

**Hearing Matter 1: The Duty to Co-operate**

**Independent Examination of the St Albans Strategic Local Plan**  
**Initial Hearing Session Wednesday 26<sup>th</sup> October 2016 at 14.00**

***Welwyn Hatfield Response***

**Introduction**

The main concern of Welwyn Hatfield relates to the soundness of the plan and in particular parts of the evidence base, including the SHMA. In addition, the Economic Development and Employment Land Technical Paper (dated April 2016) was not available at the time the SLP was published for consultation.

The Duty to Cooperate (DtC) does not necessarily mean that DtC organisations and bodies will always agree and clearly St Albans consider their SLP and evidence base to be robust.

It is in the interests of all parties for the Inspector to consider at an early stage, the robustness of the evidence on which the SLP is based and to consider whether the SLP is justified, i.e. is it the most appropriate strategy when considered against the reasonable alternatives.

Welwyn Hatfield's DtC concerns flow from this soundness concern and from the evidence base.

**Question 1: Have cross-boundary strategic priorities been properly identified?**

***Welwyn Hatfield Response***

Paragraph 1.24 of the Publication Draft of the St Albans Strategic Local Plan (SLP) references the duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. Paragraph 1.25 sets out a series of bullet points listing meetings, evidential and plan making work carried out jointly between various authorities but it does not identify what the cross-boundary strategic priorities are.

There are references within the SLP (in policy and supporting text) to the joint preparation of the East Hemel Hempstead AAP. There is also a reference in paragraph 10.17 to the Ellenbrook Country Park near Hatfield which is being delivered through cross-boundary cooperation between St Albans and Welwyn Hatfield Councils.

Further explanation can then be found in the St Albans Duty to Cooperate Statement of Compliance (DtC SoC) August 2016. St Albans has identified three key issues as strategic planning priorities:

- Green Belt
- Housing delivery; and
- Economic development.

These matters are expanded upon on pages 11-19 of the St Albans DtC SoC.

**Matters not identified:** Infrastructure and retailing are not identified as strategic planning priorities and the housing delivery section makes no mention of provision for Gypsies and Travellers and Travelling Showpeople.

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**DtC implications**

**Retail:** St Albans has now clarified to Welwyn Hatfield that the Colney Fields retail park extension is to be limited to the area of the permitted scheme (or future similar alternative proposals with a very similar footprint and impact). As a result, Welwyn Hatfield is now able to withdraw its reserved position and the objection to Policy SLP 19.

**Infrastructure:** The Welwyn Hatfield representation identifies a cross-boundary infrastructure issue which relates to the potential pressure on the A1057 and surrounding roads arising from future development at the Oaklands broad location in St Albans and site around Hatfield (in Welwyn Hatfield).

It is understood that since Welwyn Hatfield submitted representation to the SLP, these cross-boundary growth levels have now been included in the County Council's COMET modelling.

**Gypsy and Traveller pitch provision:** Paragraph 6.63 of the SLP confirms an assessment of need has been carried out. This assessment (2015) identifies a need for 79 additional pitches, of which 47 pitches are required by 2019). Policy SLP12 of the St Albans SLP does not include a target for the provision of additional gypsy and traveller pitches (and hence no basis for demonstrating a 5 year land supply). It also provides limited certainty of delivery for a number of reasons, which would appear to leave delivery to planning applications rather than being plan-led.

Welwyn Hatfield understands that St Albans has yet to review its evidence base in line with the revised national Planning policy for Traveller Sites (PPTS) and this is why St Albans has not included a target within its SLP.

However, there appears to be no strategy for addressing this matter within the SLP and the lack of a target and an associated 5 year land supply; and uncertainty around site delivery means that St Albans may have a shortfall of sites and pitches against its assessed need.

Welwyn Hatfield's DtC concerns flow from a soundness concern as Gypsy and Traveller development should be considered as part of the overall housing delivery, which in itself is a strategic priority.

Welwyn Hatfield is making provision to meet its assessed need and does not have the capacity to deliver a shortfall from St Albans, should one arise.

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**Question 2:** What **processes** and **procedures** have been initiated to engender co-operation? Is there a **commitment to long-term** co-operation?

### ***Welwyn Hatfield Response***

Welwyn Hatfield is happy to agree that the stated processes and procedures (Appendix 1 of the St Albans Duty to Cooperate Statement of Compliance August 2016 (DtC SoC), which include a range of technical work (evidence base), officer level meetings with neighbouring authorities, master-planning with the relevant bodies, discussions at county-wide groups, a Memorandum of Understanding (MoU) and reports by St Albans Officers to elected members have taken place.

**What is not identified:** St Albans also engaged with Welwyn Hatfield on a number of other occasions, for example:

- Welwyn Hatfield wrote to St Albans (and others) in September 2013 to introduce the Welwyn Hatfield SHMA and requested assistance in line with the Duty to Cooperate.
- St Albans were invited to, and attended, a Stakeholder workshop for the Welwyn Hatfield SHMA on 18<sup>th</sup> October 2013. Stakeholders debated the methodology and the emerging findings, and were invited to submit responses.
- Similarly, St Albans was invited to and attended a workshop on 18<sup>th</sup> November 2013 relating to the Welwyn Hatfield Economy Study.
- Welwyn Hatfield's SHMA consultants contacted officers from each authority with potential housing market linkages (including St Albans). Discussions covered the approach being taken, the initial outputs of the housing market modelling and to document the position of each authority's evidence base and adopted/emerging policy.
- St Albans were invited (and attended) a Welwyn Hatfield DtC workshop on 20<sup>th</sup> October 2014, which considered the outputs from the Welwyn Hatfield SHMA and Economy Study.
- St Albans were invited (and attended) a Welwyn Hatfield DtC meeting on the Welwyn Hatfield Housing and Economic Market Areas on 26<sup>th</sup> January 2015.

However, St Albans did not adopt a similar process in the preparation of key pieces of its evidence base.

It is not always appropriate to prepare a joint evidence base and indeed, national Planning Practice Guidance advises that where Local Plans are at different stages of production, LPAs can build upon the existing evidence base of partner local authorities in the HMA.

However, St Albans did not engage with Welwyn Hatfield (or the group of four SW Herts authorities) on the St Albans SHMA and Economy work.

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**Question 3: 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 requests for co-operation?);
- actively and in a sustained manner;
- on an on-going basis; and
- for the mutual benefit of neighbouring authorities?

***Welwyn Hatfield Response***

**Green Belt:** St Albans did work constructively and actively on the shared evidence base; the joint Green Belt Review, which was commissioned by St Albans, Dacorum and Welwyn Hatfield Councils.

Outcome 1 in the St Albans DtC Soc states that there was an agreed outcome on ... *the potential area to release for development.*

This is correct in so far as the authorities agreed the findings of the Green Belt Review (November 2013), to inform plan preparation but it is not correct in so far as which areas would be allocated in the respective Local Plans of adjoining local authorities and released for development (if this is what is meant by St Albans); given that the Green Belt Review forms part of the consideration when preparing the plan and other considerations must also be taken into account.

**Housing delivery**

The St Albans SHMA December 2013 acknowledges that St Albans operates as part of a wider housing market area, extending into Central Bedfordshire, Dacorum, East Hertfordshire, Hertsmere, Luton, North Hertfordshire, Stevenage, Three Rivers, Watford and Welwyn Hatfield. The St Albans SHMA also identifies a tighter *Core* HMA, with cross boundary housing market relationships with parts of Hertsmere, Watford, Three Rivers, Dacorum, Luton, North Herts and Welwyn Hatfield and a peripheral HMA with market links to nine London boroughs. (Other SHMAs also identify a relationship with St Albans).

St Albans has selected an OAN scenario to which Welwyn Hatfield (and others) has raised concerns. These have been discussed at DtC meetings between Welwyn Hatfield and St Albans and it is clear that there is a disagreement between parties.

It is not for the mutual benefit of adjoining authorities if St Albans proceeds to adopt a target that is significantly below the demographic starting point. Surrounding authorities are also constrained by the Green Belt (this is not a single authority issue for St Albans).

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**Economic Development**

St Albans issued an Economic Development and Employment Land Technical Paper (dated April 2016) after the publication of the SLP for consultation. St Albans confirmed that this work was taking place at a DtC meeting between Welwyn Hatfield and St Albans in February 2016. However, it did not actively engage with Welwyn Hatfield on this work.

Welwyn Hatfield has some concerns about this evidence base. The SLP appears to have informed the TP and not the other way round. The identified FEMA differs from that identified in Welwyn Hatfield.

There are assumptions that employment land at the East Hemel Hempstead broad location will liberate brownfield land in London for the provision of housing but there is no demonstration that St Albans has cooperated with London boroughs on this point.

The assumption made in the technical report is that past experience shows that if the St Albans local economy fails to produce extra jobs in St Albans, these needs will be met elsewhere but with no analysis of where “elsewhere” might be or whether any neighbouring authority is positively planning to meet any employment shortfall.

**Question 4: Is the evidence of co-operation robust?**

***Welwyn Hatfield Response***

Whilst no one methodology will provide a definitive assessment of need, LPAs should work with other authorities in the relevant housing market areas in line with the Duty to Cooperate. Where Local Plans are at different stages of production, LPAs can build upon the existing evidence base of partner local authorities in the HMA.

St Albans published a SHMA and an Economic Development and Employment Land Technical Paper but Welwyn Hatfield as a neighbouring authority (and it is understood other neighbouring authorities) was not consulted and did not receive a request for technical information.

The implications of selecting a housing scenario which produces outputs that are significantly below the baseline demographic starting point (CLG household projections) should be considered further with those authorities with whom St Albans shares a housing market relationship.

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**Question 5: The outcomes of co-operation – how has co-operation influenced the content of the Strategic Local Plan?**

***Welwyn Hatfield Response***

There is a reference in paragraph 10.17 to the Ellenbrook Country Park near Hatfield which is being delivered through cross-boundary cooperation between St Albans and Welwyn Hatfield Councils. Welwyn Hatfield welcomes this reference in the SLP.

However, Welwyn Hatfield has expressed concerns relating to the approach taken in the SLP to:

- The OAN
- Housing delivery (including Gypsy and Traveller provision); and
- The approach to the economy.

Those concerns have not found expression in the SLP. Welwyn Hatfield would be happy to cooperate with St Albans to explore these matters further through the DtC.