

DACORUM CORE STRATEGY

EXAMINATION IN PUBLIC

**OPENING STATEMENT ON BEHALF OF
DACORUM BOROUGH COUNCIL**

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INTRODUCTION

Firstly I confirm that the Dacorum Strategy has been prepared in accordance with the statutory procedures including the 2004 Act (as amended) and the 2012 Regulations.

Confirmation that it has been prepared in accordance with other procedural requirements is set out as a response to the Inspector's question 4 of 9 August 2012 with references to the relevant supporting documentation.

The background against which Development Plan Documents are prepared has been a rapidly changing landscape, not least over the last 12 months or so. The Localism Act (Royal Assent 15 November 2011) contained within it "*a Duty to Co-operate*". The Localism Act also contains a proposal to abolish Regional Spatial Strategies. That intention, and the weight to be given to it, has been the subject of litigation through the Courts (Cala Homes).

On 27 March 2012 the National Planning Policy Framework (NPPF) was published and took immediate effect. Previous government policy guidance, including PPS12 (Local Spatial Planning) was cancelled. I now deal briefly with the main issues which arise from that changed landscape.

1. THE LOCALISM ACT 2011 AND THE DUTY TO CO-OPERATE

The Duty to Co-operate, which is contained in S.110 of the Localism Act 2011 which inserts a new Section 33(a) into the 2004 Act, came into effect on 15 November 2011. Because the Dacorum Core Strategy was submitted after that date, it is required to comply with the Duty. Para. 182 of the NPPF confirms that the Inspector at Examination will assess whether the Plan has been prepared in accordance with the Duty to Co-operate.

The Council considers that the CS does comply with the Duty and has prepared a Statement of Compliance with the Duty to Co-operate (SUB 8).

2. THE NPPF AND THE TEST OF SOUNDNESS

Para. 182 of the NPPF sets out that:-

“The Local Plan will be examined by an independent Inspector whose role is to assess whether the Plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound. A Local Planning Authority should submit a Plan for examination which it considers is ‘sound’ – namely that it is –

- **Positively Prepared** – *the Plan should be prepared based on the strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with National Policy** – *the Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”*

The Council commends the Draft Core Strategy to you on the basis that it complies with the tests of soundness. This will of course be tested in the Examination sessions over the next two weeks.

I would also wish to refer briefly to a few other key provisions within the NPPF.

Para. 14 of the NPPF refers to the presumption in favour of sustainable development which is described as a golden thread running through both plan-making and decision-taking. 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 that development should be restricted*

That latter point then refers to a footnote giving examples of where the Framework indicates that development should be restricted. It includes land designated as Green Belt, local green space, and areas of outstanding natural beauty.

Paragraph 47 of the NPPF refers specifically to delivering a wide choice of high quality homes and indicates that:-

“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 areas, 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.”

It is clear from both these key paragraphs in the NPPF that meeting objectively assessed needs must be compatible with other key objectives in the Framework and, if not compatible, may require a restriction on meeting those objectively assessed needs.

Without descending into detail, and for example by reference to housing, the background paper – Selecting the Core Strategy Housing Target – demonstrates that the Council has tested a range of options and agreed to

release some land from the Green Belt for housing to ensure that there is a step-change in delivery over the Plan period from the historic levels of housing provision since the 1980s. This has been done after a review of the Green Belt, which looked comprehensively at options within the Borough.

Para. 151 of the NPPF sets out that:-

“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.”

The Draft Core Strategy tackles the presumption in favour of sustainable development by balancing housing need and economic development requirements with the need to protect the Green Belt whilst accepting some releases of Green Belt land to *“significantly boost the supply of housing”* (NPPF para. 47).

Para. 150 of the NPPF provides that *“Local Plans are the key to delivering sustainable development that reflects the visions and aspirations of local communities.”*

The Draft Core Strategy is in effect Part One of Dacorum’s “Local Plan”. Part Two will comprise Site Allocations and Development Management, with an Area Action Plan for North East Hemel Hempstead.

3. GENERAL CONFORMITY WITH THE RSS

Although the RSS is, we are told, to be abolished, that abolition has not yet taken place. There is therefore a requirement for the Draft Core Strategy to be in general conformity with the RSS and the upshot of the Cala Homes litigation is that for Local Plans the government’s intention to abolish RSSs is not a material consideration in the examination of the Draft Core Strategy. The CS has been prepared on that basis. Of course there is a peculiar position in Dacorum in that the provisions of the RSS related to housing

supply were deleted by the High Court. The CS has therefore not been prepared on the basis on an RSS figure for housing for the district. Rather the Council has prepared its own up-to-date evidence base to assess housing need and capacity.

In all other respects the Council believes that the CS is in general conformity with the RSS but of course there is no ability to obtain a certificate to that effect with the abolition of the Regional Offices.

The ever changing position in relation to the RSS has inevitably lengthened the process of preparation of the CS. It is now critically important to achieve an Adopted CS to allow work to progress on other key DPDs and to put in place a clear planning framework for the Borough.

4. A CONSTRUCTIVE APPROACH TO PLAN PREPARATION

The Council has sought at all times to adopt a constructive approach to the preparation of the CS. It has been carefully thought out and prepared and has involved key stakeholder in its early drafting. The Council has worked with land owners, their agents, and developers of local allocations and strategic sites to ensure that those sites are both deliverable and appropriate in terms of meeting local needs. It has worked with key infrastructure providers to ensure again that there are no infrastructure constraints to delivery of the Plan's objectives.

'Place Strategies' have been prepared in consultation with local communities and other stakeholders. These provide a local spatial approach, recognising the character, quality and roles of different parts of the borough.

That constructive approach will continue into this Examination process. The Council has already demonstrated a willingness to make changes as evidenced by the Schedule of Minor Changes already prepared. Irrespective of whether further changes would go to the issue of Soundness, the Council will continue to engage constructively in making minor changes which would improve the Core Strategy.

5. SUSTAINABILITY

The Council has treated the Sustainability Appraisal as an iterative independent process. It has used the SA to consider different levels of growth and change within the Borough to inform choice between different site options and to refine draft policies.

6. CONSULTATION

The Council's position is that its consultation process has been both extensive and comprehensive and complies with the Statement of Community Involvement. Furthermore it is evident that the Council has agreed to make changes where it felt that they were justified.

At the end of the Examination it will be my submission that the Plan is sound, complies with the statutory requirements including the "*Duty to Co-operate*", and complies with all other regulatory requirements. Of course you may wish to make a recommendation that "*main modifications*" should be made to the CS for it to become sound and this is a matter that we will, if necessary, no doubt return to during the final Hearing session of this Examination.

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9 October 2012