

Home Builders Federation

Matter 2

ST ALBANS LOCAL PLAN EXAMINATION

Matter 2: Duty to Co-operate

Main Issue Whether the Council has complied with the duty to cooperate in the preparation of the Plan.

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

Whilst this question is principally for the Council to answer the need to address the needs of housing in neighbouring areas is clearly a strategic issue that the Council will need to have thoroughly considered as part of the preparation of this plan. This is explicitly recognised in paragraph 60 of the NPPF which states that:

“... needs which cannot be met within neighbouring areas should also be taken into account when establishing the amount of housing to be planned for.”

The reference to “areas” in paragraph 60 also means that when undertaking its duty to co-operate activities with regard to housing in relation to paragraph 60 the Council will need to have examined issues beyond neighbouring authorities. In particular we consider it important for the Council to have engaged fully with those London Boroughs bordering the Council’s housing market area and with the GLA to consider the impact of the capital’s failure to meet its housing needs on areas such as south west Hertfordshire.

Overall housing provision

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

This is for the Council to answer, but as stated above we would considerate necessary for the Council to have discussions beyond the authorities involved in the JSP in order to be consistent with paragraph 60 of the NPPF.



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

Yes. For example, the recent consultation on the Draft Watford Local Plan¹ highlighted that they would have shortfall of 335 dwellings per annum. Given Watford's tightly drawn boundary there are limited development opportunities and it will have been clear for some time that Watford would struggle to meet housing needs and at present there are no concrete proposals as to where these homes will be delivered. We accept that the decision to prepare a joint strategic plan (JSP) for south west Hertfordshire will be the mechanism through which housing needs, including the unmet needs of Watford, will be addressed in future and we welcome the moves made by the local planning authorities in southwest Hertfordshire on this front. However, we remain concerned that the Council and its partners in the JSP are not looking to address unmet needs that are already present within the HMA are merely deferring these to a future plan, namely the JSP. Planning Practice Guidance relating to the preparation of local plans states in paragraph 61-021 that such issues should not be deferred and we would suggest this local plan should identify additional sites to address some of the unmet needs arising from Watford. The Council and its partners should not seek to push such matters to future plans but seek, as far as possible, to meet these needs now.

Whilst we note that the inspector's questions refer to neighbouring authorities it is worth reiterating that the NPPF states in paragraph 60 that Council's should take into account the unmet needs of neighbouring areas and not just neighbouring authorities. As set out in our response to question 1 we remain concerned that minimal consideration has been given to the unmet needs of London which has a considerable impact on housing needs in south west Hertfordshire. At the time, the plan was being prepared the Council will have been aware that there was a shortfall of some 10,000 homes across the capital that needed to be delivered elsewhere. The amount of unmet needs has now risen to over 140,000 units following the conclusion of the Inspectors examining the plan that the supply of small sites in outer London Borough's had been significantly overestimated leading to the recognition at paragraph 175 of their report² that London will fail to meet its housing needs "by some margin". Whilst we accept that these conclusions were reached after the submission of this local plan it does, alongside the unmet needs of Watford, suggest that the need for housing in SACDC and neighbouring areas is acute and that this adds to the case for further allocations in this local plan.

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

¹ https://www.watford.gov.uk/info/20168/planning_policy/861/watford_local_plan/2

² <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/inspectors-report>

This is for the Council to answer.

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?

Yes. By not looking at whether the more land could be allocated for development will mean the needs of other more constrained authorities such as Watford will either be met at some distant point in the future or not at all. We recognise and welcome the work being undertaken by the Council in preparing the Joint Strategic Plan we remain concerned that the Council and its neighbours are deferring the matter of unmet needs until future plans – an action, as mentioned above, that the Government expressly suggests should be avoided.

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?

The Council's evidence would suggest that the necessary legal requirements of the duty have been met. However, we remain concerned that the policy outcomes from the co-operation with its partners are not consistent with national policy. As we set out in our representations the Council can rectify this situation by allocating further sites within its plan to address, at least in part, some of the unmet needs within south west Hertfordshire. Such allocations would enable the plan to be considered consistent with national policy.

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