

# St Albans Strategic Local Plan 2011 - 2031 Publication 2016 Representation Form

Date:  
Ref:  
Ack:  
(For official use only)

The best way for you to make representations is using the Spatial Planning online consultation portal.

Please return representations to the Spatial Planning Team by **5pm on 19<sup>th</sup> February 2016**.

By online consultation portal: [www.stalbans.gov.uk/slp](http://www.stalbans.gov.uk/slp)

By post to: St Albans Council Offices, St Peters Street, St Albans, AL1 3JE

By e-mail to: [slp@stalbands.gov.uk](mailto:slp@stalbands.gov.uk)

This form has two parts –

Part A – Personal Details (You need only submit one copy of Part A)

Part B – Your representation(s). **Please submit a separate sheet** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

## Part A – Submit only one copy of this

### 1. Personal Details\*

### 2. Agent's Details (if applicable)

*\*If an agent is appointed, please complete only the Title, Name, Organisation and asterisked boxes below but complete the full contact details of the agent in 2.*

Title	Mr	
First Name	Steve	
Last Name	Baker	
Job Title (where relevant)	Planning Manager	
Organisation (where relevant)	CPRE Hertfordshire	
Address Line 1*	31a Church Street	
Address Line 2		
Post Town*	Welwyn	
County	Herts	
Post Code*	AL6 9LW	
Telephone Number	01438 717587	
E-mail Address	office@cpreherts.org.uk	

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**Part B – Please use a separate sheet for each representation**

**Name or Organisation : Campaign to Protect Rural England (CPRE) Hertfordshire**

3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:

- Strategic Local Plan Publication Draft 2016 – [www.stalbans.gov.uk/slp](http://www.stalbans.gov.uk/slp)
- Sustainability Appraisal Report - [www.stalbans.gov.uk/slp](http://www.stalbans.gov.uk/slp)

Paragraph  Policy

4. Do you believe the Strategic Local Plan &/or its sustainability appraisal is:

(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6**

5. Do you consider the Strategic Local Plan is **unsound** because it is **NOT**:

(1) Positively Prepared (it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)	<input type="checkbox"/>
(2) Justified (it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base)	<input checked="" type="checkbox"/>
(3) Effective (the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities)	<input type="checkbox"/>
(4) Consistent with national policy	<input checked="" type="checkbox"/>

6. Please give details of why you consider the Strategic Local Plan &/or its sustainability appraisal **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Strategic Local Plan &/or its sustainability appraisal or its compliance with the duty to cooperate, please use this box to set out your comments.

These paragraphs and draft Policy SLP8 refer to a 'Housing Requirement/Target and Provision' for 436 dwellings per annum, stating in paragraph 6.37 that this would meet 'long term estimations of need in full' and that this estimate of need has been used directly to inform the Plan's housing requirement/target.

This interpretation is at the crux of CPRE Hertfordshire's objections to the Plan, and is considered to be a flawed interpretation of both NPPF policy and NPPG guidance, as also explained in representations on Chapter 4, the Plan's Strategy. CPRE Hertfordshire seeks the redrafting of these paragraphs to be consistent with the NPPF, and in particular to properly reflect paragraph 14 and footnote 9 of the NPPF in respect of the Plan's Housing Target.

Contrary to the assertion in paragraph 6.32 that the target of 436 dwellings per year meets the test of 'exceptional circumstances', how this test is met is not explained, but the assertion cannot be correct in any event because it has been established and repeated in ministerial statements that the scale of housing need cannot alone comprise an 'exceptional circumstance' that would justify removal of land from the Green Belt for development. In the case of *Calverton Parish Council v Nottingham City Council and Broxtowe Borough Council and Gedling Borough Council* - April 2015 Ref. CO/4846/2014) the Court said that housing need alone cannot constitute "exceptional circumstances" since "it would be illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to "exceptional circumstances" within the meaning of paragraph 83 of the NPPF" (para. 51 of the Judgment). The Judge further commented that "no recourse to what I called in oral argument the

*“mantra” of planning judgment could save a decision from a successful section 113 challenge in such circumstances”.*

The Housing Target set out in Policy SLP8 is therefore unsound and should be reduced to reflect the constraint of Green Belt Policy, following a review of the characteristics of housing need identified by the Council’s Housing Needs assessment, to identify a reasonable scale of housing need that should be met taking that constraint into account.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Strategic Local Plan &/or its sustainability appraisal legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Strategic Local Plan &/or its sustainability appraisal legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should be amended as sought above

(Continue on a separate sheet if necessary)

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

8. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No

Yes

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Participation is necessary to explain CPRE Hertfordshire’s related objections to the Plan’s Strategy, Housing Target, development proposals and relevant text in the context of NPPF policy, particularly for the Green Belt.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Do you wish to be notified of any of the following? Please mark all that apply.	
(a) when the Strategic Local Plan has been submitted	√
(b) when the Inspector's Report is published	√
(c) when the Strategic Local Plan is adopted	√

Please note that all responses will be held by the Council in accordance with the Data Protection Act 1998. Your name, town and comments will be made available to the public on the consultation portal; in council committee papers and as otherwise considered appropriate by us. Your personal data i.e postal addresses, emails and telephone numbers will not be share with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process. By submitting this form you are agreeing to these purposes.

11. Signature:		Date:	19 <sup>th</sup> Feb 2016
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