



# Hertsmere

## Local Plan

*Delivering a better future*

**Duty to Co-operate**



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## Statement of Intent

Hertsmere Borough Council is seeking to **demonstrably discharge** its statutory **Duty to Co-operate**, as required by the Planning and Compulsory Purchase Act 2004 Section 33A and strengthened by the Localism Act 2011. The Duty requires constructive, active and ongoing engagement with neighbouring authorities and prescribed bodies on strategic cross boundary plan-making and infrastructure planning- matters, and the Council recognises that compliance with this requirement will be scrutinised by the Inspector at Examination.

The purpose of this Statement is to set out and confirms the Borough Council's approach to collaboration throughout the preparation of the emerging **Hertsmere Local Plan**, ensuring that all strategic matters are addressed transparently, effectively, and in accordance with national policy expectations.

## 1.0 Introduction

- 1.1 The Duty to Cooperate was introduced by the Localism Act 2011 and is set out in the Planning and Compulsory Purchase Act 2004 Section 33A. It places a legal duty on local planning authorities in England to engage constructively, actively and on an ongoing basis with prescribed bodies on the preparation of a local plan. This is particularly to address strategic cross boundary matters.
- 1.2 This report outlines how Hertsmere Borough Council ('Hertsmere Council' or 'the Council') has prepared the Hertsmere's Local Plan in accordance with the Duty to Cooperate. It sets out how the Council has engaged with the prescribed bodies on relevant strategic and cross boundary matters, along with the actions and outcomes that have informed the preparation of the Local Plan. This specific report speaks to the work undertaken to meet the requirements of the Duty in respect of the preparation of the emerging Local Plan, under The Town and Country Planning (Local Planning) (England) Regulations 2012 Regulation 18.
- 1.3 The Duty to Cooperate Statement will be reviewed and updated as the Local Plan is progressed through the plan-making process. This will ensure that it reflects ongoing engagement and cooperation prior to the submission of the Local Plan to the Secretary of State (under Regulation 22), and where necessary, during the examination in public (under Regulation 24). This may include coverage of new issues or agreements on strategic matters as well as further discussions with prescribed bodies.

## 2.0 Local Plan Context

- 2.1 Hertsmere Borough Council current adopted Local Plan is comprised of several documents. These include the Core Strategy (2013), Elstree Way Area Action Plan (2015), Site Allocations and Development Management (SADM) Policies Plan Document (2016) and Policies Map. The emerging Local Plan involves a review and update of these earlier plans, bringing them together into a single document.
- 2.2 The preparation of a local plan involves several key stages. These stages are prescribed by planning legislation. These requirements are set out under The Town and Country Planning (Local Planning) (England) Regulations 2012. This includes the undertaking of several rounds of public consultation

before a draft local plan can be submitted to the Secretary of State for an examination in public. The examination is overseen by an appointed Planning Inspector. A local plan can only be adopted and implemented if it passes the examination. This means that the Council has satisfied the legal and procedural requirements for preparing the plan (including the Duty to Cooperate) and has also met the ‘tests of soundness’ set out in the National Planning Policy Framework (NPPF).

2.3 Key stages in the plan-making process are set out in the table below:

Table 1: Keys Stages of the Plan-making Process

<b>Key Stage</b>	<b>What is Involved</b>
Regulation 18	Preparation of the local plan including public consultation on the scope of the local plan and the policy proposals
Regulation 19	Publication of the local plan and public consultation on the ‘proposed submission document’
Regulation 22	Submission of the local plan and other information to the Secretary of State
Regulation 24	Examination in Public
Regulation 26	Adoption of the local plan

### **National Planning Policy Framework and Planning Practice Guidance**

2.4 The NPPF (2024) sets out the national planning policies for England and how they should be applied. The NPPF includes policies on plan-making including the Duty to Cooperate<sup>1</sup>. It is accompanied by the National Planning Practice Guidance (NPPG) which provides further information to support the implementation of the national policies.

2.5 NPPF paragraphs 24–28 emphasise the need for local planning authorities to maintain effective cooperation during the plan-making process. It provides that this is integral to the production of a sound plan, one that is positively prepared and with a justified strategy for managing growth and meeting identified needs for development, including infrastructure. Cooperation can help to inform considerations as to whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

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<sup>1</sup> NPPF Paragraph 24 (December 2024)

- 2.6 NPPF paragraph 28 provides that statements of common ground should be prepared and maintained in order to support the plan-making and examination process. These can help to document the cross-boundary matters being addressed by the plan and assist progress in cooperating to address these.
- 2.7 It is noted that proposed changes to national planning policy, specifically those relating to plan-making are subject to consultation. As these proposals remain subject to consultation, they have no weight for the purpose of plan-making. Future reports relating the Hertsmere Local Plan Duty to Cooperate process will consider any changes to national planning policy accordingly.

### **Legislative and Policy Context Localism Act 2011**

- 2.8 The Localism Act 2011 introduced the Duty to Cooperate by way of amendments to Section 33A of the Planning and Compulsory Purchase Act 2004. This requires that local authorities must cooperate with prescribed bodies to maximise the effectiveness of local plans. They must engage constructively, actively and on an ongoing basis on strategic matters.
- 2.9 For the purposes of the Duty to Cooperate, a strategic matter is defined as 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.
- 2.10 The relevant Strategic Matters which have been identified by Hertsmere Borough Council at Regulation 18 Stage are:
- Transport
  - Greenbelt
  - Flood Risk and Water scarcity
  - Housing
  - Employment – potential for overreliance on film industry
  - Burial Space
  - Gypsy and Traveller Provision
  - School and Education
  - Waste
  - Boundary changes in advance of examination

- Approach to future reviews – Local Government Re-organisation
- Herts SDS

## **Town and Country Planning (Local Planning) (England) Regulations**

2.11 The preparation of local plans is governed by the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). These set out a list of prescribed bodies, under Regulation 4, that the Duty to Co-operate applies. Specially, these are:

- Environment Agency
- Historic England
- Natural England
- Mayor of London (Greater London Authority)
- Civil Aviation Authority
- Homes and Communities Agency (now Homes England and Regulator of Social Housing)
- Each Primary Care Trust established under the National Health Service Act 2006
- National Health Service Commissioning Board
- Office of Rail Regulation (now Office of Rail and Road)
- Each integrated transport authority (Transport for London)
- Each highway authority
- Marine Management Organisation
- Each local enterprise partnership

## **3.0 Previous Consultation and Engagement**

3.1 As a component of the preparation of the local plan<sup>2</sup>, the Council has engaged proactively and constructively with the relevant prescribed Duty to Cooperate bodies and other key stakeholders throughout the plan making process. It has consistently sought to secure effective cooperation on strategic and cross boundary matters to ensure the Local Plan is both deliverable and robust. Regular stakeholder meetings have been held with all neighbouring authorities, with ongoing updates shared on emerging technical evidence as studies begin to report back. The Council has also worked closely with statutory consultees, establishing early and open lines of communication to support collaborative working. This approach has

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<sup>2</sup> The Town & Country Planning Regulations 2012 Regulation 18.

helped to ensure that emerging Local Plan policies are aligned with national policy and informed by the most up to date evidence and strategic input.

3.2 More information on early-stage consultation can be found under Section 4 of the report.

3.3 Hertsmere Borough Council consider the Duty to Co-operate a continuous process that forms part of plan-making. Engagement was conducted before 2024 in line with the policy context that existed at the time, including a lower scale of assessed housing need. In 2024, significant changes to the standard method (for calculating housing need) were introduced, replacing previous lower household projection baselines. The engagement that took place prior to 2024 included meetings with neighbouring authorities as well as joint and well as through joint meetings in the South West Hertfordshire Joint Strategic Plan.

3.4 A chronology of all previous engagement with neighbouring authorities is included in Appendices 1 – 8

3.5 The neighbouring Authorities which have been engaged as part of Hertsmere's plan-making process are:

- Hertfordshire County Council
- St Albans District Council
- Three Rivers District Council
- Watford Borough Council
- Welwyn Hatfield Borough Council
- London Borough Barnet
- London Borough of Enfield
- London Borough of Harrow
- Greater London Authority

3.6 Following the publication of the National Planning Framework in December 2024, the Council has sought to discharge its responsibilities under the Duty within the context of meeting the updated/ higher standard method figure in full.

## 4.0 Demonstrating compliance with the Duty to Cooperate and Early-Stage Co-operation.

- 4.1 This section sets out the details of how the Council has fulfilled the Duty to Cooperate up to the current stage of the plan-making process (Regulation 18). It provides an overview of the Council's relationships with the prescribed Duty to Co-operate bodies.
- 4.2 Hertsmere Borough Council has created a record of interactions with all neighbouring authorities to evidence co-operation during previous years in the leading up to the preparation of the emerging Local Plan. Due to staff turnover, there are some inconsistencies in record keeping, however by working collectively with our neighbouring authorities the Council can provide a series of comprehensive chronologies of previous cross boundary issues and agreed Statements of Common Ground.

### **Relationship with Prescribed Bodies**

- 4.3 Hertsmere Borough Council recognises the essential role that the prescribed bodies identified in the Town and Country Planning Regulations play in the plan making process. The council has engaged and will continue to engage, constructively, actively, and on an ongoing basis with each of these organisations to ensure that strategic cross-boundary issues are properly addressed.
- 4.4 Hertsmere Borough Council has actively engaged constructively with these prescribed bodies in advance of the Regulation 18 Stage to ensure the early identification of strategic issues, ongoing dialogue and the sharing of technical evidence which the establishment of Statements of Common Ground where necessary.
- 4.5 The chronologies of the actions Hertsmere Borough Council have taken with prescribed bodies are set out in Appendix 09. These include transcripts and actions.
- 4.6 The Council continues to maintain open communication channels with all prescribed bodies and continues to work with them throughout the plan-making process. Through this collaborative approach, Hertsmere Borough Council seeks to ensure that strategic matters, opportunities and infrastructure are accurately reflected in the Hertsmere Local Plan and that the Duty to Cooperate is demonstrably discharged.

### **Relationship with Hertfordshire County Council**

- 4.7 Hertsmere Borough Council functions as a local planning authority within a two-tier council structure. Within that structure strategic functions, such as highways and transport planning, minerals and waste planning, education and adult social care fall under the authority of Hertfordshire County Council. The Hertfordshire Development Plan is made up of District/Borough Local Plans and Neighbourhood Plans, Waste Core Strategy and Development Management Policies Document (adopted November 2012), Waste Site Allocations Document (adopted July 2014) and Minerals Local Plan (adopted 2007).
- 4.8 Before the announcement of the Local Government Reform, Hertfordshire was developing two joint strategic plans for geographic areas relating to North East and South West Hertfordshire. These have been since suspended.
- 4.9 Many of the strategic matters to be addressed through the Duty to Co-operate are, in Hertfordshire, a matter for Hertfordshire County Council. This includes the overall amount of housing, provision for employment land and other commercial areas such as town centres, green infrastructure (including open space). It also provides the framework for the delivery of strategic infrastructure (including transport, social infrastructure, waste management, utilities, and waterways), whilst recognising further details may be required in boroughs' local plans.
- 4.10 The Council has taken a proportionate approach with relevant bodies on identifying and addressing strategic matters through the Duty to Co-operate with neighbouring authorities in London and Hertfordshire.

### **Relationship with Neighbouring Local Planning Authorities**

- 4.11 Hertsmere Borough Council is part of a wider grouping of Hertfordshire local planning authorities. Previously, this grouping had worked together under the auspices of preparing the South West Joint Strategic Plan. Following the announcement of Local Government Re-organisation across Hertfordshire, work on the South West Joint Strategic Plan has been suspended. Nevertheless, joint meetings to discuss strategic plan-making matters are still held between the following authorities.

- Dacorum
- St Albans
- Three Rivers
- Watford
- Welwyn Hatfield

4.12 Hertsmere Borough Council also adjoins the following London Authorities:

- London Borough of Barnet
- London Borough of Enfield
- London Borough of Harrow

4.13 The Council has maintained a strong and constructive working relationship with neighbouring authorities, ensuring continued collaboration on a wide range of cross boundary strategic matters and emerging technical evidence. Regular meetings with both Hertfordshire authorities and the London Boroughs have been recorded and continue to take place throughout the Local Plan process.

4.14 Regular stakeholder meetings have been held with these neighbouring authorities, with ongoing updates shared on emerging technical evidence as studies begin to report back. The Council has also worked closely with statutory consultees, establishing early and open lines of communication to support collaborative working. This approach has helped to ensure that emerging Local Plan policies are aligned with national policy and informed by the evidence and strategic input.

4.15 These stakeholder meetings are a key mechanism through which Hertsmere Borough Council and neighbouring authorities have addressed strategic cross boundary matters such as delivery of growth, infrastructure and providing pathways towards joint solutions.

4.16 Full records of these engagements are set out under Appendix 10 – 21. Ongoing engagement helps to ensure that strategic issues are addressed proactively, evidence is shared transparently, and plan-making decisions are informed, coordinated and compliant with the Duty to Co-operate. This includes list of actions from meeting and include the agreed position on agreed strategic matters.

4.17 The Council also engaged with neighbouring authorities within Hertsmere which do not share a border with the Borough. Records of these engagements are set out under Appendix 23 and 24

### **Statements of Common Ground**

4.18 The Council has been working collaboratively with neighbouring authorities and prescribed bodies to work towards agreeing and signing Statements of Common Ground. Relevant Statements of Common Ground agreed and signed-off with neighbouring local planning authorities as part of previous plan-making activities are set out under Appendices 22 - 23.

- 4.19 As a result of the ongoing Duty to Cooperate meetings and correspondence detailed in the previous sections and in accordance with NPPF Paragraph 27, the Council anticipates producing future Statements of Common Ground with selected bodies. It is anticipated that these will be prepared, signed and published in support of later stages of the plan-making process. Draft Statements of Common Ground have been prepared for discussion with relevant prescribed bodies.

## 5.0 Next Steps

- 5.1 This Duty to Cooperate Statement sets out how the Council has maintained ongoing engagement with prescribed and other bodies during the preparation of Hertsmere Borough Council Local Plan.
- 5.2 The Regulation 18 stage will provide opportunities for prescribed bodies and neighbouring authorities to comment on the emerging technical evidence base and plan documents ensuring that strategic matters are addressed collaboratively.
- 5.3 It is also noted that multiple neighbouring authorities are currently at different stages of their respective plan-making processes. Hertsmere Borough Council has continued to engage positively with these authorities through their public consultation stages.
- 5.4 As Hertsmere Borough Council progresses through the plan-making process, the Council will continue to meet with neighbouring authorities and perceived bodies and seek to prepare and maintain Statements of Common Ground. These statements will provide a clear and up-to-date record of areas of agreement and any matters where further collaboration is required, supporting transparency and demonstrating ongoing, constructive engagement.
- 5.5 The Duty to Cooperate Statement may be subject to review and updating as the Local Plan is progressed through the next stages of the plan process, in order that it reflects any additional consultation and engagement on key strategic planning matters informing the Local Plan.

## 6.0 Appendices

**Appendix 01.** Pre 2024 Chronology with Hertfordshire County Council

**Appendix 02.** Pre 2024 Chronology with St Albans District Council

**Appendix 03.** Pre 2024 Chronology with Three Rivers District Council

**Appendix 04.** Pre 2024 Chronology with Watford Borough Council

**Appendix 05.** Pre 2024 Duty to Co-operate Chronology with Welwyn Hatfield Borough Council

**Appendix 06.** Pre 2024 Chronology with London Borough of Barnet

**Appendix 07.** Pre 2024 Chronology with London Borough of Enfield Council

**Appendix 08.** Pre 2024 Chronology with London Borough of Harrow

**Appendix 09.** Chronology of all Prescribed Bodies

**Appendix 10.** Present Duty to Co-operate Actions with Hertfordshire County Council

**Appendix 11.** Transcript between Hertfordshire County Council and Hertsmere Borough Council 05\_12\_2025

**Appendix 12.** Present Duty to Co-operate Actions with St Albans District Council

**Appendix 13:** Transcript between St Albans District Council and Hertsmere Borough Council regarding Bowmans Cross 19\_03\_2026

**Appendix 14.** Present Duty to Co-operate Actions with Three Rivers District Council

**Appendix 15.** Present Duty to Co-operate Actions with Watford Borough Council

**Appendix 16.** 2024 – Present Duty to Co-operate Actions with Welwyn Hatfield Borough Council

**Appendix 17.** Transcript from Duty to Co-operate Meeting held on 15\_11\_2025 between Hertsmere Borough Council, St Albans District Council, Three Rivers District Council, Watford

**Appendix 18.** Present Duty to Co-operate Actions with London Borough of Barnet

**Appendix 19.** Present Duty to Co-operate Chronology with London Borough of Enfield

**Appendix 20.** Present Duty to Co-operate Chronology with London Borough of Harrow

**Appendix 21.** Transcript from Duty to Co-operate Meeting held on 17\_11\_2025 between Hertsmere Borough Council, London Borough of Barnet, London Borough of Enfield and London Borough of Harrow

**Appendix 22.** Transcript from Duty to Co-operate Meeting held on 20\_01\_2026 between Hertsmere Borough Council, London Borough of Barnet, London Borough of Enfield and London Borough of Harrow

**Appendix 23.** Duty to Co-operate Meeting Between Broxbourne Borough Council and Hertsmere Borough Council 03\_12\_2025

**Appendix 24.** Duty to Co-operate Meeting Between Hertsmere Borough Council and East Hertfordshire District Council 23\_02\_2026

**Appendix 25:** Statement of Common Ground Between HCC and HBC 2021\_12\_01

**Appendix 26:** Statement of Common Ground Between HCC and LBE (and others) 12\_2024

**Appendix 27:** Statement of Common Ground between HBC and LBE (and others) 06\_2024

**Appendix 28:** Statement of Common Ground between SADC and HBC

**Appendix 29:** Statement of Common Ground between SADC and HBC (and others)

**Appendix 30:** Statement of Common Ground between HBC, HCC and LBB 07\_22

**Appendix 31:** Statement of Common Ground Between HBC and LBH 02\_25

**Appendix 32:** Statement of Common Ground Between HBC and WBC 2021