

# **ST ALBANS CITY & DISTRICT LOCAL PLAN EXAMINATION**

## **HEARING STATEMENT**

### **MATTER 2: THE DUTY TO COOPERATE**

### **LAND NORTH OF SANDRIDGE**

### **ON BEHALF OF LONGBOURN ESTATES**

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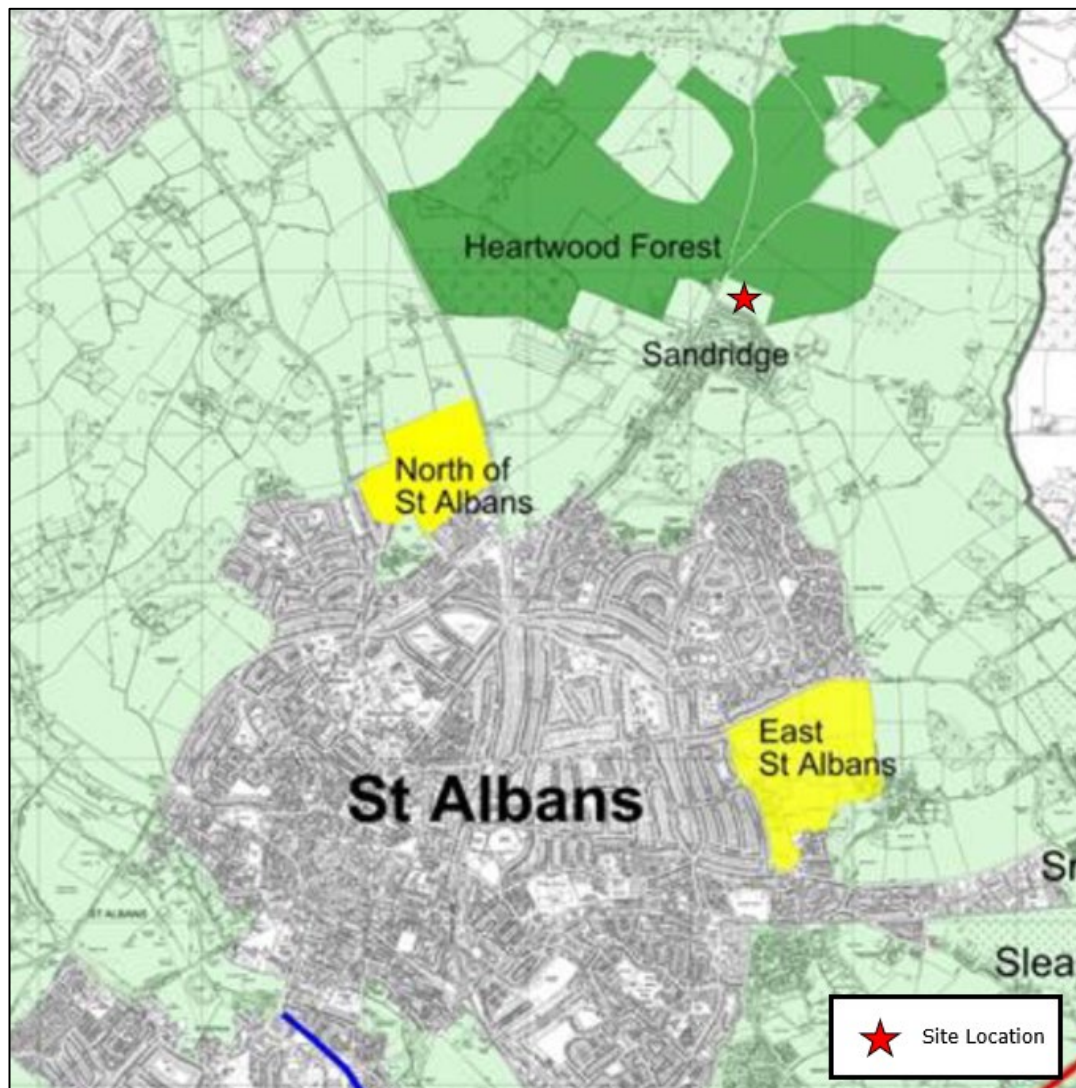
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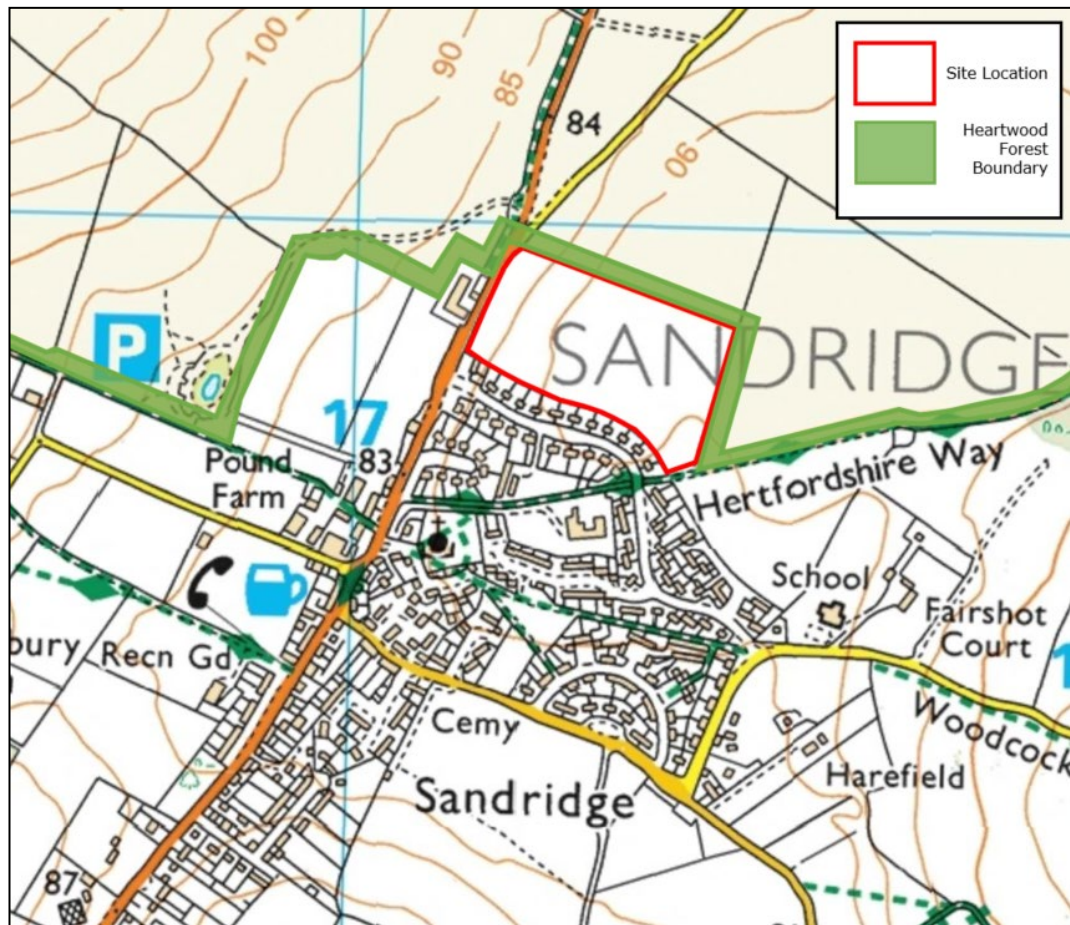
## 1. INTRODUCTION

- 1.1 This Matter Statement has been prepared by Pegasus Group on behalf of Longbourn Estates, the Freehold owner of Land North of Sandridge, as shown in Figure 1 and Figure 2 below.

**Figure 1: Land North of Sandridge in context with St Albans City & Heartwood Forest**



**Figure 2: Site in Context with Sandridge and Heartwood Forest**



**1.2** This Matter Statement is prepared pursuant to the Matter 2 and the associated Issues and Questions raised by the St Albans City & District Council (SADC) Examination Inspectors.

**1.3** This Statement is also to be considered alongside submissions made in respect of the following Matters:

- Matter 1: Legal / Procedural Requirements;
- Matter 3: The Spatial Strategy, Settlement Hierarchy and Development Strategy Policies S1 & S2);
- Matter 4: The Metropolitan Green Belt (Policy S3);
- Matter 5: Objectively Assessed Needs for Housing and Employment Land (Policies S4 & S5);
- Matter 6: The Broad Locations for Development (Policy S6) – General Matters (Policy S6) and Strategic Infrastructure (Policies L17 & L18); and
- Matter 8: The Supply and Delivery of Housing Land

- 1.4** Our Matter Statements should be read alongside our Representations to the SADC Regulation 18 (Issues & Options) consultation and 'Call for Sites' submission (February 2018) and our Representations to the Regulation 19 (Publication Plan) consultation (October 2018).

## 2. MATTER 2 – THE DUTY TO COOPERATE

Main Issue: Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan?

### General

#### 2.1 Question 1: What are the genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act?

2.1.1 As highlighted within our Regulation 19 Representations<sup>1</sup>, no Duty to Cooperate Statement or Statement(s) of Common Ground had been published in support of SADC's proposed spatial and development strategy as set out in the Plan.

2.1.2 Since this time, it is evident that progress has been made and a South West Hertfordshire Draft Statement of Common Ground (SoCG) – Officer Agreed Draft (February 2019) (CD007) and a Duty to Cooperate Compliance Statement (April 2019) (CD028) have been prepared in relation to the preparation of the forthcoming Joint Strategic Plan (JSP). This progress is to be welcomed, however it is important to highlight that there is still no signed agreement between St Albans City & District Council (SADC) and its neighbours.

2.1.3 The 2004 Act states that a 'strategic matter' comprises:

**"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 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"**

2.1.4 The South West Hertfordshire (SWH) Draft SoCG (February 2019) identifies the following strategic policy matters that are common across all the SWH area:

- 1) A Spatial Strategy for SWH including any Strategic Areas of Opportunity;
- 2) Strategic housing need across SWH, Local Plan requirements and provision;
- 3) Strategic employment need across SWH, Local Plan requirements and provision, including any priorities and spatial implications of the emerging Local Industrial Strategy

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<sup>1</sup> Pegasus Regulation 19 Representations (October 2018) – paragraphs 4.60 – 4.75



4) Strategic infrastructure need across SWH, Local Plan requirements and provision; and

5) Strategic approach to Green Belt, areas of Outstanding Natural Beauty (AONB) and blue and green infrastructure across SWH.

2.1.5 It is considered that Strategic Policy 4 'Strategic Infrastructure Need' is somewhat 'broad-brush' and that this should be distilled further to identify the specific strategic infrastructure priorities for SWH and SADC.

2.1.6 Much of the evidence base reports the progress related to the JSP and how cooperation on the above strategic planning issues will be managed. However, SADC needs to show how it has collaborated to identify the relevant strategic matters they need to address in this Plan. Indeed, the submitted Plan confirms at paragraph 1.5 that:

**"All five Councils are similarly committed to joint working and HCC [Hertfordshire County Council] and the Hertfordshire LEP [Local Enterprise Partnership] are also committed as supportive partners. This work has not crystallised in terms of firm policy or spatial approaches. When they have been agreed and adopted through a statutory Joint Strategic Plan, the consequences will need to be appropriately addressed in a review of this Plan."**  
[our emphasis]

2.1.7 The Local Plan is explicit therefore that strategic matters are to be considered at an indeterminate date in the future and not now.

2.1.8 The Draft SoCG (February 2019) further highlights the breakdown of housing need across the SWH area at paragraph 6.5 (i.e. 913 homes per annum in SADC) and states at paragraph 6.6:

**"In accordance with the PPG, the distribution of housing need will be determined on the principle that each Local Planning Authority will seek to make provision to meet their own local housing need in the first instance. This is unless the evidence prepared to support the JSP suggests that by doing so would contradict policies set out in the NPPF, and is therefore not possible. Such evidence and reasoning will need to be agreed through the JSP governance process and then embodied in Local Plans and subsequently the JSP. If such reasons are identified (and evidenced) the unmet housing need may need to be distributed within South West Herts or elsewhere."**

2.1.9 However, the Duty to Cooperate compels LPAs to show how they have considered the development needs of neighbouring authorities within the same Housing Market Area and how these will be met. The Inspector's will not doubt therefore wish to explore recent announcements by Watford and Three Rivers Councils, both of whom have reported that they are unable to meet their identified housing needs.

2.1.10 The Government's Standard Methodology calculates that Three Rivers' has an identified housing need of 615 homes per annum (approx. 9,600 homes over the plan period) and Three Rivers Planning Officers reported to their Extraordinary Committee on 7<sup>th</sup> October 2019 that:

**"Having carried out an initial objective assessment of the sites [submitted to their Strategic Housing and Economic Land Availability Assessment] (taking account of the evidence base studies undertaken so far, statutory consultees comments and the Sustainability Appraisal), Officers are of the opinion that it is likely that only 40-50% of the housing needs target, set by the Government's 'Standard Methodology' can be accommodated within the urban areas of the District and in locations adjacent to the urban area. It will therefore be necessary to look at whether there are any potential locations that could accommodate a new settlement or settlements, including within neighbouring authorities via the Duty to Cooperate."**

2.1.11 As such, against this shortfall, Three Rivers may need to redistribute up to 4,800 homes across the wider SWH area.

2.1.12 Watford also recently carried out their Regulation 18 Local Plan consultation (November 2019) which highlighted an identified need for 793 homes per annum (12,688 in the period 2020-2036), against an identified supply of 7,416 homes – resulting in a shortfall of some 5,272 homes.

2.1.13 Accordingly, there already exists an identified shortfall of approx. 10,000 homes which needs to be redistributed throughout the SWH area and which needs to be actively addressed by SADC within the Plan.

2.1.14 Moreover, page 17 of CD028 refers to the East Hemel Hempstead and North Hemel Hempstead Broad Locations having required and continue to require substantial joint working with Dacorum Borough Council (DBC) amongst others. Moreover, DBC's Regulation 19 representations further highlighted whilst they consider the Duty to Cooperate to have been met, that:



**“Agreement is needed on housing and employment need between DBC and SADC”** (ED6 - SADC response to Inspector’s questions number 4 on 24<sup>th</sup> May 2019)

- 2.1.15 Accordingly, there remains unresolved issues of soundness in respect of the Plan in relation of meeting unmet housing needs. Whilst SADC suggest<sup>2</sup> that if DBC cannot meet its housing needs then this should be taken forward as part of ongoing SWH work on the JSP, DBC’s response is notable whereby they state:

**“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.”**

- 2.1.16 Finally, the SWH SoCG Draft (February 2019) highlights that ‘strategic infrastructure need across SWH’ is a strategic policy matter. However, there is of course no strategic consideration within the Plan of the role and function of the consented SRFI at Radlett and the strategic implications on SADC’s neighbours and further afield associated with the potential loss of this facility of national importance.

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<sup>2</sup> CD028 – Appendix 13

## **2.2 Question 2: Should these be set out in the Plan?**

- 2.2.1 Yes, strategic matters should be set out in the Plan and the Plan should be clear how these are being addressed.
- 2.2.2 The following matters were considered to comprise 'strategic' cross-boundary matters within the DBC Issues & Options consultation (November 2017), paragraph 4.2.2:

**"Discussions with other Councils in south west Hertfordshire and beyond have indicated that the following issues need to be addressed on a cross-boundary basis:**

**Transport**

**Education provision**

**Provision of new homes**

**Provision of new jobs**

**Approach to the Green Belt**

**Approach to the countryside and environmental protection**

**Provision of health facilities**

**Water – both drinking and waste"**

**Overall Housing Provision**

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

2.3.1 This question is a matter for the Council.

**2.4 Question 4: Are there issues of unmet need from within neighbouring authorities? If so, how are these being addressed?**

2.4.1 Please refer to our response to Question 1.

2.4.2 The Council's response to the Inspector's Initial Questions (ED6) highlights potential issues with unmet housing needs arising in Dacorum and Welwyn & Hatfield Borough Council's where it states:

**"[Dacorum Borough Council] Consider DtC [Duty to Cooperate] to have been met. However, highlight concerns in relation to the soundness of the plan. These include:**

**- update on evidence base / plan to show cross-boundary issues being dealt with;**

**- Preparation and publishing of one or two SoCG prior to submission;**

**- Agreement is needed on housing and employment need between DBC and SADC**

**[Welwyn & Hatfield Borough Council] Welcome acknowledgement of joint working between SADC & WHBC even though not part of South West Housing Market Area and Functional Economic Market Area. Note a number of objections that hope to be resolved with a SoCG / Memorandum of Understanding. This includes considering the potential to meet any unmet housing need from adjoining authorities."**

2.4.3 It is also clear from more recent events as referred to above that both Three Rivers and Watford Councils are unable to meet their own housing needs.

2.4.4 Paragraphs 27 and 60 of the NPPF require strategic policy-making authorities to demonstrate effective and on-going joint working and ensure that in addition to addressing local housing need, that any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

2.4.5 Whilst the above demonstrates that an unmet housing need exists in the SWH Market Area, SADC have not addressed this within the Plan as required by the NPPF and indeed it is evident that they do not intend to, instead relying on a future review of the Plan and ongoing work in respect of the JSP, but as DBC highlight, for which there is no agreed timetable.

## 2.5 Question 5: Have specific concerns been raised through the Duty to Cooperate discussions or representations?

2.5.1 Please refer to our Regulation 19 representations<sup>3</sup> where we raised concerns that no SoCG had been produced to support the Plan at the time of the consultation.

2.5.2 Paragraph 27 of the NPPF (2019) states:

**“In order 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 national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”**

2.5.3 Whilst it is clear through the publication of the Duty to Cooperate Statement (April 2019) (CD028) and the SWH SoCG Officer Agreed Draft (February 2019) (CD007) that progress has been made, and which is to be welcomed, it remains a fact that no SoCG has been agreed and signed at a political level between each and all of the neighbouring authorities in accordance with the NPPF.

2.5.4 It is also notable that no SoCG has been prepared with any ‘prescribed bodies’ as defined by the Regulations<sup>4</sup> and who are also subject to the Duty to Cooperate.

2.5.5 As such, given the continued absence of signed SoCG with neighbouring authorities and other prescribed bodies and the continuing uncertainty surrounding the deliverability of key proposed Broad Locations at Hemel Hempstead (as referred to above), it remains questionable whether SADC has satisfied the Duty to Cooperate.

<sup>3</sup> Pegasus Group Regulation 19 Representations (October 2018) – paragraphs 4.60 – 4.69

<sup>4</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

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

- 2.6.1 Please refer to our responses to Questions 1, 2, 4 & 5 above.
- 2.6.2 As set out in Policy S4 of the Plan, SADC has an identified housing need of 913 homes per annum (14,608 homes over the proposed plan period 2020-2036) which the Council intends to meet in full (and in isolation).
- 2.6.3 As highlighted above however, it is evident that other authorities within the SWH area (specifically Three Rivers, Watford) are unable to meet their own identified housing needs and it remains uncertain the extent to which Dacorum will rely on land at Hemel Hempstead within SADC's boundary to meet their own needs. Moreover, there may also be unmet needs arising from Welwyn & Hatfield Borough Council, being a neighbouring authority, but outside the functional SWH area.
- 2.6.4 In such circumstances it will be necessary for SADC to work with its neighbours to ensure any unmet needs are being met within the Housing Market Area and which may require SADC to increase its housing requirement accordingly to address such unmet needs.
- 2.6.5 However, in the absence of any signed SoCG with its neighbours, it is unclear how SADC intend to address unmet needs in this Plan. Indeed, the current position as drafted in Policy S4 is perhaps precisely that SADC do not intend to.

**2.7 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 cooperation and how has this addressed the issue of housing provision?**

- 2.7.1 Please refer to our responses to Questions 1, 2, 4, 5 & 6 above.
- 2.7.2 SADC's approach appears to be to meet its own housing needs in full, using a stepped approach (and focus on large strategic sites – which in themselves present significant risk to delivery of overall housing numbers) and then to undertake a future review of the Plan in the context of joint working through the proposed JSP.
- 2.7.3 Whilst continued joint working between the SWH authorities is welcomed, there is however no agreed programme/timetable for the preparation of the JSP. The timetable included within CD007 remains a 'draft' and is therefore an aspiration at best and cannot be relied upon at this time.
- 2.7.4 In the absence of any signed SoCG with its neighbours, SADC's strategy of ignoring unmet housing needs arising within the wider Housing Market Area within this Plan is unsound.
- 2.7.5 SoCG are required by the NPPF in order to demonstrate that Councils have complied with the Duty to Cooperate. In the absence of such information, it can only be concluded that SADC has again failed the legal requirements of the Duty to Cooperate.



- 3.7 The following questions are more directed at the Council to explain their process and position.

**Jobs Growth and Employment Land Provision**

- 3.8 **Question 8: Who has the Council engaged with in terms of jobs growth and employment land provision and what form has this taken?**
- 3.9 **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?**
- 3.10 **Question 10: How have these inter-relationships been taken into account in preparing the Plan in terms of jobs growth and employment land provision?**
- 3.11 **Question 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 cooperation and how has this addressed the issue of jobs growth and employment land provision?**

**Transport Infrastructure**

- 3.12 **Question 12: What are the strategic matters and particular issues?**
- 3.13 **Question 13: Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?**
- 3.14 **Question 14: In overall terms has the Council engaged constructively? What has been the outcome of cooperation and how has this addressed the issue?**

**Water Resources / Waste Water**

- 3.15 **Question 15: What are the strategic matters and particular issues?**
- 3.16 **Question 16: Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?**

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

**Flood Risk**

- 3.18      **Question 18: What are the strategic matters and particular issues?**
- 3.19      **Question 19: Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?**
- 3.20      **Question 20: In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?**

**Other Strategic Matters**

- 3.21      **Question 21: What are the other strategic matters and particular issues?**
- 3.22      **Question 22: Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?**
- 3.23      **Question 23: In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?**
- 3.24      **Question 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?**

**Broad locations for development**

- 3.25      **Question 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?**

(MATTER 2 STATEMENT WORD COUNT = 2,220 WORDS)