



12TH APRIL 2025

Inspectors Matthew Birkinshaw BA(Hons) MSc MRTPI
and Thomas Bristow BA MSc MRTPI

Our reference: 00418/CORR/3

VIA EMAIL TO PROGRAMME OFFICER

Dear Sirs

Re: St Albans Local Plan Review

We act for Affinity Water, the largest water-only supplier in the UK. Our client provides on average 950 million litres of water each day to a population of nearly four million people in parts of Bedfordshire, Berkshire, Buckinghamshire, Essex, Hertfordshire, Surrey, Harrow and Hillingdon and parts of Barnet, Brent, Ealing and Enfield. It also supplies water to the Tendring peninsula in Essex and the Folkestone and Dover. We read emerging Local Plans with interest and offer comments where we consider them helpful both with regard to water infrastructure and our own property portfolio.

We have already made detailed submissions on the Regulation 19 draft of the Local Plan which we attach. We offer written representations on a limited number of your Stage 1 questions only to amplify our concerns about this draft Local Plan. We have, in places, reviewed some of the additional documentation submitted by council officers to you following the submission of the Local Plan to the Planning Inspectorate and updates to the council's AMR. To avoid repetition, we invite you to consider our responses to your questions alongside our Regulation 19 submission.

Our client would be pleased to assist you both in any other way, and would be available to appear at the Hearings if you would find this helpful.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lita Khazaka'.

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MATTER 1 LEGAL COMPLIANCE

Issue 1 Duty to Cooperate

1. The Council's response to the Inspectors' Initial Questions states that *"No unmet housing needs have been identified. There are no identified unmet housing needs within the relevant Housing Market Area for SADC, which is the South-West Herts Housing Market Area. This has been confirmed by all the constituent LPA's, Dacorum, Hertsmere, Three Rivers and Watford, including through the DtC meetings set out in LPCD 06.01 Duty to Cooperate Statement of Compliance."*
2. However, the Sustainability Appraisal ('SA') (LPCD 03.01) states that *"...two or three neighbouring local authorities in South West Hertfordshire are proposing to generate significant unmet need)"*(2.2.13). It goes on to describe the situation across South West Hertfordshire at Box 5.1, with possible unmet housing needs from Three Rivers District Council and Hertsmere Borough Council in particular. Furthermore, the Statements of Common Ground with Three Rivers District Council (SADC/ED9) and Hertsmere Borough Council (SADC/ED6) include, amongst other things, *"Approach to accommodating unmet housing needs that may exist within the wider Housing Market Area."*

Q1 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?

Under the duty to cooperate it appears that the Council has proactively engaged with the South West Hertfordshire authorities, including Dacorum, Hertsmere, Three Rivers and Watford in relation to unmet housing needs. However, there is no evidence that the same level of interaction has taken place with the North London Boroughs to identify if there is unmet need that should be accommodated and planned for within South West Hertfordshire and therefore within St Albans. We would argue that this should take place in order to identify the true quantum of unmet housing need that should be accommodated with the St Albans local plan area. In the absence of this assessment, it would be prudent to allocate additional sites for housing beyond what is currently being proposed for this iteration of the local plan.

Issue 4 – Climate Change

Q1 Is it sufficiently clear what is required of proposals for new development under Policies SP2, CE1 and CE2?

Affinity Water restricts its observations to water efficiency only. We broadly support the council's approach on this matter set out in Policy CE1.

Q2 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?

We have suggested improvements to Policies SP1, CE1, DE1 and DE7 in our Regulation 19 submission (attached) with regard to water use in residential and non-residential development and, more importantly, the need to state in the Authority Monitoring Report how the council would monitor water efficiency. This is because many councils in water stressed areas such as St Albans adopt Local Plans with a water restriction policy but do not then follow this up when granting planning permission for new housing by requiring new development to be built in accordance with the optional water efficiency measures set out in Part G of the Building Regulations. Thus, housebuilders are not obliged to comply with the measures.

Therefore, as currently drafted, we are of the opinion that Policy CE1 is not effective and is unlikely to secure the desired outcome. Affinity Water are keen that an effective water efficiency approach is adopted in the local plan that can drive change and ensure that water efficient development is the outcome. To assist in this process, we are offering our assistance to the local planning authority to develop an effective policy approach that will secure water efficient development and put in place the appropriate monitoring arrangements to ensure that desired outcome are achieved.

MATTER 2 – HOUSING GROWTH AND SPATIAL STRATEGY

Issue 1 – Local Housing Need

14. To determine the minimum number of homes needed, paragraph 61 of the Framework states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in the PPG, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. The PPG advises that the standard method provides local planning authorities with an annual housing need figure which can be applied to the whole plan period.

Q1 What is the plan period for the submitted St Albans Local Plan? Is this sufficiently clear to users of the Plan?

It seems more appropriate for the council to not set a start date for its Local Plan of October 2024 when work first started on it in January 2021. Over that period, the council has failed to meet its housing needs established in the (pre-2024) standard housing method (refer Figure 1 above).

The council recognises that it has not been clear about matters such as the start date of the Local Plan because, although it states that the Local Plan start date is 1 October 2024, the Local Plan Housing Trajectory (Table 3.2) still includes 1,080 housing completions from 2021/22, 2022/23 and 2023/24 (7.2% of the total trajectory).

Q2 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?

Our Regulation 19 submission states that, with a start date of 2021 until 2040, the housing target must be **at least 17,700 net new homes** (that is, 885 x 20). The trajectory also needs to show a substantial 20% buffer on top (3,540 homes) consistent with the NPPF to address years of under delivery (refer Figure 1 above).

15. 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.

Q3 Do any of these circumstances apply to St Albans?

It is unclear why the council has not engaged with London Boroughs to offer to take unmet housing need given the clear commuting links and the fact that the SHM (pre-December 2024) set an urban uplift for all London boroughs. The inspectors will appreciate that this draft Local Plan has to be considered under the previous iteration of the NPPF.

Issue 2 – The Housing Requirement

16. In response to the Inspectors' Initial Questions, the Council states that a stepped housing requirement is justified to allow sufficient time for the significant uplift in housing delivery to be realistically delivered. The stepped requirement is proposed as 485 dwellings per annum for the first 5 years post adoption of the Plan, rising to 1,255 dwellings per annum in years 6-10.

Q1 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?

Q2 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?

Q3 Is the housing requirement intended to be found in Policy SP1 or SP3?

We agree with the inspectors that the proposed housing trajectory is flawed, in part because it is heavily reliant on the HGC project coming forward in the 2030s. We have already set out problems with putting “so many eggs in one basket”.

The council is failing to meet its immediate pressing housing needs. This, and the lack of an appropriate buffer, reinforces our view that additional sites such as our redundant reservoir in Colney Heath that are available and ready to develop should be considered for inclusion in the draft Local Plan.

Issue 3 – Settlement Hierarchy

17. 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.

Q1 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?

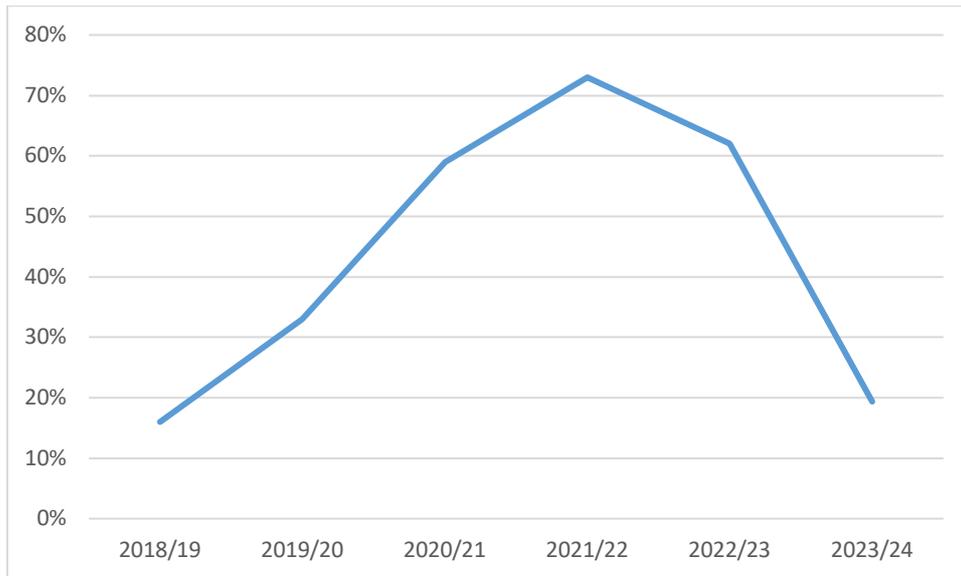
Q2 Are the scores used in the settlement hierarchy assessment accurate and robust?

Q3 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?

It is submitted that the council's existing settlement hierarchy is in a state of flux because, in the absence of an up-to-date Local Plan, it has been forced to release in an unplanned way substantial amounts of new housing in the Metropolitan Green Belt (MGB) land both on appeal and siting very special circumstances as well as due to the introduction of the concept of Grey Belt.

In our Regulation 19 submission, we set out the rising role of Green Belt in the annual housing delivery outcome. For completeness, Figure 2 (overleaf) now includes the published AMR data for 2023/24. The recorded data for 2023/4 may show a drop off but this disguises the fact that much new housing is being built out in that year was in washed over villages and other settlements outside the main settlements of St Albans and Harpenden not anticipated in the existing Local Plan Review 1994.

Figure 2 Percentage of new homes in SADC area built on Green Belt land 2018/19 to 2023/24 (Source: SADC AMRs Refer Table 1)



Colney Heath is one particular district where the council should promote new development given the recent spate of approvals on Grey Belt land there.

Issue 4 – Distribution of Housing Growth

18. Policy SP1 states that the Settlement Hierarchy provides the basis for the allocation and location of growth, locating most growth generally within and adjacent to the larger and most sustainable urban centres in Tiers 1-3 (St Albans and Hemel Hempstead, Harpenden and London Colney).

Q1 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?

19. Policy SP1 also states that broad locations are defined as sites of over 250 dwellings or strategic scale employment sites.

- Q2 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?
- Q3 How does the distribution of sites by size reflect the settlement hierarchy? For example, are all the 'broad locations' within Tiers 1-3?
- Q4 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?
- Q5 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?

Affinity Water does not wish to comment on this matter.

Issue 5 – Site Selection Methodology

20. The Local Plan Site Selection – Proforma Methodology Paper (September 2024) (LPSS 02.02) describes the process used by the Council to allocate sites in the Plan. The starting point is the Housing and Economic Land Availability Assessment ('HELAA'). The Methodology Paper states that out of 678 housing sites, the HELAA identified 566 sites to progress to the next stage.

Q1 What were the reasons for discounting sites at the initial assessment stage? Was this done on a consistent and transparent basis?

21. 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”.

Q2 Were all sites beyond the 'buffers' discounted at this stage? Is this a justified and effective approach to site selection?

22. Proformas were then used to analyse each site against a “sustainable development potential”, taking into account the Green Belt Study and major policy and environmental constraints. Accessibility was determined by measuring distances to key infrastructure and services.

Q3 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?

Q4 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?

Q5 How did the Council consider the viability and deliverability of sites, especially where new or upgraded strategic infrastructure is required?

23. 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.

Q6 What was the justification for this approach, and why did it differ from potentially sustainable development proposals in other Tiers of the hierarchy?

Q7 Following the completion of the proformas, how did the Council decide which sites to allocate?

Q8 Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

Affinity Water does not wish to comment on this issue.

MATTER 3 – THE GREEN BELT

Issue 1 – Principle of Green Belt Release

24. Paragraph 146 of the Framework states that, before concluding that exceptional circumstances exist to justify changes to the Green Belt, the strategic policymaking authority should be able to demonstrate that it has examined fully all other reasonable options for meeting housing need. This includes making as much use as possible of suitable brownfield sites and underutilised land, optimising the density of development and liaising with neighbouring authorities to determine whether they could accommodate some of the identified need for development.

Q1 Has the Council examined fully all other reasonable options for meeting housing needs as required by the Framework?

The amount of housing the council needs to plan for is so great that there is no reasonable alternative but to release Green Belt.

25. Paragraph 147 of the Framework then states that when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Where it has been concluded that Green Belt alterations are necessary, *"...plans should give first consideration to land which has been previously-developed and/or is well served by public transport."*

Q2 In response to the Inspectors' Initial Questions, the Council refers to the application of buffers around settlements to help determine which sites to allocate. Is this approach justified, effective and consistent with national planning policy?

Q3 Having determined, at a strategic level, that alterations to the Green Belt boundary would be necessary, how did the Council determine the location of Green Belt releases? How does this correlate to the settlement hierarchy and spatial strategy?

Q4 In deciding to review the Green Belt boundary, how did the Council consider the provision of safeguarded land? Is the Plan consistent with paragraph 148 c) of the Framework, which sets out that, where necessary, areas of safeguarded land between the urban area and the Green Belt should be identified to meet longer-term development needs?

Issue 2 – Green Belt Review

26. The approach in the Plan has been informed by the Stage 2 Green Belt Review 2023 (GB 02.02). That followed an earlier Green Belt Review Sites and Boundaries Study in 2013 and 2014 (GB 04.03 and GB 04.04). In response to the Inspectors' Initial Questions, the Council provided a consolidated list of all Green Belt changes proposed in the submitted Plan.

Q1 How does the methodology in the 2023 Stage 2 Green Belt Review differ from the earlier studies in 2013 and 2014 referenced above?

Q2 How were the areas selected for assessment in the Stage 2 Green Belt Review and what are they based on? How do the areas differ from previous assessments of the Green Belt?

Q3 Is the methodology by which sites have been assessed in the Stage 2 Green Belt Review sufficiently robust and transparent to support the proposed boundary revisions? If not, what approach should have been used and why?

Q4 How did the evidence in the Stage 2 Green Belt Review inform decisions about which sites to allocate?

Q5 Where the evidence recommended that areas were not taken forward for further consideration, how did the Council consider this in the plan-making process?

Q6 How was the potential for mitigation considered in the Stage 2 Green Belt Review? Was this considered on a consistent basis for all sites?

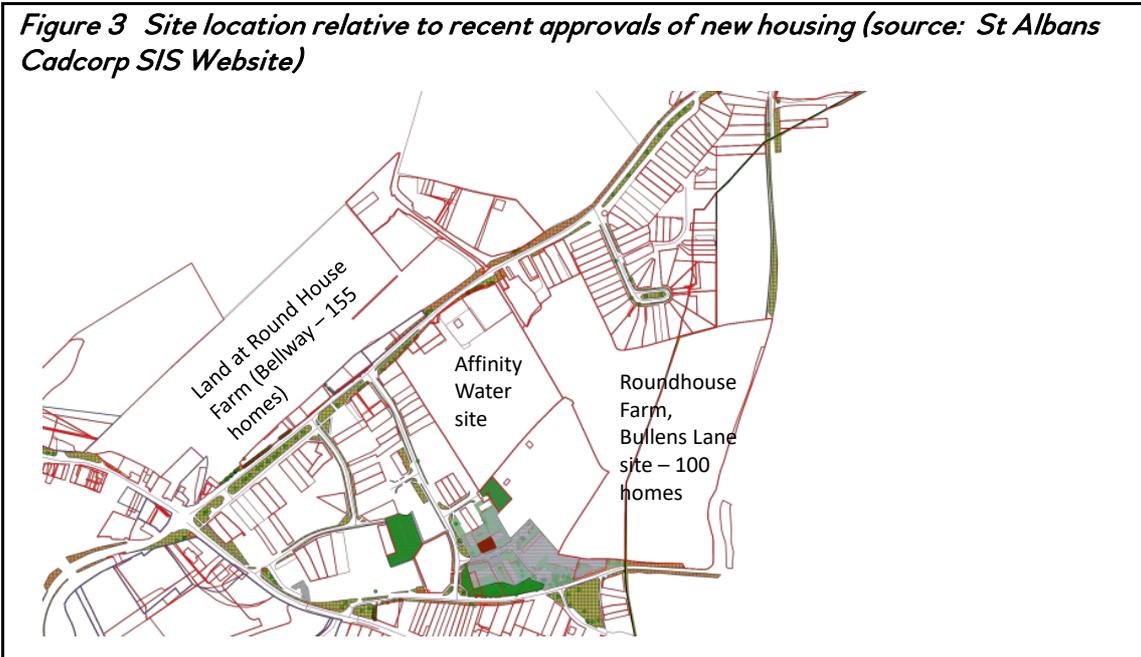
Q7 Does the evidence consider ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land, as required by paragraph 147 of the Framework?

Affinity Water has already set out in its Regulation 19 submission flaws in the Arup Green Belt Review in how it considered Colney Heath (see paragraphs 8.3 to 8.17) in and in particular our surplus site at Roestock Lane which we wish to put forward for development to address the many deficiencies in the draft Local Plan.

We submit that both the Arup Green Belt Review and the Washed Over villages study failed to take account of the approval of the Bullens Lane development of 100 homes immediately to the south.

We further submit that the artificial way of splitting Colney Heath into three parts has been further eroded because of the council’s recent approval to approve a further 155 home development on land at Road House to the north of Roestock Lane (LPA reference (5/2022/2736/LSM)). This very recent approval further encloses Affinity Water’s site (refer Figure 3) and reduces its openness.

Figure 3 Site location relative to recent approvals of new housing (source: St Albans Cadcorp SIS Website)



27. Paragraph 149 of the Framework states that if it is necessary to restrict development in a village primarily because of the important contribution which

the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

Q8 How has the Council considered 'washed over' settlements within the Green Belt? Are any changes proposed and/or necessary based on the evidence presented?

We set out above the flaws we have observed in the council's Washed Over Villages study only in connection with Colney Heath.

Q9 Aside from sites proposed for development, are any other alterations proposed and/or considered necessary to the existing Green Belt boundary?

Yes. We submit that Affinity Water's redundant site at Roestock Lane, Colney Heath be released from the Green Belt. It could deliver a yield of around 34 homes in a village that is proposed to expand substantially as a result of recent grants of planning permission for new homes. We will make further more detailed representations at the Stage 2 hearings on this site.

In the meantime, we invite council officers to meet with us to consider including this site as a main modification to the draft Local Plan should the inspectors agree to progress the examination of the draft Local Plan to Stage 2. We would withdraw our objection on this basis.

Issue 3 – Exceptional Circumstances

Q1 Do exceptional circumstances exist to alter the Green Belt boundary in St Albans and has this been fully evidenced and justified as part of the planmaking process?



The housing need in the district is so great and the amount of sites in existing settlements so scarce that there is no reasonable alternative but to release Green Belt land for development.