

# CHAPTER 1 – GENERAL COMMENTS<sup>1</sup>

## 1.1. THE PLAN IN GENERAL

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
1012	Berkhamsted Citizens Association	4241	X-Tek Systems Ltd
1171	Mr C H Gray	4256	Tring and District Residents’ Association
1254	CPRE - The Hertfordshire Society	4458	Aitchison Raffety
1562	Mr M R & Mrs B A Chapman	4486	Prudential Assurance Company Ltd
1787	Miss S Brightley	4505	J Sainsbury’s Developments
2124	B & Q plc	4520	John Dickinson Stationery Ltd
3200*	Sport England	4687	Mrs B J Brown
4082	Lucas Aerospace	5130	Tring Environmental Forum
4219	Mr C Kruger		

### Supports

240	Mrs M D Barnard	2908	Environment Agency
555	Mrs A M W Vear	4648	Apsley Developments Ltd
1984	Mr & Mrs T Shaw		

### Key Issues

- (a) Was the consultation process adequate. (1254, 4219, 4241)
- (b) Is the production of the Plan premature. (4241)
- (c) Is information contained in the Plan inaccurate and outdated. Should it be withdrawn and reconsidered. (1012, 1171, 1562, 4219, 4241, 4486, 4505, 4520)
- (d) Is the Plan too long and complex. Should it be simplified by eliminating unnecessary detail and issuing it as supplementary planning guidance instead. Should Part 4 of the Plan be deleted. (1254, 4256, 4458, 4486, 4505, 4520, 5130)
- (e) Would the Plan be improved by adding clearer cross-referencing and indexing. (4486, 4505, 4520)
- (f) Does the format of the Plan make it difficult to distinguish between policy and general guidance. Will this lead to contradictions and reduce the relevance of the Plan. (4486, 4505, 4520)
- (g) Is the Plan unduly confusing due to a lack of a clear overall strategy. (4241, 4687, 5130)
- (h) Does the Plan comply with the Structure Plan. (4687)
- (i) Is there adequate information on which to base the proposed levels of development. Is there a sufficiently clear indication of how much development is actually required. (4241)
- (j) Does the Plan provide a sufficient degree of flexibility in accordance with government guidance. (5130)
- (k) Has the Plan allocated too many greenfield sites. (1787)
- (l) Are the proposals for Tring unsatisfactory. (4687)
- (m) Should the Plan include paragraph numbering and should the policies be in capitals. (2124, 4486, 4505, 4520)
- (n) Do the references to the Sports Council need to be amended. (3200)
- (o) Should the references to business, industrial and storage and distribution be couched in the terms of the Use Classes Order. (4082)

<sup>1</sup> This chapter deals with objections that raise general issues regarding the layout, format and content of the plan.

## **Inspector’s Conclusions**

### **(a) Adequacy of consultation**

- 1.1.1 Although I understand the concerns about the consultation period, I note that it was more than 10 weeks in length. This is significantly longer than the statutory minimum. The fact that the period included Christmas and New Year holidays will obviously have reduced the time available for representations to be submitted. However, in my view this was largely offset by the increased length of the consultation period. Moreover it appears the Council continued to accept late responses for a further 3 weeks or so after the end of the formal consultation period.
- 1.1.2 The Plan is of considerable length and I have no doubt that this will have made it more difficult for people to fully comprehend the Plan’s strategy within the period. Nevertheless, this does not appear to have unduly deterred people from commenting on the Plan, judging from the substantial number of representations that were received. I am satisfied, therefore, that the consultation period for the deposit draft was of sufficient length in this case.
- 1.1.3 I am rather more concerned about the level of pre-deposit consultation that was undertaken. The Council did not produce a full consultation draft of the Plan but instead drew up a document entitled "Summary of Proposed Development Strategy" (CD42), which dealt with green belt, housing and employment issues only. I appreciate that these are the key issues in the current review and that such an approach is in accordance with the advice in PPG12. However, in view of the substantially increased length of the Plan, I believe that in this case the preparation of a wider ranging consultation document might have been more helpful in achieving greater public participation in the process.
- 1.1.4 The Council consulted with a wide range of statutory bodies during the preparation of the Plan. I have no doubt, therefore, that they complied with the statutory consultation requirements. However, in my view, more direct contact with local groups would have helped to make the process more inclusive. Having said this, I am not satisfied that any deficiencies in the early part of the consultation process were of such significance as to seriously prejudice objectors or devalue the Plan process as a whole, as there has been adequate opportunity for comment at the deposit stage.

### **(b) Prematurity of the Plan**

- 1.1.5 The fact that a neighbouring authority is taking longer to produce their Local Plan could be due to a number of reasons. I am not satisfied that it justifies the conclusion that the production of the Dacorum Borough Local Plan has been unduly rushed. The achievement of full coverage of district wide local plans has been notoriously slow. PPG12 (CD10) makes clear that this delay is unacceptable. Current government policy seeks to speed up the plan making process. The Government also wishes to ensure that replacement plans are adopted far more quickly than in the past. Rapid plan production is important if plans are to remain up to date.
- 1.1.6 As the adopted Dacorum Borough Local Plan only covers up until 31 March 2001 there is likely to be a significant gap between when the current plan period finishes and the replacement Plan is adopted. In these circumstances, I do not believe the current review is premature. Indeed it could be argued that it is overdue. If adoption of the

replacement plan were to be substantially held back it could lead to significant problems for the proper planning of the area.

- 1.1.7 I accept that there are some defects in the Plan and I have no doubt that it will require some modification. However, on balance I do not believe that the speed of production in this case has resulted in a Plan of such poor quality as to justify requiring the Council to review the whole Plan afresh.

**(c) *Accuracy of information in the Plan***

- 1.1.8 Due to the nature of the Development Plan making process, the Local Plan is often overtaken by events. There is little that a Local Planning Authority can do to ensure a completely up to date Local Plan throughout its life span. In the event of a development proposal coming forward, the omission of up-to-date information in the Plan does not preclude regard being paid to such information in determining a planning application.

- 1.1.9 Nevertheless, it appears that in this instance there are a significant number of factual errors in the Plan. Many of these are due to the fact that the Council has used large sections of the text from the adopted Plan without correcting them to reflect subsequent changes in circumstances.

- 1.1.10 The Council acknowledges that there are errors in the Plan and has proposed a number of alterations in their suggested pre-inquiry and further changes. They have also published a list of errata, which they intend to correct (*see CD51E*). I comment more fully on the specific pre-inquiry and further changes later in my report when I deal with the relevant sections of the Plan to which they relate. Where the changes would either rectify a factual error or help to make the Plan more up-to-date I have recommended that the Plan be modified accordingly. In my view these changes will help to improve the accuracy of the Plan.

- 1.1.11 I note that during the Inquiry the Council also re-assessed the need for additional housing and employment land on the basis of more up-to-date figures than those contained in the deposit draft. In general terms therefore, I am satisfied that the Council has done its best to ensure that the adopted version of the Plan will be as up-to-date as possible.

- 1.1.12 However, I am concerned that the Plan may still contain some inaccurate or out-of-date information. I would, therefore, urge the Council to carefully check through the whole Plan to ensure that the information contained within it is accurate as possible when it is adopted.

**(d) *Length and layout of the Plan***

- 1.1.13 The plan led system, embodied in section 54A of the Town and Country Planning Act 1990, has clearly brought the level of detail contained in local plans into focus. However, paragraph 3.1 of the current version of PPG12 (CD10) makes clear that this should not lead to over elaborate or unduly lengthy Plans. Subsequent ministerial statements have endorsed this advice.

- 1.1.14 The Deposit Draft is set out in 5 parts over 3 volumes with a total length of almost 900 pages. While I understand the Council’s desire to ensure that there are appropriate policies or proposals to cover all relevant planning issues for the area, I believe they have paid insufficient regard to national advice in respect of the need for brevity and clarity. In my view not only is the Plan of excessive length but its format is also unduly complicated.
- 1.1.15 I appreciate that the Deposit Draft follows the same general format as the adopted Plan. However, the latter is only 264 pages in length. It is obvious therefore that a substantial amount of additional information has been included in the Deposit Plan. There is no evidence that the Council gave any thought as to whether it was appropriate to maintain the same format for the much longer review. In my view it was not.
- 1.1.16 The Council points out that the Deposit Draft was originally drawn up under the provisions of the 1992 version of PPG12. However, this has now been superseded. I consider greater weight should, therefore, be placed on the current guidance in considering what modifications should be made to the Plan prior to its adoption. In particular, the current guidance points out that the review process offers a positive opportunity to make development plans slimmer and more focussed. This has clearly not occurred to date.
- 1.1.17 In including detailed information from earlier studies, such as that at Two Waters & Apsley, insufficient attention has been paid to the need for succinctness and clear presentation. These are essential qualities if the overall balance and accessibility of the Plan are to be maintained. To act as a clear guide for development the Plan needs to be both concise and easily readable. In my view, the Deposit Draft is neither. It is perhaps not surprising therefore that it appears to have carried less conviction with local residents, developers and others concerned with development issues.
- 1.1.18 I am particularly concerned about Parts 4 and 5 of the Plan. To my mind not only do they substantially increase the length of the Plan but they also go into an unnecessary degree of detail. The Conservation Area and Housing Character Area sections in Part 4 for instance identify the minutiae of each area. I seriously question whether this level of information is either necessary or appropriate in a Local Plan. Indeed PPG15 (CD 12) makes clear that Conservation Character Assessments should not be included in Development Plans. I consider, therefore, that much of Part 4 would be better published as development briefs or supplementary planning guidance. In my view sections 5, 6, 8 & 9 of Part 4 could be omitted without seriously affecting the overall strategy of the Plan or the Council’s ability to effectively control development during the Plan period.
- 1.1.19 I do not accept the suggestion that Part 4 of the Plan should be deleted in its entirety. In areas that are subject to rapid and extensive change, such as Two Waters and Apsley (TWA), a more detailed area based approach can, in my opinion, be justified. However, there is no need for the TWA proposals to also be listed individually in Part 3 of the Plan. This leads to unnecessary duplication. I consider a simple general cross-reference to the relevant section of Part 4 should be sufficient.
- 1.1.20 I acknowledge that the guidelines in Part 5 do contain some information which it is appropriate to include in a Development Plan, bearing in mind the advice in PPG1

(CD1). Nevertheless, I find that overall the guidelines are also unduly lengthy and lacking in clarity. In my view they constitute an unhappy mix of bland statements of general strategy and detailed site-specific criteria. They also seek in some cases to deal with matters that are not appropriate to a Local Plan e.g. listed building consent.

- 1.1.21 In my view therefore the guidelines need to be re-organised. Generalised statements of design strategy, such as those in section 2, should be deleted, since broad design considerations are already adequately covered by Policy 9. Other sections that deal with matters of general strategy, such as that on enforcement, could usefully be omitted and issued instead as supplementary guidance. This would leave only those sections which deal with detailed site-specific criteria, (e.g. exterior lighting). In my view these could be contained within a much slimmer appendix to the Plan with the principal policy considerations being incorporated into the main body of the Plan.
- 1.1.22 I appreciate that the Inspector who considered the objections to the current Plan in 1993 (CD 37 *paragraph 13.1*) accepted that the inclusion of the Environmental Guidelines accorded with the advice in the 1992 version of PPG12. However, that advice has been superseded and current guidance attaches much more weight to the need to avoid excessive detail.
- 1.1.23 The length of some of the policies in the Plan also gives me some cause for concern. In some cases the policies run to almost 2 pages in length. I have therefore sought throughout this report to make suggestions where I consider the Plan could be improved by reducing the length of a policy.
- 1.1.24 I am also concerned that at a number of points the Plan would appear to unnecessarily reiterate other parts of the Development Plan. An example of this is in the background to Policy 122 and section 16A of the Environmental Guidelines where extracts from the Structure Plan Review and the Waste Local Plan are proposed for inclusion. Since section 54A of the Act covers all parts of the Development Plan, including the Waste Local Plan, I would question whether the inclusion of this information is essential.
- 1.1.25 Similarly I believe the clarity and readability of the Plan would benefit from the elimination of some of the extensive background information it contains. I would therefore urge the Council to review all the background information and delete any which is not essential to the understanding of the overall strategy of the Plan or its specific policies and proposals.
- 1.1.26 In conclusion, I find that overall the Plan lacks clarity due to its excessive length and complicated format. However, I accept that a complete overhaul of the layout of the Plan would be likely to take a significant amount of time. I am concerned that this could lead to significant delays in the Plan’s adoption. It seems to me therefore that the most sensible way forward would be for the Council to limit itself at this stage to undertaking the modifications to the layout recommended in this report. However, I would strongly urge the Council to undertake a more fundamental overhaul of the Plan’s format when it is next reviewed. In particular, consideration should be given to incorporating the Two Waters and Apsley policies and proposals into Part 3 of the Plan at that stage.

**(e) Cross-referencing and indexing**

- 1.1.27 There are undoubtedly benefits in using cross-referencing and indexing in a long document. Indeed, paragraph 16 to Annex A of PPG12 suggests that the use of a plan summary and full index will help to make the plan more accessible.
- 1.1.28 The Council has incorporated cross-references to other parts of the Plan in some instances (e.g. in Policy 3). However, I accept that much of the Plan is interrelated. Obviously, therefore, it needs to be read as a whole. There is a danger that extensive use of cross-referencing would not only make the layout less clear but could result in the reader overlooking other important policies where they are not cross-referenced.
- 1.1.29 On balance, therefore, I am not satisfied that the inclusion of additional cross-referencing would necessarily make the Plan more approachable or understandable. Consequently, I see no need for the Plan to be modified in this respect. However, there would be merit in including a plan summary and a full index as suggested in PPG12 to improve accessibility.

**(f) The clarity of the policies**

- 1.1.30 I note the suggestion that the format of the Plan makes it difficult to differentiate between policies and general guidance and that it may lead to contradictions between policies. However, while I accept that the Plan is unduly lengthy, I am satisfied that the policies are adequately distinguished from general guidance in most cases. I find no reason to believe, therefore, that the format will necessarily lead to significant contradictions. In my opinion, there is no need to modify the Plan in the light of this aspect of objections 4486, 4505 and 4520.

**(g) Overall Strategy of the Plan**

- 1.1.31 Part 3; section 1 deals with the overall strategy for the area covered by the Dacorum Borough Local Plan. The sequential approach for development, as set out in the Plan, is in line with current government policy and is clearly explained.
- 1.1.32 The contention that the Plan is confusing and muddled is clearly based on an individual interpretation of the document. Although the Plan is unduly lengthy in parts, it does contain an overall development strategy that is relatively clear and consistent. However, I have suggested a number of modifications elsewhere in this report regarding the layout and the wording of the Plan. If these are adopted they should help to make the Plan’s overall strategy more focussed and therefore less confusing. I am satisfied that these modifications would go a substantial way to satisfying these particular objections.

**(h) General conformity with the Structure Plan**

- 1.1.33 While I note the objector’s concerns, the County Council has issued the deposit draft of the Plan with a statement of general conformity. The objector does not identify any specific conflict with the overall objectives of the Structure Plan. In the circumstances, I can find no reason to recommend any modification to the Plan in the light of this representation.

**(i)      *The proposed levels of development and the information used to set these levels***

- 1.1.34      Policy 17 sets out the supply of residential land over the plan period. The housing requirement shown is a suitable apportionment from the requirement shown in the Hertfordshire County Structure Plan Review (1991-2011). The figure has been arrived at using relevant information, including population projections, which the objector contends are absent. The objector alludes to a "prosperity survey", but I am unsure how such a survey, if it were clear what it entailed, would assist in providing a more robust development strategy.
- 1.1.35      Part 3, section 4 deals with provision for employment development. The amount of employment land proposed takes into account the proposed housing growth during the Plan period. Although the Plan itself does not record the current capacity of existing schools the Council have consulted with the Education Authority in allocating new housing sites. The new housing proposals generally make provision for additional educational provision where it is needed. Policy 11 provides for the use of conditions and obligations to ensure the necessary infrastructure is made available.
- 1.1.36      In the circumstances, I am satisfied that the Plan strategy is based on an adequate level of information and that in general terms it gives a sufficiently clear indication of the level of new provision that will be required during the Plan period.

**(j)      *The need for flexibility***

- 1.1.37      Current government policy places significant emphasis on ensuring that development plans remain flexible. This is primarily to be achieved through a combination of criteria based policies, the exclusion of unnecessary detail and the regular review of plans. While site-specific proposals in local plans help to create certainty, PPG12 makes clear that too many site-specific policies can lead to an inflexible plan.
- 1.1.38      In this case, I have some sympathy with the objector’s view that the length of the Plan and the level of detail it contains do tend to make it less flexible. However, if the Council makes the modifications to Parts 4 and 5 of the Plan that I have suggested in paragraphs 1.1.18, 1.1.19 and 1.1.21 of my report, I believe this problem should be substantially mitigated.

**(k)      *Allocation of greenfield sites***

- 1.1.39      This objection, though intended as a comment on the Plan in general, hinges on the question of whether the assumptions used for predicting the extent of development land required are correct. This is more suitably dealt with in the relevant sections on housing and employment.
- 1.1.40      I appreciate that Planning Policy Guidance Note 3 (PPG3) (CD3A) on Housing has been published since the Plan was placed on deposit. This document sets out the sequential test for residential development, which reinforces the government’s objective of reducing the use of greenfield land for housing. However, although the Deposit Plan pre-dates this advice I am satisfied that it accords with its overall objectives, particularly as the Plan proposes that over 60% of all new housing will be on previously developed land. I do not consider, therefore that this objection, in itself, justifies modifying the Plan’s general approach to the allocation of greenfield sites.

- 1.1.41 However, I consider the Council may need to modify its approach to the allocation of greenfield sites in the light of the urban capacity study currently being undertaken by the County Council. If this study identifies a substantial increase in the amount of previously developed land within the urban area, which would be available for development during the Plan period, then I consider the Council will have to review its housing strategy again prior to the adoption of the Plan. In my view to proceed with the current strategy of allocating large areas of greenfield land around Hemel Hempstead for housing in these circumstances would not only be contrary to the objectives of PPG3 (CD3A) but also to the advice in paragraph 6.32 of PPG12.

**(l) *Proposals for Tring***

- 1.1.42 This objector’s representations regarding specific proposals in Tring are dealt with elsewhere in this report. As to the overall strategy for Tring, I accept that the Council is right to limit the extent of new development in view of the town’s location and the attractiveness of its surrounding landscape. However, I share some of the concerns raised by this objector and others in respect of Tring’s capacity to accommodate further infill development. There appear to be severe constraints on the existing infrastructure, particularly in respect of education provision. It does not appear from the evidence before me that the Council’s assessment of these constraints has been particularly rigorous. In my view this casts some doubt on the robustness of the Council’s development strategy for Tring.
- 1.1.43 In order to address this concern I have recommended some modifications to both general policies and site-specific proposals for Tring later in this report. I do not believe a full-scale review of the development strategy for Tring is justified at this stage as it could lead to unacceptable delays in the adoption of the Plan. However, the Council should seriously consider undertaking a comprehensive settlement appraisal for Tring, in accordance with Policy 3 of the adopted Structure Plan (CD32), prior to the next review of the Plan.

**(m) *Paragraph numbering etc***

- 1.1.44 I have no doubt that the use of paragraph numbering would improve the Plan's accessibility and ease of reference, judging from the Composite version of the Plan (CD52). The Council has indicated that the adopted version of the Plan will also have paragraph numbers and I would strongly support this.
- 1.1.45 However, I am concerned that the paragraph numbering in the Composite Draft is potentially confusing. The explanatory notes contain numbered paragraphs prefixed with a 1. Consequently, paragraph numbers in Part 1 are prefixed with a 2. This divergence in the numbering is carried on throughout the plan. In my view, it would be more sensible if the paragraph numbering related directly to the numbered sections of the Plan. This could be achieved by omitting paragraph numbers for the explanatory notes. If the Council feel it is necessary to number the explanatory notes, I would suggest they use an alternative system, such as roman numerals to clearly distinguish them from the main body of the Plan.

- 1.1.46 I note the suggestion that the policies ought to be in capitals. However, I consider that the use of the bold typeface is sufficient to distinguish the policies from the background text. I see no need, therefore, to modify the Plan in this regard.

**(n) References to the Sports Council**

- 1.1.47 The Council has indicated that the adopted version of the plan will be amended to take account of the fact that the English Sports Council has become Sport England. I am satisfied that the changes proposed under pre-inquiry changes (PIC) 125, 126, 133, 141 and 143 would meet this objection and recommend the Plan be modified as stated.

**(o) Use of terminology relating to employment**

- 1.1.48 PPG12 on Development Plans states that plans “need to be clear, succinct and easily understood by all who need to know about the planning policies and proposals in the area.” This is clearly an instance where the possibility of differing interpretations of particular wording may compromise the achievement of this aim.
- 1.1.49 In my view, the changes proposed by the objector would aid interpretation and clarity of the policies and supporting text and would not change the emphasis of any part of the Plan. I consider therefore that the Plan should be modified to ensure that the terminology used in relation to different categories of employment use is clear and consistent throughout the Plan and is directly related to the definitions in the Use Classes Order (UCO). See also the conclusions at paragraphs 8.1.1-3 of the report.

**Recommendation**

- 1.1.50 **The Plan be thoroughly checked prior to adoption to ensure that all the information it contains is accurate and up-to-date.**
- 1.1.51 **The Plan be modified as follows:-**
- (a) simplify the format and layout of the Plan by:-**
    - (i) eliminating unnecessary background detail throughout the Plan;**
    - (ii) deleting sections 5, 6, 8 & 9 from Part 4 of the Plan;**
    - (iii) deleting sections 1, 2, 5, 7, 8, 12 & 17 from Part 5 of the Plan;**
    - (iv) revising the remaining sections of Part 5 to eliminate unnecessary detail, incorporate the principal policy elements into the main part of the Plan.**
  - (b) include a plan summary and full index.**
  - (c) incorporate numbered paragraphs, as shown in the Composite Plan, subject to the numbering system being amended to relate more closely to the section numbers in the modified Plan.**
  - (d) amend all references to the "Sports Council" to refer to "Sport England" in accordance with PIC 125, 126, 133, 141 and 143.**

- (e) **define all categories of employment use mentioned in the Plan by reference to the Use Classes Order and ensure that all references to employment categories are directly related to such definitions in a consistent manner throughout the Plan.**

1.1.52 **The Council undertakes a comprehensive settlement appraisal for Tring prior to the next review of the Plan.**

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***END OF CHAPTER 1***