



## Council

16 October 2024

**Lead Cllr:** Cllr De Kort  
Lead Councillor for Planning Policy

## Draft Local Plan

**Summary:** PP&C and its predecessor Local Plan Advisory Group (LPAG) have considered the approach to and the draft content of the evolving new draft Local Plan over some time. Public consultation and councillor feedback has been given to officers which has informed the iteration of the overall document and individual Chapters and Policies. The full draft Local Plan is now at Regulation 19 Publication from 26 September to 8 November 2024 and the next formal step is for it to be submitted to the Secretary of State, currently intended to be on 2 December 2024.

### Report Authors

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Appendix	Title
A	<a href="#">Draft Local Plan Part A</a>
B	<a href="#">Draft Local Plan Part B - Site Allocations</a>
C(i)	<a href="#">Draft Policies Map 1 of 4 (North-West)</a>
C(ii)	<a href="#">Draft Policies Map 2 of 4 (North-East)</a>
C(iii)	<a href="#">Draft Policies Map 3 of 4 (South-West)</a>
C(iv)	<a href="#">Draft Policies Map 4 of 4 (South-East)</a>
D	<a href="#">Sustainability Appraisal</a>
E	<a href="#">Habitats Regulations Assessment</a>

Corporate Vision & Priorities	Wards	Open / Exempt
<ul style="list-style-type: none"> <li>Combat the climate emergency Including 'key activity' – Progress the Local Plan</li> <li>Deliver more social housing</li> <li>Support our local economy</li> </ul>	All	Open

- Enhance the District's cultural offer

## 1. Recommendations

- 1.1 That Council approves the draft Local Plan (as set out at Appendices A, B and C) for the purpose of its Submission to the Secretary of State under the Local Authorities (Committee System) (England) Regulations 2012 and under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 That Council ratifies the Planning Policy and Climate Committee's decision on 23 September 2024 to Publish the draft Local Plan for Regulation 19 consultation.

### 2. Purpose of Report

- 2.1 To seek approval for the draft Local Plan for the purpose of its Submission to the Secretary of State.

### 3. Background and Context

- 3.1. This report should be considered in the context of the referral to Council of the draft Local Plan by Planning Policy & Climate Committee (PP&C) at its meeting on 23 September 2024.
- 3.2. Appendix A, B and C set out the whole draft Local Plan that Council is being asked to approve for the purpose of its Submission to the Secretary of State under the Local Authorities (Committee System) (England) Regulations 2012 and under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.3. As set out in the "Purpose of the Committee" for PP&C:

*This Committee was previously known as the Local Plan Advisory Group and was formalised at Council on 24 May 2023 as a Service and Scrutiny Committee.*

*The Planning Policy & Climate Committee is one of four Service and Scrutiny Committees which are responsible for taking decisions within the Council.*

*The Committee is responsible for a variety of functions, including the Local Plan and Joint Strategic Plan, Community Infrastructure Levy (CIL), Climate Emergency, and conservation.*

- 3.4. As is normal practice in most Local Planning Authorities (LPAs), Council has tasked a Committee (in this case PP&C and its predecessor LPAG) with taking forward the detailed work regarding the draft Local Plan. PP&C has been the forum whereby the detailed technical evidence on matters such as infrastructure, transport and heritage and the detailed wording of Local Plan Policies and Site Allocations has been considered.
- 3.5. At its meeting of 23 September 2023 PP&C approved the draft Local Plan for Regulation 19 Publication, which is taking place for six weeks and one day from 26 September to 8 November 2024. The next formal step is for it to be submitted to the Secretary of State, currently intended to be on 2 December 2024, in line with the Council's Local Development Scheme (LDS) (the LDS is essentially the timetable for the Local Plan).
- 3.6. The Council as LPA has responsibility for preparing a Local Plan. The Local Plan is the main part of the statutory Development Plan. The draft Local Plan sets out the planning policies

and proposals for the future development of the City and District of St Albans. It establishes the Council's long term spatial planning strategy for delivering and managing development and infrastructure, and for environmental protection and enhancement, to 2041.

- 3.7. In law, planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 3.8. The draft Local Plan Regulation 18 consultation version was agreed by PP&C on 10 July 2023 and the public consultation was undertaken from July-September 2023. The results of that consultation were considered initially at PP&C in November 2023 and then in detail at PP&C in December 2023. As reported on that agenda, there was a good level of response with 1,687 received. The simple overall message was that “no ‘showstoppers’ or ‘red flags’ were identified that fundamentally altered or stopped progress towards the draft Local Plan Regulation 19 Publication”.
- 3.9. As also identified in the December 2023 PP&C Report:

*A significant number of comments have been made that are effectively identifying technical work that needs to be done between Regulation 18 and Regulation 19 stages that had already been programmed (for completion) by the Spatial Planning team. Some of this has been previously discussed at PP&C and some is on the current Work Programme – including Heritage Impact Assessments, Transport Impact Assessments, the Infrastructure Delivery Plan etc.*
- 3.10. All of that technical work has now been undertaken, some of which was reported to PP&C at its 12 September 2024 meeting. This has involved a series of meetings and technical work agreed with key consultees such as Historic England, the Environment Agency, Natural England, National Highways, HCC etc.
- 3.11. As stated above, no ‘showstoppers’ or ‘red flags’ have been identified in taking forward this technical work. All of this technical work taken together supports the draft Regulation 19 Local Plan set out in the appendices to this report.
- 3.12. The Spatial Planning team has also undertaken a series of workshops with the Council's Development Management (DM) team to fine tune the approach and detailed wording of the policies in the draft Plan and to use DM's expertise to make the Policies as effective as reasonably possible.
- 3.13. For the avoidance of doubt, and to ensure clarity the wide range of councillors, residents and stakeholders matters raised in response to the draft Local Plan Regulation 18 consultation have also been taken on board in progressing the work set out in this report and its appendices.

#### Proposed reforms to the National Planning Policy Framework

- 3.14. On 30 July 2024 the Government launched their proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system. They also published a Written Ministerial Statement providing more detail on the Government's planning reform agenda.
- 3.15. The Government has advised that they will publish the revised NPPF “before the end of the year”, with the policies applying to Development Management from the date of publication and for Local Plans from ‘publication date + one month’. It is important to note that the Government can change the ‘+ one month’ period set out in the consultation to ‘date of publication of the NPPF’ and that is a scenario that has been discussed with Government

officials as a possibility and a risk to progressing the Council's Local Plan. It is also possible that the transition period could be lengthened to three months (or more).

- 3.16. The NPPF changes proposed are significant in their impact on St Albans District, particularly in terms of increasing the required housing figure by 75% to 1,544 homes per annum.

#### Proposed Changes to the Standard Methodology

- 3.17. The revised methodology means a new annual housing requirement for St Albans District, increasing from 885 to 1,544 per annum, which is an increase of 660 homes, or 75%.

- 3.18. As the draft new NPPF stands today, and with the acknowledged uncertainty about a number of factors, this would mean an extra 11,220 homes in the District to 2041, all in the Green Belt.

- 3.19. As an initial approximation only, based on the District's Settlement Hierarchy, Spatial Strategy and existing population sizes, this would mean very roughly:

6,000 extra homes in the Green Belt around St Albans,

3,000 extra homes in the Green Belt around Harpenden,

2,000 extra homes (in total) in the Green Belt around London Colney/Redbourn/Wheathampstead /other settlements.

- 3.20. Of all the authorities in Hertfordshire SADC is the most affected by the housing numbers change:

- **St Albans +75%**
- Hertsmere +31%
- Dacorum +29%
- Broxbourne +16%
- Three Rivers +15%
- East Herts +13%
- North Herts +9%
- Stevenage +6%
- Watford -6%
- Welwyn Hatfield -8%

- 3.21. At a national scale many other authorities are affected far more than St Albans:

## The 20 authorities that would see the biggest increase in housing need under the proposed standard assessment method

Rank	Planning authority	Homes needed per year (current method)	Homes needed per year (proposed method)	Extra homes per year
1	Kensington and Chelsea	1,381	4,271	2,890
2	Westminster	1,862	3,792	1,930
3	Cornwall	2,707	4,454	1,747
4	Wiltshire	1,917	3,476	1,558
5	Cheshire East	977	2,530	1,554
6	Cheshire West and Chester	532	2,017	1,485
7	Wandsworth	2,559	3,880	1,321
8	East Riding of Yorkshire	817	2,088	1,271
9	Northumberland	549	1,769	1,220
10	County Durham	1,129	2,210	1,081
11	Wirral	728	1,755	1,027
12	Shropshire	1,070	2,059	989
13	Dudley	657	1,594	937
14	Sefton	578	1,466	888
15	Hammersmith and Fulham	1,580	2,467	887
16	Doncaster	525	1,388	863
17	Stockport	1,097	1,906	809
18	Wakefield	923	1,721	798
19	Elmbridge	653	1,443	791
20	Islington	1,465	2,231	766

### Options for SADC Going Forward

- 3.22. In discussion with the Ministry of Housing, Communities and Local Government (MHCLG) officials, Planning Advisory Service (PAS), the Planning Inspectorate, Paul Shadarevian KC, adjoining Councils and HCC, Council officers have characterised the Government's approach to the NPPF consultation as being that "the Government will take forward roughly 90% of what is in the consultation". It is important to note that nobody has disagreed with that characterisation and that is the reasonable expectation to bear in mind.
- 3.23. In simple terms and assuming that the final updated NPPF is largely similar to the version consulted upon, (as above, officers and all credible commentators consider that it will be very similar) the Council can effectively either:
- A - continue with the current draft Local Plan as a whole and submit it; or  
 B - can recommence the Plan at an evidence-gathering stage, effectively going backwards 2-3 years, to meet the full revised Standard Method figure of 1,544 homes per annum.
- 3.24. It is very important for Council to consider fully the draft Local Plan as a whole. It brings together a huge array of supporting evidence considered by PP&C looking at infrastructure, biodiversity, transport, heritage, affordable housing, green spaces, water, sewage etc. When considering the recommendation at paragraph 1.1, Council must be aware that any significant change it might choose to make to the draft Plan – for example replacing one site of 1,000 homes with a different site of 1,000 homes - would result in the Plan-making process having

to go backwards 2-3 years to an evidence gathering stage, to meet the full revised Standard Method figure of 1,544 homes per annum. In simple terms, Council has effectively a binary choice between submitting this Plan as set out in the Appendices (apart from minor amendments) as Option A or going backwards 2-3 years as per Option B (options from paragraph 3.23).

- 3.25. This limited binary choice for Council is because of the Government's new draft NPPF and the way that the relevant legislation is constructed. The theoretical option to 'swap' one 1,000 home site for a different 1,000 home site (or any other different significant change to the Local Plan) is not in reality an available option, as the evidence base to support such a significantly changed approach does not exist today and would take time to produce, before a second Regulation 19 consultation on such a new approach. The work to gather that evidence and the Regulation 19 consultation would take quite a few months. Therefore, by the time that work has been completed, it is currently considered to be almost certain that the Government will have updated the NPPF, and this will effectively require the Council to meet the new 1,544 homes per annum figure.

#### Further Stages of Local Plan Consideration

- 3.26. There are further stages of consideration between Submission of a Local Plan and full adoption of a Local Plan. This includes:

- 1 - The Examination process;
- 2 - Consideration of adoption of the Local Plan and a vote by Full Council.

- 3.27. Following on from the position set out in paragraphs 3.22-3.25, it is important to note that if Full Council does approve the Submission of the draft Local Plan, any subsequent changes made by PP&C at their meeting on 28<sup>th</sup> November (beyond a minor change), would need to be reconsidered at Full Council. At PP&C's meeting on 28 November, they will be considering the Regulation 19 Publication responses. Officers would then submit the Local Plan as unamended (if Council approves the recommendation at paragraph 1.1), unless PP&C considers that there is some overwhelming 'showstopper' based on the outputs of Regulation 19, i.e., new information that requires the content of the Local Plan to be further considered by Full Council, at a later meeting.

#### Potential Local Plan Intervention

- 3.28. The (now former) Secretary of State for Housing, Communities and Local Government wrote to the Council on 23 March 2018 and further letters have been received, the most recent on 19 December 2023. LPAG and PP&C considered all these letters. These set out, that the Government is keeping a close eye on the Local Plan progress in St Albans and unless the Government is satisfied that St Albans is taking all reasonable steps to progress the Local Plan, the Government will consider using its powers to intervene in the St Albans Local Plan process.
- 3.29. In the Deputy Prime Minister's 30 July 2024 letter to all local authority Leaders and Chief Executives in England Angela Rayner stated: "I will not hesitate to use my powers of intervention should it be necessary to drive progress".
- 3.30. St Albans has the second oldest Local Plan in England, adopted in 1994. The Government has wide-ranging legislative powers to intervene in plan-making and previous Governments

have intervened directly on a number of occasions. Council officers have met with MHCLG officials on a roughly quarterly basis in recent years to discuss progress with the Local Plan and those meetings continue. The Council is one of only seven in England written to by the Government in December 2023 regarding potential intervention in their plan-making. Council officers met with MHCLG officials on 25 September 2024, after the PP&C meeting on 23 September, where the Council's Local Plan timetable was discussed. Council officers have been asked to let MHCLG officials know if the recommendation is not approved at Full Council.

### Risk Management

- 3.31. The accelerated timescale to Submission (intended on 2 December 2024, rather than as previously envisaged at the end of March 2025) means that there will be less time to undertake work to support Submission of the Plan and Examination, which raises the risk of having to withdraw the Plan at Examination. This is primarily because of the accelerated point of Submission in December 2024, rather than the end of March 2025:
- 1 - There will realistically be fewer agreed and signed Statements of Common Ground to assist the Inspectors.
  - 2 – There will realistically be fewer and less extensive Topic Papers to assist the Inspectors.
  - 3 – There will realistically be less time to prepare extensive responses to Objections or concerns raised at Regulation 19 stage to assist the Inspectors.
- 3.32. To mitigate the above heightened risks, since August 2024 the Spatial Planning Team has had permission to work almost exclusively on the Local Plan and to pull back on wider activity such as: support for Neighbourhood Plans; some Annual Monitoring has not been undertaken, e.g., stopping monitoring; stopping early work on the update to Employment to Residential Article 4s and being less responsive to emails etc.
- 3.33. Also to mitigate the above, officers are prioritising work that will be most likely to assist the Inspectors and have discussed these matters with officials from the MHCLG, Paul Shadarevian KC, and the Planning Inspectorate.
- 3.34. As addressed at PP&C on 12 September 2024, the context for Examination of Local Plans has also changed somewhat following correspondence between Matthew Pennycook, Minister for Housing and Planning and the Chief Executive of the Planning Inspectorate. Consequently, Inspectors will be more likely to reject Plans at Examination outright rather than try to 'pragmatically' resolve issues through the Examination process.
- 3.35. Overall, these are acknowledged to be heightened risks, but in the circumstances for the Council, they are considered to be risks well worth taking.

### Other Matters

- 3.36. As previously reported to PP&C in June and September 2024, officers have sought feedback and advice from a wide range of informed, independent professional advisors and bodies in order to be able to give the Committee full confidence in the Direction of Travel set out in this report. In light of the Government's proposed changes to the NPPF, there has been a comprehensive array of 'check and challenge' to the approach set out in the draft Plan, and more recently also to the approach to the accelerated timetable.

- 3.37. Recent informal discussions have been undertaken, including with officials from MHCLG, the Planning Inspectorate, nearby Councils and Paul Shadarevian KC.
- 3.38. All of the feedback supports the Council's draft Local Plan approach and the associated timetable outlined in this report.
- 3.39. An updated draft Sustainability Appraisal/Strategic Environmental Assessment (SA) and a Habitat Regulation Assessment (HRA) are at Appendix D and E. These are updates to those which accompanied the Local Plan Regulation 18 consultation in 2023.
- 3.40. Put simply,, the SA provides the Council with an updated understanding of the range of potential impacts of the different Plan 'reasonable alternatives' (e.g. different packages of sites) considered and concludes that the approach taken is the most appropriate one. , The HRA sets out that the Plan appropriately addresses protected habitats – specifically the Chiltern Beechwoods Special Area of Conservation within Dacorum Borough.

#### Decision making by Council

- 3.41. As raised at PP&C on several occasions, the East of England LGA Planning Policy Review 2021 highlighted the role of Councillors in particular at 4.4 in their report (underlining added):

#### *Decision making*

*4.4 Council administrations have electoral mandate to make decisions and can choose whether to seek advice and, where they do, decide whether to act on that advice. However, as noted above, the Government's governance regime for Local Plan making requires full compliance by Council administrations and this compliance is enforced by independent Inspectors at hearings. In this context, local democratic decision making is highly bounded. It is remarkable that two successive Local Plans have failed in part due to administrations of the day making decisions on matters that risked full compliance with Local Plan making rules against advice of their officers and legal opinion. With the benefit of hindsight, the lesson to be learned by the next generations of administrations is to recognise their community leadership role in Local Plan making is to oversee full compliance with the Government's rules. To do otherwise is reckless, a failure of local community leadership with loss of opportunity to protect and promote the community's social, economic, and environmental wellbeing.*

- 3.42. As set out in paragraphs 3.22-3.27 in particular, councillors need to consider the Local Plan and the extensive evidence base as a whole and the likely consequences of their decision. Whilst locally specific and ward issues can be relevant, the Local Plan and the evidence that supports it is a cohesive package.

#### **4. Alternative Options Considered and Not Recommended**

- 4.1. If Council were to determine not to agree the draft Local Plan for Submission at this meeting, it will increase the length of time necessary until a new Local Plan can be adopted and will raise the likelihood of Government intervention in the Local Plan process and/or having to go back 2-3 years to bring forward a new draft Plan in line with the proposed new NPPF.

#### **5. Post-Decision Implementation**

- 5.1. The Spatial Planning team would submit the draft Local Plan as set out in this report on 2 December 2024. If PP&C consider that there is some overwhelming 'showstopper' at its meeting on 28 November which requires the content of the Local Plan to be further considered by Council (based on the new information), PP&C would refer it to a later Council meeting.



## **6. Implications of Decision**

### **6.1. Corporate Priorities and Performance**

6.2. Combat the Climate Emergency including 'key activity' – Progress the Local Plan; Deliver more social housing; Support our local economy; Enhance the District's cultural offer – these are all supported by progressing the draft Local Plan to Submission.

### **6.3. Policy Implications**

6.3.1. There will be implications for the consideration of planning applications across the District as the new draft Local Plan and the evidence that sits behind it will be relevant to some applications. At Submission stage the draft Local Plan will still only attract 'limited weight' in helping to determine planning applications, but that can still be significant, as can the evidence that sits behind the draft Local Plan. Once the Council is at this stage the Council can further the key Policy ambition of progressing the new draft Local Plan and ultimately its adoption. This will include potential implications for some Council owned assets.

### **6.4. Implications on Resources**

6.4.1. The costs of funding the Local Plan policy preparation and consultation are paid for from the approved budget for the Local Plan. There may be additional costs from extra technical work and the cost of defending more speculative Green Belt applications and appeals if the Plan does not proceed to Submission as recommended.

### **6.5. Legal & Constitutional Implications**

6.5.1. The relevant legislation is referred to throughout the report. Planning applications on Council land in the District will need to take appropriate account of the Submitted draft Local Plan.

### **6.6. Community Impact**

6.6.1. As set out in Policy Implications above. Development brought forward by members of the community in the District will need to take appropriate account of the new submitted draft Local Plan.

### **6.7. Environmental & Sustainability Implications**

6.7.1. As set out in Policy Implications above. Development brought forward by members of the community in the District will need to take appropriate account of the new Submitted draft Local Plan. Over time there may be some positive impacts, for example as higher standards are required and more environmental benefits and sustainability opportunities are brought forward on the basis of the policies in the new draft Local Plan. There may in some instances also be some negative environmental and sustainability implications arising from the development proposed, such as soil-sealing from development on currently greenfield land. These implications are set out in detail in the Sustainability Appraisal at Appendix D.

### **6.8. Equality & Diversity Implications**

6.8.1. The recommendation will have no direct negative effect on equality and diversity. Over time the policies aim to create positive impacts, for example, as more affordable housing and specialist accommodation for older persons is brought forward on the basis of policies in the new draft Local Plan.

### **6.9. Health & Wellbeing Implications**

6.9.1. As set out in Policy Implications above. Development brought forward by members of the community in the District will need to take appropriate account of the new submitted draft Local Plan. Over time the policies are aimed at creating some positive impacts as greater

opportunities for walking and cycling and improved access to nature are provided. There may in some instances also be some negative health and wellbeing implications arising from development proposed, such as impacts on air quality in localised areas . These implications are set out in detail in the Sustainability Appraisal at Appendix D.

#### 6.10. Risk Management

6.10.1. By seeking to take forward the Local Plan this will ameliorate the risk of Government intervention in the Council’s Local Plan work, which will maintain local control over this important process and locally based outcomes. Taking forward the Local Plan will also provide better opportunities to determine planning applications locally and have them supported by Inspectors if applicants go to Appeal. The accelerated timescale means that there will be less time to undertake further work to support the Submission of the Plan and Examination in due course, for example, less time to write as many Topic Papers as one would like to assist the Inspectors. Further detail is set out in the report at paragraphs 3.15 and 3.31-3.35.

#### 7. Background Papers – Local Government (Access to Information) Act 1985

<b>Bibliography</b>	<b>Custodian</b>	<b>File Location</b>
N/A	N/A	N/A