

# **Examination of the St Albans City and District Local Plan**

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Inspectors appointed by the Secretary of State

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## **Matters, Issues and Questions for Stage 1**

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## Introduction

Prior to the forthcoming Stage 1 hearing sessions, responses are invited from participants on the following Matters, Issues and Questions ('MIQs') for Examination. The MIQs are based on the Main Issues identified by the Council and other relevant issues raised by representors. The Stage 1 hearings will focus on strategic matters, with discussion on relevant site allocations to follow at Stage 2.

Further information about the examination, hearings and format of written statements is provided in the accompanying Examination Guidance Note, which should be read alongside the MIQs.

As set out in the Examination Guidance Note, the deadline for providing hearing statements is **Tuesday 15 April 2025**.

In answering questions and producing hearing statements, participants should be aware of the Council's response to the Inspectors' Initial Questions and those documents which have been added to the Examination library following submission of the Plan.

## Matter 1 – Legal Compliance

### Issue 1 – Duty to Cooperate

#### Housing

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?

3. Paragraph 27 of the Framework states that 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 the national planning practice guidance ('the PPG') and be made publically available throughout the plan-making process to provide transparency.

Q2 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?

4. Paragraph 1.10 of the Local Plan states that St Albans Council is working with other Councils on the preparation of a South West Hertfordshire Joint Strategic Plan. Amongst other things, this will consider cross-boundary issues by setting policies on topics including housing.

Q3 What is the latest position regarding the South West Hertfordshire Joint Strategic Plan?

5. The SA states that *“The SW Herts Joint Strategic Plan (JSP) will likely prove well-placed to deal with unmet housing need. However, that does not mean that the St Albans Local Plan can be prepared blind to known or potential unmet housing need from elsewhere, particularly that arising from adjacent or otherwise well-linked neighbouring authorities.”* (Box 5.1).

Q4 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?

### Employment

6. The Statements of Common Ground with Dacorum Borough Council and Watford Borough Council refer to the provision of significant employment land within St Albans that supports “potentially wider SW Herts employment land needs”.

Q5 How much employment land does the Plan provide for and how does this compare to the identified needs?

Q6 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?

### Highways

7. National Highways’ Regulation 19 consultation response concludes that insufficient evidence has been provided to demonstrate that the Local Plan growth can be accommodated on the strategic road network, and that further information will be required.

8. The Council's response to the Inspectors' Initial Questions (paragraph 2.20) provides some further background into the position with National Highways. In summary, it states that information was sent to National Highways in July 2024 to show how well the highways model was performing within the vicinity of the M25. However, *"This latter document was unfortunately not considered by the National Highways review team due to changes in their staffing and was therefore resupplied to them at their request on 29 January 2025."* Following the meeting in January 2025, a signed Statement of Common Ground with National Highways was provided, dated 12 February 2025.

Q7 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?

### Gypsy and Traveller Accommodation

9. Statements of Common Ground submitted in support of the Local Plan, in particular those with Three Rivers District Council and Hertsmere Borough Council, refer to an *"approach to accommodating unmet traveller needs"*.

Q8 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?

### Conclusion

Q9 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?

### **Issue 2 – Public Consultation**

Q1 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?

Q2 How has the Council taken into account representations made in response to public consultation?

### **Issue 3 – Sustainability Appraisal**

Q1 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?

Q2 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?

Q3 How does the SA consider different spatial options for housing and employment growth over the plan period and test reasonable alternative strategies?

Q4 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?

Q5 How does the SA take into account deliverability, especially around larger, strategic sites when assessing the submitted Plan against reasonable alternatives?

Q6 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?

### **Issue 4 – Climate Change**

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

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?

### **Issue 5 – Strategic Flood Risk Assessment**

10. Paragraphs 167 and 168 of the Framework state that all plans should apply a sequential approach to the location of development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are

reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

11. In response to the Inspectors' Initial Questions, the Council has produced the Flood Risk Sequential and Exception Test Report, dated December 2024. In summary, it found that of the 118 sites assessed, 109 sites passed the sequential test. The 8 remaining sites were subject to the exception test, with all but 1 passing.

Q1 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?

### **Issue 6 – Public Sector Equality Duty**

Q1 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?

Q2 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?

Q3 Does the Plan make suitable and effective provision to meet identified needs? Will needs be met in full?

### **Issue 7 – Habitats Regulations Assessment**

12. The Chilterns Beechwoods Special Area of Conservation – Evidence Paper – September 2024 (EDH 06.01) refers to a 12.6km Zone of Influence around the Ashridge Commons and Woods Site of Special Scientific Interest. This extends into the western part of St Albans.

13. In seeking to mitigate the effects of additional recreational pressure, a mitigation strategy has been established. It comprises 2 elements; a Strategic Access Management and Monitoring Strategy (SAMMS) and the creation of Suitable Alternative Natural Greenspaces (SANGS). Contributions are required to the SAMMS and all new developments in the Zone of Influence will also need to make provision for either SANGS onsite, or through contributions to the SANG at the Jersey Farm site.

Q1 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?



Q2 Is it sufficiently clear to users of the Plan when, where and how the necessary mitigation will be provided?

Q3 How will the provision of mitigation affect the deliverability and viability of sites, especially strategic-scale allocations in the Plan?

Q4 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?

### **Issue 8 – Other Legal Requirements**

Q1 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?

## **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?

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?

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?

### **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?

### **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?

### **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?

## **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?

## 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 policy-making 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?

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?

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?

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

### **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 plan-making process?