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15 April 2025

Dear Louise,

**St Albans City and District Local Plan  
Stage 1 – Matter 1 Hearing Statement  
Andrew Black Consulting on behalf of St Congar and Clearwater Properties**

I write on behalf of St Congar and Clearwater Properties Limited who have interests in land to the south and north (respectively) of Smug Oak Lane in Bricket Wood. Separate representations were submitted during regulation 18 and regulation 19 consultations.

Both sites remain as omission sites within the submitted Local Plan. These matters statements are produced on a combined basis and Andrew Black Consulting will represent both land interests at the forthcoming hearing sessions.

The representations are made in the context of the tests of soundness as set out in paragraph 35 of the current National Planning Policy Framework (NPPF). This states that plans are ‘sound’ if they are:

***Positively prepared*** – providing 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;

***Justified*** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

***Effective*** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

***Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

The local plan was submitted for examination in November 2024 and therefore will be examined under the December 2023 version of the framework as set out in the transition arrangements of paragraph 234 of the current December 2024 NPPF.

Each of the issues and questions in the Matters, Issues and Questions for Stage 1 (SADC/ED69) is set out below with comments made against each in turn. Further submissions will be made at the examination in relation to the responses made by the council and others in preparation for the stage 1 hearing sessions.

## **ISSUE 1 – DUTY TO COOPERATE (DtC)**

### ***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?***

Paragraph 26 and 27 of the National Planning Policy Framework emphasises the importance of maintaining effective co-operation throughout the plan making process and state (with emphasis added):

*24. **Effective and on-going** joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.*

*25. In order to demonstrate **effective and on-going joint working**, strategic policy-making authorities should prepare and maintain **one or more** statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.*

In order to meet the proposed transition arrangements under the emerging NPPF, the council set out an ambitious programme for the adoption of the new local plan by early December which involved approval of submission of the plan for examination by full council at the end of November 2024.

Paragraph 3.31 of the briefing paper to full council in October clearly set out the risks of the accelerated time frame for submission as follows:

3.31. *The accelerated timescale to Submission (intended on 2 December 2024, rather than as previously envisaged at the end of March 2025) means that there will be less time to undertake work to support Submission of the Plan and Examination, which raises the risk of having to withdraw the Plan at Examination. This is primarily because of the accelerated point of Submission in December 2024, rather than the end of March 2025:*

*1 – There will realistically be fewer agreed and signed Statements of Common Ground to assist the Inspectors.*

*2 – There will realistically be fewer and less extensive Topic Papers to assist the Inspectors.*

*3 – There will realistically be less time to prepare extensive responses to Objections or concerns raised at Regulation 19 stage to assist the Inspectors.*

Given the history of the previous local plans being withdrawn following the identification of systemic errors in how the council failed to engage constructively with neighbouring authorities, it is highly surprising to see the council identify that this matter is again at risk.

An important aspect of the local plan process is set out in Section 20 of the Planning and Compulsory Purchase Act 2004 sets out the process for independent examination and states that a local planning authority must not submit a development plan document to the Secretary of State for independent examination unless (with emphasis added)

a) *They have complied with any relevant requirements contained in regulations under this part, and*

b) ***They think the document is ready for independent examination.***

It is clear that a fast-tracked submission of a local plan would breach the requirements in this regard and the points of risk raised by council officers are highly pertinent. In any event, even if the plan was to be found sound, such an approach would mean that preparation of a new plan would be required under the provisions of paragraph 227 of the draft NPPF which states:

***Where paragraph 226 c) applies, local plans that reach adoption with an annual housing requirement that is more than 200 dwellings lower than the relevant published Local Housing Need figure will be expected to commence plan-making in the new plan-making system at the earliest opportunity to address the shortfall in housing need.***

It is patently clear that the council is attempting to subvert a justified and effective plan making process which could properly meet housing needs in favour of a short-lived victory of

a plan meeting an outdated housing requirement which will need to be immediately updated and addressed in any event.

There is no evidence that the higher housing target which will be applied at the time of any local plan review is being actively and constructively addressed with the DtC partners.

**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?**

The Planning Practice Guidance sets out details on when the statement common ground needs to be prepared, published and updated and states (with emphasis added):

***Statements need be prepared and then maintained on an on-going basis throughout the plan making process. As a minimum, a statement needs to be published when the area it covers and the governance arrangements for the cooperation process have been defined, and substantive matters to be addressed are determined. If all the information required is not available (such as details of agreements on strategic matters) authorities can use the statements to identify the outstanding matters which need to be addressed, the process for reaching agreements on these and (if possible) indicate when the statement is likely to be updated.***

*Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated. Authorities may consider using independent bodies as arbiters or facilitators to aid discussions such as county councils in two-tier areas, or Mayors in combined authority areas.*

***Once published, authorities responsible for the statement will need to ensure that it reflects the most up to date position in terms of joint working across the area. Updates can occur when either agreements are reached, or a decision is taken to update strategic policies in the area covered by the statement.***

Paragraph: 020 Reference ID: 61-020-20190315

Revision date: 15 03 2019

The Planning Practice Guidance sets out what an authority should do if they are unable to reach an agreement on strategic matters.

***Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them. Where a strategic policy-making***

*authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent the authority from submitting a plan for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved; this will be thoroughly tested at the plan examination.*

*Paragraph: 022 Reference ID: 61-022-20190315*

*Revision date: 15 03 2019*

The Duty to Cooperate is not a Duty to Agree but as set out, there is no evidence that the higher housing target which will be applied at the time of any local plan review is being actively and constructively addressed with the DtC partners.

*The National Planning Practice Guidance (the PPG) outlines the types of activities that strategic policy-making authorities are expected to undertake in addressing strategic cross boundary matters whilst cooperating. That includes*

- working together at the outset of plan-making to identify cross- boundary matters which will need addressing;*
- producing or commissioning joint research and evidence to address cross-boundary matters;*
- assessing impacts of emerging policies; and*
- preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters)*

These representations have pointed towards significant concerns over whether the DtC has been 'effective' and 'on-going' as required under the requirements of the framework and regulations. The Planning Practice Guidance sets out clear guidance on this matter as follows:

*As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further. The most appropriate course of action is likely to be for the local planning authority to withdraw the plan and engage in the necessary discussions and actions with other relevant local planning authorities and bodies. In these circumstances the local planning authority will need to re-publish the revised plan for consultation before it is re-submitted for examination.*

*Paragraph: 031 Reference ID: 61-031-20190315*

*Revision date: 15 03 2019*

On this basis, if the inspector concludes that the duty has not been complied with then it is clear that the plan must be withdrawn.

**3) *What is the latest position regarding the South West Hertfordshire Joint Strategic Plan?***

This will be a matter for the council to update on and it is vital that the inspector and other participants in the local plan examination gain greater understanding on the relationship between the submitted plan and the wider South West Hertfordshire JSP. The last update on the South West Herts website is now over a year ago (March 2024) with no further updates since and the position therefore remains unclear.

**4) *Has work on the South West Hertfordshire Joint Strategic Plan identified any issues which are pertinent to the examination of the St Albans Local Plan? If so, is this consistent with paragraph 35 of the Framework, which states that in order to be effective, Plans should be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred?***

As set out above, the position on the JSP and its relationship with the submitted plan remains unclear. This is a matter which the council should set out clearly in advance of the hearings and further representations on this point will be made at the hearing sessions.

**5) *How much employment land does the Plan provide for and how does this compare to the identified needs?***

No comments.

**6) *How has the Council engaged constructively, actively and on an ongoing basis to maximise the effectiveness of the Plan in relation to employment land requirements? Where is this evidenced?***

No comments.

**7) *If National Highways had raised concerns regarding the impacts of Local Plan growth in response to the consultation, what were the reasons for seeking to address these concerns between January and February 2025, after submission of the Local Plan for examination? Does this point to constructive, active and on-going engagement in the preparation of the Plan?***

As set out within these representations, there is significant concern that the local plan has been submitted ahead of being ready for examination and is therefore contrary to guidance and legislation in this regard. The council response to the inspectors' initial questions (SADC/ED30) shows extensive additional meetings taking place following submission of the plan and demonstrates further work having been carried out which should have taken place prior to submission of the plan for examination.

- 8) *As part of the Plan's preparation, how has the Council engaged with neighbouring local planning authorities to consider the accommodation needs of gypsies and travellers and travelling showpeople?***

No comments

- 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?***

No comments

## **ISSUE 2 – PUBLIC CONSULTATION**

- 1) *Has public consultation been carried out in accordance with the Council's Statement of Community Involvement, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations?***

No comments

- 2) *How has the Council taken into account representations made in response to public consultation?***

The council has published a Local Plan Reg 22(c) Statement of Participation (LPCD 05.01) dated November. It sets out within section 4 the main issues raised during the reg 18 consultation and indicates *how the council has responded to the main issue in the regulation 19 draft Local Plan*. The responses given to fundamental matters such as green belt land, HGC and housing delivery are particularly generic and provide no detail on how the council has sought to actively take these matters into account representations made during this process.

Furthermore, section 6 of the document lists the matters raised during the regulation consultation but makes no reference to what was done in response to these matters. It is therefore considered that the consultation process and the plan as submitted has not been carried out in accordance with the requirements of the guidance and regulations in this regard.

## **ISSUE 3 – SUSTAINABILITY APPRAISAL**

- 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?***

The planning practice guidance sets out detailed consideration as to how any sustainability appraisal should assess alternatives and identify likely significant effects:



*The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:*

- outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives. Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan- maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.*

*Paragraph: 018 Reference ID: 11-018-20140306*

*Revision date: 06 03 2014*

Paragraph 32 of the NPPF states that the SA should *demonstrate how the plan has addressed relevant economic, social and environment objectives. Significant adverse impacts on these objectives should be avoided and, wherever possible, **alternative options which reduce or eliminate such impacts should be pursued.***

Paragraph 32 of the framework requires that Local Plans and Spatial Development Strategies should be informed **throughout** their preparation by a Sustainability Appraisal (SA) that meets the relevant legal requirements.

The legal frameworks for SAs are set out within section 19 of the Planning and Compulsory Purchase Act 2004 which states that the authority must prepare a plan *with the objective of contributing to the achievement of sustainable development*. Moreover, the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 states that SAs must ensure the potential environmental effects are given **full consideration** alongside social and economic issues.



Paragraph 32 of the framework goes on to state that the SA should *demonstrate how the plan has addressed relevant economic, social, and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).*

In support of the regulation 19 version of the plan, the council has undertaken a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) (September 2024) in accordance with the requirements of Planning and Compulsory Purchase Act 2004.

Table B of Appendix 4 of the Sustainability Appraisal assesses the individual development sites as set out in the HELAA against the objectives of the site selection / sustainability objectives. This includes an assessment of the sites as identified as STS-02-18/STS-02-21. The findings of the assessment are set out below and commentary provided against each in turn.

Performance Metric	Rating	Commentary
AQMA	Green	The rating is accepted
SAC	Green	The rating is accepted
SSSI	Red	Whilst the Bricket Wood Common SSSI is around 650m to the south there is no reason why this would be rated as red due to being within 1,000m.
LWS	Orange	The rating is accepted
Priority Habitat	Green	The rating is accepted
TPO	Red	The rating not accepted. There are no TPOs on the site which would prohibit development.
Scheduled Monument	Green	The rating is accepted
Conservation Area	Green	The rating is accepted
Grade 1 or 2* RPG	Green	The rating is accepted
Grade 2 RPG	Yellow	The site is some 2.3km from the Registered Park and Garden at West Wood. It is unclear why only sites which are more than 3km away have been given the highest rating.
Grade 1 LB	Green	The rating is accepted
Grade 2* LB	Green	The rating is accepted
Grade 2 LB	Green	The rating is accepted
Archaeology	Green	The rating is accepted
AONB	Green	The rating is accepted
Fluvial flood zone	Green	The rating is accepted
Surface water FZ	Green	The rating is accepted

Agricultural land		The entire area to the east of Bricket Wood is grade 3 agricultural land. An individual agricultural land assessment has not been undertaken at this stage but will be carried out ahead of the next steps of the Local Plan process.
Former landfill		The rating is accepted
City or town centre		The rating is accepted
Neighbourhood centre		Whilst the site is not within proximity to a neighbourhood centre there are a range of services within proximity of the site such as doctors, shops, public houses, and other services.
Secondary school		The limit of 2,500m for a red rating is considered overly onerous for a secondary school where children are usually expected to be able to travel.
Primary school		The Mount Please Lane Junior Mixed Primary School is just 1.4km away from the site. This is still considered to represent a walkable distance and sustainable location for development.
Multiple deprivation		The scoring mechanism for such sites is unclear and just states 'light red (more affluent) to light green (less affluent)'. This should be more clearly defined for future iterations of the SA and site selection process.

It is unclear through the Sustainability Assessment to what extent sites were not taking forward on this basis alone or whether other factors such as the green belt review had influence.

It is considered that the assessment of sites within the Sustainability Assessment is unsound as it is not effective or justified. Further commentary is set out on the site selection process and green belt review process within the representations.

***2) 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?***

The Housing Requirement for St Albans is derived from the Standard Method and sets out that the council must identify and allocate land for at least 15,096 net additional homes over the plan period or 888 dwellings per annum. The Local Housing Need derived from the Standard Method is a capped figure and it should be noted that the uncapped figure for St Albans is considerably higher at 1,165 dwellings per annum. The housing requirement under the proposed amendments to the standard method would see a further increase to 1,544 dpa. In several recent local plan examinations (Mid Sussex, Bournemouth and Elmbridge) inspectors have placed weight on the emerging standard method as a material consideration which

indicates the direction of travel for government policy and have sought further consideration of a higher housing need accordingly.

As set out in the table below, the council has consistently failed to deliver housing at the rate expected within the draft local plan.

Year	Total Dwellings	Affordable Dwellings
2021/22	314	71 (23%)
2020/21	604	198 (33%)
2019/20	443	31 (7%)
2018/19	731	115 (16%)
207/18	493	106 (22%)
<b>Total</b>	<b>2,145</b>	<b>521 (24%)</b>

The South West Herts Local Housing Needs Assessment indicates that 443 affordable rented dwellings and 385 affordable home ownership dwellings per annum would be needed in St Albans District to meet demand. This would represent a total of 828 dwellings per annum which is almost the entire annual housing target in the plan. It is therefore considered that the use of the capped current standard method masks the true and pressing affordable housing need in the district which will continue to grow without consideration of a higher housing target.

St Albans is in a wider region of significant unmet need from other nearby/adjoining authorities. Three Rivers District Council is advancing with a revised plan which is described as *Low Housing Growth and Green Belt Restraint* and 6,600 homes short of Local Housing Need (LHN). Hertsmere Council published a draft plan in April 2024 which is 2,200 homes short of LHN. Dacorum Borough Council set out a consultation document in October 2023 which gives rise to an unmet need figure in the region of 2,800 homes. There is also a requirement for further consideration of unmet need from adjoining London Boroughs (Barnet, Enfield and Harrow) which are all progressing with local plans. Specifically, the draft Enfield Local Plan states that there could be a shortfall of 38,000 homes in the borough by the end of the plan period.

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

Table 5.2 of the SA sets out the Reasonable Alternative Growth Scenarios which are tested as part of the regulation 19 consultation.

**Table 5.2: The RA growth scenarios (with Green Belt supply broken down by sub-area)**

Supply components			1	2	3 (PO)	4	5	6	7	8		
Completions and permissions			2,176	2,176	2,176	2,176	2,176	2,176	2,176	2,176		
Windfall			2,103	2,103	2,103	2,103	2,103	2,103	2,103	2,103		
Allocations	Urban supply		960	960	960	960	960	960	960	960		
	Green Belt release	HGC	4,315	4,315	4,315	4,315	4,315	4,315	4,315	4,315		
		St Albans	Constants	1,775	1,775	1,775	1,775	1,775	1,775	1,775	1,775	
			East	0	472	472	472	472	472	472	472	
			SE	0	0	0	800		800	800		
			North ext.	0	0	0		1,400	1,400		1,400	
			Harpenden	1,270	1,270	1,270	1,270	1,270	1,270	1,270	1,270	
		London Colney	324	324	324	324	324	324	324	324		
		Redbourn	612	545	612	545	545	545	612	612		
		Wheathampstead	145	0	145	0	0	0	145	145		
		Bricket Wood	127	0	127	0	0	0	127	127		
		CG, HW, PS/Frogmore	436	0	436	0	0	0	436	436		
		Edge of Radlett	274	274	274	274	274	274	274	274		
		Total homes			14,517	14,213	14,989	15,013	15,613	16,413	15,789	16,389
		% above/below LHN			-1%	-3%	3%	3%	7%	12%	8%	12%
Likely housing requirement			Below LHN		LHN			Above LHN?				

There are two significant failings in the testing of reasonable alternatives in the plan. The first being that only figure marginally in excessive of the Local Housing Need (+12%) has been tested. No testing has been undertaken on a substantially increase housing figure which would take in to account the emerging NPPF requirements or would address the significant unmet need from local authorities. It is not suggested that there would not be significant impacts with this approach, but it would also give rise to substantial economic and social benefits. There is no justification to not testing this approach at all as part of reasonable alternatives.

Secondly, it is only a higher delivery from St Albans or Redbourn which are tested in the growth scenarios. The figures from Bricket Wood are consistently either 127dpa or alternatively 0dpa. It is not considered that this approach adequately tests credible reasonable alternatives with particular focus on the wording of the PPG which requires the alternatives *to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.*

Paragraph 75 of the Inspector Report for the previous Local Plan set out the following in relation to Reasonable Alternatives:

*Based on our concerns set out above, we consider that there are a number of obvious and seemingly credible reasonable alternatives that have not been considered. This being so, we are not convinced that either the SA or the SA addendum has considered and compared reasonable alternatives as the Plan has evolved, including the preferred approach, and assessed these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Plan were not to be adopted.*

Overall, it is not considered that the Sustainability Appraisal has adequately considered Reasonable Alternatives and the plan is therefore not justified or effective in that regard.

**4) 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?**

There is clearly concern over whether the Hemel Garden Communities will deliver 4,300 over the plan period. It is noted that the Sustainability Appraisal published at regulation 18 stage (LPCD 03.03) shows consideration of different scales of development including a lower scale of development at just 740 dwellings with no HGC. However, the SA accompanying the submission plan (LPCD 03.01) show the HGV as constant across all Reasonable Alternative Growth Scenarios.

The council response to question 19 of the inspectors' initial questions (SADC/ED35) demonstrates that there is no contingency mechanism for non-delivery of the scale of development envisaged at HGC other than a reference in paragraph 19.4 to the commitment to an immediate review of the plan upon adoption.

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

In terms of deliverability of the HGC the council themselves make reference to the Lichfields Start to Finish Report. As highlighted in previous representations, the housing trajectory for the HGC as set out in the Housing Trajectory in Table 3.2 of the submitted plan is highly ambitious.

Year	Dpa delivered
2029/30	100
2030/31	175
2031/32	250
2032/33	315

2033/34	340
2034/35	365
2035/36	365
2036/37	440
2037/38	490
2038/39	500
2039/40	495
2040/41	465
<b>Total</b>	<b>4,300</b>

Firstly, the delivery of the first units within three years of adoption of the plan is overly optimistic in comparison to the average of 6.6 years for similar sized projects in the Lichfields report. Secondly, the peak delivery of 500 dwellings per annum from the HGC is significantly in excess of the 100-188dpa range set out in the Lichfields evidence.

The council response to the initial questions from the inspector points towards support from the landholders for the trajectory, the highly attractive housing market in the district and the strategically planned nature and scale of the HGC. None of these factors are disputed but are not considered on their own, or cumulatively, to amount to justification for the considerable departure from the industry evidence presented by Lichfields and others.

**6) *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?***

It is noted that three sites in Bricket Wood are identified in the local plan for release from green belt:

- M4 – North of Oakwood Road, Bricket Wood – 74 dwellings
- M15 – Bucknalls Drive, Bricket Wood – 44 dwellings
- M23 Ashdale Lye Lane, Bricket Wood – 9 dwellings

A further site (OS1 – Land to North of Bricket Wood) which adjoins site M4 is identified for the delivery of community uses including allotments, a new medical centre, relocated scout hut, community centre and associated outdoor/recreation facilities.

Appendix E of the Site Selection Methodology, Outcomes and Site Allocations sets out the conclusions of the sites in respect of each of the sites and this is compared to the assessment of the land at Smug Oak Lane:

Site	Weak Scoring	Medium Scoring	Strong Scoring
M4 – North of Oakwood Road	6	5	14
M15 – Bucknalls Drive	9	9	13

M23 – Ashdale Lye Lane	9	6	16
Land at Smug Oak Lane	6	10	15

	AQMA	SAC	SSSI	LWS	Priority Habitat	TPO	Sched Monument	Conservation Area	Grade 1 or 2 *RPG	Grade 2 RPG	Grade 1 LB	Grade 2 * LB
M4												
M15												
M23												
Smug Oak Lane												

	Grade 2 LB	Archaeology	AONB	Fluvial flood zone	Surface water FZ	Agricultural Land	Former Landfill	City or town centre	Neighbourhood Centre	Secondary school	Primary school	Multiple deprivation
M4												
M15												
M23												
Smug Oak Lane												

It is therefore clear that the land at Smug Oak Lane performs at least as well, if not better, against key sustainability objectives than the allocations in the plan for Bricket Wood. In the absence of further justification and reasoning for the discounting of the land at Smug Oak at Lane it is considered that this represents a logical opportunity for allocation in the plan.

## **ISSUE 4 – CLIMATE CHANGE**

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

No comments.



- 2) *Does the Plan (taken as a whole) include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change? If so, how?*

No comments.

## **ISSUE 5 – STRATEGIC FLOOD RISK ASSESSMENT**

- 1) *Where sites were identified in areas at risk of flooding as part of the Sequential test, what was the reason for taking them forward to be assessed against the exceptions test? Are there reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding?*

The clarification on the questions around the exceptions test is for the council to respond on.

However, the omission sites in Smug Oak Lane in Bricket Wood as highlighted within previous representations have no such constraints and should be amongst those considered as reasonably available for the purposes of location development in areas at a lower risk of flooding.

## **ISSUE 6 – PUBLIC SECTOR EQUALITY DUTY**

- 1) *In what ways does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?*

No comments

- 2) *What are the identified accommodation needs for gypsies and travellers and travelling showpeople over the plan period? What are these needs based on and how have they been calculated?*

No comments

- 3) *Does the Plan make suitable and effective provision to meet identified needs? Will needs be met in full?*

No comments

## **ISSUE 7 – HABITATS REGULATIONS ASSESSMENT**

- 4) 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?***

No comments

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

No comments

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

No comments

- 7) Will the mitigation strategies be effective in ensuring that the policies and allocations in the Plan will avoid significant adverse impacts on the integrity of relevant European sites?***

No comments

## **ISSUE 8 – OTHER LEGAL REQUIREMENTS**

- 8) Where the Local Plan contains a policy that is intended to supersede another policy in the adopted development plan, does it state that fact and identify the superseded policy?***

No comments

Yours Sincerely



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