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## MATTER 2 STATEMENT

### 1.0 INTRODUCTION

1.1 Before addressing the specific questions raised in this matter, we use the opportunity in this our first of three statements to put our case in the context of some general observations about the plan making process as well as drawing attention to some NPPF references we will rely upon later.

#### Summary

1.2 Whilst there is much in the plan to be commended, it lacks sufficient focus on delivery. Overall, the plan gives the impression of:

- avoiding its responsibility to make appropriate allocations necessary to meet development needs;
- seeking to delay decisions about when sites will come forward for development by introducing the concept of an artificial distinction between “strategic allocations” (essentially those which remain undeveloped from the previous plan” and “local allocations” (which will be held in reserve, pending an ill-defined review)

1.3 In short, we believe the draft Core Strategy falls in to the trap of being “a plan to plan” rather than a robust plan in its own right. It needs to focus far more on delivery if it is to meet the tests of soundness.

1.4 Fundamentally, we are concerned that the plan can neither:

- demonstrate sufficient deliverable sites for the first five years of the plan (and developable sites for the period beyond); nor
- show how the five year supply of housing land will be maintained through the application of its policies and proposals.

1.5 If it cannot do this, we believe the plan is unsound and needs change. The most obvious and procedurally simple change we believe is necessary to remove the distinction between “strategic” and “local allocations” and treat all as allocations in this plan. Local allocations should not be deferred until a future document is prepared, nor should their removal from the

greenbelt be delayed. We believe the evidence base is there to support our requested modifications and there are no adverse consequences of making such changes in order to conform with the NPPF's presumption in favour of sustainable development.

- 1.6 We have drafted a series of modifications and sent these to the Local Authority to consider on a without prejudice basis. They are attached in draft as an appendix to this statement. We have not had the opportunity to discuss, but we will inform the Examination if there is any further progress on common ground.

### **Background – relationship with the NPPF**

- 1.7 We have some sympathy for the Authority on the basis that it was seeking to prepare a plan within the changing policy context of the Plan for Growth and then the NPPF. Whilst some of the Plan conflicts with the final version of the NPPF are understandable within that context, we nevertheless believe it would be wrong to adopt the plan in its current form and modifications are required to ensure soundness. The submitted plan is a pre-NPPF plan and it needs changing in order to accord with government policy. We see particular conflicts with the NPPF in respect of the following:

- 1.8 Paragraph 7 states that

**“There are three dimensions to sustainable development: economic, social and environmental”.**

- 1.9 For the reasons given below, we believe the Council has placed too great emphasis on environmental protection and insufficient regard to the economic and social role of sustainable development, particular in respect of new housing;

- 1.10 Paragraph 14 defines the presumption in favour of sustainable development and states:

**“For plan-making this means that:**

- **local planning authorities should positively seek opportunities to meet the development needs of their area;**
- **Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:**
  - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**

- **specific policies in this Framework indicate development should be restricted.9**" (our emphasis)

1.11 It appears to us that Dacorum has taken a far from positive approach to development opportunities in the area and has failed to demonstrate that it is meeting its objectively assessed needs.

1.12 Paragraph 15 states:

**"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally"** (our emphasis).

1.13 We believe there is a fundamental conflict between the NPPF and the Plan's proposals to delay development on the Local Allocations

1.14 Paragraph 47 states:

**"To boost significantly the supply of housing, local planning authorities should:**

- **use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;**
- **identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;**
- **identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;"** (our emphasis)

1.15 The Council has failed to do this. The evidence in HG20 and BP2 does not demonstrate that the Plan can meet this key test of the NPPF.

1.16 Paragraph 83 states that:

**“Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period”**

1.17 The Plan’s decision to defer the definition of the Green Belt conflicts with the approach now established in the NPPF. Whilst it was prepared as a “Core Strategy”, it now needs to fulfil the role of a Local Plan and must therefore establish the Green Belt Boundary, it should not defer this to some other document, particularly given the presumption in favour of sustainable development discussed above.

1.18 Finally, in respect of the NPPF, we note the PINS model policy and believe that it should be inserted in to the plan. This states:

**“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.**

**Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.**

**Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:**

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**

- **Specific policies in that Framework indicate that development should be restricted."**

1.19 We believe this model policy should be inserted and any inconsistencies between this and the plan's policies should be removed.

## **Issue 2 Distribution of development (settlement hierarchy) and the Green Belt**

### **2.1: What evidence led to the inclusion of each of the settlements within each category (table 1)? Does the sustainability appraisal support the chosen hierarchy?**

1.20 This is clearly a point most appropriately addressed by the Council in the first instance.

1.21 We would however observe that Dacorum Borough Council has collected a considerable amount of evidence on the roles of settlements and how they function. Whilst this is not set out as a single comprehensive report, it is evident that thematic reports (e.g. retail study, employment land review, social and community facilities study etc) have been used to generate a detailed understanding of the Borough and how its settlements work.

1.22 Based on this evidence, the classification of settlements (i.e. those settlements identified as the main centre, market towns, large villages etc) presented in table 1 appears to be broadly correct. However, the plan's application of policy to those settlements groupings does not reflect the role and function of those places.

1.23 We are concerned that the market towns and large villages are grouped together and identified as 'areas of limited opportunity'. The market towns of Berkhamsted and Tring perform very differently to the large villages, where they have many more services and both Berkhamsted and Tring have mainline railway stations, whereas only Kings Langley (large village) is on the mainline. Therefore, the plan needs to recognise the different approach that is required for these different categories of settlement, which also corresponds with the distribution strategy which currently directs more development to the market towns than the larger villages.

1.24 Any visitors to Tring will see that it is self evidently a town with a greater range of higher order services and facilities than the larger villages.

1.25 We comment further of the distribution of development between different levels of the settlement hierarchy in our statement in respect of Matter 6.

**2.2: Is the site selection process based on appropriate criteria?**

1.26 Yes, the methodology for the selection of greenfield development sites is set out on page 12 – 16 of the Assessment of Potential Local Allocations and Strategic Sites – Final Assessment (June 2012 – **HG12**). This follows what we believe to be best practice, and appraises sites according to 3 main stages:

Stage 1: sites subject to national environmental designations have been discounted (e.g. AONBs, greenfield sites in the floodplain, SACs, SSSIs etc)

Stage 2: assessment of sites in relation to the 5 purposes of Green Belt.

Stage 3: sustainability assessment of sites against all of the sustainability appraisal objectives.

1.27 This overall methodology is comprehensive, and the criteria within the methodology are also comprehensive and consistent with national guidance. Therefore, the outcome of this work is the identification of greenfield sites that do not adversely affect nationally important environmental assets and which perform best against Green Belt and sustainability criteria.

1.28 Document HG12 concludes that land at Icknield Way, West Tring performs best compared with a number of deliverable urban extensions examined around the town and this has been arrived at following a sound process.

**2.3: What is the justification for holding local allocations in reserve? What will be the process for bringing forward their release and is it set out in sufficient clarity?**

1.29 Our starting point here is that the plan should be compliant with the NPPF and should therefore have:

- First, identified the appropriate housing requirement; then
- Second, identified sufficient deliverable sites for the first five years, and sufficient developable sites and broad locations of the remaining years of the plan.

1.30 We are firmly of the view that holding local allocations in reserve gets in the way of securing the NPPF's objectives.

1.31 Whilst some consideration may have been given to marrying together the housing requirement for the entire plan period with the quantum of sites (and dwellings on them)

over that full plan period, far less attention has been paid to ensuring that the housing trajectory is capable of delivering sufficient dwellings to meet NPPF's key tests identified above. This is most revealing in the distinction made between the "strategic" allocations (i.e. those remaining from the previous plan and the local allocations) i.e. those new locations which the Council accepts will need to be delivered in the plan period).

1.32 The phrase "local allocation" is not one which we understand to come from national policy. Its application in this plan most closely resembles the concept seen elsewhere of:

- "reserve allocation" i.e. sites which will only be brought forward to meet needs in the future which do not currently exist (a concept which now sits uncomfortably with the presumption in favour of sustainable development); or
- "broad locations" for growth referred to in the NPPF (although these can only be relied upon to meet needs beyond the first five years of the plan).

1.33 The best description of the Council's approach to local allocations in the plan is contained in paragraphs 8.13 to 8.15, which states:

**"8.13 While the settlement hierarchy guides the distribution of development, it is also important to adopt a sequential approach to guide the choice of sites at each place. This is particularly important in order to maintain a supply of housing land. The sequential approach will be used for allocating sites in the Site Allocations Development Plan Document. It will also provide a framework against which the suitability of any major new windfall site can be judged during the plan period.**

**8.14 In all locations the emphasis will be optimising the effective use of existing land and previously developed sites within settlements, provided that this respects local character. When it is clear that this will not provide sufficient development capacity, consideration will be given to suitably located extensions to settlements.**

**8.15 Extensions to settlements are locally determined and address particular local issues and needs. They are local allocations to be used as and when necessary, taking full account of local infrastructure and requirements. Their location, broad extent and key development requirements are set out in the relevant Place Strategies (see sections 19 to 26). Detailed site boundaries and the precise mix of housing and other supporting uses will be established through the Site Allocations DPD." (our emphasis)**

1.34 We therefore understand the Council's case to be a mixture of:

- A sequential approach to site selection – although we note that this itself not seen in the new NPPF and in any event the Council has not allocated sufficient sites nor demonstrated a robust housing trajectory (as we show below).
- A sequential approach to site release – we believe the council has not met its own test of “when it is clear that [previously developed land] will not provide sufficient development capacity, consideration will be given to suitably located extensions to settlements” and a far more positive, proactive approach is necessary for extensions to settlements which the evidence base has already demonstrated to be sustainable locations for development.
- A procedural approach of deferring allocations to a subsequent DPD – we are of the view that to be found sound, this plan must itself be dependent upon meeting the tests in the NPPF and:
  - a. only limited text changes would be necessary to remove the “reserve” status of local allocations;
  - b. there is sufficient evidence already to justify the specific inclusion of allocations in the plan
  - c. The local allocations are already site specific and the plan and subsequent development control process are more than sufficient to ensure infrastructure requirements are met in full – there is no need to defer such consideration to a future plan making process.

1.35 As a matter of principle there is no justification to hold local allocations in reserve and attempt to do so conflicts with the NPPF and specifically the presumption in favour of sustainable development.

1.36 We have advocated the insertion of the PINS model policy concerning the presumption of sustainable development, but it would be wrong to do this in isolation if it gave rise to internal conflicts with the plan – we believe the model policy needs to be accompanied by changes including the removal of the distinction between strategic and local allocations.



- 1.37 For Tring, the core strategy makes one 'local allocation' LA5 at Icknield Way, West Tring and no strategic allocations. Policy CS2 sets out a sequential approach to development sites and policy CS3 serves to 'reserve' local allocations 'until needed'.
- 1.38 Through extensive assessment, the Council has concluded that land at West Tring is the most sustainable location for an urban extension amongst a range of alternatives examined around the settlement and the plan has identified the land for development during the plan period. The NPPF requires that this can be approved without delay.
- 1.39 As we have noted above, the sequential approach set out in CS2 is inconsistent with the NPPF. Para 15 of the NPPF is clear that:

**“policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay”.**

- 1.40 National policy does not set out a requirement for a sequential approach to be taken and for all brownfield sites to be developed before greenfield sites which is what CS2 alludes to and CS3 implements. In any event, the criteria for releasing the site in CS3 are spurious. The availability of infrastructure (criteria a), need (criteria b) and benefits (criteria c) have all been considered in the Council's research on housing requirements (HG16), the SHLAA (HG7) (which together shows that greenfield sites are needed) and the Green Belt and sustainability assessments in HG12.
- 1.41 HG12, page 103 (which presents the findings of the site assessment of Icknield Way West Tring) and the sub-section on viability also states that the site would not require any key infrastructure other than water supply and waste treatment, energy supply and road infrastructure demonstrating that this site does not need to be held back before any significant infrastructure gaps are addressed. The development control process is sufficient to ensure that the development will need to meet its own infrastructure requirements as part of any planning application and so this is not a valid reason to hold the site back.
- 1.42 There is a need to build more homes at Tring now. Over the period 2006 – 2010, 61 dwellings have been completed in Tring (HG14, appendix 8). Even on the basis of the Council's own and now dated figures, sites with planning permission in Tring amount to just 83 dwellings, and 34 dwellings with a resolution to grant planning permission, subject to agreeing the S106. The SHLAA identifies potential for an additional 59 dwellings, none of which are deliverable in the next 5 years, and 8 are deliverable in year 5 – 10 (Council's analysis set out in HG14 appendix 8). We believe that the number of homes directed to Tring

should be increased significantly and there should be a focus on early delivery. If removed from the Green Belt, land West of Tring could start delivering completions in 12 - 18 months.

- 1.43 The supporting text to CS2 and CS3 does not provide any explanation or justification for the policies and from our analysis, there is no valid planning argument to hold the site back, nor is it consistent with the NPPF. Land at West Tring has been assessed by the Council and been found to be suitable (including in relation to sustainability and Green Belt objectives), available and deliverable and should be taken out of the Green Belt and released for development without delay.

**2.4: have the proposed amendments to the Green Belt boundary been properly justified and has the Council's approach heeded national guidance? What are the exceptional circumstances to justify such revisions?**

- 1.44 In addressing this question, we first consider the broad approach adopted by the Council in reviewing its Green Belt boundary with reference to the evidence base, then second, consider whether the approach to the Green Belt release at Tring is consistent with the NPPF. In respect of the latter, we have concluded that the principle of a Green Belt release is sound, but would be wrong to delay this until such time as a subsequent DPD is prepared and there is evidence to justify the change now.
- 1.45 Each local planning authority is to produce a Local Plan for its area (NPPF, para 153) and local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans. The plan currently being considered is:
- a. the first new style Local Plan for this area (and it is right it should reflect that, rather than resembling the earlier Core strategies prepared under the previous policy regime);
  - b. the first plan for this area prepared under the new NPPF and there should therefore be no question over the responsibility of this plan to establish the Green Belt boundary in accord with the NPPF.
- 1.46 Given the requirement (NPPF para 83) to establish the Green Belt boundary in the Local Plan, we believe the Council was:

- right to consider potential Green Belt land against the five purposes of the Green Belt (now in para 80) and balance this against the need to promote sustainable patterns of development (as we see in para 84 of the NPPF);
- wrong to defer the matter procedurally by suggesting that a subsequent DPD will remove the Green Belt designation rather than this plan.

1.47 Dacorum Borough Council has collected sufficient evidence and has carried out a thorough analysis of land around settlements (HG12) to remove land from the Green Belt.

1.48 Given that the Council has completed the evidence to identify appropriate greenfield allocation (which is consistent with guidance in the NPPF) there is no need to delay the identification of housing allocations to a separate site allocations DPD. Provision should be made to enable development sites to be delivered without delay (NPPF para 15) in the DPD that is the subject of this examination.

1.49 Whilst the Council has not produced a specific Green Belt review document, the evidence is available in the SHLAA (HG7) and the Assessment of Potential Local Allocations and Strategic Sites – Final Assessment (**HG12**) which meets the guidance set out in para 82, 84 and 85 of the NPPF on Green Belt review. More specifically HG7 and HG12 present evidence/generate conclusions on taking land out of the Green Belt that:

- Demonstrate exceptional circumstances exist (i.e. the need for more housing) which means that the Green Belt needs to be reviewed and therefore, currently policies are not adequate (consistent with criterion in NPPF para 82);
- Presents the consequences of the changes for sustainable development – i.e. each site has been subject to a sustainability assessment and the core strategy has been subject to a sustainability appraisal (consistent with criterion in NPPF para 82);
- Take account of the need to promote sustainable patterns of development – this is built into the methodology in HG12 (consistent with NPPF, para 84);
- Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development – this is built into the methodology in HG12 (consistent with criterion in NPPF, para 85);

- Define boundaries clearly using physical features that are readily recognisable and likely to be permanent – this is built into the methodology in HG12 and is specifically addressed under Green Belt purposes in each site proforma (consistent with criterion in NPPF, para 85).

1.50 Para 82 of the NPPF identifies major urban extensions as an example of exceptional circumstances in reviewing the extent of the Green Belt. The Housing Land Availability Paper (July 2011 – **HG14**) calculates that completions, commitments and SHLAA sites without planning permission amount to 237 dwellings for Tring over period 2006 – 2031. This figure is very low and given the size, role and function of the town and the potential for sustainable growth, the Green Belt boundary needs to be reviewed to accommodate growth and this constitutes exceptional circumstances. Moreover, we have appended correspondence from our client, CALA Homes casting doubt over the commercial desire to meet certain brownfield SHLAA sites. Greenfield/Green Belt land is needed to ensure supply. We refer to our comments in respect of Issue 6.

#### **2.6: how and when will settlement boundaries be reviewed?**

1.51 The NPPF requires that sustainable sites are delivered without delay and additional DPDs should only be used where clearly justified. The Council already has the evidence to justify changes to settlement boundaries in the Core Strategy and therefore there is no valid reason for delaying their delineation to a later DPD. To be consistent with the NPPF, the settlement boundaries should be reviewed as part of this plan.

**APPENDIX A**  
**PROPOSED MODIFICATIONS**



## Without Prejudice

Following the joint statement by Dacorum Borough Council and CALA Homes in respect of Proposals LA5 at Icknield Way, Tring, the parties have continued to discuss the extent of common ground.

CALA Homes has sought to identify the specific changes to the text of the plan it is seeking. The Council's Officers have considered these on a strictly without prejudice basis.

To assist the Examination, this paper has been submitted to the Programme Office in order to limit the amount of examination time considering these points of detail.

Should the Inspector be minded to accept the concerns expressed by CALA Homes over the soundness of the plan (in its objections to Policies CS1, CS2, CS3, CS5, CS17, Tables 8 and 9, and LA5), the following modifications would be acceptable to the Council.

- CS1: insert the words "and to a lesser extent" after the words "market towns" in the fourth paragraph and in Table 1 (thought to be a minor modification);
- CS2: insert after "within defined settlements" the words "provided that there is evidence to demonstrate it is deliverable and it is not of high environmental value"; delete the words "(i.e. local allocations, see Policy CS3)"; delete "3. Other land" (thought to be a minor modification);
- CS3: policy to be deleted (this may be a main modification);
- CS5: insert the words "the proposed housing allocations identified within this plan have been taken out of the Green Belt and further" before the words "local allocations" (this may be a main modification). The proposed allocation at Tring is shown in the joint statement prepared by DBC and CALA Homes, and all land outside the AONB should be removed from the Green Belt description on the key diagram and proposals map.
- CS17: CALA Homes has proposed that the housing requirement should be raised to 500 dwellings per annum, but recognise that this will be dependent on the Inspector's findings on matters raised by others and any significant change is likely to be a main modification.
- Tables 8 & 9 and LA5:  
CALA Homes has suggested that the capacity of the site could accommodate additional dwellings rather than the "around 150 new homes" currently proposed in the plan.

The Company recognises that and recommendation to increase the housing requirement here maybe dependent on decisions elsewhere any may too result in a main modification. Any modification could simply substitute the figure currently shown in the first bullet point of Proposal LA5.

Subject to the Inspector's recommendations, some minor consequential amendments may be necessary to the text of the plan.

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