



<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>25 June 2019</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

	<b>DACORUM SINGLE LOCAL PLAN 2020-2036: UPDATE ON CURRENT SITUATION AND REVIEW OF THE LOCAL DEVELOPMENT SCHEME</b>
Contact:	<p>Cllr Graham Sutton: Portfolio Holder for Planning &amp; Regeneration</p> <p>Author/Responsible Officers:          James Doe: Assistant Director, Planning, Development and Regeneration          Chris Taylor: Group Manager Strategic Planning and Regeneration          Andrew Horner: Team Leader, Strategic Planning and Regeneration</p>
Purpose of report:	To update Cabinet on the progress towards preparing Dacorum's Local Plan.
Recommendations	<ol style="list-style-type: none"> <li>1. That Cabinet note the progress on preparing Dacorum's Local Plan as set out in the report.</li> <li>2. That Cabinet agree the revised timetable for the Local Plan and other updates to the Local Development Scheme appended to this report and delegate authority to the Assistant Director, Planning, Development and Regeneration to make any final minor editorial and typographical revisions to the document including any necessary to reflect the Cabinet's discussions and decision.</li> </ol>
Corporate Objectives:	<p>The Council's Local Plan helps support all 5 corporate objectives:</p> <ul style="list-style-type: none"> <li>• <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;</li> <li>• <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.;</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Affordable housing</i>: e.g. sets the Borough’s overall housing target and the proportion of new homes that must be affordable;</li> <li>• <i>Dacorum delivers</i>: e.g. provides a clear framework upon which planning decisions can be made; and</li> <li>• <i>Regeneration</i>: e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.</li> </ul>
<p>Implications:</p> <p>‘Value For Money Implications’</p>	<p><u>Financial Background</u>  Funding to prepare the new Dacorum Local Plan is provided from existing base budgets, however in order to allow for peaks in expenditure in the periods of high activity, pre and post examination, expenditure in excess of the base budget will be funded from a drawdown from the Local Development Framework (LDF) reserve. The budget for 2019/20 has been set at required levels, partly funded from a drawdown from the LDF reserve. Any expenditure over the base budget position in 2020/21 will be reviewed and budget approval agreed.</p> <p><u>Value for Money</u>  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>
<p>Risk Implications</p>	<p>The Local Plan has its own detailed risk assessment.</p> <p>The key risk is that the new Local Plan could be found ‘unsound’ by an Inspector at Public Examination. To ensure against this, the Council must ensure that the Plan’s proposals comply with Government policy, are founded on robust evidence, such as that detailing housing, employment and infrastructure requirements and follow all statutory requirements regarding public consultation, publication, public examination etc.</p> <p>The Local Plan is critical to evidencing there is a five-year supply of housing land which is important to ensure that Council is able to control development appropriately and the planning decisions are plan-led. This underlines the need to progress the new Local Plan through to adoption in a timely way.</p> <p>There is a further risk if a plan is submitted prematurely and not fully supported and justified by the evidence available to support the submission. The high level risk is that the plan is found not to be sound and work has to begin from first principles. The more likely risk based on recent experience and practice by the Planning Inspectorate in examining plans is that the Inspector will require the Council to carry out further work to provide additional evidence and/or enhance the evidence already submitted. This can introduce significant delay and additional work/cost to the process of producing the plan.</p>

	<p>Following adoption of the Local Plan by the Council, the key risk is that the Plan does not deliver as planned. At that stage, continued close working with local communities, developers and infrastructure providers, along with consistent decision making, helps to ensure sustainable development takes place in a timely fashion.</p> <p>The annual Authority Monitoring Report reviews the risks inherent in preparing and delivering the Local Plan. 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. There is a new requirement under the Housing Delivery Test for an Action Plan where authorities have delivered less than 95% or less of the homes required over the previous three year period. This report should be supported by a detailed evidence base requiring data collection and review at a more detailed site level. Regular monitoring is also able to inform future Local Plan and planning policy document review.</p>
Community Impact Assessment	A full Sustainability Appraisal (SA) must be carried out as part of the Local Plan process. The SA looks at social, environmental and economic impacts in detail and is scrutinised at the Local Plan examination by an independent inspector. The Council will also undertake a Community Impact Assessment (EIA) which is appended to this report
Health And Safety Implications	No implications as a result of this report.
Monitoring Officer/ Deputy S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>No comments to add to the report.</p> <p><b>Deputy S.151 Officer</b></p> <p>No comments to add to the report.</p>
Consultees:	<p>Mark Gaynor, Corporate Director Housing and Regeneration</p> <p>Consultation on the new Local Plan and other policy documents will be carried out in accordance with the council's adopted Statement of Community Involvement (SCI).</p>
Background papers:	<ul style="list-style-type: none"> <li>• Adopted Local Development Scheme (July 2018)</li> <li>• Adopted Core Strategy (September 2013)</li> <li>• Adopted Site Allocations DPD (July 2017)</li> <li>• Dacorum Borough Local Plan 1991 – 2011 (April 2004)</li> <li>• Authority Monitoring Report 2016/17</li> <li>• National Planning Policy Framework (NPPF)</li> <li>• Housing White Paper 'Fixing our Broken Housing Market (February 2017)</li> <li>• Planning for the Right Homes in the Right Places (Consultation Proposals September 2017)</li> <li>• Planning and Compulsory Purchase Act 2004.</li> </ul>

	<ul style="list-style-type: none"> <li>• Planning Act 2008</li> <li>• Town and Country Planning (Local Planning) (England) Regulations 2012.</li> </ul>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>AMR: Authority Monitoring Report  LDS: Local Development Scheme  SCI: Statement of Community Involvement  SPD: Supplementary Planning Document  NPPF: National Planning Policy Framework  NPPF2: New National Planning Policy Framework  PPG: National Planning Policy Guidance  SHMA: Strategic Housing Market Assessment now called the  LHNA: Local Housing Need Assessment  ENS: Employment Needs Study  IDP: Infrastructure Delivery Plan  JSP: Joint Strategic Plan <i>(for SW Herts)</i>  LDS: Local Development Scheme  LEP: Local Economic Partnership <i>(for Hertfordshire)</i>  SoCG: Statement of Common Ground  SA: Sustainability Appraisal  EIA: Equalities Impact Assessment  HRA: Habitat Regulations Assessment  SPEOSC: Strategic Planning &amp; Environment Overview &amp; Scrutiny Committee</p>

## Background

1. The Council has a statutory duty to prepare a Local Plan; failure to produce and adopt a Local Plan can leave the Council open to direct intervention and loss of control over the plan making process. The new local plan proposed for Dacorum will replace the adopted 2004 Local Plan, 2013 Dacorum Core Strategy, Site Allocations DPD and update a range of existing documents. The timetable for the production of the new Local Plan is set out in the Local Development Scheme (LDS) which was approved, in updated form at the July 2018 meeting of the Cabinet.
2. This report is provided to update Members on the progress with preparing the Local Plan and identify the next stages in progressing the Plan towards adoption including a review of progress against the adopted LDS. This is the third in a series of reports and updates the information provided to Cabinet in October last year. A further update will be provided later in the New Council Year.
3. The Local Plan will cover the period to 2036. The latest guidance in the NPPF2 (updated February 2019), however, makes it clear that Local plans should be kept under review with formal review at least every 5 years to ensure that the plan remains up to date. This requirement does not necessarily require a complete new plan to be produced every five years but the pace of change in Government planning related Policy and other relevant factors suggests that significant updates (if not a full new plan) will be required in response to the reviews.

## Key Dates and Milestones

4. The current LDS contains the following key milestones and dates in plan preparation:

• Public consultation	Summer 2019
• Pre-Submission (draft version of plan)	Autumn 2019
• Submission of plan to Secretary of State	Spring 2020
• Examination in Public	Summer 2020
• Adoption	Winter 2020
5. Within this high level timetable there are many other priorities and deadlines that must be set and met. The following sections of the report give a flavour of the issues to be addressed and the work required but this is not in any way an exhaustive list.
6. There will also be extensive public consultation on the emerging plan in line with the principles set out in the Council's adopted Statement of Community Involvement. A partially revised SCI was approved for consultation at the January meeting of Cabinet. The revised document does not fundamentally change the approach to consultation but updates the existing document to take account of current best practice and changes in approaches to communication such as social media.

7. The next round of consultation will be at the pre-submission stage. This report sets out a revised timetable for the remaining Local Plan process through a revision to the Local Development Scheme, which is outlined further ahead. The pre-submission consultation will allow the opportunity for the wider public, land owners, developers, Town and Parish Councils, Ward Councillors and all other stakeholders with an interest in the emerging Plan to comment and have their views taken into account.

### **Issues to be addressed in the Plan**

8. The formulation of the new plan needs to cover a range of issues including:
  - Agreeing a vision for how the Council wishes to see the Borough develop over the course of the plan period, and setting strategic objectives for achieving it
  - setting a target for new housing development, taking the local housing need figure based on the Government's standard housing methodology
  - the role and function of the Green Belt affecting Dacorum, including long term boundaries and the potential to identify safeguarded land beyond 2036
  - the role that effective co-operation with local planning authorities could play in meeting any housing and other development needs arising from Dacorum. This element will include nearby and neighbouring Councils and others lying beyond the Green Belt.
  - technical assessment of potential sites to inform site selection
9. Key questions that need to be addressed through this plan review are:
  - What should the roles of the towns and villages be?
  - Should new development be focussed in one place, or distributed more evenly across the Borough?
  - How many new homes and jobs should we provide?
  - How do we ensure new infrastructure is provided alongside new development?
  - What is the future role of the Green Belt in the Borough?

### **Growth and Infrastructure Strategy**

10. As part of the work to support the evolution of the Local Plan, Cabinet agreed in July to the production of a Corporate Growth and Infrastructure Strategy for Dacorum. The production of this new Strategy for Dacorum addresses a fundamental point – that the Council needs a clear and ambitious vision for how it wants the Borough to develop and evolve over the next 20-30 years.
11. The proposed Strategy was reported to Cabinet for consideration in February 2019 when it was resolved that: "1. That Council approves the draft strategy as set out in Appendix 1 to this report, and the draft executive summary at Appendix 2." (Minute CA/23/18).
12. The Strategy will be important in setting the basis for the emerging vision for the Borough's future and, whilst not part of the statutory Local Plan, will help set the context for decision making that the Council will need to take later in

2019 over the content of the new Local Plan. The Strategy is not a formal part of the Local Plan evidence base but is a very important tool to help establish the Council's approach to preparing for growth.

## **Resources**

13. The preparation of the Local Plan is a complex and challenging task for all involved requiring extensive staff input and support from specialist external consultants. The officer team was recently strengthened through the appointment of a new Team Leader and filling a Planning Officer vacancy created through the promotion of the previous post holder within the team to the post of Assistant Team Leader. The officer resource available to the team was also boosted through the appointment of two Planning Graduate posts for an initial period of two years. It remains the case, however, that the recruitment and retention of strategic planners is difficult given that so many Local Planning Authorities are carrying out Local Plan work and seeking experienced officers and the consequent increase in salaries that can be commanded.
14. As explained in the last report the timetable set out in the current LDS is ambitious and to help meet this and supplement the recent staff resource increases within the Strategic Planning Team a project management approach has been adopted to delivering the multiple work streams within the Local Plan. This approach has delivered benefits and positively contributed to moving the plan preparation forward. The approach has not, however, recovered the ground lost when the team was not fully resourced and these delays have been compounded by the significant delay in Government confirming the methodology for setting housing numbers (discussed below).

## **Evidence and Evidence Gathering**

15. The preparation of the plan will require an extensive and comprehensive evidence base made up of many technical documents that will support the Council's proposals at the Public Examination. Some pieces of work have been completed, others commissioned and others at an early stage in the tendering process. A full list of evidence to support the new Local Plan, either completed, in progress and to be carried out is at Appendix 1 to this report. Several of the technical reports have been commissioned on a joint South West Hertfordshire basis or in partnership with one or more other Councils within the grouping.
16. A key piece of technical work that is currently underway is the Greenfield Site Assessment Study (being carried out by consultants); this work reviews all potential development sites outside existing settlements that have been put forward or identified against a range of criteria. This study is at a relatively high level but should identify potential development sites that are worthy of more detailed evaluation and rule out sites with no real potential. The report has been completed in draft. The final report will act as an evidential base from which Members can decide on the allocation of sites with a degree of confidence of their suitability, and provide the ongoing justification for that selection, and for sites that will be ruled out.
17. The Greenfield Site Assessment is complemented by an ongoing Urban Capacity Study which is identifying the potential to accommodate development within existing settlements. This study will also take account of allocated sites in the Core Strategy and Site Allocations DPD. This work will identify the

quantum of development that can be accommodated without the need to consider greenfield sites.

18. A key document being prepared on a South West Hertfordshire wide basis is the Local Housing Need Assessment (previously called the Strategic Housing Market Assessment (SHMA)). This document looks in detail at the form and tenure of housing required, including specialist housing, to meet the needs of South West Hertfordshire in general and Dacorum in particular. The assessment will build detail into the overall quantum of new housing needed in Dacorum. A draft of the report has been received which has been reviewed and amendments/additional information has been requested which will be included in an updated report from the consultants.
19. Completion of the Local Housing Needs Assessment work has been significantly delayed (by several months) given the uncertainty around the Government's approach to the formula to be used to calculate housing numbers through the Standard Housing Methodology. The revised methodology was finally published in an update to the NPPF in February this year. This delay by the government has had a significant material impact on the completion of the plan due the delay in completing the Local Housing Needs Assessment.
20. There are many other reports and evidence documents required such as Strategic Flood Risk Assessment, settlement Envelope Boundary Review, Green Infrastructure Study and Social and Community Facilities Study. This is only a sample of the range of documents required but gives an indication of the vast amount of information required to support plan preparation and examination.
21. The delay in being able to confirm the housing number has had a significant negative impact on the drafting of the plan and particularly the gathering and interpreting the evidence. There is still significant work to be carried out to deliver a plan for further consultation and ultimately submission to the Planning Inspectorate.

### **Duty to Co-operate**

22. The Duty to co-operate is something imposed on all Local Planning Authorities as part of plan preparation. This is not a specific duty to agree but there is a clear expectation that Councils will work together to resolve issues. The level of co-operation and efforts made to cooperate are an important issue for consideration at the examination of the Plan. As with all other matters to be examined there must be extensive evidence available to demonstrate the discussions that have taken place and agreements reached and an explanation of situations where agreement was not reached.
23. The Duty to Co-operate is not just limited to other Councils but extends to other organisations including infrastructure providers and Government Bodies such as water supply and health care providers. The Duty covers all aspects of services provided by Councils including County level functions such as education and highways/transport. The current work on the South West Herts Joint Strategic Plan is a good current example of the operation of the Duty to Cooperate.

24. Duty to cooperate is a significant and important process that involves working closely with partners to identify key issues and find solutions. The outcome of the meetings should produce a more robust solution to issues and deliver joined up thinking and delivery between both councils and infrastructure providers to ensure that development and supporting facilities can be delivered in line with the timescales set out in the Plan once adopted. The steps taken to deliver cooperation will be a key issue for consideration when the plan is examined; failure to demonstrate a rigorous approach could be a reason for the plan to be declared not to be sound.
25. The National Planning Policy Framework of July 2018 also introduced a further requirement for Councils to prepare one or more 'Statement of Common Ground' between parties to identify areas of commonality. Paragraph 27 of the (new) NPPF advises:
- "In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency."*
26. Since the last report a large number of meetings have taken place at officer level including all neighbouring District and Unitary Councils, and County Councils. There have been meetings with a range of Statutory Consultees such as Highways England, water and sewerage providers. The first round of meetings has helped to identify common issues and areas that require further discussion and/or areas to be addressed in the evidence gathering work. A further round of meetings is about to commence where issues will be discussed in more detail and potential joint working will be explored and/or discussions will commence on drafting Statements of Common Ground to form part of the Local Plan Evidence Base. Future meetings may also involve discussions between respective Portfolio Holders where significant issues arise or important matters need to be agreed.

### **Task and Finish Group**

27. A task and finish Group has been set up and has begun a series of six initial meetings on a range of topics. This follows the decision made at the October Cabinet meeting. The purpose of the group is to review and steer the proposed overarching strategy, individual policies, potential site allocations and other key features of the plan prior to a first draft of the document being produced for Cabinet's approval and then public consultation.
28. The Task and Finish Group consists of ten members including the Portfolio Holder plus the Leader of the Council with support from officers. The membership is politically balanced and includes members from across the Borough. The format and membership of the Group is being reviewed following the recent local Elections.

29. An initial programme of six meetings has been completed. The meetings have covered a wide range of issues with the first being a general introduction and overview. The following meetings looked at the economy, employment and town centre/retail issues, green infrastructure and environmental issues, the historic environment, housing, including Gypsy and Traveller accommodation and mobility/transport issues.

There will be further meetings scheduled in the current Council Year, beginning in late summer/early to review the emerging plan and focus on particular opportunities, issues and challenges. Future meetings will look at detailed issues and specific site allocations building on the strategic discussions and debates that have taken place so far.

#### **Issues and Options Consultation Report**

30. Work is continuing to complete the report which has proved challenging given the number of responses received. As advised in the last report and it is proposed that the report (or a link to the online version of the report) will be circulated rather than delay an update until the relevant Cabinet meeting. The report will be a summary of comments and highlight links to the emerging Local Plan strategy, policies and the supporting evidence base and other future work. The document is, therefore, a technical paper and as such does not require formal Cabinet or other Member approval. Officers will be happy to any questions or queries that Members may have on the completed report and its findings

All of the comments received can be viewed on the Council's Local Plan Consultations web page by following this link: <https://dacorum-consult.objective.co.uk/portal/planning/lp/io/io?tab=list>. Members should note that an initial high level summary was appended to the October 2018 Cabinet report.

31. **Local Development Scheme** As set out above there has been significant difficulty in meeting the programme set out in the current LDS and it has become clear that this timetable cannot be met if a sound plan is to be delivered. If the plan is not sound at the point of submission there is potential risk of further delay and cost, either because the plan is found unsound or because the Inspector requests further work in accordance with a timetable that they would set. Recent examples from other plans submitted for examination suggests that normal practice is for the Inspector to take the option of requesting further work be carried out to expand the evidence base and/or look at other development/policy options.
32. As advised in the February 2018 report, Officers have also engaged the services of the Planning Officers Society to provide critical friend support to the plan preparation process. The support is provided by an experienced consultant who works closely with many planning authorities. The advice from the Critical Friend includes a strong recommendation that the timeline for submission is reviewed given the amount of information and evidence that needs to be gathered and reviewed to ensure a sound plan is submitted.

33. It is considered that it is not possible to deliver the Local Plan within the currently published timetable due to the delays flowing from the uncertainty around the housing numbers and the knock on impacts of that delay. A revised LDS is therefore proposed which effectively slips the submission of the new Local Plan by 9 months to November 2020. A draft revised LDS is appended to this report.
34. The recommendation has knock on implications for other elements of the programme, the key dates in the draft revised LDS are:

Action/Milestone	Date
Consultation (Regulation 19) on Draft Plan	May 2020
Submission of Plan to PINS	November 2020
Public Examination	April 2021
PINS report Issued	November 2021
Plan Adopted	February 2022

35. Given the delays and the challenges of delivering the number of units identified through the final version of the Standard Housing Methodology, Officers consider the timetable to remain challenging but it is deliverable on those elements under the Council's control. Once the plan has been submitted to PINS, the timing of the Public Examination and the production of the Inspector's report is in the gift of PINS and the Council can only have limited influence on this part of the process. The timetable set out in the LDS (and above) takes account of the latest performance data from PINS suggesting that their examination process, from submission of plan to issuing of report is 50 weeks.

### **Future Reports and Conclusions**

36. It is intended that a further report on progress with the Local Plan will be presented to Cabinet in the Autumn.
37. The Local Plan is a vital statutory document setting the future vision and direction of the Borough. The delivery of the Plan is challenging and requires the gathering and interpretation of extensive evidence and further consultation with the public, Town and Parish Councils and a very wide range of other bodies and organisations.
38. Members are asked to note the content of this report and the progress being made on the preparation of the Local Plan.
39. Members are further requested to agree the revised timetable set out in the updated LDS appended to this report.

## **Appendix 1**

### **Evidence documents to support the Dacorum Local Plan 2018-2036 and current progress**

Habitat Regulations Assessment – *in progress*

Habitat Regulations Assessment follow up – Appropriate Assessment (if needed) – *not started, dependent on outcome of initial assessment*

Sustainability Appraisal/Strategic Environmental Assessment – *in progress*

Green Belt review Stage 3 – *not started linked to output of site assessment study*

Urban Capacity Study – *work commenced with significant progress made*

Gypsy and Travellers Study – *complete*

Density Standards study – *in progress as part of the Urban capacity Study*

Tall and Taller Buildings Supplementary Planning Document (SPD) – *in progress*

Greenfield Site assessment study – *significant progress made with initial draft prepared by appointed consultants*

Housing Trajectory – *in progress but linked to Authority Monitoring Report output*

Housing Position Statement– *in progress but linked to Authority Monitoring Report output*

Authority Monitoring Report – *in progress*

COMET (traffic) Modelling – *run programmed for early March (HCC); results still awaited from HCC*

Peramics traffic Modelling – *not started; linked to potential sites*

Air Quality Modelling – *in progress*

Local Plan Viability Assessment – *procurement in progress*

Local Plan Strategic Sites Viability Modelling – *procurement in progress*

Infrastructure Delivery Plan – *in progress*

Herts water cycle study part 1 – *substantially complete*

Herts water cycle study part 2 – *inception meeting held with consultants*

SW Herts Strategic Flood risk Assessment - SFRA 1 – *complete*

Dacorum Strategic Flood risk Assessment - SFRA 2 – *inception meeting held with consultants*

Open Space, indoor leisure and playing pitch study – *in progress; first draft of report received from consultants – further work requested*

Designated open land assessment – *not started*

Green Infrastructure Strategy – *in progress*

Areas of Archaeological Significance update – *initial discussions with HCC*

Economy Study – *In progress; final draft received and under review*

Employment Land Study – *Complete*

Retail and leisure study – *Complete*

Position Statement – employment – *complete*

Local Housing Needs Assessment – *in progress* second draft received and being reviewed

Settlement Hierarchy Study refresh inc Social/Community facilities – *not started dependent on output of site assessment study and urban capacity study*

Topic Papers: *To be prepared once other studies complete*

Green Belt

Housing

Sustainable Development Strategy

Employment