

ST ALBANS CITY AND DISTRICT COUNCIL

<u>REPORT TO :</u>	Council
<u>DATE :</u>	28 November 2012
<u>REPORT TITLE :</u>	Pre-Submission Strategic Local Plan
<u>WARDS :</u>	All
<u>PORTFOLIO HOLDER:</u>	Cllr. T Heritage – Planning & Conservation
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1. Purpose Of Report

- 1.1 To approve the Pre-submission Strategic Local Plan for pre-submission publication. The Strategic Local Plan (SLP) is a 2012/13 Corporate Priority. This report will be accompanied by a brief presentation by officers.
- 1.2 The Strategic Local Plan and accompanying Sustainability Appraisal are available on the website and printed copies have been left in group rooms.

2. Recommendations

- 2.1 The Council approves the Strategic Local Plan for the purposes of pre-submission publication.
- 2.2 To ask the Interim Head of Planning and Building Control, in consultation with the Portfolio Holder for Planning and Conservation, to make any minor amendments to the Strategic Local Plan as appropriate, in advance of the pre-submission publication.

3. Background Information

- 3.1 The District Council is currently working on the preparation of the following Development Plan Documents (DPDs), which together will form the new statutory planning documents for the District, ultimately replacing the 1994 Local Plan:
 - The Strategic Local Plan – containing overarching policies, key principles and the spatial vision (formerly Core Strategy). It also sets out the level and location of sustainable development for the district in the plan period (2011-2028).
 - To be followed by the Detailed Local Plan (DLP) – will contain detailed policies; including site allocations, new proposals maps and a comprehensive suite of policies.
- 3.2 A number of consultations and public meetings to discuss the development of the SLP have helped shape the current draft, namely:
 - Joint Issues and Options Consultation, May 2006

- Core Strategy Issues and Options, July 2007
 - Emerging Core Strategy 2009
 - Shaping Our Community, The Core Strategy: Consultation on the spatial strategy for locating future development in the District, Dec 2010/2011
- 3.3 Planning Policy Advisory Panel (PPAP) meetings were held over the summer in 2011. At these meetings the draft Core Strategy was presented and discussed in detail. Since then there has been a process of refinement and evidence collecting for the draft SLP.
- 3.4 Over the last six years, the Council has listened to residents and stakeholders. It is likely that very large parts of the SLP will be very widely supported, but some aspects will not be supported by all. It is vital to bear in mind that fundamentally the SLP needs to be considered as a whole.
- 3.5 Pre-submission publication is an opportunity for the public and other stakeholders to comment on the SLP. Under the Town and Country Planning (Local Planning) Regulations¹ it is a required statutory stage of the development of an eventual adopted SLP. The document, at this time, is effectively the final draft. If significant change is required following the pre-submission publication it would likely have to go through this stage once again. This would delay submission to the Planning Inspectorate but ensure that Council is content with its substance.
- 3.6 This stage of the process is therefore an opportunity for the public/statutory stakeholders/other stakeholders to scrutinise/challenge the pre-submission publication SLP document. The key focus is testing the document for 'soundness' and legal conformity against the NPPF and Planning Regulations (see paragraph 4.17). Representations related to the pre-submission publication stage of the SLP Document are normally allowed for a statutory 6 week period but this period will be extended to 8 weeks in order to account for the Christmas holiday period.
- 3.7 Members are also directed to the papers for the cabinet meeting held on 18th October, where the report gathers together much of the information that is referred to in this report. They are available at <http://stalbans.moderngov.co.uk/ieListDocuments.aspx?CId=117&MId=6930&Ver=4>

4. **Analysis and Findings**

- 4.1 Significant progress has been made with the Strategic Local Plan since the previous 2010/2011 consultation and we are now in position to move forward to the pre-submission publication stage (the stage before formal submission to the Planning Inspectorate for Examination in Public).
- 4.2 The draft SLP document was published on the Council's website on 14 September. The process over the next few weeks was then:

1. _____

¹ <http://www.legislation.gov.uk/ukxi/2012/767/made>

- Public Meetings September 19 and 24, looking at the full pre-submission SLP document
 - Local Services Scrutiny Committee (LSSC), September 27 and October 4, to consider the full pre-submission SLP document and forward comments to Cabinet
 - Cabinet 18 October, to consider the full pre-submission SLP document and make recommendations to Council
- 4.3 The Public Meetings were well attended and further comments were received through the SLP@stalbans.gov.uk mailbox. These further comments were also received and addressed after the LSSC and Cabinet meetings. The updated comments and responses are available at http://www.stalbans.gov.uk/Images/SLPQ&A_tcm15-28821.pdf Ten key issues were raised at the Public Meetings as set out below at 4.10-4.18.
- 4.4 These key issues raised as set out below were reported to the two LSSC meetings on 27 September and 4 October. At these meetings some revisions were made to the draft SLP as a direct result of Committee input.
- 4.5 On 4 October, LSSC made the following recommendations:
- (i) That Cabinet be asked to note the comments, discussion and concerns raised by individual members of the Committee and set out in detail in the Minutes of the meeting regarding the draft Strategic Local Plan.
 - (ii) That in taking forward the draft Strategic Local Plan to the next stage this Committee asks Cabinet to investigate further the infrastructure issues the District will face as more homes are built. This should include funding issues and timescales to ensure infrastructure needs accompany any development and are not delayed until long after completion.
 - (iii) That, given the housing need in the District, this Committee asks Cabinet to take on board the concern of the Committee to achieve the highest level of affordable housing without the need to go to out to further public consultation.
- 4.6 The minutes from LSSC on 27 September and 4 October can be seen at http://www.stalbans.gov.uk/Images/27Sept4OctLSSC_tcm15-28818.pdf
- 4.7 The SLP and associated documentation, comments from the Public Meetings and LSSC were reported to Cabinet on 18 October. A very productive debate was had and several minor amendments to the SLP text were agreed. Examples included the wording relating to integration of the mental health and learning disabled communities in the Objective paragraph of Policy SLP13 – Harperbury Hospital /Kingsley Green Mixed Use Broad Location.
- 4.8 Cabinet also made the following decisions:
- (i) That Cabinet agrees the Council's Pre-submission Strategic Local Plan (SLP) and agrees that the SLP be referred to Council on 28 November to seek their decision to proceed with the Pre-submission publication.

(ii) That the Interim Head of Planning and Building Control, in consultation with the Planning and Conservation Portfolio Holder, be authorised to make any minor amendments to the SLP as appropriate in advance of Council on 28 November.

4.9 The full minute of Cabinet from 18 October can be found at http://www.stalbans.gov.uk/Images/18OctCabinet_tcm15-28817.pdf

The Ten Key Issues

4.10 Housing Target Calculation (Policy SLP8)

It is very difficult to condense a very detailed process of getting to the 250 target. However, this has been led by understanding the district's urban capacity. 250 dwellings per annum was the target consulted upon in 2010 and has been subject to Sustainability Appraisal. Ultimately the distribution and level of development has been led through the pursuit of delivering sustainable development. Many complex factors must be considered in deciding the right amount, including the following:

- the level of housing need; balanced against the space for appropriate and sustainable development.
- housing not considered in isolation - takes into account other land uses needed to achieve sustainable communities, such as employment, retail, transport & community uses.
- based on a compact city approach through meeting future requirements by developing within existing settlements, rather than extending into the Green Belt.
- maintaining the fundamental aim of the Green Belt in keeping land permanently open, by not developing on green field Green Belt land.
- Urban Capacity + Green Belt Previously Developed Land (PDL)+ Exceptions to non Green Belt green field = 250

This complex issue is set out in more detail in the Strategic Local Plan: Housing Paper, which can be found at http://www.stalbans.gov.uk/Images/SLPHousing_tcm15-28820.pdf.

The following is a brief summary of that paper:

The Council has sought to find the most appropriate balance between all factors, especially providing 100 affordable homes per year whilst protecting the Green Belt. The fine balance between competing aims has led to a new local housing target of 250 homes per year.

The views of the local community; in particular the desire to retain the individual character of settlements, are another important factor.

The Council considers that the planned housing requirement is deliverable, justified and appropriate. It represents a coherent expression of the District's strategic and local priorities set in the context of social, economic and

environmental objectives, in accordance with the principles of sustainable development.

The following key factors have been taken into account in determining the most appropriate level of housing growth in the District:

- A. Our strategic objectives for the authority, as expressed in the Sustainable Community Strategy;
- B. The Sustainability Appraisal process;
- C. The authority's contribution to the overall vision for the East of England as a sub-region;
- D. The views of our communities determined through extensive public consultation;
- E. Local Economy;
- F. Infrastructure Deficit;
- G. Evidence of past completions;
- H. Detailed technical evidence about how much growth the area could accommodate – this has led to the inclusion of policies based on compact city approach through meeting future requirements by developing within existing settlements, rather than extending into the Green Belt.
- I. Technical assessment of population growth and housing need;
- J. Evaluations of the impacts of alternative future housing targets, tenures and sizes;
- K. Recent changes in national policy – the localism agenda.

4.11 Distribution of Development (Policy SLP1)

The current distribution of residential development in the District is in the table below (rounded):

Location	% Distribution
St Albans	50
Harpenden	20
London Colney	5
Specified Settlements	15
Green Belt Settlements	5
Rest of Green Belt ¹	<u>5</u>

1. Rest of Green Belt includes Kingsley Green/Harperbury Mixed Used Broad Location and some other large sites comprising previously developed land.

Using the housing target of 250 homes per annum, the SLP sets out the indicative distribution of 4,250 dwellings over the plan period, set out in the table below. As can be seen this reflects the existing development distribution across the district.

Location	% Distribution
St Albans	55-65
Harpenden	10-20
London Colney	5
Specified Settlements	5-10
Green Belt Settlements	5
Rest of Green Belt	10-20

The only two Green Belt green field sites identified in the SLP are the Mixed Use Broad Locations at Kingsley Green (green field in part) and Oaklands. They are included partially because they will deliver exceptional community benefits.

The only other very specific circumstances where the SLP provides potentially for Green Belt green field residential development are:

- Some limited small scale Green Belt green field residential developments which could be directly supported by local communities to deliver significant community benefits delivered through the DLP.
- Small-scale 'rural exception' sites. These could help address the needs of lower-income households with a close family or employment connection to that settlement. These sites will be identified through the Site Allocation and Neighbourhood Planning process. Such sites can only be delivered if there is the clear support of the local communities, expressed through the public consultation and eventual adoption of the DLP or a Neighbourhood Plan.

4.12 Building Research Establishment (BRE) and Oaklands – Mixed Use Broad Locations (Policies SLP14 and SLP16)

These locations are identified in the SLP for mixed use development including housing. Exploration for their identification is contained in policies SLP14 and SLP16 and an additional document on the planning history and current situation regarding BRE and Oakland's Mixed Use Broad Locations. It accompanied the October cabinet report, is available at http://www.stalbans.gov.uk/Images/BRE&Oak_tcm15-28819.pdf and forms appendix 2 to this report.

4.13 Affordable Housing (Policy SLP9)

The new policy has been drafted to seek to deliver a far greater number of affordable homes through capturing provision from many more sites. The policy sets out the following:

- Increasing provision required on site from 35% to 40%
- Reducing threshold for provision from 15 dwellings to 1
- Financial contribution for sites of 1-4 dwellings and on site provision of affordable housing from 5 or more dwellings
- Providing more affordable homes on Council owned land
- The requirement for developers to provide evidence of non-viability, such as via open book accounting, where 40% affordable housing is not being offered

4.14 Retail (Policies SLP18 and SLP19)

Considerable detailed retail evidence base work has been undertaken including the Retail studies 2009 & 2010 and site specific recent advice to inform proposed retail policy. These identified a quantitative and qualitative need for more shopping floorspace, particularly for non-food shopping and the need for a food store in St Albans city centre. In retail planning a strict sequential approach is applied to development, this means that the town centre should be the first choice, if there are no available or suitable sites then the second choice is edge

of centre and finally, out of town. Within St Albans city centre, there are no suitable, viable and available city centre sites for a major retail scheme in the short term. Drovers Way is identified as a major development site but is only likely to come forward in the medium to long term.

In view of the identified need for retail in the district, it is important that the Council identifies sites that are suitable to ensure maximum control over future development proposals. Therefore a relatively small amount of retail floor space is proposed at Ridgeview, to form a logical extension to Colney Fields. This is considered acceptable to meet identified short term retail needs.

Ridgeview and the City Centre have a different and complementary offer and the modest identified impact on St Albans City Centre would be less than that if the space was allocated on other out-of-centre sites. The impact on the City Centre turnover and other centres would be modest because Colney Fields has different trading characteristics and will draw shoppers from a wide catchment influenced by the M25. Niche and specialist retailers have historically sought city centre locations and the scale and type of proposed unit envisaged at Ridgeview does not match their requirements.

4.15 **Neighbourhood Planning**

Neighbourhood plans have been introduced by The Localism Act 2011 and enable local communities to shape and direct sustainable development in their area. The Council is committed to neighbourhood planning as a process, in order to deliver the neighbourhood level aspirations of communities.

4.16 **Sustainable Development**

Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable Development in the planning sense consists of three equal factors: Economic, Social and Environmental. These dimensions should not be considered in isolation, as they are mutually dependent. Each plan is subject to a Sustainability Appraisal (SA) which tests proposals and seeks to identify impacts and possible mitigation measures on objectives relating to the three factors of sustainable development. An ongoing process of SA has informed the preparation of the SLP and details are set out in the SA Report and the SA Non-Technical Summary. They are available on the Council meeting webpage at <http://stalbans.moderngov.co.uk/ieListDocuments.aspx?CIId=184&MIId=6925&Ver=4>

4.17 **“Soundness”**

The SLP will need to be examined by an independent inspector – to ensure the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is “sound”. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- Positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

It is impossible to know in advance if a Planning Inspector will find a plan sound. Officers consider that the SLP meets the above tests and that it has a reasonable prospect of being found sound by a Planning Inspector.

4.18 Duty to Co-operate

This is a key element of the test of soundness and is a longstanding approach taken extremely seriously by SADC, well before NPPF requirement. Further meetings will be held this autumn between the Portfolio Holder and Councillors in neighbouring authorities to continue these discussions in the context of a completed draft SLP. Officers have been having regular meetings with planning colleagues at HCC and other Herts Authorities. The Council has also engaged in joint working on the evidence behind the SLP and has been working closely with Dacorum on development of East Hemel Hempstead.

Next Steps

- 4.19 The Council currently aims to submit the SLP to the Planning Inspectorate by June 2013. An indicative timetable of the next key steps is set out below:

28 th November 2012	Full Council to approve the pre-submission document.
20 th December (approx)	8 week pre-submission SLP publication consultation commences.
14 th February 2013	Consultation ends
By end of March 2013	Comments received from consultation are processed.
May 2013	Recommendations on SLP to Full Council – special Council meeting (i.e. in addition to Annual Council in May).
June 2013	SLP submitted to the Secretary of State
September/October 2013	Examination in Public
February/March 2014	SLP is adopted.

- 4.20 Background work has already commenced on the DLP, but the timetable for its progress is wholly reliant on the progress with the SLP. It is likely that there will be progress through Planning Policy Advisory Group (PPAG) and Cabinet for a consultation document and consultation process in late 2013 or early 2014.

4.21 **Consequences of Major Change to the SLP**

If major changes are made to the Pre-Submission SLP, the consequences will require substantial reworking of the plan, due to the interlinked nature of the vision, strategy and policies. It may well also require substantial evidence to justify the changes, which may require additional studies. This would definitely require substantial change to the Sustainability Appraisal, again due its interlinked nature. It also could be that further consultation is required on new elements of the plan.

If new evidence base is required this will take a very substantial period of time. For new evidence work to be scoped, tendered for, drafts considered and to be finalised, would take several months. Following these new additional studies appropriate changes would have to be drafted and finalised for both the SLP and SA. It would then be required to go back to Cabinet and possibly LSSC, prior to Council. Whilst the exact length of time is dependent on the nature of any changes, this could be order of 8 to 12 months until the SLP is represented to Council.

5. **Risk Assessment and Financial Implications**

5.1 **Risk Assessment**

There are risks in taking forward the SLP as it is likely to result in objections from residents, organisations and developers over the inclusion or exclusion of particular strategic development proposals and the spatial approach overall.

However there are more significant risks in not taking forward the SLP, as this would:

- increase the risk of planning applications being submitted for development in the Green Belt and the Council losing appeals, because of an inadequate land supply for development.
- increase the risk of planning applications being submitted for development in the Green Belt and the associated expense to residents and officer time, even if appeals are won.
- reduce the prospects of developers bringing forward potentially attractive proposals in accordance with the Vision, whilst Council resources would be wasted on resisting less attractive and unwelcome proposals.
- delay the timetable for the SLP, which would be contrary to the Council's priorities.
- delay the possible adoption of a Community Infrastructure Levy (CIL) and Neighbourhood Plans.
- delay adoption of policies seeking delivery of a variety of Council priorities, including delivery of more affordable homes, good design and protection of the district's historic character

5.2 **Financial Implications**

New Homes Bonus – an average of approximately £1,250 per additional dwelling paid to SADC each year for six years. Future CIL is not reasonably estimable at present, but existing Section 106 payments at risk are in the order of £1m per annum, at risk from April 2014. This includes payments both to HCC and SADC.

Planning appeals and public inquiries have significant cost implications for the Council. Lack of progress with the SLP is highly likely to increase the overall cost of appeals and public inquiries due to their potential increase in number.

6. Conclusions

- 6.1 The SLP articulates the Council's future vision, objectives and strategy for the City and District of St Albans until 2028. It sets the foundation for the long awaited modern and sustainable development policies to protect the identity of the District.
- 6.2 The level of housing reflects residents aspirations and the protection of the Green Belt is a strategic plank of the Council's priorities.
- 6.3 However, the SLP contains some difficult decisions, especially with regard to the Mixed Use Broad Locations. Wherever development is proposed there will be objections. It is therefore incumbent on Members to weigh up the risk factors and benefits and also consider what will, in the overall scheme of things, produce the best outcomes for the District over the next 16 years.
- 6.4 Officers consider that the Strategic Local Plan has a reasonable prospect of being found sound and fit for purpose. Council is requested to approve the Strategic Local Plan for the purposes of pre-submission publication.
- 6.5 In relation to the pre-submission publication, a communications plan has been developed. The key messages being:
 - The Strategic Local Plan (the first part of the new Local Plan for the district) is being published for public comment in respect of its 'soundness' and legal and procedural compliance.
 - This document sets out the planning issues for the District up to 2028 and is a major step forward towards finalising the future planning strategy for the district.
 - It proposes a level of new development, including provision for additional affordable housing.
 - It will continue to protect the Green Belt.
 - The Strategic Local Plan has been informed by previous public and stakeholder feedback over the last 6 years.
 - This will be the last chance for people to comment on the plan. The next stage will be to submit the Plan to the Government for examination in public.
 - The comment period will last for a minimum of 6 weeks (exact length and period to be determined).
 - The feedback received will frame the discussion of the SLP at the Examination in Public by the Government Inspector.
 - The examination is likely to take place in late 2013.

- After this, assuming the Plan is adopted, it will come into force in early 2014.

7. Implications

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	
Policy	Yes	Whole report is relevant - this will change the District's planning policy
Financial	Yes	Including potential impact on Council income from New Homes Bonus and Community Infrastructure Levy (CIL) of levels of housing delivery. See Paragraph 5.2
Impact on the community	Yes	Whole report is relevant. See Community Impact Assessment in Appendix 1.
Legal and Property	Yes	Potential impact on Council owned property assets
HR/Workforce	No	
Risk Assessment	Yes	See paragraph 5.1
Environmental Sustainability	Yes	The draft Strategic Local Plan is based on the principles of sustainable development and has been the subject of an ongoing Sustainability Appraisal process.

7. Appendices and Further Information

Appendix 1 – Community Impact Assessment

Appendix 2 – Planning History and Current Situation Regarding BRE and Oaklands Mixed Use Broad Locations

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

Bibliography

Documents at
<http://www.stalbans.gov.uk/planning/Planningpolicy/default.aspx>

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