

**Examination of the St. Albans City & District Council Local Plan
2020-2036**

**Inspectors: Mrs. Louise Crosby MA MRTPI and
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2 July, 2019

Mr. C. Briggs,
Spatial Planning Manager,
St Albans City & District Council,
2 St Peter's Street,
St Albans, Herts
AL1 3JE

Dear Mr Briggs,

1. Following the submission of the St Albans City and District Local Plan for examination, the Council's responses to our Initial Questions, and the receipt of the further documents submitted, we continue our initial review of the plan and the supporting evidence. We have identified a number of issues which require immediate attention and are set out below:

Supporting Text/Reasoned Justification

2. The Council's response to our Initial Question 19 is noted. However, the National Planning Practice Guidance (the Guidance) is clear that whilst all plans need to be as focussed and concise as possible, they also need to be as accessible as possible. The Guidance also recognises that Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations prescribe the general form and content of local plans. As previously raised, paragraph 8 (2) of the Regulations states that 'a local plan or a supplementary planning document **must** contain a reasoned justification of the policies contained in it' (my emphasis).
3. Paragraphs 1.1 to 3.1 of the Plan encompass the Introduction to the Plan and an outline of its vision and objectives. They do not provide reasoned justification for the policies that follow in Section 3. Whilst recognising the need for it to be succinct and kept to a minimum, the reasoned justification in support of policies is necessary to

explain and justify the approach (with reference to the evidence to support them) as well as to provide the context to the policies and to explain how they are to be applied. It is a legal requirement.

4. Additionally, the policies and proposals should be readily distinguishable from the reasoned justification (in light of the High Court judgement in the 'Cherkley' case (Cherkley Campaign Ltd v Mole Valley DC v Longshot Cherkley Court Ltd [2013] EWHC 2582 (Admin) 22 August 2013 and the subsequent Court of Appeal judgement).
5. The Council suggests in its response to Initial Question 19 that further succinct and concise reasoned justification has been provided to individual policies where considered necessary. However, in responding to representations in the SADC Regulation 22 (c) Consultation Statement it states that all text under the policies is policy (and suggests that this is clear from the overall plan format). Notwithstanding this confusion, any reasoned justification that may have been provided needs to be clearly identified as such and readily distinguishable from the policy itself.
6. On this basis, we request that the Council re-considers the need for a reasoned justification to be provided for the policies in the plan. The Council will also need to consider whether further consultation would be required on such additions/changes to the plan. We note that representations to the plan have been made on this issue.

Other Form and Content Issues

7. Regulation 9 sets out the form and content of the adopted policies map and explains that it must illustrate geographically the application of the policies in the adopted development plan. Is it clear which policies in the plan have a geographic illustration on the policies map? Should all such relevant policies state that their geographic illustration is shown on the policies map? As things stand, the key to the policies map does not refer to any policies.
8. Regulation 8 (5) indicates that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. What is the Local Plan's relationship with the District Local Plan Review 1994 which is the current adopted local plan, where is this set out and is this plan intended to supersede any of the policies in the 1994 plan?

9. The Guidance states that the non-strategic policies should be clearly distinguished from the strategic policies. Has that been done and where is it evident?
10. There are no paragraph numbers (only section numbers in the early part of the plan) which should be inserted to assist in legibility, referencing and signposting (particularly in light of the reasoned justification points made above). Although not a soundness or legal compliance issue this would be helpful in the examination and for users of the plan.
11. Whilst noting the Council's response to Initial Question 20, no mention is made in the Plan itself of either of the Sustainable Community Strategies referred to. Although these questions could be considered later on in the examination process (through our MIQs and the hearings), we have raised them now to allow them to be considered alongside the drafting of any reasoned justification as referred to above.

Green Belt

12. The Local Plan proposes substantial Green Belt boundary alterations to enable land to come forward for development. National Policy sets out that Green Belt boundaries should only be altered in exceptional circumstances. The nature and extent of the harm to the Green Belt and the effect on the Green Belt objectives must be considered in the assessment as to whether exceptional circumstances are demonstrated.
13. As set out in our Initial Question 16, in seeking to re-draw the Green Belt boundary we would expect to see that the Council has followed a two- staged approach. Stage 1 concerns the evidence gathering and assessment that leads to an in principle decision that a review of the GB boundary may be justified to help meet development needs in a sustainable way. It is set out at paragraph 137 of the National Planning Policy Framework (the Framework) and requires the Council to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.
14. Step 1 of this staged approach requires a thorough investigation of the capacity of the existing urban areas (suitable brownfield sites and underutilised land) and whether this has been maximised having regard to optimising densities. Subtracting this from the OAHN figure leaves the amount of development that cannot be accommodated within the urban areas. This process also needs to be informed by discussions with neighbouring authorities about

whether they could accommodate some of the identified need. Step 2 involves considering if there is any non-Green Belt rural land which could meet any of the unmet need (steps 1 and 2 are recognised at paragraph 12.1.6 of the St Albans Green Belt Review (Doc GB001)).

15. Together these steps give a scale of unmet need which could only be met by Green Belt release and are necessary to determine whether the review of the Green Belt is justified in principle. Stage 2 then determines which sites would best meet the identified need having regard to Green Belt harm and other relevant considerations including whether they are suitably located and developable. All these factors are then considered to reach a conclusion as to whether exceptional circumstances exist for each of the individual Green Belt releases.
16. An explanation of how Stage 1 of this approach has been undertaken is needed. This should set out specifically what work has been done, when and how. In terms of Stage 2, how the relevant factors described above were assessed and balanced in order to reach the conclusion in relation to exceptional circumstances also needs to be explained.
17. The Green Belt Review Purposes Assessment for Dacorum, St Albans and Welwyn Hatfield (November 2013) (Doc GB004) identifies a number of strategic parcels of land in the Green Belt and assesses a number of smaller sub-areas within these as making the least contribution towards Green Belt purposes. It identifies a number of larger (strategic sub areas) (x8) and smaller scale areas of land (x8) within St Albans which could be considered for further assessment.
18. The 8 strategic sub-areas are then considered in the Green Belt Review Sites and Boundaries Study for St Albans (February 2014) (Doc GB001) which identifies 9 sites for potential Green Belt release and future development and ranks them in three tiers (in order of suitability for release). However, it is not clear how this analysis of the 9 sites influenced the selection of the broad locations proposed for development. Additionally, as far as we can see, there is no explanation as to how the smaller scale areas of land identified in the wider study (Doc GB004), and their potential contribution to housing supply, have been considered.
19. The Council's response to our initial Question 16 is noted. However, we do not regard the extract of the March 2019 Planning Policy

Committee (PPC) meeting report to provide adequate background information to what is a key plank of the Council's development strategy. It relies on references to caselaw and the Framework, which whilst providing a useful context, do not explain St Alban's approach to the Green Belt and why the changes sought are justified. It also refers to PPC meetings in March, May and June 2018 and to others in June 2015 and June 2016. It may well be that the issue of exceptional circumstances has been addressed by PPC at depth since 2013 but that is not evident without a detailed interrogation of multiple PPC reports stretching over a number of years and considerable analysis of a good number of other documents/processes/data as listed in paragraph 4.9 of the March 2019 PPC report.

20. As previously requested, this information needs presenting in a Green Belt Topic paper to cover the stages, steps and questions set out above, in order to enable our understanding of the Council's rationale and approach with regards to this important matter.

Next Steps

21. We hope the above points are helpful and confirm that we are keen to assist the Council in progressing the examination as pragmatically as possible. Although provisional dates for hearings in October 2019 were initially identified, we appreciate that the matters raised in this letter will require the Council to undertake further work and that this might take some time. It may also give rise to the need for further consultation. As such, it may be that hearings in October are no longer feasible. With this in mind we would appreciate the Council's response stating its position and intentions on these matters by midday on **Tuesday 9 July 2019**. It would be helpful if an indication of the timescales for the completion of the further work required could be provided as part of that response.
22. If you have any questions on the matters raised in this letter please do not hesitate to contact us via the programme officer Mrs St John Howe.

Yours sincerely,

Elaine Worthington and Louise Crosby

Examining Inspectors