

Independent Examination of the St Albans Strategic Local Plan (SLP)

St Albans City and District Council's Statement (SADC)

Reference SADC 001

ISSUE 1: THE DUTY TO CO-OPERATE (DtC)

Background to this document

1. The core (evidence) documents referred to generally in this Statement are:
 - a) *CD 011 Draft SLP 2014 Consultation Report – Addendum 2016 Consultation*
 - b) *CD 015 Duty to Cooperate Statement of Compliance (Planning Advisory Service – PAS - format)*
2. These documents set out the detail of SADC's position on DtC issues.
3. Other specific references to SLP core documents or Government publications are noted in the text (in brackets).
4. NB. References are made throughout this Statement to the 'SW Herts Group' ("SWHG") of four local planning authorities ("LPAs") – Watford BC (WBC), Dacorum BC (DBC), Hertsmere BC (HBC), Three Rivers DC (TRDC). This is a recently formed 'group'. The group has no formal/political status and is not recognised by the 10 authority Hertfordshire Infrastructure and Planning Partnership (HIPP) or the Hertfordshire Local Economic Partnership (HLEP).

DtC - Approach

5. Section 33A of the Planning and Compulsory Purchase Act 2004 states as follows;

33A Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

(a) a local planning authority,

(b) a county council in England that is not a local planning authority, or

(c) a body, or other person, that is prescribed or of a prescribed description,

must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

..

(6) The engagement required of a person by subsection (2)(a) includes, in particular—

(a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and

(b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.

6. It is to be noted that the DtC is a multi-party duty placed upon all authorities who are engaged in the process. For example, in order for a promoting authority to be able to cooperate with another authority, that other authority must itself cooperate in the process. Additionally, whether the DtC is fulfilled is to be judged by reference to the totality of the authority's conduct; any identified shortcomings in co-operation on any particular issue must be judged against any other positive cooperation which has occurred. Thus, the identification of a failure to cooperate does not of itself establish a failure to meet the duty to cooperate

....

7. The purpose of the examination is included in s. 20, which states, in part:

(5) The purpose of an independent examination is to determine in respect of the development plan document—

...

(c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.

PPG guidance on DtC

8. The PPG requires: *“councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters (Reference ID: 9-001-20140306).*

9. However, *“The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation*

... before they submit their Local Plans for examination (ibid). Additionally, DtC “should produce effective and deliverable policies on strategic cross boundary matters” (ibid).

10. DtC requires local planning authorities and other public bodies “to maximise the effectiveness of policies for strategic matters in Local Plans” (Reference ID: 9-002-20140306).
11. It is to be noted that “If another authority will not cooperate this should not prevent the authority bringing forward a Local Plan from submitting it for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved and this will be thoroughly tested at the examination. Local Planning Authorities should discuss their particular circumstances with the Planning Inspectorate prior to submitting the Local Plan”.
12. Housing market areas are dealt with in the guidance in the context of the DtC – “the duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their Local Plans, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries. For example, housing market and travel to work areas, river catchments and ecological networks may represent a more effective basis on which to plan for housing, transport, infrastructure, flood risk management, climate change mitigation and adaptation, and biodiversity. The aim is to encourage positive, continuous partnership working on issues that go beyond a single local planning authority’s area”. (Reference ID: 9-008-20140306).
13. There is no definitive list of actions that need to be undertaken; what is required depends upon the circumstances. It is stated: *The actions will depend on local needs which will differ, so there is no definitive list of actions that constitute effective cooperation under the duty.* (011 Reference ID: 9-011-20140306).

Inspector's Questions

1. Have cross-boundary strategic priorities been properly identified?

14. Yes. The SLP identifies the three strategic priorities as: Green Belt, housing delivery and economic development (CD 015 Page 5). From the representations analysis (CD 011) these key strategic priorities appear to be agreed by all the parties invited to appear at the hearing and other parties.
15. Other cross-boundary priorities (at a lower level of strategic importance) include transport, fresh water, waste water, education and Green Infrastructure. From the representations analysis (CD 011) no representations from other parties identify any different or omitted priorities.

Council responses to the matters raised in the original representations (as per Guidance Note from the Inspector, September 2016, paragraph 29)

16. These have been addressed in detail collectively in (CD011) - *Appendix 5 - Further Analysis of Key Issues Arising from Responses to the PDSL; Duty to Co Operate; Initial Analysis of Issues Arising and Recommended Reply.*
17. It is to be noted that this analysis took a very wide interpretation of DtC related points and commentary raised in responses. This was to give a full context to Councillors' consideration of the Regulation 19 responses and help their consideration of how to take the SLP forward.
18. The summary analysis below identifies the specific points that were raised by the statutory DtC bodies in their Regulation 19 responses. It shows that, whilst there was considerable DtC-related commentary, overall, there were very few contentions that the DtC legal test had not been met. Even where such contentions have been made, they are actually all, in

substance, 'soundness' issues that should properly be considered as part of the main Examination process.

19. As a starting point, it is noted that only Welwyn Hatfield Council and the Home Builders Federation (HBF) registered their view in the Regulation 19 representation forms that the SLP does not comply with the legal requirements for DtC.

20. The position of the DtC bodies is set out below.

A. Central Bedfordshire – no specific DtC objection or contention that DtC legal test not met.

B. Dacorum – there was no specific DtC objection to the SLP. The contention that the DtC was not met may be summarised as:

(1) "...The meetings have not accorded DBC the opportunity to have any influence over key issues such as: the overall housing target in the SLP; the scale of development appropriate at East Hemel Hempstead (on the Gorhambury land) and how much of the available land should be released from the Green Belt; whether any of the east Hemel Hempstead development should count towards DBC's rather than St Albans' plan target; and how the two authorities' economic strategies can support and complement one another." (DBC statement of representations page 2)

21. In substance, DBC's response relates to the issue of soundness. St Albans has been identified by independent consultants as comprising a single authority HMA, and there is, therefore, no direct role for DBC in deciding the overall housing target in the SLP; this aspect of DBC's complaint is not a strategic cross-boundary issue. Should SADC's approach to the HMA be found to be sound, there is no requirement for the SLP target to be part of the Dacorum target. The HMA issue is clearly in

substance a soundness one for consideration as part of the Examination. SADC's position is that the 5 authority HMA is misconceived. It is important to bear in mind that, as set out in CD015 p13-14:

"...the four LPAs that commissioned the South West Herts SHMA have very recently challenged the geography of St Albans' Housing Market Area. That challenge has been robustly defended by [SADC] in detail in the report and appendices, but in brief it sets out:

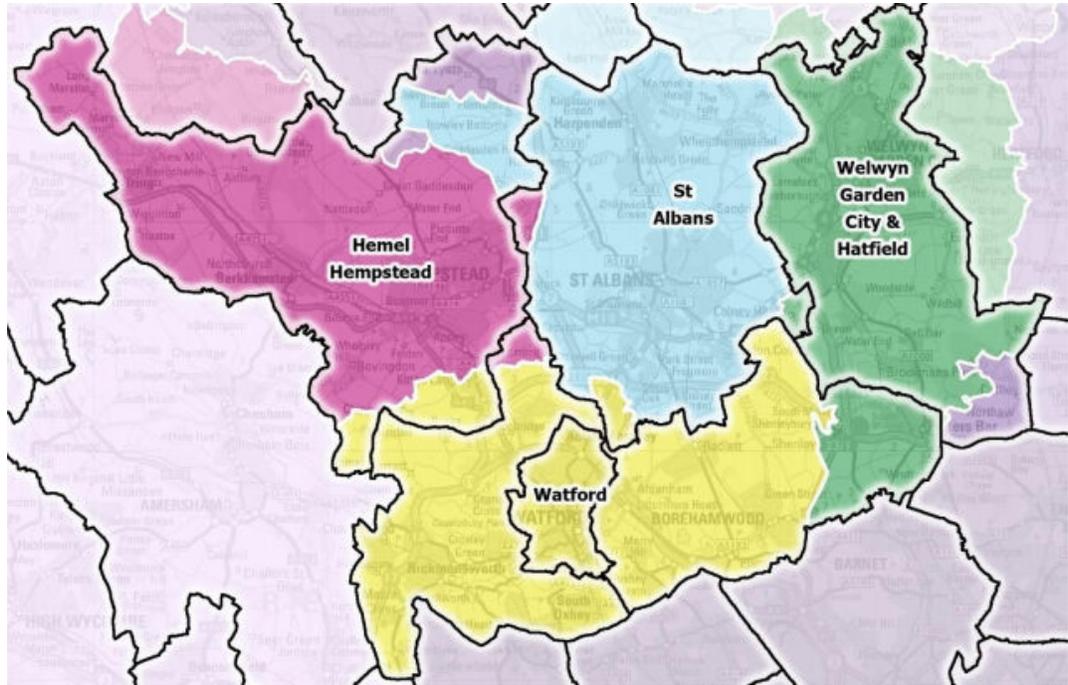
1.14 ... As the Committee has previously addressed, the Council's SLP evidence and analysis and its planning response is well evidenced and reasonable; whilst accepting that there is no absolute 'right' answer on this topic. At least five different Housing Market Areas (HMAs)s including St Albans City & District have been published by independent consultants in recent years, the only two of which that are the same are the ones that show St Albans District as a single authority HMA (taking appropriate account of migration).

1.15 ...HV's [Housing Vision's] conclusions from Appendix 1 are reproduced below, to highlight the 'sense check' that the committee has previously addressed regarding the realities of the St Albans HMA definition. This includes acknowledging, for example, the highly significant impact of London and highly important differences in house prices – in contrast to the SW Herts definition of an HMA that doesn't realistically reflect the considerable impact of London and also essentially ignores the considerable differences in house prices in the different districts/boroughs:

- a) The following conclusions can be reached in relation to the definition of the St Albans City and District Housing Market Area:*
- b) Whilst there is an established housing market relationship with local authorities throughout Hertfordshire, including the South West area, it is incapable of explaining and understanding the*

dynamics of the housing market within the St Albans City and District area.

- c) *The St Albans City and District housing market area is distinctive in its complexity, operating at three levels which at the 'Core' and 'Wider' levels are geographically adjacent but at the 'Periphery', especially in relation to London, is non-contiguous.*
- d) *This geographically 'Peripheral' housing market area exerts a disproportionate effect on the St Albans housing market, with demand from London driving up house prices and market rentals.*
- e) *Demand pressures on St Albans from London exceed those experienced by neighbouring local authorities and continue to shape its housing market.*
- f) *Setting aside the influence of London has the effect of distorting the relationship between St Albans and the South West Hertfordshire local authorities. Its housing market cannot be comfortably self-contained in its relationship with geographically adjacent or contiguous local authority areas."*



Map 1- Identifying the Functional Housing Sub-Markets in the Study Area (LCB (West) SHMA 2008-10, p52)

22. For the avoidance of doubt, SADC strongly disagrees with the representations on soundness, but acknowledges that the main Examination hearings are an appropriate avenue for them to be explored.
23. In any event, there was co-operation between DBC and SADC. In relation to relevant aspects of the housing issue, DBC were involved jointly with SADC and Welwyn Hatfield in commissioning the three LPA independent Green Belt Review in 2013. SADC derived the indicative Broad Location boundaries directly from those independent studies, so, in fact, DBC had, and took, a direct opportunity to influence the scale of land to be released. Furthermore, the two authorities' economic strategies directly complement each other as evidenced by the early joint masterplanning work for East Hemel Hempstead and the joint Enterprise Zone covering East Hemel, the BRE and Rothamsted.

(2) "...the assumption that all new homes and jobs currently identified for delivery on the Gorbambury land will count towards St Albans' target, means that Dacorum are unable to act upon a clear instruction from their

own plan Inspector (from 2012)." (DBC statement of representations page 3)

24. This is fundamentally misconceived and cannot properly be regarded as any failure in meeting the DtC. As DBC's adopted Core Strategy sets out:

"29.8 The Council is committed to a partial review of the Core Strategy (i.e. after completion of the Site Allocations and Development Management DPDs)...The partial review of the Core Strategy will be undertaken in co-operation with neighbouring authorities, taking account of their progress with development plan documents...Through the partial review the Council will assess:...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. The outcome of the review cannot be prejudged".

25. The DBC Core Strategy text therefore explicitly makes clear that completion of the Site Allocations DPD is a required precursor to such considerations. This has not yet occurred and cannot do so for quite some time; the Examination has not yet occurred, nor, as a result, a finding of soundness, adoption, or 'completion' after the legal challenge period has ended.

26. The fact that the Core Strategy then goes on to confirm that 'The outcome of the review cannot be prejudged' confirms that SADC is following the Inspector's direction not to prejudge such a review. For the avoidance of doubt, St Albans is happy to co-operate on such work in due course.

C. Hertsmere BC - no DtC objection or contention that DtC legal test not met.

D. Hertfordshire County Council (HCC) - no DtC objection or contention that DtC legal test not met.

E. Home Builders Federation – DtC objection. This appears to confuse the DtC Legal test with the test of soundness, as it sets out “the legal element of the duty has been fulfilled....we consider that St Albans has failed the duty to cooperate in terms of the positive planning test of the NPPF”.

F. Luton BC - no DtC objection or contention that DtC legal test not met.

G. North Herts DC - no DtC objection or contention that DtC legal test not met.

H. Three Rivers DC - no specific DtC objection to the SLP. TRDC’s contention that the DtC is not met may be summarised as: “*meaningful discussion on how objectively assessed needs should be met across the HMA and FEMA has yet to take place*”

27. As has been set out above, SADC does not agree that the new 5 planning authority housing market area proposed by TRDC and others in February 2016 and the associated FEMA are either the most appropriate for this authority or justified. The issue is clearly in substance a soundness one for consideration as part of the Examination.

I. Watford BC - no specific DtC objection to the SLP. WBC’s contention that the DtC is not met takes the same approach as TRDC (“*meaningful discussion on how objectively assessed needs should be met across the HMA and FEMA has yet to take place*”). The same response applies, therefore.

J. Welwyn Hatfield BC – identifies a number of DtC objections to 4 policies, which are summarised as follows:

28. In relation to policy SLP 8, it is stated: “*The plan is not currently effective with regards to cross-boundary strategic matters of the Duty to Cooperate. (a) The need for homes and jobs in an area are two of the strategic matters set out in paragraph 156 of the NPPF where public bodies have a Duty to Cooperate.... (c) Whilst there is no one correct methodology, it is*

noted that different assumptions have been used in deriving the OAN for St Albans to that applied in the Welwyn Hatfield SHMA (and the SW Herts SHMA 2016)... (e) Should the St Albans approach be found unsound, Welwyn Hatfield does not consider it would have the capacity to accommodate any shortfall not met in St Albans.”

29. This issue is clearly in substance a soundness one for consideration as part of the Examination – if it is found that SADC’s approach is sound, there can be no question of a failure in this aspect of the duty to cooperate.
30. A similar approach is taken by Welwyn Hatfield in relation to policy SLP 12:– *“The policy approach is not consistent with national policy and raises concerns around effective joint working on cross-boundary strategic priorities. It then raises a Duty to Cooperate concern...(g) ...there could be an unmet need with increased levels of unauthorised encampment or developments in St Albans or in adjoining local authority areas. (h) Welwyn Hatfield has no potential to meet a shortfall of pitches in St Albans”.*
31. The point is, in substance, related to soundness. SADC’s view is that its policy approach is sound and that its approach will meet the need for Gypsy sites.
32. In relation to policy SLP 15 it is stated: *“...Welwyn Hatfield is concerned that the St Albans SLP and Policy SLP15 is not positively prepared...A Duty to Cooperate concern may also arise.”*
33. Again, this issue is a soundness one, not related to the DtC legal test. Further, the Council has set out in its Duty to Cooperate compliance statement (CD 015 p26-28) the extent to which there has been cooperation on economic issues with a range of authorities.
34. In relation to policy SLP 19, it is stated:– *“Major retail development is one of the strategic matters set out in paragraph 156 of the NPPF where public*

bodies have a Duty to Cooperate...It is not clear if the extension to Colney Fields (retail park) referred to in Policy SLP 19 involves development over and above a recently permitted scheme”.

35. Again, the issue concerns soundness, not the DtC. In any event, SADC have been happy to clarify that the SLP 19 the extension to Colney Fields is indeed limited to the area of the permitted scheme (or future similar alternative proposals with a very similar footprint and impact). It can be noted that the draft Policies Maps alongside the draft DLP further confirms this limited area and impact.

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

36. Since 2008 the established and agreed mechanism for Hertfordshire LPAs (that is, agreed by the LPAs), Hertfordshire County Council (HCC) and other infrastructure providers to establish cooperation is through: (a) the Hertfordshire Infrastructure and Planning Partnership (“HIPP” which is an elected member level group); (b) the Hertfordshire Planning Group (“HPG” which is at the Head Planning Officer level) and (c) the Hertfordshire Planning Group Development Plans (“HPG Dev Plans”, which is at the Spatial Planning Manager Officer level).
37. These bodies have since its inception in 2010 had an active interface with the Hertfordshire Local Enterprise Partnership’s (“HLEP’s) preparation of the Strategic Economic Plan (SEP) and its ongoing implementation (CD 011).
38. The SEP has had central importance in informing and shaping the SLP; for example, the importance of East Hemel Hempstead as a location for the expansion of Maylands is identified in the LEP SEP. This importance and identification directly and positively influenced the scoring in the Development Sites and Strategic Options Evaluation (DSSOE) that lead to East Hemel north and south being selected as two of the Broad Locations in the SLP.

39. Cross-boundary matters have included strategic transport / airport / major economic development initiatives which are addressed through HIPP. These discussions have, as the compliance statement (CD 015) sets out, been undertaken bi-monthly since 2008 (and in similar forums before that).

40. The agreed terms of reference for HIPP make clear the agreed remit (reproduced in part below):

1. Objective

To provide a forum to discuss and, where appropriate, undertake a lobbying role and develop a shared view and agree joint work programmes on infrastructure and planning issues of common concern working co-operatively within Hertfordshire and across the county borders, including in respect of the development and review of the London Plan and other significant regional and sub regional strategies, according to the principles of localism and the duty to co-operate.

The Partnership will work together with Hertfordshire Forward, Hertfordshire Local Enterprise Partnership, the Local Transport Body for Hertfordshire, the Local Nature Partnership, other local authorities within the wider south east and other appropriate organisations, groups and partnerships in areas of shared interest to develop and where possible and necessary agree joint approaches to common issues.

41. London-related impacts and links are addressed by the Hertfordshire authorities collectively via HIPP. This includes using the emerging frameworks of the Wider South East (WSE) initiative (see CD 015 p137-8 and references to PPC DtC update reports available via weblink). HIPP has a Councillor as part of the five member WSE political steering group representing the East of England. Officer support is provided by the HIPP support officer and members of HPG. This is an important dimension of DtC particularly given the Greater London Authority's (GLA) view on maintaining the Green Belt within the London boundary and the commitment of the previous and current Mayor for London to 'consume its

own smoke' regarding providing for London's housing need within London itself.

42. Informal direct LPA to LPA liaison and meetings at key SLP stages have complemented the formal mechanisms for liaison/cooperation and Local Plan consultation. This has been particularly relevant to the detailed issues for East Hemel Hempstead (CD 011 Appendix v).

43. CD 015 highlights particular mechanisms for the detailed planning and delivery of the East Hemel Hempstead Broad Location. It was agreed between the main interested parties (DBC / HCC / LEP) that, rather than using the Area Action Plan (AAP) route initially suggested, delivery is best achieved through a process of informal, collaborative, master-and framework-planning. This will, in due course, lead to planning applications (which will be subject to Planning Performance Agreements (PPA's) with the major landowner / developer, the Crown Estate (CE). Work is now well underway to achieve its delivery (See CD 015 page 15 and Appendix xi).

44. An understanding of the commitment given to DtC processes and procedures can be given by a simple outline of the most important co-operative discussions held in January-July 2016. This period was not unusual and similar levels of engagement and commitment had pertained before and are still being pursued on an ongoing basis. (NB. The list is not exhaustive as other Member and officer co-operative engagement – eg for Green Infrastructure, waste water, fresh water, A1M corridor, A414 corridor, waste and minerals etc. have also been carried out).

(1) 1:1 Portfolio Holder / Leader DtC discussions with adjoining / nearby LPAs in relation to SADC SLP Reg 19 – DBC, HBC, HCC, LBC, NHDC, Stevenage BC, TRDC, WBC, WHBC – 9 meetings

(2) Enterprise Zone Project Team / Partnership Board – SADC, DBC, HCC, HELP (sometimes DCLG) - 9 meetings

(3) HIPP – all 10 Herts LPAs, HCC, HLEP – 4 meetings

- (4) HPG - all 10 Herts LPAs, HCC – 4 meetings
- (5) HPG Dev Plans – 4 meetings
- (6) EZ - East Hemel masterplanning meetings – SADC, DBC, HCC, LEP, CE - 4 meetings
- (7) Maylands Growth Corridor – SADC, DBC, HCC, HLEP, Highways England – 3 meetings
- (8) SADC / HCC transport work programme meetings - SADC, HCC – 3 meetings
- (9) HCC Growth and Transport Plans – SADC, DBC, HCC, HLEP, TRDC, WBC - 2 meetings
- (10) DBC Employment Land Technical DtC Meeting – 1 meeting

Total - 43 main DtC related meetings.

45. Co-operation has continued in an active and productive manner on an ongoing basis beyond submission of the SLP. For example, in September 2016 alone, the following main co-operative engagement occurred; while this is after the submission of the plan, it establishes that the Council has always held an on-going commitment to achieve appropriate shared outcomes;

- (1) EZ - East Hemel masterplanning meetings (two) – SADC, DBC, HCC, HLEP, CE – residential market for East Hemel, schools, open space, transport etc.
- (2) SADC / HCC transport work programme meeting - SADC, HCC, consultants
- (3) Maylands Growth Corridor – SADC, DBC, HCC, HLEP, Highways England – sustainable transport measures, bus strategy and high level scheme design for remodelled M1 J8 (and A414) for 2026 and beyond

(4) HCC officer and Member presentation on school planning in relation to SLP and DLP to SADC's Planning Policy Committee – SADC, HCC

(5) Enterprise Zone Project Team / Partnership Board (two) – SADC, DBC, HCC, HELP, DCLG

(6) HIPP – all 10 Herts LPAs, HCC, HLEP

(7) HPG - all 10 Herts LPAs, HCC

46. Further, the Detailed Local Plan - DLP (emerging – details available in SADC Planning Policy Committee papers September / October 2016) will add to the formal Development Plan policy framework. Regulation 18 consultation is programmed, in accordance with the SADC local Development Scheme, for this November / December.

47. There is agreement from SADC and all parties involved for these mechanisms to remain in place in the long term, thus providing the necessary commitment to on-going cooperation. Once the SLP has been adopted there is the opportunity for these processes and procedures to inform a potential early review of the SLP. The potential for an early review would be explored through the main Examination stages of the SLP.

48. As a result of the above, appropriate mechanisms were put in place to engender cooperation and there is a clear commitment to long-term cooperation.

3. From initial thinking has St Albans City and District Council engaged with nearby local planning authorities and other public bodies:

49. Yes. It is important to understand the whole SLP preparation process, as summarised in the diagram at Appendix 2 of CD 015.

50. The well-documented difficulties of the Development Plan process together with the area specific issues faced by the authority given the

extent to which its area comprises Metropolitan Green Belt (“MGB”), has engendered a lengthy plan preparation process.

51. Moreover, there have been several instances of significant delay and adjustment deriving from, in part, the demise of regional planning; the initial reactions to the Localism Act 2008; the arrival of the LEPs and SEPs; the introduction of the NPPF and subsequently the PPG and, behind all this, considerable, continuing, uncertainty about the Government’s policy position on development within the MGB.
52. Thus the SADC’s ‘initial thinking’ on the SLP must be traced back to 2006.
53. At the outset, SADC undertook joint housing and employment market area/land needs studies with adjoining and nearby authorities (CD 015 p6). These were carried out as the Joint Central Hertfordshire Employment Land Review (ELR, 2006), Joint London Commuter Belt West SHMA (LCB, 2008-10) and Joint London Arc Employment Land Study (LAELS, 2009). A housing market area for the District alone was defined and accepted by all concerned as a good basis for the next stage of planning. Nothing has changed in terms of the evidence, yet this concept is now heavily attacked by the SWHG (CD 015).
54. It is also notable that these three substantial joint co-operative works involved three different agreed commissioning groupings of Hertfordshire LPAs; none of which correspond with the purported 5 LPA SW Herts geography. They were respectively; ELR – SADC, HBC, WHBC; LAELS - Broxbourne BC, DBC, HBC, SADC, TRDC, WBC, WHBC; LCB – DBC, HBC, SADC, TRDC, WBC, WHBC.
55. All the LPAs involved proceeded to prepare single authority local plans that balanced development with Green Belt within their own boundaries. This was the only realistic option, as there was no suggestion that there was scope (or a planning imperative) to import or export unmet need or undertake joint plans to achieve that. All Districts faced the same significant MGB constraint and this was the top political issue for planning.

This was also the accepted formal position through HPG / HIPP and was embodied in the Local Strategic Statement - LLS (CD 015 Appendix 4iii). There was, therefore, between 2006 – 2016, a clear engagement with other authorities on housing provision in the MGB, the principal issue for consideration in the plan-making process.

56. Local Plan preparation in the sub-region proceeded at different rates. Some LPAs, like HBC, TRDC and WBC quickly prepared and successfully adopted plans based on complete/very nearly complete maintenance of Green Belt, with housing targets set much lower than any NPPF based assessment of need. Others, like SADC and WHDC, started to consider a significant degree of Green Belt release. DBC (in a different position, with some areas outside the MGB) achieved an adopted plan on the basis of minor Green Belt release and early review to address the housing / Green Belt balance in the future. This was legally contested by development interests. Throughout this period (2006-2016), SADC gave full DtC support to the approach taken by these LPAs – both within and outside HIPP. There was no attempt by SADC to suggest a DtC failure, despite potential implications of the plans prepared for the SLP. Again, there had been clear cooperation between the parties in the production of the relevant plans.
57. In this context, a consistent approach to Green Belt review becomes as, if not more, important than collective assessment of development need. This is because whatever the level of assessed development need, a Green Belt boundary change has to be judged as 'exceptional'. Geographically specific evidence on the implications of development on the MGB's functions must be available. SADC, WHDC and DBC delivered such an analysis through a joint Green Belt review, with the valuable (potential) outcomes already noted. Others have, as yet, not addressed this issue and were also unable to support a joint methodology through HIPP (CD 015 Appendix vii).

Constructively, collaboratively and diligently (for example has the Council responded constructively to requests for co-operation?)

58. SADC participated fully in joint technical studies (primarily in the period 2006 – 10, but also since then) and these formed the basis of a HIPP agreed approach to local planning (CD 015)
59. Subsequently, SADC has taken on a strong leadership role in addressing the HIPP joint work on the LSS and LEP SEP. This has provided the driving force for the SLP development strategy. The SEP in particular is a fundamental building block that helps justify the proposition that ‘exceptional circumstances’ exist for the SLP proposed Green Belt release at East Hemel Hempstead. As set out at paragraph 41, the SEP directly and positively influenced the scoring in the Development Sites and Strategic Options Evaluation (DSSOE) that lead to East Hemel north and south being selected as two of the Broad Locations in the SLP. The DSSOE includes numerous references to the SEP, including in relation to ‘economic growth potential’ as “The Strategic Economic Plan (SEP) prepared by the Local Enterprise Partnership (LEP) recognises and supports the role that East Hemel Hempstead has in providing economic opportunities and growth. Growth in this area is identified as a Hertfordshire priority”.
60. SADC has initiated many one to one discussions of cross boundary issues with adjoining and nearby LPAs at both political and officer levels. Examples of this are at CD 015 Appendix v). All cases of requests for meetings/co-operation from LPAs and HCC have been met, again at both political and officer levels.
61. Until some of the political level 1:1 DtC meetings (SWHG) which were held in February 2016 with regard to the SLP Regulation 19 consultation, there was no indication of political disagreement with any other LPA. This included no DtC issues being raised by WHBC at the DtC meeting in February immediately prior to their Reg 19 representation.

62. Nevertheless, SADC has assisted the SWHG in providing to them its new technical work on market and functional relationships / areas and development needs assessment. Full information and data was provided in 2015 in response to requests for data and comment on the emerging draft technical work on the SWHG SHMA. SADC co-operated fully by being a member of the Project Advisory Group and attending meetings and a 'workshop' – though the contributions of SADC with regard to the unsubstantiated approach to the SWHG HMA and FEMA were in substance ignored by the SWHG and their consultants.
63. Such was the concern of SADC at both officer and political level as to the shortcomings of the emerging draft SWHG SHMA and Economic Study (ES), that SADC's Portfolio Holder emailed the four SWHG Portfolio Holders on 8 December 2015 as below:

Dear [Portfolio Holder]

I am writing to contact you to express my serious concerns about the draft Strategic Housing Market Assessment (SHMA) and draft Economy Study (ES) currently being prepared by consultants on behalf of Dacorum, Hertsmere, Three Rivers and Watford Councils. I'll also be writing to your opposite numbers at those Councils.

I wish first to make clear that I have not seen these drafts, as officers from St Albans City & District Council have rightly agreed to adhere to confidentiality at this stage.

Due to their fundamental concerns, they have made me aware in general terms of the issues and I share those serious concerns, based on the evidence that they have drawn to my attention:

SHMA

The fundamental concern is that the Housing Market Area (HMA) for the SHMA includes St Albans City & District when the evidence base does not support that choice. Our reasoning is as follows:

As set out in the PPG, there are three key tests to defining an HMA, which amount to: (i) Household demand and preferences (ie essentially house and land prices); (ii) 70% self-containment threshold; and (iii) travel to work/main employment locations.

Taking those points in turn:

- The Planning Practice Guidance makes clear that a HMA is defined by household demand and preferences for all types of housing. The PPG also points to the central importance of house prices as a key market indicator of housing “demand and preferences”. The draft SHMA itself clearly sets out mean and median house prices and residential land values at Figure 25, Table 15, Figure 26 and Figure 28 showing St Albans as being different from the four LPAs and why it does not properly form part of the HMA.*
- The PPG approach of taking 70% self-containment as potentially useful in defining an HMA is recognised and accepted. However the actual data in the draft SHMA shows for all five separate metrics for self-containment, St Albans is irrelevant to the consultant’s attempt to justify a HMA based on a 70% self-containment indicator. You do not need St Albans to define your HMA nor does it's inclusion help you to reach the 70%.*
- As set out in 3.67 and Figure 21, there is a strong influence of London which has to be acknowledged and then moved beyond to look at more local geographies. This is then clearly set out at Figure 22 which shows St Albans as being separate from the four LPAs with St Albans as the main employment destination, rather than Watford or Dacorum.*

My concern echos the objection raised by St Albans, based on the consultant’s emerging evidence, many months ago.

ES

We have a similar fundamental concern about the consultant's inclusion of St Albans in the Functional Economic Market Area (FEMA) for the draft ES when the evidence base does not support that choice.

This concern echos the objection raised by St Albans, based on the consultant's emerging evidence, many months ago. Our reasoning is as follows:

- The draft ES sets out "Importantly, a key component in defining the FEMA is the evidence and findings which define the Housing Market Area (HMA)". This is only one factor and it is given undue emphasis in the ES. As a result the conclusions are at odds with the PPG. The PPG says a FEMA is about "commercial property markets...and the spatial factors used in analysing demand and supply". It appears that the FEMA is flawed by this erroneous starting assumption that St Albans is part of the FEMA because of the (flawed) HMA analysis.*

- There appear to be further fundamental problems in the attempt to define the FEMA, as the evidence actually contained within the ES appears to be ignored in reaching conclusions on the FEMA. As with house prices and the SHMA, commercial markets / values and commuting patterns for the FEMA are, as set out in the PPG, the primary relevant matters. The evidence for prime office rents shows that St Albans sits beyond the market for the four LPAs. Figure 2.1 (the same as Figure 22 from the draft SHMA) shows St Albans as being separate from the four LPAs with St Albans as the main employment destination, rather than Watford or Dacorum.*

I understand that a detailed response (as attached) has been sent by Tracy Harvey to the relevant contact officers at the four Councils today. I also understand that it sets out a reasonable way forward for all parties. This takes St Albans out of the consultant's proposed draft HMA and FEMA.

As I see it, it will make no difference to your full, objectively assessed housing need number if you exclude St Albans, as the consultant's evidence suggests you should.

In the interests of all Councils concerned, I very much hope that the evidence-based and reasonable way forward proposed will be followed. I am happy to meet if that helps or to discuss at HIPP tomorrow (Tuesday 8 December).

64. It is from the contested (and in SADC's view fundamentally flawed) SWHG consultancy work, (only published in February 2016), that their issues with the SLP have arisen regarding
- a) revised market area definitions;
 - b) assumptions to be made as a basis for development needs assessment;
65. It is also from the SWHG consultancy work, (only published in February 2016), that as a consequence SADC's issues with their approach to future Plan-making has arisen (it is to be noted that none of the four SWHG LPAs have made significant progress with post 2013 Local Plans – all have indicated Submission circa 18 months - 4 years away)
- a) the failure by the SWHG to consider the implications of their HMA and FEMA definitions and to engage on these issues at political level, particularly in the context of HIPP
 - b) lack of comprehensive and consistent Green Belt review;

Actively and in a sustained manner / on an on-going basis

66. HPG / HIPP / HPG Dev Plans meet on a regular bi-monthly cycle (they have done so since 2008 and continue to do so) and there is commitment from all participants that this will continue. HIPP works closely with the

LEP. There are also regular East Hemel Hempstead specific meetings. Further ongoing meetings are set out in paragraphs 47 and 48.

67. SADC has almost 100% attendance at both political and officer levels at these meetings since their initiations (variously from 2008 to 2014) until submission in August 2016, for the mutual benefit of neighbouring authorities. There is a clear commitment to engagement on an ongoing and sustained manner through these forums.

4. Is the evidence of co-operation robust?

68. Yes. Substantial documentary evidence exists in the form of the HIPP Memorandum of Understanding, the LSS, formal HPG / HIPP papers, records of one to one meetings between SADC and other LPAs and joint technical work (particularly on Green Belt review and the east Hemel Hempstead urban expansion); this is largely included at CD 015.

69. The journal article at CD 015 Appendix 4 i) illustrates that Hertfordshire's joint DtC arrangements have been recognised as exemplary.

70. As well as the robust, structured, DtC processes evidence, ultimately the most important evidence of co-operation is in the outcomes that would be delivered through adoption of the SLP. These are as summarised below and detailed in CD015.

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

71. Clear and hard won planning outcomes of DtC are embodied in the SLP. These are dealt with below.

Has the effectiveness of the plan making process been maximised and have effective and deliverable policies on strategic cross boundary matters been produced (including the element of soundness that refers to effective joint working on cross-boundary strategic priorities – NPPF paragraph182)?

For example in relation to:

a) Housing (including gypsies, travellers and travelling show people)

72. The SLP includes a strategically located, SEP based, major urban extension (with cross-boundary impacts) to accommodate at least 2,500 dwellings and two 15 pitch gypsy and traveller sites (SLP 13). As set out in more detail above, the choice to identify these two broad locations in the SLP was driven by the approach in the SEP, to which all SADC's DfC bodies contributed.

b) Jobs

73. The SLP will deliver a complex cross boundary expansion / regeneration of East Hemel Hempstead and Maylands (SLP 13, SLP 15). This is a centrepiece of the SEP. The proposals underpin the Hertfordshire Enterprise Zone (EZ) and have the potential to deliver around 8,000 jobs at this location. Further jobs will follow from the inclusion of the BRE and Rothamsted within the EZ; which are both located in St Albans District. The EZ is a carefully conceived inward investment initiative designed to build on the strengths of the Hertfordshire economy in 'Smart Growth' and research and development (see EMP 001). The initiative is particularly targeted to green technology growth under the Hertfordshire Green Triangle banner (EMP 001).

74. The proposal is subject to formal agreements, including a Memorandum of Understanding (MOU) made between the LEP, HCC, DfC and SADC with the Department for Communities and Local Government (DCLG) (as of writing this MOU has been agreed by all parties and is in the process of being signed). Successful implementation depends entirely on the progress of the SLP. This does not appear to register in the thinking of the SWHG to date. The MOU contains the following clause:

The Relevant Local Authorities and the Local Enterprise Partnership agree, having undertaken due investigation, that at the date of this Memorandum of Understanding:

(a) the statements within the Application are accurate;

(b) they are not aware of any information which is likely to materially undermine the ability of the Local Enterprise Partnership and the Relevant Local Authorities to deliver the Enterprise Zone in accordance with the Application and achieve the outputs, apart from the outcome of the St Albans City & District Council Draft Strategic Local Plan process. The parties will continue to monitor progress and report back to the relevant governance group if there are any implications arising from the Local Plan process.

c) Retail

75. The SLP does not include retail proposals of strategic significance. There has been no need to consider this issue under DtC initiatives, other than in facilitation of appropriate retail provision for the East Hemel Hempstead expansion. In this respect, SADC has supported DBC's strategy for use of some land in Dacorum for a major out of centre retail development (despite some evident conflicts with the NPPF and DBC's Development Plan policy). This support has come through the joint work on the EZ and through support as a consultee at planning application stage.

d) Infrastructure provision (including highways)

76. The SLP East Hemel Hempstead DtC outcomes will directly deliver LEP priority improvements to the strategic road network through an improved M1 junction 8 and A414; alongside and general transport improvements (including bus service and cycle route enhancement). These initiatives also contribute to the County transport priority of east-west highway improvement (A414). Details are in the Infrastructure Delivery Plan - IDP (INFR 001). The important issue of transport cooperation process is specifically detailed at CD 015 Appendix 4x). Key DtC bodies of SADC, DBC, HCC, HLEP and Highways England are all involved jointly and co-operatively in helping to deliver this, primarily through work on the Maylands Growth Corridor. It is worth emphasising that significant long term transport improvements to Maylands within DBC's area can only be delivered through developments within SADC's area; which SADC is

happy to facilitate through the joint work on the SLP, but will not be able to be delivered without the SLP.

77. Whilst the A1M does not travel directly through St Albans District (though it is very close to the eastern border), SADC has and continues to support the Hertfordshire A1(M) Corridor Consortium (HACC) at both officer and political level. These initiatives also contribute to the County and LEP SEP transport priority of A1M improvements to unlock growth in this corridor.
78. For other aspects of the SLP the HIPP framework has been used to develop effective infrastructure planning liaison and cooperation. This is also evidenced in detail in the IDP. Other key issues collectively considered include fresh water, waste water, education etc. The identified constraints on waste water treatment at East Hemel Hempstead are worthy of specific note, because HIPP has worked co-operatively to commission a detailed Water Study. This addresses the difficulties of long term land use planning alongside a commercial / competition based framework for investment planning by the private utilities (INFR 001).
79. Detailed joint working arrangements have been established to deliver the East Hemel Hempstead expansion infrastructure over a period of 15 years. SADC has moved to a flexible collaborative master-planning approach to quickly facilitate the partnership with DBC, HCC, Highways England and the LEP needed to implement development of this scale in a cross boundary situation. The already substantial progress on infrastructure provision achieved through this process is detailed in Enterprise Zone Masterplanning, Maylands Growth Corridor and EZ report and meeting note extracts in the IDP appendices (INFR 001). All this work depends entirely on SLP progress.

e) Green Belt

80. The SLP includes a level of Green Belt release not previously contemplated in Hertfordshire in a submitted Plan. This challenging

outcome (CD 011) results from cooperation through the joint Green Belt review undertaken with the adjoining Dacorum and Welwyn Hatfield LPAs.

81. The LEP SEP is a product of cooperation and it also played a role in that once the Green Belt Review had identified the 8 'least worst' potential strategic scale housing sites, the LEP SEP identification of East Hemel directly informed the scoring through the DSSOE which lead to East Hemel being identified as two of the four Broad Locations in the SLP.

Conclusions

82. SADC has cooperated with the relevant DtC bodies in an ongoing, positive and effective manner. In relation to the current issue which has arisen from the SWHG authorities on the SLP's approach to housing provision, SADC has sought to proceed with the SWHG authorities on a positive basis but their objections are, fundamentally, unjustified objections going to the soundness of the plan's housing strategy. On the basis of the totality of SADC's conduct, the DtC has, it is respectfully suggested, been clearly met.