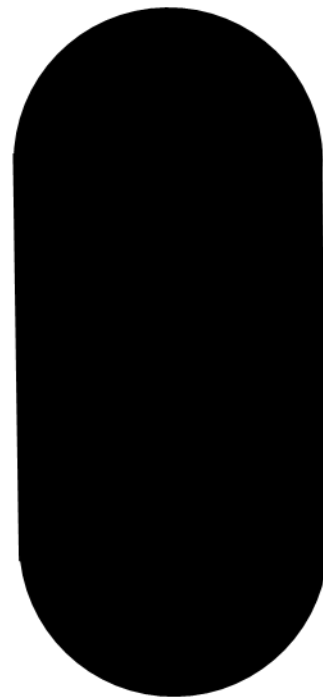
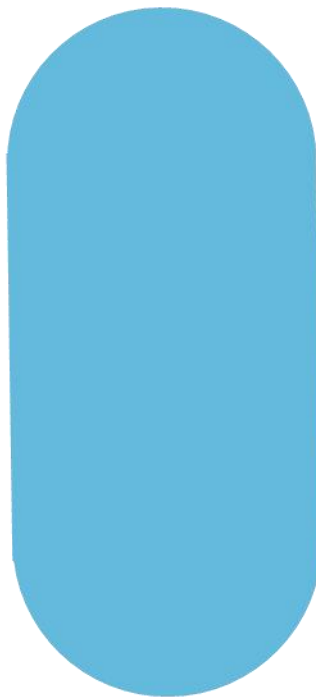
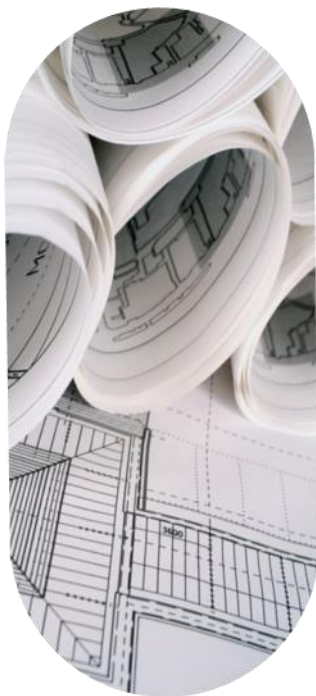


**WRITTEN STATEMENT IN RESPECT OF THE ST ALBANS CITY
AND DISTRICT LOCAL PLAN EXAMINATION**

MATTER 2 – THE DUTY TO CO-OPERATE

On behalf of Martin Grant Homes and Kearns Land Ltd



1. INTRODUCTION

- 1.1 This Written Statement is made on behalf of our clients, Martin Grant Homes and Kearns Land Ltd, in respect of their interests in land to the east of Redbourn, as part of the forthcoming examination (EIP) of the St Albans City and District Local Plan.

2. MATTER 2 – THE DUTY TO CO-OPERATE

- 2.1 The representations made below respond to specific questions raised in the Inspector's Matters, Issues and Questions paper for the Examination in so far as they are relevant to our clients.

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

General

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

- 2.2 The Council's Duty to Cooperate Compliance Statement published in April 2019 (CD28) sets out a paper trail relating to discussions, workshops and training events that have provided the backdrop to the Council's attempts to address the Duty to Cooperate. Whilst navigation of the 153 page document is not easy to the reader the principal documents contained in the Statement are the "Memorandum of Understanding for Strategic Planning in South West Hertfordshire" (The MOU) and the "South West Hertfordshire (SWH) Draft Statement of Common Ground (SoCG) – February 2019 – FINAL" (The SOCG).
- 2.3 The MOU (dated February 2018) sets out how cooperation between the five local planning authorities in South West Hertfordshire and Hertfordshire County Council will be managed in respect of strategic

planning issues. It is quite clear that the Council intends to discharge the duty in so far as it relates to strategic matters through a Statement of Common Ground setting out the process and timetable for the plan, what local delivery plans will be needed (and how current local plans will be managed through the transition process), governance and working arrangements, and the key evidence needed to support the JSP.

- 2.4 The closest the MOU comes to identifying strategic matters are references to the focus being strategic development (housing and economic development) and infrastructure. It goes on to state that other strategic priorities may be included where they are required to support delivery of the long term shared vision for South West Hertfordshire.
- 2.5 The MOU goes on to say that “In preparing the JSP, all partners agree to:
- Engage constructively, actively, openly and on an on-going basis in relation to strategic planning matters under the Duty to Cooperate (or equivalent processes).”
- 2.6 In practical terms, the MOU is saying that strategic matters will be addressed through the SOCG and the JSP. The MOU alludes to what those matters might be but it is clear that there may be other matters and that ongoing engagement will be needed.
- 2.7 The National Planning Policy Framework (The Framework) is clear that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees (paragraph 16c – Emphasis added).
- 2.8 The Framework is also clear about the duty placed on local planning authorities to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries (paragraph 24) and that strategic policy-making authorities should
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collaborate to identify the relevant strategic matters which they need to address in their plans (paragraph 25 – Emphasis added), that this should be effective and on-going and is integral to the production of a positively prepared and justified strategy (Paragraph 26– Emphasis added). During this period, it is clear that strategic matters were being deferred to the preparation of a SOCG and the JSP and that as a consequence collaboration on these matters was not sufficient to be addressed as necessary in the preparation of the St Albans City and District Local Plan.

2.9 The South West Hertfordshire (SWH) Draft Statement of Common Ground (SOCG) was published in February 2019. Importantly, this did not inform the preparation of the St Albans and City District Local Plan Publication version (published October 2018). In any event, the SOCG does not in itself deal with strategic planning matters; rather it is a governance document for the preparation of the Joint Strategic Plan (JSP). It says that the JSP will provide the strategic context for the statutory development plan portfolio across South West Herts and will be prepared jointly by all of the partner LPAs and Hertfordshire County Council. Again, this confirms that strategic planning matters have yet to be addressed by the Councils.

2.10 The SOCG (Section 4) says the scope for the JSP will be focused on the following strategic policy matters that are common across all five local planning areas:

- 1: A Spatial Strategy for South West Herts including any Strategic Areas of Opportunity;
- 2: Strategic housing need across South West Herts, Local Plan requirements and provision;
- 3: Strategic employment need across South West Herts, Local Plan requirements and provision, including any priorities and

spatial implications of the emerging Local Industrial Strategy

4: Strategic infrastructure need across South West Herts, Local Plan requirements and provision; and

5: Strategic approach to Green Belt, areas of Outstanding Natural Beauty (AONB) and blue and green infrastructure across South West Herts.

2.11 The SOCG says that “The JSP will set out the total identified housing requirement for South West Herts and the apportionment for each Local Authority area” (6.3) and that “The calculation of housing need figures will be based upon the Government’s finalised methodology for calculating local housing need 2018/19.” (6.4).

2.12 Section 4 of the SOCG appears to be the closest that the Council comes to identifying strategic matters. However, these are not referred to in the Local Plan, the nature of these matters and the strategic policy approach for dealing with them is not clear and it is evident from both the MOU and SOCG that the Council intends to deal with these matters through the JSP but has not yet done so.

2. Should these be set out in the Plan?

2.13 Yes. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans (Framework: paragraph 25). Plans are sound if they are positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development (Framework: paragraph 35a).

Overall housing provision

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

- 2.14` As referred to above, the SOCH confirms that the JSP will set out the total identified housing requirement for South West Herts and the apportionment for each Local Authority area (6.3) and that the calculation of housing need figures will be based upon the Government's finalised methodology for calculating local housing need 2018/19 (6.4).
- 2.15 The SOCG reports the figures contained in the Government's October 2018 'Technical consultation on updates to national planning policy and guidance method' (6.5) and notes that "the distribution of housing need will be determined on the principle that each LPA will seek to make provision to meet their own local housing need in the first instance. This is unless the evidence prepared to support the JSP suggests that by doing so would contradict policies set out in the NPPF, and is therefore not possible. Such evidence and reasoning will need to be agreed through the JSP governance process and then embodied in Local Plans and subsequently the JSP. If such reasons are identified (and evidenced) the unmet housing need may need to be distributed within South West Herts or elsewhere" (6.6 - Emphasis added).
- 2.16 It is not apparent from the evidence submitted to the examination that there is any reporting on the ability of the HMA partners to make provision for their own local housing need. The wording at 6.6 of the SOCG points to a lengthy and complex process of several stages. Such matters, including importantly the prospects of there being unmet need in the HMA, are being deferred to a later process; the JSP.

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

- 2.17 Representations made on behalf of my clients in February and October 2018 have consistently suggested that a duty to cooperate topic paper would be helpful in confirming how each LPA was meeting its housing need, and if there was any unmet need, how this would be met elsewhere.
- 2.18 The Council's response to these comments and similar requests for unmet need to be considered and addressed are set out in (CD 005) the Local Plan: Publication Document SADC Regulation 22 (c) Consultation Statement Appendix 1 - Publication Draft Local Plan - Analysis of Issues Arising (March 2019). The Council's response includes references to having considered "potential unmet development needs from neighbouring authorities and their potential to provide for St Albans" and that "There has been and will be ongoing joint working with neighbouring local authorities including the South West Herts Group. Duty to co-operate is considered to be met." However, no further details in this respect appear to be set out in the evidence base. As a consequence, it is not possible to understand how these matters have been dealt with by Council.

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?

- 2.19 Yes. The overall housing provision planned for in St Albans City and District Area is insufficient to meet the housing need. As referred to above, the Duty to Cooperate Compliance Statement published in April 2019 includes a copy of the draft Statement of Common Ground (CD28: Appendix 4 paragraph 6.6) which confirms that:

In accordance with the PPG, the distribution of housing need will be determined on the principle that each LPA will seek to make provision to meet their own local housing need in the first instance (refer table above). This is unless the evidence prepared to support the JSP suggests that by doing so would contradict policies set out in the NPPF, and is therefore not possible. Such evidence and reasoning will need to be agreed through the JSP governance process and then embodied in Local Plans and subsequently the JSP. If such reasons are identified (and evidenced) the unmet housing need may need to be distributed within South West Herts or elsewhere.

2.20 It is quite clear that the mechanism for distributing housing growth in the Housing Market Area, either as a plan-led response to deliver strategic planning objectives or as a mechanism to address unmet need, is the Joint Spatial Plan. Not only is the SADC Local Plan being examined prior to that process taking place it also results in unmet need (see Martin Grant Homes and Kearns Land Matter 5 statement).

2.21 The SADC Local Plan is failing to meet its own need, has not sought to understand its role in the HMA and is seeking to defer those matters to resolution through a Joint Strategic Plan; the outcomes of which will inform a review of the Local Plan at an unspecified future date (LPPD, paragraph 1.5).

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?

2.22 The Duty to Cooperate Compliance Statement presents a lengthy history of events having taken place but focuses on future governance arrangements for dealing with cross boundary matters, rather than evidencing constructive engagement that has resulted in outcomes in

respect of the planned response to cross boundary matters. We do not consider the Council has addressed the issue of housing provision or to have met the Duty.