

PREFACE

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To : The Chief Executive
Dacorum Borough Council
Civic Centre
Hemel Hempstead
Herts
HP1 1HH

Ref : PINS/A1910/429/5

August 2002

Dear Sir

PUBLIC INQUIRY INTO OBJECTIONS TO THE DEPOSIT DRAFT OF THE DACORUM BOROUGH LOCAL PLAN 1991 - 2011

1. I was appointed by the Secretary of State for the Environment, Transport and the Regions to hold a public inquiry into objections to the Deposit Draft of the Dacorum Borough Local Plan 1991 - 2011. The Inquiry was held between 28 March 2000 and 25 May 2001, and sat for a total of 82 days. The Inquiry involved 60 formal sessions, 41 hearings, and 2 round table sessions on housing strategy and affordable housing. Pre-inquiry meetings were held on 11 and 31 January 2000. Before, during and after the Inquiry I made a series of accompanied and unaccompanied site visits to all of the sites that were the subject of objection.

2. During the Inquiry and the preparation of the report I have been ably assisted by Mr Martin Pike who was appointed by the Secretary of State as my Assistant Inspector. He conducted a number of Inquiry sessions and also undertook a series of accompanied and unaccompanied visits. In addition, Mr Ian Crowther also acted as Assistant Inspector in relation to a small number of written representation objections.

3. The Borough Local Plan comprises five parts in 3 volumes as well as a set of 6 Proposals Maps. Volume 1, which includes Parts 1, 2 and 3 sets out the policies in respect of the Development Strategy, Urban Strategy, Development Control, Housing, Employment, Shopping, Transport, Social and Community Facilities, Leisure and Tourism and the Environment. Part 4, which is contained within volume 2, covers the Area Proposals for the Borough. This includes Town Centre strategies for Berkhamsted, Hemel Hempstead and Tring, development strategies for Bovingdon Airfield and North-East Hemel Hempstead and the policies relating to the Two Waters and Apsley Inset. Additionally it covers Conservation Character Appraisals for Berkhamsted, Hemel Hempstead High Street and Potten End and residential character appraisals for the 3 main towns. The final volume contains Part 5 ‘Environmental Guidelines’, which cover a wide variety of topics from residential design and layout to the conversion of agricultural buildings. Policies are interrelated and the Plan should thus be read as a whole.

4. In October 1998 the County Planning Authority issued a Statement of Conformity confirming that the Plan is in general conformity with the Hertfordshire County Structure Plan Review 1991 - 2011.

5. The Plan was placed on deposit from 2 November 1998 to 15 January 1999. Representations were received from 158 organisations and 1009 individuals, producing 4322 objections to specific aspects of the Plan and 710 representations of support. In addition the Council accepted a further 149 late objections and 56 late representations of support which were received between 16 January and 9 February 1999. Following consideration of these objections the Council approved a total of 288 Pre-Inquiry Changes, which resulted in 216 objections being withdrawn conditional on the Plan being changed as proposed by the Council¹. 2 further objections were conditionally withdrawn subject to other changes being made.

6. The Pre-Inquiry Changes were placed on deposit from 10 November 1999 to 22 December 1999 and attracted 270 objections and 295 representations of support. During the course of the Inquiry the Council published 191 Further Changes. 2 additional objections were conditionally withdrawn as a consequence of the proposed Further Changes. The Further Changes have not been subject to any formal consultation but I have taken them into account in my report as requested by the Council. Prior to and during the course of the Inquiry some 103 objections and counter-objections have been unconditionally withdrawn²; the matters they raised are thus no longer before me and I do not deal with them in my Report.

7. In my consideration of all objections I have had regard to submissions made by or on behalf of the various objectors and the Council, and to all other material considerations, including current Planning Policy Guidance (PPGs) and Circulars where appropriate. I have also had regard to the representations in support. I have not had regard to changes in local planning circumstances subsequent to my closing the Inquiry as I have not received representations thereon. The Council will need to take any such changes into account in their consideration of my recommendations. Likewise the Council will need to take into account any PPG, Circular or other Government Advice published subsequent to the completion of my Report.

8. Unless otherwise stated, reference to Government Policy as set out in Circulars or Planning Policy Guidance notes (PPGs) relates to the versions that were extant at the close of the Inquiry. I have however taken into account the advice in the good practice guide on phasing³, published by the DTLR in July 2001, and in the revised versions of PPG8 and PPG25, which were issued in August and July 2001 respectively. The Council will need to have regard to any subsequent revisions to Government Policy that may occur prior to the adoption of the Plan.

9. In writing my report, I have not considered or commented on the Government’s Green Paper on “Planning: Delivering a Fundamental Change”, which was issued in December 2001. This indicates that there may be some radical revisions to the Development Plan system in the near future. However, as these have not as yet been implemented it would not, in my view, be appropriate for me to take them in to account in making my recommendations. The Council will no doubt be aware of Lord Falconer’s open letter to Councillor Keith House at the Local Government Association, which indicates that local planning authorities should continue to secure the adoption of up to date development plans pending the introduction of the Green Paper proposals. However, in considering what modifications should be made to the Plan, the Council may wish to take into account Lord Falconer’s suggestion that local authorities may find it helpful to adopt some of the approaches outlined in the Green Paper. It may also wish to discuss at an early stage with the Government Office how it intends to take the local plan review forward in the light of the Green Paper proposals.

¹ These objections are listed in Appendix F5 of the report and are identified within the report by an *.

² 10 representations of support were also withdrawn.

³ “Planning to Deliver – The managed release of housing sites: towards better practice” DTLR July 2001.

10. In considering the Council’s representations made in response to the objections I have noted that there appears to be some confusion between Dacorum Borough Council’s responsibilities and Hertfordshire County Council’s role in land use planning matters. In particular the Borough Council suggests in paragraph 5.5 of LPA Doc. No. 896 that they are not required to follow the policies of the Waste Local Plan when making its decisions. However, as the Waste Local Plan forms part of the Development Plan it is covered by section 54A of the Town and Country Planning Act 1990. Consequently, the Borough Council is required to make its decisions in accordance with the Waste Local Plan unless material considerations indicate otherwise. The Borough may therefore wish to consider whether its approach to other parts of the Development Plan complies with the statutory requirements of the Act.

11. My report generally follows the sequential layout of the Plan. In each case I have identified the main points raised by each objection in the form of key issues. I have then gone on to outline my conclusions and give my recommendations in respect of the objections.

Main Issues

12. The main policy issues in my Report concern the sustainability of the development strategy; the amount of land allocated for housing and employment development during the plan period; the need to vary the existing Green Belt boundaries; the amount of affordable housing to be provided and the site specific thresholds. I set out briefly below my findings in respect of each of the main sections of the Plan:-

DEVELOPMENT STRATEGY: Although I have reservations about the methodology used to select the housing sites I have endorsed the Plan’s overall strategy. However I have concluded that more guidance needs to be given on the acceptable levels of development in Tring, Kings Langley and Bovingdon in view of the constraints that exist. I have endorsed most of the proposed changes to the Green Belt boundary and have recommended the changes originally proposed at East Berkhamsted and The Manor Estate should not be deleted as proposed by the pre-inquiry changes. However, I have indicated that the proposed extension of the Green Belt at Markyate should be modified to accord more closely with the area specified in the Structure Plan. I have also suggested that the Council should rethink the release of Green Belt land at West Hemel Hempstead. I have concluded there is no justification at this stage for releasing Green Belt land for development beyond the Plan period. I have however suggested that a new policy on major developed sites in the Green Belt should be included in the Plan.

URBAN STRUCTURE: I have recommended changes to the wording of these policies.

DEVELOPMENT CONTROL: I have recommended minor changes to Policy 9 on design but have concluded most of the other policies in this section should be deleted.

HOUSING: I support the Council’s general housing strategy which should achieve the Government’s target of 60% of housing being built on previously developed land. Despite the fact that a full urban capacity study had not been undertaken at the time of the Inquiry I am not convinced from what I have heard, read and seen that significant additional brownfield land would be genuinely available during the Plan period. Indeed I have concluded that the Council has overestimated the amount of housing that is likely to come forward on unidentified sites. The shortfall can largely be met by increasing density in line with the advice in PPG3 and extending some of the identified sites. I have concluded therefore that significant additional greenfield land should not be required.

In the light of the advice in PPG3 I have recommended the deletion of all the housing reserve sites, apart from H52 which I have recommended should be brought forward for release after 2006. I have determined that the inclusion of the larger strategic greenfield sites within Part I of the housing programme is warranted because of the time needed for the necessary infrastructure to be put in place. However, I have recommended that all the smaller greenfield sites should be moved into Part II for release after 2006.

In relation to affordable housing I have recommended that the overall target should be reduced by around 50% so that it is more achievable. However, I have concluded that the individual targets for specific sites are generally reasonable in the light of the high levels of local need. The definition of affordable housing needs to be modified to reflect national advice and affordability needs to be determined in relation to the levels of local income rather than by specified rent levels.

In terms of the larger identified housing sites I have suggested that the Council should reconsider the sites at West Hemel Hempstead (H34 and H51) and have recommended that the site at Breakspear Way (H15A) should not be proceeded with owing to its poor sustainability. Instead I have concluded that the site at North-East Hemel Hempstead should be enlarged and the sites at the Manor Estate retained in the Plan. I have also indicated that a new site at Marchmont Farm merits further consideration.

EMPLOYMENT: Despite serious reservations about the employment forecasting models, I have concluded that the overall supply of employment land is broadly appropriate. However, as a consequence of my choice of housing sites, and my doubts about the conversion of some employment sites to housing, I propose changes to the allocated sites. In particular, I recommend that a reduced Site E4 at North East Hemel Hempstead be reserved solely for specialised technological activities or activities in the national or regional interest, and that the need for B2/B8 development on Site E2 be re-assessed, with consideration being given to alternative provision adjacent to the Lucas site as part of a larger B1 development.

SHOPPING: The shopping policies need some reordering and amendment to more closely reflect the advice in PPG6, particularly in respect of out-of-centre retailing. I have recommended no change to the extent or number of existing centres and have recommended against the proposal for an out-of-centre food supermarket in Berkhamsted. However, I have suggested that Proposal S2 should be strengthened to give clearer support for redevelopment in Berkhamsted town centre.

TRANSPORT: The Council addressed many of the shortcomings of the Transport chapter with a substantial number of pre-inquiry and further changes, which I generally support. Further modifications are necessary, however, principally to ensure consistency with PPG13 and RPG9, particularly in respect of the emphasis given to non-car based modes of transport and to reduced levels of residential parking provision.

SOCIAL AND COMMUNITY FACILITIES: No significant changes are proposed.

LEISURE AND TOURISM: I generally support the policies on Leisure and Tourism, as amended by the Council. The main change I recommend is a lower threshold for the provision of on-site leisure space within residential developments.

AREA PROPOSALS: These are generally too detailed and much of this part of the Plan would be better deleted and reissued as supplementary planning guidance. Of those parts I have recommended be retained the town centre strategy for Tring needs to be rewritten and the section on Two Waters and Apsley radically reduced in length.

DEVELOPMENT IN RESIDENTIAL AREAS: Another section that provides an inappropriate level of detail for inclusion in a local plan, and which should therefore be deleted.

ENVIRONMENTAL GUIDELINES: Having regard to the advice in PPG12, I consider that the Environmental Guidelines contain excessive and overly prescriptive detail for inclusion in the Plan, and I recommend that they be deleted and reproduced as supplementary planning guidance.

13. Attention is drawn to the fact that my recommended modifications to policies in the Plan may also necessitate consequential modifications to supporting text and/or the Proposals Map. These consequential modifications are not necessarily noted in my report, and the Council will thus need to identify and incorporate them in the Plan during the final stages of the Plan preparation process.

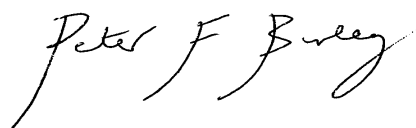
14. A complete set of documents submitted in connection with the Inquiry is held by the Director of Planning and Development, and may be inspected at the Civic Centre, Hemel Hempstead by prior appointment (*Telephone Ann Banfill 01442 228190*).

15. A copy of this letter has been sent for information to the Head of the Development Plans Branch of the Government Office for the East of England, and to the Planning and Development Division of the Office of the Deputy Prime Minister, Eland House, Bressenden Place, London.

16. Finally I wish to express my thanks for the help and co-operation I and the Assistant Inspector received throughout the Inquiry; Michael Bedford Counsel for the Local Planning Authority, and the Dacorum Borough Council officers were unfailingly courteous and considerate. Both prior to, during and for some time after the close of the Inquiry I and the Assistant Inspector were ably assisted by our Programme Officer, Sue Castle-Henry to whom in particular I wish to express my sincere thanks for her good humoured support and unstinting hard work. Her assistant Debbie Carletti assisted her in this for much of the Inquiry and our thanks go to her also.

17. I would also like to express my thanks to the various objectors, who appeared before my Assistant Inspector and I, including, where appropriate, their advocates and witnesses, for their assistance. While I would not normally wish to single out any one individual I feel I should take this opportunity to express my admiration for the continuing enthusiasm for the future of Tring that Mrs Lee expressed in her many appearances. It was with regret that I heard of her sudden death in July 2001 following the close of the Inquiry.

Yours faithfully,



Peter F Burley
Inspector

cc : Government Office for the East of England
Office of the Deputy Prime Minister, Eland House, London