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Environment Agency updated response: St. Albans Draft Local Plan 2041

Thank you for re-consulting us on the above draft local plan. As part of the re-consultation, we have reviewed the following document:

- Local Plan 2041, Flood Risk Sequential Test & Exception Test, St Albans City & District Council (dated: December 2024)

After a review of the above 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**.

Based on our review, we are satisfied that the ST and ET have been undertaken for the relevant proposed site allocations. We note that we did not review the justification for each site in detail, as this is not part of our statutory remit.

Duty to Cooperate

We note that St Albans City & District Council (SADC), under the duty to cooperate, has engaged with the Environment Agency (EA) to overcome our soundness concerns regarding the draft local plan. This has resulted in the resolution of soundness concerns around ST and ET as stated above.

Remaining concern

While not a soundness concern, the Environment Agency has **significant concerns** around the absence of policy wording calling for an 8-metre buffer zone along main rivers. This was communicated via our response to the statutory consultations and the aforementioned Duty to Cooperate meeting.

We recommend adding a clause in NEB5: Blue Infrastructure, related to the establishment of a minimum 8-metre buffer between all new development and the top of riverbank / flood defence / culvert. Leaving appropriate undeveloped buffer between river and development can reduce the risk of flooding and the need for a flood risk activity permit (FRAP). Additionally, these buffer zones also provide broader benefits towards biodiversity and assist in WFD compliance. Furthermore, as the Environment Agency is responsible for the management of main rivers, new development should not restrict access to main rivers and flood defence assets.

From our Duty to Cooperate meeting (dated: 5 November 2024), it is our understanding that SADC are looking to resolve these as part of modifications during examination.

Final comments

We do not have any further concerns regarding soundness and believe that the duty to cooperate (in relation to the EA's remit) has been met. However, we shared a number of other recommendations to improve the Local Plan at this stage. Please see our previous response to the regulation 19 consultation (dated: 8 November 2024) for further detail.

Should you have any queries regarding this response or require additional information or guidance on any of the points raised, please do not hesitate to contact me.

Yours sincerely,

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