



ST ALBANS STRATEGIC LOCAL PLAN 2011-2031 EXAMINATION

The Initial Hearing Session

Response to Mr Boyd jb planning associates

1. Correspondence has been received (ref: REP-759859-01) expressing concern that should it be found that the Duty to Co-operate has not been met then the only remedy would be for the Council to withdraw the Strategic Local Plan, which would have consequences in terms of the planning policy framework in the District. It is suggested that rather than hold a Hearing an Exploratory Meeting could be held.
2. Reference is made to the 'Procedural Practice in the Examination of Local Plans' (PP), published by the Planning Inspectorate in June 2016. This confirms in paragraph 7 that *'the Inspector will assess whether the LPA has met the duty to co-operate. This is a legal duty that must be fulfilled in preparing the plan and any failure in this regard cannot be rectified after the plan has been submitted for examination. Therefore any fundamental concerns on this matter will be explored at the earliest possible stage by the Inspector'*.
3. PP paragraph 9 firstly suggests that this is likely to involve asking for further information or holding limited and specific hearings as soon as possible. There is a further option suggested which is to hold an Exploratory Meeting (EM) but paragraph 3.8 confirms that an EM would be exceptional and that if the issue is not resolved through correspondence a specific hearing session may be held. Indeed paragraph 9.1 states that the preferred method is to hold a hearing session.
4. The NPPF (paragraph 181) makes it clear that co-operation should be a continuous process of engagement from initial thinking through to implementation and the Planning Practice Guidance (PPG) confirms that if it cannot be demonstrated that the duty has been complied with, then the Local Plan will not be able to proceed further in examination¹ and the Inspector will recommend that the Plan is not adopted².
5. It is suggested in the correspondence that if the concerns regarding the duty are well-founded then the Examination could be suspended in order for additional work to be undertaken by the Council. However, this is not an option available to me in respect of the duty because the PPG confirms that 'a failure to demonstrate compliance with the duty at the Local Plan

¹ ID 9-001-20140306

² ID 9-002-20140306

examination cannot be corrected after the Local plan has been submitted for examination³.

6. Reference is made to suspended examinations at Cheshire East and South Oxfordshire but in both cases the Inspector concluded that the duty to co-operate had been met. The suspensions related to topic based concerns.
7. Whilst I understand and support the need to secure up-to-date local plan coverage, the duty to co-operate is a separate legal requirement, which either has, or has not, been met. The hearing session will enable me to draw a firm conclusion on this matter.

David Hogger

Inspector

16.09.16

³ ID 9-018-20140306