

ST ALBANS CITY AND DISTRICT LOCAL PLAN EXAMINATION

MATTER 2: THE DUTY TO CO-OPERATE

**ON BEHALF OF: BLOOR HOMES AND THE DEPARTMENT OF HEALTH
AND SOCIAL CARE**

Pegasus Group

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Introduction

Pegasus is instructed by Bloor Homes and the Department of Health and Social Care to submit a Statement in respect of Matter 2, pursuant to the Matters and Questions identified by the Examination Inspectors.

Separately additional Statements have been submitted in respect of the following Matters:

- Matter 1
- Matter 3
- Matter 4
- Matter 5
- Matter 6
- Matter 7
- Matter 8

Pegasus previously submitted representations in response to the Reg 19 Publication Plan in October 2018 and the Draft Issues and Options and Call for Sites in February 2018. The Hearing Statements should be read alongside our representations and supporting evidence.

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2. MATTER 2 – THE DUTY TO CO-OPERATE

General

2.1 What are the genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act?

2.1.1 At the time of the consultation on the Reg 19 Submission version of the Plan (October 2018), no statement on the Duty to Co-operate or a Statement of Common Ground had been produced to support the Plan.

2.1.2 It is noted that since then a SWHG Statement of Common Ground – Officer Agreed - Draft February 2019 and a Duty to Co-operate Compliance Statement -April 2019 have been prepared.

2.1.3 However, nowhere in the supporting documentation is it clearly articulated what the strategic matters are. CD028 refers on page 12 to *“good progress is being made with the initial steps of joint working as a South West Herts Area and at the meeting on 23rd January 2018 there was substantial level of agreement about the importance of the issues being discussed and how best to tackle them.”* The slides used as a basis for the discussions are attached at Appendix 2 to CD 028.

2.1.4 It is considered that the strategic matters for the Local Plan are not set out in the Plan.

2.1.5 Much of the supporting information reports the establishment and progress of the JSP. A Memorandum of Understanding for Strategic Planning in South West Hertfordshire was agreed at the Cabinet meeting in February 2018 and sets out how co-operation on strategic planning issues between the five local planning authorities in SW Hertfordshire and Hertfordshire CC will be managed. Whilst this commitment to future joint working is welcomed, the Council in preparing the plan needs to show how it has collaborated to identify the relevant strategic matters they need to address in this Plan. The Council need to address the strategic matters in the Plan and not defer them to subsequent plan updates through the JSP. (PPG Plan Making, paragraph 022). The Council need to show how they have considered the development needs of the neighbouring authorities and how these will be met.

2.1.6 For example page 17 of CD 028 refers to the East Hemel Hempstead and North Hemel Hempstead Broad Locations having required and will continue to require

- substantial joint working with DBC, HCC and HELP and others. These locations are supported, but there is a need to clarify whose needs are being met.
- 2.1.7 Reference is made to LP proposals being a direct response to the LEP Strategic Economic Plan and DBC's regeneration priority for Hemel Hempstead, but it is not clear in the Plan if any of the needs are related to DBC. It is noted that Dacorum BC have in their response to the Reg 19 Plan stated that whilst they consider the Duty to Co-operate has been met; that there are still concerns in relation to soundness of the plan, one of these concerns is that *"Agreement is needed on housing and employment need between DBC and SADC."* (NB SADC response to Inspectors questions number 4 on 24th May 2019).
- 2.1.8 Appendix 13 of CD 028 refers to a meeting held between SADC and DBC on 22nd January 2019 where the issue of accommodating housing needs from DBC were discussed, but rejected at this stage as SADC did not want to delay the submission of the Plan. SADC suggested that if the Dacorum evidence base demonstrates that it cannot meet its housing needs then this should be put forward to the South West Herts Group for consideration. It is noted that DBC's response was that *"this may not be a realistic solution as Local Plans are being prepared in advance of the proposed Joint Spatial Plan for which there is no confirmed timescale presently."*
- 2.1.9 From the SADC response to the Dacorum Issues and Options consultation Report of Responses – September 2019; the issue of meeting needs remains an ongoing concern.

2.2 Should these be set out in the Plan?

- 2.2.1 It is considered that the strategic matters should be set out in the Plan and it should be clear how these are being addressed.
- 2.2.2 It is interesting to note that the Dacorum Issues and Options consultation in November 2017 set out the issues that need to be addressed on a cross-boundary basis.
- 2.2.3 Paragraph 4.2.2 states:

"Discussions with other Councils in south west Hertfordshire and beyond have indicated that the following issues need to be addressed on a cross-boundary basis:

Transport

Education provision

Provision of new homes

Provision of new jobs

Approach to the Green Belt

Approach to the countryside and environmental protection

Provision of health facilities

Water – both drinking and waste”

Overall housing provision

2.3 Who has the Council engaged with in terms of overall housing provision and what form has this taken?

2.3.1 This question is a matter for the Council.

2.4 Are there issues of unmet need from within neighbouring authorities? If so how are these being addressed?

2.4.1 It is not clear whether there are issues of unmet need arising from neighbouring authorities. As referred to above in the Council's response to the Inspectors question 4 (ED6) there may be issues with Dacorum BC and Welwyn Hatfield BC.

2.4.2 The Council have not indicated whether there are any neighbouring areas that cannot meet their own needs and how the Council have worked with those areas to try and meet these despite guidance in the NPPF paragraph 27 and paragraph 60.

2.4.3 CD 007 SWHG Draft Statement of Common Ground February 2019 which is also appended to CD 028 refers to key strategic matters for the Joint Strategic Plan (JSP); one of which is strategic housing need across South West Herts, Local Plan requirements and provision. It also refers to managing need, but again this is produced in the context of the future and preparation of the JSP and not the preparation of the SADC Local Plan. As paragraph 6.6 demonstrates each LPA is to meet its own need unless the evidence prepared to support the JSP suggests that by doing so it would contradict other policies set out in the NPPF. Paragraph 6.6 then states that "*Evidence and reasoning*

will need to be agreed through the JSP governance process and then embodied in Local Plans and subsequently the JSP.”

- 2.4.4 CD 028 appends meeting notes on the Duty to Co-operate, but these relate to 2018.
- 2.4.5 It appears that the approach of SADC, is to meets its own needs in full and then to undertake a future review in the context of the SWH joint working and the proposed JSP.

2.5 Have specific concerns been raised through duty to co-operate discussions or representations?

- 2.5.1 Pegasus raised concerns at the Reg 19 consultation that no statement on the Duty to Co-operate had been produced to support the consultation. It is considered that CD 028 whilst documenting a number of meetings reflecting the fact that there have been ongoing discussions, no Statements of Common Ground have been produced with each of the neighbouring authorities in accordance with the NPPF and PPG.
- 2.5.2 The National Planning Policy Framework sets out that authorities should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process. Local planning authorities are also bound by the statutory duty to cooperate.
- 2.5.3 The PPG, Plan Making July 2019 is clear that Statements need to be prepared and then maintained on an on-going basis throughout the plan making process. It should be produced by the time the Draft Plan is published so that it can provided stakeholders and the community with a transparent picture of how they have collaborated. There is also a need to ensure that these Statements are kept up to date. This does not appear to be the case in SADC.

2.6 Does the overall housing provision being planned for in St Albans City and District area have any implications for other authorities? If so, what are they and how are these being addressed?

- 2.6.1 Please see paragraphs above, it would be useful if up to date Statements of Common Ground with each LPA could be provided.

2.7 In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

2.7.1 Given the information produced to date this is a matter best addressed by the Council. It is not clear how any engagement with neighbouring authorities has affected the preparation of the plan. The outcome of the co-operation appears to be documented in a series of meetings in 2018 which informs neighbouring LPAs that SADC will be meeting its own need in full, using a stepped approach and then SADC will undertake a future review in the context of joint working through the proposed JSP.

2.7.2 It is considered that for each of the neighbouring LPAs a statement of common ground should have been produced this would constitute a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It would also document where effective co-operation is and is not happening throughout the plan-making process, and it would be a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.

2.7.3 The Statements of Common Ground in the case of local planning authorities, form part of the evidence required to demonstrate that they have complied with the duty to cooperate. In the absence of such information, even if the Council have had meetings with neighbouring LPAs, it is not transparent and the outcome is not clear.

Jobs growth and employment land provision

2.8 Who has the Council engaged with in terms of jobs growth and employment land provision and what form has this taken?

2.8.1 Pegasus has not submitted representations on the following questions which are more directed at the Council to explain their process and position.

2.9 What are the inter-relationships with other authorities in terms of economic activity, travel to work and the market for employment land and premises?

2.10 How have these inter-relationships been taken into account in preparing the Plan in terms of jobs growth and employment land provision?

2.11 In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of jobs growth and employment land provision?

Transport infrastructure

2.12 What are the strategic matters and particular issues?

2.13 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

2.14 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Water resources/waste water

2.15 What are the strategic matters and particular issues?

2.16 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

2.17 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Flood risk

2.18 What are the strategic matters and particular issues?

2.19 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

2.20 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Other strategic matters

2.21 What are the other strategic matters and particular issues?

2.22 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

2.23 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

2.24 Has the funding for any essential infrastructure been secured? If not, why not and what are the implications for the delivery of the Plan?

Broad locations for development

2.25 Are there cross boundary issues in relation to any of the proposed site allocations such as transport or other infrastructure requirements? If so how have they been addressed through co-operation?

2.25.1 These are matters for the Council to explain.