



Joint Dacorum Borough Council and St Albans City & District Council Duty To Cooperate –
Updated Position Statement – January 2020

1. The following Updated Position Statement summarises the progress made to date to resolve the strategic planning matters between St. Albans City and District Council (SADC) and Dacorum Borough (DBC). The Chief Executive Officers of both Councils have been involved in and had oversight of this statement.

Agreed Position

2. Since December 2019 discussions between SADC and DBC have continued at pace and both Councils agree that they consider sufficient progress has been made on the principles of the strategic planning matters pertinent to the duty to cooperate.
3. The agreed principles set out below are part of a holistic and single package of interdependent arrangements that will be put in place across the authorities. These principles will be expanded upon and precise details agreed in a Statement of Common Ground (SCG). Both parties will now work at pace to prepare a SCG in accordance with the Roadmap set out in paragraphs 28-30 below.

Duty to Cooperate - Legal Compliance

4. DBC and SADC both consider that the legal requirements under the duty to cooperate, as set out in section 33A of the Act has been met by SADC. In overall terms SADC has engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan. This is as set out by DBC in response to the St. Albans Local Plan (SALP) Regulation 19 Publication October 2018.
5. DBC continues to have concerns over the outcome of the constructive and DtC compliant discussions which have been ongoing through the Local Plan process do not arrive at an appropriate set of conclusions in as far as they relate to the effectiveness and justification of the Plan. These are set out in DBC's 12 December 2019 Matters Statements, which have been reproduced below in the text below (**bold**), followed by the position of both SADC and DBC.

Soundness considerations

6. **Employment Land provision – Our [DBC] evidence currently identifies an unmet need of industrial floorspace of c.60,000 sqm and c.83,000 sqm of office floorspace in Dacorum. Given that Maylands is our largest employment area, the extension of which is proposed by St. Albans, we require our needs to be accommodated as part of this proposal.**
7. Both DBC and SADC agree the currently identified shortfalls in Dacorum and the strong relationship between the proposed allocation of East Hemel (Central) and the Maylands

employment area. SADC accepts DBC's request that a significant proportion of the proposed employment allocation at East Hemel Hempstead should contribute to meeting DBC's needs and both parties shall, in the forthcoming SCG, confirm this approach. The final agreement on the apportionment of employment land to meet Dacorum's need will consider the wider needs of the South West Herts authorities, where appropriate to do so, but recognises, first and foremost, the particular cross-boundary relationship between the proposed allocation and Dacorum's largest employment area (Maylands).

8. Given previous discussions and the circa 83,000 SqM 'oversupply' of office space and circa 80,000 SqM 'oversupply' of industrial space identified in St Albans in the South West Herts Economic Study Update, there are very strong prospects for reaching a positive agreement on these issues in due course.
9. **Housing Provision – DBC's Regulation 19 response set out that an agreement has not yet been reached on how much (if any) of the proposed housing development on the edge of Hemel Hempstead within St Albans District should count towards DBC's needs. DBC's Hearing Statement (Matter 2) sought clarification on whether growth earmarked to the East of Hemel Hempstead post 2036 will contribute to meeting a portion of Dacorum's future needs.**
10. DBC is willing to accept that the proposed growth earmarked to the East of Hemel Hempstead, despite this being an extension to the largest town in Dacorum, should not contribute towards meeting DBC's overall housing target, with the exception of a proportion of affordable needs as set out below. DBC reasserts its point that this decision does not preclude other needs emerging from Dacorum to be met in land to the east of Hemel Hempstead, as discussed elsewhere in this note.
11. Both SADC and DBC accept that decisions over the distribution of future growth and the allocation of housing numbers (post-2036) will be informed by the South West Herts Joint Strategic Plan which is currently being prepared.
12. **Affordable Housing allocations – Dacorum Council currently has a substantial number of people on its waiting list and, given the proposed expansion of our main town proposed by St. Albans, Dacorum requires a sizeable portion of affordable housing delivered as part of East Hemel Hempstead towards meeting the housing needs of Dacorum.**
13. Both DBC and SADC agree that there is a particular cross-boundary relationship between the East and North Hemel Broad Locations and Hemel Hempstead/Hemel Garden Communities – including the substantial number of people on DBC's housing register (waiting list). St Albans also has a substantial number of people on its housing waiting list.
14. SADC welcomes DBC's position accepting that the overall provision of homes in East Hemel Hempstead should not contribute to DBC's housing figure and further accepts that DBC should retain a sizable portion of the affordable housing nomination rights arising from the development. The precise portion to be retained by DBC, and the mechanisms for securing this, will be set out in the forthcoming SCG between the two authorities.
15. **Education Provision – Discussions with Hertfordshire County Council have confirmed that 3 x 2 fe Primary Schools and 1 x 6 fe Secondary School is required to meet the development needs of Hemel Hempstead, in addition to development proposed to be allocated in the Eastern expansion. Work to date highlights that no**

feasible options exist elsewhere around Hemel Hempstead to deliver a Secondary School and as such, Dacorum seeks additional land to be released as part of or adjacent to the East Hemel Hempstead (South) allocation in the (SALP) to accommodate this Secondary School requirement.

16. Both DBC and SADC agree that this issue has only recently come to light and will take this forward with DBC and Hertfordshire County Council (HCC) through the SCG.
17. **Wider Infrastructure Requirements** – *Given the growth to Hemel Hempstead and the likelihood that future residents of the proposed SALP allocations in North and East Hemel Hempstead will use services in Hemel Hempstead, the SALP needs to reflect that appropriate developer contributions from the proposed allocations at East Hemel Hempstead are secured to offset these demands. It is questionable whether there is currently an adequate evidence base to determine the quantum and scope of such contributions which should be directed to Dacorum from the proposed development in the SALP.*
18. Both DBC and SADC agree that future residents of the proposed St Albans LP Broad Locations in North and East Hemel Hempstead will use services in Hemel Hempstead and that appropriate developer contributions will need to be secured to offset these demands. The large majority of the in-kind delivery and financial contributions will be delivered on land within St Albans. The quantum and scope of contributions which should be directed to Dacorum from the proposed Broad Locations (and vice-versa the quantum and scope of contributions which should be directed to St Albans from the emerging DBC Local Plan growth) will be set out in the forthcoming SCG.
19. **Requirement for other uses** – *There are a number of uses within Hemel Hempstead that require larger premises to accommodate a growing town or need to be relocated in order to facilitate development. An example of this is the County Council's Household Waste Site which is located on a constrained site. Dacorum has identified a number of other commercial and service facilities which need to be relocated to support the generation of key sites within the town. Again, joint working between the two Authorities is essential to identify and secure the realisation of these needs and this needs recognition in the SALP.*
20. Both DBC and SADC agree that there are a number of uses within Hemel Hempstead that require larger premises to accommodate a growing town or need to be relocated in order to facilitate development and that a logical location for these will be part of the existing or expanded Maylands. Both SADC and DBC agree that the SCG will detail these uses and identify the broad area for accommodating these facilities and premises.
21. **Gypsy and Traveller Provision** – *Dacorum objects to the provision of two additional sites in the East of Hemel Hempstead as we feel this would lead to an over-concentration of sites (existing and proposed) in one area. This would be in addition to the existing HCC site at Three Cherry Trees Lane and a further 2 sites in the Redbourn area. St. Albans should reconsider this approach and adopt a more dispersed strategy for provision and test the feasibility of other locations.*
22. DBC and SADC are unable to agree on the most appropriate way to meet these needs.
23. **East Hemel Hempstead policies** – *DBC proposed a number of specific amendments to the policy approach in East Hemel Hempstead in its Regulation 19*

response. DBC considers it necessary that modifications are made to the Plan to include these amendments.

24. DBC and SADC agree this point and this will be set out in more detail in the SCG.
25. ***Governance role – It is essential that Dacorum has full input to shape development proposals that are immediately on its doorstep to ensure that our own place shaping aspirations in relation to Hemel Hempstead, and its transformation are delivered. To deliver this Dacorum requires an acknowledgement in the text of the SALP to set out the arrangements that will be put in place to both set the policy framework (through the LP, subsequent DPDs and SPDs) and the determination of applications at East Hemel Hempstead.***
26. Both DBC and SADC agree that it is essential that Dacorum has full input to shape development proposals that are immediately on its doorstep to ensure that DBC's own place shaping aspirations in relation to Hemel Hempstead, and its transformation are delivered.
27. Currently the joint Hemel Garden Communities Board operates within a framework set out in the agreed Memorandum of Understanding which covers joint working. In addition, both SADC and DBC will commit to the preparation and adoption of joint Local Planning Documents for East Hemel Hempstead to guide development and decision making. These arrangements will be detailed in the forthcoming SCG and will cover, inter alia, the scope and programme of future Local Planning Documents, the agreed arrangements and protocols for cross boundary working (including arrangements for Planning Performance Agreements).

Roadmap to a Statement of Common Ground

28. Both recognise the importance of agreeing a SCG covering the strategic planning matters facing both LPAs and the need for both authorities to agree the evidence and way forward and any potential resulting modifications required to the SALP. Both parties anticipate tabling any potential agreed list of potential changes to the SALP to the Inspector arising from the SCG.
29. DBC recognises the importance of agreeing this prior to the Publication of its own Regulation 19 Plan (earmarked for May/June 2020) and, as such, both SADC and DBC agree to prepare a SCG expeditiously.
30. Both Councils commit to the following road map for the production of the SCG, reporting weekly to the Programme Officer.
- Agree scope and Heads of Terms for SCG (end of February 2020).
 - Technical officer discussions on agreed scope and preparation of SCG (March – April 2020).
 - Production of draft SCG and any appropriate Member consideration (May 2020).
 - DBC and SADC joint letter to the Inspector advising on any potential suggested modifications to the Plan (June 2020).

Clarity of Dacorum's Role in the Hearings

31. Whilst DBC feels that sufficient progress has been made on the above strategic matters (with the exception of the issues relating to Gypsy and Travellers) DBC is unable to formally withdraw its concerns until the SCG has been agreed and any potential changes to the Plan have been proposed. As such, it is DBC's intention to attend the up-coming Hearing Sessions to clarify (if necessary) its position to the Inspector and other participants.