



AGENDA ITEM: 10

SUMMARY

Report for:	Cabinet
Date of meeting:	15th December 2015
Part:	1
If Part II, reason:	

Title of report:	Local Planning Framework Authority Monitoring Report and Local Development Scheme Update
Contact:	<p>Cllr Graham Sutton, Portfolio Holder for Planning and Regeneration;</p> <p>James Doe, Assistant Director Planning, Development and Regeneration (extension 2583)</p> <p>Laura Wood, Team Leader, Strategic Planning and Regeneration (extension 2661); and</p> <p>Francis Whittaker, Strategic Planning and Regeneration (extension 2383)</p>
Purpose of report:	<p>To consider:</p> <ul style="list-style-type: none"> • the Authority Monitoring Report for 2014/15; • progress on the Local Planning Framework; and • recommend publication of a revised Local Development Scheme to Council.
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the headline results from the forthcoming Authority Monitoring Report 2014/15 with regard to housing, employment and retailing; 2. Note progress on the Local Planning Framework; and 3. To recommend to Council the adoption of the new Local Development Scheme as set out in the report.
Corporate Objectives:	<p>The Authority Monitoring Report looks at the effectiveness of current planning policies – for example the achievement of the overall housing target and protection of green space/wildlife sites – and progress towards planning policy review (i.e. targets set out in the Local Development Scheme). It therefore provides a good summary of how the Council’s planning policies are supporting delivery of corporate objectives –</p>

	<p>especially those relating to affordable housing; safe and clean environment and regeneration.</p> <p>As the policies within the Core Strategy and other planning documents are aimed at enabling growth, it also provides an indication of how the 'Dacorum Delivers' objective is being supported.</p>
<p>Implications:</p> <p>'Value For Money Implications'</p>	<p><u>Financial</u></p> <p>Funding is provided from the LDF reserve. A budget has been agreed for 2015/16. The 2016/17 budget is currently being reviewed as part of the annual budget cycle.</p> <p><u>Value for Money</u></p> <p>Every effort has been made to secure external funding – most recently through the New Homes Bonus, to reduce the impact on the Council's budget. Where possible, evidence base work is undertaken jointly with other authorities to ensure cost is optimised (through economies of scale). Collaborative working with landowner consultants will continue to help extend the resources available to the Council and avoid the duplication of site specific technical information.</p>
Risk Implications	<p>A risk assessment has been carried out as part of the PID / CORVU monitoring process. The Local Development Scheme also contains its own risk assessment. The key concern is that the (new) development plan must be sound, and delivers what is needed expeditiously. Risk is reduced by ensuring processes and the evidence base is robust. Sufficient financial resources are essential to achieve that: this includes maintaining a team of appropriately skilled and qualified staff. Certain elements of the plan-making process have explicit statutory requirements such as consultation, publication, examination and presentation of the adopted Development Plan Document. The Authority Monitoring Report reviews the risks inherent in preparing the Local Planning Framework. Monitoring of development is a source of information which, properly used, can assist risk reduction – i.e. it checks whether progress and control of development has been successful and can indicate where change (in policy or process) may be beneficial.</p>
Community Impact Assessment	<p>An Equality Impact Assessment has been carried out for the Core Strategy. This is currently being converted and updated into a broader Community Impact Assessment. An independent Sustainability Appraisal Report which accompanies the Core Strategy also considers equalities issues separately. It concludes that the Core Strategy avoids any discrimination on the basis of disability, gender or ethnic minority.</p>
Health And Safety Implications	<p>None.</p>

<p>Monitoring Officer/S.151 Officer Comments</p>	<p>Monitoring Officer: No comments to add to the report.</p> <p>Deputy S.151 Officer There are no direct financial consequences of this report.</p>
<p>Consultees:</p>	<ul style="list-style-type: none"> • Assistant Director Planning, Development and Regeneration. • Group Manager, Strategic Planning and Regeneration. • Corporate Management Team.
<p>Background papers:</p>	<ul style="list-style-type: none"> • Local Development Scheme (February 2014) • Adopted Core Strategy (September 2013) • Dacorum Borough Local Plan 1991 – 2011 and related supplementary planning advice • National Planning Policy Framework (NPPF) • Draft Authority Monitoring Report 2014/15 <p><i>Note: The finalised Authority Monitoring Report 2014/15 will be published in late December 2015 and made available in the Group Rooms then.</i></p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>AMR – Authority Monitoring Report LDS – Local development Scheme LPF – Local Planning Framework LDF – Local Development Framework (<i>note: this is the same as the LPF above; the terms are used interchangeably</i>) SPD – Supplementary Planning Document SPG – Supplementary Planning Guidance GUI – Grand Union Investments Ltd DPP – Development Plan Document DDP – Dacorum Development Programme ED Strategy – Economic Development Strategy NPPF – National Planning Policy Framework PPG – National Planning Policy Guidance SPAR – Strategic Planning and Regeneration</p>

Background

1. INTRODUCTION

1.1 This report covers two matters connected with:

- a) the Authority Monitoring Report (AMR) 2014/15; and
- b) the Local Development Scheme (December 2015).

2. AUTHORITY MONITORING REPORT

Statutory Requirements

2.1 In April 2012, the Town and Country Planning (Local Development) (England) (Amendments) Regulations 2008 were superseded by the Town and Country Planning (Local Planning) (England) Regulations 2012. These new regulations introduced greater flexibility regarding coverage and presentation of the Authority Monitoring Report (formerly called the Annual Monitoring

Report). There is no longer a legal requirement for local authorities to publish monitoring reports by a prescribed date, or to formally submit them to the Secretary of State. The information must be published 'as soon as possible' after it becomes available. Officers recommend that this information continues to be contained and analysed in an annual report.

2.2 The following information must be provided:

- a) The titles of the Local Plan / Local Planning Framework and Supplementary Planning Documents specified in the Council's Local Development Scheme together with the timetable for their preparation, the stage reached and reasons for any slippage against the published timetable;
- b) Information on any Local Plan or Supplementary Planning Document that has been adopted or approved during the monitoring period, and the date of this adoption;
- c) Performance against monitoring indicators set out within its Local Plan;
- d) An explanation of why the local planning authority has chosen not to implement a policy specified in its local plan (if appropriate);
- e) Information regarding any Neighbourhood Development Orders or Neighbourhood Development Plans;
- f) Information related to progress on establishing a Community Infrastructure Levy (CIL); and
- g) Details of actions under the 'Duty to Co-operate' introduced in the Localism Bill 2011.

2.3 Items (a) to (c) above have always been provided within the Council's AMRs. Items (d) to (g) are newer requirements that are being incorporated into the AMR process.

2.4 As well as monitoring the performance of the planning policy documents, the AMR is being used to report progress on the Dacorum Development Programme (DDP) and Economic Development (ED) Strategy.

2.5 The Authority Monitoring Report for 2014/15 is prepared by Officers. It is due to be completed by the end of 2015. A draft copy will be available in Group Rooms prior to the Cabinet meeting. Once finalised, copies will be placed in the Group Rooms and published on the Council's website.

Improving monitoring arrangements and reporting

2.6 The AMR summarises planning activities within the Borough over a twelve month monitoring period (1st April 2014 – 31st March 2015). The order and content reflects the structure of the Core Strategy and the monitoring indicators within it. Sections have been added to ensure the document complies with the 2012 Regulations and performance of the DDP and ED Strategies. This broadening of content will allow the AMR to become the document through which the success of development projects and economic development work can be measured. The AMR 2014/15 will be accompanied by a technical appendix containing more detailed monitoring information for reference.

2.7 The County Council's county-wide monitoring system (SmartHerts) has now been in operation for four years and supports the districts monitoring routines.

SmartHerts has significantly improved the efficiency and quality of monitoring processes within the SPAR team.

Key Findings - (1) Headline figures

2.8 The AMR 2014/15 reports progress against key targets. Headline figures for housing, employment and retailing are set out below:

Housing:

- 411 (gross) (379 (net)) dwellings were completed over the monitoring period. The net figure is below the annual Core Strategy target (430 dwellings per year), but is higher than the completion rate in the previous monitoring period of 219 (net). This chiefly reflects increasing levels of activities on larger sites and an improving supply of commitments (2,359 (net) at 1st April 2015 compared to 2,168 (net) commitments a year ago). These factors should continue to boost future levels of completions.
- The supply of new housing remains good at 5.9 years' worth (bearing in mind the minimum requirement is for a 5 year rolling supply to be maintained). This maintains the same amount of supply as in last year's calculations.
- 72% (gross) of all dwellings (70% net) were completed on previously developed land (PDL). This is an improvement on last year's figures (resp. 50% and 41%) However, previous high levels of performance (90%+) are unlikely be repeated in the future as the PDL resource in our built-up areas depletes.
- A total of 254 affordable homes were secured in 2014/15. 128 were delivered directly through the operation of the planning system (i.e. through on-site provision by developers) and a further 126 homes were delivered through the 'First Buy / Home Buy' scheme. The former equates to 33% of the total (net) completions. The 'First Buy / Home Buy' scheme is operated by Government for first time buyers seeking to access new build properties and they also play an important role in helping to meet local housing needs.

Employment and retailing:

2.9 Data relating to other key planning areas including social and community facilities, transport and accessibility, and the built and natural environment is still being processed; an update will be provided at the meeting The AMR also gives updates on the progress of the Dacorum Development Plan and the Economic Development Strategy.

Key findings - (2) Progress with the Local Planning Framework

Progress during 2014/15 monitoring period

2.10 Good progress was made on the Local Planning Framework (LPF) during the 2014/15 monitoring period. Key achievements included:

- Dismissal by the High Court Judge in June 2014 of the legal challenge to the Core Strategy lodged by GUI Ltd.
- Publication and consultation on the Pre-Submissions Site Allocations DPD during September – November 2014. This included consultation on the supporting master plans to the Local Allocations (housing sites currently within the Green Belt).

- Completion of the Outdoor Leisure Facilities Study (September 2014).
- The CIL charging schedule successfully passed public Examination in late 2014. This and a number of supporting policies were adopted at the meeting of the Full Council on 25 February 2015.

2.11 Although outside of this monitoring period, Members will note that implementation of the CIL took place on 1 July 2015.

Progress post 2014/15 monitoring period

- 2.12 Further important progress was made on the LPF after the monitoring period, with key events including:
- Completion of the Playing Pitch Strategy and Action Plan – update 2015, Infrastructure Delivery Plan Update (June 2015), and Hemel Hempstead Transport Model Update (July 2015).
 - Implementation of the CIL on 1 July 2015.
 - Consideration by Cabinet (October 2015) of comments received through consultation on Local Allocations master plans and changes required to the document as a result of this feedback.
 - Publication and consultation on a limited number of ‘Focused Changes’ to the Pre-Submission Site Allocations DPD during August – September 2015.

Changes to Government policy

- 2.13 The government continues to implement changes to national planning policy and guidance and also clarify their operation. The National Planning Policy Framework (NPPF) was published in March 2012 and additional guidance to support its interpretation and delivery (the Planning Practice Guidance (PPG)) was formally launched in March 2014 as an online resource. This ensures that guidance can quickly be updated where necessary. The PPG continues to lead to the consolidation and cancellation of a number of existing guidance.
- 2.14 On 28 November 2014, a written statement was issued by Brandon Lewis, the Minister of State for Housing and Planning (reference HCWS50). This Ministerial Statement set out a number of changes the Government was introducing to national policy in relation to planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). These were reflected in amendments to the Government’s PPG and so became material planning considerations.
- 2.15 The changes to the PPG made it clear that contributions for affordable housing and tariff style planning obligations should not be sought in the following scenarios:
- Where developments in urban areas comprise 10 units or less and which have a maximum combined gross floor area of no more than 1000 sq.m
 - Where a development is located in a designated rural area and comprises 5 units or less under the discretion of the local planning authority
 - Where development consists of the construction of a residential annex or extension.

- 2.16 It further stated that in designated rural areas where there is a reduced threshold, affordable housing and tariff style contributions sought from developments of between 6 and 10 homes should be in the form of cash payments which are commuted until after completion of units within the development. Rural Exception Sites were specifically exempted from this new approach.
- 2.17 The statement also required local authorities to offer a financial incentive to bring back vacant buildings into use by allowing them to reduce the requirements for affordable homes. This is referred to as 'Vacant Building Credit'.
- 2.18 As a result of this change in national policy, the Council adopted an Affordable Housing Advice Note in March 2015. However, this Advice Note has since been revoked as a result of a High Court Decision.
- 2.19 Despite press coverage that might indicate otherwise, it is not considered that the Ministerial Statement (4 October 2014) and associated wording changes to the Planning Practice Guidance (PPG) require a change to the Council's approach to the Green Belt in terms of its plan-making processes. This view is supported by external legal advice. There has however been a clarification to the approach to cemeteries in the Green Belt (as set out in the NPPF) due to a judgement from the Court of Appeal¹. This High Court judgment clarifies that cemeteries are considered as inappropriate development within the Green Belt in terms of the definitions in the NPPF. This is because cemeteries are not listed in the text of the NPPF (paragraphs 89 and 90) as categories of development which are 'not inappropriate'. However, rather counter-intuitively, new buildings providing appropriate facilities for cemeteries are classified as appropriate development.
- 2.20 On 31 August 2015 (just outside of the 2014/15 monitoring period), the Government published a revised Planning Policy for Traveller sites. This updated the previous document issued in 2012. The Council is currently considering the implications of this revised guidance in terms of making provision for this sector of the community and will make any necessary amendments to the Site Allocations DPD prior to it being submitted to the Planning Inspectorate for examination.
- 2.21 It should also be noted that significant changes were consulted on and implemented by Government during and post this monitoring period that have implications for permitted development rights. These related to householder developments, and also increased rights for permitted changes of use, such as from office space to residential. (Further changes to potentially broaden permitted development rights to allow other commercial uses to convert to residential were consulted on from July to September 2014.) A prior approval process was included to assess particular impacts that such changes of use might have. Whilst the longer term impact of these changes are not yet clear, it has had an impact on the floor space quantities for employment generating uses (and associated increase in housing) during 2014/15.

3. UPDATING THE LOCAL DEVELOPMENT SCHEME

¹ Timmins and Lymn Family Funeral Service v. Gedling Borough Council and Westerleigh Group. Judgement issued March 2014.

- 3.1 The 2004 Planning and Compulsory Purchase Act require all local planning authorities to prepare a Local Development Scheme (LDS). This requirement is reinforced by the 2012 Local Planning Regulations.
- 3.2 The current LDS was published in February 2014. It sets out the Council's programme for preparing planning documents and a summary of the role and function of each. It contains a timetable that is updated annually in the light of Authority Monitoring Reports. A review of the progress on each of the planned DPDs is included within the Authority Monitoring Report 2014/15.
- 3.3 The timetable for the production of the Local Planning Framework and new Local Plan is proving to be challenging. It will continue to be managed to ensure that it remains both realistic and achievable. The AMR will track performance and highlight any amendments required to the work programme set out in this LDS.
- 3.4 A new Local Development Scheme has been prepared and Members are asked to recommend this to full Council for adoption. The focus of this revised LDS continues to be on the replacement of the Local Plan (the Dacorum Borough Local Plan 1991-2011) and incorporating the Council's regeneration priorities within that. A key element of the work programme relates to finalising the Site Allocations. While good headway has been made on this DPD, progress has been delayed as a result of the need to consult on the 'Further Changes' (as advised by external legal advice) in the 2015/16 monitoring period. This has had an impact on the timetable originally envisaged in the 2014 LDS. Members should also note that delivering the Site Allocations DPD has also involved seeking feedback on a number of associated Local Allocation master plans. The Site Allocations DPD is programmed for submission to the Planning Inspectorate in early 2016 (and this submission process is the subject of a separate Cabinet Report).
- 3.5 Technical work to inform the single Local Plan (incorporating the early partial review of the Core Strategy) is at an advanced stage with the bulk of this anticipated to be completed by early 2016. While consultants have been appointed to produce these technical documents, the studies have still required a considerable Officer input. The LDS establishes a programme for consultation on, and completion of, the new single Local Plan itself.
- 3.6 Previous versions of the LDS were drawn up to ensure alignment of key milestones for the Core Strategy and Area Action Plan (AAP) with those in St Albans Council's LDS in order to facilitate joint working. This is still considered to be an important principle to be reflected in the revised LDS, as far as is possible. While progress is being made with a St Albans' Core Strategy programme (the Draft Strategic Local Plan is anticipated to reach publication stage early in the new year), keeping these documents aligned in order to progress joint working on the AAP remains difficult. Members should be aware that whilst there remains reference to the joint AAP within St Albans' own LDS, this document remains un-programmed and it is unclear whether there is a genuine intention by the authority to progress this document as originally envisaged.
- 3.7 However, it is important that key issues relating to the regeneration of Maylands Business Park and future housing development continue to be addressed on a cross-boundary basis. Officers and Members have been liaising with their counterparts in St Albans district to ensure key issues continue to be discussed. This liaison will continue and is increasingly important given Dacorum's Core

Strategy Inspector's view that greater consideration needs to be given to the role of land to the east of Hemel Hempstead in meeting the Borough's housing needs.

- 3.8 Work on the Development Management DPD has proved difficult to progress given available resources and a continuing challenging LDS programme. The new LDS removes reference to this DPD and explains that appropriate policies will instead be included within the new single Local Plan for the Borough. This new plan will also incorporate the early partial review of the Core Strategy.

Broad content of revised LDS

- 3.9 The revised draft includes:

- Transitional arrangements (i.e. the role and weight of policies within the existing and emerging Local Plan);
- The structure of the Council's replacement Local Plan: this will include the milestones for the remaining stages of the Site Allocations DPD and the timetable for the new single Local Plan;
- The role of Strategic Environmental Assessment, Sustainability Appraisal and Appropriate Assessment;
- Mechanisms for monitoring and evaluation;
- Resources (in terms of people, skills, money and external support); and
- Risk Assessment.

- 3.10 Existing profiles for each Development Plan Document (the documents that will make up the Local Plan) has been amended, and the structure, timing and content of the new single Local Plan outlined. While the new LDS will contain the most up-to-date timetable, clear links are made to the role of the AMR in terms of reviewing and updating this timetable.

- 3.11 This new LDS will move the current programme forward to 2017/18, to ensure it covers the adoption of the Single Local Plan (incorporating the early partial review of the Core Strategy).

- 3.12 While the regulations no longer require SPDs to be programmed, Officers advise that this is helpful in terms of work programming and public understanding of planning. SPDs which are in progress, or required in the short term will therefore be listed for illustrative purposes only. Background work on the evidence base will also continue during this period.

- 3.13 The revised timetable is based on the assumption that the Strategic Planning team will maintain a full complement of appropriately qualified staff. It does not take into account the need for Officers to support production of any additional Neighbourhood Plans or Community Right to Build Orders that may be progressed by Town or Parish Councils (or Neighbourhood Forums in non-parished areas). While this work will have a time and resource impact on the LDS programme, in reality take-up has been very limited. At the time of preparing this LDS, only one Neighbourhood Plan is under preparation – for the Grovehill neighbourhood in Hemel Hempstead. This is being prepared by the Grovehill Futures Neighbourhood Forum.