

## Initial Questions for Examination

### Flooding

**Question 7** – The Environment Agency’s Regulation 19 response raises concerns regarding application of the sequential and exception tests and references ongoing work to address this. Please can the Council identify how this matter has been resolved and the evidence which supports the allocations in the Plan?

- 7.1 The Council worked with the Environment Agency (EA) to prepare the Strategic Flood Risk Assessment (SFRA) Level 1 Addendum and SFRA Level 2. The EA supported this work as set out in their Reg 19 response:

*We are pleased to see the updates made to the Level 1 SFRA (by an addendum) and the formulation of the Level 2 SFRA. We note that all models used in the SFRA are current and hence the best data available for this exercise.*

- 7.2 The Council engaged the consultancy JBA to prepare the SFRA, and along with input from the EA, worked to appropriately consider flood risk at each stage of the Plan preparation. Despite having been involved in the Council’s flood risk work and having supported it, the EA response to the draft Local Plan Regulation 19 consultation, dated 8 November 2024, stated that the EA found the draft Local Plan, particularly the site allocations, to be unsound due to the absence of Sequential (ST) and Exception (ET) test results used to inform the proposed site allocations.
- 7.3 While the very large majority of sites allocated in the draft Plan are in Flood Zone 1 and therefore passed the Sequential Test, eight sites were identified in the Strategic Flood Risk Assessment Level 2 as being required to undergo the Exception Test due to part of the site lying with Flood Zone 2 and 3a. One site failed the Exception Test due to a large proportion of the site being within Flood Zones 2 or 3. The seven sites that passed the Exception Test did so for the following reasons:
- The site is predominantly in Flood Zone 1 and development can and will be restricted only to Flood Zone 1, following a sequential approach to layout and a proportionate reduction in the quantum of housing deliverable on site.
  - Where there is any the Surface Water Flood Risk can be managed through approaches set out in the SFRA Level 2 recommendations.
  - The site will support the delivery of sustainable growth in the context of SADC having a large need for new delivery of new housing and will therefore meet the District’s wider sustainability objectives.
- 7.4 For these reasons it was not considered necessary to seek other sites in Flood Zone 1. Importantly, the sites that underwent the Exception Test were either brownfield or ‘recommended for further consideration’ by the Stage 2 Green Belt Review, and therefore met SADCs broader approach to site allocation.

- 7.5 Flood risk was also considered as part of the Sustainability Appraisal (SA), comprising a key factor informing work to define the Realistic Alternatives (RA) and was then clearly factored in as part of the RAs appraisal. The key issue to emerge was East of Redbourn, with the SA Report exploring flood risk alongside the case for allocation and overall strongly supporting the allocation.
- 7.6 Drawing together the work carried out through the development of the Plan, the Spatial Planning Team subsequently prepared a document setting out the Sequential and Exception tests undertaken during the assessment and allocation of sites, the *Local Plan 2041, Flood Risk Sequential Test & Exception Test, St Albans City & District Council* (December 2024) as at Appendix 7.1. The document concludes with the following paragraphs:

*Flood risk assessment has been built into the site selection process at every stage. This began with the HELAA and Urban Capacity Study processes and continued through the site Proformas. Those sites provisionally selected for allocation in the Draft Local Plan have then been subject to the Sequential Test and, where required, the Exception Test.*

*A comprehensive approach to the application of the Sequential and Exception Test has been taken during the preparation of the emerging Local Plan and the site selection. It can be demonstrated that the sites allocated in the Plan have met the SET.*

- 7.7 A copy of the *Local Plan 2041, Flood Risk Sequential Test & Exception Test, St Albans City & District Council* (December 2024) document was sent to the EA on 3 January 2025.
- 7.8 The EA responded on 27 January 2025 (as at Appendix 7.2) and stated that after a review of the document:

*we are in a position to confirm that our soundness concerns regarding the Sequential (ST) and Exception (ET) tests' results for site allocations, raised as part of our representation to the regulation 19 consultation (dated: 8 November 2025), have been addressed and resolved.*