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15 April 2025

Dear Louise,

**St Albans City and District Local Plan
Stage 1 – Matter 2 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 – HOUSING GROWTH AND SPATIAL STRATEGY

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

The introduction to the plan states that it will run to 2041 (notwithstanding the requirement for immediate review). Based on an adoption in 2026 this would allow for a 15-year plan period as required. However, paragraph 22 of the NPPF states:

Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery

Given the scale of the HGC it is considered that the plan should look beyond the 15-year plan period as required under the framework.

2) *What is the minimum number of new homes needed over the whole plan period as calculated using the standard method? Are the calculations accurate and do they reflect the methodology and advice in the PPG?*

The South West Herts Local Housing Needs Assessment Update published in March 2024 (HOU 02.01) sets out the calculation against the methodology and advice in the PPG. However, the calculation will need to be updated prior to the beginning of the examination using the latest affordability figures as published in March 2025.

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?

It is considered that the circumstances for considering a higher housing need are all highly relevant in the case of the St Albans Local Plan. The Joint Strategic Plan has been raised by the inspector as a key consideration for other matters but the latest status and progress on this is unclear. Nevertheless, it is clear that this strategy will facilitate additional growth in the region and should be taken into account in whether a higher housing requirement would be appropriate.

As set out within previous representations, it is clear that the revised current standard method figure of 1,544 dwellings per annum represents a significant increase from the 885 dpa as established as the housing need for the submitted plan. As the plan will be subject to an immediate review it is considered that this provides significant context on why a higher housing requirement would be appropriate for this plan.

Further consideration should be given to the significant annual affordable housing need for St Albans at 802 dwellings per annum. The selection of a higher housing figure would assist in delivering against the significant shortfall which will continue to arise in the event of adoption of the current plan.

ISSUE 2 – THE HOUSING REQUIREMENT

- 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?***

The Council has published the SADC Housing Land Supply, Windfall and Housing Capacity Evidence Paper (HOU 01.01) and the SADC Housing Land Supply, Windfall and Housing Capacity Evidence Paper Trajectory Addendum (2024) (HOU 01.02) as part of the evidence paper supporting the plan. However, neither document justifies the use of the stepped housing trajectory or the initial housing requirement of 485 dpa in the first years of the plan period.

It is not considered that this approach is justified, nor would it be effective in meeting the significant housing need established within the district.

- 2) *In response to the Inspectors' Initial Questions, the Council suggests that Policy SP3 should be modified to include a stepped requirement. Is this necessary for soundness, and if so, what should the housing requirement be?***

The Planning Practice Guidance sets out the following commentary on when it might be appropriate to use a stepped housing requirement:

A stepped housing requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where

strategic sites will have a phased delivery or are likely to be delivered later in the plan period. Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, and to set out evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs. Stepped requirements will need to ensure that planned housing requirements are met fully within the plan period. In reviewing and revising policies, strategic policy-makers should ensure there is not continued delay in meeting identified development needs.

Where there is evidence to support a prioritisation of sites, local authorities may wish to identify priority sites which can be delivered earlier in the plan period, such as those on brownfield land and where there is supporting infrastructure in place e.g. transport hubs. These sites will provide additional flexibility and more certainty that authorities will be able to demonstrate a sufficient supply of deliverable sites against the housing requirement.

Paragraph: 012 Reference ID: 68-021-20190722

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Of particular relevance is the requirement to identify priority sites which can be delivered early on in the plan period. It is not considered that the local plan as submitted seeks to identify such sites and further work should be carried out to identify additional sites which could facilitate early delivery of housing and much needed affordable housing.

3) *Is the housing requirement intended to be found in Policy SP1 or SP3?*

No comments.

ISSUE 3 – SETTLEMENT HIERARCHY

4) *The St Albans City and District Council Settlement Hierarchy Study Part 1 Baseline (LPCD 13.01) maps areas of development that have taken place since the Local Plan Review 1994 but remain in the Green Belt. It confirms that (for the purpose of the assessment), the defined settlement areas should therefore remain as shown in the Local Plan Review 1994 What is the justification for this approach given the period of time which has elapsed? Does the assessment adequately reflect the form, role and function of existing settlements in the area?*

It is clear that the settlement boundaries, as established under the Local Plan review 1994, are significantly out of date by reference to paragraph 11 of the NPPF. The settlement boundaries were established when the housing requirement was significantly lower for the area and do not reflect the change and growth in the function of the existing settlements since the adoption of the old local plan.

The starting point for this plan should have been on the basis that all settlement boundaries would need to be reviewed. It is unclear on how the council has approached the settlement

hierarchy from the outset and this is a matter which requires further justification in advance of the hearing sessions.

5) Are the scores used in the settlement hierarchy assessment accurate and robust?

The Settlement Hierarchy Part 1 (2023) (LPCD 13.02) sets out the scoring for accessibility between settlement in table 3 (paragraph 6.23) as follows:

Travel Mode	10 points for the presence of	8 points for the presence of	3 points for the presence of	2 points for the presence of	1 point for the presence of
Cycling		Five strategic cycle routes within or between settlements.	Three to four strategic cycle routes within or between/connecting settlements.		One to two strategic cycle routes within or between/connecting settlements.
Bus					1 point per bus route
Railway Stations	Both branch line and main line stations	A main line station only			A branch line station only

This approach is considered to represent an over reliance on cycling and an under reliance on any bus services. Whilst cycling is an important aspect of sustainability it is very seasonally dependent and cannot be used by all the population equally.

The services and facilities audit sets out scoring against *higher order services* and *key services*. These are defined within paragraph 6.25 of the Settlement Hierarchy Part 1 as follows:

- **Higher Order Services:** *Secondary school, supermarket, leisure centre.*
- **Key Services:** *Primary school, playground, convenience food shop, GP surgery.*

The marking as set out in paragraph 7.22 (sic) at the top of page 30 sets out the scoring as follows:

10 points for the presence of...	6 points for the presence of...	5 points for the presence of...	3 points for the presence of...	1 point for the presence of...
All three Higher Order Services and all four Key Services	One to two Higher Order Service and all four Key Services	All four Key Services but no Higher Order Services	Between two and three Key Services but no Higher Order Services	One Key Service and no Higher Order Services

Whilst access to Higher Order Services is important it is considered that these are all matters which it is reasonably expected that residents will travel further to in order to access. It is not considered that the highest sustainable settlements will necessarily need to have all of these and an area with access to all key services can said to be equally as sustainable and suitable for housing growth than a settlement with none.

Overall the settlement hierarchy and scoring mechanism is not considered accurate or robust. It is not considered to represent an effective starting point for a sound plan and should be reviewed by the council in order to ensure that development is directed across all sustainable areas of the district.

6) *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?*

Whilst the Settlement Hierarchy Paper sets out the tiers and a list of settlements it fails to explain the breakdown for scoring of each settlement or the range of scoring for each tier. The difference in scoring and cut-off for the difference between a Small Town, Large Village and Medium Sized Villages is not clear and requires further explanation and justification.

ISSUE 4 – DISTRIBUTION OF HOUSING GROWTH

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?*

This is matter for the council to provide further clarity on. The distribution of housing growth in comparison to the hierarchy is ambiguous and it is unclear on how the spatial strategy reflects the size, role and functions of the settlements in policy SP1.

2) *What is the justification for referring to sites over 250 dwellings as ‘broad locations’ when they are identified in Part B of the Plan? Is this approach sufficiently clear to users of the Plan and is it effective?*

The concept of delivery of Broad Locations as set out in policy LG1 is ambiguous and subsequently conflicts with the more detailed development requirements as set out in part B. It is not considered that this is effective or clear and does not represent a sound approach in plan making terms.

3) *How does the distribution of sites by size reflect the settlement hierarchy? For example, are all the 'broad locations' within Tiers 1-3?*

The distribution of sites against the hierarchy is unclear. Table A1.1 of Part B of the plan sets out a breakdown of allocations sites in the local plan but does not break this down by settlement hierarchy. It is unclear if all broad locations are within tiers 1-3. A detailed breakdown of the sites by reference to the settlement hierarchy is required to enable further analysis against the tests of soundness on this point.

4) *Has the Council identified land to accommodate at least 10% of their housing requirement on sites no larger than 1 hectare, as required by paragraph 70 of the Framework?*

This is unclear within the submitted plan and requires further explanation by the council.

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?*

This is unclear within the submitted plan and requires further explanation by the council.

ISSUE 5 – SITE SELECTION METHODOLOGY

1) *What were the reasons for discounting sites at the initial assessment stage? Was this done on a consistent and transparent basis?*

The site at Smug Oak Lane was assessed in the Green Belt Review (along with other sites) in the wider Strategic Land Parcel 27 as site SA-121. Overall, the review sets out the following scores against the individual purposes of the green belt:

Purpose Assessment					
Sub-area Assessment Summary					
Sub-area scores	Purpose 1		Purpose 2	Purpose 3	Purpose 4
	Criteria (a)	Criteria (b)	3	5	0
	No	0			

The assessment sets out detailed commentary on the impact of development of the site on each of the individual purposes.

The scores against purpose 1 are considered appropriate given the location of the site.

Regarding purpose 2 (to prevent neighbouring towns merging into on another) the assessment sets out the following commentary (with emphasis added):

The sub-area is not located at the edge of the settlement. The sub-area would introduce a new area of built form, which would perceptually and physically narrow the existing gap between Bricket Wood and How Wood; and between Bricket Wood and Radlett and reduce the overall openness and scale of these gaps. It is judged that there may be some scope for development without significant physical or perceptual erosion of the gap between neighbouring built-up areas. The M25 provides an additional barrier to the merging of settlements.

It is clear from this assessment that there is some scope for development in this area. On this basis it is considered that the score against this green belt purposes should in fact be lower.

Regarding purpose 3 (to assist in safeguarding the countryside from encroachment) the assessment sets out the following commentary:

The sub-area is not covered by any built form. The sub-area comprises an open field. It is bounded by intermittent tree lines and has a flat topography which limits views into wider countryside. There are some views onto neighbouring residential buildings. Overall, the sub-area has a strongly unspoilt rural character.

It is considered that the site is capable of being developed in such a way that the views into the wider countryside and corresponding rural character would not be harmed. Accordingly, the scoring of the parcel to this purpose of the green belt should be revised down.

Overall, it is considered that the council has taken an overly cautious approach to the protection of individual green belt sites which are highly appropriate for development. This concern was raised in the inspector report to the previous Local Plan at paragraph 49 which states:

Concern is also raised regarding the strategic site selection process. At Stage 1 a high number of sites were immediately discounted from further assessment on the basis of their Green Belt Review evaluation (and were rated red). The 4 identified amber sites all had only 1 or zero effects on the Green Belt Purposes (as identified for the relevant parcels in the 2013 Green Belt Review). However, representors refer to a number of sites that were rejected at Stage 1 despite also having zero or only 1 significant impact on Green Belt purposes (in the same way as the amber and green rated sites).

As set out, it is considered that it is justified for the council to seek to meet a higher housing target for a number of reasons. These representations also set out significant concerns over the delivery of dwellings from Hemel Garden Communities within the lifetime of the plan. It is therefore considered that the council will need to seek to allocate other suitable and deliverable sites in order to meet the pressing need in the early part of the plan period.

The Planning Practice Guidance sets out what should happen if there are insufficient sites to meet housing need as follows:

When preparing strategic policies, it may be concluded that insufficient sites / broad locations have been identified to meet objectively assessed needs, including the identified local housing need

In the first instance, strategic policy-making authorities will need to revisit their assessment, for example to carry out a further call for sites, or changing assumptions about the development potential of particular sites to ensure these make the most efficient use of land. This may include applying a range of densities that reflect the accessibility and potential of different areas, especially for sites in town and city centres, and other locations that are well served by public transport.

If insufficient land remains, then it will be necessary to investigate how this shortfall can best be planned for. If there is clear evidence that strategic policies cannot meet the needs of the area, factoring in the constraints, it will be important to establish how needs might be met in adjoining areas through the process of preparing statements of common ground, and in accordance with the duty to cooperate. If following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination.

Paragraph: 025 Reference ID: 3-025-20190722

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It is considered highly appropriate that the council should consider the allocation of other sites in order to meet established housing need through both unmet need from adjoining authorities and/or the emerging increased housing need figures as a result of the standard method calculation.

- 2) *The Methodology Paper then states that “a more spatially focussed piece of work” was carried out by applying a buffer around each settlement inset from the Green Belt to assist in “encouraging a sustainable pattern of development”. Were all sites beyond the ‘buffers’ discounted at this stage? Is this a justified and effective approach to site selection?***

Paragraph 3.13 of the Site Selection Methodology Outcomes and Site Allocations Paper (LPSS 01.01) states that:

Green Belt Sites identified in the HELAA but outside of the GBR buffers were not considered to be suitable due to their less sustainable location and because development on such sites would create holes in the Green Belt, leading to its fragmentation.

This is not considered to be a justified approach to site selection and is likely to have led to the discounting of sites which would otherwise be highly sustainable, deliverable and suitable for allocation.

3) *What was the justification for using distances when determining accessibility? How were other factors taken into account such as the ability to access services and facilities by walking, cycling and public transport?*

Table 2 within the Site Selection Methodology Paper (2024) (LPSS.02.02) sets out consideration of accessibility by public transport; proximity to employment centres; the strategic road network; key services local centre; infant/primary schools; secondary schools and GPs and ranks sites into weak, medium or strong. However, the scoring and prioritisation of this approach is not explained nor is there any consideration to whether sites can mitigate or provide improvements to such infrastructure.

4) *As part of this process, how did the Council consider the necessary infrastructure requirements of proposed sites, such as the need for highway improvement works or new and improved services, such as education and health?*

Whilst accessibility to key infrastructure was factored in to the site selection process, it is unclear on how the council sought to consider infrastructure requirements of proposed sites as part of the site selection methodology. There is no mention of the provision of new or improved infrastructure within the site selection methodology evidence base papers.

5) *How did the Council consider the viability and deliverability of sites, especially where new or upgraded strategic infrastructure is required*

This matter remains unclear. The Site Selection Proforma Methodology Paper (LPSS 02.02) and Site Selection Methodology Outcomes and Site Allocations (LPSS 01.01) are both silent on the aspect of viability or deliverability of sites and how this featured in the site selection process.

6) *The Methodology Paper highlights that some sites that were not recommended for further consideration by the Green Belt Stage 2 assessment were still recommended to progress by the proformas. Reasons included their location next to a Tier 1 or Tier 2 settlement and potential to deliver sustainable development. What was the justification for this approach, and why did it differ from potentially sustainable development proposals in other Tiers of the hierarchy?*

This is considered to be the exact case for the sites on Smug Oak Lane as highlighted in previous representations. As set out, the sites perform equally as well, if not better, than in comparison to other allocations in Bricket Wood.

Paragraph 1.30 of the Site Selection Proforma Methodology Paper (2024) (LPSS 02.02) sets out the following:

Some Green Belt sites that were recommended for further consideration by the Green Belt Stage 2 were not recommended to progress by the proformas due to the following reasons:

- *The site being too small to accommodate 5 or more home once the site restrictions (e.g. flooding, protected trees) were taken into consideration;*
- *Where it is considered that a suitable access and transport solution does not have a reasonable prospect of being provided within the Plan period;*
- *The site having been already developed to the extent that 5 or more homes could not be accommodated;*
- *The requirement to retain the existing use (eg children's play area);*
- *The site having characteristics that met the criteria for an extension to the Chilterns National Landscape into St Albans City & District where technical work is being undertaken by Natural England.*

Whilst these considerations may have applied to some of the sites, they certainly did not apply to all and will have led to suitable sites being discounted at this stage of the GBR process without progressing to detailed consideration of their ability to provide housing in the early part of the plan period.

7) *Following the completion of the proformas, how did the Council decide which sites to allocate?*

This is a key missing element from the evidence base of the plan and it is unclear on how the council decided on which sites to allocate and which to discount. It is considered that the site selection lacks transparency as a result.

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

It is considered that the site selection process lacks effectiveness and did not result in the identification of appropriate sites which have the ability to deliver housing in the early part of the plan period.

Yours Sincerely



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