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Redbourn Parish Council (supported by Leverstock Green Village Association) – (RPC)

St Albans City and District Local Plan Examination

Matter 2 – The Duty to Co-operate

Main Issue – whether the Council has complied with the duty to co-operate in the preparation of the Plan.



General

1 What are the genuinely strategic matters as defined by S33(A)4 of the Planning and Compulsory Purchase Act?

1.1 Redbourn Parish Council considers that the strategic matters include cross-boundary strategic growth and infrastructure provision at Hemel Hempstead. The submitted St Albans Local Plan proposes large scale growth to the East of Hemel Hempstead at four Broad Locations (Policies S6 i to S6 iv). Given that Hemel Hempstead is located within Dacorum, it is important to understand how St Albans City & District Council (SACDC) engaged with Dacorum Borough Council and if SACDC have met the duty to co-operate in relation to the following matters:

- the identification of the Broad Locations at East Hemel Hempstead, including reasonable alternatives, and demonstrating exceptional circumstances exist to justify the release of Green Belt land;
- how the potential impacts of this development were identified and considered including the harm to the Green Belt; and
- the measures identified to mitigate those impacts such as infrastructure provision and compensatory improvements to the environmental quality and accessibility of the Green Belt.

1.2 Due to the implications for infrastructure provision of the East of Hemel Hempstead Broad Locations it is also important to understand how SACDC engaged with Hertfordshire County Council and Highways England.

1.3 The Parish Council's response to Questions 4, 10 and 25 below considers these matters further and whether SACDC has met the duty to co-operate. The Parish Council's Matter 4 Hearing Statement considers the Green Belt matters.

2 Should these be set out in the Plan?

2.1 The strategic cross-boundary matters and how the Plan will address these matters should be set out in the Plan. This is important to demonstrate the Plan is effective and to enable monitoring of the delivery of the Plan against the strategic cross-boundary matters.

Overall housing provision

3 Who has the Council engaged with in terms of overall housing provision and what form has this taken?

3.1 SACDC should respond to this question.

4 Are these issues of unmet need from within neighbouring authorities? If so how are these being addressed?



- 4.1 There are two neighbouring authorities, Welwyn and Hatfield Borough Council (WHBC) and Dacorum Borough Council (DBC), that have stated in their representations to the St Albans Local Plan that they may require assistance from SACDC to meet unmet housing needs.

4.2 Welwyn and Hatfield Borough Council

WHBC's representations to the Publication St Albans Local Plan 2018 requested that Section 1.5. of the Plan should be amended to state:

"there is also a cross boundary relationship with Welwyn Hatfield Borough Council, who have indicated that they may require assistance from SACDC, to meet their unmet housing needs."

- 4.3 It is unclear if there is an outstanding request for SACDC to meet unmet needs from Welwyn and Hatfield. There is no Statement of Common Ground between SACDC and WHBC, and this matter is not specifically addressed in the notes of either of the Duty to Co-operate meetings between SACDC and WHBC on 12 October 2017 and 2 July 2018 (**CD028**, Appendix 12).

4.4 Dacorum Borough Council

The notes of the Duty to Co-operate meeting between DBC and SACDC on 9 August 2018 (**CD028**, Appendix 12) show that under 'Agenda Item 3 Update on Dacorum Local Plan', DBC raised the question of whether SACDC could accommodate any of DBC's needs:

"TS [DBC] asked if there was any scope to accommodate some of DBC's housing or employment numbers within SADC's boundary (at East Hemel). MM [SADC] advised that currently SADC can only accommodate its own need for housing, but that there may be some capacity to provide for Dacorum's employment needs within East Hemel (central). These issues can be discussed further in the context of the ongoing SWHG work. JD [DBC] informed the meeting that Dacorum will be submitting a letter around allocation of some of the housing numbers and including this request within the Dacorum response to the LP consultation. JD also asked the question of what the plans from St Albans would be if the numbers are reduced and MM informed the meeting that St Albans would consider the removal of one or two of the GB sites."

- 4.5 DBC's representations to the Publication St Albans Local Plan 2018 stated under 'Duty to Co-operate' that:

"DBC and SADC are working proactively on the future planning of the proposed urban extensions at East and North Hemel Hempstead. However, an agreement has not yet been reached on how much (if any) of the proposed housing and employment development on the edge of Hemel Hempstead within St Albans District should count towards DBC's needs. Our aim is to agree the numbers or percentages and the phasing of any contribution to our needs from the St Albans broad locations. We would welcome further negotiations on this matter and suggest that our authorities should jointly commission an independent study to



advise on the possible way forward. We look forward to taking forward this work with St Albans District over the months leading up to its formal submissions of the SALP."

4.6 DBC's representations to Policy S4 stated:

"Given the above and the likelihood that our local housing need figure will increase substantially (due to changes in the Government's standard method), there is great uncertainty over whether we will be able to identify sufficient suitable and deliverable sites to achieve our local housing need."

4.7 Following DBC's representations to the Publication Local Plan the next, and last, Duty to Co-operate meeting between SACDC and DBC was held on 22 January 2019. The notes of the meeting (**CD028**, Appendix 12) demonstrate that there remained a difference between SACDC and DBC regarding the provision of housing in the St Albans Local Plan to meet Dacorum's needs. Under 'Agenda Item 2 c) Update on St Albans Local Plan – Duty to Co-operate/ Cross boundary issues' it is stated:

"In relation to housing numbers, St Albans suggested that Dacorum state that if its evidence base demonstrates that it cannot meet the need it should put forward this argument to the SW Herts Group for consideration. JD [DBC] expressed concerns that this may not be a realistic solution as Local Plans are being prepared in advance of the proposed Joint Strategic Plan, for which there is no confirmed timescale presently."

JD [DBC] advised that Dacorum will have a much clearer position in mid-March with its sites but it is already known that there will be a shortage in the first 5 – 10 years. St Albans advised that it also will have a shortage (against the standard methodology figures) in the next 5 – 10 years. CB [SADC] suggested that a stepped approach may deal with it."

4.8 There are no apparent further duty to co-operate meetings held between SACDC and DBC prior to the Local Plan Submission in March 2019. Consequently, it appears that no agreement has been reached between DBC and SACDC in relation to meeting DBC's unmet needs and the cross-boundary strategic growth and infrastructure provision at Hemel Hempstead.

4.9 This emphasises the need for cross-boundary strategic planning, and thus why work on the South West Hertfordshire Joint Strategic Plan (JSP) is important to agreeing an overall strategy for the scale and distribution of growth across the sub-region. However, the St Albans Local Plan has progressed ahead of the JSP and does not give due consideration to the need to work effectively with neighbouring authorities. It also points to evidence not being provided that justifies the scale and distribution of growth in the submitted Local Plan and, if growth to the East of Hemel contributes towards the Dacorum requirement, how and where the consequent shortfall in meeting St Albans' own need will be accommodated. The implication is that the St Albans Local Plan has not met its housing need.



4.10 It is also noted that there is no Statement of Common Ground (SoCG) between SACDC and DBC. There is an unsigned 'Draft' SoCG between the five local authorities that comprise the South West Hertfordshire group (**CD007**), including DBC. However, this is a SoCG in relation to the preparation of the South West Hertfordshire Joint Spatial Plan (JSP) and the next round of Local Plans to be prepared within that framework. The timetable for the JSP set out in the Draft SoCG (**CD007**) shows that the preparation of the JSP is still in the early stages with the Issues and Options consultation expected in February 2020.

5 Have specific concerns been raised through duty to co-operate discussions or representations?

5.1 Please see Redbourn Parish Council's response to Question 4 above.

6 Does the overall housing provision been planned for in St Albans City and District area have any implications for other authorities? If so, what are they and how are these being addressed?

6.1 SACDC should respond to this question.

7 In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

7.1 Redbourn Parish Council considers that SACDC has provided no evidence of constructive, active or ongoing engagement with Dacorum Borough Council to address the concerns raised by DBC in relation to the important cross-boundary strategic matter of the strategic growth and infrastructure provision at Hemel Hempstead. There has been no cross-boundary consideration of the needs of Hemel Hempstead, in terms of its housing, employment and infrastructure needs, and the options for growth of the town. There has also been no cross-boundary consideration of Green Belt in relation to the growth of Hemel Hempstead, i.e. whether exceptional circumstances exist to justify the release of Green Belt land, the harm to the Green Belt, and mitigation measures.

Jobs growth and employment land provision

8 Who has the Council engaged with in terms of job growth and employment land provision and what form has this taken?

8.1 SACDC should respond to this question.

9 What are the inter-relationships with other authorities in terms of economic activity, travel to work and the market for employment land and premises?

9.1 Redbourn Parish Council notes that the South West Hertfordshire Economic Study Update (September 2019) confirms that St Albans district is within the South West Hertfordshire Functional Economic Market Area along with Dacorum, Hertsmere, Three



Rivers and Watford. The Economic Study Update did not consider the inter-relationship between St Albans and other authorities in detail as it was considered that the findings of the 2016 Study remained relevant. This identified a variety of interconnections between Hemel Hempstead and St Albans district.

10 How have these inter-relationships been taken into account in preparing the Plan in terms of jobs growth and employment land provision?

- 10.1 Redbourn Parish Council considers that the inter-relationships between Hemel Hempstead and St Albans district have not been taken into account in the preparation of the St Albans Local Plan. This is demonstrated by Dacorum Borough Council's (DBC) representations to the Publication St Albans Local Plan 2018 dated 17 October 2018 which stated that the question of how many of the jobs in the East Hemel Hempstead (Central) Broad Location had not been resolved. DBC's representation stated:

"Our initial view is that a significant proportion of the new jobs should count towards Dacorum's job growth target. This reflects the fact that this employment development will form an extension to the Maylands Business Park, Dacorum's principal employment area. Also, it is some distance from St Albans City. Once the current South West Hertfordshire Economic Study Update is completed, it may be appropriate for our two authorities to jointly commission independent advice to help resolve this issue. We do not think this matter should be deferred to the SW Herts Joint Strategic Plan, particularly given the lengthy time it will take to produce the Joint Strategic Plan."

- 10.2 The notes of the Duty to Co-operate meeting between SACDC and DBC held on 22 January 2019 (**CD028**, Appendix 12) do not provide any clarity as to whether the matters identified by DBC have been addressed and, as noted in response to Question 4 above, there is no Statement of Common Ground between SACDC and DBC in relation to this Local Plan.

11 In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of jobs growth and employment land provision?

- 11.1 As set out in response to Question 7 above, Redbourn Parish Council considers that SACDC has provided no evidence of constructive, active or ongoing engagement with Dacorum Borough Council to address the concerns raised by DBC in relation to the important cross-boundary strategic matter of the strategic growth and infrastructure provision at Hemel Hempstead.

Transport infrastructure

12 What are the strategic matters and particular issues?

- 13 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?**



14 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

14.1 SACDC should respond to this question.

Water resources/ waste water

15 What are the strategic matters and particular issues?

16 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

17 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

17.1 Redbourn Parish Council has no comments to make to Questions 15, 16 and 17.

Flood risk

18 What are the strategic matters and particular issues?

19 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

20 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

20.1 Redbourn Parish Council has no comments to make to Questions 18, 19 and 20.

Other strategic matters

21 What are the other strategic matters and particular issues?

22 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

23 In overall terms has the Council constructively? What has been the outcome of co-operation and how has this addressed the issue?

24 Has the funding for any essential infrastructure been secured? If not, why not and what are the implications for the delivery of the Plan?

24.1 Redbourn Parish Council has no comments to make to Questions 21, 22, 23 and 24.

Broad locations for development



25 Are there cross boundary issues in relation to any of the proposed site allocations such as transport or other infrastructure requirements? If so how have they been addressed through co-operation?

25.1 Redbourn Parish Council considers that the transport and other infrastructure requirements of the four Broad Locations to the East of Hemel Hempstead (Policies S6 I to S6 iv) have not been fully considered as part of the preparation of the St Albans Local Plan.

25.2 In terms of evidence to support the preparation of the Local Plan the 2018/19 Infrastructure Delivery Plan (IDP) (**INFR001**) post-dated the Publication Draft Local Plan consultation.

25.3 Paragraph 11.23 of the IDP is the only consideration of the highways impact of the East of Hemel Hempstead (North, Central and South) Broad Locations. Paragraphs 11.24 - 11.25 of the IDP set out brief information from the Maylands Growth Corridor Study but this Study did not include SACDC and it is unclear if it considered any existing or planned development in St Albans. Paragraph 11.26 makes a brief reference to "other potential transport schemes" but provides no further details. The reference to the North Hemel Hempstead Broad Location in the IDP at Paragraph 11.27 is also vague.

25.4 An Infrastructure Delivery Schedule is included as Annex 1 to the IDP. The introductory notes state:

"The IDS provides an overview of key infrastructure requirements, especially those related to the Local Plan Broad Locations for Development. It does not provide a full list of all infrastructure schemes that will be considered, programmed and implemented over the Plan period.

The IDS only includes estimated costs of currently known, site specific, infrastructure required to facilitate development at the Broad Locations for Development.

There will be a significant number of additional costs related directly to development that will be identified through Masterplanning (Policy S6) and detailed in the Plan Infrastructure Delivery Schedule (Policy L17)."

25.5 The evidence for the transport mitigation that is identified in the IDP is included in the Appendices to the IDP and it is solely evidence prepared by the site promoters for the East of Hemel Hempstead and North of Hemel Hempstead Broad Locations.

25.6 Paragraph 11.20 of the IDP states "Discussions with Highways England suggest that the proposed growth could generate increases in journeys between Junctions 7 and 8 of the M1, A1(M) Junctions 3 and 4, M1 Junction 9 and M25 J21a." However, no further details are provided. Highways England's involvement in the preparation of the Local Plan evidence is unclear. They do not appear to have submitted representations to the Publication Draft Local Plan and there is no Statement of Common Ground between them and SACDC.



25.7 The absence of transport evidence to support the Local Plan was raised by Hertfordshire County Council (HCC) in their representations to the Publication Draft Local Plan. Of particular importance are HCC's comments on Policy S6 and their conclusion that the transport related requirements in Policies S6 (i-xi) are unsound.

25.8 Dacorum Borough Council's representations to Policy S4 of the Publication Draft Local Plan 2018 confirmed their support for the principle of the East and North Hemel Hempstead broad locations but highlighted that they considered "*these locations will be developed as an integral part of Hemel Hempstead*" and that "*Residents in the new area will logically look to Hemel Hempstead to meet their service and infrastructure needs, as the site is some distance from St Albans City.*" DBC continued:

"It is likely that a significant proportion of the development in our new Local Plan will be allocated at Hemel Hempstead, where it can be most sustainably located and can continue to support the ongoing regeneration of the new town. In practice, however, the large scale broad locations proposed at East and North Hemel Hempstead in St Albans District are likely to have a negative impact upon the potential deliverability of other sites in and around the town. Evidence for this view comes from The Crown Estate who have advised us that some of the development at East and North Hemel Hempstead is undeliverable by 2036.

In the light of the above, our view is that we should jointly commission evidence to assess what proportion of the housing at the East and North Hemel Hempstead broad locations in St Albans District should count towards meeting Dacorum's local housing need. This important evidence could help to inform both our Local Plans before they are submitted for examination. We regard this work as an essential part of the evidence base for the SALP."

25.9 Redbourn Parish Council considers that the cumulative scale of growth proposed at East Hemel Hempstead (North, South and Central) and North Hemel Hempstead in St Albans along with the growth required in Hemel Hempstead to meet Dacorum's needs, would be extremely challenging to deliver and bring complexities in terms of phasing.

25.10 In the absence of the evidence considering the cumulative growth at Hemel Hempstead (requested by DBC) and the technical evidence identifying the impact of the Broad Locations and the mitigation required, Redbourn Parish Council has significant doubts as to whether the infrastructure required to support growth can be delivered. The Plan is thus not effective or positively prepared.