

Redbourn Parish Council
Matter 1 – Legal Compliance

ISSUE 1 – Duty to Cooperate

Housing

Q1. How has the Council engaged constructively, actively and on an ongoing basis to maximise the effectiveness of the Plan in relation to potential unmet housing needs? Where is this evidenced?

RPC Response:

1. Further to the Inspectors' introduction to this question (1 and 2) in the MIQs, we share their confusion regarding whether there is an unmet housing need and whether / where there is evidence to demonstrate that SACDC has engaged constructively, actively and on an ongoing basis to maximise the effectiveness of the Plan regarding potential unmet housing needs.
2. As we set out in our representations there was no supporting evidence provided by the Council in the Draft Local Plan Regulation 19 Publication or associated evidence base to help demonstrate that its legal requirements (to discharge the Duty to Cooperate as part of the plan-making process) have been fulfilled.
3. Planning Practice Guidance (PPG) states that authorities should make any statements of common ground (SOCG) available on their website **by the time they publish their draft plan so that communities and stakeholders have a transparent picture of how they have collaborated¹.**
4. The SOCGs now on the Examination website (with many dated after the submission of the Local Plan to the Secretary of State) were not uploaded for review until late January 2025. The SOCGs with key Duty Cooperate Bodies add to the confusion regarding unmet housing needs already highlighted by the Inspectors. For example, the SOCG between SACDC and Dacorum Borough (ED5) under the heading of 'Planning for housing needs' states the following:

¹ Paragraph: 020 Reference ID: 61-020-20190315 <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

Planning for housing needs

- Approach to accommodating unmet housing needs that may exist within the wider Housing Market Area.
- Strategic matter between:
 - SW Herts local authorities
 - Luton Borough Council

5. It then concludes that “SACDC and DBC both support the approach in SACDC’s Regulation 19 draft Local Plan to meeting SACDC’s housing needs as set out in the Government’s ‘Standard Method’ in full”. However it is unclear what the unmet housing needs are, which authority(s) have unmet needs and which authority(s) will be taking any unmet needs that may exist over the plan-period.
6. Furthermore, the ‘Duty to Cooperate potential strategic cross boundary issues matrix’ that can be found at the back of the SOCGs summarises the ‘Planning for housing needs’ cross boundary issue as an “Approach to accommodating unmet housing needs that may exist within the wider Housing Market Area”. It identifies this a cross-boundary issue with Dacorum BC, Hertsmere BC, Three Rivers DC, Watford BC and Hertfordshire CC. As already stated this provides no clarity on the matter.
7. The Council’s response to the Inspectors’ initial question regarding unmet housing needs (stating that “No unmet housing needs have been identified”) does not appear to be justified through the signed SOCGs with Duty to Cooperate Bodies.

Potential strategic cross-boundary issues	Description / summary of issues								
		Dacorum BC	Hertsmere BC	Three Rivers DC	Watford BC	Welwyn Hatfield BC	North Hertfordshire DC	Central Bedfordshire Council	Hertfordshire County Council
Relationship between emerging Local Plans and the JSP	Ensuring consistency and alignment in the production of emerging Local Plans alongside the production of the JSP - noting that some Local Plans may not be adopted until after the adoption of the JSP and that plan periods may differ	✓	✓	✓	✓				✓
Planning for housing needs	Approach to accommodating unmet housing needs that may exist within the wider Housing Market Area.	✓	✓	✓	✓				✓

Figure 1: SOCG with Dacorum BC – ‘Duty to Cooperate potential strategic cross boundary issues matrix’

Q2. What evidence can the Council point to which documents how and when it has engaged on cross-boundary issues, such as potential unmet housing needs, and what progress was made in cooperating to address these matters?

RPC Response:

8. Having now reviewed the 'Duty to Cooperate Statement of Compliance' (LPCD 06.01), which was not available as part of the Regulation 19 consultation, there is nothing of substance within this document on this key matter of potential unmet housing needs. Therefore, SACDC will need to provide further evidence of such cooperation on this if such evidence exists however, we are currently unable to locate this information on the documentation published by the Council.

Q3. What is the latest position regarding the South West Hertfordshire Joint Strategic Plan?

RPC Response:

9. It is unclear from SACDC's documentation what the latest position and programme is on the SWHJSP.
10. Seeking further clarification we accessed the SW Herts Plan website (<https://www.swhertsplan.com/>). The 'Latest News & Information' page was last updated over a year ago (March 2024) stating the following:

March 2024

We have published our South West Herts digital place portrait. This is an interactive map and dashboard that brings together lots of data in order to help people across South West Herts better understand the area and its social, economic and environmental characteristics. You can access the dashboard [here](#). There is also the opportunity to complete a short [survey](#) that will help us to understand the user experience and make further improvements.

Source: <https://www.swhertsplan.com/latest-news-information>

11. The programme page provides no further information regarding dates with the most recent date specified being Autumn 2023 for endorsing the vision and objectives for the plan (see below). There are no dates included for the next programme task which is "*Consultation on options for the future scale and pattern for future growth of the area*".

The latest broad programme for preparing the JSP is as follows.

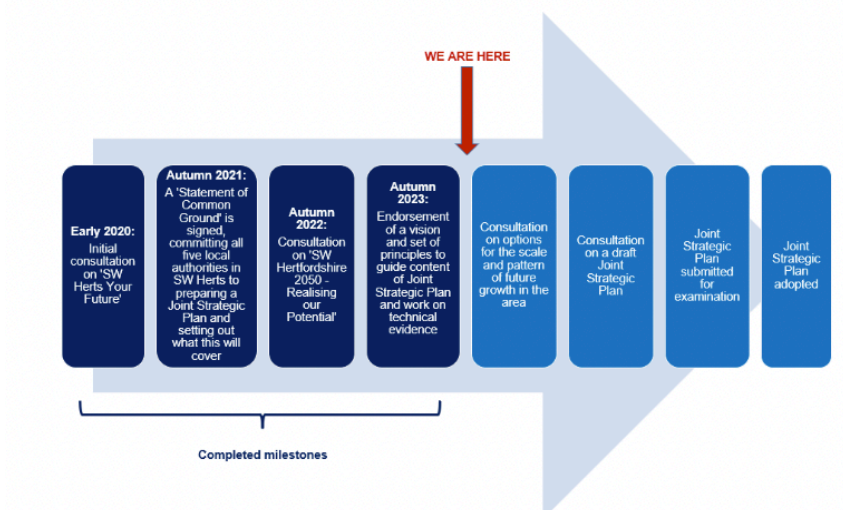


Figure 3: <https://www.swhertsplan.com/our-programme>

Q4. Has work on the South West Hertfordshire Joint Strategic Plan identified any issues which are pertinent to the examination of the St Albans Local Plan? If so, is this consistent with paragraph 35 of the Framework, which states that in order to be effective, Plans should be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred?

RPC Response:

12. The published 'Overarching SOCG' (DTC 01.01) refers to the relationship between emerging Local plans and the JSP but it fails to identify how the Council and Prescribed Bodies have worked and continue to work jointly to ensure consistency and alignment in the production of local plans alongside the JSP.
13. The SOCG is also ambiguous and provides no evidence of meaningful collaboration between SACDC and neighbouring authorities and Prescribed Bodies as there is no meaningful common ground between bodies in the SOCG. The only common ground identified in the statement relates to the *"strategic geography and what comprises the strategic cross-boundary matters"*. This is clearly an insufficient common ground and only sets out minimal preliminary work of eventual joint working, which has not been demonstrated yet. This demonstrates that the proposed Local Plan has not dealt with critical cross-boundary strategic matters with the Prescribed Bodies and is very much deferring these matters to the future JSP.

Employment

Q5. How much employment land does the Plan provide for and how does this compare to the identified needs?

RPC Response:

14. The Draft Local Plan does not actually state what its objectively assessed employment needs are nor does it state the amount it considers to be 'surplus' to requirements.

15. Strategic Policy SP5 – Employment and the Local Economy) states that

“(b) New industrial and business locations will be designated as follows:

- i. 53 ha of Employment land at East Hemel Hempstead (Central) providing for a range of uses including offices, research and development, light industrial and distribution, with 10% of any new development or redevelopment required to contain units for Small Medium Enterprises and expansion / Grow-On units;*
- ii. 33.16 ha of the Government permitted Strategic Rail Freight Interchange at the former Radlett aerodrome - mostly B8 distribution / warehousing.*

16. Strategic Policy SP5 (and the supporting text) fails to explain or include the number of jobs being planned in the District.

17. Paragraph 3.37 of the Local Plan states that:

“The HGC Growth Areas to the north and east of Hemel Hempstead are expected to extend beyond the Plan period and will deliver up to 11,000 new homes and 10,000 new jobs by 2050 across St Albans District and Dacorum Borough. The transformation will include an extended Maylands Business Park through the delivery of Hertfordshire Innovation Quarter (Herts IQ), which will deliver around 6,000 of the 10,000 jobs, and a regenerated and transformed town centre for Hemel Hempstead and further infrastructure across the rest of the town”.

18. It is unclear how these figures have been arrived at and how they relate to the overall employment needs for each local authority. This is a very high employment figure for the area east of Hemel Hempstead located next to the Buncefield Oil Depot where development is restricted within the Health and Safety Executive (HSE) zone. This area is mostly warehousing which has low employment density rates, so we seriously question how realistic these employment figures are.

Q6. How has the Council engaged constructively, actively and on an ongoing basis to maximise the effectiveness of the Plan in relation to employment land requirements? Where is this evidenced?

RPC Response:

19. This is entirely unclear from the Council's documentation. We note in our representations that the key element of employment land supply is at East Hemel Hempstead (Central) with a site of **52.7 hectares** which makes up a very sizeable proportion of the overall supply in the sub region for the next 15+ years. The South West Herts Economic Study (2024) highlights the challenge and potential of this concentration of employment to not meet the NPPF's requirements for positive plan-making which encourages economic growth.
20. It is unclear how SACDC arrived at this preferred option of taking the 'unmet employment needs' from other areas.
21. RPC shares the concern of the Economic Study that all the employment opportunities for the next 15 years are very much concentrated. In terms of the East Hemel (Central) site this issue makes the transportation issues even more severe and pressing in terms of the need to deliver the necessary infrastructure for sustainable travel as well as road infrastructure for commuters.

Highways

Q7. If National Highways had raised concerns regarding the impacts of Local Plan growth in response to the consultation, what were the reasons for seeking to address these concerns between January and February 2025, after submission of the Local Plan for examination? Does this point to constructive, active and on-going engagement in the preparation of the Plan?

RPC Response:

22. The lack of engagement with National Highways (NH) is quite clear in NH's response to the Regulation 19 consultation where it highlights that:
 - There is insufficient evidence to demonstrate that the Local Plan growth can be accommodated on the SRN.
 - Further evidence is required to demonstrate the Local Plan is sufficiently robust on transport grounds.
 - An agreement is needed between NH and SACDC on what additional evidence is required to demonstrate the Local Plan will not have severe or unacceptable safety impacts on the SRN or suitable mitigation is included in the Plan.
 - That there is a reasonable prospect of delivery at appropriate junctions in the Plan period.

- NH is unable to confirm that the Plan is sound until further evidence is provided, the required sustainable transport mitigation measures to mitigate the impacts of the Plan have detailed cost estimates and funding sources are committed.

23. NH's concerns and objections to the Regulation 19 consultation do not appear to be 'resolved' in the SOCG between NH and SACDC as the Council claims. The SOCG is very basic in terms of its details and scope of transport matters. It appears to be more of a 'tick box' exercise to secure a SOCG without much substance. For example, it states:

"SADC and NH both support the approach in SADC's Regulation 19 draft Local Plan to planning for transport infrastructure. This includes provision within and beyond Hemel Garden Communities.

This support from NH is contingent upon SADC continuing with joint transport workstreams up to and beyond adoption of the draft Local Plan."

24. 'Supporting the Local Plan approach' is a very general statement and is 'contingent upon SADC continuing with joint transport workstreams up to and beyond' adoption of the Local Plan. This suggests there is considerably more transport evidence required before NH's concerns could potentially be addressed.

Gypsies and Traveller Accommodation

Q8. As part of the Plan's preparation, how has the Council engaged with neighbouring local planning authorities to consider the accommodation needs of gypsies and travellers and travelling showpeople?

RPC Response:

25. The Council's 'Duty to Cooperate Compliance Statement' does not provide any evidence of how it might have engaged with neighbouring authorities on this matter apart from simply identifying it as a cross-boundary matter with Dacorum BC, Hertsmere BC, Three Rivers BC, Watford BC, Herts CC and National Highways.

26. When one refers to the Council's 'Meeting the Accommodation Needs of Gypsies and Travellers and Travelling Show people – Evidence Paper'(Sep 2024) it includes a final section called 'Approach to Meeting the Identified Need in the District' it simply states the following which is a simplistic approach not backed by any further evidence (our emphasis):

"Policy HOU6 of the Regulation 19 Local Plan identifies two specific identified sites within East Hemel Central and East Hemel South Broad Locations that would deliver up to 40 pitches over the Plan period. It

also identifies criteria based policy for provision of pitches based on the approach encouraged in the PPTS. From 'duty to co-operate' discussions, it has been identified that there is no likelihood of any of the District's needs being met in neighbouring local authority areas.' (Paragraph 5.2)

27. Referring to the St Albans GTAA Report (September 2024) the only contact with neighbouring authorities that was undertaken as part of preparing the evidence base was telephone interviews with Officers by the consultants. Herts CC and National Highways were not interviewed as part of this study.

Conclusion

- Q9. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to the advice contained in the Framework and the PPG?**

RPC Response:

28. As we have set out in detail in our representations and in response to the Inspectors' questions above it is clear that SACDC has not discharged its Duty to Cooperate.

ISSUE 2 – Public Consultation

- Q1. Has public consultation been carried out in accordance with the Council's Statement of Community Involvement, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations?**

RPC Response:

1. RPC considers that public consultation has not been carried out in accordance with these requirements. See below:

SACDC Statement of Community Involvement (SCI) (February 2023)

2. In relation to the Local Plan the SCI commits to ***"Reporting feedback received - The Spatial Planning Team will report the views and comments expressed during consultation to relevant committees, which will include the Council's Local Plan Advisory Group. Its meetings are open to the public. It will also produce consultation reports in line with the Local Plan Regulations 2012 which will be made available on the Council website"*** (Paragraph 4.7 bullet point 6).

3. The 28th November 2024 Planning Policy & Climate Committee Report² states that: *The Regulation 19 Publication responses are available on the SADC website and key matters moving forward are set out in this report.* However, the report does not appear to take the full extent of representations into consideration and simply concludes *“The overall message is that no ‘showstoppers’ or ‘red flags’ have been identified that fundamentally alter or stop the progress towards Submission of the draft Local Plan...on 29 November 2024”.*
4. Furthermore, when attempting to understand how RPC’s extensive representations were taken into consideration the section of the Committee Report for ‘Parish and Town Councils / Residents Associations / Local and National Stakeholders’ provides a disappointing and misleading summary. It states that this group is split into two general camps: 1) largely supportive of the Local Plan; 2) not supportive of the Local Plan. In relation to the second group it states the responses are largely based on positions in relation to Green Belt development and not meeting the DtC. SACDC effectively dismisses the responses ‘in bulk’ without considering RPC’s (and other consultees’) actual representations.
5. The report states that soundness matters will be considered the Inspector and SACDC fails to consider these as a Council.
 - **PPG³** requires that the LPA submit:
 - Details of how main issues raised have been addressed
 - Summary of the main issues raised at Reg 18 and pursuant to Reg 20.

However, SACDC’s ‘Statement of Participation (November 2024)’⁴ does not accurately capture the main issues that RPC has raised in its representations bringing into question whether it has complied with the various requirements. For example, RPC is not identified as a party that has raised issues regarding many of the topics despite the fact that it did. Here are just a few key topics where RPC has not been identified:

- Housing Trajectory
- Gypsies and Travellers
- Sustainability Appraisal

There are many examples of topics RPC has raised that are not identified at all in the report.

Q2. How has the Council taken into account representations made in response to public consultation?

² <https://stalbands.moderngov.co.uk/documents/g10959/Public%20reports%20pack%2028th-Nov-2024%2019.00%20Planning%20Policy%20Climate%20Committee.pdf?T=10>

³ Paragraph: 052 Reference ID: 61-052-20190315

⁴ [https://www.stalbans.gov.uk/sites/default/files/attachments/Planning%20Policy/LPCD/LPCD%2005.01%20-%20Local%20Plan%20Reg%2022\(c\)%20Statement%20of%20Participation%20\(2024\).pdf](https://www.stalbans.gov.uk/sites/default/files/attachments/Planning%20Policy/LPCD/LPCD%2005.01%20-%20Local%20Plan%20Reg%2022(c)%20Statement%20of%20Participation%20(2024).pdf)

RPC Response:

6. In addition to our response to Q1 we bring into serious question how SACDC could have possibly taken representations into account properly given that the consultation closed on 8th November and the Committee agreed to submit the plan on its meeting date three weeks later on the 28th November. The committee papers must have been published ahead of this time as well, therefore Officers must have had approximately two weeks to review representations which is clearly insufficient.

ISSUE 3 – Sustainability Appraisal

- Q1. The SA tests a range of housing growth options in Table A, from 300 dwellings per annum to 1,200 dwellings per annum. What are the figures based on and do they represent an appropriate range of reasonable alternatives to the submitted Plan? How does the SA consider the potential for wider unmet housing needs?**

RPC Response:

1. SA (see Appendix II: Growth quanta) states that Table A (High level appraisal of growth quanta – housing requirement alternatives): *“It is important to be clear that this is a high level appraisal of alternative ‘numbers’ with no / minimal assumptions made regarding broad spatial strategy or specific site allocations. It is undertaken as an early step in the process of defining reasonable alternatives (in the form of ‘growth scenarios’) for formal appraisal and consultation”.*
2. However, it must make some assumptions about potential ‘spatial strategies’ or ‘sites’ as it arrives at the alternatives using the following assumptions about Green Belt release and Green Belt constraint for the 300 dpa and 600 dpa alternatives. However the SA is unclear how these figures have actually been derived.
 - 300 dpa (the approximate figure that could be provided for without greenfield Green Belt release)
 - 600 dpa (a low growth scenario that might be considered in order to reflect Green Belt constraint)
 - 900 dpa (a figure suitably close to standard method LHN)
 - 1,200 dpa (a reasonable high growth ‘bookend’ for testing)

- Q2. Do any of the spatial options test a scale of housing growth that would enable affordable housing needs to be met in full? If not, what are the reasons why?**

RPC Response:

3. It appears that this has not been tested.

Q3. How does the SA consider different spatial options for housing and employment growth over the plan period and test reasonable alternative strategies?

RPC Response:

4. RPC provides detailed representations on this in its previously submitted representations to the Regulation 19 Local Plan.

Q4. What is the justification for treating the Hemel Garden Communities ('HGC') "as a constant" in paragraph 5.4.23 of the SA? What alternatives to the HGC have been considered as part of the plan-making process?

RPC Response:

5. In order to understand the reason for this conclusion one must read paragraphs 5.4.22 - 5.4.28 of the SA. This makes a number of statements which are not based on technical assessments but are more political and 'practical' in nature which should raise very serious concerns as to the legitimacy of the SA as sound evidence to be relied upon for the Local Plan.
6. The SA is effectively saying that without all of HGC that it could not progress to the Regulation 19 and that another Regulation 18 consultation stage would lead to Government intervention and struggle to defend itself against planning applications. This is not an objective or technical assessment which is what an SA should be.

Q5. How does the SA take into account deliverability, especially around larger, strategic sites when assessing the submitted Plan against reasonable alternatives?

RPC Response:

7. The SA explains (paragraph 5.4.28) that there is a separate question regarding delivery timescales which it claims is covered in section 5.5 of the SA however we cannot see how this is covered in this section.

Q6. How were reasonable alternative site options defined and considered as part of the SA process? Does the SA adequately test a suitable range of reasonable alternatives to the sites allocated in the Plan, including for housing and employment sites?

RPC Response:

8. There is a clear example of where there is evidence that alternative (reduced areas) regarding the extent of Hemel East should be tested. There could very well

be other examples of this. However, the SA (Paragraph 5.4.25) avoided doing this as it could lead to a delay to the plan-making timetable:

“There is feasibly the possibility of reducing the scale/extent of growth somewhat at the southern extent of the area and possibly also at the northeast extent (less clear/significant), but there is no clear case for doing so, and even fairly modest adjustments could lead to a risk of delay to the plan-making timetable”

ISSUE 4 – Climate Change

Q1. Is it sufficiently clear what is required of proposals for new development under Policies SP2, CE1 and CE2?

RPC Response:

1. Strategic Policy SP2 (Responding to the Climate Emergency), as currently drafted, is not effective, and is not justified. The Policy is a mix of a strategic policy and development management policy without providing an effective policy for plan-making or for determining planning applications.
2. Policy CE1 is ineffective insofar as it fails to set out clear and measurable requirements for development proposals, making it impossible to apply in the development management stage.
3. Similarly to Policy CE1 above, Policy CE2 lacks sufficient clarity on what the Council’s requirements are for new development.

Q2. Does the Plan (taken as a whole) include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change? If so, how?

RPC Response:

4. It does not appear to achieve this as currently written.

ISSUE 5 – Strategic Flood Risk Assessment

Q1. Where sites were identified in areas at risk of flooding as part of the sequential test, what was the reason for taking them forward to be assessed against the exceptions test? Are there reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding?

RPC Response:

5. This is not currently clear, and RPC has raised this issue in relation to the site East of Redbourn as there was no sequential test undertaken to justify its selection.

ISSUE 6 – Public Sector Equality Duty

- Q1. In what ways does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?**

RPC Response:

1. This is a question for SACDC to answer.

- Q2. What are the identified accommodation needs for gypsies and travellers and travelling showpeople over the plan period? What are these needs based on and how have they been calculated?**

RPC Response:

2. This is a question for SACDC to answer.

- Q3 Does the Plan make suitable and effective provision to meet identified needs? Will needs be met in full?**

RPC Response:

3. This is a question for SACDC to answer.

ISSUE 7 – Habitats Regulations Assessment

- Q1. Which allocations in the Plan fall within the Zone of Influence and will therefore require the provision of mitigation? How was this taken into account as part of the site selection process?**

RPC Response:

1. All of the Hemel and Redbourn related proposed allocations are within the Zone of Influence of the Chilterns Beechwood SAC & Ashridge Commons and Woods SSSI.

2. It is unclear how this was taken into consideration as part of the site selection.

Q2. Is it sufficiently clear to users of the Plan when, where and how the necessary mitigation will be provided?

RPC Response:

3. Currently the only mention of the Chilterns Beechwood SAC in the Local Plan is Policy LG3 Hemel Garden Communities Growth Areas Place Principles which simply states that they will need to provide Suitable Alternative Natural Green Space (SANG) as part of an appropriate strategy and nothing further.

Q3. How will the provision of mitigation affect the deliverability and viability of sites, especially strategic-scale allocations in Plan

RPC Response:

4. This does not appear to have been taken into consideration.

Q4. Will the mitigation strategies be effective in ensuring that the policies and allocations in the Plan will avoid significant adverse impacts on the integrity of relevant European sites?

RPC Response:

5. As stated, the mitigation strategies are not currently clear so it cannot be concluded that the Plan will avoid significant adverse impacts.

ISSUE 8 – Other Legal Requirements

Q1. Where the Local Plan contains a policy that is intended to supersede another policy in the adopted development plan, does it state that fact and identify the superseded policy?

RPC Response:

1. This appears to be missing from the Local Plan and should be clearly set out by SACDC.