



ST ALBANS STRATEGIC LOCAL PLAN 2011-2031

PRELIMINARY CONCERNS OF THE INSPECTOR

Duty to Co-operate

1. I have undertaken my initial assessment with regard to the St Albans Strategic Local Plan (SLP) and at this early stage in the Examination process it leads me to conclude that there is a significant matter relating to legal compliance that needs to be addressed now.
2. This is whether or not the Duty to Co-operate (the Duty) has been met and whether any co-operation that has been undertaken has been based on an appropriate assessment of issues that cross local boundaries, particularly but not exclusively with regard to overall housing provision.
3. Planning Practice Guidance states that Inspectors testing compliance with the Duty will assess the outcomes of co-operation and not just whether local planning authorities have approached others. Effective co-operation is likely to require sustained joint working with concrete actions and outcomes and evidence submitted to an Examination should be robust and include details about who the Authority has co-operated with, the nature and timing of co-operation and how it has influenced the Plan.
4. Local Planning Authorities are expected to demonstrate evidence of having made every effort to co-operate with regard to issues with cross-boundary impacts. If a Local Planning Authority (LPA) cannot demonstrate that it has complied with the Duty then the Local Plan will not be able to proceed further in examination. The most likely outcome of a failure to demonstrate compliance will be that the LPA will withdraw the Local Plan.
5. Based on the submissions and evidence that I have read (for example from nearby LPAs) I am concerned that the Duty has not been met.

Other Concerns

6. The Duty to Co-operate is largely separate from the Local Plan requirements regarding soundness (NPPF paragraph 182) but the two are related because co-operation is required in relation to a number of strategic matters, including the homes and jobs needed in an area and the provision of infrastructure. In order to be sound a Plan should be based on effective joint working on cross-boundary strategic priorities.
7. On that basis it is reasonable for me to highlight, at this early stage in the Examination, a number of initial concerns that I have regarding the soundness of the

submitted Plan. In this way the Council will be aware of my concerns at the earliest opportunity.

8. In terms of the overall housing provision there are a number of elements in the Council's approach that need to be justified. For example the reasoning behind the identification of the housing figure of 436 dwellings a year; the relationship between that figure and the full objectively assessed housing need; and the value of the Strategic Housing Market Assessment (including the definition of the housing market area). There are similar concerns regarding the justification and effectiveness of the Council's approach to economic prosperity and employment.
9. NPPF paragraph 154 states that Plans should include 'clear policies on what will or will not be permitted and where' and that policies should 'provide a clear indication of how a decision maker should react to a development proposal'. There are a number of policies in the SLP where that clarity is missing or where details are deferred to subsequent Plans. For example the policies relating to employment and retail provision (SLP15 and SLP18).
10. In terms of the delivery of the proposed growth, there is insufficient clarity and detail regarding the associated infrastructure that is required, how it will be provided and what the consequent implications may be in terms of viability. I have seen the Infrastructure Delivery Plan (INFR 001 and 002) but note in Appendix 5 of the SLP that there are a significant number of projects (for example in relation to highway improvements) where costs and funding are unknown. In these circumstances there is uncertainty regarding the consequent implications for the viability of the Council's proposals.
11. For the avoidance of doubt the broad matters identified above do not represent the complete list of matters, issues and questions that I intend to raise. Those will be provided before the subsequent Hearing Sessions commence, assuming the Examination reaches that stage.
12. I stress that I have currently not reached a firm conclusion that the SLP is not legally compliant and/or not sound and that these comments are made without prejudice to any final Report that I may prepare.

The Way Forward

13. In order to test the evidence I propose to hold an Initial Hearing Session at which the Council's approach in relation to the Duty to Co-operate will be discussed. At this stage I intend to invite representatives of the nearby LPAs who have submitted representations; the County Council and the Home Builders Federation. I have asked the Programme Officer to liaise with Council staff to arrange a convenient time and venue. I shall send out a Procedural Note and a more detailed Agenda for that session (based on my specific concerns) in due course.

David Hogger

Inspector