

## **Councils Full Response to Inspectors' Letter to the Council of 2 July 2019 – Wednesday 31 July 2019**

### **[Section 2: Paragraphs 7-11]**

#### **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that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy.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.**

**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?**

1.1 - Yes, it is considered that the Policies Map does set out all the relevant policies on the map and the relevant key. The relevant policies are S3, S6, L5, L8, L9, L10, L11, L12, L16, L18, L21, L22 and L26. For the avoidance of doubt the relevant Policies Map can be found at:

[https://www.stalbans.gov.uk/Images/CD%20003%20Policies%20Map%20Whole%20District\\_tcm15-67021.pdf](https://www.stalbans.gov.uk/Images/CD%20003%20Policies%20Map%20Whole%20District_tcm15-67021.pdf)

**Should all such relevant policies state that their geographic illustration is shown on the policies map?**

1.2 - Yes, on reflection the Council considers that it is not currently clear within the Plan itself which policies are shown on the policies map. The relevant policies are S3, S6, L5, L8, L9,

L10, L11, L12, L16, L18, L21, L22 and L26. Suggested additional wording under each relevant policy has been included in the additional reasoned justification text for consideration as part of the Examination process (see appendix 1 and appendix 3). The basis upon which such text should be considered is set out in section 1 of this response.

**As things stand, the key to the policies map does not refer to any policies.**

1.3 - As addressed above it is considered that the Policies Map does set out all the relevant policies on the map and the relevant key. For the avoidance of doubt the relevant policies map is at:

<https://www.stalbans.gov.uk/Images/CD%20003%20Policies%20Map%20Whole%20District%20tcm15-67021.pdf>

**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?**

1.4 - On reflection the Council considers that it is not currently clear within the Plan itself which policies are to be superseded. It was discussed in PPC that the intention was to wholly replace 1994 Plan. The draft LP itself sets out at section 1.3 that upon adoption of the LP, the District Local Plan Review 1994 will no longer form part of the adopted Development Plan. SADC is happy to provide additional text for your consideration as part of the examination process. We offer the following additional text as a new paragraph 1.12.1.

"Once adopted, the policies in this Plan will wholly supersede the District Local Plan Review 1994."

1.5 - The additional text is also set out in appendix 3 as it would appear if inserted into the draft LP.

**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?**

1.6 – Yes, the Council considers that the strategic policies are clearly distinguished. As set out in the draft LP at paragraphs 2.2 and 2.4, the structure of the draft LP follows what was set out in the NPPF (2012) and draft NPPF (2018). The strategic policies are those which were and are considered under NPPF (2019) paras 20 and 21:

*20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>12</sup> for:*

*a) housing (including affordable housing), employment, retail, leisure and other commercial development;*

*b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*

*c) community facilities (such as health, education and cultural infrastructure); and*

*d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.*

*21. Plans should make explicit which policies are strategic policies<sup>13</sup>. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any nonstrategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.*

*12 In line with the presumption in favour of sustainable development.*

*13 Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.*

1.7 - These strategic policies have been labelled S1-S6, including S6 (i-xi). The local policies are those labelled L1-L30. SADC is happy to consider this distinction further if required as part of the examination process.

**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.**

1.8 - The Council is happy to assist both the examination process and users of the Plan by adding paragraph numbers as suggested. This has been done as set out at appendices 2 and 3, with paragraph numbers added in red.

**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.**

1.9 –The Council considers that the response to Question 20 is potentially considered sufficient. However, taking a pragmatic stance, SADC is happy to provide reasoned justification text for your consideration as part of the examination process. This is set out in the reasoned justification text at paragraph S1.2 in appendices 1 and 3. While, as it indicated in its response to question 20 of the initial questions, the Council has had regard to the Sustainable Community Strategies in the production of the plan, there is no specific statutory duty to have regard to them, following the repeal in 2015 of the relevant provisions of s. 19 of the 2004 Act.