

HART DISTRICT LOCAL PLAN: STRATEGY AND SITES

HALLAM LAND MANAGEMENT LIMITED

Matter 1: Legal Requirements

Duty to Co-operate

1.1 Overall, has the Plan been prepared in accordance with the Duty to Co-operate imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)?

1. Section 33A of the Act requires Hart District Council, in formulating its Local Plan, to co-operate with adjoining local authorities to maximise the effectiveness of this plan making process. The duty requires Hart to engage constructively, actively and on an ongoing basis.
2. CD9 exhibits the extent of co-operation between Hart District Council and other persons and bodies. It is evident that the legal test of the Duty to Co-operate has been achieved.
3. However, allied to this is the test of soundness for preparation of a Local Plan, and in this context this engagement so far as housing provision is concerned has not been effective.
4. As is explained in respect of Matter 3, CD9 confirms there is an identified unmet need for Surrey Heath Borough and that the Housing Market Area Partners (Rushmoor Borough and Hart District) will need to make provision for this in order that the full objectively assessed needs of the housing market area are met (para 3.20 refers).
5. When measured against the Strategic Housing Market Assessment prepared for this Housing Market Area, neither the Rushmoor Local Plan which is at an advanced stage of preparation or the Hart Submission Local Plan makes any provision to meet Surrey Heath's unmet need.
6. Whilst Hart allege that the level of housing provided in the Plan does to some degree assist meeting unmet need from Surrey Heath, thus accepting the principle, careful consideration of the reasons why and purpose of the "uplift" in housing explained in para 2.10 of TOP1 reveals that this is not the base. There is in fact no provision made to accommodate unmet need from Hart.
7. To the contrary, Hart District's representations to the Surrey Heath Local Plan seek to distance themselves from any such role citing the absence of a housing market area concept in the new NPPF (Appendix 3 of TOP1). This is wrong as a matter of fact and process. Para 11 of the 2018 version references to meeting the needs of "neighbouring areas"; which must correspond to Housing Market Areas and to assert otherwise would be to argue a distinction without a difference. Moreover, the transitional arrangements mean that this Local Plan is being examined under the policies of the 2012 NPPF where meeting the full objectively assessed needs of a housing market area is required. This approach is plainly wrong.

8. Accordingly, in considering whether the Duty to Co-operate has led to a Positively Prepared or Effective Local Plan, these planning test have not been met. We explain the practical consequence of this in Matter 3 concerning Housing.

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LRM PLANNING

