

ST ALBANS CITY AND DISTRICT COUNCIL

<u>REPORT TO :</u>	Planning Policy Committee
<u>DATE :</u>	12 September 2017
<u>REPORT TITLE :</u>	Local Plan Next Steps and Direction of Travel
<u>WARDS :</u>	All
<u>PORTFOLIO HOLDER:</u>	Cllr M Maynard
<u>CONTACT OFFICER :</u>	Tracy Harvey - Head of Planning and Building Control

1. Purpose Of Report

- 1.1 To provide an update regarding the Local Plan next steps and direction of travel.

2. Recommendations

- 2.1 That officers should move forward with work on the draft Local Plan as indicated in section 4.

3. Background Information

- 3.1 The Council's Draft Strategic Local Plan (SLP) was submitted to the Secretary of State in August 2016.
- 3.2 An initial hearing to consider Duty to Co-operate (DtC) issues (the preliminary legal test related to strategic cross boundary issues) was held on 26 October 2016. After considering objections to the Plan from adjoining local authorities, the Inspector concluded that the SLP did not meet DtC requirements. The Inspector advised that the plan could not proceed to adoption and should be withdrawn.
- 3.3 The Council challenged the Inspector's decision by way of Judicial Review (JR).
- 3.4 Full details of the SLP process and the EIP are available through the Planning Policy / SLP Document Library and Examination pages of the Council's Website. Weblinks are provided in the Background Documents Section of this report.

4. Analysis and Findings

Judicial Review Outcome

- 4.1 The Council succeeded in obtaining permission to be heard. This confirmed that in the judge's view there were legal arguments of sufficient merit that they needed to be fully considered. The hearing took place on 21/22 June 2017. The approved judgement issued on 13 June 2017 dismissed the Council's case. Full details are provided in the Weblink in the Background Documents Section of this report.

Legal Advice 31.7.17 – Summary of Oral Advice

4.2 The following summary is made of legal advice following the Judicial Review.

- Given where we now are, the Council should progress with a single Local Plan (see Planning Practice Guidance extract below).

Should all the Local Plan policies be contained in one document?

The National Planning Policy Framework makes clear that the Government's preferred approach is for each local planning authority to prepare a single Local Plan for its area (or a joint document with neighbouring areas). While additional Local Plans can be produced, for example a separate site allocations document or Area Action Plan, there should be a clear justification for doing so.

Paragraph: 012 Reference ID: 12-012-20140306

- Given the lack of a recent plan, the passage of time and the length of the process for a new Plan to be adopted, the recommendation is to adopt a base date of 2018.
- Given the length of time before a new Plan is adopted and neighbouring Councils (for example, the South West Hertfordshire Group of Local Planning Authorities (SWHG LPAs) adoption of a target date of 2036, the recommendation is to adopt a target date of 2036.
- Detailed and agreed Duty to Cooperate Meeting Notes of meetings with neighbouring Councils, with agreed outcomes and if possible signed Memoranda of Understanding (MOUs) / Statements of Common Ground (SoCGs) will be needed.
- In preparing a new Plan, specific Duty to Cooperate discussions with Dacorum Borough Council (DBC) will be needed about housing and employment allocations at East Hemel Hempstead.
- The issue of Housing Market Areas (HMAs) will need to be investigated early in a new Plan process. In particular, the South West Hertfordshire Group of Local Planning Authorities state that St Albans City and District falls in their Housing Market Area.
- The shortfall in housing delivery from 2013-2018 against Government household projections represents approximately 1,000 households. This shortfall needs to be addressed in the Local Plan.
- Emerging SADC Strategic Priorities and Cross-Boundary Strategic Priorities need to be identified at an early stage in developing the Plan.
- A significant amount of the existing technical/evidence base work, SLP/DLP drafts and SLP/DLP consultation responses will still be relevant and useful in informing the way forward.

Department for Communities and Local Government (DCLG) Housing
Methodology consultation

- 4.3 The Government (in their recent Housing White Paper – HWP) proposes a new standard methodology for assessing housing need (based on recommendations from the Local Plan Expert Group - LPEG). This will be used to calculate housing need in the new Local Plan approach.

Extract - DCLG Planning Update Newsletter - 31 July 2017

Local housing need

In the Housing White Paper, the Government committed to consult on a new way for councils to assess their local housing need. Work is continuing on this to ensure the new approach is simple, straightforward and transparent. We intend to publish the consultation when Parliament returns in September.

We recognise that a number of areas have already made significant steps in preparing their plan. In order to give you greater certainty we want to make it clear that if you submit your plan for examination on or before 31 March 2018 you will be able to progress with your plan, using the existing methodology for calculating local housing need, as set out in current guidance.

If a plan is withdrawn from examination or found unsound, depending on the outcome of the forthcoming consultation, you would prepare a new plan based on the new standardised method. We also intend to consult on what constitutes a reasonable justification for deviating from the standard methodology, and make this explicit in the National Planning Policy Framework.

- 4.4 This is a delay following the Secretary of State's announcement of 4 July 2017 (as reported to PPC in July 2017):

Today I can confirm that this month we will launch a consultation on a new way for councils to assess their local housing requirements, as we promised in the housing white paper.

- 4.4 More detail on LPEG and the HWP is available through the weblink in the Background Papers section of the report.
- 4.5 The clear implication from the Government's outlined approach (in the HWP and subsequently) is that LPAs need to at least start by considering a Plan target that seeks to meet the Government's eventual definition of Objectively Assessed Housing Need (OAN).
- 4.6 The Government's definition will likely result in a high figure for SADC (and other Hertfordshire LPAs). As a 'best guess', using the Government's latest household growth projections; the information available from the HWP/ LPEG Report and informal discussions with various parties; it may be in the region of 800 dwellings per annum - but it could be more (or fewer).
- 4.7 It is important to recognise the potential difference between needs assessment figures - OAN and a Plan target. This is recognised in the NPPF and in statute. However, in practice the Government, Planning Inspectorate and

nearby/neighbouring Councils appear to expect that development needs figures are translated directly into Plan targets. This seems to apply even in heavily constrained areas (including Green Belt).

Key Factor – ‘Housing Need’ numbers likely to grow substantially

- 4.8 Given the points made above it is clear that the Local Plan must propose substantially higher housing need figures. Indicative figures presented in relation to the submission draft SLP position (2011-2031) are shown below.

Source	DPA	Total Homes	Green belt
SLP	450	9,000	4,000
SWHG SHMA	700	14,000	9,000
ONS (latest)	650	13,000	8,000
DCLG (expected)*	800	16,000	11,000

* latest + 20%

Updated Indicative Housing Trajectories

- 4.9 The Table at Appendix 1 provides an updated indicative housing trajectory, based on the proposed new 2018-2036 time period. It identifies the various sources of housing supply that could contribute to meeting housing need. Some elements are in the form of existing planning permissions. Some arise from assumptions about continued development in urban areas or on previously developed land in the Green Belt. Others are options for future Plan sources, largely in the form of levels of Green Belt release.
- 4.10 This Table is illustrative only, provided to show options, increase understanding and promote discussion. No decisions have been taken on housing numbers, or the ways in which housing targets will be achieved.

Indicative Main Conceptual Options for housing growth locations within and beyond Plan period

- 4.11 The Local Plan main strategy options, (including as referenced in the Table at Appendix 1), are:
- Infill, redevelop and increase density in the existing urban areas – City, towns, suburbs and villages
 - Develop four Broad Locations as identified in the draft SLP
 - Include four additional Broad Locations as identified in the Independent Green Belt Review

- Find further 'Garden Suburb(s)' (500 – 5,000 homes) locations - including possible extended Broad Locations
- Expand existing villages through small, medium or large scale Green Belt development. This could be achieved through the Neighbourhood Plan Process, including possibly setting local quotas for each Neighbourhood Plan
- Find sites for 'Garden Village(s)' (1,500 – 10,000 homes) within the District. (This is a longer term solution - possibly 10 years till first completions)
- Strategic solutions that involve working with other LPAs to find sites for 'Garden Town(s)' (10,000+ homes). (This is likely to take circa 15 years till first completions)

Indicative 'Fast' Local Plan Timetable

4.12 A possible outline timetable is set out below. This will be developed into a formal Local Development Scheme (LDS) update.

- 16 October Planning Policy Committee - indicative draft Local Plan (Issues and Options) – including scope of a new 'Call for Sites' (General; 'Garden Village'; 'Garden Town')
- 7 November Planning Policy Committee - full draft Local Plan (Issues and Options) – recommend to Cabinet Reg 18 consultation
- 23 November Cabinet - agree Reg 18 consultation Local Plan
- 9 Jan-21 Feb 2018 - Local Plan Reg 18 consultation (inc. 'Call for Sites')
- September 2018 (July 2018 Full Council) - Local Plan Reg 19 Publication
- March 2019 - Local Plan submitted to DCLG

4.13 This process would need to have reference to:

- Sep/Oct/Nov - Ongoing informal Duty to Cooperate Portfolio Holder discussions and formal 1:1 Portfolio Holder meetings
- Sep/Oct/Nov - Central Beds, Dacorum, Hertsmere, Three Rivers draft Plans – Reg 18 initial consultations and related DtC issues
- Sep/Oct – Welwyn and Hatfield Local Plan Examination hearings and any Duty to Cooperate issues arising from these.

Local Plan approach – Key Characteristics

4.14 The aspiration in a new Local Plan process is to ensure that the process is:

- Cross party

- Collaborative
- Consultative
- Co-operative with other districts
- Transparent
- Timely

PPC Terms of Reference

- 4.15 In embarking on a new Local Plan process, the Committee should be aware of how it might best interpret and fulfil its terms of reference. The terms are set out below:

A Committee established by Council (on 11 September 2013):

(i) To make recommendations to Cabinet on the development of the:

- a) Strategic Local Plan*
- b) Other Development Plan Documents ("DPDs")*
- c) Supplementary Planning Documents ("SPDs")*
- d) Local Plan evidence base*
- e) Community Infrastructure Levy (CIL).*

(ii) To advise the Head of Planning and Building Control and/or the Planning Portfolio Holder on taking forward the Planning Improvement Delivery Plan. The Planning Improvement Delivery Plan includes the recommendations of the LGA Peer Review, the Planning Committee Review and the other planning service reviews currently being undertaken by the Interim Head of Planning and Building Control.

- 4.16 The timetable is ambitious. In order to ensure both full consideration of all aspects of the plan and timely delivery, the role of the Planning Policy Committee will be to: assess, discuss and agree Plan options and recommendations; agree the process used to prepare the Plan; assess and agree plan timescales, deliverables and additional costs; discuss and assess risks associated with the Plan or the approach used to deliver the Plan in order to identify contingency actions; make recommendations on these to Cabinet and Council where necessary.
- 4.17 PPC members and interested parties will still be able to provide valuable input with comments on technical and background work directly with officers. PPC meetings themselves will aim to be more clearly focussed on delivery of the new Local Plan.

5. **Conclusion**

- 5.1 Subsequent to the Judicial Review outcome on 13 July, work was undertaken to consider next steps on the Local Plan. This has included legal advice, technical work and early discussions with some neighbouring and nearby authorities. The recommendations from this work include: Produce one Local Plan with a

timeframe of 2018-2036; Use DCLG housing methodology to calculate housing need; Ensure 2013-18 housing shortfalls are addressed; Conduct detailed, formal, documented Duty to Cooperate discussions with neighbouring Councils, particularly Dacorum Council; Review the issue of Housing Market Areas; Identify and agree SADC and cross-boundary strategic priorities; Use existing SLP work in new Local Plan; Submit the Local Plan to DCLG by March 2019; Focus Plans Policy Committee on review and recommendation, and involve all interested Councillors in Plan preparation.

6. **Implications**

- 6.1 This table provides a short statement of the impact of the recommendations in this report and/or a reference to the relevant paragraph/s in the report.

Will this report affect any of the following?	Yes/No	Impact/Reference
Vision and Priorities	No	Not at this stage
Policy	No	Not at this stage
Financial	No	Not at this stage
Impact on the community	No	Not at this stage
Legal and Property	Yes	This report assumes use of existing resources - including awareness of possible (increased) budget implications for future years
HR/Workforce	Yes	This report assumes use of existing staff resources - including awareness of possible (increased) staff implications for future years
Risk Assessment	No	Not at this stage
Environmental Sustainability	No	Not at this stage
Health and Wellbeing	No	Not at this stage

7. **Further Information/Appendices**

- 7.1 Appendix 1 - Updated Indicative Housing Trajectories
- 7.2 Previous PPC papers can be found at this link:
<http://stalbans.moderngov.co.uk/ieListMeetings.aspx?CId=459&Year=0>

8. **Background Papers - Local Government (Access to Information) Act 1985**

<u>Bibliography</u>	<u>Custodian</u>	<u>File Location</u>
Strategic Local Plan history and documents	Chris Briggs / John Hoad	SADC Planning Policy

SLP (DtC) Judicial Review Judgement	Chris Briggs / John Hoad	SLP JR
Housing White Paper	Chris Briggs / John Hoad	Housing WP
Local Plan Expert Group Report	Chris Briggs / John Hoad	LPEG

Appendix 1 Updated Indicative Housing Trajectories (Sep 2017)

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Total	Ave 18-36
Base	434	394	418	433	416	361	339	265	265	265	265	265	265	265	265	265	265	265	5,700	315
SLP 4x BLs			180	180	400	400	400	400	315	315	315	315	215	215	215				4,000	
SLP BLs - denser + small additional areas																165	165	165	500	
Total																			9,700	540
4 Additional BLs			72	72	172	267	267	195	195	280	280	280	280						2,360	
Total																			12,060	670
Neighbourhood Plan (NP) 'GB Quotas'		25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	425	
Nominal New 'Garden Village'										250	250	250	250	250	250	250	250	250	2,250	
Total	434	419	695	710	1,013	1,053	1,031	885	800	1,135	1,135	1,135	1,035	755	755	705	705	705	14,760	820

NB: Indicative 18 Yr Plan period 2018-2036 @ 800 dpa = 14,400

NB: Past Short (5yr)/Medium (10yr)/Long (15yr) term averages all = circa 360 per annum (also 360 = former Regional Plan target)

NB: Nominal "under-supply" v DCLG projections 2013 - 2018 = circa 1,000 – Potentially to be made up in Local Plan = circa 60 pa potentially to be added (case law suggests early delivery required if possible)