



Report for:	Cabinet
Date of meeting:	13 December 2016
PART:	1
If Part II, reason:	

Title of report:	Dacorum Local Planning Framework Site Allocations Development Plan Document Proposed Modifications
Contact:	<p>Graham Sutton, Portfolio Holder for Planning and Regeneration</p> <p>James Doe, Assistant Director (Planning, Development and Regeneration)</p> <p>Laura Wood, Team Leader (Strategic Planning and Regeneration)</p>
Purpose of report:	To agree a series of Main Modifications and associated map changes to the submitted Site Allocations DPD for consultation, in order to ensure the plan can be found 'sound' following examination.
Recommendations:	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1) Note the post hearing letter of 1st November 2016 from the Site Allocations Planning Inspector (enclosed as Annex A); 2) Agree the schedule of Main Modifications, associated changes to the Policies Map (set out in Annex B) and accompanying Sustainability Appraisal Update Report (Annex C) for consultation; 3) Delegate authority to the Assistant Director – Planning, Development and Regeneration (in consultation with the Planning and Regeneration Portfolio Holder) to make any necessary changes to the location of the changes within the Schedules in Annex B and renumber accordingly; agree any additional minor modifications required as a result of the above and to ensure the text of the plan is up-to-date; and 4) Confirm arrangements for public consultation on the Main Modifications as set out in this report.
Corporate objectives:	The Site Allocations forms part of the Council's Local Planning Framework, which as a whole helps support all 5 corporate objectives:

	<ul style="list-style-type: none"> • <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; • <i>Community Capacity:</i> e.g. provide a framework for communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc; • <i>Affordable housing:</i> e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable; • <i>Dacorum delivers:</i> e.g. provides a clear framework upon which planning decisions can be made; and <p><i>Regeneration:</i> e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.</p>
Implications:	<p><u>Financial</u> Budget provision for the next stages of the statutory process i.e. consultation on the Main Modifications and adoption of the final Plan are made in the 2016/17 LDF budget.</p> <p>Having an up-to-date planning framework helps reduce the incidence of planning appeals (and hence costs associated with these). It will be the most effective way of ensuring the optimum level of developer contributions to infrastructure and in mitigation of development impacts can be achieved. This process will be further improved and simplified through the implementation of the Community Infrastructure Levy (CIL).</p> <p><u>Value for money</u> Where possible, technical work that supports the Site Allocations has been jointly commissioned with adjoining authorities to ensure value for money.</p> <p><u>Legal</u> Attwaters Jameson and Hill have been retained to provide external legal support for the Site Allocations. The same advisers acted for the Council through the Core Strategy Examination process and subsequent (unsuccessful) legal challenge to this document. They continue to provide the Council with necessary legal advice and supported Officers through the hearing sessions themselves.</p> <p><u>Staff</u> It is critical that the Strategic Planning and Regeneration team is fully staffed to enable the agreed LPF timetable to be delivered. A Programme Officer is still being employed by the Council to provide administrative support to the Inspector and act as a single, independent point of contact for all parties throughout the Examination process.</p> <p><u>Land</u> The Site Allocations supports delivery of the Council's adopted Core Strategy which will play an important role in decisions</p>

	regarding future land uses within the Borough. The Council has specific land ownership interest in two of the Local Allocations - LA1 (Marchmont Farm) and LA2 (Old Town).
Risk implications:	Key risks are identified in the Local Development Scheme and reviewed annually within the Annual Monitoring Report. They include failure of external agencies or consultants to deliver on time, changes in Government policy and team capacity. A separate risk assessment prepared for the Core Strategy Pre-Submission identifies a number of risks relating to the Examination process and particularly the soundness tests with which the Site Allocations must comply.
Equalities implications:	An Equality Impact Assessment has been carried out for the Core Strategy. Equalities issues are also picked up as part of the Sustainability Appraisal Report that accompanies the Site Allocations document.
Health and safety implications:	Implications are included in the planning issues covered by the Core Strategy and Site Allocations DPDs.
Sustainability implications:	The Site Allocations (and Core Strategy that precedes it) has been subject to detailed sustainability appraisal (incorporating strategic environmental assessment) throughout its development. Sustainability Appraisals covers social, economic and environmental considerations, including equalities and health and safety issues. A summary of this assessment process, and its conclusions, are set out in the Sustainability Appraisal Report (September 2014), update report that accompanies it (July 2015) and SA Submission Statement (January 2016). Where appropriate, the Main Modifications now proposed to the plan have also been subject to appraisal (see Annex C of this report)
Monitoring Officer/S.151 Officer comments:	<p><u>Monitoring Officer</u></p> <p>The proposed main and minor modifications to Site Allocations are required to ensure that the plan can be found “sound” for adoption by the Secretary of State and are therefore recommended for further consultation.</p> <p><u>Deputy Section 151 Officer</u></p> <p>There are no direct financial implications of the recommended decisions. The costs of managing the process will be managed within existing approved budgets.</p>
Consultees:	<p>Consultation on the Site Allocations DPD has been carried out in accordance with the Statement of Community Involvement (SCI), adopted by the Council in June 2006. The detail is set out within the Reports of Consultation and Reports of Representations submitted alongside the plan.</p> <p>Advice from key stakeholders, such as the Local Education Authority and Highway Authority, has been sought where appropriate. Feedback on the Council’s Infrastructure Delivery Plan has also been significant in developing a clear understanding of local infrastructure needs. This advice is referred to within the relevant Background Issues Papers that form part of the Site Allocations DPD evidence base. The</p>

	<p>Consultation Reports relating to the Core Strategy (Volumes 1-7) are also relevant.</p> <p>In terms of internal processes, a Task and Finish Group advised on the preparation of the Site Allocations DPD, There have been reports to Cabinet at key stages in the preparation of the Local Planning Framework and the Planning and Regeneration Portfolio Holder has been kept apprised of progress.</p> <p>SPEOSC also considered a progress report, which highlighted key emerging issues, on 27 January 2015 (see below).</p> <p>A new Statement of Community Involvement (SCI) was adopted in July 2015, and the remainder of the Site Allocations process will need to conform with the requirements of this updated document.</p>												
Background papers:	<ul style="list-style-type: none"> • Site Allocations DPD (incorporating Focused Changes) (January 2016) • Statement of Community Involvement (July 2016) • Local Development Scheme (January 2016), plus December 2016 timetable update • Dacorum Borough Local Plan 1991-2011 (adopted April 2014) • National Planning Policy Framework (March 2012) • Planning Practice Guidance (March 2014 and updated regularly online) • Planning Policy for Travellers Sites, July 2015. • Town and Country Planning (Local Planning) (England) Regulations 2012 • Core Strategy (adopted September 2013) • Sustainability Appraisal for Pre-Submission Site Allocations DPD (September 2014) and subsequent Update Reports • SPEOSC Report (January 2015) • Cabinet Report on Site Allocations Pre-Submission (July 2015) • Cabinet Report on Focused Changes to Site Allocations and Submission (December 2015) <p>All of the above documents, and others that were submitted alongside the Site Allocations DPD itself are available from the Site Allocations examination library at www.dacorum.gov.uk</p>												
Glossary of acronyms and any other abbreviations used in this report:	<table> <tr> <td>DPD</td><td>Development Plan Document</td></tr> <tr> <td>SCI</td><td>Statement of Community Involvement</td></tr> <tr> <td>LDS</td><td>Local Development Scheme</td></tr> <tr> <td>NPPF</td><td>National Planning Policy Framework</td></tr> <tr> <td>NPPG</td><td>National Planning Practice Guidance</td></tr> <tr> <td>LPF</td><td>Local Planning Framework (also referred to as Local Development Framework)</td></tr> </table>	DPD	Development Plan Document	SCI	Statement of Community Involvement	LDS	Local Development Scheme	NPPF	National Planning Policy Framework	NPPG	National Planning Practice Guidance	LPF	Local Planning Framework (also referred to as Local Development Framework)
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BACKGROUND

1. Introduction:

- 1.1 The Core Strategy DPD was adopted in 2013, and forms the first part of the Local Planning Framework (LPF) for the Borough. The Site Allocations is the second LPF document. It is the 'delivery' document for the Core Strategy: focussing on the delineation of site boundaries and designations, and setting out planning requirements for new development. It does not cover the Maylands Business Park as this area will either be covered in a separate East Hemel Hempstead Area Action Plan (AAP), or, as is increasingly likely, through the new single Local Plan.

2. Examination Process:

- 2.1 The Pre-Submission version of the Site Allocations DPD (incorporating the Focused Changes) was submitted to the Planning Inspectorate for examination in February 2016, following endorsement by Cabinet and Full Council (December 2015 and January 2016 respectively). The Planning Inspectorate appointed Mrs Louise Crosby, a Senior Planning Inspector, to carry out this examination.
- 2.2 The role of this examination is to consider whether the plan submitted is 'sound' (with or without modifications). Only if found 'sound' can it be adopted by the Council and become part of the statutory development plan for the Borough.
- 2.3 A key part of the examination process is the public hearings. These were held at the Civic Centre between 4th and 13th October 2016. There were separate hearing sessions for a range of topic and site-based issues, with key sessions relating to consideration of Gypsy and Traveller pitches, and policies relating to the six Local Allocations – particular the 3 largest sites: LA1, Marchmont Farm, LA3: West Hemel Hempstead and LA5: Icknield Way, Tring.
- 2.4 The Inspector's consideration of the Local Allocations took account of the fact that the principle of releasing these sites from the Green Belt had already been established through the Core Strategy and was therefore not re-opened for consideration at this Site Allocations stage. Instead, matters related primarily to detailed site requirements and the timing of delivery.

3. Changes to the Plan:

- 3.1 Following discussion at these hearings sessions, and receipt of a formal interim note from the Planning Inspector, Members are requested to agree two sets of changes for consultation:

(a) Main Modifications:

- 3.2 Changes are required to the Site Allocations document itself to address the 'soundness' issues raised by the Site Allocations Inspector. They are referred to as 'Main Modifications (MMs)' and are set out in Part A of Annex B to this report.
- 3.3 In addition to these MMs, a series of minor modifications (mms) will also need to be made to the Site Allocations DPD. Main Modifications need to be consulted upon, whilst minor modifications can be made directly to the plan without the need for consultation.

- 3.4 The Council has been recommended by its legal adviser (Robert Jameson from Attwaters Jameson Hill) to use the following definitions to decide whether or not a change is 'Main' or 'Minor':

<i>Main Modification</i>	Changes of a more significant nature that usually relate to the inclusion of a new proposal site, a more substantial change to the wording or boundary of a designation or proposal, or impacts on the interpretation of policy.
<i>Minor Modification</i>	Changes of a minor nature that do not affect the overall strategy or the intent of the policies and proposals it contains.

- 3.5 However, where a change is likely to be locally controversial in nature (or is linked to a change of this type), Officers would advise including changes as Main Modifications even when they do not fully meet the definition. This ensures that there is scope for interested parties to provide feedback on the changes to both the Council and the Inspector, and also reduces the risk of future legal challenge.
- 3.6 It is recommended that the ability to make minor modifications is delegated to the Assistant Director for Planning, Development and Regeneration (in consultation as appropriate with the Planning and Regeneration Portfolio Holder). These minor modifications will be made to the plan following receipt of the Inspector's Report when it is considered by Cabinet and Full Council for adoption (see 'Next Steps' below).
- 3.7 The introduction to the Main Modifications schedule (Annex B explains that the changes arise from a number of sources:

FC	Modification(s) made as a result of consideration of Focused Changes representations (following consultation undertaken in summer 2015 and set out in Report of Representations - Addendum [January 2016]), or required as a direct result of one of these changes to ensure consistency of approach between sites.
M	Modifications made as a result of consideration of the Inspector's 'Matters, Issues and Questions' in advance of the examination hearings.
H	Modifications required by the Inspector as a result of discussion at hearing sessions.
L	Modifications required as a result of the Inspector's post hearing note (1/11/16).

- 3.8 Cabinet has already seen and agreed the Main Modifications arising from the Focused Changes (i.e. the FC category). The Planning and Regeneration Portfolio Holder was made aware of the Modification in the 'M' category in advance of the Site Allocations hearing sessions and has indicated his general support for these. These generally relate to increased indicative capacities for some sites following further technical work and/or pre-application discussions.
- 3.9 At her request the Inspector has been sent an advance copy of the full Main Modifications schedule and appears to be satisfied that these changes address the concerns raised in her post Hearing Note (Annex A). This will not however be formally confirmed until receipt of her final written report (see 'Next Steps' below).
- 3.10 Members are asked to note that the Schedule of Main Modifications currently includes changes to four maps, which form part of Policies LA1, LA2, LA3 and LA5.

The Inspector had initially advised that these map changes should instead be included in the Schedule of Policies Map changes. However, this is currently being checked with the Planning Inspectorate, as the view of Officers, supported by the Council's external legal adviser, is that as they form part of the Policy text, they should remain as Main Modifications. Should this approach need to change, Cabinet is asked to agree that authority is delegated to the Assistant Director for Planning, Development and Regeneration to amend the schedules and renumber accordingly. The content of the maps themselves will not change.

(b) Changes to the Policies Map

- 3.11 The Policies Map (previously known as the 'Proposals Map') is a separate document from the Site Allocations DPD. However, the Council is required to keep it up-to-date and two further changes are required as a result of the proposed Main Modifications. These Policies Map (PM) changes are in addition to those already highlighted within the Map Book that accompanied the submitted Site Allocations DPD (January 2016).
- 3.12 Both changes relate to the LA5 site as follows:
- (a) PM1 - Reduce the extent of land to be removed from the Green Belt at LA5 Tring, to reflect deletion of the Gypsy and Traveller site; and
 - (b) PM2 - Extend the area covered by Leisure Proposal L/3 to include this former Gypsy and Traveller allocation.
- 3.13 These Policies Map changes must form part of the consultation process.

4. Implications of not agreeing changes to the Plan:

- 4.1 Many of the Main Modifications now proposed will be welcomed by those who submitted objections to the Site Allocations DPD, as they seek to address some of the concerns raised. However some of the MMs, especially those relating to bringing forward the timing of delivery for LA1 Marchmont Farm and LA3 West Hemel Hempstead (see primarily MM10, MM12, MM20, MM49 AND MM50 in Annex B) will raise strong objections locally.
- 4.2 When considering whether to agree the Main Modifications as set out in Annex B for consultation, Cabinet should note the following:
- (a) The Council can only adopt the Site Allocations DPD if it is found 'sound' by the Planning Inspector. The Inspector has clearly advised in her interim letter (Annex A) that Main Modifications as now proposed are required to ensure soundness.
 - (b) The Inspector's letter (Annex A) does leave the option open for the Council to carry out a fuller assessment of the impact of the Gypsy and Traveller site at LA5. However, the conclusion of any such assessment cannot be pre-empted; such work may also not be sufficient to persuade the Inspector that it is appropriate for a site to be delivered in this location and/or may require her to re-open the hearing sessions to consider this further to ensure all parties who have previously raised concerns have a chance to express their views. This would delay adoption of the Site Allocations DPD, and hence work on the new single Local Plan. The most pragmatic solution is therefore considered to be to progress the plan without traveller provision in this location and to review overall Gypsy and Traveller needs, and how these should be met, through a new Needs Assessment to support the new Local Plan.

- (c) Without the LA5 travellers site, the Council cannot demonstrate the necessary 5 year supply of Gypsy and Traveller pitches required by Government, unless another site or sites is brought forward to fill this gap. The other sites that are required to make pitch provision are LA1 and LA3. It is important to be able to demonstrate this 5 year supply of pitches to help protect against speculative Gypsy and Traveller applications, such as the recent application in Bovingdon.
- (d) Without the Site Allocations DPD being adopted, the Council is unable to demonstrate that it has a 5 year supply of bricks and mortar housing, as required by the National Planning Policy Framework (NPPF). Without this demonstrable 5 year supply the Council is vulnerable to speculative planning applications. These could include applications for the six Local Allocations, but also for other Green Belt sites that are being actively promoted across the Borough but are not allocated for development within the Site Allocations document.
- (e) Whilst the Council is confident that it can demonstrate a 5 year housing land supply when LA1 and LA3 are factored into supply calculations from 2021 onwards, moving these two sites from Part 2 (delivery from 2021) to Part 1 (delivery at any time) of the Housing Schedule will only improve this 5 year figure further (alongside the proposed changes to the capacity of other allocations) and hence strengthen the Council's position.
- (f) Irrespective of the Gypsy and Traveller issue, and subject to certain criteria being met, this earlier release is also permitted by Core Strategy Policy CS3: Managing Selected Development Sites. Paragraph 47 of the NPPF refers to the need to *'boost significantly the supply of housing'* and latest evidence from the 2016 Strategic Housing Market Assessment points to a growing need for more housing within the Borough.
- (g) Moving the position of LA1 and LA3 within the Housing Schedule will in reality have a limited impact in terms of when the development of these sites actually takes place. Paragraph 6.28 of the submitted Site Allocations DPD (previously agreed by Members) already states that these two sites *"will bring forward completed homes from 2021 onwards..... However, there will need to be a lead in period in order to allow practical delivery from 2021. In practice this will mean that applications will be received and determined in advance of 2021 and that site construction and works may actually take place ahead of the specified release date to enable occupation of new homes by 2021."*
- (h) The developers for LA3 are already engaged in pre-application discussions with the Council and made it quite clear at the Site Allocations hearings that they would be looking to submit a planning application for the site in Spring 2017, irrespective of which part of the housing schedule the site was ultimately listed within. The principal landowners of LA1 are similarly keen to deliver their site – although they have not currently taken any formal steps to progress work on a planning application.
- (i) Having received all comments on the Main Modifications, it is within the Inspector's powers to suggest changes to these Main Modifications should new information come to light that she considers makes it appropriate to do so. However, as far as Officers are aware, this is far from common practice and we

have no reason to believe that this will be the case for the Site Allocations DPD.

- (j) The wording of MM56 is subject to Cabinet agreeing the new Local Development Scheme timetable (reported separately in this Cabinet agenda). This modification sets out the latest position regarding the timing of the new Local Plan (incorporating the early partial review of the Core Strategy) (see paragraph 8.1 below).

5. Sustainability Appraisal

- 5.1 All of the Main Modifications and changes to the Policies Map set out in Annex B have been considered by the Council's independent sustainability consultants (TRL Limited), and, where appropriate, updates are proposed to the Sustainability Appraisal Report that accompanies the plan. These are set out in the Sustainability Appraisal Report Addendum (December 2016) enclosed as Annex C to this report.
- 5.2 This sustainability assessment concludes that the Main Modifications now proposed will either have no impact on sustainability considerations or will have minor positive effects. No new significant effects have been identified as a result of the Main Modifications.
- 5.3 This SA Report Addendum must be published alongside the changes to the plan and forms part of the required consultation.

6. Consultation Arrangements and Next Steps

- 6.1 Both the MMs and PMs (and associated SA Report Update) are subject to a minimum of 6 weeks consultation, as required by the relevant planning regulations. Due to this consultation taking place over the Christmas period, it is suggested that this consultation is extended to 7 weeks. Officers recommend prompt consultation on the Modifications in order to ensure continuing progress towards adoption of the Site Allocations DPD as early as possible in the new year (see paragraph 6.3 below). Assuming the consultation starts on 19th December, the deadline for representations on the changes to the plan will be 5th February 2017.
- 6.2 Consultation will be carried out in accordance with the adopted Statement of Community Involvement (July 2016) and arrangements will include:
 - Publish a formal 'Statement of Representations Procedure' and advertise locally.
 - Information on news section of the planning website.
 - Direct notification (by email or letter) of everyone on the Council's Local Plan database – which includes all those who have previously commented on the plan and those involved in the hearing sessions.
- 6.3 Following the close of the consultation, all responses will be passed to the Planning Inspector for her consideration. Provided the Inspector does not wish the Council to consult on any further Modifications to the plan she will issue her final Report into the Site Allocations examination. This is expected to be in early March 2017. Following receipt of this Report the Council must again notify everyone who has participated in the examination process and inform them of the next steps. Provided the plan (incorporating the Main Modifications) is found 'sound,' Cabinet and full Council will be requested to adopt the plan, and if this recommendation is agreed, the Site Allocations DPD will then come into full statutory effect.

7. Local Allocation Master Plans:

- 7.1 Cabinet will recall that in addition to the policies on Local Allocations LA1-LA6 within the Site Allocations DPD itself, a master plan has also been prepared for each site. These master plans were not before the Site Allocations Inspector for consideration. However, they are important in helping ensure that the six sites are delivered as the Site Allocations DPD intends. Any necessary changes to these master plans to ensure consistency with the requirements of the final Site Allocations DPD will be made, before Cabinet are asked to agree the final documents for publication.
- 7.2 It is intended that the master plans will be adopted by the Council for development control purposes at the same time as the final Site Allocations DPD.

8. Review:

- 8.1 In the Core Strategy, the Council committed to undertaking an early partial review to look again at key issues, including housing numbers and Green Belt boundaries, which will result in the publication of a new single Local Plan. This will ultimately replace the current Local Planning Framework (LPF). On the advice of the Inspector, this commitment is proposed to be reiterated and updated within the Site Allocations DPD (see MM56). Technical work to inform this new plan is already at an advanced stage and it is planned that an 'issues and options' document will be published for consultation in Spring 2017.