

Inspector's Queries and Correspondence with Dacorum Borough Council (DBC)

As at 1st May 2013

Inspector's Supplementary Question for DBC; 1st May 2013

The Inspector has given very careful consideration to the representations received regarding the consultation on the Council's proposed Main Modifications. However, without prejudice to his final conclusions, he would welcome further clarification from the Council regarding the timetable for the preparation of other documents and in particular the Site Allocations DPD and the East Hemel Hempstead Action Plan. It is his understanding that the Council would currently seek to have these documents adopted before completion of the partial review.

Could the Council explain the reasoning behind this sequencing and confirm whether or not consideration has been given to the preparation of a single local plan that encompasses both the partial review and the site allocations? This integrated and comprehensive approach may result in a greater level of consistency and would provide a more stable foundation on which to plan for the future of the Borough. It may also enable the review to be undertaken more expeditiously than is currently proposed.

The Inspector considers this to be a procedural matter and therefore further public consultation is not necessary but he would welcome a response from the Council by Friday 24th May.

Response of Dacorum Borough Council; 24 May 2013

Summary

The Council agrees that the partial review it has committed to will take the form of a single Local Plan, containing Site Allocations and Development Management policies in addition to strategic policy concerning the development of the Borough of Dacorum.

Work has commenced on the partial review with stage 1 of the comprehensive Green Belt review underway and production of an indicative timetable for the delivery of the new single Local Plan, attached here as Annex A.

The Council is concerned however to ensure its plans for housing delivery, as set out in the Core Strategy that has been the subject of this Examination, are robust and help to fulfil the NPPF aims of significantly boosting the housing supply. Also, as the partial review will take time to prepare (see below) it is imperative that work on Site Allocations progresses now and moves to adoption as timetabled.

This work is valuable and will be rolled into the single Local Plan, together with further Site Allocation and Development Management policy work that arises from the partial review framework.

The Council concludes, therefore, that continuation of the current Site Allocations work, running in parallel with the partial review, represents the most effective way forward given the need for housing supply needs to be met and the need for a robust and up to date planning policy framework.

Background and Reasoning

The Council has given very careful thought to the preparation of local planning policies, and in particular to the documents(s) that will contain them. Progress on document production and the success of existing policies is reviewed annually. Local Development Schemes have been prepared, amended and reissued: an update will be undertaken shortly.

The Council has been guided by regulations, Government policy and local experience, circumstances and understanding. The Council agrees there should be a stable foundation on which to plan for the future of the borough and to achieve that expeditiously is a rational and reasonable goal.

The Council has weighed up the following considerations:

- *the need to provide an up to date planning framework*

The Dacorum Borough Local Plan 1991-2011 is outdated and the National Planning Policy Framework (NPPF) accords limited weight to it (paragraph 215). Adoption of Dacorum's Core Strategy will be a very important step forward. The Council understands the matters raised by the Inspector in his preliminary response dated 19 November 2012 – i.e. lack of a comprehensive Green Belt review and lack of emphasis on the role that neighbouring authorities could play in meeting Dacorum's (development) needs (paragraph 5). The Council has put forward a main modification to the submitted Core Strategy, promising a partial review: this follows an option suggested by the Inspector and would cover the matters he raises.

- *the need to deliver the policies in the Core Strategy*

This means delivering the Site Allocations DPD and completing a review of development management policy in the DBLP 1991-2011 in the context of the NPPF. Preparing a Development Management DPD is currently the simplest way to progress, but this will be kept under review (see below).

The Council has tracked Site Allocations work throughout the preparation of the Core Strategy, and two issues consultations about sites and policy areas have been undertaken. The link between land availability and Core Strategy policy is fundamental and should be carried through in the way the Council proposes.

- *how to progress towards a single local plan*

The planning regulations recognise that different development plan documents may exist and that it will take time to move towards a system of single district-wide local plans (albeit there may be a case for specific area action plans). The Council's approach is legal and transparent.

The structure of the three DPDs (Core Strategy, Site Allocations and Development Management) has always been designed to enable eventual merger into one document for ease of reference by the public and other parties.

Which should be the more immediate planning goal is open to debate:

1. the delivery of the Core Strategy *with* completion of the Site Allocations and Development Management DPDs, or
2. the partial review of the Core Strategy incorporating all sites and development management policy (i.e. direct progression to a local plan).

The Council's view is that the real issue is how quickly it can move forward with production of a local plan while providing a locally sound, current and deliverable local planning framework.

The Inspector's preliminary response to the Council (19 November 2012) said he had insufficient evidence to confidently conclude:

- a) 11,320 represents full objectively assessed housing need in Dacorum (2001-2031);
- b) Dacorum's housing needs could not be more fully met without causing harm to interests of acknowledged importance [the Council understands this to mean within the general area, not necessarily the borough of Dacorum];
- c) future needs [i.e. beyond 2031] could be accommodated without a review of the Green Belt

(paragraph 11). The partial review will cover these matters.

The partial review may result in:

- a) confirmation that the Council's assessment of objectively assessed housing need was reasonable (most recent DCLG projections show a very much slower decline in average household size: if maintained, 2.34 might be a reasonable estimate for 2031 – for the implication, refer to Table 2(d) in the Council's response to Q1 Post Hearing Questions 12 November 2012); or
- b) affirmation that (up to) 13,500 dwellings should be provided (the most recent DCLG projection considered at the Examination hearing); or
- c) consideration of whether a higher level, if evidenced by fresh research and intelligence, should be accepted.

With (b) and (c) above, the big question is then how and where the development should be accommodated, and what the implications are. This particularly affects St Albans, Central Bedfordshire and Aylesbury Vale Councils, in addition to Dacorum.

Result a) would suggest no pressing need to change the current submission Core Strategy (as modified). Depending on the scale of additional development to be accommodated, results b) or c) may require some policy and implementation plan changes.

The partial review has commenced, but will take time to complete. Other development plan work arising from the Core Strategy is more advanced. One element of the partial review, a Green Belt study, has been commissioned: it covers three district authorities (Dacorum, St Albans and Welwyn-Hatfield) and will require agreement from others that the approach is sound.

The key matter to reassess is that of housing needs with a refreshed strategic housing market assessment. The issue of safeguarded land (to accommodate development needs after 2031) is relevant, whichever of the three potential results listed in the paragraph above occurs.

Dacorum and neighbouring local authorities have considerable experience of local plan preparation and understanding of the timescales and issues involved: however that has always been in the spatial and quantitative context of structure and/or regional planning. The duty to co-operate is an important matter for all local planning authorities. The ability to agree difficult issues of cross-boundary development provision however is not straightforward and it is inevitable some matters will take time to resolve, perhaps even through independent examination.

- *how to plan East Hemel Hempstead*

The East Hemel Hempstead Area Action Plan is more important in the context of higher development levels, irrespective of whether the need arises from Dacorum or St Albans. For the time being the Core Strategy and Maylands Master Plan provide an adequate policy framework. The Council will consider the necessity for supplementary guidance on individual sites here, normally in consultation with St Albans Council.

The Council has considered alternative plan preparation scenarios (and possible outcomes) and has concluded that the approach it is adopting is the best way forward.

The Council's proposed approach

As explained in the response to representations on the Main Modifications,¹ detailed information relating to the timing and content of the partial review will be contained within a revised Local Development Scheme (LDS), rather than in the Core Strategy itself. The current LDS (May 2009) will be reviewed following adoption of the Core Strategy. The timetable for DPD production within the LDS is already reviewed and updated regularly through the Council's Annual Monitoring Report.

The suggested text for Main Modification 28 states that *"The Council is committed to a partial review of the Core Strategy (i.e. after completion of the Site Allocations and Development Management DPDs). Evidence gathering will begin in 2013. The purpose of the review is to reconsider housing need and investigate ways of meeting that need more fully...."* (our emphasis).

This text intentionally omits reference to the East Hemel Hempstead Area Action Plan (AAP). This omission is in recognition of the potential challenge Dacorum faces in aligning its

¹ Report of Representations – Main Modifications (April 2013).

progress with neighbouring authorities, whilst taking an effective and expeditious approach to its own plan making processes.

The Council's proposed approach acknowledges it is in the interests of the Council, residents and developers to progress the Site Allocations DPD in particular, as quickly as possible. On the other hand, time is needed to allow the Council to liaise with adjoining local planning authorities about housing numbers and prepare the necessary technical work to inform the partial review.

A draft timetable setting out the stages of plan preparation proposed by the Council (including the partial review) is attached as Annex A, together with some associated explanatory text.

1) Liaison with adjoining Councils:

The need for further liaison with adjoining Councils regarding their potential role in accommodating some of Dacorum's future housing need was highlighted in the Inspector's preliminary note (November 2012). The proposed wording for Main Modification 28 acknowledges that (a) the partial review of the Core Strategy will need to be undertaken in co-operation with neighbouring authorities, taking account of their progress with development plans documents; and (b) these discussions will need to include St Albans district and relevant areas lying beyond the Green Belt i.e. Aylesbury Vale and Central Bedfordshire Councils. Such liaison will take time – especially as all three authorities are some way behind Dacorum in terms of plan preparation.

As referred to above, the Inspector's preliminary note recognises the importance of ongoing liaison between St Albans City and District Council (SADC) and Dacorum Borough Council with regard to housing need and provision. SADC do not have a formal published timetable for their emerging Local Plan. They are currently undertaking background technical work. This includes an update to their Strategic Housing Market Assessment (SHMA) and a Green Belt Review. SADC Officers have advised that their informal working timetable is to publish their Pre-Submission plan in summer 2014, with the Examination in Spring 2015 and adoption in Autumn 2015. This timetable is dependent on the outcome of technical work and subject to Member approval and could be subject to further delays. Any change from protecting the Green Belt at East Hemel Hempstead to promotion of development will be very controversial for St Albans Council. St Albans Council's approach is important to consider when programming Dacorum's partial review, as some cross-boundary issues are likely to prove challenging and may need to be resolved through the examination process.

Aylesbury Vale District Council (AVDC) has recently published the pre-submission version of the Vale of Aylesbury Plan (VAP) for consultation. Whilst this plan seeks to accommodate housing need generated within the Aylesbury area, it does not provide for the needs of any adjoining authorities which are more tightly constrained due to Green Belt and AONB designations and whose housing market areas overlap. In order to try to minimise objections to the VAP by these authorities (which include Dacorum), AVDC are proposing to include some wording within the plan to set out how the AVDC would respond to this issue. One potential response is a review of the district's housing target. There will be the need to continue liaison with AVDC regarding housing issues and discuss the potential for this area to accommodate any of Dacorum's future needs.

Central Bedfordshire consulted on their Pre-Submission Core Strategy in early 2013. Through this consultation Dacorum raised concerns that the proposed housing target was too low. One of the reasons cited in Dacorum's response to this consultation was that insufficient consideration had been given to the role Central Bedfordshire has historically played, and could continue to play, in meeting the housing needs of neighbouring authorities.

2) The importance of progressing the Site Allocations DPD

Of the three DPDs that remain outstanding, the Site Allocations is the most critical document to progress. It is the principal 'delivery vehicle' for the Core Strategy and its prompt delivery is important for several key reasons:

(a) *The need to provide further clarification regarding the Local Allocations:*

The Site Allocations DPD will set out further guidance regarding the development of the Local Allocations. This includes defining the precise land areas that will be released from the Green Belt and the timing of these releases. It will provide a set of more detailed development principles for each site, backed up by site masterplans. Work on the Site Allocations DPD and these masterplans is already underway. Stakeholder meetings have recently been held for the three smaller Local Allocations (LA2, LA4 and LA6), with stakeholder workshops, run by an independent facilitator, having taken place for the three larger proposals (LA1, LA3 and LA5).

It is important to ensure that work on these sites continues. This will ensure that landowners / developers have certainty regarding the requirements for their site and that there is sufficient time to ensure essential new infrastructure is planned for. For some sites e.g. LA3, this new infrastructure includes a new primary school, upgrades to the sewerage network and additional GP provision: all of which take time to put in place.

Whilst the Council's current monitoring information indicates that the Local Allocations will not need to be delivered until 2021, Policy CS3: Managing Selecting Development Sites provides a framework for their earlier delivery if certain circumstances arise. Should this earlier delivery be required, or should earlier planning applications be received, having the Site Allocations DPD in place would mean that the sites are already removed from the Green Belt and a set of development principles established, backed up by detailed master plans. This would provide the Council with the necessary framework to consider any planning applications and ensure delivery of a high quality development that meets local needs. Critically it would support the NPPF objectives of adequate land availability in support of the need to significantly boost the supply of housing.

(b) *The need to provide further clarification on housing land supply:*

The Site Allocations DPD will set out how the Council intends to ensure and manage its future housing land supply (both 5 and 15 year). It will explain how the current housing target can be met and detail the timing and location of key sites and the development needed to support this. The document will also explain how smaller housing sites will contribute to the overall supply. This information is critical to

enable the Council to deliver the objectives of the Core Strategy and ensure that housing is delivered in the most sustainable manner, in conjunction with associated infrastructure.

(c) The need to provide clarity:

Ensuring that a Site Allocations DPD is in place that aligns with the current Core Strategy will provide a clearer policy framework for development in moving to an early partial review. It will take time and resources to consider how the housing supply can be increased if the Council has to plan for a higher housing target as a result of the partial review. The Site Allocations DPD will lay the foundations for this work and help ease and expedite production of the new single local plan. Progressing the site work (through the DPD itself and associated master plans) will reinforce the Council's 'Open For Business' message and support delivery of key corporate objectives. While housing is a key element, there are developments to plan for in addition e.g. commercial and leisure.

3) Other Matters

Production of the Development Management DPD is considered to be less time-critical than the Site Allocations DPD. There are however a number of policies that need to be reviewed to ensure conformity with the National Planning Policy Framework (NPPF) and reflect changes to permitted development rights. This document will be limited in scope and is not expected to take as long to prepare as preceding DPDs.

Should the above programme be followed, the Council expects the timetable for the preparation of the Site Allocations and Development Management DPDs to be as set out in Annex A (attached). This is subject to formal agreement by Members when the LDS is reviewed. This programme would allow for the adoption of the single Local Plan (incorporating the partial review) by 2017/18 (as referred to in the proposed amendment to Main Modification 28)².

This programme assumes that work on the early partial review will be carried out in parallel with the Site Allocations and Development Management DPDs. Indeed, this work has already commenced, with Dacorum, St Albans and Welwyn Hatfield Councils jointly appointing consultants SKM to carry out a Green Belt study.

Officers consider that it is sensible to use the partial review as an opportunity to combine the separate DPDs that will exist into a single 'local plan' for the borough, and, subject to formal agreement with Members, this is the Council's intention. The Site Allocations and Development Management DPDs will be structured in such a way that they could be assimilated with the Core Strategy to produce a single document comprising the new Local Plan.

If the programme in Annex A proves harder to deliver than envisaged, there is the potential to pause work on the Site Allocations and Development Management DPDs after completion of the pre-submission stage and continue work on the single local plan. This would enable the Council to develop and receive feedback on its approach and for the emerging policies and associated site masterplans to be accorded weight in Development Management decisions, whilst allowing work on the partial review to remain on track.

² Table 4, Annex B, Report of Representations – Main Modification (April 2013).

Conclusions

The Council has given considerable thought to the option of progressing straight to a single local plan after the Core Strategy is adopted. It agrees with this approach, and has commenced work on the partial review. However, for the reasons set out above it has concluded that it is beneficial all round to progress the Site Allocations and Development Management DPDs as contributory to and in parallel with partial review work

The precise timing of key stages of a new local plan (incorporating the partial review) will depend upon the progress of discussions with adjoining Councils regarding housing needs and the level and scope of new technical work that needs to be prepared and/or updated.

Both will take time, and the speed of plan preparation of adjoining LPAs is obviously outside of this Council's control. Based on all the information available, the Council does not consider that a new single 'Local Plan' (incorporating a partial review) can satisfactorily be prepared earlier than the 2017/18 target already referred to in the change to Mod 28.

The Council's approach:

- understands and responds to local circumstances and engagement;
- encourages delivery of the necessary planning policy and development with it;
- recognises changes in the planning system; and
- allows flexibility.

Evidence work for the partial review will take time but can be progressed in parallel with work on the Site Allocations and Development Management DPDs. This 'twin track' approach enables progress to be made on the partial review as quickly as practicable, whilst also progressing the Site Allocations and Development Management DPDs that will ensure the delivery of new homes.

The Council believes this approach will provide the most effective planning for Dacorum and enable more effective delivery of the duty to co-operate, giving appropriate weight to potential opportunities to the east of Hemel Hempstead.