

## **IN THE MATTER OF THE ST ALBANS CITY AND DISTRICT LOCAL PLAN**

### **OPENING STATEMENT ON ISSUE 1: THE DUTY TO COOPERATE -**

#### **ON BEHALF OF THE COUNCIL**

1. In November 2012, SADC's Full Council voted not to consider further the then proposed Regulation 19 publication draft Core Strategy. This contained a Housing Target of 250 dwellings per annum, only one minor Green Belt release for 350 homes, provided no employment land at East Hemel and delivered no Enterprise Zone.
2. The now submitted Strategic Local Plan (SLP) is wholly different in character reflecting the key role that the DtC has played in its content. There has truly been a seismic shift in the Council's approach which has been developed through constant and productive engagement with cooperation bodies. This may be seen in the following key aspects:
  - a) The joint three Local Planning Authority (LPA) work and agreement on a Green Belt Review which will facilitate the major cross boundary urban expansion at Hemel Hempstead.
  - b) The delivery of the main Hertfordshire Local Enterprise Partnership (HLEP) Strategic Economic Plan (SEP) aspiration for west Hertfordshire for a major expansion of Hemel Hempstead to achieve desired regeneration objectives.
  - c) Land allocation for a LEP promoted and central Government endorsed Enterprise Zone (EZ) with 55 Ha of land for employment growth. Through Green Belt release it will expand Maylands Business Park and focus on the nationally and internationally significant Rothamsted Research facility in Harpenden and the Building Research Establishment in Garston/Bricket Wood.

- d) Land allocation for 2,500 homes through Green Belt release in a sustainable location driven by the Green Belt Review and SEP. Overall a total of 4,000 homes through Green Belt release.
  - e) A substantial boost to housing supply, especially in the early years of the Plan period, comprising an average of 623 homes pa over next 5 years. This is against the last 5, 10 and 15 year averages all of around 350-360 pa; the Regional Plan target of 360 pa and the most recent DCLG household projections of 619 pa.
3. This plan for growth has produced a substantial body of support from both DtC prescribed bodies and consultees. Independent legal opinions have been produced on behalf of the Home Builders Federation and others that conclude that the Council has complied with the legal DtC.
  4. It is against that substantial background that the criticisms of the four authority SWHG must be viewed.
  5. Their criticisms have emerged very late in the day in February 2016 and are starkly at odds with their previous positions.
  6. Indeed, on January 8 2016, an email from James Doe of Dacorum BC (Assistant Director Planning, Development and Regeneration) to Tracy Harvey of SADC (Head of Planning and Building Control) said: "Again as discussed whilst as things stand our respective authorities may differ on the approach to OAN assessment, this does not necessarily mean we will object to your SLP and I would stress that we are particularly keen to focus on the positive steps that we are taking jointly over the delivery of development in the east Hemel area and in the EZ in particular".
  7. The SWHGs' criticisms relate at essence to just one issue. Despite SWHGs' claims to the contrary, their objections are soundness objections. The reason why the SWHGs' objections have arisen now is because they have recently received and published the final version in February 2016 of their joint SHMA. This establishes, the SWHG say, that there is a wider HMA than that adopted by SADC through its consultants analysis and, as

a direct consequence, also a narrower Functional Economic Market Area. The SWHG say that SADC should have cooperated with the authorities in the light of these findings.

8. But this is simply an assertion that their consultants' findings are right, while SADCs' consultants' findings are wrong. There is a diametrically opposed difference between the authorities' positions on this point. If SADC's findings on its HMA and its FEMA are sound, it cannot reasonably be said that there has been a failure to cooperate, because this would have required SADC to abandon an analysis whose conclusions are considered sound to adopt an un-examined diametrically opposed new approach.
9. It is critical to remember that all four SWHG's plans were found sound between 2011 and 2013 on the basis of a single authority approach to HMAs. It is they who are taking an unexamined, entirely new and contradictory approach to the HMA, as of February 2016, not SADC. Further, at the very recent HPG Development Plans meeting on 21 October 2016 all four SWHG representatives confirmed that their answer to the question "have any steps been taken towards a joint approach to agree housing needs or housing targets" was "no".
10. A claim has been made by the SWHG that SADC should have joined with them in commissioning their SHMA. This falls into the same conceptual error highlighted already, but also fails to engage with the real chronology of events. At the time that these authorities were commissioning the SHMA report in the summer of 2014, SADC had already received the findings of its own consultant's analysis. The SWHG were asking SADC to commission further analysis in spite of the fact that it had an up to date analysis of its own.
11. We have produced a short rebuttal to the SWHG submission, but in order not to elongate our opening statement we do not intend to go through that document now. We hope that we will be given the opportunity to address the points through the questions raised today.

12. We turn now to the final matter of the proper approach in relation to this initial aspect of the plan examination process.
13. Firstly, we invite the Inspector to conclude that SADC has met the legal requirements of the DtC. That is, we consider, the only reasonable conclusion based on all the evidence. As was stated by the Inspector for Luton Borough Council's Examination on 28th July 2016: "Within the context of **what has been realistic and achievable**, the cooperation undertaken has maximised effectiveness in the preparation of the plan. Overall, therefore, the evidence before me at this point indicates that the legal duty to cooperate has been met" (emphasis added).
14. Secondly, however, should there be any residual concerns over compliance with the duty, this can only reasonably arise over the diametrically opposed stances of SADC and the SWHG. If SADC's approach to the central issue of the HMA is found to be sound, it cannot be said that it failed to meet the DtC since the SWHGs' criticisms of SADC's analysis will necessarily have not been accepted. Consequently, although the Inspector is strongly invited to find now that the DtC has been met, if there are any concerns, these concerns cannot be reasonably resolved until an assessment of the soundness of the Council's conclusions on the HMA and the FEMA has been undertaken. Consequently, any final conclusion on the DtC could not be reached until after the conclusion of the main examination into the plan.

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