



AGENDA ITEM:
SUMMARY

Report for:	Cabinet
Date of meeting:	15 February 2022
Part:	1
If Part II, reason:	

Title of report:	DACORUM BOROUGH LOCAL PLAN 2021-2038: REVIEW OF THE LOCAL DEVELOPMENT SCHEME
Contact:	Cllr Alan Anderson: Portfolio Holder for Planning & Infrastructure Author/Responsible Officers: Alex Robinson: Interim Group Manager (Planning and Development) Ronan Leydon: Team Leader (Strategic Planning)
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	<ol style="list-style-type: none"> 1. That Cabinet notes the work being undertaken on the Local Plan. 2. That Cabinet approves the revised timetable for the Local Plan as detailed in the Local Development Scheme appended to this report and delegates authority to the Strategic Director (Place) to make any final minor editorial and typographical revisions to the document including any necessary to reflect the Cabinet's discussions and decision.
Period for post policy/project review	At the next key milestone for the Local Plan, as set out in the updated Local Development Scheme.
Corporate Objectives:	<p>The Council's Local Plan helps support all 6 corporate objectives:</p> <ul style="list-style-type: none"> • <i>A clean, safe and enjoyable environment:</i> e.g. contains policies relating to the design and layout of new development that promote security and safe access;

	<ul style="list-style-type: none"> • <i>Building strong and vibrant communities:</i> e.g. contains policies and sites to support new and enhanced facilities, while seeking to protect the vitality and viability of our town centres. • <i>Ensuring economic growth and prosperity:</i> e.g. identifies and safeguards land to deliver future economic growth across the borough. • <i>Providing good quality affordable homes:</i> e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable; • <i>Ensuring efficient, effective and modern service delivery:</i> e.g. provides a clear framework upon which planning decisions can be made; and • <i>Meeting the challenges of the climate emergency:</i> through an overarching environmental objective and direct policy action.
<p>Implications:</p> <p>'Value For Money Implications'</p>	<p><u>Financial</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 2022/23 has been set at required levels, partly funded from a drawdown from the LDF reserve. Any expenditure over the base budget position in 2022/23 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 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. In addition, ensuring the Council has satisfactorily discharged other legal obligations, specifically those set out in the Habitats Regulations (2017) as amended, are crucial if the</p>

	<p>Plan is to be found 'sound' and legally robust. 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 the Council is able to control development appropriately and that 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>
Community Impact Assessment	A full Sustainability Appraisal (SA) and Habitats Regulations Assessment 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 (CIA) of the Local Plan as it progresses.
Health And Safety Implications	No implications as a result of this report.
Monitoring Officer/ Deputy S.151 Officer Comments	<p>Deputy Monitoring Officer:</p> <p>Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review their local plans once every five years from their adoption date. In addition to this, local planning authorities are required, through the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), to produce a Local Development scheme (LDS).</p> <p>Deputy S.151 Officer</p> <p>A specific approved annual revenue budget along with approved reserve draw downs from the LDF reserve are in place to finance this programme of work. If this programme requires additional budget, requests for funds will need to be made in line with current financial regulations.</p>
Consultees:	<p>James Doe, Strategic Director (Place)</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"> • Adopted Local Development Scheme (July 2020) • Adopted Core Strategy (September 2013) • Adopted Site Allocations DPD (July 2017)

	<ul style="list-style-type: none"> • Dacorum Borough Local Plan 1991 – 2011 (April 2004) • Authority Monitoring Report 2019/20 • National Planning Policy Framework (NPPF) • Planning and Compulsory Purchase Act 2004. • Planning Act 2008 • Town and Country Planning (Local Planning) (England) Regulations 2012.
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>AA: Appropriate Assessment AMR: Authority Monitoring Report DLUHC: Department for Levelling-Up, Housing and Communities DPD: Development Plan Document DTC: Duty to Cooperate LDS: Local Development Scheme SCI: Statement of Community Involvement SPD: Supplementary Planning Document NPPF: National Planning Policy Framework PPG: National Planning Policy Guidance SHOA: South Hemel Opportunity Area 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 South West Hertfordshire)</i> LDS: Local Development Scheme LEP: Local Economic Partnership <i>(for Hertfordshire)</i> PINS: The Planning Inspectorate SoCG: Statement of Common Ground SA: Sustainability Appraisal CIA: Community Impact Assessment HRA: Habitat Regulations Assessment SPEOSC: Strategic Planning & Environment Overview & 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 saved policies in the adopted 2004 Local Plan, 2013 Dacorum Core Strategy, and 2017 Site Allocations Development Plan Document (DPD). 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 2020 meeting of Cabinet.
2. This report is provided to update Members on progress with preparing the Local Plan against the adopted LDS, following the Local Plan update Report presented to Cabinet in July 2021 and to seek agreement to a revision to the timetable including an extension to reflect the need to complete key evidence studies.

Current Key Dates and Milestones for the Local Plan

3. The current adopted LDS contains the following key milestones and dates in plan preparation:
 - Pre-Submission (draft plan) consultation June 2021
 - Submission of plan to Secretary of State October 2021
 - Examination in Public December 2021
 - Adoption November 2022

Update on Progress and Issues arising

4. As reported in July 2021, the Council is undertaking further work in response to the issues raised in the Emerging Strategy for Growth consultation which was undertaken between November 2020 and March 2021. A summary of these is provided below:
5. **The Habitats Regulation Assessment (HRA)** - as reported in July 2021 the Council cannot rule out likely significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC), the South West London Waterbodies Species Protection Area (SPA) and South West London Waterbodies RAMSAR arising from the growth proposed in the Local Plan. As such the Council has a legal duty under the Conservation of Habitats and Species Regulations (2017) as amended to undertake an Appropriate Assessment (AA) before finalising the Local Plan.
6. The Regulations state that the Plan can only progress if the integrity of the European Site is not adversely affected (having regard to any conditions or restrictions imposed as mitigation). The only other approach is if the local authority is satisfied that, there being no alternative solution, the Plan must be carried out for imperative reasons of overriding public interest. The Council will need to be satisfied that the Local Plan will not give rise to adverse impacts on the integrity of the Chilterns Beechwoods Special Area of Conservation (SAC).
7. The issues which are being assessed as part of the AA include (but are not limited to):

- air quality (as parts of the Tring Woodlands SSSI and Ashridge Commons and Woods SSSI are within 200m of roads/junctions primarily the A41 and B4506);
 - hydrology (surface run off from development sites or groundwater level changes);
 - habitat loss and fragmentation (ensuring no loss of functionally linked habitat), and
 - public access and disturbance from increased visitor pressure and disturbance.
8. The Council's AA is being developed in consultation with key stakeholders including Natural England, Hertfordshire County Council and the National Trust.
 9. As part of this work, the Council commissioned specialist consultants to carry out onsite recreation (visitor) surveys and ecological assessments of Ashridge Commons and Woods SSSI and Tring Woodlands SSSI. These took place throughout 2021 once COVID-19 restrictions had eased sufficiently. These surveys and assessments are advancing and the Council will be publishing the reports as soon as is practicably possible. The Council will then progress with further assessments to establish the potential for other impacts to occur, namely in relation to air quality and hydrology.
 10. The Council, working with relevant stakeholders, will need to carefully consider the key findings of the assessments for the Local Plan and for the Council's wider planning functions. This will inform potential changes to the strategy of the Local Plan from that which was subject to public consultation previously.
 11. Given the legal obligations placed on the Council by the Regulations it is important that the correct processes are followed before the Council is able to finalise the Local Plan.
 12. **Proposed Planning Reform** – as reported in July 2021, the Government has indicated it intends to undertake significant reforms across the whole of the planning system. As set out in the Queen's Speech in May 2021, a new Planning Bill is expected however it remains unclear when this will be published.
 13. At the time of writing the extent of the reforms remains unclear and Government is yet to provide a timetable for these. With this, there is some uncertainty about what implications, if any, the reforms may have on the overall growth for Dacorum, amongst other matters. Notwithstanding this official Government advice is for Local Authorities to continue to prepare their Local Plans and for these to be adopted by the end of 2023.
 14. **The Spatial Strategy for Growth** – as reported in July 2021, Officers believe that a spatial development strategy that looks to accommodate growth at the Borough's main centre, (Hemel Hempstead), and see both market towns grow is appropriate. Officers recognised that there may be grounds to further enhance the role of Hemel Hempstead relative to the market towns, particularly given the wider initiatives underway to support the transformation of the town under the Hemel Place Strategy, Hemel Garden Communities and Place Board.

15. Since June 2021, Officers have been undertaking further work to review Hemel Hempstead's role, by investigating the potential for further transformative change in the Town Centre and as part of the South Hemel Hempstead Opportunity Area (SHOA). This work is advancing well and the Council plans to undertake further discussions with landowners as well as provide opportunities for residents to tell the Council what they think about these areas.
16. The Council has secured additional funding from Government as part of the Proptech Engagement Fund to trial new technologies and methods of engagement. A future engagement event for SHOA is expected to showcase these.
17. **Urban Capacity** – In addition to the specific projects being undertaken for Hemel Hempstead Town Centre and SHOA, officers continue to progress work which seeks to maximise development potential in existing settlements. These include:
 - A new Call for Sites for residents and developers to suggest and promote sites to the Council for consideration. To date, over 20 sites have been promoted through the new interactive online form, however some of these are updates to sites previously assessed by the Council.
 - A new Site Assessment Study will consider the existing role of other town centres (Berkhamsted and Tring) and local and neighbourhood centres in the borough, including in Hemel Hempstead where new regeneration opportunities may exist.
 - A further review of the Council's supply of employment land is also being undertaken to identify if further opportunities for redevelopment exist.
18. **Infrastructure Capacity** - Further work is needed to develop the draft Infrastructure Delivery Plan (IDP) into a fully comprehensive and complete document to accompany the next version of the Plan. This is reliant on revisions to the strategy for growth in Dacorum. The current focus for the IDP is Hemel Hempstead which is being progressed alongside the emerging studies for the town centre and South Hemel Opportunity Area.
19. **Transport** - Further work is required to draw out and cost all the transport interventions needed to support growth. The situation in Hemel Hempstead is particularly complex so the Council is undertaking a more detailed Sustainable Transport Strategy for the town. This work is being supported by the preparation of a detailed micro-simulation transport model for Hemel Hempstead (known as 'Paramics'). This will help inform the type of transport interventions needed to support growth in Hemel Hempstead and help inform growth sensitivity assessments. Finally, it will also help to identify those key pieces of transport infrastructure that are required to support growth and when they need to be delivered.
20. The Council has worked with consultants on the Paramics model in recent months and the calibration stage is now complete. Further work on transport modelling, including use of the strategic COMET model (Hertfordshire County Model of Transport), will progress once the HRA has informed possible revisions to the overall strategy of the Local Plan.

Proposed Key Dates and Milestones for the Local Plan

21. Further to the above, Officers advise that a delay to the Local Plan is required to allow for the further evidence to be gathered and, potentially, the testing of further growth scenarios for the Borough to be undertaken before the Plan is finalised.
22. Officers estimate that it will take between six months and one year for the further work to be completed and any revised strategy to be developed and tested. In addition, Officers consider it appropriate that a further Regulation 18 consultation is added to the programme for the following reasons:
- There is expected to be significant updates to the evidence base supporting the new Local Plan.
 - The evidence will likely inform changes to the draft strategy consulted on in November 2020 and it is appropriate that stakeholders and the wider community have the opportunity to feedback on the changes made.
 - An additional consultation allows for the Local Plan to respond to potentially substantial changes to be made to the planning system, as proposed by Government in August 2020.
23. A revised LDS is therefore proposed which commits to an additional Regulation 18 consultation before the Publication of the Local Plan (Regulation 19). A draft revised LDS is appended to this report (Appendix 1), with the key dates summarised below:

Action/Milestone	Date
Consultation (Regulation 18)	June 2023
Publication of the Plan (Regulation 19)	June 2024
Submission of Plan to Planning Inspectorate (PINS)	October 2024
Public Examination	January 2025
Plan Adopted	October 2025

24. 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 and assumes there will be no significant backlog at PINS.

Conclusion

25. The Local Plan is a vital statutory document setting the future vision and direction of the Borough. To ensure the Local Plan can be found sound, the Council needs to undertake further evidence studies and potentially undertake further testing of growth options. Given the extent of evidence that needs to be undertaken it is prudent that the Council plan for a further round of public consultation on the Plan before being finalised.
26. To assist in planning future growth in Dacorum, a Members task and finish group will be reinstated for early spring.
27. Members are requested to agree the revised timetable set out in the updated LDS appended to this report.