

JB/1298/sf

15 September 2016

BY E-MAIL

Mr David Hogger
Examination Inspector
St Albans Strategic Local Plan Examination
c/o Mrs Clare Jones-Hughes
Programme Officer
Bank Solutions
c/o 6 Braiding Road
Brighton
BN2 3PD

Dear Mr Hogger

St Albans Strategic Local Plan 2011 – 2031 – Preliminary Concerns of the Inspector

We are writing on behalf of our client, Alban Developments Limited, who are jointly promoting the Land to the West of Chiswell Green with Catalyst Housing Limited being represented by Barton Willmore. The site has been identified by St Albans City & District Council (SADC) as Site S8 in their Green Belt Review. This letter has been reviewed by our Clients Counsel who is in support of the approach set out below.

We understand from communications received from the Programme Officer, and from the Examination website, that you have raised preliminary concerns with SADC relating to the Duty to Co-operate; overall housing provision; the delivery of the proposed growth and associated infrastructure; and the need for clarity in a number of the policies in the St Albans Strategic Local Plan (SLP). You have set these preliminary concerns out in Examination Document ID/1, dated 22nd August 2016.

As the Duty to Co-operate imposes a legal requirement on LPAs to co-operate on cross-boundary strategic priorities, including with respect to policies for the delivery of the homes and jobs needed, one of the matters to which you have drawn attention, at paragraph 8 of ID/1, is the overall housing provision proposed in the SLP (436 dwellings a year) and the relationship between this housing figure and the full objectively assessed housing need (OAN).

In this regard you will appreciate, from your initial review of the SLP, that the Council argue self-containment in terms of the Housing Market Area, which is a matter in dispute. However, even if this argument were to be justified, the Council are falling significantly short of meeting their full OAN, which brings into question the effectiveness of how the Duty to Co-operate has sought to address the shortfall in housing provision over the plan period.

We note that in Examination Document ID/1 you propose to hold an Initial Hearing Session to examine the Council's approach in relation to the Duty to Co-operate. This hearing is programmed to take place on 26th October 2016 and you have invited the nearby LPAs, the County Council and the Home Builders Federation to participate. We understand that this Initial Hearing Session is to enable you to determine whether the Council has complied with section s33A of the 2004 Act.

We are concerned however that if, following the Initial Hearing Session, you conclude that the requirements of s33A of the 2004 Act have not been met, then the only remedy open will be for the Council to withdraw their plan. That is a very worrying prospect because St Albans has one of the oldest local plans in the country, dating back to 1994, and it is clearly an urgent priority to ensure that an up-to-date Local Plan is in place at the earliest opportunity.

Where, however, similar concerns have been expressed at an early stage in the examination process, some Inspectors have elected to hold an Exploratory Meeting rather than a formal Hearing Session, where a specific outcome is expected. The guidance¹ on Exploratory Meetings is very helpful in this respect. Although it is recognised that Exploratory Meetings are only arranged as an exceptional procedure, there are circumstances in which they are to be preferred as a way forward.

It strikes us that there is a compelling case for making such an exception in relation to the submitted SLP. In particular, if, as we anticipate (in the light of the representations of adjoining LPA's and the HBF), the concerns expressed in ID/1 prove to be well-founded, an Exploratory Meeting would enable the Examination to be temporarily suspended so that the Council could undertake additional work, particularly in relation to the housing provision but also in relation to the other points you have raised, potentially enabling a successful outcome for the Examination, once it is resumed, and for the plan to be found sound. This, it is respectfully suggested, would be a preferable outcome to a formal decision, following an Initial Hearing Session, that the Duty to Co-operate has not been complied with, the consequential withdrawal of the SLP, and the considerable delay in plan-making to which this would inevitably give rise.

It is not unusual for Inspectors to take this approach and to suspend Examinations for additional work to be carried out, and no doubt you will be aware of recent examples such as in Cheshire East and South Oxfordshire.

We therefore ask you to consider this alternative course of action in the interests of exploring a way forward for the progression of the SLP, but in a modified form that addresses your concerns and also the concerns of our client in relation to the overall housing provision.

We look forward to hearing from you.

Yours sincerely

John Boyd
Managing Director
john.boyd@jbplanning.com

¹ Procedural Practice in the Examination of Local Plans – The Planning Inspectorate June 2016 (4th edition v.1)