

**St. Albans City and District
Strategic Local Plan Examination**

**JOINT STATEMENT BY DACORUM, HERTSMERE, THREE RIVERS AND WATFORD
COUNCILS FOR THE DUTY TO CO-OPERATE SESSION AT 14:00 HRS ON
WEDNESDAY 26th OCTOBER 2016**

Respondent's Reference Nos :-

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1)		Joint Statement of Dacorum, Hertsmere, Three Rivers and Watford Councils.
Appendices are listed in chronological order		
2)	09.07.13	Appendix 1: Report on the Examination into the Dacorum Core Strategy
3)	Feb 2014	Appendix 2: Feedback from Dacorum Borough Council on draft of St Albans' Stage 2 Green Belt Review
4)	24.07.14	Appendix 3: Email from Hertsmere Council on behalf of S.W Herts LPAs to St Albans City and District Council inviting them to join joint commissioning on SHMA and economy study for S.W. Herts Area and St Albans City and District Council declining invitation.
5)	17.03.15	Appendix 4: Letter sent by S.W. Herts LPA's to SADC inviting them formally to reconsider being part of a wider S.W. Herts group due to the findings of consultants re FEMA and HMA's
6)	30.04.15	Appendix 5 Email received from St Albans City & District Council declining to be part of the joint studies.
7)	08.01.16	Appendix 6 Letter sent by S.W. Herts Authorities to St Albans City and District Council setting out concerns re SADC's SHMA and employment technical work and DTC issues (together with enclosed letters from G.L.Hearn and Regeneris).
8)	10.02.16	Appendix 7 St Albans City and District Council's response to Appendix 6
9)	March 2016	Appendix 8 Observations on the proposed St. Albans Local Plan Housing Target by Neil McDonald of NMSS.
10)	April 2016	Appendix 9 Note on the Impact of the proposed Gorhambury Development on the housing needs of St Albans and Dacorum.
11)	11.04.16	Appendix 10 Letter sent from Three Rivers on behalf of all S.W. Herts LPAs asking SADC for a meeting to discuss concerns with the SLP and lack of technical work that supports it.
12)	23.09.16	Appendix 11 St. Albans City and District Council's response to Appendix 10
13)	28.09.16	Appendix 12 SW Herts LPAs response to SADC's letter of 23 09 2016

INTRODUCTION

This is a joint response by the four South West Herts authorities of Dacorum, Three Rivers, Watford and Hertsmere Councils to the invitation of the Inspector appointed to consider the St Albans Strategic Local Plan to submit a Statement for the examination session on the Duty to Co-operate to be held on Wednesday 26th October 2016 at 14:00 hrs. It seeks to address the six questions set out in the Inspector's Agenda.

The four authorities would stress at the outset that they have not taken lightly the decision to make representations that the Duty to Co-operate has not been complied with by St. Albans City and District Council. The four authorities regret very much that St. Albans Council has declined to co-operate meaningfully to identify and work together with the four authorities in relation to cross boundary strategic priorities. The reality is that the implications of non-co-operation are potentially extremely significant for the other four authorities. By way of an introductory example, any failure by St. Albans Council to properly identify or meet its full objectively assessed housing need will place great pressure on the other four authorities to meet any shortfall. A failure to identify the employment land requirements from the increased population will similarly place pressure on the other four authorities and contribute to out-commuting.

Q1 – Have Cross Boundary Strategic Priorities been properly identified?

1.1 There is no Duty to Co-operate identification of cross-boundary strategic priorities. St. Albans DTC Statement of Compliance identifies its strategic planning priorities but without at any point being able to set out what it sees as the cross boundary strategic priorities and the work that it sees as necessary in co-operation with the other four S.W. Herts authorities to work jointly on these. By way of example, St. Albans Council has not engaged in any recent joint discussion on housing and employment issues on a cross-boundary basis. Whilst the Statement of Compliance sets out the processes by which the Council claims to meet the Duty to Co-operate, they are essentially a "box ticking" exercise, rather than any meaningful assessment of cross boundary strategic priorities and actions and agreements to deal with those strategic cross boundary priorities.

Q2 – What processes and procedures have been initiated to engender co-operation? Is there a commitment to long term co-operation?

2.1 Whilst there are many references in the Statement of Compliance to a commitment to long term co-operation, it is demonstrable that wherever there are issues affecting cross boundary strategic priorities, there is a failure by St. Albans Council meaningfully to engage with the other four S.W. Herts authorities. Whilst the member-level Hertfordshire Infrastructure and Planning Panel (HIPP) and officer-level Herts Planning Group (HPG), do have a role to play in supporting joint working on planning matters within the county, their importance as a mechanism to discuss and resolve specific cross-boundary issues is considered to be over-emphasised within St Albans' Statement of Compliance.

2.2 Historically there had been joint work on a range of technical studies relating to homes and jobs growth within S.W. Hertfordshire. The previous SHMA, prepared for S.W. Herts by ORS in 2008/09,

covered Dacorum, Hertsmere, Three Rivers, Watford, St. Albans and Welwyn Hatfield Councils. The Hertfordshire London Arc employment work in 2009 covered the same geographical area plus Broxbourne. More recently, however, St. Albans commissioned a separate SHMA in 2013 without any of the other authorities being asked to join the commission, being consulted on the methodology or appropriate HMA, or even asked for any technical information. Nor were the other four authorities consulted on any draft results or on the updated SHMA for St. Albans. Furthermore, St. Albans declined to join the S.W. Herts SHMA and Economy Study Commission. When the consultants appointed by the other four authorities concluded that St. Albans formed part of the market area, together with Dacorum, Hertsmere, Three Rivers and Watford, St. Albans declined an invitation to reconsider their position and join in. It is acknowledged that they did however agree to co-operate with requests for information and to attend meetings of the Project Advisory Group.

2.3 The four authorities agree with their consultant advisors that there is a single South West Hertfordshire HMA and FEMA which includes St. Albans. St. Albans' Strategic Local Plan has been prepared on the assumption that St. Albans is a separate (and stand-alone) HMA. The St. Albans 2013 SHMA concludes that the housing OAN for the district was 586 homes per annum, whilst the Local Plan provides for 436 homes per annum, indicating this meets needs in full. The S.W. Herts SHMA and CLG's 2014-based household projections indicate a much higher housing OAN for St. Albans. The St. Albans SHMA does not adequately consider the need for any uplift to OAN as a result of market signals. There is also a lack of up to date employment data to inform consideration of OAN and the appropriate homes/jobs balance. Neil McDonald, commissioned by the four authorities to make observations on the St. Albans Local Plan Housing Target indicates that the 2013 Edge Analytics analysis on which the proposed housing target of 436 homes a year is based is out of date in that it uses statistics and projections which have been superseded and concludes that the latest DCLG projections suggest an annual housing need of 656 homes a year for St. Albans, for the period to 2031, which itself is likely to be an under-estimate (Appendix 8). The implications of this potential significant under-provision and the failure to engage in joint ways of working in these key areas will put pressure on all other S.W. Herts authorities to accommodate the un-met needs of St. Albans Council in a situation where all the other authorities regard St. Albans as being part of the same market area. On a very specific, but critical issue, we would draw attention to the Inspector's Report to Dacorum Borough Council on the examination into the Dacorum Core Strategy dated the 9th July 2013 (Appendix 1).

2.4 Para. 27 of the Report refers to Dacorum Council's commitment to a partial review of its Core Strategy and states that *"this will identify the full objectively assessed needs for market and affordable housing, assess whether or not those needs can be met (including in neighbouring Local Planning Authority areas) and if not draw robust conclusions as to where the balance between meeting full needs and the other NPPF sustainability considerations should lie"*.

2.5 Para. 57 deals with East Hemel Hempstead and the area which lies within St. Albans City and District.

It states that:-

"A number of sites were considered for housing development, although it should be noted that this most recent assessment did not include any land outside the Borough boundary (e.g. land between the town and the M1 which is within St. Albans City and District. However, an earlier assessment in 2009 did consider an eastern growth scenario and concluded that if significant expansion of Hemel Hempstead is required, this should be taken forward in the form of the Eastern Growth Option. This would require the co-operation of St. Albans City and District Council but it is not a 'new' concept and it would appear that a significant assessment of this option has been undertaken in the past, upon which further consideration could be based".

2.6 Main modification 28 refers at paras. 29.9 to the Duty to Co-operate under the Localism Act 2011 and at para. 29.10 to *"the role that effective co-operation with Local Planning Authorities could play in meeting any housing needs arising from Dacorum. This element will include St. Albans District and relevant areas lying beyond the Green Belt".*

2.7 That is the clearest possible signal to St. Albans that it needs to co-operate with Dacorum in assessing how land east of Hemel Hempstead within St. Albans District might contribute to meeting Dacorum's needs. The St. Albans Local Plan ignores that issue entirely and simply proceeds on the basis that allocations east of Hemel Hempstead are to contribute entirely to meeting St. Albans needs. The work undertaken by Neil McDonald (Appendix 9) suggests that at least fifty per cent of the planned housing in the east of Hemel Hempstead broad locations in the St Albans Plan should be scored against the Dacorum Housing requirement.

Q3 - From initial thinking has St. Albans City and District Council engaged with nearby Local Planning Authorities and other Public Bodies:-

- **Constructively, collaboratively and diligently (for example has the Council responded constructively to request for cooperation?)**
- **Actively and in a sustained matter?**
- **On an ongoing basis?**
- **For the mutual benefit of neighbouring Authorities?**

3.1 Sadly the answer to each of those questions is in the negative.

3.2 Some of the audit trail for requests for cooperation is set out in the appendices to this statement.

3.3 In the summer of 2014 interest was sought from Local Planning Authorities for commissioning a joint SHMA and Economy Study for the South West Herts area. Three Rivers District Council, Watford Borough Council, Dacorum Borough Council and Hertsmere Borough Council agreed to cooperate. An e-mail was received by Hertsmere from St. Albans District Council on the 7th August 2014 declining the invitation to participate (Appendix 3). The reasons given were that (a) the Council had already undertaken

a recent SHMA and would be updating this in due course, and (b) the district had already undertaken some work on employment matters and would be doing more in due course in this area.

3.4 A letter was sent to St. Albans District Council by the four South West Herts Local Planning Authorities once again inviting them formally to consider being part of the wider Southwest Herts work due to the initial findings of its Consultants on the FEMA and HMA. This was on the 17th March 2015 (Appendix 4). An e-mail was received from St. Albans District Council declining to be part of these studies. This was dated the 30th April 2015 (Appendix 5) and states that *“St Albans City & District Council have taken the opportunity you set out to reconsider the nature of our involvement in the work in the light of the consultants’ findings. We are happy to confirm that we are willing to continue to co-operate, including co-operating with GL Hearn and Regeneris in terms of accessing appropriate information and data sources. We are also happy to continue as part of a ‘reference group’. We will not be a commissioning partner.”*

3.5 A letter was sent by the four South West Herts Authorities to St, Albans District Council setting out concerns regarding their SHMA and Employment Technical Work and Duty to Co-operate issues. This was dated the 8th January 2016 and enclosed letters from GL Hearn and Regeneris supporting the HMA and FEMA defined in the South West Herts work and setting out why St. Albans was not a standalone area (Appendix 6). St Albans responded on the 10 February 2016 (Appendix 7).

3.6 A letter was sent from Three Rivers on behalf of the four South West Herts LPAs asking St. Albans for a meeting to discuss concerns with the SLP. It also included a request to provide more detailed information that underpinned the St Albans SHMA. This was to enable consultants working for the SW Herts LPAs to better understand the reasons for the different conclusions being reached by the two studies. This letter was dated the 11th April 2016 (Appendix 10) and having not received a reply, a follow up email was sent by Three Rivers on the 8 June 2016.

3.7 No substantive reply to that letter was received for over 5 months (Appendix 11). A copy of the SW Herts response to this letter is attached as Appendix 12.

3.8 It is also noted that whilst DTC meetings were held with each of the four SW Herts LPAs in February 2016, all four Councils were disappointed by the reluctance of St Albans to constructively discuss concerns about the content of the Strategic Local Plan. No minutes for these meetings have been issued for comment by St Albans Council; no further meetings arranged to discuss how to resolve areas of disagreement; and no changes made to the content of the SLP in the light of these concerns prior to its formal submission.

3.9 It can clearly be seen from that brief history that the answer to all elements of question 3 on the Agenda is in the negative. The question is not whether St. Albans District Council is right to identify a separate HMA. That is a matter for the evidence during the Examination. What is in issue, given the very clear conflicts in the evidence base commissioned by the other four authorities and that prepared for St. Albans, is that those fundamentally important issues needed to be explored in detail by all the five South

West Herts Authorities together pursuant to the Duty to Cooperate and St. Albans persistently and steadfastly refused to do so.

Q4 - Is the evidence of cooperation robust?

4.1 As can be seen from the evidence put to the Inspector there is no robust evidence of cooperation on fundamental key issues for cross-boundary strategic priorities.

Q5 - The outcomes of cooperation – how has cooperation influenced the content of the Strategic Local Plan?

5.1 This is a very telling question. As the Inspector sets out at Point 3 of his preliminary concerns in relation to the Duty to Cooperate:-

'Planning Practice Guidance states that Inspectors testing compliance with the Duty will assess the outcomes of cooperation and not just whether the Local Planning Authorities have approached others. Effective cooperation is likely to require sustained joint working with concrete actions and outcomes and evidence submitted to an Examination should be robust and include details about who the Authority has cooperated with, the nature and timing of cooperation and how it has influenced the plan'.

5.2 It is the belief of the other four South West Herts Authorities that there has been no influence on the content of the Strategic Local Plan pursuant to the outcomes of cooperation. St. Albans Council has effectively ploughed its own furrow throughout the process and the four Authorities are unable to see how cooperation has changed the content or approach of the St. Albans Strategic Local Plan in any way, shape or form. This is illustrated by the fact that many of the comments made on the draft SLP (November 2014) by the S.W Herts LPAs, particularly by Dacorum Council, were repeated in formal representations to the Pre-Submission plan (February 2016). Any changes that were made to the plan during this key period of liaison were not of a substantive nature.

Q6 - Has the effectiveness of the plan making process been maximised and effective and deliverable policies on strategic cross-boundary matters being produced (including the element of soundness that refers to effective joint working on cross-boundaries strategic priorities – NPPF para 182). For example in relation to:-

- **Housing – including gypsies, travellers and travelling show people.**
- **Jobs**
- **Retail**
- **Infrastructure provision (including Highways)**
- **Green Belt**

6.1 The four Authorities submit that the matters contained in their representations on the Plan together with this Statement demonstrate that the effectiveness of the Plan making process has not been maximised and that effective and deliverable policies on strategic cross boundary matters have not been produced (or even identified).

6.2 On housing there are fundamental issues relating to the HMA, Objectively Assessed Need, and in the case of Dacorum Borough Council and St Albans, which Authorities' needs housing allocations in the St. Albans Plan should count towards (e.g. east of Hemel Hempstead).

6.3 In relation to jobs, there is no jobs target contained with the St. Albans plan, no FEMA identified and no attempt to consider the intrinsic link that exists between the appropriate provision of homes and jobs.

6.4 There are no up to date employment or retail studies to support the plan. Whilst a technical report on 'Economic Development and Employment Land Evidence' was published in July 2016, this does not contain any updated forecasting work. The employment studies submitted as evidence are reliant upon jobs targets set by the former East of England Plan.

6.5 There has been limited strategic cross-boundary examination in relation to infrastructure provision, although St Albans Council has actively participated in work initiated by Dacorum Borough Council with regard to the new Enterprise Zone and transport technical work relating to the Maylands Growth Corridor (which includes land within Gorhambury i.e. East Hemel Hempstead in St Albans City and District).

6.6 In relation to the Green Belt, and whilst St. Albans Council joined a Stage 1 Green Belt Study, there was no formal consultation with the other South West Herts Authorities on their Stage 2 Green Belt Study. Dacorum Council were informally asked for feedback and did make comments on the Stage 2 work (Appendix 2) and indicated with regard to East Hemel Hempstead that;

'Dacorum would welcome further discussion regarding the extent of the proposed Green Belt Boundaries as part of the Duty to Cooperate'. and 'Final decisions regarding the scale of any Green Belt releases in this location need to take full account of the capacity of existing infrastructure and 'tipping point' for the provision of new infrastructure..... we look forward to future closer liaison with St. Albans regarding site specific infrastructure requirements, how these link to existing infrastructure capacity within the town, and whether any of this existing infrastructure would reach a 'tipping point' where new facilities for the town would be required'.

6.7 Whilst some of these discussions are now taking place through the forum of the Maylands Growth Corridor project referred to above and Gorhambury masterplanning work, this engagement post-dates the drafting of the Strategic Local Plan and the policies and proposals therein.

The St. Albans Local Plan Examination has to be set against the background of all the above unresolved issues. (2,997 words)

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6th October 2016