

MINUTES OF MEETING NO 1 OF THE PLANNING POLICY COMMITTEE

Virtual meeting held on Tuesday, 9 June 2020 at 7.00 pm

Present:

Councillors Day (Chair), Davies (Vice-Chairman), Barrett, Curthoys, Daly, Gibbard, Newman, M Pakenham, Tucker and Yates

In Attendance:

Councillors Mitchell and Maynard

Officers in Attendance:

Chris Briggs, Spatial Planning Manager
Tracy Harvey, Head of Planning and Building Control
Emma Lund, Democratic Services Officer

1. MEMBERSHIP AND CHAIRMANSHIP OF THE PLANNING POLICY COMMITTEE 2020/21

The Committee noted its membership and chairmanship for the 2020/21 municipal year, as agreed at the Council meeting held on 20 May 2020.

2. DISCLOSURES OF INTEREST

The disclosures of interest, as previously declared by Members of the Committee and appended to the agenda, were confirmed as being unchanged.

Councillor Daly declared an additional personal, non-pecuniary interest as an independent member of the Audit Committee of Rothamsted Enterprises Ltd.

3. MINUTES

The minutes of Meeting No 3 of the Committee, held on 3 March 2020, were taken as read and confirmed.

In response to matters arising which were raised by Members, officers responded that:

- Information on what was likely to be covered in the Joint Strategic Plan (JSP) submission to the Planning Inspectorate had been shared with Members at a briefing. Officers would consider whether there were elements which could be published on the South West Herts Joint Strategic Plan page on the Council's website (<https://www.stalbans.gov.uk/south-west-herts-joint-strategic-plan>).
- The minutes of the JSP Members' Group meeting of 28 January 2020 remained in draft, as no subsequent meeting had yet taken place. Once confirmed, they would be published on the South West Herts Joint Strategic Plan page on the Council's website (<https://www.stalbans.gov.uk/south-west-herts-joint-strategic-plan>).

4. **PUBLIC QUESTIONS**

A copy of the questions submitted and answers given is at Appendix 1 to these minutes.

On behalf of a resident, Councillor Gibbard asked the following questions:

Following the Inspectors' letter dated 27 January 2020 please can the Portfolio Holder and the Head of Planning inform us what actions they have taken, and what further actions are proposed, to progress the Local Plan through to adoption. Particularly:

- 1) *How is Councillor Day proposing to respond to the Planning Inspectors' letter on the St Albans City & District Local Plan?*
- 2) *Why didn't Councillor Day use the 12 May Planning Policy Committee to address the Planning Inspectors' letter of 14 April?*
- 3) *The Inspectors' letter refers to a requirement for Duty to Co-operate meetings to be held on an ongoing basis. Would you kindly inform me exactly who Councillor Day or his colleagues have met with for such meetings since May 2019? When did they happen and where can we find the minutes of the meetings?*
- 4) *Would you inform me who exactly is in charge of delivering the Plan to the Inspectors' expectations?*
- 5) *Specific to my particular locality, would you please provide an update with regards to the parcel of green belt land adjacent to Long Fallow in Chiswell Green, and its suitability or otherwise for future development.*

In relation to the first question, Councillor Day responded that consideration of the Council's response to the Inspectors' letter formed an item on the agenda for this meeting. Officers confirmed that they would provide a full response to the resident on his questions, with a copy of the responses provided to be included in the minutes of the meeting (please see Appendix 1).

5. **SIGNIFICANT INSPECTORATE/COURT CASE UPDATES AND INFORMATION ITEMS**

The Committee considered the following updates and information items:

(i) Inspectors' Post Hearings Letter to the Council of 14 April 2020

The Examining Inspectors had written to the Council on 14 April 2020 providing more detailed information about their concerns in relation to the draft Local Plan. The Committee considered the letter, and also a working draft response proposed for submission by the Council which had been developed in consultation with PPC Group Leads.

A number of questions were raised on the Inspectors' letter, and the following clarification was provided by officers:

Member question:	Officer initial response:
Paragraph 27 - What is the legal view of the Inspectors' claim that there is in breach of Section 19(3) of the Act?	<p>The officer view, when the evidence is considered in the round, is that the requirements have been met.</p> <p>Also, we agree with the Inspectors that the correct test is whether or not any affected party has suffered any prejudice. However, since the relevant parties were all invited to participate at the Examination, it is difficult to see what material prejudice could have occurred. Even if there were to be any perceived prejudice, it could be remedied during the ongoing Examination.</p>
Paragraph 48 - can officers advise us where the Previously Developed Land (PDL) sites are which were not taken into account?	<p>There are a number of Green Belt PDL sites which have been included in the draft Local Plan Housing Trajectory. Moving forward, there are likely to be a small number of additional PDL sites such as Smallford Works and Glinwells that may be approached differently.</p> <p>The Green Belt Review and site selection work undertaken in 2018 was on the basis of the 2012 National Planning Policy Framework (NPPF), which pertained at the time. The 2012 NPPF did not include the particular references to giving 'first consideration to land which is PDL' which is in the 2018 version.</p>
Paragraph 50 - what is the officer explanation of "why they were not subject to a detailed assessment"?	The initial filtering stage into Red, Green and Amber was the same for all sites identified. Following the approach agreed at PPC, only sites which had the lower levels of identified Green Belt harm – Green and Amber – were taken forward for more detailed assessment.
Paragraph 51 - what are the officers' comments on the Inspectors' claim there has been a change in the assessment of the effects on the Green Belt?	This paragraph appears to conflate the issues of parcels and sites. As has been discussed previously at PPC the parcel assessments did not change, but there was an updated assessment of sites in the updated context.
Paragraph 55 - can the officers comment on the Inspectors' claim about the lack of clear evidence?	Moving forward, the work on Masterplanning and also responding to the Inspectors letter will directly address the issue of land ownership in order to provide compensatory improvements. All the evidence so far is that it will be possible to deliver these on land owned by the relevant parties.
Paragraph 63 - what is the officer reaction to the Inspectors' claim that the assessments lack the necessary degree of rigour and objectivity?	This is an inherent issue when there is a comparison between 'known' and 'unknown' sites. Moving forward, updated work on the Sustainability Appraisal will be able to address this issue.
Paragraph 70 - how does the Portfolio Holder think the Council can address this so that smaller sites in the Green Belt can come forward?	Now that the Inspectors' view on the issue in relation to small sites is known, moving forward, updated work on the Green Belt Review and site selection work will enable this issue to be addressed.

Paragraph 73 - do officers agree with the Inspectors' argument that the Sustainability Appraisal introduced relative scoring when assessing options?	The alternative approach suggested by the Inspectors in this paragraph of using North East Redbourn as an alternative to the Strategic Rail Freight Interchange is unexpected, as the capacity of North East Redbourn is considerably less than the 1,650 homes at Park Street Garden Village, during the Plan period.
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In relation to proposed next steps and the work required to move forward in light of the Inspectors' findings, it was considered that two options were open to the Council: either (i) to seek continuation of the Examination with an updated draft Plan including appropriate Main Modifications, or (ii) to progress work to develop a new Local Plan. In either case, a new Green Belt Review would be required. Of the two options, (ii) was considered likely to prove more costly and require longer for a Plan to be delivered. Option (i) offered the potential for the Plan to be delivered in a more timely way and with less expense, and for these reasons was the preferred approach. The Main Modifications would include the removal of the Park Street Garden Village from the Radlett Aerodrome site, its replacement with a Broad Location for the Strategic Rail Freight Interchange (SRFI), and the identification of alternative sites to accommodate the resulting housing need.

In debate a number of comments were made by Members, including:

- There was a risk that progressing the existing draft Local Plan with Main Modifications may cause it to fail, with the Inspectors ultimately requiring a new Plan to be developed. In response it was acknowledged that this may prove to be the case; however, it was considered worthwhile to pursue option (i) initially, given that it offered the potential to achieve an adopted Plan more quickly and with less cost;
- It would be helpful to seek the view of the Inspectors as to whether the proposed Main Modifications represented a viable way forward. This should be done before the Council incurred too much expense in undertaking additional work. The Inspectors' view should also be sought as to whether the removal of Park Street Garden Village would enable the Duty to Co-operate to have been met;
- Whilst a Green Belt 'very special circumstance' decision had been made by the Secretary of State on the use of the Radlett Aerodrome site as a Strategic Rail Freight Interchange, no compulsory purchase order had been made. This indicated that it had not conclusively been identified as a strategic infrastructure site. Additionally, the NPPF required a Local Plan to be 'deliverable over its period'. The SRFI could not be considered 'deliverable' because whilst the promoter had planning permission, they did not control the majority of the land. This was largely owned by Hertfordshire County Council, which had expressed a wish for it to be used for housing. It was suggested that the opinion of the County Council should be sought;
- The decision in relation to the SRFI had been taken by the Secretary of State. Whilst Hertfordshire County Council's view as the landowner was important, there was potential for the Secretary of State to override this in the event of the site being viewed as strategically important;
- The issues of the ownership of the Radlett Aerodrome site and its inclusion as an SRFI within the Plan were related but separate matters. Identification of the SRFI within the Plan did not guarantee that it would be built;

- It was clear from the Inspectors' letter that the SRFI had been identified as a key issue. Failure to clearly address it within the Council's response would be very likely to result in the Plan failing. Any subsequent legal challenge would likely be very costly and time consuming;
- It was not for the Inspectors to advise the Council on what should or should not be included in the Plan, although their response may provide an indication of the viability of a particular approach. Additionally, there had been no significant changes requiring legal advice above that which had already been sought.

It was noted that the Council had been in possession of the Inspectors' letter for some eight weeks, and agreement on a response was becoming imperative. Whilst the use of the Radlett Aerodrome site for a SRFI may not be supported by all, there was a pressing need to find a solution which allowed the Plan to progress. During debate the Committee broadly agreed that the draft response represented an appropriate 'direction of travel', and the proposal to seek to progress the Plan with Main Modifications should be supported.

(ii) Submitted Plans Since 1 January 2019 – Home Counties – To Hearing Sessions Stage

The Spatial Planning Manager provided an update on the status of those 'Home Counties' Districts' and Boroughs' Local Plans which had been submitted since 1 January 2019 which had reached Hearings stage. The information indicated that the Local Planning process was proving challenging for a number of authorities with a broadly similar profile to St Albans City & District.

(iii) Initial Indicative Timescales for Current Draft Local Plan Evidence Work and a Potential New Local Plan

The Committee considered a paper which provided information on the work streams required, and indicative timescales involved, for the two different options for moving forward with the Local Plan. It was noted that the option of developing a potential new Local Plan would likely take approximately two years longer than the approach of incorporating Main Modifications.

A Member drew attention to the fact that Statements of Common Ground were not directly included; it was recommended that these should be put in place at the earliest opportunity and included in the programme. Comment was also made that the timetable did not directly include identification of strategic infrastructure jointly with Hertfordshire County Council. It was recommended that this should be added to help avoid challenge from developers whose sites had not been included in the Plan.

In response to a query as to why the Brownfield Land Register wasn't shown on the programme, the Spatial Planning Manager advised that this had first been created in 2018 and updated in 2019. The 2020 update had not been completed at the time of the Hearings but had now been done, and the Register would continue to be updated on an annual basis.

In response to a question about the resources available to undertake the workstreams identified, the Head of Planning & Building Control confirmed that funding had been allocated within the budget which was likely to be sufficient to complete the Local Plan work, although that was not certain. However, it remained a challenge to recruit the necessary qualified and experienced planning officers.

(iv) Dacorum Borough Council and Three Rivers District Council Duty to Co-operate Letters to Neighbouring Local Planning Authority

The Committee noted letters which had been received from Dacorum Borough Council and Three Rivers District Council seeking support to meet housing and employment provision need as part of the Duty to Co-operate. The format of the letters mirrored that which the Council had received from Watford Borough Council the previous year.

The Spatial Planning Manager reported that the responses to be provided would likely reflect that which the Council had supplied to Watford – i.e. that it did not consider that it had land to meet either authority's need for housing generally, but that there was potential for accommodating some employment land needs because of the over-provision within the Enterprise Zone (now Herts IQ) at East Hemel.

(v) Hemel Garden Communities Update

The Committee noted an update on Hemel Garden Communities, as shown on the agenda front sheet. It was noted that PPC Members may be consulted in the relatively near future as part of the engagement with the public, stakeholders and Members on the spatial vision work for Hemel Garden Communities.

(vi) South West Herts Joint Strategic Plan

The Committee noted an update on the South West Herts Joint Strategic Plan, as shown on the agenda front sheet.

(vii) Draft Local Plan Broad Locations – Masterplanning Update

The Committee received an update on Masterplanning for the Broad Locations. The Spatial Planning Manager reported that work on Masterplanning continued to move forward, despite the Inspectors' letter.

A Member asked whether the Planning Performance Agreement (PPA) for North St Albans, which stated that outline planning permission would be determined later this year, would be adhered to. The Head of Planning & Building Control reported that the PPA indicated a broad process and timescale for looking at items such as Masterplanning, and she undertook to check the document and find out the latest timescale. In response to a further question, the Head of Planning & Building Control reported that the PPAs had been signed on the basis of the Local Plan continuing through Examination to adoption: the progress of the sites was therefore dependent on the progress of the Local Plan as the process by which land was released from the Green Belt.

A Member suggested that it would be helpful to have an update on the Masterplans being developed to date, in order both to maintain political oversight and gain assurance that these met the Council's and the local community's aspirations.

In response to a question on the timetable for commencing work on the remaining locations, the Spatial Planning Manager advised that the work was very intensive and the resource available within the Spatial Planning Team very limited. It was therefore not expected that work would commence at the remaining sites before 2021 at the earliest. Until then, the NPPF and the 1994 Local Plan would continue to be the main basis on which any ad-hoc applications were decided.

6. **WORK PROGRAMME**

The Committee noted its work programme.

It was recommended that the July meeting of PPC should proceed, to include an item providing more detailed information on resourcing the workstreams identified in agenda item 9(iii). This should focus on the pieces of work which would be required regardless of which option for progressing the Local Plan was decided on.

In relation to the request expressed in the previous item for an update on Masterplanning for the Broad Locations, the Head of Planning & Building Control undertook to consider what might be provided for Members given staff resource and other constraints.

The Meeting ended at 9.14 pm

(SIGNED)

CHAIRMAN

PPC Questions and Answers – June 2020

Contact Name	Question	Response
QUESTIONER EXPECTED TO ATTEND MEETING		
Peter Cook Chair, Colney Heath Parish Council	Will the Portfolio Holder be working with other local Portfolio Holders to find workable ways forward for all the authorities to deliver Local Plans up to 2036?	Yes. That has been happening for some time and is continuing. There are ongoing Portfolio Holder and officer meetings and joint technical work with other local authorities. This is in order to support all South West Herts authorities in bringing forward draft Local Plans to an agreed common end date of 2036.
QUESTIONER NOT ATTENDING MEETING – ANSWER REQUESTED IN ABSENCE		
Councillor Gibbard on behalf of Mr Fray	<ol style="list-style-type: none"> 1) How is Councillor Day proposing to respond to the Planning Inspectors' letter on the St Albans City & District Local Plan? 2) Why didn't Councillor Day use the 12 May Planning Policy Committee to address the Planning Inspectors' Letter of 14 April? 3) The Inspectors' letter refers to a requirement for 'Duty to Co-operate meetings to be held on an ongoing basis. Would you kindly inform me exactly who has Councillor Day or his colleagues met with for such meetings since May 2019, when did they happen, and where can we find minutes of the meetings? 4) It is unclear to me, so would you inform me, exactly who is in charge of delivering the Plan to the Inspectors' expectations? 5) Specific to my particular locality, would you please provide an update with regard to the parcel of Green Belt land adjacent to Long Fallow in Chiswell Green and its suitability or otherwise for future development? 	<ol style="list-style-type: none"> 1) This issue was addressed in detail at the Planning Policy Committee meeting this week, on 9 June. Please find the link to the agenda at: https://stalbands.moderngov.co.uk/ieListDocuments.aspx?Cld=459&Mid=10066&Ver=4 2) The issues raised in the Inspectors' letter are very complex. It was considered that the appropriate time to address the Inspectors' letter was the 9 June PPC Committee. 3) That is not quite correct. The Inspectors' letter refers to the Duty to Co-operate (DtC) requirement as: <i>'The DtC requires the Council to engage constructively, actively and on an on-going basis in relation to the preparation of local plan documents so far as relating to a strategic matter (in order to maximise the effectiveness of plan preparation)'.</i> The 'preparation of local plan documents' ceases at the point in time of submission of the draft Plan, which occurred in March 2019. That point notwithstanding, Cllr Day has attended South West Herts Joint Strategic Plan meetings in December 2019 and January 2020. Agendas and minutes are available at: https://www.stalbans.gov.uk/south-west-

		<p>herts-joint-strategic-plan</p> <p>Cllr Day has also attended a number of meetings of the Hertfordshire Infrastructure and Planning Partnership (HIPP) and Hemel Garden Communities Board. I do not myself currently have exact meeting dates or minutes of those meetings.</p> <p>4) Cllr Day is the Portfolio Holder for Planning, which includes the Local Plan. Mrs Harvey is the Head of Planning & Building Control. I am the Spatial Planning Manager and act as Lead Officer for the Local Plan.</p> <p>5) I am not certain of which parcel of land you are referring to but have assumed that it is the Chiswell Green Broad Location (essentially the fields between the access road to Butterfly World and the rear of the existing built form of Chiswell Green). The land I have referred to is a Broad Location identified for removal from the Green Belt and for principally residential development in the draft Local Plan, as set out in Policy S6 x – West of Chiswell Green Broad Location. The draft Local Plan is currently still in Examination.</p>
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