

DACORUM CORE STRATEGY

EXAMINATION IN PUBLIC

CLOSING STATEMENT ON BEHALF OF

DACORUM BOROUGH COUNCIL

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1. ISSUES FOR CLOSING STATEMENT

1.1 What I do in this Closing Statement is to concentrate on what the Council perceives to be the key issues in relation to the tests of soundness and a Duty to Co-operate rather than seeking to rehearse and summarise the Council's case on each of the matters examined over the last two weeks.

1.2 Nor do I rehearse my opening remarks but I do ask you to take those into account when considering the issues before you.

2. "FULL OBJECTIVELY ASSESSED NEEDS"

2.1 It is interesting to note the difference in wording between paragraph 14 of the NPPF which is a highlighted passage referring to the presumption in favour of sustainable development "*which should be seen as a golden thread running both through plan-making and decision-taking*" and paragraph 47, which is dealing solely with housing land supply.

2.2 Paragraph 14 which deals with all types of development need indicates that Local Plans should meet objectively assessed needs unless either 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. Green Belts and AONBs are two specific policies within the NPPF which indicate that development should be restricted within them.

2.3 Paragraph 47 appears to go a step further than the paragraph 14 "*objectively assessed needs*" and refers to the words "*full objectively assessed needs*". However once again that is caveated by the words "*as far as is consistent with the policies set out in this Framework*".

2.4 There would therefore appear to be a two stage approach. Firstly what are the (full) objectively assessed needs? And secondly does either the protection to be afforded to other policies in the NPPF outweigh the benefits of meeting the objectively assessed need or, in any event, should that (full)

objectively assessed need be restricted in the interests of protecting principally the Green Belt but also AONB.

2.5 The Council's figure for full objectively assessed need for housing is 11,320. I concentrate on that element of need because I don't perceive any major challenge to the proposed quantum of employment or retail supply. What we say about the figure of 11,320 is this. In a situation where we are inevitably dealing with forecasts and each of the different forecasts (see background housing paper, para. 3.9, pages 12 and 13) is seeking to identify the objectively assessed housing need of the Borough, then it is difficult to argue that there must be a single figure which incontrovertibly represents the objectively assessed need. The exercise of trying to identify a single incontrovertibly correct figure, are made more difficult by the fact that the modelling is trend-based and thus, for example, if a District had historic high levels of net in migration, then that Council is saddled with high levels of net migration in the modelling for the future definition of need, whether or not that is the reality.

2.6 The LPA's assessment of full objectively assessed housing need falls reasonably within the range of forecasts that the Council puts before you and on that basis, in my submission, it is entitled to have the figure of 11,320 confirmed as a sound assessment of full objectively assessed needs. I note two further things. The first is that we have not had a debate at this Examination seeking to unpick the various models for forecasting the need; secondly nor is it "sound" to simply take the highest in the range of forecasts because there is no logical basis for doing so.

2.7 What the Council has done is to test the impact of 370, 430, 500 and 538 DPA. It is conscious of the NPPF para. 47 requirement "*to boost significantly the supply of housing*". A target of 430 DPA will achieve a significant boost, and will result in an increase in housing supply of some 25% over historic levels which will be a significant achievement in an area substantially constrained by Green Belt and AONB. At the higher level of 500 and 538 DPA the Council's case is that it would firstly have gone beyond

objectively assessed need and into the realms of meeting unconstrained demand and would at that level also be causing unacceptable impact on policies which the NPPF affords protection such as Green Belt and AONB.

2.8 In a nutshell therefore we say that we are entitled to a finding that we are meeting the full objectively assessed needs; to the extent, if at all, you disagree with that proposition, then paragraphs 14 and 47 of the NPPF both make it clear that you are entitled to rein back on full objectively assessed need in the interests of protecting key policies such as Green Belt and AONB.

2.9 I should also mention briefly affordable housing, because para. 47 appears to require the Local Plan to meet the full objectively assessed needs for affordable housing in the housing market area too. My main submission is that it is not going to be possible to achieve fully assessed affordable housing needs solely from market housing, because to do so the LPA would need to ramp up market housing to levels way beyond any assessment of need (or possibly demand) for market housing. We therefore ask you to look carefully at the other initiatives which this Council is undertaking to secure the maximum possible contribution to affordable housing via a variety of initiatives.

2.10 Finally in terms of housing supply can I say that there is clearly only a requirement for a 5% margin, and not a 20% margin, the Council having consistently delivered its strategic housing targets over a period of 20 years.

3. REVIEW OF THE GREEN BELT

3.1 A distinction needs to be drawn between a strategic Green Belt review which the Council would argue is inevitably a sub-regional exercise on the one hand, and the thorough review of the Dacorum Green Belt undertaken by the LPA for the purposes of this Core Strategy. A strategic review of the Green Belt is not required by the RSS. This Council has therefore done precisely what Three Rivers District Council and Hertsmere Borough Council have already done in their Core Strategies which is to acknowledge that no strategic review of the Green Belt is necessary but also acknowledge that

some capacity within the Green Belt needs to be found to significantly boost housing supply. What this LPA therefore did was to look at the Green Belt within its boundaries comprehensively. I do say that it is not logical for objectors to argue that the exceptional circumstances justifying the release of land from the Green Belt are to enable an LPA to meet full objectively assessed need, when the NPPF itself indicates that the Green Belt is a policy objective which justifies not meeting full objectively assessed need.

3.2 There are inevitably difficulties about making a reasoned assessment of whether the Green Belt boundaries may need to be changed at the end of the Plan period, i.e. beyond 2031. The LPA notes that para. 83 of the NPPF does not say that we need to demonstrate that the boundaries will endure beyond 2031 (an almost impossible exercise) but rather whether they are “*capable*” of enduring beyond the end of the Plan period. The Council’s case is to say that they are certainly capable of enduring beyond 2031.

3.3 You asked the Council to consider paras. 5.1.27 and 5.1.28 of the Report of the Panel for the Regional Plan. To those paras. I would also add 5.1.26. You asked what weight you could give to the contents of those paras. that deal with the capacity of the Green Belt to accommodate development. The first thing to say is that it is difficult to disaggregate the Panel’s comments on the capacity of the Green Belt and its potential to accommodate a level of growth which was subsequently struck out from the Regional Plan by the High Court. The second thing is that it was acknowledged in the Panel Report that assessing whether that Green Belt capacity existed would inevitably involve a strategic review of the Green Belt, a requirement specifically excluded from the Regional Plan itself. In my submission therefore very little weight can be attached to the contents of the Panel Report from paras. 5.1.26 to 5.1.28.

4. THE DUTY TO CO-OPERATE AND CROSS BOUNDARY ISSUES

4.1 You have the Council’s Statement regarding fulfilment of the Duty to Co-operate. I also note that the Duty to Co-operate is a continuing duty, “*a continuous process of engagement from initial thinking through to implementation.....*”. (NPPF para. 181). There would be an interesting

scenario if, despite the Council's case, you considered that it was not proposing to meet full objectively assessed need; and none of the caveats in NPPF paras. 14 and 47 applied that you then considered that the logical place for meeting the shortfall was east of Hemel Hempstead but within St Albans District; and you know that Dacorum cannot make allocations within St Albans District. Would you then ask the Council to consider other less suitable locations than east of Hemel Hempstead because those other less suitable locations were within Dacorum?

4.2 Of course the Council's case is that the need for housing east of Hemel Hempstead arises post 2031.

4.3 Given that the Duty to Co-operate is a continuing duty, in my submission you can clearly assist in giving that continuing Duty to Co-operate a shove forward by indicating that it may be that there will be unmet needs towards the end of the Plan period which may best be met east of Hemel Hempstead within St Albans. In my submission there is no need under that scenario either to find the Plan unsound or, indeed, to suggest an early review. The next Plan period will be a roll forward and not a Plan which commences in 2031. A clear steer that moving forward, the Duty to Co-operate ought to build on the existing joint working between the authorities to assess the potential of land east of Hemel Hempstead within St Albans to contribute to Dacorum's needs, can only be helpful, if that is your conclusion.

5. INDIVIDUAL SETTLEMENTS

5.1 There appears to be no substantive argument that the settlement hierarchy is other than sound. What the Core strategy seeks to do is to provide a strategic context for the subsequent Site Allocations and Development Management DPDs. It identifies strategic sites and local allocations but we accept that the word "*allocations*" is a misnomer when the Core Strategy is identifying locations rather than sites. So far as those "allocations" are concerned they are greenfield sites outside the urban area and it is right that they are developed later in the plan period to allow urban sites to come forward first.

5.2 I don't make submissions on the various representations that you have heard on individual sites. We expect/assume that:-

- (i) if you consider that the Council is meeting full objectively assessed needs and the areas identified are justified, effective and in accordance with National Policy, then you won't be suggesting a need for substituted or additional areas to be identified, and
- (ii) if either of those assumptions are wrong (more is needed or unsound areas have been identified) then the LPA will be asked to revisit the potential of various areas rather than you undertaking the old Local Plan exercise of reaching a conclusion as between sites based on a "beauty contest".

6. INFRASTRUCTURE

6.1 In shortform we say that there are no showstoppers to prevent the level of development and the proposed sites contemplated by the Core Strategy coming forward provided that the mix, balance and phasing of development is as contemplated in the Core Strategy. However you have heard from the Council that there are concerns that there are infrastructure constraints at higher levels of development than proposed by the Core Strategy.

7. MONITORING

7.1 The Council considers that it has an effective monitoring framework enabling it to assess whether the objectives of the Plan are being achieved in a timely fashion. Any changes needed to the monitoring framework will, I submit, fall under the heading of "Minor Changes" and not go to the issue of soundness.

8. IN CONCLUSION

8.1 We commend the Plan to you as fulfilling the statutory requirements, prepared pursuant to the Duty to Co-operate and satisfying that Duty, and

passing the tests of soundness. I note that there appeared to be little appetite from those around the table, including those representing the development industry, for the Plan to be found unsound. What is desperately needed is an Adopted Core Strategy to enable the Council to put in place the remaining building blocks in its Local Plan. Without a sound Plan the Council will inevitably at some point start to run into difficulties with its five year supply of housing land (currently comfortably in place) with the inevitable result that development would then take place on an unplanned, ad hoc, and “first past the post” basis – in other words on a basis that is the antithesis of strategic planning.

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