

# The examination of local planning

4th November 2016

## **St. Albans is in Chaos! Archaic plans, political challenges and excruciating progress.**

This article provides an insight into Local Plans progress – or lack of it!. Our case study reveals just how things don't always go to plan when you haven't got a good plan in place!

## **We start with the preparation, process and progress of planning...**

A Local Plan defines local planning policies and identifies how land is used, determining what will be built and where. The Planning Inspectorate supports the Government's goal for every area in England to have an adopted Local Plan. Adopted Local Plans create the framework for development across England. The views of the local people are vital in shaping a Local Plan, helping to decide how their community develops. Development should be consistent with the National Planning Policy Framework (NPPF).

Local Plans have to be positively prepared, justified, effective and consistent with National Policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended). The NPPF gives guidance to local authorities in drawing up their Local Plans. The Examining Development Plan Documents: Procedural Guidance published in December 2013 has been updated to take account of more recent refinements in practice and the update to the Planning Practice Guidance published on 19 May 2016.

The [Procedural Practice in the Examination of Local Plans](#) sets out what happens once a Local Plan has been submitted for Examination, including information about estimated timelines and delivery of the inspector's final report. It includes advice for local planning authorities about how to carry out a fast track review of specific policies within their Local Plan. Policies include, for example, car parking standards or provision of open space and recreation, larger issues such as housing or employment strategies are not covered by the fast track procedure. The fast track procedure takes around six months. There are costs, fees and Planning Inspectors who play an important role in examining Local Plans impartially and publicly. They look at all Local Plan documents that local authorities in England prepare for an Examination. They decide whether a plan is sound or not.

Considering the above it is vital that there are good planning resources. The lack of those resources is a topic Jo discusses in her article, ['Step Into My Office'](#).

## The case study

### St. Albans Plan in Chaos...

On the 22<sup>nd</sup> August 2016, an inspector was appointed to examine the Strategic Local Plan (2011-2031) for St. Albans. A historical Roman City in Hertfordshire. We know St. Albans well and will use it as a prime example where an inspector has expressed a series of concerns.

The St. Albans current local plan is pretty archaic being based upon saved policies of the District Local Plan Reviews of 1994 and from experience, when seeking to secure permission for minor works (albeit in an Article 4 area to a listed building) the Authority moved at an excruciating snail's pace.

### The Planning Inspector (David Hogger) found in relation to the St. Albans plan that:

- At this early stage in the Examination process, there was a significant issue relating to legal compliance and the duty to co-operate that needed to be addressed immediately. He indicated that it was questionable as to whether the duty had been met and whether it was based on an inappropriate assessment of cross-boundary issues not least regarding overall housing (and jobs) provision
- Effective cooperation was considered essential via sustained joint working with actual actions and outcomes identified. He indicated Examination evidence should be robust, providing details as to who the authority cooperated with, the nature and timing of co-operation and how it had influenced the plan formulation. He noted that this was not evident from the St. Albans submissions
- Hogger indicated that if an authority could not demonstrate that it had fully exercised its duty to cooperate that it should not proceed further with Examination and that a Local Plan should be withdrawn
- He also noted that whilst the duty to cooperate was largely separate from Local Plan requirements regarding soundness, the two were considered to be related because cooperation was needed for a number of strategic matters, including homes and jobs and the provision of infrastructure
- To be sound, a plan should be based on effective joint working on cross- boundary strategic priorities, it should provide clear policies against which a decision can be taken and provide adequate information and he therefore indicated that it was reasonable to highlight initial concerns about soundness at this early stage
- Finally with regards to overall housing provision, the reasons for identifying a housing figure of 436 dwelling a year, the relationship between that figure and the full objectively assessed housing need and the value of the Strategic Housing Market Assessment were all similarly questioned

St Albans Council is not the first and will not be the last authority which had failed to rigorously pursue its duty to cooperate and 'under deliver' in terms of the required housing (and jobs) targets. The question that we consistently ask ourselves, in relation to many authority areas, is when will our planning system ensure that we start adequately planning where cross boundary considerations need to be addressed, to ensure that we deliver houses and jobs much needed to support our social and economic needs. It is now a well-known fact that for decades (since 1924) we have been planning for the lowest common denominator in many Authority areas – St. Albans not having prepared a plan since 1994! Yes, that's 22 years in case you were wondering. This is a perfect case in point, not only do we wonder what the Authority has been doing for all those years, but more widely, we wonder how we manage to plan positively for the need of existing and our future generations.

Really, these issues are not hard to address technically by a suitably qualified planner. We appreciate that planning resources are tight (the subject of our next blog post where we also make reference to St. Albans). However they are of course often eternally politically challenging. There are sufficient good examples of positively prepared, sound plans, even with extensive cross-boundary considerations.

We just wonder about what will happen in our rather sleepy Local Authority area and in areas such as Birmingham and Bradford where Local Plan holding directions are in place, due to MP interventions which now places even the more proactive of authorities, in limbo.

Anyway, hopefully before another 22 years pass, St. Albans will get a sound new Local Plan in place, or if not, maybe we will have retired to somewhere in the sunshine and it won't seem so bad.

Find out more about the background of the [St. Albans Strategic Local Plan 2016 here](#)

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