



AGENDA ITEM: 13
SUMMARY

Report for:	Cabinet
Date of meeting:	17 September 2013
PART:	1
If Part II, reason:	

Title of report:	DACORUM LOCAL PLANNING FRAMEWORK: ADOPTION OF CORE STRATEGY
Contact:	Councillor Andrew Williams, Leader of the Council and Portfolio Holder for Planning and Regeneration James Doe, Assistant Director – Planning, Development and Regeneration Laura Wood, Team Leader – Strategic Planning and Regeneration (Strategic Planning)
Purpose of report:	To seek adoption of the Core Strategy and associated documents, in order to provide a clear and up-to-date basis upon which to make planning decisions within the Borough.
Recommendations	It is recommended that Cabinet recommend to Council to: 1. Adopt the Pre-Submission Core Strategy, incorporating main and minor modifications, in accordance with Regulation 26 of the Town and Country Planning (Local Planning) Regulations 2012; 2. Authorise the Assistant Director - Planning, Development and Regeneration to: <ul style="list-style-type: none"> (a) Make any necessary minor and non-consequential changes to the Core Strategy and associated Proposals Map prior to publication; (b) Publish the Adoption Statement for the Core Strategy in accordance with the planning regulations; (c) Agree the final version of the Sustainability Appraisal Adoption Statement, in accordance with environmental protection legislation.

	<ol style="list-style-type: none"> 3. Agree the response to comments received on the minor modifications consultation, as set out in Annex 4 of this Report. 4. Confirm adoption of the updated Affordable Housing guidance (Annex 6) as a supplementary planning document (SPD). 5. Confirm adoption of the Hemel Hempstead Town Centre Masterplan (Annex 7) as a supplementary planning document (SPD). 6. Adopt the updated Chilterns Buildings Design Guide (Annex 8) as supplementary planning guidance (SPG). 7. Retain the existing supplementary planning documents, supplementary planning guidance and advice notes, appendices and proposals schedules in the Dacorum Borough Local Plan 1991-2011 (listed in Annex 2 of this Report) for use in planning decisions until specifically reviewed and/or superseded. 8. Agree the provisional timetable in Annex 3, as the basis for future work programming, until formalised through a review of the Local Development Scheme.
<p>Corporate objectives:</p>	<p>The scope of the Core Strategy means that it helps support all 5 corporate objectives:</p> <ul style="list-style-type: none"> • <i>Safe and clean environment:</i> e.g. contains policies relating to the design and layout of new development that promote security and safe access. • <i>Community Capacity:</i> e.g. provide a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc. • <i>Affordable housing:</i> e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable. • <i>Dacorum delivers:</i> e.g. provides a clear framework upon which planning decisions can be made. • <i>Regeneration:</i> e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.
<p>Implications: Financial/ Value for Money</p>	<p>The process of preparing the Core Strategy as part of the Local Planning Framework (LPF) has financial implications. The Council has created a 'Local Development Framework' earmarked reserve to support expenditure. Money is drawn down from this reserve to provide an annual budget to support LPF-related work.</p> <p>Having an up to date planning policy framework helps reduce the incidence of planning appeals (and thus costs associated with those). It will also be the most effective way of ensuring</p>

	<p>the optimum level of developer contributions to infrastructure and in mitigation of development impacts can be achieved.</p> <p>Any legal challenge(s) to the Core Strategy following its adoption will have financial implications. The scale of these implications will depend upon the nature and number of these challenges (see section 8 of main report).</p>
<p>Risk Implications</p>	<p>A full risk assessment has been carried out as part of the PID for the Local Planning Framework. These risks are reviewed monthly through CORVU and reported each year through the Annual Monitoring Report (AMR). Identified risks include failure of external agencies or consultants to deliver on time, change in Government policy and team capacity. If the Council were to decide not to accept the findings of the Inspector's Report and not to adopt the Core Strategy, significant additional risks would arise. These would relate to a lack of an up-to-date framework upon which to base planning decisions within the Borough, and the likelihood of a significant increase in speculative planning applications (and potentially appeals), particularly for housing development in the Green Belt, which would prove hard to defend. There would also be financial implications i.e. extra costs associated with planning appeals and inquiries.</p>
<p>Equalities Implications</p>	<p>Equality Impact Assessment carried out. The issues covered by the Core Strategy include affordable housing and homes for minority groups, accessibility of facilities and local employment. An independent Sustainability Appraisal Report which accompanies the Core Strategy considers equalities issues separately. It concludes that the Core Strategy avoids any discrimination on the basis of disability, gender or ethnic minority.</p>
<p>Health and Safety Implications</p>	<p>They are included in the planning issues covered by the Core Strategy.</p>
<p>Monitoring Officer/S.151 Officer Comments</p>	<p>Deputy Monitoring Officer:</p> <p>The Deputy Monitoring Officer has reviewed the report and his comments have been incorporated. The Core Strategy has been found 'sound' by the Planning Inspector, which is an important milestone and upon adoption will enable the Council to make informed and robust planning decisions based on an up-to-date planning framework.</p> <p>As highlighted in section 8 of the report there is a six week challenge period from the date of adoption and the potential for challenge has been noted. However, the Council has taken internal and external legal advice throughout the Core Strategy process and is satisfied that the required procedures have been followed throughout, and appropriate measures and/or actions put in place to rectify any concerns highlighted by the</p>

	<p>Inspector. Accordingly, the planning and legal teams are satisfied that the Core Strategy is robust and in a form suitable for adoption.</p> <p>Deputy S.151 Officer: There are no material budgetary implications arising from the recommendations in this report.</p>																								
<p>Consultees:</p>	<p>Consultation on the Core Strategy has been carried out in accordance with the Statement of Community Involvement (SCI), adopted by the Council in June 2006, following independent examination by a Planning Inspector.</p> <p>The nature and scope of this consultation is set out within the Report of Consultation and Report of Representations which were submitted for examination alongside the Core Strategy and considered by the Inspector as part of this examination process.</p> <p>In terms of internal processes, Development Plans Task and Finish Group advised on the preparation of the Core Strategy. There have been reports to Cabinet at key stages and the Planning and Regeneration Portfolio Holder has been kept apprised of progress.</p> <p>Corporate Management Team has also considered progress and key issues at appropriate stages and strongly recommends the adoption of the Core Strategy.</p>																								
<p>Abbreviations:</p>	<table border="0"> <tr> <td>SCI</td> <td>Statement of Community Involvement</td> </tr> <tr> <td>LDS</td> <td>Local Development Scheme</td> </tr> <tr> <td>NPPF</td> <td>National Planning Policy Framework</td> </tr> <tr> <td>InDP</td> <td>Infrastructure Delivery Plan</td> </tr> <tr> <td>PPS</td> <td>Planning Policy Statements</td> </tr> <tr> <td>PPG</td> <td>Planning Policy Guidance</td> </tr> <tr> <td>DDP</td> <td>Dacorum Development Programme</td> </tr> <tr> <td>SPD</td> <td>Supplementary Planning Document</td> </tr> <tr> <td>SPG</td> <td>Supplementary Planning Guidance</td> </tr> <tr> <td>WHAG</td> <td>West Hemel Action Group</td> </tr> <tr> <td>LPF</td> <td>Local Planning Framework</td> </tr> <tr> <td>CIL</td> <td>Community Infrastructure Levy</td> </tr> </table>	SCI	Statement of Community Involvement	LDS	Local Development Scheme	NPPF	National Planning Policy Framework	InDP	Infrastructure Delivery Plan	PPS	Planning Policy Statements	PPG	Planning Policy Guidance	DDP	Dacorum Development Programme	SPD	Supplementary Planning Document	SPG	Supplementary Planning Guidance	WHAG	West Hemel Action Group	LPF	Local Planning Framework	CIL	Community Infrastructure Levy
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<p>Background papers:</p>	<ul style="list-style-type: none"> • Pre-Submission Core Strategy (October 2011) with Modifications (January 2013) and associated Proposals Map changes. • Draft Post-adoption Sustainability Statement (September 2013) • Dacorum's Local Planning Framework Core Strategy – Modifications to the Pre-Submission Core Strategy (January 2013) • Report of Consultation (in 7 volumes) (October 2011) • Report of Representations – Pre-Submission (June 2012) • Report of Representations - Omissions consultation (June 2012) • Report of Representations – Main Modifications (April 2013) 																								

	<ul style="list-style-type: none">• Note of Inspector's Preliminary Findings (November 2012)• Inspector's Report into Dacorum's Core Strategy (July 2013)• Core Strategy Pre-Submission Sustainability Report (September 2011)• Dacorum Core Strategy Habitats Regulation Assessment: Update (September 2011)• Core Strategy Submission Stage Sustainability Appraisal Report (June 2012)• Statement of Community Involvement (June 2006)• Local Development Scheme (May 2009)• Dacorum Borough Local Plan 1991-2011 (May 2014)• Chilterns Buildings Design Guide (February 2010)• Affordable Housing SPD (updated September 2013)• Cabinet Report of 22 January 2013 relating to adoption of the Affordable Housing SPD• National Planning Policy Framework (March 2012)• Dacorum Development Programme (DDP) (January 2012) <p>All documents submitted to the Planning Inspectorate in support of the Core Strategy are available from the online examination library at www.dacorum.gov.uk/corestrategyexamination.</p> <p>All of the SPG / SPD listed in Annex 2 of this report are available from www.dacorum.gov.uk or, where not available in electronic form, from the Strategic Planning and Regeneration Team.</p>
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BACKGROUND

INTRODUCTION:

1. The Core Strategy

- 1.1 The purpose of the Core Strategy is to set the planning framework for the Borough. Its aim is to deliver the challenging concept of sustainable development i.e. new homes, facilities and businesses, whilst maintaining the quality of the environment. It provides a basis for planning for and securing new infrastructure provision, which should be aligned with new development.
- 1.2 Once agreed, the Core Strategy, together with the other planning documents that make up the 'Local Planning Framework,' will replace the current Dacorum Borough Local Plan 1991-2011, adopted in 2004.
- 1.3 The Core Strategy contains a vision of what the Borough should be like in 2031, together with a series of objectives which set out how this vision will be realised. These objectives are followed by planning policies that provide a framework through which the Council will judge future development proposals. The inclusion of an overarching policy in support of development (Policy NP1: Supporting Development) is now required by Government to ensure all plans reflect the pro-growth approach set out within the Governments' National Planning Policy Framework (NPPF).
- 1.4 The Core Strategy also contains individual Place Strategies that look at the specific planning issues affecting our towns, large villages and the wider countryside. These set out plans for growth and development, and how we intend to protect their different characters, build upon strengths and, where possible, help address any problems they face.
- 1.5 The Core Strategy addresses the important issue of infrastructure provision, delivery and monitoring. Infrastructure needs are set out in the Infrastructure Delivery Plan (InDP) that accompanies the Core Strategy.

2. Where the Council is in the process

- 2.1 The process of drawing up the Core Strategy has been lengthy (see Annex 1). Strategic advice guiding the Core Strategy has continually changed. The East of England Plan has come and gone (having been revoked by the Secretary of State for Communities and Local Government). It was also subject to successful legal action by Hertfordshire County Council, and St Albans City and District Council, which resulted in the quashing of parts of the plan that related to Hemel Hempstead, in 2009. The introduction of the new National Planning Policy Framework (NPPF) by the Coalition Government in March 2012, and the subsequent quashing of all previous guidance contained with Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) has also had an impact on both the content of the plan and its timetable.

Core Strategy Submission version:

- 2.2 The Council reached a significant milestone in September 2011 when it decided to publish the Pre-Submission version of the Core Strategy. The Pre-Submission Draft, together with some suggested modifications to take account of representations received as part of the formal consultation process in November / December 2011, was

submitted to Government (via the Planning Inspectorate) for formal Examination in June 2012.

Examination process:

- 2.3 Mr David Hogger was appointed by the Secretary of State as Planning Inspector to conduct the Examination. The public hearing part of the Examination was held between 9 and 18 October 2012. It provided an opportunity for the Inspector to hear objections from invited parties to the Core Strategy, and the Council's response to these objections.
- 2.4 Before, during and after the hearing sessions, the Inspector asked the Council a number of specific questions relating to the plan itself and associated processes. These questions and the Council's responses are published on the Council's Core Strategy Examination webpage www.dacorum.gov.uk/corestrategyexamination.

Inspector's Preliminary Findings:

- 2.5 The Inspector's Preliminary Note on the Examination was received in November 2012. In it he concluded that he could not be sure the Council had fully provided for objectively assessed housing needs over the plan period to 2031. He set out a range of options for the Council to consider, from carrying out an early but partial review of the Core Strategy, to a pause in the process to enable more evidence to be assembled, to withdrawing the plan, or to do nothing and proceed with the Examination, but with the risk that the plan may be found 'unsound' in his final Report.
- 2.6 These options were reported to Cabinet in December 2012. It was resolved that the Council should proceed to adopt the Core Strategy as planned, but to commit to an early and partial review. This commitment was articulated through one of a series of 'Main Modifications' the Inspector advised should be made to the plan. Consultation on these Main Modifications, together with some, more minor modifications which did not relate to soundness issues, took place in January / February 2013. Representations received on the Main Modifications, together with the Council's response, were passed to the Inspector for consideration in April.

THE INSPECTOR'S REPORT

3. Report Recommendations

- 3.1 The Inspector's Report was received on 9th July 2013. The report does not summarise any of the detailed cases submitted to the Examination, but concentrates on the issues upon which the soundness of the plan depends.
- 3.2 The Report contains a non-technical summary which is set out below:

Non-Technical Summary

This report concludes that the Dacorum Core Strategy provides an appropriate basis for the planning of the Borough providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable it to adopt the Plan. All the modifications were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on the issues raised.

The modifications can be summarised as follows:

- A commitment to undertake a partial review of the Core Strategy to be adopted by 2017/18;
- The insertion of a model policy on the presumption in favour of sustainable development and confirmation of the objective to minimise impacts on biodiversity;
- Clarification regarding the phasing and delivery of housing, including the release of local allocations;
- Clarification on affordable housing requirements and the provision of gypsy and traveller pitches;
- Reference to be made to the provision of non B class employment uses and clarification regarding office floorspace provision, phasing, review and management;
- The provision of clearer advice on potential new uses in the Gade Zone and the Marlowes Shopping Zone and on social infrastructure provision in general;
- The acknowledgement that heritage assets should be conserved;
- Strengthening the approach towards the management of car parking provision;
- Clarification regarding sustainability offsetting; and
- Clarification regarding small scale development in the Green Belt and in the countryside.

3.3 A schedule of the wording of the Main Modifications is Annexed to the Inspector's Report. These Main Modifications are largely as published by the Council in January 2013. MM28 relating to the partial review has been amended to reflect concerns raised through representations to the main modifications and subsequent questions raised by the Inspector. Minor changes have also been made to MM21 – Policy CS29: Sustainable Design and Construction, and MM24 – Policy CS33: Hemel Hempstead Town Centre, to correct a formatting error and to ensure clarity of wording.

3.4 Now that the Core Strategy has been found 'sound,' the Council can move to formally adopt the plan.

3.5 The Council must also consider the results of consultation on the minor modifications proposed to the plan. These were not considered by the Inspector as he advised they did not relate to 'soundness'. However, they have been proposed to improve clarity and accuracy in presentation of the Core Strategy.

4. Consideration of Responses to Minor Modifications

4.1 A full list of the Minor Modifications proposed to the plan are set out in the 'Modifications to the Pre-Submission Core Strategy' (January 2013). These were subject to the same consultation as the Main Modifications (see Report of Representations - Main Modifications (April 2013)).

4.2 A summary of the main issues raised with regard to the minor modifications, together with the Council's proposed response, is set out as Annex 4 to this report.

4.3 No further changes are proposed to the wording of the Minor Modifications as a result of the comments received. This is because the comments largely fall into one or more of the following categories i.e. they:

- i. Repeat previous objections and/or request significant changes to the document which have already been considered by the Council and the Inspector;
 - ii. Request additional detail to be added to the text, which is not considered necessary;
 - iii. Repeat issues already summarised and reported as part of the Main Modifications consultation;
 - iv. Do not relate to a Minor Modification(s) *per se*, but to a wider issue(s) which was not the subject of the consultation.
- 4.4 Delegated powers are however requested to enable the Assistant Director for Planning, Development and Regeneration to make any further minor changes to the Core Strategy required before its formal publication. None of these changes would relate to the strategy itself: rather they would principally relate to correcting typographic and formatting errors, together with a limited number of updates to the contextual text and changes to aid clarification.

5. Concluding the process to formal adoption

- 5.1 The Council is now in a position to adopt the Core Strategy with the Main Modifications required by the Inspector (and the Minor Modifications proposed by the Council).
- 5.2 At this concluding part of the process, the only alternative course of action would be not to adopt the Core Strategy. Members should note that it is not possible to adopt part of the plan, or to omit key elements of the strategy e.g. one or more of the Green Belt housing sites (referred to as 'Local Allocations').
- 5.3 The risks to the Council, and the Borough, of not adopting the Core Strategy are extremely high. The opportunity to control the scale and location of future development within the Borough would be lost. Without an up-to-date development strategy for the area, the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) could lead to major development occurring in areas and locations against the Council's wishes.
- 5.4 The Core Strategy also underpins many of the Council's regeneration priorities and projects and provides a clear framework within which the Council can proactively plan. Many of these projects are set out in the Dacorum Development Programme (DDP) and include the regeneration of Hemel Hempstead town centre and the Maylands Business Park and the desire to increase delivery of affordable housing. Without the statutory planning framework the Core Strategy provides, these priorities and projects would be considerably harder to deliver. The Council would also not be able to introduce a Community Infrastructure Levy (CIL) for the area, to help deliver infrastructure required to support new development.
- 5.5 Failure to adopt a Core Strategy, despite being found 'sound' would have a negative impact upon the Council's reputation and also affect its overall image of a Borough that is 'Open For Business.'
- 5.6 For these reasons, the Core Strategy should now proceed to formal adoption.

ADOPTION PROCESS:

6. Legal requirements

- 6.1 The process for formally adopting a Development Plan Document such as the Core Strategy is set out in the Planning and Compulsory Purchase Act 2004 (as amended) and subsequent Regulations.
- 6.2 Regulation 26 of the Town and Country Planning (Local Planning) Regulations 2012 relates to the process of adoption. It requires the Council 'as soon as reasonably practicable' after the Council adopts the Core Strategy to:
- a) Make available the plan, an adoption statement, the sustainability appraisal report and details of when and where the plan is available for inspection, via an 'adoption statement.'
 - b) Send a copy of the 'adoption statement' to anyone who has asked to be notified of the adoption; and
 - c) Send a copy of the adoption statement to the Secretary of State.
- 6.3 This adoption process will begin as soon as final copies of the Core Strategy and associated documents are available.
- 6.4 A draft of the Sustainability Appraisal Adoption Statement has been prepared and is attached as Annex 5. This is required to accord with Articles 9 and 10 of the SEA Directive (2001/42/EC) and Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004. The final Sustainability Appraisal Report and Habitats Regulations Assessment must also be made available.

7. The status of supporting documents and proposals

- 7.1 As the replacement of the existing Local Plan is a gradual process, it is important that there is clarity regarding which Local Plan policies and proposals are superseded by the Core Strategy and which are retained. Much of the Local Plan remains extant and valid by virtue of it being 'saved' under transitional arrangements. Retained sections on the Local Plan will be reviewed through the preparation of subsequent Development Plan Documents (DPDs), principally the Site Allocations and Development Management DPDs, and through new or updated supplementary planning documents (SPD).

Superseded policies:

- 7.2 The Core Strategy is required to include a list setting out those policies of the existing Local Plan that are superseded by the Core Strategy, and which policies replace them. This schedule is contained in Appendix 1 of the Core Strategy.
- 7.3 In a few instances there are Local Plan policies that are partly superseded by the Core Strategy. This is usually because they contained both strategic elements and more detailed criteria. Where this is the case, these policies will be 'saved' until they can be superseded in their entirety. Where a conflict arises between elements of a 'saved' Local Plan policy and the Core Strategy, the Core Strategy policy will take precedence.

Retention of existing guidance and proposals:

- 7.4 The Dacorum Borough Local Plan 1991-2011 contains a number of schedules which set out development proposals for particular sites. They also safeguard sites e.g. railway stations, to ensure land is retained for essential uses. Whilst these schedules are primarily broken down by use (e.g. housing, employment, transport), there is also a separate schedule for the Two Waters and Apsley Area (as part of the Two Waters and Apsley Inset: a specific section of the Local Plan). Whilst many of these sites have

already been developed in accordance with the planning requirements set out, a considerable number have not. These undeveloped sites will be reviewed and, where appropriate, carried forward into the Site Allocations DPD (or East Hemel Hempstead Area Action Plan, if they relate to the Maylands area).

- 7.5 The Council has also adopted a number of Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs), Concept Statements and Advice Notes. These either support the delivery of sites within the schedules, or set out the Council's requirements relating to particular topic areas.
- 7.6 Both the schedules and guidance provide important advice to inform planning decisions within the Borough. It is therefore recommended that all of the documents and schedules listed in Annex 2 of this Report are retained until they have been fully reviewed. Where there is any conflict between these documents and the Core Strategy, the Core Strategy will take precedence. Documents relating to sites that have been delivered (i.e. Stag Lane in Berkhamsted) or policy guidance that has been superseded are not included in the schedule.

Adoption of new supplementary planning guidance:

- 7.7 The new Affordable Housing SPD regarding the application of Policy CS19: Affordable Housing, and other processes relating to the provision of affordable housing and associated commuted sums was approved by Cabinet on 22 January 2013 for use in Development Control decisions. Cabinet agreed that it would formally adopt it as a Supplementary Planning Document on adoption of the Core Strategy. Following further consideration by Officers, it was also considered appropriate to raise the threshold of the waiver to apply to 1-4 units (inclusive of the 4th unit). Amendments have been made in this regard to; paragraph 8.3 page 23, page 38 and the off-site provision text box on page 39. The previous version of the SPD approved by Cabinet, the waiver applied to 4 units or less (i.e. 1-3 units). The SPD would then be accorded full statutory weight. It is therefore recommended that the text that replicates relevant planning policies is updated to ensure consistency with the final version of the Core Strategy and it is adopted as SPD. Following further consideration by Officers, it was also considered appropriate to raise the threshold of the waiver to apply to 1-4 units (inclusive of the 4th unit). Amendments have been made in this regard to; paragraph 8.3 page 23, page 38 and the off-site provision text box on page 39. The previous version of the SPD approved by Cabinet, the waiver applied to 4 units or less (i.e. 1-3 units)."

The updated document is available as Annex 6.

- 7.8 It is also recommended that the Hemel Hempstead Town Centre Masterplan is re-adopted alongside the Core Strategy. Whilst this has already been agreed by the Council, the Group Manager for Legal Governance has advised that it is prudent to formally re-adopt the document, as the previous adoption (January 2013) was principally linked to the Dacorum Borough Local Plan 1991-2011, rather than the Core Strategy. The Masterplan is available as Annex 7.
- 7.9 The Chilterns Building's Design Guide contains practical advice for planners, architects and house owners on how to build or restore properties in keeping with the special qualities of the Chilterns AONB. It covers such topics as the setting of buildings, the design of vernacular features and the use of traditional local materials. By promoting the use of the Guide, the Chilterns Conservation Board aims to ensure consistency of design and materials across the AONB. The original Chilterns Buildings Design Guide

was adopted by the Council as Supplementary Planning Guidance (SPG) following its publication in 1999. This document has subsequently been updated and reissued. Whilst this revised document is already being used as a material planning consideration in relevant planning decisions within the Borough and is accorded considerable statutory weight by virtue of a direct policy reference in the Core Strategy (Policy CS24: The Chilterns Area of Outstanding Natural Beauty), it has not yet been granted SPG status. The necessary consultation and sustainability appraisal has been prepared by the Conservation Board to enable this to occur, and it is understood that it has now been similarly adopted by many other relevant authorities. It cannot be adopted as a Supplementary Planning Document, as whilst the draft document was subject to extensive consultation, this was carried out by the Chilterns Conservation Board rather than the Council and so did not fully meet the requirements of the relevant regulations that cover SPDs. It is therefore recommended that the Chilterns Buildings Design Guide is accorded SPG status by Dacorum Borough Council alongside adoption of the Core Strategy. The updated document is available as Annex 8.

NEXT STEPS:

8. Potential for Legal Challenge

- 8.1 As referred to above, Section 113 of the Planning and Compulsory Purchase Act 2004 allows for a 6 week period where challenges to the plan can be lodged with the High Court. Any such challenges would be through a formal judicial review. This 6 week period begins from the date on which the Core Strategy is formally adopted.
- 8.2 A number of threats of possible legal challenge were received from landowners / developers as part of representations on the Main Modifications. The Council took legal advice on this matter and the conclusions of this advice are set out in the Report of Representations on the Main Modifications (April 2013). The process of referring to an early partial review through a Main Modification to the plan was clearly supported by the Inspector in his Preliminary Note (November 2012). This process is not unusual and has been used for a number of other Core Strategies, with Milton Keynes and Hertsmere being the most recent examples locally.
- 8.3 The Inspector also covers these areas of concern within his report and notes that:
 - Whilst he has attached great weight to the guidance on soundness in the NPPF, this is guidance and not statute;
 - That decisions need to take local circumstances into account; and
 - That it is highly desirable for local planning authorities to have an up-to-date plan in place to support the delivery of new housing.
- 8.4 He concludes that he *“is satisfied that the shortcomings in the submitted document are not of such significance to justify finding the document as a whole not sound. The issues can best be addressed through the preparation of an early review because in the short to medium term the Core Strategy will provide a sound basis on which planning decisions can be taken”* (para 28 of Inspector’s Report).
- 8.5 The West Hemel Action Group (WHAG), which opposes the development of the Local Allocation at West Hemel Hempstead (Local Allocation LA3) may also be considering a legal challenge. It is understood that this challenge would be on the basis that the Council had failed to undertake appropriate consultation regarding this specific proposal. Members should however note that the adequacy of public consultation formed part of the Inspector’s assessment of the Core Strategy. The Inspector explicitly addresses the issue in his Report, stating that:

“Concern was expressed regarding the public consultation that was undertaken by the Council, particularly with regard to sites in Hemel Hempstead. However, the requirements of the Statement of Community Involvement (SCI) have been met and the level and nature of the consultation undertaken was appropriate.” (paragraph 5)

- 8.6 The risk of legal challenge cannot be eliminated. The risks listed above could be addressed by suspending or withdrawing the Core Strategy. This would allow for further work on cross-boundary co-operation, Green Belt review and the re-appraisal of housing development needs. However, as referred to in section 5 above, such a course of action would bring its own, more significant risks.
- 8.6 If the Core Strategy was adopted and then challenged, most of the Core Strategy would remain valid. It is only the aspects that were challenged that would be suspended until the Courts reach their decision.

9. The partial review process

Timetable:

- 9.1 In response to a question received from the Inspector in May 2013, the Council put forward a provisional timetable for production of the outstanding Development Plan Documents (DPDs) that comprise the Local Planning Framework, and also for the early partial review. This timetable is reproduced here as Annex 3. Members are asked to agree this as a provisional timetable until it is formally reviewed through an update to the Local Development Scheme (LDS); the latest version of which was adopted in May 2009. The revised LDS will itself need to be agreed by Cabinet and Full Council.
- 9.2 This provisional timetable reflects the additional wording submitted to the Inspector with regard to Main Modification MM28 (as amended) relating to the timing and scope of the early partial review set out in Figure 1 below:
- 9.3 The early partial review will necessitate additional technical work (such as the comprehensive Green Belt review referred to by the Inspector in his Preliminary Note) and the updating of existing studies, such as the Strategic Housing Market Assessment, Strategic Housing Land Availability Assessment and work relating to population / household projections. All have resource implications. These can be reduced through joint commissioning of work with adjoining authorities where possible.

Figure 1: Wording of additional Text for section 29 of the Core Strategy relating to the Early Partial Review

Review

29.7 A proactive monitoring system will help the Council review its planning policies and keep them up-to-date, identifying potential adjustments to policies if appropriate and/or other necessary action.

29.8 The Council is committed to a partial review of the Core Strategy at a reasonably early stage (i.e. after completion of the Site Allocations and Development Management DPDs). The purpose of the review is to reconsider housing need and investigate ways of meeting that need more fully.

29.9 The Localism Act 2011 places a “duty to co-operate” on local authorities and other specified organisations. Dacorum’s local planning framework should therefore be based on joint working and co-operation with neighbouring authorities to address larger than local issues. The obligation stretches from plan-making to implementation, and will be explained in successive Annual Monitoring Reports. The partial review of the Core Strategy will be undertaken in co-operation with neighbouring authorities, taking account of their progress with development plan documents. The Council will aim to adopt the review by 2017/18.

- 9.4 Work on the first part of the Green Belt Review has begun, with consultants SKM being appointed by Dacorum, St Albans and Welwyn Hatfield Councils. This Stage 1 study looks at the performance of quite large land parcels against the Green Belt purposes set by Government in the NPPF. The conclusions of this work will indicate broad areas of the Green Belt that may be considered further in a Stage 2 study, but will not explicitly recommend any parcel(s) of land for release. The report is expected to be completed by early autumn.
- 9.5 The Stage 2 study can look more closely at the large land parcels from Stage 1 that do not perform as well against the five NPPF Green Belt purposes and to explore whether they have any development potential. It will involve a careful consideration of how sustainable particular locations are, i.e. how accessible, how well they relate to main towns / villages, and also consider a range of other matters, including infrastructure capacity. Stage 2 work, together with other necessary updates to the technical work, has not yet been formally timetabled or commissioned.

The need for future cross-boundary co-operation:

- 9.6 The timetable for the partial review is influenced by the timetable for other adjoining local planning authorities, particularly St Albans, to prepare their own Core Strategies or Local Plans. This cross-boundary co-operation is required in order for Councils to fulfil their obligations under the new 'duty to co-operate' and also to ensure that there are the appropriate high-level discussions regarding the ability of any adjoining authorities to accommodate any of Dacorum's future housing needs. In particular this work will need to consider the appropriateness of the 'Gorhambury Concept' – a development proposal put forward by the Crown Estate on land immediately to the east of Hemel Hempstead, almost entirely within the administrative area of St Albans City and District Council.
- 9.7 Throughout the Core Strategy Examination, agents acting on behalf of the Crown Estate pressed for Dacorum Borough Council to recognise the potential of the Gorhambury Proposal. This potential was recognised by the Council, albeit on the basis of a longer term option after the end of the Core Strategy plan period, i.e. post 2031. However, due to the Inspector's conclusions regarding Dacorum's housing needs and the requirements for an early partial review, the need to consider the potential of Gorhambury has become more pressing.
- 9.8 In addition to on-going liaison with St Albans, it is also important that the Council continues to discuss housing and related issues with other adjoining authorities - particularly Aylesbury Vale and Central Bedfordshire – making representations on their plans as necessary.

CONCLUSION:

- 9.9 The conclusion of the Planning Inspector that Dacorum's Core Strategy is 'sound' is a very significant milestone. In reaching this conclusion the Inspector is supporting the proactive manner in which the Council has tackled often difficult decisions, particularly with regard to housing numbers and the Green Belt. If the recommendation to adopt is agreed, Dacorum will be only the fourth local planning authority within Hertfordshire to have its Core Strategy agreed. Having an up-to-date plan, that has been assessed as compliant with the National Planning Policy Framework, will provide a clear and robust basis upon which future planning decisions can be made and allow the Council to resist further incursions into the Green Belt.

Annex 1

Preparation Stages of the Core Strategy

<ul style="list-style-type: none"> ● Adoption of Core Strategy <ul style="list-style-type: none"> ~ Publication of Core Strategy, Adoption Notice and Post-adoption SEA Statement 	2013 (tbc)
<ul style="list-style-type: none"> ● Receipt of the Inspector's Report 	July 2013
<ul style="list-style-type: none"> ● Publication of Main Modifications to the Core Strategy <ul style="list-style-type: none"> ~ Receipt of representations – referred to the Inspector as a continuation of the Examination 	January / March 2013
<ul style="list-style-type: none"> ● Examination <ul style="list-style-type: none"> ~ Hearing 	October 2012
<ul style="list-style-type: none"> ● Submission of <ul style="list-style-type: none"> ~ Core Strategy and Sustainability Appraisal 	June 2012
<ul style="list-style-type: none"> ● Publication of, and representations on <ul style="list-style-type: none"> ~ Pre-Submission Core Strategy ~ Sustainability Appraisal Report 	October 2011
<ul style="list-style-type: none"> ● Consultation on <ul style="list-style-type: none"> ~ Emerging Core Strategy ~ Issues and Options – East Hemel Hempstead. Area Action Plan ~ Sustainability Appraisal Working Notes 	June 2009
<ul style="list-style-type: none"> ● Consultation on <ul style="list-style-type: none"> ~ Supplementary Issues and Options– Site Allocations ~ Sustainability Appraisal Working Note ~ Place Workshops 	September/ November 2008
<ul style="list-style-type: none"> ● Consultation on <ul style="list-style-type: none"> ~ Issues and Options– Site Allocations ~ Supplementary Issues and Options – Core Strategy, Growth at Hemel Hempstead ~ Sustainability Appraisal Working Notes 	November 2006
<ul style="list-style-type: none"> ● Consultation on <ul style="list-style-type: none"> ~ Issues and Options – Core Strategy ~ Sustainability Appraisal Working Note 	May 2006
<ul style="list-style-type: none"> ● Sustainability Appraisal Scoping Report 	February 2006
<ul style="list-style-type: none"> ● Consulting on <ul style="list-style-type: none"> ~ Emerging Issues and Options 	July 2005
<ul style="list-style-type: none"> ● Gathering background information and commencing technical studies 	2004 onwards

Annex 2

Retention of key documents / schedules

The following SPGs, SPDs and advice notes should be retained and will continue to be used as material planning considerations in relevant planning decisions. Where there is a conflict between their content and that of the Core Strategy, the Core Strategy will take precedence.

(a) Guidance and Advice

Supplementary Planning Guidance

- Development Brief for land at Ebberns Road, Hemel Hempstead (adopted 9 April 2003)
- Development Brief for the Manor Estate, Apsley, Hemel Hempstead (adopted 21 April 2004)
- Accessibility Zones for the Application of Car Parking Standards (adopted 24 July 2002) (*now incorporated into Area Based Policies – see below*)
- Area Based Policies (adopted 5 May 2004) [*Note: this incorporates an amended version of Development in Residential Areas which had been adopted originally in March 1998 by the Council*]
- Chipperfield Village Design Statement (adopted 19 December 2001)
- Environmental Guidelines (adopted 5 May 2004)
- Landscape Character Assessment, Evaluation and Guidelines for Dacorum Borough (adopted 5 May 2004)
- Gade Zone Planning Statement (April 2012)
- Concept Statement - Western Road, Tring (29 February 2006)
- Concept Statement - High Street and Water Lane, Berkhamsted (27 November 2007).
- Maylands Masterplan (September 2007)
- Maylands Gateway Development Brief (updated June 2013)

New Supplementary Planning Guidance

- Chilterns Buildings Design Guide (updated February 2010)

Supplementary Planning Documents

- Development Brief for the Civic Zone (now called Waterhouse Square), Hemel Hempstead Town Centre (29 November 2005)
- Development Brief for land at Deaconsfield Road (Dowling Court/Johnson Court), Hemel Hempstead (adopted 26 May 2005)
- Development Brief for land at Deaconsfield Road (Sempill Road), Hemel Hempstead, (adopted 26 May 2005)
- Development Brief for land at Green Lane, Hemel Hempstead (adopted 27 November 2007)
- Development Brief for land at Manor Farm, Markyate (adopted 19 December 2006)
- Development Brief for New Lodge, Bank Mill Lane, Berkhamsted (adopted 27 November 2007)

- Development Brief for land at Three Cherry Trees Lane, North East Hemel Hempstead (adopted 19 December 2006)
- Development Brief for land at Westwick Farm, Hemel (adopted 27 November 2007)
- Water Conservation (adopted 22 June 2005)
- Energy Efficiency and Conservation (adopted 22 June 2005)
- Planning Obligations (adopted April 2011) *Note: The sections relating to affordable housing contributions have been superseded by the Affordable Housing SPD.*
- Accessibility Zones for the Application of Car Parking Standards (July 2002)

New / re-adopted SPD

- Affordable Housing (originally adopted January 2013)
- Hemel Hempstead Town Centre Masterplan (originally adopted January 2013)

Advice Notes:

- Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy*

Conservation Area Appraisals:

- Aldbury Conservation Area Appraisal and Management Proposals (2008)
- Bovingdon Conservation Area Appraisal and Management Proposals (2009)
- Chipperfield Conservation Area Appraisal and Management Proposals (2009)
- Frithsden Conservation Area Appraisal and Management Proposals (2010)
- Great Gaddesden Conservation Area Appraisal and Management Proposals (2010)
- Nettleden Conservation Area Appraisal and Management Proposals (2010)

(b) Local Plan Proposal Schedules and Appendices

The following schedules and appendices are contained within the Dacorum Borough Local Plan 1991-2011. Whilst some of the sites that are contained within the schedules have been developed, or elements of the appendices superseded by Core Strategy policies, it is recommended that for simplicity they are retained in their entirety, until updated and superseded by subsequent DPD or decisions. Where there is a conflict between their content and that of the Core Strategy, the Core Strategy will take precedence.

Schedules:

- Housing
- Employment
- Shopping
- Transport
- Social and Community Facilities
- Leisure and Tourism
- Environment
- Two Waters and Apsley

Appendices:

Appendix 1 – Sustainability Checklist *(to be updated through the CPlan sustainability checklist)*

Appendix 2 – Major Developed Sites in the Green Belt – Infill Areas

Appendix 3 – Layout and Design of Residential Areas

Appendix 4 – Layout and Design of Employment Areas

Appendix 5 – Parking Provision

Appendix 6 – Open Space and Play Provision

Appendix 7 – Small-Scale House Extensions

Appendix 8 – Exterior Lighting

Appendix 9 – Article 4 Direction Areas

Annex 3

Provisional Timetable – May 2013

SUBJECT	2013												2014												2015												2016												2017												2018														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
▼▲=3 year period 2013/16 ¹					▼																																																																						
Development Plan Documents																																																																											
Core Strategy							A																																																																				
Site Allocations																																																																											
Development Management Policies																																																																											
Single Local Plan (incorporating Partial Review) ²																																																																											
East Hemel Hempstead Action Plan ³																																																																											
Proposals Map - Updating																																																																											

Key



Preparation stage – includes liaison with key stakeholders, discussions with other Councils, informal consultation and production of background technical work

I Key stage of consultation on issues and options

P Publication of Pre-Submission document

S Submission

E Examination

A Adoption

The following Annexes are attached as separate documents:

Annex 4 Minor Modifications – Summary of Key Issues Raised and Proposed Response

The following Annexes are available to view in the Group Rooms or on the Dacorum Borough Council website and can be accessed via the following link:

<http://www.dacorum.gov.uk/home/council-democracy/committee-meetings/cabinet-meetings-2013>

Annex 5 Sustainability Appraisal Adoption Statement

Annex 6 Updated Affordable Housing Supplementary Planning Document

Annex 7 Hemel Hempstead Town Centre Masterplan

Annex 8 Chilterns Buildings Design Guide