

Matter 1 – Legal Compliance

Issue 1 – Duty to Cooperate

Housing

1. The Council's response to the Inspectors' Initial Questions states that *"No unmet housing needs have been identified. There are no identified unmet housing needs within the relevant Housing Market Area for SADC, which is the South-West Herts Housing Market Area. This has been confirmed by all the constituent LPA's, Dacorum, Hertsmere, Three Rivers and Watford, including through the DtC meetings set out in LPCD 06.01 Duty to Cooperate Statement of Compliance."*
2. However, the Sustainability Appraisal ('SA') (LPCD 03.01) states that *"...two or three neighbouring local authorities in South West Hertfordshire are proposing to generate significant unmet need)." (2.2.13).* It goes on to describe the situation across South West Hertfordshire at Box 5.1, with possible unmet housing needs from Three Rivers District Council and Hertsmere Borough Council in particular. Furthermore, the Statements of Common Ground with Three Rivers District Council (SADC/ED9) and Hertsmere Borough Council (SADC/ED6) include, amongst other things, *"Approach to accommodating unmet housing needs that may exist within the wider Housing Market Area."*

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?

- 1.1 The Council has engaged constructively, actively and on an ongoing basis to maximise the effectiveness of the Plan in relation to potential unmet housing needs through direct engagement with all the relevant adjoining and nearby Councils. This direct engagement has been undertaken as part of this Plan's preparation from the very start and on an active and ongoing basis all the way through. This is primarily set out in LPCD 06.01 Duty to Cooperate Statement of Compliance, including at:

Draft Local Plan 2041 – key DtC Activities - Chronology

3.3 SADC has undertaken a comprehensive series of activities in order to meet the DtC.

3.4 There are regular ongoing meetings that address Local Plan matters and potential strategic cross-boundary matters that have taken place since the withdrawal of the previous draft Plan in 2020. These include quarterly officer meetings at a South West Herts and Hertfordshire geography. There are numerous regular and one-off meetings involving SADC, DBC, HCC, Hertfordshire Futures, National Highways and Homes England regarding HGC.

3.5 Early DtC engagement specifically on SADC's approach to the new draft Local Plan and its associated evidence included:
2021

3.6 Councillor (Portfolio Holder) level DtC meetings with surrounding authorities and Hertfordshire County Council between January – March 2021, which included: Updates on Local Plan production and associated evidence base work to be provided; discussions on potential strategic cross boundary issues to be considered; agreed future arrangements for DtC liaison.

- 1.2 The discussions on potential strategic cross boundary issues included potential unmet housing needs for SADC and for the other LPAs involved. No unmet housing needs were identified.

2022

3.10 Invitations were sent in July 2022 to key DtC bodies asking them to attend a Local Plan DtC Workshop in September 2022 (invitation letter at Appendix A; attached to the invitation was a DtC Scoping report July 2022 at Appendix B; post-workshop meeting notes are at Appendix C).

- 1.3 The discussions at the workshop included potential unmet housing needs for SADC and for the other LPAs involved. No unmet housing needs were identified.

2023

3.13 At Regulation 18 stage in September 2023 another round of DtC Councillor meetings were held with all adjoining / nearby Councils

- 1.4 The discussions included potential unmet housing needs for SADC and for the other LPAs involved. No unmet housing needs were identified.

2024

3.16 At Regulation 19 stage in October 2024 another round of DtC Councillor meetings were held with all adjoining / nearby Councils.

- 1.5 The discussions included potential unmet housing needs for SADC and for the other LPAs involved. No unmet housing needs were identified.
- 1.6 As noted in the MIQs at paragraph 2, the issue of potential unmet housing need was also considered throughout the Sustainability Appraisal process. This consideration through the SA process includes as set out in LPCD 03.01 - St Albans Local Plan Sustainability Appraisal Report (2024) and LPCD 03.03 - Sustainability Appraisal Interim Study (2023)

- 1.7 It is considered important to note that the SA (LPCD 03.01) and in particular Box 5.1 sets out that it is talking about the 'risk' of unmet housing needs and not 'crystallised' unmet housing needs, including most directly at:

Having made these initial points, unmet need risk from three directions is discussed below.

Risk of unmet need from the south

- 1.8 The Council acknowledges that, as set out in the MIQs at paragraph 2:

“...the Statements of Common Ground with Three Rivers District Council (SADC/ED9) and Hertsmere Borough Council (SADC/ED6) include, amongst other things, “Approach to accommodating unmet housing needs that may exist within the wider Housing Market Area.”

- 1.9 This is because the issue of potential unmet housing needs has been addressed directly by the Council with all the relevant Councils (including, but not limited to Three Rivers and Hertsmere), as set out in LPCD 06.01 as:

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*

- 1.10 Therefore this matter is addressed in a similar way in all of the Statements of Common Ground with the four other SW Herts Councils (SADC/ED05; SADC/ED06; SADC/ED08; and SADC/ED09).

- 1.11 The issue was addressed differently with Luton Borough Council, which sits outside of the SW Herts Housing Market Area, as set out in SADC/ED07 at:

SADC and LBC both support the approach in SADC's Regulation 19 draft Local Plan to meeting SADC's housing needs as set out in the Government's 'Standard Method' in full. Luton is at very early stages in relation to its new Local Plan and SADC and LBC agree that there is a relationship with regard to housing but that it is relatively weak and that SADC does not form part of Luton's Housing current Market Area. In preparing its new Local Plan Luton may need to ask neighbouring/nearby authorities to help meet its housing needs. This will need to be supported by evidence for the new Local Plan and is very unlikely to occur in the short term.

- 1.12 All of these Statements of Common Ground and the previous evidence in LPCD 06.01 clearly show that SADC did discuss potential unmet housing need on several occasions with all relevant other Councils, in order to maximise the effectiveness of the Plan.

- 1.13 As set out by the Council in answer to the Inspectors' Initial Question 1, all of these other relevant Councils support the approach of SADC in our Plan and have not currently identified any 'unmet housing needs' that it is seeking to be potentially addressed by SADC. SADC has rightly taken the issue of potential unmet need very seriously since the start of the Local Plan process, but none of this potential unmet housing need has crystallised as real unmet need that SADC should be considering meeting in this Plan, in order to maximise its effectiveness.

3. Paragraph 27 of the Framework states that to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in the national planning practice guidance ('the PPG') and be made publically available throughout the plan-making process to provide transparency.

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?

- 2.1 The Council can primarily point to the evidence in LPCD 06.01 Duty to Cooperate Statement of Compliance that sets out how and when it has engaged on cross-boundary issues, such as potential unmet housing needs. This same document is also the primary evidence source for what progress was made in cooperating to address these matters.

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

- 2.2 The key activities comprising the "how and when" was summarised chronologically in LPCD06.01 at paragraphs 3.3-3.22 as:

Draft Local Plan 2041 – key DtC Activities – Chronology

3.3 SADC has undertaken a comprehensive series of activities in order to meet the DtC.

3.4 There are regular ongoing meetings that address Local Plan matters and potential strategic cross-boundary matters that have taken place since the withdrawal of the previous draft Plan in 2020. These include quarterly officer meetings at a South West Herts and Hertfordshire geography. There are numerous regular and one-off meetings involving SADC, DBC, HCC, Hertfordshire Futures, National Highways and Homes England regarding HGC.

3.5 Early DtC engagement specifically on SADC's approach to the new draft Local Plan and its associated evidence included:

2021

3.6 Councillor (Portfolio Holder) level DtC meetings with surrounding authorities and Hertfordshire County Council between January – March 2021, which included: Updates on Local Plan production and associated evidence base work to be provided; discussions on potential strategic cross boundary issues to be considered; agreed future arrangements for DtC liaison.

3.7 Consultation on the draft Local Plan Vision and Objectives between January – March 2021.

3.8 Consultation on the draft Local Plan Sustainability Appraisal scoping report between January – March 2021. Responses received from the Environment Agency, Hertfordshire and Middlesex Wildlife Trust, National Highways, and Historic England.

3.9 Consultation on the draft Green Belt Review Methodology between April – June 2021. Responses received from Central Bedfordshire Council, Dacorum BC, Hertsmere BC, and Welwyn Hatfield BC.

2022

3.10 Invitations were sent in July 2022 to key DtC bodies asking them to attend a Local Plan DtC Workshop in September 2022 (invitation letter at Appendix A; attached to the invitation was a DtC Scoping report July 2022 at Appendix B; post-workshop meeting notes are at Appendix C).

3.11 As discussed at the September 2022 workshop, SADC sent a DtC letter asking if neighbouring / nearby authorities could help SADC meet our development needs in November 2022 (at Appendix D).

3.12 A post-Workshop updated draft DtC Matrix is at Appendix E.

2023

3.13 At Regulation 18 stage in September 2023 another round of DtC Councillor meetings were held with all adjoining / nearby Councils (meeting notes example at Appendix F).

3.14 As discussed at the 2023 DtC meetings, SADC then sent a DtC letter asking if neighbouring / nearby authorities could help SADC meet our development needs in November 2023 (example at Appendix G).

3.15 A round of officer DtC meetings were also held with DtC bodies including Natural England, the Environment Agency, Historic England and National Highways to discuss their Regulation 18 responses and to agree next steps and actions for SADC to address the matters raised.

2024

3.16 At Regulation 19 stage in October 2024 another round of DtC Councillor meetings were held with all adjoining / nearby Councils. This included discussion regarding whether or not the authorities could help SADC meet our development needs in November 2023 (example at Appendix H).

3.17 A round of officer DtC meetings were also held with DtC bodies including Natural England, the Environment Agency, Historic England and National Highways to discuss their Regulation 19 responses and to agree next steps and actions for SADC to address the matters raised.

3.18 An updated DtC Matrix was sent out to key DtC bodies alongside the Regulation 19 (Appendix I).

3.19 The DtC Matrix and an overarching SoCG were published with the Regulation 19, setting out in the public domain where discussions over the DtC Matrix and key cross-boundary matters had reached at that point in time.

3.20 A process of finalising the DtC Matrix and bilateral SoCGs was undertaken in October/November 2024. There was no in principle objections to the key substance from any DtC body and, as per their Regulation 19 representations, all consider that SADC has met the DtC.

3.21 As of 29 November 2024, several bilateral SoCGs have been signed and returned as fully complete (two examples at appendix J). Several SoCGs are still undergoing a process of finalising details and going through relevant clearance / signing channels in the different organisations, some of which take a considerable period of time.

3.22 The fundamental DtC conclusion for all of the DtC bodies is that SADC has met the DtC and none contend otherwise.

and what progress was made in cooperating to address these matters

- 2.3 What progress was made in cooperating to address these matters was summarised in LPCD 06.01 in Section 4 as 17 Effective Outcomes:

Effective Outcome 1 – agreed strategic geography

Effective Outcome 2 – relationship between JSP and LP

Effective Outcome 3 - SADC meeting Standard Method for housing need in full

Effective Outcome 4 – SADC meeting SADC’s employment needs in full and providing significant employment land within SADC’s area within Hemel Garden Communities that supports DBC’s and potentially wider SW Herts employment land needs.

Effective Outcome 5 – appropriate planning for retail

Effective Outcome 6 - appropriate approach to Gypsy & Traveller accommodation

Effective Outcome 7 - appropriate approach to the green Belt

Effective Outcome 8 - appropriate approach to the Chilterns Beechwoods SAC, including the joint approach to SAMMS contributions

Effective Outcome 9 - appropriate approach to primary and secondary school provision, including provision within and beyond Hemel Garden Communities that is providing land for education within SADC’s area that supports DBC’s education land

needs.

Effective Outcome 10 - appropriate approach to transport infrastructure

Effective Outcome 11 - appropriate approach to the Government-permitted Strategic Rail Freight Interchange

Effective Outcome 12 - appropriate approach to Hemel Garden Communities

Effective Outcome 13 - appropriate approach to Green and Blue infrastructure

Effective Outcome 14 - appropriate approach to water and wastewater, including using the higher option standard for new development of 110 litres per person per day that can be applied where there is an evidence based need that the area is water stressed.

Effective Outcome 15 - appropriate approach to Household Waste Recycling facilities

Effective Outcome 16 - appropriate approach to minerals

Effective Outcome 17 - appropriate approach to cross-boundary growth locations, particularly regarding BL8 Harper Lane, near the boundary with Hertsmere

- 2.4 To address directly the references to the PPG in the MIQs paragraph 3 above, the Statement of Common Ground (overarching) was published alongside the Local Plan Regulation 19 Publication (DtC 01.01) addressed nearly all the expectations set out in the PPG at:

What is a statement of common ground expected to contain?

It is expected to contain the following:

- a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);*
- b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;*
- c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);*
- d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;*
- e. if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;*
- f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;*
- g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and*

h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.

The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites.

Paragraph: 011 Reference ID: 61-011-20190315

Revision date: 15 03 2019

- 2.5 As set out in DtC 01.01, it was based on a template produced by the Planning Advisory Service and was a precursor to more detailed SoCGs to follow:

This Statement of Common Ground (SoCG) sets out the strategic geography and strategic matters as agreed between St Albans City and District Council (SADC) and our Duty to Co-operate partner organisations. More detailed matters specific to SADC and individual Duty to Co-operate partner organisations will be covered by individual Statements of Common Ground between SADC and the relevant organisation.

This SoCG is based on a template produced by the Planning Advisory Service and takes into account relevant sections of the NPPF, NPPG, Planning & Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011.

- 2.6 The more detailed SoCGs have now been published as intended as part of the Examination Documents.

4. Paragraph 1.10 of the Local Plan states that St Albans Council is working with other Councils on the preparation of a South West Hertfordshire Joint Strategic Plan. Amongst other things, this will consider cross-boundary issues by setting policies on topics including housing.

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

- 3.1 The full quote at 1.10 of the Local Plan sets out:

St Albans Council is working with other Councils in South West Hertfordshire (Dacorum Borough Council, Hertsmere Borough Council, Three Rivers District Council and Watford Borough Council) to deliver a Joint Strategic Plan (JSP) for South West Hertfordshire. The JSP will provide a long-term blueprint for the area to 2050. It will consider and address issues that cross council boundaries and set out a strategic vision for the area. It will also help guide future plans and strategies by setting out high level policies on topics such as Climate Change, infrastructure, environmental protection, employment and housing.

- 3.2 The context and a brief history of work on the South West Hertfordshire Joint Strategic Plan is set out on its website at: <https://www.swhertsplan.com>

- 3.3 The website sets out:

What is the Joint Strategic Plan?

The Joint Strategic Plan (JSP) will provide a long-term blueprint for the area to 2050. It will be able to consider and address issues that cross council boundaries and set out a strategic vision for the area. It will also help guide future plans and strategies by setting out high level policies on topics such as climate change, infrastructure, environmental protection, employment and housing.

The five councils alongside Hertfordshire County Council will work together to prepare the Joint Strategic Plan, as well as being responsible for preparing their own Local Plans. The key aim of the Plan will be to ensure that infrastructure such as transport, schools, health, and utilities is well coordinated and delivered together with new homes and jobs.

The JSP will set out a shared vision to 2050 and beyond and will address:

*Climate change;
Strategic approach to Green Belt and Area of Outstanding Natural Beauty (AONB);
Net-zero;
Strategic growth opportunities;
Strategic infrastructure delivery;
Economic opportunities; and
Housing needs.*

- 3.4 The South West Herts Joint Strategic Plan is a being prepared by the five District / Borough Councils of Dacorum, Hertsmere, St Albans City and District, Three Rivers and Watford, with the support of Hertfordshire County Council. Its aim is to provide a strategic framework for the area up to 2050, to guide the production of the next iteration of Local Plans (not the current iteration of Local Plans e.g. this Plan).
- 3.5 Formal work on the JSP was marked by the signing of a Memorandum of Understanding in 2018. Subsequent key milestones have included:
- Early 2020: Initial consultation on ‘SW Herts – Your Future’ – to gain a better understanding of perceived challenges and opportunities within the area.
 - Autumn 2021: All six authorities sign a formal Statement of Common Ground committing to preparation of the SW Herts JSP and a high level agreement of its broad policy coverage.
 - Autumn 2022: Consultation on ‘SW Hertfordshire 2050 – Realising our Potential’ (carried out under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012)
 - Autumn 2023: Formal endorsement by all six authorities of a vision and set of principles to guide the content of the JSP and work on technical evidence.
- 3.6 The focus of work recently has been on the preparation of technical work to help inform a second Regulation 18 consultation on spatial options. This was programmed for autumn 2025. However, work on drafting this consultation material has been paused to enable the authorities to consider the implications of the Planning and Infrastructure Bill, since the Government published it on 11 March 2025.
- 3.7 Whilst this Bill sets out a requirement for strategic plans (now to be called Spatial Development Strategies (SDS)) to be prepared as a new statutory tier of plan-making across the country, discussions with civil servants at MHCLG have confirmed Officers’ view that the geography for these strategic plans will need to be larger than currently planned i.e. on a whole of Hertfordshire geography as a minimum. The expectation is that prior to the establishment of a new Strategic Authority for the area, the responsibility for SDS production will fall to Hertfordshire County, in close liaison with the relevant local planning authorities.
- 3.8 Early discussions to help the smooth transition of the work on the SW Herts JSP to this larger geographical scale are currently underway. This is likely to be a positive move in the St Albans context, as it will allow more comprehensive strategic thinking across all council areas within Hertfordshire in the long term.

5. The SA states that *“The SW Herts Joint Strategic Plan (JSP) will likely prove well-placed to deal with unmet housing need. However, that does not mean that the St Albans Local Plan can be prepared blind to known or potential unmet housing need from elsewhere, particularly that arising from adjacent or otherwise well-linked neighbouring authorities.”* (Box 5.1).

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?

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?

- 4.1 Work on the SW Herts Joint Strategic Plan remains in the early stages and technical work has not yet confirmed the long term housing needs of the area (to 2050) or its likely distribution, or highlighted any other cross boundary strategic issues that are relevant to the examination of the St Albans City and District Local Plan.
- 4.2 As stated in response to question 3, the JSP has always been intended to guide the production of the next iteration of Local Plans, rather than those currently under preparation.

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?

- 4.3 As above, this isn't the case. In the context of the SWH JSP as set out above, the approach in the SADC Local Plan is entirely 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. All of the relevant cross-boundary strategic matters have been dealt with throughout the preparation of the Plan, including as set out in answer to M1 I1 Q1 and M1 I1 Q2.

Employment

6. The Statements of Common Ground with Dacorum Borough Council and Watford Borough Council refer to the provision of significant employment land within St Albans that supports “potentially wider SW Herts employment land needs”.

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

- 5.1 The updated South West Herts (SWH) Economy Study (2024) (EMP 01.01) provides evidence for the new Local Plan. The Plan provides for 33.16 ha at the Government permitted Strategic Rail Freight Interchange at the former Radlett aerodrome, 53 ha at East Hemel Hempstead (Central) and 1.9 ha and 1.7 ha in two allocations at Rothamsted. This compares very well with the identified need set out in the SWH Economic Study for industrial and storage and distribution land of 52.4 ha (paragraph 8.8 Table 8.1 of the Study).

- 5.2 The SWH Economy Study sets out at paragraph 8.24:

... the combination of commitments and estimated floorspace capacity on available sites either with planning permission or which are realistically available for development for each individual local authority areas. In both scenarios, the distribution would mean that a substantial majority of future industrial and storage & distribution development occurs in St Albans, Dacorum and Hertsmere. This would mean that these authorities are, in effect, meeting need in Three Rivers and Watford which are far more constrained in terms of land supply).

- 5.3 SADC is not specifying a precise amount of jobs / floorspace, but the District is clearly meeting its own needs with 53 ha of Employment land at East Hemel Hempstead (Central), 33.16 ha (on a 96.7 Ha site) of the Government permitted Strategic Rail Freight Interchange at the former Radlett aerodrome and 1.9 ha and 1.7 ha in two allocations at Rothamsted, Harpenden. As stated in policy SP5 - Employment and the Local Economy:

Due to these locations providing an agreed oversupply for St Albans District's own needs, the excess will assist Dacorum Borough and potentially other South West Herts local authorities in meeting some of their employment requirements.

- 5.4 The Statements of Common Ground that have been agreed with the South West Herts councils all support SADC's approach to employment land provision and the fact that it may assist them with “potentially wider SW Herts employment land needs” (SADC/ED5, SADC/ED6, SADC/ED9, SADC/ED10).
- 5.5 SADC assisting other SWH local authorities in meeting their Employment Land needs has been on the Duty to Cooperate agendas for a long time, as set out in more detail in answer to M1 I1 Q6 below.

- 5.6 The Sustainability Appraisal also addresses employment land need and the SADC approach to it, in particular at paragraph 5.2.34:

Aside from LHN, work has also been undertaken to establish wider development needs. In particular, attention focuses on employment land needs and the accommodation needs of Gypsies and Travellers. Matters are discussed further below, including within Sections 6.7 and 6.8, but in summary these are both very significant considerations for the Local Plan.

With regards to employment land need, there is a readily apparent approach to providing for both locally arising need and an element of unmet need arising from elsewhere, namely a strategic expansion of the Maylands Estate...

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?

- 6.1 There has been constructive, active and ongoing engagement with all relevant bodies on employment matters in order to maximise the effectiveness of the Plan in relation to employment land requirements. This has been recognised as being a strategic cross-boundary matter for some years and joint evidence work with groups of Hertfordshire Councils on employment land dates back to 2006, as set out in the evidence base at:

EMP 01.01 - South West Herts Economic Study (2024)
EMP 01.02 - South West Herts Economic Study Update Final (2019)
EMP 01.03 - South West Herts Economic Study Update Draft (2019)
EMP 01.04 - South West Herts Economic Study (2016)
EMP 02.01 - Economic Development and Employment Land Evidence Technical Report (2016)
EMP 03.01 - London Arc Employment Land Study Executive Summary (2009)
EMP 03.02 - London Arc Employment Land Study Main Report (2009)
EMP 03.03 - London Arc Employment Land Study Appendices (2009)
EMP 04.01 - Central Herts Employment Land Review Update Note (2007)
EMP 04.02 - Central Herts Employment Land Review Executive Summary (2006)
EMP 04.03 - Central Herts Employment Land Review November (2006)
EMP 04.04 - Central Herts Employment Land Review Appendices (2006)
EMP 05.01 - Herts LEP Strategic Economic Plan (2014)
EMP 06.01 - Herts Economic Development Strategy 2009-2021 summary

- 6.2 The key current evidence document is EMP 01.01 – South West Herts Economic Study (2024). The five South West Herts Councils commissioned this joint study as a follow up to the joint 2019 South West Herts Economic Study Update (EMP 01.02) and is clear evidence of co-operation on the employment land issue.
- 6.3 Further evidence of the engagement on employment land requirements is primarily set out in LPCD 06.01 Duty to Cooperate Statement of Compliance:

Effective Outcome 4 – SADC meeting SADC's employment needs in full and providing significant employment land within SADC's area within Hemel Garden Communities that supports DBC's and potentially wider SW Herts employment land needs.

Planning for employment needs
Joint work has been undertaken on employment needs across South West Hertfordshire.
Strategic matter between:
SW Herts local authorities
Luton Borough Council
Hertfordshire Futures

- 6.4 As also set out in LPCD 06.01 Duty to Cooperate Statement of Compliance, employment land issues formed part of the September 2022 Duty To Cooperate Workshop. As well as the adjoining/nearby Councils and HCC, there was specific input from the Hertfordshire Local Enterprise Partnership (LEP). This work with the Herts LEP has continued on an ongoing basis and they are a key partner in work on Hemel Garden Communities. The Hertfordshire LEP has now become 'Hertfordshire Futures' and continues with the work of the LEP in a similar way:

Appendix C – September 2022 Workshop Notes

...

Adam Wood

- *The LEP would be interested in planning for transport and employment needs associated with the Hemel Garden Communities.*

***Appendix E – Updated Matrix Issue Following September 2022 Workshop
Duty to Cooperate potential strategic cross boundary issues matrix***

...

Planning for employment needs

Further joint work is required on employment needs across South West Hertfordshire. Also, any economic links to Luton Airport should be considered.

- 6.5 The round of political DtC discussions with adjoining / nearby Councils in 2023 alongside the SADC LP Regulation 18 consultation all directly addressed the potential strategic cross-boundary matter of Employment. An example is as set out in the LPCD 06.01 Duty to Cooperate Statement of Compliance at Appendix F:

Appendix F - Example of DtC Meeting Notes 2023

...

Duty to Cooperate meeting between St Albans DC and North Herts DC

...

SADC current Local Plan Reg 18 consultation

...

CB - LP approach to Employment – meeting SADC need and because of two large sites – the Government permitted Strategic Rail Freight Interchange (SRFI) and East Hemel Central

Cllr Brown – query about SRFI – CB – confirm SADC understanding is the all the land necessary for its delivery has been sold to the developer and the permission has been partly implemented

- 6.6 The round of political DtC discussions with adjoining / nearby Councils in 2024 alongside the SADC LP Regulation 19 consultation all directly addressed the potential strategic cross-boundary matter of Employment. The DtC Matrix of potential strategic cross boundary matters discussed in those political meetings in

2024 is set out in the LPCD 06.01 Duty to Cooperate Statement of Compliance at Appendix I:

Appendix I – DtC Matrix Sent Out During Regulation 19 Stage

Duty to Cooperate potential strategic cross boundary issues matrix

Planning for employment needs

Joint work has been undertaken on employment needs across South West Hertfordshire

- 6.7 The overarching Statement of Common Ground (DTC 01.01) sets out in relation to employment land:

Planning for employment needs

- *Further joint work is required on employment needs across South West Hertfordshire. Also, any economic links to Luton Airport should be considered.*
- *Strategic matter between:*
 - *SW Herts local authorities*
 - *Luton Borough Council*
 - *Hertfordshire Futures*

- 6.8 The bilateral SoCG with Dacorum (SADC/ED5) sets out:

Planning for employment needs

- *Joint work has been undertaken on employment needs across South West Hertfordshire.*
- *Strategic matter between:*
 - *SW Herts local authorities*
 - *Luton Borough Council*
 - *Hertfordshire Futures*

Conclusion

SADC and DBC both support the approach in SADC's Regulation 19 draft Local Plan to meeting SADC's employment needs in full and providing significant employment land within SADC's area within Hemel Garden Communities that supports DBC's and potentially wider SW Herts employment land needs

- 6.9 The bilateral SoCG with Hertsmere (SADC/ED6) sets out:

Planning for employment needs

- *Joint work has been undertaken on employment needs across South West Hertfordshire.*
- *Strategic matter between:*
 - *SW Herts local authorities*
 - *Luton Borough Council*
 - *Hertfordshire Futures*

Conclusion

SADC and HBC both support the approach in SADC's Regulation 19 draft Local Plan to meeting SADC's employment needs in full and providing significant employment land within SADC's area within Hemel Garden Communities that supports Dacorum Borough Council's (DBC)'s and potentially wider SW Herts employment land needs.

6.10 The bilateral SoCG with Luton (SADC/ED8) sets out:

Planning for employment needs

- *Joint work has been undertaken on employment needs across South West Hertfordshire.*
- *Strategic matter between:*
 - o *SW Herts local authorities*
 - o *Luton Borough Council*
 - o *Hertfordshire Futures*

Conclusion

SADC and LBC both support the approach in SADC's Regulation 19 draft Local Plan to meeting SADC's employment needs in full and providing significant employment land within SADC's area within Hemel Garden Communities that supports Dacorum Borough Council's (DBC)'s and potentially wider SW Herts employment land needs.

6.11 The bilateral SoCG with Three Rivers (SADC/ED9) sets out:

Planning for employment needs

- *Joint work has been undertaken on employment needs across South West Hertfordshire.*
- *Strategic matter between:*
 - o *SW Herts local authorities*
 - o *Luton Borough Council*
 - o *Hertfordshire Futures*

Conclusion

SADC and TRDC both support the approach in SADC's Regulation 19 draft Local Plan to meeting SADC's employment needs in full and providing significant employment land within SADC's area within Hemel Garden Communities that supports Dacorum Borough Council's (DBC)'s and potentially wider SW Herts employment land needs.

6.12 The bilateral SoCG with Watford (SADC/ED10) sets out:

Planning for employment needs

- *Joint work has been undertaken on employment needs across South West Hertfordshire.*
- *Strategic matter between:*
 - o *SW Herts local authorities*
 - o *Luton Borough Council*
 - o *Hertfordshire Futures*

Conclusion

SADC and WBC both support the approach in SADC's Regulation 19 draft Local Plan to meeting SADC's employment needs in full and providing significant employment land within SADC's area within Hemel Garden Communities that supports Dacorum Borough Council's (DBC)'s and potentially wider SW Herts employment land needs.

6.13 The Dacorum Reg 19 Response (response 271) sets out:

We welcome in principle the Local Plan, especially the policies and site allocations for Hemel Garden Communities. We note that the plan includes policies and supporting text that represent effective outcomes of the Duty to Cooperate process. Dacorum wishes to confirm through this letter that we consider the legal requirement of the Duty to Cooperate has been met.

6.14 The Hertsmere Reg 19 Response (response 232) sets out:

The Local Plan references the work currently being carried out as part of the jointly prepared South West Herts Economic Study update, and that such work will feed into the next version of the Draft Local Plan. The draft Local Plan also acknowledges that this could be above the required need for SADC, and that this provision will be shared with Dacorum Borough Council and potentially other South West Herts authorities. Hertsmere Borough Council supports the protection of existing employment site and creation of new employment space through Broad Development.

As stated in Hertsmere Borough Council's response to the Regulation 18 consultation we hope to continue the working relationship with St Albans District Council on the continued development of the Strategic Rail Freight Interchange north of Radlett especially as it would be contributing to the wider needs of the functional economic market area; the scale of the proposal and its delivery phasing mean that it will contribute to both local (including Hertsmere) and regional/national employment needs.

6.15 The Watford Reg 19 Response (response 262) sets out:

Watford has a shortfall of available land to support investment in new industrial and logistical premises. WBC is pleased that the Local Plan acknowledges that SADC could meet other LPAs' needs as part of a strategic approach to employment provision in the South West Hertfordshire area.

Highways

7. National Highways' Regulation 19 consultation response concludes that insufficient evidence has been provided to demonstrate that the Local Plan growth can be accommodated on the strategic road network, and that further information will be required.
8. The Council's response to the Inspectors' Initial Questions (paragraph 2.20) provides some further background into the position with National Highways. In summary, it states that information was sent to National Highways in July 2024 to show how well the highways model was performing within the vicinity of the M25. However, *"This latter document was unfortunately not considered by the National Highways review team due to changes in their staffing and was therefore resupplied to them at their request on 29 January 2025."* Following the meeting in January 2025, a signed Statement of Common Ground with National Highways was provided, dated 12 February 2025.

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?

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?

- 7.1 The Council accepts that National Highways had raised concerns regarding the impacts of Local Plan growth in response to the Regulation 19 consultation in October 2024. The main reasons for seeking to address these concerns between January and February 2025 were:
 - (1) to complete the National Highways signature process for the Duty To Cooperate Statement of Common Ground that National Highways had agreed to on 1 November 2024, ahead of Submission of the Plan, but due to National Highways internal processes they had not yet completed. The work with National Highways since 2018, as set out in answer to Initial Question 2, demonstrates compliance with the DtC had been clearly evidenced by the time of Submission of the Plan.
- 7.2 A summary of the timeline for National Highways to agree and then finalise the Duty To Cooperate Statement of Common Ground was set out in SADC's answer to Initial Question 2, which is reproduced below for ease of reference:

2.3 The Council is conscious that the Duty to Cooperate is judged at the point in time of Submission of the Plan, in this case 29 November 2024. As set out above, National Highways had been involved in the process and directly commented on the

emerging “Duty to Cooperate potential strategic cross boundary issues matrix” in September 2022. This then evolved into the Local Plan Regulation 18 version of the “Duty to Cooperate potential strategic cross boundary issues matrix” discussed with National Highways in October 2023. This then evolved further into DTC 01.01 - Statement of Common Ground (overarching) that was published with the Local Plan Regulation 19 Publication.

2.4 This then evolved into a draft bilateral Duty to Cooperate (DtC) Statement of Common Ground (SoCG) between SADC and National Highways that was discussed at a Local Plan Regulation 19 meeting on 1 November 2024 (as at Appendix 2.1). National Highways colleagues set out at the meeting that they agreed that St Albans has met the Duty to Cooperate but that there was a need to make a small amendment to expand the DtC SoCG in relation to Planning for Gypsy & Traveller needs. There were then a series of follow up emails and discussion of the outstanding DtC SoCG between SADC and National Highways on several occasions at bilateral and wider meetings in subsequent weeks and a slightly updated signed DtC SoCG was finalised on 12 February 2025 as at Appendix 2.2. The substantive work to get to the point reached by 29 November 2024 shows clearly that the DtC requirements between SADC and National Highways had been met by the time that the Plan was Submitted for Examination.

(2) to assist with the ongoing delivery of HGC and wider growth in the St Albans and Dacorum areas. This additional work needs to be seen in the context of the clear evidence of constructive, active and on-going engagement in the preparation of the Plan and the clear need to keep on engaging with National Highways in order to deliver development at Hemel Garden Communities and elsewhere in the St Albans and Dacorum areas.

Does this point to constructive, active and on-going engagement in the preparation of the Plan?

- 7.3 Yes, in totality the evidence set out does point to constructive, active and on-going engagement in the preparation of the Plan by the time of its Submission. This includes the detailed information set out in SADC’s answer to Initial Question 2.
- 7.4 Further, it is considered important to note that National Highways set out clearly in SADC/ED38 that they consider that SADC has met the Duty To Cooperate with them:

SADC has continuously engaged with National Highways through the evolution of the draft Local Plan 2041. The parties agree that SADC has discharged its Duty to Cooperate for the Local Plan 2041.

Gypsy and Traveller Accommodation

9. Statements of Common Ground submitted in support of the Local Plan, in particular those with Three Rivers District Council and Hertsmere Borough Council, refer to an “*approach to approach to accommodating unmet traveller needs*”.

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?

- 8.1 There has been constructive, active and ongoing engagement with all relevant bodies on the accommodation needs of gypsies and travellers and travelling showpeople, in order to maximise the effectiveness of the Plan. This is primarily set out in LPCD 06.01 Duty to Cooperate Statement of Compliance at:

Effective Outcome 6 – appropriate approach to Gypsy & Traveller accommodation

Planning for gypsy & traveller needs

- *Approach to accommodating unmet traveller needs.*
- *Strategic matter between:*
 - *SW Herts local authorities*
 - *Hertfordshire County Council*
 - *National Highways*

- 8.2 Gypsy and Traveller needs formed part of the September 2022 Duty To Cooperate Workshop:

Appendix E – Updated Matrix Issue Following September 2022 Workshop Duty to Cooperate potential strategic cross boundary issues matrix

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Planning for gypsy & traveller needs

Approach to accommodating unmet traveller needs

- 8.3 The round of political DtC discussions with adjoining / nearby Councils in 2023 alongside the SADC LP Regulation 18 consultation all directly addressed the potential strategic cross-boundary matter of Gypsy & Traveller needs. An example is as set out in the LPCD 06.01 Duty to Cooperate Statement of Compliance at Appendix F:

Appendix F - Example of DtC Meeting Notes 2023

...

Duty to Cooperate meeting between St Albans DC and North Herts DC

...

Evidence base update

CB – SADC are doing further work on Gypsy & Traveller need and provision – will likely need significantly more allocations by time of Reg 19

DC – looking to update G&T work - potential for discussion about consultancies and how best to carry out this work– CB – happy to give details for consultants and discuss this with NHDC officers

- 8.4 The round of political DtC discussions with adjoining / nearby Councils in 2024 alongside the SADC LP Regulation 19 consultation all directly addressed the potential strategic cross-boundary matter of Gypsy and Traveller needs. The DtC Matrix of potential strategic cross boundary matters discussed in those political meetings in 2024 is set out in the LPCD 06.01 Duty to Cooperate Statement of Compliance at Appendix I:

Appendix I – DtC Matrix Sent Out During Regulation 19 Stage
Duty to Cooperate potential strategic cross boundary issues matrix

...

Planning for gypsy & traveller needs
Approach to accommodating unmet traveller needs

- 8.5 The round of DtC discussions with key stakeholders in 2024 alongside the SADC LP Regulation 19 consultation directly addressed the potential strategic cross-boundary matter of Gypsy and Traveller needs where relevant – in this case with National Highways.
- 8.6 These engagement processes with the relevant bodies on Gypsy and Traveller needs culminated in the Duty to Cooperate SoCGs agreed between SADC and the SW Herts Councils, HCC and National Highways. For example the SADC/HBC SoCG (SAC/ED6) sets out:

Conclusion
SADC and HBC both support the strategic approach in SADC's Regulation 19 draft Local Plan to Gypsy and Traveller provision to meeting needs within SADC's area.

- 8.7 The St Albans City & District Council Gypsy and Traveller Accommodation Assessment (GTAA) Final Report September 2024 (HOU 05.01) sets out a considerable amount of engagement. with neighbouring local planning authorities to consider the accommodation needs of gypsies and travellers and travelling showpeople. This includes at:

Working Collaboratively with Neighbouring Planning Authorities

3.10 To provide background information for the study, email and telephone interviews were conducted with Planning Officers in neighbouring planning authorities. These interviews will help to ensure that wider issues that may impact on this project are fully understood. This included interviews with Officers from the Councils set out below.

- *Central Bedfordshire Council*

- *Dacorum Borough Council*
- *Hertsmere Borough Council*
- *Luton Borough Council*
- *North Hertfordshire Council*
- *Three Rivers District Council*
- *Watford Borough Council*
- *Welwyn Borough Council*

...

3.53 In order to investigate the potential need for transit provision when undertaking work to support the study, ORS sought to undertake analysis of any records of unauthorised sites and encampments, as well as information from the Ministry for Housing, Communities and Local Government (MHCLG)6 Traveller Caravan Count. The outcomes of the Stakeholder Interviews with Council Officers and with Officers from neighbouring planning authorities were also taken into consideration when determining this element of need in the study area.

...

5.4 In order to explore issues relating to cross boundary working, ORS interviewed a Planning Officer from the neighbouring local authorities below:

- » *Central Bedfordshire Council*
- » *Dacorum Borough Council*
- » *Hertsmere Borough Council*
- » *Luton Borough Council*
- » *North Hertfordshire Council*
- » *Three Rivers District Council*
- » *Watford Borough Council*
- » *Welwyn Borough Council*

...

Neighbouring Authorities

5.12 The following authorities responded to indicate no potential cross-border issues:

- » *Dacorum Borough Council*
- » *Hertsmere Borough Council*
- » *Luton Borough Council*
- » *North Hertfordshire Council*
- » *Watford Borough Council*

5.13 The following authorities failed to respond despite three attempts to engage:

- » *Central Bedfordshire Council*
- » *Three Rivers District Council*
- » *Welwyn Borough Council*

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?

- 9.1 Yes, there is clear and convincing evidence that the Council has complied with the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations and having regard to the advice contained in the Framework and the PPG. The evidence is primarily set out in detail in LPCD 06.01 Duty to Cooperate Statement of Compliance and the further documents referenced in answer to M111Q1-8 above.
- 9.2 Whilst it is considered clearest to read LPCD 06.01 and the further documents referenced in answer to M111Q1-8 in full, the main elements of LPCD 06.01 can be summarised as:

SADC has from the start of this Local Plan 2041 process been very mindful of being in the rare position of having had to withdraw two Local Plans previously (in 2016 and 2020) due to issues with the DtC. This current situation is completely different, with the DtC matters that impacted those previous two draft Plans having been wholly and successfully resolved.

SADC is now in the position that all DtC bodies including all the adjoining and nearby Councils and key stakeholders (including the key landowner SEGRO who are delivering the Government-permitted Strategic Rail Freight Interchange allocated in the Plan) consider that the DtC has been met. In the totality of the circumstances, that is considered to be the only reasonable conclusion on the DtC that can be reached.

The evidence clearly demonstrates that St Albans City & District Council (SADC) has met the Duty to Cooperate (DtC). SADC has engaged with the relevant bodies from the earliest stages in Plan-making all the way until Submission, in order to maximise the effectiveness of the preparation of the draft Local Plan (and other activities) so far as they relate to strategic matters. The engagement has been on-going, constructive and active.

This engagement has related to all “strategic matters” relating to the sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or the use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.

No DtC body, including all relevant Local Authorities (including Hertfordshire County Council) or key statutory consultee (Natural England, Historic England, Environment Agency and National Highways) considers that the Council has not met the ‘Duty to Cooperate’.

There are demonstrable effective outcomes across the whole range of relevant matters. These include in particular:

- All the South West Herts Councils have agreed the joint South West Herts Housing Market Area and all South West Herts Councils support SADC's approach to meeting SADC's 'Standard Method' calculation of housing needs in full within SADC's area.*
- All the South West Herts Councils have agreed the joint South West Herts Functional Economic Market Area and all South West Herts Councils support SADC's approach to meeting SADC's employment needs in full and providing significant employment land within SADC's area within Hemel Garden Communities that supports Dacorum Borough Council's (DBC)'s and potentially wider South West Herts employment land needs.*
- SADC and DBC have worked intensively and extensively together on the development of Hemel Garden Communities since it was awarded 'Garden Town' status by the Government in 2019. There is a joint SADC / DBC / HCC 'Hemel Garden Communities' delivery team. There has also been extensive and ongoing involvement on HGC with Homes England and Hertfordshire Futures.*