

HEARING STATEMENT

St Albans City and District Local Plan

Matter 2 – Housing Growth and Spatial Strategy

On behalf of

Pigeon Capital Management 4 Ltd
(Land Northwest of Batchwood Drive, St
Albans)
(Respondent no.365)

April 2025

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf Pigeon Capital Management 4 Ltd (PCM4L) in response to questions set out in Matter 2 (Housing Growth and Spatial Strategy) of the Matters, Issues and Questions published in respect 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 (Local Housing Need), Issue 2 (the Housing Requirement), Issue 3 (Settlement hierarchy), Issue 4 (Distribution of Housing Growth), and Issue 5 (Site Selection Methodology).
- 1.3 PCM4L is promoting the residential development of Land northwest of Batchwood Drive, St Albans City ('the Site') through the plan-making process.
- 1.4 The Site comprises the land referenced SA-16-18 & SA-16-21 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 PCM4L and in respect of the Site (respondent no.365), 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 – LOCAL HOUSING NEED

Question 1

What is the plan period for the submitted St Albans Local Plan? Is this sufficiently clear to users of the Plan?

- 2.1 We have interpreted the DLP as setting a plan period up to 2041. However, as per our Regulation 19 representations we consider there is a risk that the new Local Plan will not be adopted in time to ensure its strategic policies address the minimum 15 years from adoption required by the NPPF.

Question 3

The PPG advises that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method. Circumstances may include situations where there are growth strategies for an area, where strategic infrastructure improvements are proposed or where an authority is taking on unmet housing needs from elsewhere.

Do any of these circumstances apply to St Albans?

- 2.2 Our concerns, as per our Regulation 19 representations, pertain more to the establishment of the housing requirement (and in particular the failure to consider an uplift to the minimum requirement in order to better meet affordable housing needs, as suggested by the PPG¹).
- 2.3 However, in direct response to the question posed regarding local housing need, the only point we wish to add regarding the calculation of housing **need** is that the PPG referenced in the question makes clear the examples it gives of circumstances where actual housing need exceeds the minimum figure generated by the Standard Method “**include, but are not limited to**” those cited in the question.
- 2.4 In respect of St Albans, it should be recognised that a) the figure generated by the Standard Method is subject to an arbitrary 40% cap on the affordability adjustment, without which it would be significantly higher; and b) the affordable housing need is very substantial and, at 443 dpa (calculated by the South West Hertfordshire Local Housing Needs Assessment (September 2020) (‘the LHNA’)) represents just over half the figure generated by the Standard Method.

¹ Paragraph ID 2a-029-20140306

3. ISSUE 2 – THE HOUSING REQUIREMENT

Question 1

What is the justification for a) the level of housing proposed in the first 5 years post adoption, and b) the significant uplift from 485 to 1,255 dwellings per annum thereafter? Are the figures justified? 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?

- 3.1 We note with concern the lack of clear and robust justification for the stepped housing trajectory proposed by the Draft Local Plan (DLP).
- 3.2 In our view, the Council's response to the Inspectors' initial questions, dated 5 March 2025 (document reference SADC/ED34), fails to demonstrate that the principle of a stepped trajectory is justified in this instance—particularly not to the extent proposed within the DLP.
- 3.3 Although the Council references the relevant Planning Practice Guidance (PPG²) on stepped trajectories, it notably fails to quote it in full. Crucially, it omits key provisions of the guidance, such as the requirement for the approach to be *evidenced* and to avoid *unnecessary delay in meeting identified development needs*.
- 3.4 While the Council argues that the stepped trajectory reflects a realistic estimate of when allocations will begin to deliver housing, it provides no adequate explanation as to why additional sites—capable of delivering homes in the early years of the plan period—could not be brought forward. Rather, the response appears to present the stepped trajectory as a reflection of the proposed spatial strategy. To remedy this, additional sites should be allocated in support of the spatial strategy to support housing delivery in the early years of the plan period.
- 3.5 At paragraph 13.5 of its response, the Council states:

“The relatively lower housing requirement of 485 net dwellings per annum in years 1–5 (post adoption) of the plan period from 2026/27 to 2030/31 corresponds with the relatively lower level of housing land supply in this period.”

² Paragraph: 012 Reference ID: 68-021-20190722

- 3.6 This statement reflects a somewhat passive stance on housing delivery, as though the Plan has no active role in shaping supply. However, this overlooks the key function of the Local Plan: to positively and proactively plan for the homes and communities needed, especially in the short term.
- 3.7 In recognising that the DLP's current approach would result in development needs going unmet during the early years of the plan period, we consider that the Council could have explored additional allocations to address the District's acute and immediate housing pressures. As per the PPG, the Local Plan should be seeking to avoid any unnecessary delay in meeting housing needs.
- 3.8 A stepped trajectory can only be considered justified where all reasonable and deliverable options for early delivery have been explored and exhausted—and the housing need remains unmet. This does not appear to be the case here.
- 3.9 The issue is further compounded by what we consider to be the unjustified rejection of sustainable and deliverable sites that could contribute significantly to early housing delivery. Allocating additional sustainable and deliverable sites such as Land north west of Batchwood Drive could negate the need for a stepped trajectory by boosting housing land supply in the early years of the plan period.
- 3.10 The potential consequences of adopting a significantly reduced housing requirement in the early years of the plan period are substantial. For example, the annual affordable housing need—443 dwellings as identified in the Local Housing Needs Assessment (LHNA)—amounts to approximately 91% of the proposed stepped requirement of 485 dwellings per annum. It is therefore inevitable that a substantial proportion of affordable housing need will go unmet during the initial years. Moreover, setting an artificially low requirement may also frustrate delivery of sustainable development on unallocated Green Belt sites in accordance with the 2024 NPPF.
- 3.11 Additionally, it is important to recognise that the proposed stepped trajectory could undermine addressing housing need in the early years of the plan period. The Housing Delivery Test (HDT) results for the District have *never* exceeded 69% since its inception—a persistent record of underdelivery that would be further entrenched by this approach.
- 3.12 This issue is capable of being addressed through main modifications. The Council should revisit sites previously rejected for allocation and consider whether these could help to bring forward housing delivery in the early years of the plan period. At the very least, it should seek to reduce the scale of the shortfall associated with the stepped trajectory to ensure a more robust and justified approach to meeting identified housing needs.

4. ISSUE 3 – SETTLEMENT HIERARCHY

Question 3

How have the scores and baseline evidence been used to determine which settlements fall within the proposed tiers? Is the settlement hierarchy justified, effective and sound?

- 4.1 As outlined in our Regulation 19 representations (paragraphs 2.6–2.12), we acknowledge that attempting to quantify the characteristics of settlements in order to define a hierarchy presents inherent challenges. Nevertheless, we consider the methodology adopted to be proportionate and, in principle, a legitimate approach—one that has been found sound through the preparation and examination of other Local Plans.
- 4.2 We also welcome the recognition, within the proposed settlement hierarchy, that St Albans represents the most sustainable location within the District for accommodating growth. This is consistent with its size, accessibility, service provision, and economic role.
- 4.3 However, as previously raised in our Regulation 19 representations, there remains a lack of clarity as to how the settlement hierarchy is intended to guide decision-making. Specifically, it is not clear what weight will be afforded to the hierarchy in determining planning applications or in assessing the appropriateness of potential site allocations—either now or through future plan reviews. This ambiguity risks undermining the utility and effectiveness of the hierarchy as a policy tool.
- 4.4 Specifically reinforcing the role of St Albans as a higher order settlement as the most sustainable location for new growth should be brought out in the hierarchy, its justification and its role in decision making within the Plan.

5. ISSUE 4 – DISTRIBUTION OF HOUSING GROWTH

Question 1

How does the distribution of housing growth compare with the settlement hierarchy over the plan period, taking into account completions, commitments and sites identified in the Local Plan? Does the spatial strategy reflect the size, role and function of settlements in Policy SP1?

- 5.1 Focusing on St Albans City, and further to our Regulation 19 representations (paragraphs 2.6 to 2.12), we consider that the DLP adopts a proportionate and pragmatic approach to establishing the settlement hierarchy. Importantly, it rightly avoids applying the hierarchy in an overly rigid or simplistic way when shaping the spatial strategy and housing distribution.
- 5.2 However, given the identification of St Albans City as the most sustainable settlement within the District, we find the rejection of Land off northwest of Batchwood Drive as a potential residential site particularly concerning—especially when viewed in the context of the Plan’s approach to addressing housing needs in the early years of the plan period. This inconsistency raises questions about the extent to which the spatial strategy genuinely reflects the hierarchy it purports to follow.

Question 5

How did the classification of land as Green Belt and the availability of land within the urban area determine the spatial strategy and distribution of housing growth?

- 5.3 While it is accepted that the Plan should seek to identify and prioritise non-Green Belt opportunities to meet development needs, it is also well-established—most notably through *Calverton*³ - that the mere presence of non-Green Belt land is not, in itself, sufficient to preclude Green Belt release. In considering whether exceptional circumstances exist to justify alterations to Green Belt boundaries, it is essential to assess not only whether non-Green Belt sites are available, but also whether they are deliverable and capable of contributing meaningfully to meeting housing needs in a sustainable way.
- 5.4 In this context, we question whether some of the sites currently relied upon to support the sustainable growth of St Albans City are, in fact, deliverable within the anticipated timescales. A failure to rigorously assess this may have implications for the robustness of the spatial strategy and

³ *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078 (Admin)

introduces some uncertainty around the extent to which the approach adopted will support the timely and effective delivery of new housing.

6. ISSUE 5 – SITE SELECTION METHODOLOGY

Question 8

Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

- 6.1 While we acknowledge that the sites proposed for allocation in the DLP have been subject to detailed assessment and are evidenced as sustainable and deliverable, the process has nonetheless led to the unjustified rejection of other sites which are also both sustainable and deliverable.
- 6.2 The exclusion of these sites must be considered in the wider context of the NPPF's requirement to significantly boost the supply of housing. It is particularly problematic when the DLP itself acknowledges a shortfall in meeting housing needs in the early years of the plan period, citing a lack of deliverable sites.
- 6.3 Taking the Site (SA-16-18 & SA-16-21,) as an example, it was initially identified as *potentially suitable* within the Council's 2021 Housing and Economic Land Availability Assessment (HELAA). The HELAA text states:

"At this initial stage, the site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. Evidence base work, including a Green Belt Review, is underway and may change the site suitability in the future."

- 6.4 This suggests that the main constraint leading to the Site's rejection was not environmental, ecological, heritage-related, or physical in nature—but rather a policy constraint arising from the Green Belt designation.
- 6.5 In line with case law, notably *Calverton* and *Compton*⁴ exceptional circumstances can justify amendments to Green Belt boundaries where sustainable, deliverable sites are needed to meet housing shortfalls. The Council should have revisited such sites—particularly those like SA-16-18 & SA-16-21, that contribute to higher-tier settlements—where objections were raised to the Green Belt Review's conclusions during consultation. In this case, the Review's assessment appears to have been determinative, despite questions around its robustness and the sustainability credentials of the Site.

⁴ *Compton PC v Guildford Borough Council & SSHCLG* [2019] EWHC 3242 (Admin)

- 6.6 This issue is not insurmountable. It could be addressed through main modifications to the DLP, including the reconsideration and potential allocation of sites such as SA-16-18 & SA-16-21.