

To: Ian Maguire  
Head of Planning  
Runnymede Borough Council

Dear Mr Maguire

### **Runnymede Local Plan Core Strategy**

1. Following the publication in February of my initial concerns regarding the Runnymede Local Plan Core Strategy (LPCS), a Hearing Session was held on 9<sup>th</sup> April to discuss the duty to co-operate (the duty) and the Council's broad approach to housing provision. My conclusions on those two matters are contained in the following paragraphs.
2. For the avoidance of doubt I have taken into account the planning guidance that was launched on 6 March 2014. This guidance does not change policy but sets out in the one document how existing policies should be applied.

### **DUTY TO CO-OPERATE**

#### *Preamble*

3. In terms of the duty, the Council's evidence is largely contained within Core Document RUN 007 (and Addendum) but I have also taken into account the content of the submitted representations; the Statements on the matter in response to my Issues and Questions on Matter 1; and the discussion at the hearing session. I have also considered the Minutes of the Planning Working Group in Surrey - PWG (2012-2014) and the Surrey Planning Officers' Association<sup>1</sup> - SPOA (2012-2014) which were submitted by the Council after the hearing session.

#### *Background*

4. The Localism Act 2011 establishes the duty to co-operate (the duty). It stipulates that, in this case, the Borough Council is required to engage constructively, actively and on an on-going basis in the preparation of Development Plan Documents, so far as they relate to strategic matters. The engagement should include consideration of whether to consult on and prepare, and enter into and publish, agreements on joint approaches towards the preparation of planning documents. The Act also confirms that regard must be given to any guidance from the Secretary of State on the matter. That further guidance is primarily the National Planning Policy Framework (NPPF), supplemented by the planning guidance that was published in March.

---

<sup>1</sup> RBC/23 and RBC/24

5. The NPPF confirms that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities, such as the delivery of homes and jobs needed in an area. Strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in individual local plans. The implication is that local planning authorities should work together to assess the opportunities that exist for the substantiated unmet development requirements of one local authority to be met within the area of one or more nearby local authorities within the housing market area. The Act and the NPPF were published well before the LPCS was submitted for examination in 2014.
6. As well as the legal requirement regarding the duty, the LPCS must also be found sound, which includes a requirement for it to be positively prepared and effective. This means it must be based on effective joint working on cross-boundary strategic priorities.
7. I have taken into account the fact that there is no duty on local planning authorities to agree to accommodate the needs of a neighbouring authority but if that is the conclusion that has been reached, it must be based on clear and robust evidence and on a proper consideration of all the issues by all the relevant parties. I am also aware that nearby local planning authorities are at different stages in the plan making process, but that does not negate the requirement for co-operation.

#### *Processes Undertaken*

8. The Council did not establish a robust framework or methodology within which 'co-operation' could be progressed or monitored – for example in terms of frequency, issues to be addressed, outcomes to be anticipated, outcomes delivered and bodies to be involved. I accept that there is no specific requirement in the legislation to take a structured approach. However, the Council needs to demonstrate co-operation, co-ordination and continuous engagement and one way this may be achieved is through a more transparent process that can be appropriately managed and monitored.
9. Core document RUN 007, in paragraph 9, seeks to report how the Borough Council has co-operated with others during the preparation of the LPCS. The fifth bullet point refers to consultation and engagement with adjoining planning authorities and the County Council to discuss cross-boundary issues, although the issues are not specified. Paragraph 10 (third bullet point) takes the reader to Appendix B (Cross Boundary Co-operation with Neighbouring Authorities), which the paragraph states will demonstrate more clearly how the Council has discharged its responsibilities. In Appendix B is a list of nearby local planning authorities and a row entitled 'strategic cross-boundary issues and evidence of how these have been addressed'. However, there is no reference to housing or employment as being a strategic cross-boundary issue.
10. I was told at the hearing that this is only meant to be a list of issues where some progress has been made, although that is not clear in the document itself. The Council then referred me to Appendix D which is a list of meetings with other planning authorities. However, these meetings

were mostly held during the consultation period (14<sup>th</sup> Feb to 28<sup>th</sup> March 2013) and it specifically says that they are 'part of the consultation'. Issues discussed include Housing Strategy and the Strategic Housing Market Assessment/Housing Need but the issues are framed as questions and there is no question related to the housing and employment needs of the wider area. Whilst the involvement of nearby local planning authorities during periods of public consultation is appropriate, it could not accurately be described as constituting sustained joint working on an on-going basis. It also does not demonstrate that co-operation was sought in the early stages of plan preparation.

11. There is a row in the Table entitled 'Actions Arising from the Meeting' but there is no commitment to any further meetings or to the consideration of issues pertinent to the duty. The only such reference relates to Surrey Heath Borough Council (SHBC) where it is stated that it has raised duty to co-operate objections but there is no indication of any consideration of how or if those objections could be resolved.
12. Meetings with SHBC were held on 16<sup>th</sup> October 2012 and 11<sup>th</sup> April 2013. They related to the DERA site (which is on the boundary between the two authorities) and other strategic matters. It was agreed that 'housing shortfall' is a strategic matter but there is no indication of how any shortfall would be further considered.
13. I turn now to the Addendum to RUN 007, which covers the period June 2013 to January 2014. The Introduction states that the document 'seeks to detail the methods of co-operation and the outcomes'. The first section deals with the period between June and August 2013 but relates primarily to co-operation on a Strategic Housing Market Assessment. There was a meeting on 14<sup>th</sup> June 2013 at which representatives of planning departments across Surrey were present. A presentation was given by consultants, part of which referred to the duty. A briefing note was prepared following the meeting but although there is a section entitled 'Current Situation and Next Steps' there is no clear framework to demonstrate how it was intended to take the issue forward.
14. The Addendum then considers the period between August 2013 and January 2014. However, the only significant co-operation that is referred to is an e-mail sent by the Borough Council on 3<sup>rd</sup> September 2013 to 11 nearby local planning authorities which formed part of the public consultation exercise on the pre-submission version of the LPCS. This did not confirm that Runnymede could not meet its OAN – the question in the e-mail was framed loosely: *If it emerged that Runnymede was unable to accommodate the level of housing development sufficient to meet its objectively assessed need, would your Council be prepared to accept that a proportion of our housing requirement could be provided for in your area?*
15. Firstly this e-mail was sent very late on in the plan preparation process, way beyond the 'initial thinking' stage. Secondly the Council were aware at that stage that its OAN could not be met within the Borough, so it is a little disingenuous for the question to imply that the Council may not need to seek the co-operation of nearby local planning authorities.

16. I was told at the Hearing that because no positive responses were received to those e-mails, the Council saw no benefit in continuing the process. This does not demonstrate co-operation, co-ordination or continuous engagement. It does not reflect a pro-active approach. I understand that in many circumstances engendering co-operation is not an easy process but the Council appear to have given up at an early hurdle.

17. There appears to have been little involvement of elected Members. I was told that discussions about the duty took place at a Workshop on 26<sup>th</sup> March 2014 at which Council Leaders, Planning Portfolio Holders, Chief Executives and Heads of Planning were present. However, at the time of the Hearing there was no reported outcome from that meeting, although there was a reference to the potential for a Memorandum of Understanding<sup>2</sup> – albeit too late for me to take into account should it emerge.

18. In answer to my question 1.1<sup>3</sup>, regarding co-operation, the only organisational structure referred to which was 'set up specifically to deal with sub-regional issues' is the Thames Basin Heaths Special Protection Area Joint Strategic Partnership Board. There is no reference to any similar approach being taken with regard to meeting housing or employment needs.

*Has Engagement been Constructive?*

19. There has been engagement between nearby local planning authorities but in terms of meeting housing and employment needs I would not describe it as being focussed or thorough. A relatively small number of meetings have been held but there does not appear to have been any impetus or concerted effort to address the issues around strategic priorities. It has not been demonstrated that appropriate conclusions have been drawn at those meetings and that the Councils have acted on those conclusions. The meetings do not appear to have improved the likelihood of effective co-operation or progressed the matter in any significant way and they could not accurately be described as constructive.

*Has Engagement been Active?*

20. In the Minutes of the meetings that I refer to in paragraph 3 there are few significant references to the duty. At the meeting of SPOA on 20<sup>th</sup> September 2013 there is a reference (attributed to Runnymede Borough Council) to a signed letter of agreement and a Memorandum of Understanding 'through Surrey Leaders' but I am not aware of any progress being made on these. On 24<sup>th</sup> January 2014 there is a reference to the need to 'drive' the issue forward (i.e. the duty) but no timetable is given and there is no clear indication of how that 'drive' would be achieved.

---

<sup>2</sup> See paragraphs 2 and 3 of the Council's answer to my question 1.3 in document RBC/16.

<sup>3</sup> See RBC/16

21. At the 28<sup>th</sup> February 2014 SPOA meeting there was a reference to the Workshop on 26<sup>th</sup> March 2014 (see paragraph 17 above) but I note that at the 28<sup>th</sup> March SPOA meeting it is recorded that there was 'some concern that the meeting on the 26<sup>th</sup> was not quite what was advertised'. In any event I have not been advised of the outcome of that Workshop which in any case was held after the submission of the LPCS.
22. In terms of PWG meetings there are a number of brief references to the duty and at the meeting on 13<sup>th</sup> April 2012 it was confirmed that 'the process should start as soon as possible' However, no detailed cross-boundary actions appear to have been agreed.
23. On the evidence that I have been given I am unable to conclude that the Council has been sufficiently active in trying to garner co-operation. There is little evidence that engagement has been active, or indeed constructive and collaborative. The number of meetings specifically to consider the issues appears to be relatively low and the reliance only on an exchange of e-mails between Councils (at the pre-submission stage) and some limited exchanges on the matter at the group meetings, does not demonstrate a sufficient level of activity.

*Has Engagement been On-going?*

24. Co-operation should start with the 'initial thinking' (NPPF paragraph 181) and evidence of effective co-operation should be demonstrated at the time the Local Plan is submitted. There is little evidence that this principle was embedded in the Council's approach during the earlier stages of plan preparation. The Act came into force in 2011 and the NPPF in March 2012. There would therefore have been the opportunity for the Council to consider its approach to fulfilling the duty prior to the publication of the plan for consultation in February 2013 and again before the second consultation in August 2013.
25. In a letter dated 3 April 2012, from the Chief Executive of Surrey Heath Borough Council to the Chief Executive of Runnymede Borough Council, it is suggested that a meeting be arranged to include discussion of the duty. Runnymede's Chief Executive confirmed that he would be pleased to take up the offer of a meeting<sup>4</sup> but the representatives of both the Councils at the hearing confirmed that no such meeting took place. In my opinion this is an indication that engagement has not been on-going, despite opportunities being available for a constructive approach to be adopted from the outset. The first meetings that are specifically referred to as 'duty to co-operate meetings' were mostly held in February 2013 and are summarised in Appendix D of RUN 007 (see paragraphs 10 and 11 above). There is no indication that any further similar meetings were suggested or arranged. Engagement could not accurately be described as frequent or on-going and the evidence does not demonstrate that consideration of cross-boundary issues has been taking place from 'initial thinking'.

---

<sup>4</sup> See RBC/20

*Has Engagement been Collaborative?*

26. My broad conclusion is that the evidence submitted by the Council does not demonstrate that appropriate mechanisms are in place to engender co-operation. Without clear objectives (which should have been established at the earliest opportunity following the commencement of the legal duty) regarding what the Council was seeking to achieve through co-operation, it is not possible to conclude that engagement has been collaborative. I accept that it is inevitable that different Councils will be at different stages in terms of plan preparation but I would have expected more robust evidence of collaborative engagement. No joint committees have been established specifically to address the Duty to Co-operate; no joint planning policies are proposed; and no Memoranda of Understanding have been signed. This reflects a lack of positivity and commitment to joint working.

*Has Engagement been Diligent?*

27. No in-depth analysis of the issues facing the local planning authorities in the wider area has been undertaken and no robust assessment of how those issues should be addressed has been prepared. There appears to be a lack of commitment to seeking a way forward. Therefore in terms of fulfilling the duty I would not describe the approach of the Borough Council as being diligent.

*Has Engagement been of Mutual Benefit (the broad outcomes)?*

28. Mutual benefit has not been sought yet alone achieved. As I have suggested elsewhere, it may not be possible to achieve a high level of mutual benefit but if that is the case then the evidence has to be available to demonstrate that at least the achievement of mutual benefit has been sought.

29. The Minutes of the Working Group Meetings (referred to earlier) do not report on any significant outcomes, for example there are no jointly commissioned documents proposed and this was confirmed by the Council at the Hearing.

30. The outcomes of the limited engagement are minimal and it can be concluded that strategic housing priorities across boundaries have not been properly addressed or co-ordinated and that any engagement has not been of mutual benefit.

**Conclusion on the Duty to Co-operate**

31. Co-operation should produce effective and deliverable policies on strategic cross boundary matters, which in this instance includes housing and employment. Effective co-operation is likely to require sustained joint working and there should be clear outcomes, one way or another. However, there is insufficient comprehensive and robust evidence to enable me to conclude that every effort has been made by Runnymede Borough Council to seek co-operation with other nearby local planning

authorities. Although there has been recent activity with regards to the duty, it is too late in the process for me to give it significant weight. It is an indication, however, that progress on the matter may be achieved in the near future.

## **THE COUNCIL'S BROAD APPROACH TO HOUSING PROVISION**

32. Paragraph 159 of the NPPF advises that local planning authorities should have a clear understanding of housing needs in their area and should 'prepare a Strategic Housing Market Assessment to assess their full housing needs, working closely with neighbouring authorities where housing market areas cross administrative boundaries'.
33. The Council's Strategic Housing Market Assessment (SHMA) was published in 2009 and this identified a need for 1,316 dwellings a year (of which market housing is 775 dwellings). The Council accepted, however, that the weight to be attached to the SHMA is limited and it was confirmed that a new SHMA is being prepared, with completion scheduled by the end of this year. Bearing in mind the current SHMA is based only on the Borough boundary of Runnymede (and the Council are currently considering a SHMA based on a much wider geographical area<sup>5</sup>), I agree that it should be afforded little weight.
34. Although the Council does not have an up-to-date SHMA, covering a more appropriate housing market area, it has nevertheless concluded that its objectively assessed housing need (OAN) is 595 dwellings a year<sup>6</sup>. This figure is based on the interim 2011 based sub-national population predictions and the 2011 DCLG household projections. Although I have not tested the evidence on which the Council's conclusions are based, I note that a number of representors agree that the Council's OAN figure can be broadly justified on that basis.
35. Whilst I have attached some weight to the Council's findings, I remain concerned that the figures may not accurately reflect the situation over the housing market area as a whole and have not taken into account market signals (e.g. land prices, house prices etc.) or fully encompassed the needs for different types of housing.
36. Having concluded that the OAN is 595 dwellings a year, the Council considered the constraints to development in the Borough. These are identified in The Housing Context Technical Paper and include areas of flood risk, Green Belt and Special Areas of Conservation. I agree that these are significant constraints. Primarily as a consequence of these constraints, the Council has concluded that the housing target should be a minimum of 220 dwellings a year (i.e. 37% of OAN). This is a significant shortfall and further emphasises the need for the Council to have fulfilled the duty to co-operate in a more collaborative and robust way, with the objective of seeking to meet a greater proportion of its housing need, either within the Borough or elsewhere in an appropriately defined housing market area.

---

<sup>5</sup> Area 55+ (see RUN 007 Addendum)

<sup>6</sup> See Core Document RUN 019

37. Within the 3,300 additional dwellings proposed over the plan period, the Council is placing significant reliance on the DERA site (1,500 dwellings), which is currently identified as a major developed site in the Green Belt. This may be an appropriate strategy for the Council to follow but there needs to be a clearer justification for the release of this site, as opposed to other sites within the Green Belt. An Assessment of Reasonable Alternative Sites<sup>7</sup> was undertaken by Barton Wilmore on behalf of Crest Nicholson and Aviva Investors (the promoters of the DERA site). The efficacy of such an approach was questioned by a number of respondents and although I understand that the impartiality of the authors could be questioned, the Council confirmed that it was satisfied with the approach taken.
38. My concerns relate more to the details in the Assessment which was published in 2012. Firstly the Report is prepared on the premise that the Council is seeking to provide 161 new dwellings a year, as opposed to the 220 referred to in policy LP02; and secondly, bearing in mind the significant shortfall in meeting housing need, there is insufficient justification as to why the minimum site thresholds have been set at 10ha and 300 dwellings. Smaller sites have only been considered 'in combination with other identified sites where these immediately adjoin one another'.
39. Policy LP02 identifies 5 reserve sites 'which may be required to meet long-term housing needs'. Although some of the sites are comparatively small, it is nevertheless my opinion that the Council should have given greater consideration to the role that these sites could play in helping to address the unmet housing needs in the short and medium term.
40. With regard to the Green Belt, I note that the Council is commissioning a Borough-wide Green Belt Review, which I was told will be completed by October 2014. This work will enable the Council to assess whether or not there are any potential sites that could be released from the Green Belt.

### **Conclusion on the Council's Broad Approach to Housing Provision**

41. For the reasons given above I consider that the Council's evidence with regard to housing need and provision is not sufficiently robust. In other circumstances it may have been possible to suspend the Examination to enable the Council to undertake further work and I am mindful that work on the SHMA and the Green Belt Review is already programmed but is unlikely to be fully concluded until the end of this year. The Council would then need to consider amendments to the submission LPCS in order to accommodate the findings of the work, thus causing further significant delay to the Examination. In any event, whatever my conclusions may be with regard to housing provision, they would not overcome the failure to meet the duty to co-operate.

### **Overall Conclusion and the Way Forward**

42. I am not satisfied that all available options for co-operation have been properly explored, that the Council has engaged constructively, actively

---

<sup>7</sup> Core document RUN 022

and on an on-going basis and that the guidance in the NPPF has been given sufficient regard. My finding that the duty to co-operate has not been fulfilled is sufficient on its own to request that the Council withdraws the LPCS.

43. In terms of the Council's approach to identifying and seeking to meet housing demand I consider the evidence base to be inadequate, insufficiently up-to-date and not reflective of all relevant market and economic signals. The quality of the evidence not only has consequences for the Council's policies but also devalues any co-operation that may have been sought because it is reasonable to expect co-operation to be based on a strategy that seeks to boost significantly the supply of housing in a sustainable way.
44. In summary, whilst recognising the significant constraints to development within the Borough, I do not consider that the Council has positively sought opportunities to meet the development needs of Runnymede.
45. I understand that this is not the conclusion that the Council would have wanted. However, the up-dated SHMA will be completed by the end of the year, as will the Green Belt Assessment. These two documents, together with other existing evidence, will enable the Council to produce an up-to-date plan for the Borough, within a relatively short timescale, based on robust and justified information. This delay in plan preparation will also ensure that effective co-operation with other nearby local planning authorities can be sought. It was suggested at the Hearing that any delay to the adoption of the Plan may result in housing needs not being met in the short term and I agree that any delay in the plan making process should be avoided if possible. However, in order to be effective plans should be based on up-to-date appropriate evidence. That is not the case here and in these circumstances I must advise the Council to withdraw the Plan (under S22 of the Planning and Compulsory Purchase Act 2004 - as amended), up-date the evidence base and undertake a more rigorous assessment of cross-boundary issues. In so-doing the Council must ensure that it meets the requirements of the Duty to Co-operate. Having carried out the necessary consultation, sustainability and viability work, the Council should re-submit the Plan as soon as possible. The alternative would be for me to write my Report but it would conclude with a finding of legal non-compliance and unsoundness. I would be grateful if you could confirm the Council's position via the Programme Officer as soon as possible.
46. This also means that the Runnymede Community Infrastructure Levy: Draft Charging Schedule will have to be withdrawn because there will be no up-to-date relevant Plan for the area.

Yours sincerely

David Hogger  
Inspector

29<sup>th</sup> April 2014