR8-21.

- 2.13 It is a shortcoming of the SA not to have at least tested scenarios with significantly higher quanta of development to at least consider whether some degree of unmet need could be accommodated, given that the Council itself acknowledges this as being a ‘significant issue’.
- 2.14 The plan as submitted is therefore not ‘sound’ insofar as it is not justified (NPPF para 35(b)); but this can be addressed via testing further scenarios for growth, with higher quanta of housing, to address some unmet need, within the SA.

**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?**

- 2.15 No, they do not test a scale of housing growth that would enable affordable housing needs to be met in full.
- 2.16 The Council’s evidence of need<sup>11</sup> concludes that net affordable (rented) housing need in St Albans is 449 per year and a further need for 353 affordable ownership homes per year in St Albans<sup>12</sup>. This brings the total affordable housing need to 802 per year, which equates to 91% of the overall housing need indicated by the standard method. The Council’s viability evidence (INF 10.01, summarised at para 1.7) indicates that, broadly speaking, 40% affordable housing is the viable level of affordable housing across most (if not all) of St Albans. The viability study confirms that the affordable housing applied assume a mixture of affordable rent (social and affordable) and intermediate tenures (shared ownership and First Homes)<sup>13</sup>. Therefore, to meet the total need for 802 affordable homes per year at 40% would require **2,005** dwellings per year. The highest scenario[s] tested in the SA<sup>14</sup> are roughly half this figure, at c.16,400 homes in total or c.1,025 per year (as the SA applies a 16-year period); these are Scenarios 6 and 8, shown in the SA NTS<sup>15</sup>.
- 2.17 The question of why scenarios which meet affordable housing need in full have not been tested is for the Council to answer. However, we would highlight that, for the reasons set out in our Reg 19 representations (para 2.36-39) and in response to Q1 above, higher scenarios (than c.1,025 per year) represent reasonable alternatives because:
- 1 The SA does not identify any significant negative effects associated with the highest levels of development that it tested (including the c.1,200 dpa housing quantum alternatives in the SA at Appendix 3); and
  - 2 Any areas where it has identified limited or unknown negative effects of Scenarios 6/8 (c.1,025 dpa) do not warrant ruling out the testing of even higher scenarios.
- 2.18 This suggests that the Council can sustainably plan for housing need of at least up to 12% more than the standard method (c.1,025 homes per year), if not more (1,200 dpa+), and it should therefore test scenarios which seek to meet affordable housing need in full.

<sup>11</sup> HOU 02.01

<sup>12</sup> See HOU 02.01 Table 1.2

<sup>13</sup> See HOU 02.01 Table 2.38.1

<sup>14</sup> LPCD 03.01 and 03.02

<sup>15</sup> CD 03.02 Table A

- 2.19 For this reason, the plan as submitted is therefore not ‘sound’ insofar as it is not justified (NPPF para 35(b)); but this can be addressed via testing further scenarios for growth within the SA, including housing quantum scenario/s of up to c.2,000 dpa which would meet affordable housing needs in full.

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

- 2.20 In terms of the supply that comprises each of the scenarios, the SA holds a number of sources of supply constant across all scenarios<sup>16</sup> including completions and permissions, windfalls, urban supply, HGC, along with all supply in Harpenden, London Colney and Radlett. For other locations (St Albans, Redbourn, Wheathampstead, Bricket Wood, and Chiswell Green/How Wood and Park Street/Frogmore) the number of homes is varied.
- 2.21 Within Harpenden, the SA holds the number of homes constant at 1,270 homes. The SA states that this comprises all ten Green Belt allocations; two strategic and eight non-strategic sites. NWH was included, but only the smaller extent of the site for 293 homes<sup>17</sup>. Whilst the SA noted that the larger extent of NWH was then subject to an application for 550 homes<sup>18</sup> this was explicitly “ruled out” of the SA<sup>19</sup>. In light of the scheme’s resolution to grant, this is clearly no longer an up-to-date and accurate assumption, and would result in an increase in the ‘constant’ number for Harpenden across all scenarios from 1,270 (which assumes up to 293 dwellings at NWH) to 1,527.
- 2.22 The SA gives further background for its spatial options<sup>20</sup>. We note that there is no scenario in the SA which incorporates all of the potential sites listed; the testing of a scenario which incorporates all site options would represent one way in which a higher overall housing requirement may be achieved, and this is before any omission sites are considered.
- 2.23 We note that the preferred option (‘PO’, Scenario 3) incorporates all Green Belt release at the smaller settlements (Redbourn, Wheathampstead, Bricket Wood, and Chiswell Green/How Wood and Park Street/Frogmore) along with only the smallest option for growth at St Albans (St Albans East, 472 dwellings). This suggests that, proportionally, the smaller settlements are taking a larger share of the overall housing requirement. This could be addressed by consideration of a scenario where all the potential sites are included (and further consideration is given to omission sites and the larger NWH site) which would increase in absolute and proportional terms the scale of growth in the highest tier settlement[s], whilst still providing growth for all areas. This issue is also addressed in our response to Matter 2 Housing Growth > Issue 4 Distribution of Growth > Q1.
- 2.24 In terms of the way that the scenarios are assessed, we note that because the scenarios are too similar in term of their overall quanta of housing, the outcomes across many topics are the same, or very similar, under most scenarios. This was also raised in our Reg 19

<sup>16</sup> as shown in LPCD 03.02 Table A

<sup>17</sup> see LPCD 03.01 para 5.4.58

<sup>18</sup> see LPCD 03.01 para 5.4.69

<sup>19</sup> see LPCD 03.01 para 5.4.69

<sup>20</sup> at LPCD 03.01 para 5.5.1-10

representations (para 2.36-39) and can be seen in the summary table shown in the SA NTS (Table A). The result is that the outcomes for many of the reasonable alternatives are similar to the preferred scenario, with no clear reasoning for opting for the preferred scenario.

**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?**

- 2.25 The justification is set out at LPCD 03.01 para 5.4.11-29. It includes that the allocation has a history in both the St Albans plan and Dacorum plan, the latter of which was submitted for examination in March 2025. The HGC is held constant (at 4,315 units - see SA NTS Table A) across all scenarios, indicating that the SA does not test any alternatives for the HGC which, for example, assume a longer lead-in time and/or lower delivery rate than the main assumption adopted in the plan. This is a shortcoming of the SA, with knock-on impacts for the spatial strategy, settlement hierarchy and stepped trajectory.
- 2.26 We made observations regarding deliverability of HGC's proposed trajectory in our Reg 19 representations (para 3.1-18) which suggest that the HGC could potentially deliver at most c.2,500 dwellings within the plan period, and that it would also have a longer lead-in time than assumed by the Council.
- 2.27 A lower overall quantum of development at HGC in the plan period (either due to longer lead-in times and/or lower delivery) would have knock-on impacts for:
- 1 The overall amount of housing tested in the SA, because the SA would need to incorporate larger numbers on existing allocations (e.g. NWH) and/or add new sites to make up the overall shortfall (notwithstanding that we consider the SA should test scenarios with even higher overall quanta of development than it currently does);
  - 2 The spatial strategy, because lower growth at HGB might imply lower growth in the highest Tiers (Tiers 1 and 2, which include Harpenden) which may need to be 'made up' by other sites specifically within Tiers 1 and 2 (either expanding existing allocations, e.g. NWH, or inclusion of additional sites). We explore this further in our response to Matter 2 Issue 4 Q1;
  - 3 The use of a stepped trajectory, as currently proposed by the Council. If the Council were to explore options within its SA that incorporated smaller sites (or increased size of existing allocations) that could commence delivery more quickly (as alternatives to the HGC, or in the event that it delivers less than 4,300 in the plan period), this could negate the need for a stepped trajectory and ensure that housing needs are met as soon as possible (and not deferred to later in the plan period). We comment further on the need for a stepped trajectory in our response to Matter 2 Issue 2 Qs 1-2.
- 2.28 For these reasons, the plan as submitted is therefore not 'sound' insofar as it is not justified (NPPF para 35(b)); but this can be addressed via testing further scenarios for growth which reduce the quantum of housing assumed at HGC (and make this up elsewhere).

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

- 2.29 Across its scenarios (shown in LPCD 03.01 Table 5.2) the SA assumes the same quantum of growth from all sites, varying which sites are included in each scenario (to vary the overall quantum of housing). This means that the SA's assessment of reasonable alternatives does not factor in alternative assumptions around delivery (lead-in or build out rates) of its sites. As highlighted in our response to Q4 above (and in our responses to Matter 2 Issue 4, and in our Reg 19 representations):
- 1 We consider that the deliverability of HGC has been overstated, which illustrates the importance of considering other sites; and
  - 2 The resolution to grant for the scheme of 550 homes at NWH illustrates that the SA as currently drafted under-estimates the supply of housing from strategic sites in Harpenden.
- 2.30 For this reason, the plan as submitted is therefore not 'sound' insofar as it is not justified (NPPF para 35(b)); but this can be addressed via testing further scenarios which provide alternative and/or more realistic assumptions around the delivery of larger sites (in the case of HGC, we consider a more realistic assumption would be reduced housing in the plan period; in the case of NWH a realistic assumption would be increased housing in the plan period).

**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?**

- 2.31 The question of how the reasonable alternative site options were defined and considered as part of the SA process is considered a question for the Council; we note that explanation is given in the SA (LPCD 03.01) at Section 5.4.
- 2.32 No, the SA does not test a suitable range of reasonable alternatives to the sites allocated in the Plan, particularly insofar as it has not tested the larger NWH site. As noted in our response to Q3 above, the SA as currently drafted explicitly rules out the 550-home scheme on the larger NWH site and only considers the smaller extent at 293 homes. This is not reflective of the scheme's current resolution to grant.
- 2.33 As noted in our responses to earlier questions, for this [and other] reason[s], the plan as submitted is therefore not 'sound' insofar as it is not justified (NPPF para 35(b)); but this can be addressed via the various amendments to the SA which are suggested throughout this statement, including – as a minimum - the inclusion of the larger NWH site within the scenarios.