



**AGENDA ITEM: 9**  
**SUMMARY**

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>24 April 2012</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Submission of Core Strategy</b>
Contact:	Cllr Steven Holmes, Portfolio Holder for Planning and Regeneration  Laura Wood, Team Leader – Strategic Planning and Regeneration
Purpose of report:	That Cabinet: <ol style="list-style-type: none"> <li>1. Consider the significant new issues raised through representations on the Pre-Submission Core Strategy in late 2011; and</li> <li>2. Agree the process for submitting the Core Strategy to the Planning Inspectorate.</li> </ol>
Recommendations:	<ol style="list-style-type: none"> <li>1. To note the significant new issues arising from representations received to the Pre-Submission Core Strategy and the impact of new advice.</li> <li>2. To recommend to Council that: <ol style="list-style-type: none"> <li>(a) no significant changes are made to the Pre-Submission Core Strategy as a result of representations received; and</li> <li>(b) the Submission documents are submitted to the Planning Inspectorate.</li> </ol> </li> <li>3. To delegate authority to the Portfolio Holder for Planning and Regeneration to approve any further minor wording changes to the Core Strategy prior to consideration by Full Council.</li> <li>4. To delegate authority to the Assistant Director (Planning, Development and Regeneration) to: <ol style="list-style-type: none"> <li>(a) Finalise the Report of Representations and other Submission documents; and</li> <li>(b) Agree any further minor changes arising during the course of the Examination.</li> </ol> </li> </ol>

<p>Corporate objectives:</p>	<p>Preparation (and delivery) of the Core Strategy and other components of the Local Planning Framework (LPF) contributes to all the corporate objectives. The aim is to achieve high quality, sustainable development in the right place, at the right time and with the right infrastructure, whilst also recognising the need to protect green space.</p>
<p>Implications:</p>	<p><u>Financial</u> The process of preparing the Core Strategy, and wider LPF, has financial implications. Cabinet considered the implications of a three year budget programme in November 2009. Budget provision, together with a reserve, is made for 2012/13.</p> <p>Having an up-to-date planning framework helps reduce the incidence of planning appeals (and hence costs associated with these). It will be the most effective way of ensuring the optimum level of developer contributions to infrastructure and in mitigation of development impacts can be achieved. This process will be further improved and simplified through the adoption of a Community Infrastructure Levy (CIL) approach.</p> <p><u>Value for money</u> Where possible, technical work that supports the Core Strategy has been jointly commissioned with adjoining authorities to ensure value for money.</p> <p><u>Legal</u> Jameson and Hill have been appointed to provide external legal support for the Core Strategy. They will provide the Council with any advice required regarding the implication of new Government advice; assist with responding to key representations; advise on the production of any additional evidence and support Officers through the Examination process itself.</p> <p><u>Human Resources</u> It is critical that the Strategic Planning and Regeneration team are fully staffed to enable the agreed LPF timetable to be delivered. An experienced Programme Officer has been appointed by the Council to provide administrative support to the Inspector and act as a single, independent point of contact for all parties throughout the Examination process.</p> <p><u>Land</u> The Core Strategy will play an important role in decisions regarding future land uses within the Borough. The Council has specific land ownership interest in two of the Local Allocations - LA1 (Marchmont Farm) and LA2 (Old Town).</p>
<p>Risk implications:</p>	<p>Key risks are identified in the Local Development Scheme and reviewed annually with the Annual Monitoring Report. They include failure of external agencies or consultants to deliver on time, changes in Government policy and team capacity. A separate risk assessment prepared for the Core Strategy Pre-Submission identifies a number of risks relating to the</p>

	Examination process and particularly the soundness tests with which the Core Strategy must comply.
Equalities implications:	An Equality Impact Assessment has been carried out for the Core Strategy (14 March 2008) and is due to be reviewed following adoption of this plan.
Health and safety implications:	Implications are included in the planning issues covered by the Core Strategy.
Sustainability implications:	The Core Strategy has been subject to detailed sustainability appraisal (incorporating strategic environmental assessment) throughout its development. Sustainability Appraisals covers social, economic and environmental considerations, including equalities and health and safety issues. A summary of this assessment process, and its conclusions, are set out in the Sustainability Appraisal Report (September 2011). A separate Habitats Regulations Assessment has been carried out. Links to the Sustainable Community Strategy are clearly set out within section 7 of the Core Strategy.
Monitoring Officer/S.151 Officer comments:	<p><u>Monitoring Officer</u></p> <p>The Core Strategy is the central development plan document in the local development framework and, as such, requires the formal approval of Full Council at the pre-submission stage. <u>Section 151 Officer</u></p> <p>Budgetary provision has been approved by Council for the preparation of the Core Strategy during 2012/13.</p> <p>There are no proposed changes to the Housing Targets, therefore projections for potential New Homes Bonus will not be affected. The financial impact of the Community Infrastructure Levy will be evaluated once more details are available.</p>
Consultees:	The report refers to consultation undertaken on the Pre-Submission Core Strategy. The results of this will be summarised in the Report of Representations that will be submitted to the Planning Inspectorate alongside the Core Strategy. The results of all previous consultation are summarised in the Report of Consultation that accompanied the Pre-Submission Core Strategy. Volume 7 provides an overview. Development Plans Task and Finish Group were consulted at regular intervals during the preparation of the Core Strategy. The Local Strategic Partnership Board also discussed the content of the Core Strategy at key stages in its production. Corporate Management Team has been appraised of progress and have expressed support for the recommendations set out in this report.
Background papers:	<ul style="list-style-type: none"> <li>• Pre-Submission Core Strategy</li> <li>• Report of Consultation (Volumes 1-7)</li> <li>• Report of Representations (draft)</li> <li>• National Planning Policy Framework (NPPF)</li> <li>• Sustainability Appraisal Report (September 2011) and supplementary working notes.</li> <li>• Habitats Regulations Assessment – Summary Report</li> </ul>

	<p>(September 2011)</p> <ul style="list-style-type: none"><li>• Cabinet Report (26 July 2011)</li><li>• Copies of all representations made (available on online consultation system via <a href="http://dacorum.limehouse.co.uk/portal/planning/pre-submission_cs">http://dacorum.limehouse.co.uk/portal/planning/pre-submission_cs</a>. Access to paper copies available on request).</li></ul>
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## BACKGROUND

### 1. Introduction:

- 1.1 Consultation on the Pre-Submission Core Strategy was held during November / December 2011, with a small 'omissions' consultation during February / March 2012. Since the consultations closed, Officers have been processing these comments, summarising the issues raised and considering whether any changes are required to the Core Strategy as a result. Cabinet (26 July 2011) and Council (28 September 2011) asked that any significant new issues be brought to their attention. As a number of significant new issues have been raised through the consultation, Members' approval is required before the plan can move on to the next stage – which is its formal Submission to the Planning Inspectorate.
- 1.2 An issue is considered to be 'new' when it has not been raised in any comparable form before. It is 'significant' when it substantively challenges the direction, meaning or intention of a policy or proposal in the Core Strategy.

### 2. Representations received on Pre-Submission Core Strategy:

#### Consultation November / December 2011:

- 2.1 This consultation related to the whole of the Pre-Submission Core Strategy document.
- 2.2 Comments were received from 204 organisations and individuals. Many people commented on a number of different parts of the plan, resulting in over 1,000 individual representations. A detailed statistical breakdown of these representations is provided in Table 1a of the draft Report of Representations (see section 3 below).

#### Key areas of concern:

- 2.3 Key areas of concern raised by objectors were:
- Housing target – whether too high or too low.
  - Factors used to establish the housing target and the relative weight accorded to these (e.g. role of population and household growth projections, environmental constraints and the Council's regeneration aspirations).
  - Inclusion of Local Allocations (Green Belt sites) for housing.
  - Phasing of release of housing land (particularly the Local Allocations).
  - The need for additional 'safeguarded land' to be allocated.

- Infrastructure -
  - (a) concerns over current and future capacity; and
  - (b) the need for contributions to be proportionate to the scale of development proposed and not to undermine viability.
- Impact of development proposals upon character of towns / villages and local landscape.
- Concerns regarding development viability as a result of new sustainable design and construction policies and anticipated contributions to infrastructure and affordable housing.
- Requests from commercial agents / developers to relax various policy requirements to suit particular clients' schemes.
- Policies guiding land use in Hemel Hempstead town centre.
- Site specific challenges relating to perceived omissions in strategic land allocations.

Further information regarding some of these issues is set out below.

Housing Target:

- 2.4 A large number of the objections received related to the overall level of housing proposed. As with previous consultations, developers largely objected on the grounds that the target included is too low, whilst local residents and environmental groups were concerned that it was too high.
- 2.5 Members should be aware of a new set of population projections published by the Office for National Statistics.<sup>1</sup> These indicate an increase in population for Dacorum of 22,000 between 2010 and 2035. This compares to a 20,000 population increase contained in earlier projections for a similar 25 year period (2006-2031). However, it should be noted that population forecasts cannot be directly translated into dwelling projections.
- 2.6 No changes are recommended to the Core Strategy housing target in the light of either objections received or these new population projections. The balance struck within the plan between meeting housing needs, supporting employment and protecting the environment remains appropriate.
- 2.7 A Housing Paper is currently being prepared by the Strategic Planning and Regeneration team to address some of the housing target and population based issues. These arguments elaborate on the issues covered by the Cabinet report of 26 July 2011 relating to the Pre-Submission Core Strategy. This paper will help to justify the Council's chosen target and will be included as part of the Core Strategy Submission documents.

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<sup>1</sup> The ONS 2010-based sub-national projections, published March 2012

Local Allocations:

2.8 The Core Strategy currently proposes the following Local Allocations.

Place	Location	Number of Homes
Hemel Hempstead	Marchmont Farm	300
	Old Town	80
	West Hemel Hempstead	up to 900
Berkhamsted	Hanburys, Shootersway	60
Tring	Icknield Way, west of Tring	150
Bovingdon	Chesham Road / Molyneaux Avenue	60

2.9 Local Allocations are Green Belt housing sites which will be managed as countryside until required for development. A number of new or amended alternatives were put forward in the course of the Pre-Submission consultation. These include:

- (a) Land south of Berkhamsted
- (b) Land at Shendish, Hemel Hempstead
- (c) A number of alternatives at Berkhamsted (land at Haslam Field, Shootersway and land off Pea Lane)
- (d) Duck Hall Farm and land at Bovingdon airport, adjacent to the prison in Bovingdon
- (e) Alternative sites at Station Road, Tring.

2.10 These options have been considered by Officers and have been assessed by the Council's independent sustainability consultants, C4S. None are considered to be preferable to those included in the Pre-Submission Core Strategy and no changes are therefore proposed to the current list.

2.11 A number of representations were also received from the Local Allocations landowners and their agents requesting their earlier release for development.

2.12 There are currently two Strategic Sites within the Core Strategy –

- 1) Durrants Lane / Shootersway, Berkhamsted (i.e. land at Egerton Rothesay School); and
- 2) Hicks Road, Markyate.

The principal difference between Local Allocations and Strategic Sites is that Strategic Sites are not within the Green Belt and are therefore permitted to come forward for development at any time. Policies CS2 and CS3 of the Core Strategy control the release of the Local Allocations and give priority to housing sites within existing settlement boundaries. This approach is considered to remain sound and no changes are therefore proposed to either the policy approach or designation of the Local Allocations.

Cross boundary / strategic issues

2.13 A small number of representations have been received from other Councils which require careful consideration. The Localism Act contains a new 'Duty to Co-operate' and requires a statement setting out how we have worked with adjoining authorities and other public bodies to be provided as part of the Submission documents. This statement will provide an opportunity to outline the extensive cross-boundary working that has taken place and explain areas of continuing discussion.

Infrastructure issues:

- 2.14 Liaison with infrastructure providers is progressing well as part of work on the Infrastructure Delivery Plan (IDP). Despite concerns over the capacity of infrastructure being a recurring theme of objections to the Pre-Submission Core Strategy, providers have confirmed that there are no infrastructure 'showstoppers' that would prevent delivery of the Core Strategy and the level of future development planned. Some further advice from key groups (especially Hertfordshire Highways) is however likely to be required to ensure there is a clear, agreed position prior to Examination.

**'Omissions' consultation**

- 2.15 After publication of the Pre-Submission Core Strategy, a number of minor omissions with regard to changes required to the Proposal Map that will accompany the Core Strategy were noted. These related to the boundary of Hemel Hempstead Town Centre and the proposed extent of the East Hemel Hempstead Area Action Plan (AAP), within Dacorum. The boundaries of 5 Conservation Areas were also shown as these have been recently updated and it is sensible for the Proposals Map to be similarly amended. The Council's legal adviser recommended that it was prudent to carry out a focussed 'omissions consultation' to seek feedback on these map changes. This consultation was targeted at those who were consulted as part of the previous Pre-Submission consultation and ran from 15<sup>th</sup> February to 28<sup>th</sup> March.
- 2.16 Comments were received from 7 organisations / individuals and totalled 13 individual representations. There are no major issues – see Tables in the draft Report of Representations.

**3. Draft Report of Representations:**

- 3.1 A Report of Representations must accompany the Core Strategy when it is submitted to the Planning Inspectorate. Its role is to demonstrate that the Council has complied with the relevant regulations when seeking feedback on the Pre-Submission Core Strategy; to summarise the main issues raised; and to provide a short response regarding these issues.
- 3.2 A draft of the Report of Representations is available in the Group Rooms and is on the Council's website (alongside this report). Paper copies can also be provided to Members on request. Cabinet's attention is particularly drawn to the following tables within this draft Report of Representations:
- Table 1 - sets out the main issues raised and the proposed response.
  - Table 2 - summarises the main issues raised in plan order, identifies if these are new and / or significant in nature and sets out a brief response.
  - Table 3 – provides a schedule (in track changes form) of the changes proposed to the Core Strategy and identifies if these changes are proposed as a direct response of representations received, or are editorial.
- 3.3 Part (a) of each table relates to the November/December consultation and part (b) to the omissions consultation.

Proposed changes

- 3.4 If the Council wishes to make any 'significant changes' to the Pre-Submission Core Strategy before Submitting it the Planning Inspectorate, then there would have to be an additional stage of consultation.
- 3.5 Officers have defined a 'Significant change' as a substantive change to the direction, intention or meaning of a policy in the Core Strategy. The clarification, correction or postponing of the detail of policy to a later stage have not been construed as being significant changes. This definition has been agreed with our legal adviser.
- 3.6 It is not considered that any of the changes recommended in Table 3 of the Report of Representations fall into the 'significant' category. Most are editorial changes or minor changes that do not affect the thrust of the plan. No further consultation on the plan is therefore proposed and, subject to the agreement of Full Council, it is recommended that the Core Strategy is formally submitted to the Planning Inspectorate.

**4. National Planning Policy Framework (NPPF):**

- 4.1 The final version of the National Planning Policy Framework was published on 28 March and came into immediate effect. The NPPF replaces all existing Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) and some other planning advice.
- 4.2 Officers' initial view is that its content is very similar in content to the draft published in July 2011 and the Core Strategy therefore accords with its principal requirements. There have however been a number of changes to the document since it was first drafted. Key changes are as follows:
  - Strengthened 'town centre first' approach with regards to new retail development.
  - Less onerous requirement regarding the 5 year housing land supply (with just an additional 5% required, rather than the 20% previously referred to).
  - More flexible approach to the inclusion on windfalls when calculating future housing land supply.
  - Reference to prioritising brownfield land and an acknowledgement that decision makers should recognise the *'intrinsic character and beauty of the countryside.'*
  - Removal of explicit reference to the fact that the default answer to development should be 'yes.'
  - Greater recognition of the three dimensions of sustainable development i.e. social, environmental and economic and some further clarity regarding the *'presumption in favour of sustainable development.'*
  - Greater emphasis upon the importance of local plans and the plan-led approach.
- 4.3 The NPPF introduces an additional 'test of soundness' which plans must pass before they can come into operation. In addition to the previous requirements that plans must be justified, effective and consistent with national policy, they must now also be 'positively prepared' (para 182). This reflects new requirements under the 'duty to co-operate' enshrined in the Localism Act.



- 4.4 In general these changes are seen as positive and lend support to the Council's proposed planning strategy. It is however important to note that the NPPF is still far more 'pro-development' in tone than the guidance it replaces and still requires housing targets to be based on a technical assessment of need.
- 4.5 Officers and the Council's legal adviser are currently assessing the detailed impact of the NPPF on the Core Strategy policies. If any minor changes are required as a result of this assessment, these will be agreed with the Planning and Regeneration Portfolio Holder as per recommendation 3 of this report. Any more significant changes required to ensure full compliance will be discussed during the course of the Examination.
- 4.6 A final version of Tables 1-3 of the Report of Representations will be available for Full Council on 16 May.

**5. Sustainability Appraisals / Strategic Environmental Appraisal:**

- 5.1 A Sustainability Report (including Strategic Environmental Assessment as required under European law), accompanied the Pre-Submission Core Strategy. As a result of comments received on the Pre-Submission draft, the Council's independent consultants, C4S, have assessed the new and amended sites put forward and have also responded to comments made on the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process itself. The results of these assessments are currently available in draft form. When finalised, they will be published as a Working Note to support the final Sustainability Report.
- 5.2 Once the final schedule of changes to the Core Strategy (Table 3 of the Report of Representations) has been agreed by Cabinet and Full Council, an amended SA Report will be prepared. This is likely to take the form of a short addendum to the Report prepared at the Pre-Submission stage.
- 5.3 Due to the minor nature of the changes proposed to the Pre-Submission Core Strategy we do not expect any significant changes to the findings of the SA/SEA issues to arise at this stage. Our consultants currently advise that the minor changes proposed will have a neutral, or marginally positive, impact on the sustainability performance of the plan. In addition it has been confirmed that the minor changes proposed will not alter the conclusions of the Habitats Regulations Assessment (HRA). As for the SA/SEA the HRA conclusions will be finalised once the final schedule of changes to the Core Strategy have been confirmed. These will be reported in the final SA Report.

**6. Next Steps:**

Submission:

- 6.1 There has been a slight slip in the Core Strategy timetable previously agreed by Members in November 2011. This is due to reduced Officer capacity, the number and scope of representations received and the need to conduct the omissions consultation.
- 6.2 Subject to the agreement of Full Council, the Core Strategy will now be submitted to the Planning Inspectorate at the end of May.

- 6.3 The following Submission documents are required by the regulations:
- Pre-Submission Core Strategy, together with a schedule of changes
  - Amended Proposals Map
  - Sustainability Appraisal Report (Final report plus addendum)
  - Report of Consultation (Volumes 1-7)
  - Report of Representations
  - List of Supporting documents
  - Statement of Community Involvement
- 6.4 A statement under the 'Duty to Co-operate' is also now required under the Localism Act.
- 6.5 A number of other documents can also be included at the Council's discretion. These will include copies of all previous Core Strategy consultation documents and associated Sustainability Appraisal Working Notes and Habitat Regulations Assessments, the Housing Paper, Infrastructure Delivery Plan (original reports plus update) and copies of all relevant technical work and supporting documents.
- 6.6 Other documents, such as relevant Cabinet reports and minutes, copies of consultation documents relating to the Site Allocations and East Hemel Hempstead Area Action Plan DPDs, a legal compliance self assessment and an Equalities Impact Assessment may also be included on the recommendation of our legal adviser.

Post-Submission:

- 6.7 The timetable following Submission will be determined by the Planning Inspectorate. However, the Examination is expected to be held in early autumn 2012.
- 6.8 It is likely that the Inspector will require the Council to prepare 'Statements of Common Ground' with some parties before these issues are discussed at Examination. These will be focussed on objectors with who we have common areas of agreement. It may not be possible to agree statements with some objectors due to the lack of common ground. Preparation of Statements will follow Submission.
- 6.9 It is recommended that the Assistant Director of Planning, Development and Regeneration is delegated the power to agree any minor changes to the Core Strategy suggested to the Council by the Planning Inspector during the course of the Examination. Any changes recommended that are of a significant nature would be subject to further public consultation and the Examination could be adjourned to allow this to happen. If this situation arises the recommended changes would be put before Members for consideration and decision.
- 6.10 The final Core Strategy, including the Inspector's recommended changes, will be brought before Council for adoption. Provided the Inspector finds the Core Strategy 'sound,' it is hoped that this will be in early 2013.
- 6.11 The Portfolio Holder for Planning and Regeneration will be kept up-to-date of progress throughout the Examination.