

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 04 OCTOBER 2018
REPORT OF THE STRATEGIC DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

**ST ALBANS CITY AND DISTRICT LOCAL PLAN PUBLICATION DRAFT
CONSULTATION DOCUMENT, SEPTEMBER 2018**

SUMMARY

- 1.1 St Albans District and City Council (SADC) published their Local Plan Publication Document 2018¹ for consultation between 4th September and 17th October 2018. Once adopted, this Plan will cover the period between 2020 to 2036 and will replace the policies contained within its existing District Local Plan (adopted in 1994) that covered the period between 1981- 1996.
- 1.2 As the plan is at the formal Regulation 19 stage the Council's response will need to focus on any soundness or cross boundary strategic issues relating to the Duty to Cooperate.
- 1.3 The NPPF Revision was published in July 2018 and will apply as SADC are intending to submit their plan for examination, after 24th January 2019 (Para 214)². This requires strategic plan-making authorities to collaborate, to identify and address strategic matters that cross administrative boundaries.
- 1.4 The main body of the report highlights the key issues for this Council whilst the proposed Council's response has been included in Appendix A to this report.

2. Recommendation(s)

- 2.1 That the Panel agrees to the proposed response to the SADC Local Publication consultation document (2018) as set out in Appendix 1 of this report and indicate any further issues that Members wish to see included in this Council's response.
- 2.2 That the Head of Planning be given delegated authority to agree the final response to the consultation with the Leader of the Council as the Executive Member for Planning Policy.

3. Background

- 3.1 SADC previously submitted an earlier version of their Strategic Local Plan (2016) for examination in 2016. However, the Inspector concluded that this failed to demonstrate compliance with the legal duty to cooperate and should be withdrawn

¹ Otherwise referred to in this report as SADC Local Plan (2018)

or not adopted, as they failed to identify, address and cooperate in regards to cross boundary priorities. SADC lost a judicial review challenging this decision in 2017.

- 3.2 WHBC responded to the SADC Local Plan consultation in February 2016 and the issues raised were; (1) A cross boundary housing market relationship exists between the two authorities and the housing target is failing to meet the full housing needs (2) The Gypsy and Traveller allocations were failing to meet identified needs.(3) Failure to include an employment land/jobs target and whether they will be fully met.(4) Unclear whether additional retail was proposed at Colney Fields Retail Centre and its impacts.(5) failed to undertake transport modelling to assess, mitigate any highway impacts of growth (6) The agreement for Ellenbrook County Park may need amending
- 3.3 , The Secretary of State has written to SADC earlier this year warning them that they may lose their plan making powers, unless they meet key deadlines. Their programme requires SADC to submit their Local Plan (2018) for an independent examination by March 2019 and adopt it by 2020. Following this, they are intending to produce Masterplans for the broad locations of growth.
- 3.4 This consultation is seeking views on whether their Plan meets the Tests of Soundness and whether the content of the plan, or the procedures for producing it, meet the legal requirements, including the Duty to Cooperate (DTC).
- 3.5 Strategic policy making authorities are now required to prepare and maintain statement of common ground, to demonstrate effective and ongoing joint working. This helps determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere (Para 27, NPPF, 2018).

Explanation

- 3.6 The SADC Local Plan (2017) includes strategic policies to set out the broad locations for growth, in terms of the scale, type and locations. It proposes a limited number of allocations such as; mixed use opportunity areas, special employment locations; small housing sites with permission for between 1-58 (but predominately 1-4) dwellings, however the location of these are not shown on the Policies Map. In addition, development management policies are proposed to; protect, enhance the built and natural environment; address climate change, deliver affordable housing and infrastructure.
- 3.7 The Plan has not identified any local or cross boundary issues/constraints that it is seeking to address. No supporting text has been included to justify the policies and a number of updates to the evidence base have yet to be completed. This has made difficult to assess the impact on Welwyn Hatfield and whether or not there are any Duty to Cooperate issues. It is proposed that a number of holding objections are made to protect this Council's position with a view to these being addressed through a Memorandum of Understanding or Statement of Common Ground.
- 3.8 The key parts of the SADC Local Plan development strategy are outlined below:
- (1) Homes:** A target of 14,608 dwellings is to be delivered at 11 broad locations as opposed to 4 strategic locations in their previous plan, largely through the release of Green Belt sites. This includes the Park Street Garden Village (2,300 dwellings) and its supporting infrastructure (e.g. railway station). The proposed broad locations that fall within the Welwyn Hatfield defined housing market area (HMA) are (1) East of

St Albans: Expected to deliver 1,250 dwellings; and (2) West of London Colney: Expected to deliver 440 dwellings.

(2) Jobs: A broad location to the east of Hemel Hempstead is expected to provide 55 hectares (10,000 jobs) of employment land. It promotes the significant development and redevelopment of the special employment locations in the Green Belt

(4) Mixed use opportunity areas (MUOA): Promotes the development and redevelopment of the MOUA for residential, retail or service uses, at 3 locations including Conley Field Retail Centre (Ridge View).

(5) Infrastructure: The proposed broad location growth policies outline the supporting infrastructure to be provided within these locations. The infrastructure Delivery Schedule provides an overview. A revised Infrastructure Delivery Plan has not been published

3.9 The key issues for Welwyn Hatfield are addressed below.

The extent to which St Albans is meeting its housing needs

- 3.10 The SADC Local Plan (2018) is proposing to include a housing target of 14,608 dwellings (or 913 dwellings per annum or dpa) between 2020-2036. This was derived from the Government's Planning for the Right Homes in the Right Places consultation document (September 2017) that included indicative housing need figures for local councils, to illustrate how the proposed standard methodology may apply. Since this, the NPPF revision (2018) and planning practice guidance have been published that requires Local Plans (submitted after 24/01/19) to apply the standard methodology to derive their housing need requirements. This replaces the old need figures, derived from the strategic housing market assessment (SHMA) It is estimated that the SADC housing need figure should be 599 dpa (using the standard methodology published September 2018).
- 3.11 The start date of the Plan is 2020 but it would appear that no consideration has been to under delivery between now and the start date of the Plan or whether they should be meeting any unmet needs of the neighbouring authorities as is required by the NPPF.
- 3.12 The proposed response welcomes the acknowledgment that there is a cross boundary relationship with SADC and the inclusion of a higher target within their Plan. However, as the Plan will be submitted for examination after January 2019 the Plan the housing requirement will need to be based on the government's standard methodology which will not be confirmed until November this year. It is therefore not possible to be certain on the extent to which the housing requirement is meeting its needs and whether or not it could meet some of its unmet needs of neighbouring authorities and therefore whether it is sound.

Potential supply of homes within the defined WHBC HMA

- 3.13 The SADC Local Plan (2018) proposed broad locations have the potential to deliver 1,690 dwellings within the parts of St Albans which fall within the tightly defined WHBC HMA. The Plan also proposes allocating a significant number of small sites granted permission for residential development with a potential to deliver 235 dwellings but they are not shown on the Policies Map. It is not possible to conclude whether the need within this part of the defined housing market area has been met

as the overall need for dwellings within St Albans is not unknown and the response will need to refer this potentially being an issue which will need to be considered as part of duty to cooperate discussions.

Policy S6 v) – East of St Albans Broad location

- 3.14 Policy S6 allocates the above broad location for 1,250 dwellings (at net density of 40dph) and the supporting infrastructure (including a 2 form entry primary school and an 8 form entry secondary school). The policy also seeks investment in the further education facilities at Oaklands College and a new neighbourhood centre.

Policy S6 ix) – West of London Colney Broad location

- 3.15 This is a new broad location which has been allocated for 440 dwellings and also lies within the Welwyn Hatfield HMA. It will also be required to provide for a new primary and secondary school.

Employment needs and whether these will be met in full

- 3.16 The WHBC Economic Study (2015) indicates SADC lies within its functional economic market area (FEMA) due to the economic linkages. Whilst SADC's evidence indicates it falls within the Luton Travel to work area that excludes WHBC.
- 3.17 SADC Local Plan has not included a target for the number of jobs or floorspace. Policy S5 is seeking to deliver economic growth within three sites, within the Enviro-Tech Enterprise Zone. This comprised of 55 hectares (17 hectares of B1 office and 38 hectares logistic/ mixed industrial) and 10,000 jobs within the East of Hemel Hempstead Broad location, the significant redevelopment/development of two special employment locations (SEL) within the Green Belt (BRE Bricket Wood and Rothamsted Research, Harpenden. Further, Policy L16: Mixed use opportunity (MUOA) area seeks to promote the redevelopment/development of 3 areas. But it has failed to specify the potential scale of SEL and MUOA.
- 3.18 The evidence base is in the process of being updated and will be published in February 2019 so it is not possible to determine to what extent forecast levels of growth are being met.

Policy L5: Small Scale Development in the Green Belt Settlements

- 3.19 Policy L5 indicates small scale development and redevelopment for residential, community and business uses will be permitted, within a number of Green Belt settlements that are located within the sensitive gap between St Albans and Hatfield. This is providing it is in line with the settlement hierarchy and a criteria such as the site is; previously developed land, for 10 dwellings or equivalent and infill location and does not impact the character of settlements.
- 3.20 Our proposed response will suggest that Policy L5 should be modified to allow for the impact on the openness of the Green Belt to be added as an additional criterion. This will allow the status of village as a washed over settlement and their contribution to the openness of the Green Belt is not compromised.

Policy L7: Gypsy, Travellers and Travelling Show People

- 3.21 SADC undertook a Gypsy and Traveller (G & T) accommodation needs assessment (GTANA) 2015. This identified a net need to provide 79 pitches by 2031, 47 of which are need by 2019. The SADC Annual Monitoring Report (2017) indicated that the

GTANA will be updated to reflect the revised G & T definition. It is understood that an updated study will be published in October so it is not possible to establish the extent the Plan is meeting the forecast need.

- 3.22 It is considered that this Council should welcome the inclusion of additional broad locations to address the G & T's housing needs. However, it is suggested that it should raise the issue that the SADC Plan failed to include a target, supporting text to justify the identification of G & T sites within the broad locations. Further clarity is required on the gross/net pitches required (2020-2036) and whether potential sites within the proposed broad locations may result in a shortfall/ of G & T pitches.
- 3.23 The response should also draw attention to needs emanating from the Transit site in Hertsmere. The only (public) Transit site in Hertfordshire is located at South Mimms (within the borough of Hertsmere). This site serves the whole of Hertfordshire. The updated SADC GTANA should consider the role of this site, noting that the WHBC GTAA (2016) has made an allowance for one pitch to be provided in Welwyn Hatfield to address a need for accommodation arising from this Transit site.

Infrastructure and Transport Strategy Policies L17 -18

- 3.24 Policy L18 policy sets out a generic principles/measures to; ensure proposals reduce congestion; promote the use of sustainable modes of transport and deliver new or enhanced transport infrastructure. It indicates that specific transport schemes are identified in the Infrastructure Delivery Plan (IDP). While Policy L17 refers to an infrastructure delivery schedule which is included as an Appendix to the Plan. Policy L17 sets out a requirement for new development to make appropriate provision.
- 3.25 The SADC Plan is proposing a significant level of growth at broad locations at: (1) East of St Albans: 1,250 dwellings, (2) West of London Conley: 440 dwellings (3) Park Street Garden Village: 2,300 dwellings and (4) West of Chiswell Green; which may impact the highway capacity/congestion along the A414 and A1057 into Hatfield.
- 3.26 The Infrastructure Delivery Schedule lacks detail as to specific infrastructure proposals and an updated Infrastructure Delivery Plan has yet to be published. St Albans are part of the A414 Consortium and it is understood that the County Council has modelled the proposed levels of growth in the Plan but it is not clear to what extent provision has been made for any necessary mitigation. It is understood that there will be further run of the Comet model the outputs of which will be available in 2019.

Policy L29 Green and Blue Infrastructure, Countryside, Landscape and Trees

- 3.27 The policy seeks improvement to the Green Infrastructure network and the creation of new green infrastructure within the broad locations. Reference is also made to the implementation of the Ellenbrook Country Park and the continued implementation of the Heartwood Forest. The diagram indicates linkages with the Green Corridor identified in the Welwyn Hatfield Local Plan but this is not referred to in the policy. It is considered that the Council's response should ask for a modification to the Policy to accommodate this.

4. Legal Implication(s)

- 4.1. The Duty to Cooperate is a legal requirement, which is taken into account in the examination of Local Plans. Public bodies have a duty under the Planning and

Compulsory Purchase Act 2004, as amended by the Localism Act 2011, to cooperate on the preparation of planning documents so far as they relate to a strategic matter (the Duty to Cooperate). Strategic matters are defined as those that would have a significant impact on at least two planning areas. The Planning Practice Guidance has been updated to refer to Statements of Common Ground which should be produced at the start of plan making and published in order to provide transparency.

- 4.2. Local planning authorities that are unwilling to cooperate and unable to provide robust evidence to support a strategy that does not plan for the unmet requirements of another local planning authority may fail the test of compliance with the Duty to Cooperate or their plan may be found unsound .

5. Financial Implication(s)

- 5.1. There are no specific financial implications arising from this report.

6 Risk Management Implications

- 6.1 There is a risk that in not responding to the consultation on the SADC Local Plan, it could have both direct and indirect implications for Welwyn Hatfield, as it raises a number of strategic cross boundary issues.

7 Security and Terrorism Implication(s)

- 7.1 There are no security and terrorism implications arising directly as a result of this report.

8 Procurement Implication(s)

- 8.1 There are no procurement implications arising directly as a result of this report.

9 Climate Change Implication(s)

- 9.1 No climate change implications have been identified resulting from this report. Although clearly proposals for more development will have an impact on climate change and will need to be assessed as part of the sustainability appraisal process accompanying the preparation of the SADC Local Plan.

10 Policy Implications

- 10.1 There are no direct policy implications arising for Welwyn Hatfield as a result of this report. However it should be noted that the proposed actions in this report support the Council in discharging its duties under the Localism Act (and re-stated in the NPPF) to engage constructively, actively and on an ongoing basis to maximize the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

11 Human Resources Implications

- 11.1 There are no direct implications arising from this report.

12 Health and Wellbeing Implications

- 12.1 There are no direct implications arising from this report.

13 Communications and Engagement Implications

13.1 There are no direct implications arising from this report.

14 Link to Corporate Priorities

14.1 The Council's Business Plan 2015-2018 contains corporate priorities to meet the borough's housing need, help build a strong local economy, protect and enhance the environment and maintain a safe and healthy community. Responding to other authorities' consultations helps this Council to meet these priorities effectively.

15 Equality and Diversity

15.1 I confirm that an Equalities Impact Assessment has not been carried out, as this report refers solely to the emerging policy and proposals of another authority.

Appendices

Appendix A Draft Response

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25th September 2018