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| <b>Report for:</b>      | <b>Cabinet</b>       |
| <b>Date of meeting:</b> | <b>21 April 2020</b> |
| <b>Part:</b>            | <b>1</b>             |
| If Part II, reason:     |                      |

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|                       | <b>DACORUM BOROUGH LOCAL PLAN 2018-2036: REVIEW OF THE LOCAL DEVELOPMENT SCHEME</b>  |
| Contact:              | <p>Cllr Graham Sutton: Portfolio Holder for Planning &amp; Regeneration</p> <p>Author/Responsible Officers:<br/>         James Doe: Assistant Director, Planning, Development and Regeneration<br/>         Chris Taylor: Group Manager Strategic Planning and Regeneration<br/>         Alex Robinson: Strategic Planning Manager</p>   |
| Purpose of report:    | To seek Cabinet's agreement to a revised Local Development Scheme including an updated timetable for the preparation of the Local Plan.  |
| Recommendations       | 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.  |
| 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> <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> </ul> |

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|  | <ul style="list-style-type: none"> <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><br/> 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 2020/21 has been set at required levels, partly funded from a drawdown from the LDF reserve. Any expenditure over the base budget position in 2021/22 will be reviewed and budget approval agreed.</p> <p><u>Value for Money</u><br/> 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 is found 'unsound' by an Inspector at Public Examination. To avoid this, the Council must ensure that the Plan complies with Government policy and is founded on robust evidence, particularly on infrastructure, and follow all statutory and local requirements, including on public consultation.</p> <p>If a plan is submitted prematurely and not fully supported and justified by evidence then the Plan will not be found sound and the Council would have to restart plan making, incurring further time and cost to the process. The most significant risks emerging from recent examinations include insufficient evidence demonstrating the delivery of infrastructure to support growth and Councils not satisfying requirements under the Duty to Cooperate. Therefore, the Council considers it prudent to undertake further work in these areas prior to Publishing its Local Plan.</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.</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> |

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| 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>Deputy Monitoring Officer:</b></p> <p>Preparation of a Local Development Scheme and Local Plan are statutory requirements pursuant to the Planning and Compulsory Purchase Act 2004 and Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>There is a duty to ensure that a Local Development Scheme is maintained as an up to date document.</p> <p><b>S.151 Officer</b></p> <p>There are no budgetary implications arising as a direct result of the recommendations in this 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 2019)</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>• Planning and Compulsory Purchase Act 2004.</li> <li>• Planning Act 2008</li> <li>• Town and Country Planning (Local Planning) (England) Regulations 2012.</li> </ul>            |
| Glossary of acronyms and any other abbreviations used in this report: | <p>AMR: Authority Monitoring Report<br/> DTC: Duty to Cooperate<br/> LDS: Local Development Scheme<br/> SCI: Statement of Community Involvement<br/> SPD: Supplementary Planning Document<br/> NPPF: National Planning Policy Framework<br/> PPG: National Planning Policy Guidance<br/> SHMA: Strategic Housing Market Assessment now called the LHNA: Local Housing Need Assessment<br/> ENS: Employment Needs Study<br/> IDP: Infrastructure Delivery Plan<br/> JSP: Joint Strategic Plan <i>(for SW Herts)</i><br/> LDS: Local Development Scheme</p> |

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|  | LEP: Local Economic Partnership ( <i>for Hertfordshire</i> )<br>SoCG: Statement of Common Ground<br>SA: Sustainability Appraisal<br>EIA: Equalities Impact Assessment<br>HRA: Habitat Regulations Assessment<br>SPEOSC: Strategic Planning & Environment Overview & Scrutiny Committee |
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## 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 saved policies in the adopted 2004 Local Plan, 2013 Dacorum Core Strategy, and 2017 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 2019 meeting of the Cabinet.
2. This report is provided to update Members on the progress with drafting the Local Plan against the adopted LDS and seek agreement to a revision to the timetable with short extension to the timetable to reflect the need to undertake further infrastructure planning discussions with key stakeholders and to conclude discussions with landowners, developers and site promoters to ensure that the Council's policy objectives will be delivered. The extension will also allow the proposed consultation to take place during a period where, hopefully, there will be fewer restrictions on public gatherings and the movement of people, due to the COVID-19 crisis, allowing fuller public participation in the process.

## Key Dates and Milestones

3. The current LDS contains the following key milestones and dates in plan preparation:
  - Pre-Submission (draft plan) consultation Spring 2020
  - Submission of plan to Secretary of State Autumn 2020
  - Examination in Public Spring 2021
  - Adoption Winter 2021/2
4. Significant progress has been made on the Local Plan against the current LDS with Plan drafting having reached an advanced stage. Officers are honing in on a preferred spatial strategy with the policies and proposals to support this coming into focus. The Plan will be structured as follows: a) the overarching spatial strategy, including growth requirements and key locations, b) settlement focused delivery strategies, including site specific policies, c) detailed implementation (development management) policies.
5. Officers have been working closely with the Local Plan Task and Finish Group which is a cross party panel of Members that has provided both high level guidance and detailed scrutiny of the emerging plan, its policies and proposals.
6. Officers have also been working across the wider Planning Team and with other key departments within the Council to shape the emerging Plan. This work has been complemented by continuing discussions with adjoining authorities and other stakeholders under the Duty to Cooperate. This work has helped to shape and refine the emerging plan and delivered changes and revisions to take in recommendations and address concerns and issues raised.

## **Evidence and Evidence Gathering**

7. The preparation of the plan requires an extensive and comprehensive evidence base made up of many technical documents that will support the Council's proposals at Examination in Public. All key pieces of evidence are either complete or at an advanced stage and several of these have been commissioned on a joint South West Hertfordshire basis or in partnership with one or more other Councils within the grouping.
8. Another key part of the evidence supporting the policies and proposals in the Plan is the Infrastructure Delivery Plan (IDP). This identifies the nature, quantum, timing, cost and funding of the essential infrastructure to support the Plan. The IDP also supports detailed negotiations with land owners/promoters/developers to ensure that sites can and will deliver the quantum of development allocated in the plan together with the necessary infrastructure.
9. Officers have been supported by a wide range of stakeholders and public bodies, including the County Council, in preparing the IDP and significant progress has been made. Officers have already met with many land owners/promoters/developers to progress discussions and these are generally moving forward positively.
10. However, there are some aspects of infrastructure planning that require further evidence collection and clarification. Officers consider it necessary to undertake further focused technical assessments and to allow sufficient time to conclude discussions with key stakeholders on settlement specific funding and delivery strategies. Officers also need time to obtain satisfactory commitments from site promoters that the required infrastructure will be included as part of proposals. In some instances this has not been forthcoming, requiring Officers to consider alternative spatial options. To ensure these crucial areas of plan making can be finalised the Council is not in a position to publish its Plan under regulation 19 in May 2020 as was intended in the current LDS.
11. Without this information and in the absence of the necessary commitments from site promoters it will not be possible to demonstrate that the Plan can be delivered and is sound. The question of 'soundness' is a key part of the regulation 19 consultation and fundamental to the examination process. Without sufficient evidence to demonstrate the plan is sound this is likely to result in a delay to the examination process whilst the Council gather this evidence, or that the Plan is found to be unsound and Plan drafting has to restart.
12. Despite the significant and positive progress made in developing the plan it is clear that the programme set out in the current LDS cannot be met if a sound plan is to be delivered.

## **Timing of Publication Consultation**

13. At the time of drafting this report the UK is entering a period of unprecedented uncertainty as it responds to the COVID-19 global health emergency. In recent weeks Government has imposed significant restrictions on the movement of people and on public gatherings as it looks to limit the spread of the virus. The current situation therefore limits the Councils ability to undertake consultation

on its Plan in June 2020 as originally intended. It is therefore considered more appropriate to delay the Publication of the Plan until later in the year.

### **LDS and timescales**

14. It is considered that it is not possible to deliver the Local Plan within the currently published timetable due to the reasons set out above. A revised LDS is therefore proposed which repositions the Publication of the Local Plan to November 2020, with consequential changes to the submission of the Plan to the Secretary of State. A draft revised LDS is appended to this report.
15. 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 | November 2020 |
| Submission of Plan to PINS                 | May 2021      |
| Public Examination                         | July 2021     |
| Plan Adopted                               | June 2022     |

16. Officers consider that the timetable remains challenging but it is deliverable. 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 timetabling information from PINS but assumes no significant backlog at PINS.
17. The revised timetable assumes that restrictions associated with COVID-19 have eased sufficiently to allow the Council to conduct appropriate engagement on the Plan as currently intended. The Council will monitor the situation closely over the coming weeks and months and take necessary action, including putting in place appropriate measures to ensure public participation during forthcoming consultations and access to Council officers and documentation. The Council is committed to consulting on a Reg.19 Plan and submitting it for examination at the earliest opportunity to ensure it has an up to date and effective suite of policies and proposals to deliver future housing and economic development across the Borough.

### **Conclusion**

18. 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 gathering extensive evidence and further consultation with the public, Town and Parish Councils and a very wide range of other bodies and organisations.
19. Whilst major progress has been made on the drafting of the plan there are key issues around infrastructure and delivery that require additional time to satisfactorily resolve to ensure that the chances of the plan being found sound are maximised.
20. Members are 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**

Appropriate Assessment under the Habitats Regulations Assessment – *underway*

Sustainability Appraisal/Strategic Environmental Assessment – *underway*

Green Belt Review (Stage 3) and Landscape Assessment – *underway and nearing completion*

Urban Capacity Study – *underway and nearing completion*

Gypsy and Travellers Study – *complete*

Greenfield Site Assessment Study – *underway and nearing completion*

COMET (traffic) Modelling – *underway and nearing completion*

Air Quality Modelling – *underway and nearing completion*

Local Plan Viability Assessment – *underway*

Local Plan Strategic Sites Viability Modelling – *underway*

Infrastructure Delivery Plan – *underway*

Herts water cycle study part 1 – *complete*

Herts water cycle study part 2 – *underway and nearing completion*

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

Dacorum Strategic Flood risk Assessment - SFRA 2 – *underway and nearing completion*

Open Space, indoor leisure and playing pitch study – *underway and nearing completion*

Green Infrastructure Strategy – *underway*

Economy Study – *underway and nearing completion*

Employment Land Study – *Complete*

Retail and leisure study – *Complete*



Local Housing Needs Assessment – *underway and nearing completion*