



Cllr Hearn made a declaration of interest with regard to the Tring Market Auctions and if it is discussed at this meeting she will leave the room.

#### **4 PUBLIC PARTICIPATION**

None

#### **5 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**

None

#### **6 LOCAL PLAN CONSULTATION & EMERGING STRATEGY**

J. Doe presented the Local Plan report. A consultation event took place between the 27th November 2020 and 28th February 2021 which generated a substantial number of responses which are detailed in the report and the Appendix 1. JD wished to make Members aware that the Government is proposing to substantially reform the planning system.

A. Robinson then explained some of the emerging issues which have arisen since the consultation took place. AR then explained the changes to Planning Policy that the Government are proposing as provided in the report and Appendices circulated with the agenda together with letters received from the Government.

**Cllr Birnie** asked when the Government's letter was received and AR replied that the letter was issued by Government in December 2020 and it was after we had started the consultation but before we had the replies.

**Cllr Timmis** commented that, as this has such an impact, perhaps Members could have received the documents in advance.

AR replied that he would like to bring Members attention to Section 3 of the covering report (paragraph 3.4) which summarises the Government's response to the consultation but it doesn't contain the details of the letters that were provided by the Housing Minister. This is because those letters at the time were directed to particular individuals and secondly the final update has only recently come to our attention.

**Cllr Ransley** asked why since the third letter had been received with insufficient time, the Green Belt has not been noted and the constraints.

AR continued the presentation before replying to Cllr Ransley's question.

AR replied that this is at heart of the challenge when plan making. National planning policy sets out clearly that Local Authorities are expected to plan positively for their areas and seek to meet the standard methodology across the area, taking into account unmet needs for neighbouring Authorities. National policy also sets out that there are instances where the harm is so strong to particular designations that it may not be appropriate for the Local Authority to meet that need. It is important that the Committee notes that the way Government policies are interpreted at local plan examinations is clear: planning inspectors have set a high bar for Local Authorities and expect LA's to meet the standard methodology and also unmet needs from other

locations. Officers have no evidence of any local plan that has gone through that has justified a lower target with the only exceptions being those Authorities that include National Parks. Officer's advice in preparing the local plan has been sound and that the Government Inspectors do expect LA's to meet not only their own need but also the unmet needs from adjoining Authorities.

**Cllr Birnie** asked whether it is correct, as he believes, regarding the second letter that there was no attempt to justify the methodology behind the algorithm that was used or choosing 2014 as opposed to the ONS surveys of 2016 and 2018.

AR replied that this was correct. Government policy remains that the 2014 projections are those that should be used for the standard methodology. Government says that only in exceptional circumstances should a LA use any other demographic model.

**Cllr Birnie** said in this Borough 58% of land is rural, and asked whether this is comparable with these other LA's that have been mentioned who have had their local plans queried by the examiners.

AR replied that the only comparable example is the South Oxfordshire situation where the Authority is covered with Green Belt and there are also two areas of Outstanding Natural Beauty plus Special Areas of Conservation. But even in this location, primarily linked to a growth area, they have had to meet the standard methodology figure.

**Cllr Birnie** asked what date we are looking at for that Regulation 19 submission.

AR replied that the Oxford examination has concluded and both plans have been adopted. The examination took place in 2020 and AR will provide the Committee with exact dates.

**Action Point:** AR to provide dates of the examination.

**Cllr Birnie** stated that it was important as Government policy does seem to be changing on this matter.

**Cllr Birnie** then asked for questions from other Members.

**Cllr Wilkie** thanked AR for the presentation and for the obvious hard and admirable work that officers have completed so quickly. Cllr Wilkie asked for clarification as AR has variously stated that the Government position is that this is not a target, that Green Belt is an exception, that this should not be considered as a mandate, that this should not be considered as a starting point etc. but that AR summarised that in any event we have to meet the figure and feels this is contradictory.

AR replied that the local plan was developed principally throughout 2019 and 2020, and went to Cabinet in October and November. At the time that the consultation was launched Government policy was clear and examinations were concluding, many unsuccessfully on the basis of needs not being met. Since the launch of the consultation we have had three letters from the Minister where it is clear that Government is beginning to take a slightly different position on things such as unmet needs and Green Belt. AR's response to this Committee would be that we launched the consultation in good faith based on our assessment of where Government policy

was and where examinations were going but it is clear that this position might be changing.

**Cllr Birnie** said everyone applauds the amount of work that has gone into the consultation and how much effort was put in to get responses from the public, including extending the statutory period and employing many different ways of allowing the public to enter into the consultation.

**Cllr Wilkie** said that this is changing all of the time with regard to the target on Green Belt etc.

AR replied that Government policy is evolving quickly in this area and feels there are further developments to happen.

**Cllr Birnie** wished to point out that there are a number of reports outstanding and did expect that some of them would have been completed by the time they would be asked to move on to the second part of this and notably Regulation 19.

**Cllr Stevens** asked that we appear to be operating in a world where Ministers are writing to us and instructing us and wanted to know whether there is legal underpinning for this. He asked whether the standard methodology is buried in legislation and if not, whether we can be told what it is.

AR replied that the Government lay down policy for LA's to follow and the tests that we have to satisfy are laid out in that policy and it does include following the standard methodology.

**Cllr Rogers** thanked AR for the report and said that we are facing a changing situation and that is confusing, but the fear is that if once we have taken the step of releasing Green Belt under the current changing conditions, it will be gone. Cllr Rogers feels that he would tend more towards looking at lower numbers. He wanted advice on the impact of taking a stance of lower in terms of numbers than the 922 or 1023 dwelling numbers that have been suggested. If we went to something very low the Planning Inspector would throw it out, but he wanted to know the long term implications and felt that we need to look after the voters of DBC by trying to defend the Green Belt. We wanted to know what the ultimate sanction is that the Government has against us.

AR responded that Government has made it clear in a number of statements that it is expecting LA's to have plans in place by the end of 2023. The sanction on Local Authorities that do not meet their targets is the potential risk of intervention by the Secretary of State, as has been done in Oxford, to remove decision making powers from the Local Authority in order to exercise those planning decisions himself.

**Cllr Harden** asked about what options we have. The standard methodology demands 1023 homes. He wanted to know if that figure was fixed and is not simply a target but cannot be lowered. Can we justify not building on the Green Belt? If not, then the eventual figure becomes a fluid target and it could potentially be higher than 1023, especially if we have to look at the figure to accommodate the needs of neighbouring Authorities.

AR replied that there are two main stages to setting a housing figure in a local plan. The first stage is identifying the need and this is where the standard methodology

comes in and tells us that our unconstrained need in DBC is 1023 homes pa. National policy says that this is a starting point and it also says that in addition to that we should be meeting the unmet needs of any adjoining Authority. Paragraph 11 footnote 1 of the NPPF says there are circumstances where it might not be appropriate to meet that need, where a strong reason is available to suggest otherwise. The NPPF lists a number of constraints that maybe legitimate factors to consider, including Green Belt, areas of outstanding natural beauty, national parks etc. But what is doesn't mean is that just because you are in the Green Belt you can reduce your housing number. There needs to be a strong reason why the harm in a particular area on a particular site is strong enough to outweigh meeting overall need. AR pointed out a couple examples, in Oxfordshire the Inspector did undertake a lengthy discussion about the Green Belt and in this case the Inspector concluded that because they were in the Green Belt didn't mean that by definition you can reduce your housing number and you need to demonstrate that there is a strong reason or that the harm is strong enough to lower numbers. Also, the NPPF allows LA's possibly to reduce numbers if it can be demonstrated that the overall harm caused by the plan outweighs the benefits. In both of the cases, the first limb which is to do with the harm to the Green Belt is strong enough and in the second case, is the overall harm big enough. It is clear from local plan inspectors that it is a very high hurdle to overcome and to prove to an Inspector that the harm in our area to the Green Belt is so significant we shouldn't be able to allocate any sites. In the interest of balance, there is an examination taking place in York where the Inspector has agreed with the Local Authority that a particular site can be protected ie remain in the Green Belt because the harm in that particular location outweighs the benefits of housing delivery. This is an unusual conclusion to draw. AR is not familiar enough with the location to be able to provide any parallels in Dacorum.

**Cllr Birnie** asked if it was possible to find out what the arguments were in the York case and to inform the Committee of the details.

**Action Point:** AR to provide details to the Committee Members

AR replied that in all of these cases there is likely to be a series of particular circumstances applicable to that area alone that in combination lead the Inspector to conclude that the site should remain in the Green Belt.

**Cllr Wyatt-Lowe** asked whether, if we were able to accommodate our own housing need without using Green Belt, we could be forced to accommodate other Councils using the Green Belt. Also, with regard to brown field sites, it is reported that more possible housing sites within the Borough may be found, so when can we expect a report on that, plus an interim report of the possible impact of Covid on urban usage, in particular with the change in shopping habits and office accommodation which could release further areas for housing development. Cllr Wyatt-Lowe also asked what percentage of our Green Belt was currently proposed for housing development and if we did take the Green Belt out of the equation, how this would impact on housing numbers.

AR replied that there will be approximately 5% loss of Green Belt as a result of the local plan.

JD advised that in the draft local plan that went out to consultation 506 hectares out of just under 10,700 hectares of land in the Green Belt development which equates to 4.7% of the Green Belt scheduled for development. Total amount of Green Belt in the Borough is 10, 690 hectares.

AR continued that, with regard to brown field land, the report outlined some proposed next steps to undertake some further work on urban capacity. We are also looking to update our evidence base in response to Covid and will include employment land, retail assessments etc. The local plan is not just about housing and there is a need to provide sufficient employment space and retail space. AR will need to come back to the Committee and report on how long this process will take.

**Action Point: AR to provide details to the Committee Members**

The point regarding a decision not to develop on the Green Belt and another Authority possibly seeking that land for their own needs, the assessment we would make would be focussed on where our need was being met. Then, if we took a decision that the harm on the Green Belt was so significant that housing shouldn't be built on that land, it would then not be open for another Authority to try and reopen that same question.

**Cllr Birnie** asked about land in the Green Belt which we may decide not to use, and the fact that some time ago when there was a Task and Finish Group and the question was asked about when we had to release Green Belt land. The answer given was that it would look disingenuous if we did not release it before producing this report. He wanted to know whether this meant that the land had already been released.

AR clarified that once we have identified land to be released from the Green Belt there is no justification for us to phase that land ie. to restrict it coming forward. So once the decision has been made, development can proceed.

**Cllr Birnie** was not satisfied and asked whether land in the Green Belt identified in the report as a sits for growth means that we have released the land for development.

AR replied that is doesn't mean that. The consultation is only a consultation document and before any development can be built we need to go through several more stages including a lengthy local plan examination and then planning applications need to be submitted and approved, it is only then that development can take place.

**Cllr Birnie** persisted to seek clarification on exactly when such Green Belt land ceases to be Green Belt land.

AR replied it that it is at the point at which the local plan is adopted. Once the local plan is adopted and has gone to the Planning Inspectorate and the decision has been made, it will return to Council where a formal adoption will be made. At that point only is the land removed from the Green Belt.

**Cllr Beauchamp** thanked AR for the concise report and asked how we can stop developers from making predatory applications on Green Belt land as a preference to brownfield land when we may well be meeting our annual targets by other means.

JD replied that if a developer submits an application, the Council has to respond. The land does not come out of the Green Belt until the local plan has been adopted and at the moment there are many sites available for development. The local plan process is a very lengthy one and it will act as a form of constraint at the moment until land has been released from the Green Belt. With regard to predatory planning applications, each case is treated on its own merits but as long as the land remains in the Green Belt then the Committee has the discretion to use the Green Belt as a reason for refusal along with other issues to be considered.

**Cllr Taylor** asked about the amount of Green Belt we have in the Borough and the amount of land proposed to be removed from the Green Belt. He asked how much of that in an area of outstanding natural beauty and how much is not. Although the proportion of Green Belt being taken out in the local plan may seem low, he would like to understand what the proportion is that involves AONB land..

JD replied that he did not have that figure currently and will have to report back to the Committee.

**Action Point:** AR and JD to provide the figures.

**Cllr Taylor** asked if it was possible to publish the letters from the Government which have been outlined in this meeting setting out the change in policy.

JD suggests that a package of material is could be put together including these letters and circulated through Member Support.

**Action Point:** JD/AR to provide material

**Cllr Taylor** asked about the overall harm which has to outweigh the overall benefit and how the harm and the benefit are measured.

AR replied that there is no rule book on this, but there is a degree of judgement and discretion involved. The Government places great weight on protecting Green Belt as well as delivering homes. It is for the LA's to reach a judgement on what they feel is an appropriate balance.

**Cllr Taylor** asked that, given the uncertainty that has been identified about the Government's position, was it possible for the local plan be amended so that all releases of Green Belt land is on a phased basis so that no more than two years requirement is released at any one time.\*\*\*

AR replied that previous national policy Government did allow Authorities to put phasing conditions on development. That previous planning policy statement dates back to mid 2000's and was removed when national policy was consolidated and updated. Currently there is no mechanism in policy to stop development coming forward in principle however, there are certain conditions that we can attach to planning consents that require more detail and delivery of infrastructure that will allow protection against all of the development coming forward in one go.

**Cllr Taylor** said that once the Green Belt has been released it is released for good, but if it was phased we could at least release some of it in early stages of the plan pending the resolution of what the Government policy was.

**Cllr Birnie** said that his understanding was that it is only released at the point when it passes through DMC and approval is given to an application, therefore it is not a case of phasing applications but there are statutory limits, once we have accepted an application is genuine and valid, on how long it can be considered.

JD replied that this is correct and to clarify that land comes out of the Green Belt when the local plan is adopted. The point regarding the planning applications is that the development can only proceed when the developer obtains planning permission. At the point of making the application the land will already be out of the Green Belt. The land is not released from the Green Belt when the planning permission is issued it is when the local plan is adopted. The advice from officers is that having a phasing policy may not be enforceable because there is no national policy base to support it.

**Cllr Birnie** asked the duration of the local plan.

AR replied that the local plan period currently is 2020 to 2038 and this comes from national policy and we need to plan for at least 15 years.

**Cllr Ransley** said that Tring Town Council put their submission in as a narrative on question 3.1 and it was put down as not having commented but put in as an objection and on every question, a paragraph has been taken from the narrative and pasted in. The comment is that there was a lot of submission made about the Green Belt and if the rest of the Council haven't seen it they are not aware of the information that was put in and this is causing concern.

AR replied that the purpose of the summary report is a summary of the main issues. There were a lot of representations from over 4000 individuals and organisations and it is not possible to detail at length every response. However, everyone's response has been published in full in Appendix 2A which is on the website. AR has been through the report and Tring Town Council's response is summarised in various places in the report and it is published in full on the website but if it is felt that there is a particular issue that hasn't been captured in the report we can look into that to ensure that the view is reflected. The report does capture the concerns of Tring Town Council and Tring residents who are concerned about the level of growth earmarked for Tring.

**Cllr Birnie** felt that an important point has been raised by Cllr Ransley, and the key responses that have been received to the consultation have come from residents or representatives such as Tring Town Council which should be weighed more heavily against those from people who have vested commercial interest such as developers. The report could be improved by making this distinction.

**Cllr England** thanked AR and JD for their work on to turn around this report so quickly and said he wished to reflect on 2013 when the number was 430 and now the Government target has doubled so how are we above 860. Also the factors that have been discussed which can be used to vary from the standard method. DBC have factors that affect our plan such a substantial area of natural beauty etc. if by adopting a number like 1023 we use up on executive homes we will never meet our duty to the unmet need of social housing which is set out in the documents for this plan as being 316 pa. From a market perspective we are located on the edge of London and therefore the local plan needs to be our local plan and needs to set out

what it means for planning and affordable housing. He wondered whether these factors are recognised as impacting our capacity to produce a positive local plan.

AR replied that regarding the Government policy of 300,000 pa is a target that has been set and Government has repeatedly restated that in a number of areas. DBC did object to the way that the standard methodology was calculated during previous consultations, most recently in December, but the Government has decided not to change the way the figures are calculated and they will refer back to the 2014 figures and that gives us our guidelines as a local authority which we need to follow. The Local Government Housing Select Committee who sat last year to review the Planning White Paper Reforms made a number of recommendations to Government which included ascertaining the basis of obtaining the 300,000 figure and providing some recommendations to Government around giving LA's more discretion on setting their own figures. Government has not responded to that report with the exception of the Minister responding in Parliament that the Government would reject one of the Committee's recommendations to do with a wide scale review of the Green Belt. LA's are bound by the 2014 standard methodology figures. With regard to the constraints and the degree to which the considerations have been taken on board, AR replied that national policy's objective is to deliver sustainable development which are economic aims, social aims and the environmental aims. There are tensions in the objectives between delivery of housing and protecting green spaces and there are also economic tensions. The role of the LA is to try and balance those conflicting and competing tensions to produce a plan that seeks to pursue those sustainable development objectives as far as possible. Our evidence base suggested that we could deliver homes that would provide social benefit and that this could be done without adversely impacting on other environmental constraints. The report points to a number of areas where the evidence base is not complete yet, such as the impact that growth might have on the Chilterns Beech Wood, a special area of conservation, and further work needs to be done to understand whether this is going to be a substantial issue. The local plan has to pursue more than one objective simultaneously and there are conflicting priorities that need to be reconciled and as a consequence there are some decisions that need to be made in the plan that might not satisfy every objective of sustainable development.

**Cllr Birnie** said that there is a limit to the powers of the Council and therefore also of the Officers and we are bound by national policy.

**Cllr Wilkie** firstly would like to commend AR and JD in their responses so far and said that with regard to the report there is advice that there is a need to do a Town Centre Strategy, a Hemel Place Strategy, a Permitted Development Changes Review and to consider the Housing Bill and how that will change, the Covid Impact Report and DBC is awaiting the Government response and that there needs to be a Habitat Regulation Authority 2007 Review which it states must be completed before finalising a plan or proposal. In her view we were not yet at a point where we can move forward and we need this information before anything else can be done. Also there was mention of a Task and Finish Group and this was something that could be revived.

**Cllr Birnie** said he felt that this was not the time to ask that question but it has been discussed.

AR replied that a huge number of responses have been received raising some valid points to the consultation and these are summarised in Section 2. There is a huge amount evolving with national policy currently and recent statements have demonstrated that. Further evidence gathering needs to be undertaken, not just to continue the work we are aware of such as Chilterns Beech Wood impact, but in response to Covid which has changed the way we live and work. There are some permitted development rights that have been introduced by Government which is likely to have an impact on the number of homes coming forward in the employment and retail areas. He agreed that Officers are not ready yet to progress the local plan to publication.

**Cllr Stevens** asked about the phasing of the release of Green Belt land and the issue that is coming through the planning proposals where, once we have designated an area for growth, it will be open season for the developers and therefore phasing will not be easy. In planning policy, we are asked as a Local Authority to cater for our own residents first as far as possible and we have a large deficit of social housing. Looking at the responses that have been received a large number of people are questioning why we should be using the 2014 numbers as opposed to the more recent 2018 numbers, which make quite a difference in the way we deliver housing. If we look at what the ONS projections are, the basic number means that we end up with the methodology giving us 1023 whereas if we use the 2018 numbers we are down to just under 500. If we are having to demonstrate a five year land supply it is a different picture as to how much land we have to consider being released. We have to refresh the plans every five years and we are overdue which means we are at risk of predatory applications. With regard to the risk and delivery, it is one thing to zone the areas for development and another to build the houses, so unless we are able to persuade the Government to give us some scope to be able to build our own houses, we cannot rely on the open market to deliver this. Cllr Stevens would like us to campaign to change the philosophy of the Government. In the Planning Bills there is a possible change to the ways Section 106 and CIL will be levied in the future. The Crown Estate made a response and talked about the infrastructure and the cost to service the plan, which is estimated at £5.7 billion and a funding gap of £3.6 billion. These give some of the dimensions we have to consider in the economic appraisal of these plans. Cllr Stevens suggested that a separate report which outlines how these figures are compiled is required.

**Cllr Birnie** reminded that we called for the IDP to be completed before we considered the report and this is an aspect of what Cllr Stevens is talking about.

**Cllr Stevens** replied that the Crown Estates goes on to say that considerable additional work is required to determine the best objectives. Therefore, there is a lot more additional work that needs to be done which does not include the Hemel Garden City's plan.

AR replied the matter being considered this evening is the Consultation Summary Report and what officers are not doing is presenting a Regulation 19 Plan as further work is required. On the Infrastructure Delivery Plan we did publish an emerging IDP alongside the consultation as there were gaps, particularly around transportation

which is currently being updated. The £5.6 billion is not a figure AR recognises but suspects it might be relating to a County-wide figure but AR will investigate. The IDP that has been published has a figure of approximately £800m currently but he recognised that this will be short of the total infrastructure requirements in Dacorum.

**Cllr Birnie** said that it certainly refers the HGC rather than the Local Plan.

AR replied that the Infrastructure Delivery Plan includes both and will include all growth within the Borough.

**Cllr Birnie** said that he was talking about what the Crown Estate was referring to.

AR replied that it would require further investigation as he does not have the Crown Estate figures or response in front of him but suspected that it might be relating to something else.

**Action Point:** AR to investigate and provide clarification.

AR responded to the point around the risk of delivery and there is a risk that we get sanctioned for failure to deliver. There is a rolling three year assessment where if we failed to deliver enough then we would get sanctions imposed upon us. The Select Committee identified delivery as one area of the current system that needs reform and suggested that Government should consider stronger sanctions against developers who are not implementing consents. The White Paper proposals were more of a series of policy options rather than a true White Paper as it did not confirm which approach it was going to take. Under the proposals that the Government put forward, it is the case that once a Growth Designation is made automatic outline planning consent would be granted. One of The Select Committee's concerns in their report is how this would work in practice. AR also added that if the Government does progress with the idea of growth areas it will do so alongside design codes and there would be control over the type of development that comes forward in those areas. AR then asked for clarification on the point relating to the 2018 household projection.

**Cllr Stevens** gave some further clarification on what information he required.

AR replied that the 2018 figures were more or less half the 2014 figures. The basis for 5 year calculation is the 1023 figure which the government requires us to provide and it does impact on the 5 year supply.

**Cllr Hearn** said that Tring Town Council had engaged three consultants since the start of the consultation and now has a landscape report which will be discussed very soon. As the Borough Council works together with landowners and developers, would DBC meet with Tring Town Council to hear their views at an appropriate time long before the start of another consultation. Cllr Hearn would also like to acknowledge all of the work that has been done on this report.

JD replied that DBC will be meeting with Tring Town Council and asked for some details of timescales for that report.

**Cllr Timmis** said that the principle point that came out of the consultation was the issue of house numbers and the impact that it would have on Green Belt. She asked

how we were going to react to this consultation and could it be challenged legally because it is not evidence based.

AR replied that Government have said that the starting point for assessing the requirement is the standard methodology. There are provisions that allow an Authority to demonstrate exceptional circumstances to use other demographic models. Government do state that it is not only the standard methodology that has to be used but it is the 2014 household projections and not anything later. AR advises that we had to accept that this is the starting point but, as outlined in the report, Government has re-stated that this is just a starting point and not a target and other constraints can come into consideration such as the Green Belt etc. The way that officers would look at this is to undertake further work to assess whether there is substantial harm to the Green Belt that would justify a reduced number. Based on what has been seen, there is not enough evidence on other local plan examinations that Inspectors are open to that debate and it will be a very difficult case to prove that the harm outweighs the housing need. AR said that with regard to a legal challenge he has not seen any Authority seek to challenge this legally.

**Cllr Timmis** said that it is the numbers and dealing with the constraints that are making the impact and numbers that are not evidence based and not the numbers that we need to or should be producing and she felt that we should be able to mount a legal challenge as the 2014 numbers are not current and realistic.

**Cllr Birnie** reminded the committee that this was a matter of Government policy and unfortunately, Government was not constrained to produce policies that were evidence based.

JD reminded the Committee that every time they have been consulted on the new method we have responded and has always had the sign off of the Leader or Portfolio Holder. The key point is that this is what the Government has decided to do and as officers we have to advise you of the Government's position.

**Cllr Timmis** said that this was a major problem coming through from the consultation and wanted to know how we respond to the residents.

**Cllr Birnie** replied that we may well decide to take the risk of putting forward reasons why we should not accept the numbers from the point of view of damage to the environment.

**Cllr Beauchamp** said that as we move forward and some of these reports go into the public domain, the public would benefit from a summary of terms.

AR took the point and recognised that some of the planning language was complex and going forward would ensure that reports such as this would contain a glossary.

**Cllr Wilkie** said that she understands that we are not at a point to move forward to Regulation 19 and presumably, given all of the reports and the shifting landscape that had been discussed, the report that the public have given their comments on is going to change greatly. So she asked whether we would have to go through another consultation process and repeat the Regulation 18.

AR replied it was too early to say how many changes would be made to the document and once we were aware of this, we would then be able to advise Committee on whether a further Regulation 18 consultation was required.

**Cllr Birnie** commented that it was not just a question of the changing landscape, but there were some important supporting documents that the committee has continually emphasised should be presented as part of the evidence and these must be ready before we could proceed.

AR replied that Officers have been consistent in saying that before the plan was finalised Committee will have all of those evidence studies completed alongside the local plan before any decisions are made about submitting the plan.

**Cllr Harden** asked about the 5.12 Transport Modelling, and what value or new information the Officers felt the consultants would bring that they are not already aware of through the Hertfordshire Transport Strategy or the Urban Transport Plan for Hemel.

AR replied that there were a few areas where there would be added value. The County Council's wider Transport objectives had evolved over the last few years and we were now working towards Local Transport Plan 4 which had superseded those documents referred to. It was significant because the interventions that we identify for transport improvement will probably look different from what they would have done 10-20 years ago. The modelling underpinned this because it ascertained what the impact would be and where the impact would be felt, which will feed into what interventions are required and what they will look like. We are recommending that a peramics model is undertaken, which is a micro-simulation model, because we fully understand that the transport impacts on Hemel Hempstead are going to be complex. The modelling is not the only thing that we rely on, there are transport strategies that feed into the modelling work and to get a full picture not only do you need the model but also the strategy. We fully expect that there will be impact and implications for junction 8 of the M1 and also junction 20 of the M25.

**Cllr Harden** said HCC were already aware of the pressures that were coming. The Transport Strategy was looking at a 15 year projection. So where the pinch points were going to be in transport around Hemel had been heavily discussed and what the impact was on what some of the modelling would present.

AR replied that the modelling that was undertaken by the County some time ago would have had different growth projections included and therefore there was a need to update the modelling to reflect the increased housing provision. The modelling would have identified interventions based on previous urban transport plans and because we were now working to LTP4 there may well be interventions that looked different.

**Cllr Ransley** said that there were a lot of reports that have not been received yet and residents have been asked to consult on something that was incomplete and have not had all of the information. Cllr Ransley is concerned that people think it is alright to go from that straight into Regulation 19. She asked what right do we have to ask people about a plan that concerned their future without their having had all of the facts.

**Cllr Birnie** reiterated that AR had made the point that we are not at the stage of Regulation 19 by a long way and stressed again the need for the underpinning reports.

**Cllr Ransley** asked whether we were going to re-consult because Regulation 19 does not require us to consult.

**Cllr Birnie** said that the officers are not in a position to answer that. It is a matter for Cabinet.

AR replied that Officers are not in a position at this point to advise whether another consultation is needed or not. It would depend on what changes are made to the plan.

**Cllr Wyatt-Lowe** wanted assurances that all outstanding reports and any changes to Government policy would be reflected in the Regulation 19 consultation and that they would be presented to Committee before that took place. Also that the consultation would not take place until all of the outstanding issues were addressed, including a detailed re-appraisal of all non-Green Belt land available in the Borough for housing development.

AR responded that he felt that was a good summary.

**Cllr Taylor** asked whether the Transport Study would be ready before allocating the sites.

AR pointed out that the consultation we undertook was supported by a number of transport studies – one for Berkhamsted, one for Tring and in addition to that we also published a detailed topic paper summarising the interventions that we were aware of. The emerging plan was informed by transportation evidence. However it was recognised that further work was needed, particularly in Hemel Hempstead, on a more detailed level which would be completed as the local plan developed.

**Cllr Taylor** said that Berkhamsted Town Council was involved in what was proposed and the report suggested some minor improvements in some junctions and would have no effect on the major flow of traffic from new sites to places such as the station or other routes out of town. Because of the way Berkhamsted has evolved most of the traffic either has to travel along the High Street or Kings Road and the junction where they meet is regularly gridlocked. So putting houses on the periphery of town would be too far from the centre to walk and would therefore generate car journeys. New developments over the last few years have generated more traffic in the town. Bus routes need to be thought through before the layout of the new roads is decided but he understood that this is up to the developers.

AR responded that the evidence studies were constantly evolving and could be reviewed and updated. They were published alongside the consultation and questions were invited on the evidence base. If there are deficiencies identified, the evidence studies will be reviewed and will work with Town Councils and other organisations as the evidence studies are refreshed to make sure specific concerns are captured.

**Cllr Stevens** responded that his points remain open.

JD summarised and thanked all Members for their diligence in looking at this report. On the point of representations, there had been a very diligent reporting and recording of all representations made and everything had been captured on the system and been looked at and as the plan develops those points will be taken into account. JD wished to make it clear to Members that it was the thrust of the report and the main direction of the representations that had been summarised in the report because it is not a question of addressing every single representation, but to inform your decisions as a Council on where you take the plan next. Any feedback would be welcomed.

The difficulty at the moment is where the Government is revising the planning system and there appears to be emerging signals from Government through Ministerial statements which we are having to take into consideration. It is hoped that the Planning Bill will be available later in the year, and whether in time this give rise to a new national planning policy framework as this would be the key document that Councils will have to work to in the discharge of the planning function. As discussed there do seem to be some indications of slight change in the Government's position in relation to the issue of planning for new housing growth where Councils have extensive areas of Green Belt. To qualify, it does depend on what you can deliver from your urban areas and the quality of your Green Belt.

As part of our due diligence on strategic planning function, the Service continues to do work on development opportunities across the Borough and the report refers to looking at further urban capacity options particularly in Hemel Hempstead such as the Two Waters/Apsley area. Also as referred to, the Town Centre strategy will take a fresh look at Hemel Hempstead Town Centre as reported back through Cabinet in April 2021. Although not mentioned in the report, our work with the Crown Estates, St. Albans, Homes England and HCC in respect of the Hemel Garden Communities Programme continues as a key aspect of further delivery within the Borough.

In relation to the issue of the numbers, there has been an extensive debate this evening, and to summarise, there does not seem to be any change in the Government's position of what we our objectively assessed need is. However, there may be some latitude and decisions to be taken about the exact level that we plan for in the local plan but we do have to take the standard method figure as the starting point for assessing the need.

JD said that if the Committee would like to set out some specific views, the next step in this process is to report to Cabinet on 27th July and we will feedback your views. The Senior Leadership Team meet next week and will look at the draft recommendations and these will also be discussed with Cllr Williams and Cllr Anderson in due course.

**Cllr Birnie** remarked about the imbalance and impractability of building sufficient houses for our local people with regard to affordable homes even though the Council does have a policy on this to work with Housing Associations in building truly affordable housing. This is insufficient in terms of what we are allowed to do by the Government but there is a policy we are pursuing actively.

**Cllr Anderson** said he is grateful for the comments made tonight and Cabinet will consider these issues later this month. Cllr Anderson wished to make some points

regarding some of the comments. Cllr Anderson disagrees with the comment made early in the meeting that, because the ground was shifting, we shouldn't have undertaken the Regulation 18 consultation when we did. On the contrary, by doing the consultation when we did, we have given the local residents the opportunity to have a say over what the plan's impact would have on our local area. This is important as there would not otherwise be the evidence to take on the imposition on us of housing numbers. Members have heard a lot about the possible relaxation in Government policy on targets, but Members still need to be aware that we still have a massive risk and we are bound by the figures. If we cannot get a local plan approved, there is another risk that developers will ultimately have their planning appeals automatically allowed and as a planning authority we would not be able to dismiss appeals. Currently on almost every appeal we are defending, appellants are arguing we do not have a five year supply of housing and we are already on the back foot.

When Cabinet comes to consider this, Cllr Anderson's view is that this Authority should be taking advantage of the relaxation in the Government's view on figures. It is clear that we are not going to be able develop or allow the amount of housing that the Government figures dictate without decimating our Green Belt. Cllr Anderson welcomes any opportunity to defend the Green Belt more robustly.

**Cllr Birnie** thanked Cllr Anderson and commented on the point of 5 years land availability. On page 32 of the report, there was a statement from a substantial number of residents (549) that there is enough non-Green Belt land to build 5950 dwellings. If this is correct this would give us over 5 years 1190 dwellings pa and it is perhaps something to consider as this is above the target set by the Government. Officers thought that this takes into account not only the urban land but also the Long Marston area which is not in the Green Belt. This is an interesting area to research in his opinion.

**Cllr Birnie**, having taken everything that had been said into account, had drafted the following recommendation to Cabinet:-

- 1. The Committee is sceptical about the housing targets imposed by Government because the underlying evidential support is outdated.**
- 2. The target imposed upon DBC is impossible to achieve without unacceptable erosion of the Green Belt.**
- 3. The report considered by the Committee shows that support for the proposed amount of development came largely from Government bodies such as Homes England and from those who are commercially motivated, like developers. The vast majority of residents who responded were opposed to development that effected the Green Belt and the AONB and we must give more weight to our residents' views and continue to do so in the future.**
- 4. Critical supporting studies like AA, HRA and most importantly, the Dacorum IDP remain to be completed. The Committee therefore, recommends that Regulation 19 consultations be delayed until (as a matter of urgency):-**
  - a. work on the missing studies is completed.**

- b. a detailed re-appraisal has been made of all non-Green Belt land available to the Borough for housing development.**
- c. a level of housing that can be supported without unacceptable erosion of the Green Belt is established.**

**Cllr Birnie** asked if there was a general agreement amongst the Committee for sending this recommendation to Cabinet.

**Cllr England** said he agreed but felt there was a clause missing which is that we are not facing up to the need to provide enough social housing. The policy delivers 70 houses a year and is not enough. Therefore, as a Committee we need to point this out as it is isequally important to protecting the Green Belt and an action plan to deal with our social housing problem is needed.

**Cllr Birnie** said that was not related to this consultation paper. This consultation paper is aimed at development of dwellings rather than specific defined kinds of dwelling such as social housing.

**Cllr Stevens** said that in the Minutes of this meeting, in addition to the above recommendation, we should also record that Cabinet should re-establish the Task and Finish Group. Also that he would like to record in the Minutes our appreciation for all of the work that Planning Department has done in assembling the response to the consultation.

**Cllr Birnie** said that the latter was unnecessary because we have throughout the meeting asserted how impressed we are by the work that Officers have done and this will be minuted and Cabinet will have the opportunity to see it because we are making recommendations to Cabinet. Regarding the Task and Finish Group, it was more appropriate for the Cabinet to set that up as this Committee may not provide all of the Members of the Group. The last Group consisted of a wide variety of Members, some of whom were not Members of this Committee but were Members of DMC for example and also Members of Cabinet and Officers.

**Cllr Wilkie** said that she agreed about the Task and Finish Group and also suggested that we insert that the Regulation 18 to be re-considered upon the issue of the revised report.

**Cllr Birnie** said that he has received enough reassurances from officers and the Portfolio Holder that this will be the case and feels that there is no need to add this in.

**Cllr Wilkie** said that if it was obvious then it would be better to include it and asked if we could seek the Councillors view.

**Cllr Birnie** said he was not clear and the fact is that if this report with the additions that we have already been told will come back to this Committee, it will then go to Cabinet who will take a decision on whether a further consultation is required before we go to Regulation 19. At that point this committee will make its recommendations to Cabinet and there will be an opportunity to look at a revised report.

**Cllr Wilkie** said that this was not what she meant. She said that we are going to recommend to Cabinet that the Regulation 19 be delayed or deferred and we also discussed that in view of the new revised report it may be necessary to conduct a

new consultation process, and what she would like to insert into the recommendation is the view that upon the new report there will be a need for another Regulation 18.

**Cllr Birnie** said that he is prepared to add this if the Committee so require and put the suggestion to the vote. There voted 5 For and 5 Against with 1 Abstention. Cllr Birnie exercised his casting vote against the suggestion.

Cllr England asked if it was not normal practice for a casting vote to vote in favour of keeping a provision in.

Cllr Birnie replied that he had taken advice and was convinced that he had acted appropriately.

## **7**                    **WORK PROGRAMME**

Cllr Birnie asked if there were any additions to the Work Programme and there were none.

Cllr Birnie then advised that there has been a late change to the agenda for the next meeting on 7th July and Climate Change and Ecological Emergency Strategy and Action Plan was due to be updated at this meeting but report was not ready so it would not be featuring at the next meeting. Cllr Birnie also advised Members that the Herts Waste Partnership would be supplemented by an expert from Keep Britain Tidy who would be making a presentation on littering and fly tipping and this would be taken under the same item as the Herts Waste Partnership report.

The Meeting ended at Time Not Specified