



The Planning Inspectorate

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# **Report to Dacorum Borough Council**

**by Louise Crosby MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 06 April 2017**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Dacorum Borough Council Site Allocations Local Plan**

The Plan was submitted for examination on 4 February 2016

The examination hearings were held between 4 and 13 October 2016

File Ref: PINS/A1910/429/2

## **Abbreviations used in this report**

AA	Appropriate Assessment
AAP	Area Action Plan
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
CS	Core Strategy
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
SCI	Statement of Community Involvement

## **Non-Technical Summary**

This report concludes that the Dacorum Borough Council Site Allocations Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Dacorum Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a seven week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deletion of the gypsy and traveller site element of site LA5 and other consequential amendments, such as phasing of the local allocations and changes to the gypsy and traveller section of the Plan;
- Clarification that net capacity figures provided in site allocations policies and for other housing proposals are not to be treated as maxima;
- Changes to the indicative capacity numbers on some housing sites as a result of additional work or recent planning permissions and updating of the overall housing figures elsewhere in the Plan;
- Amendments to proposal S1 and other consequential changes to text to take account of a recent planning permission;
- Wording change to provide clarity that any drainage infrastructure upgrades required as part of the development of the local allocations is limited to that which arises from the new development;
- Providing clarity regarding building heights on site LA2;
- Changes to take account of the fact the Council now has an adopted CIL document;
- Providing clarity regarding the delivery and phasing of the Local Allocations, including the need for a comprehensive approach to development in accordance with the associated master plans.
- Deletion of the requirement within some proposals to seek advice from the Chilterns Conservation Board and to have regard to their design guide; and
- Insertion of text in relation to the Council's commitment to work on a new single local plan and its anticipated adoption date.

## Introduction

1. This report contains my assessment of the Dacorum Borough Council Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The *Dacorum Borough Council Site Allocations Pre-Submission document incorporating the focused changes*, submitted in February 2016 is the basis for my examination. It is the same document as was published for consultation in August 2015.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule has been subject to public consultation for seven weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as *Dacorum Borough Council Site Allocations Pre-Submission Map Book incorporating the focused changes*, as set out in SUB2 of the examination library.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified as a result of modifications required to ensure the plan is sound and changes to the policies map are needed to ensure that the relevant policies are effective.

7. These further changes to the policies map were published for consultation alongside the MMs in the 'Changes required to the Policies Map' document.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in 'Changes required to the Policies Map' document and the further changes published alongside the MMs.

## **Preliminary Matters**

### **Green Belt**

9. A significant amount of the representations made in relation to the Plan expressed concerns about the local allocations in the Green Belt. These strategic allocations were considered by an Inspector during the examination of Dacorum Borough Council's Core Strategy 2006-2031 (CS). The CS defines these strategic sites and Local Allocations in table 9 and paragraph 14.19 states that 'the development of these local allocations will require changes to the Green Belt boundary'.
10. The place strategies in the CS provide some detail about the scale, location and principles of development in each settlement. Also, 'vision diagrams' show the location of the sites with a picture of a house. However, the precise boundaries of the sites are not defined in the CS. This was purposely left to this Plan to deal with, along with correcting any minor anomalies<sup>1</sup>. My examination of this Plan has been undertaken on this basis.

### **Emerging Comprehensive Local Plan**

11. Paragraph 29.8 of the CS commits to a partial review of the CS in order to reconsider housing need and investigate ways of meeting that more fully since the housing target set out in policy CS17 of 10,750 homes is less than the objectively assessed need figure of 13,500. The Council have already commenced work on a new single local plan that will eventually supersede both the CS and this Plan. They expect to adopt this in 2019 and this is shown in their most recent local development scheme (LDS). Moreover, the East Hemel Hempstead Area Action Plan (AAP) that was intended to cover the East Hemel Hempstead area has been abandoned as this area will be covered by the emerging single local plan.

### **Public Consultation**

12. A number of concerns were raised regarding the public consultation undertaken. However I am satisfied that the requirements of the Council's Statement of Community Involvement have been met and that the statutory consultation has been undertaken in accordance with the relevant Regulations.

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<sup>1</sup> CS Paragraph 8.29

## **Assessment of Duty to Co-operate**

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
14. It is clear from the evidence before me, including the Duty to Co-operate document, that the Council has engaged constructively with relevant bodies prescribed in s110 of the Localism Act 2011, together with other organisations, to ensure that cross boundary issues are properly coordinated and addressed.
15. The Council's 'Statement of Compliance with the Duty to Cooperate Addendum', sets out the key relationships with a number of strategic partners and summarises actions that have already been taken and how on-going cooperation will be sought. The achievement of cooperation is evident both in the written submissions and at the hearings. Examples include evidence presented by Thames Water, the Environment Agency, Hertfordshire County Council Highways Authority and neighbouring local authorities.
16. This Plan has been prepared within the framework already set by the CS and so the wider strategic implications of the Plan are limited and the duty should be seen in this context.
17. No evidence has been submitted to demonstrate that cooperation has not occurred and I am satisfied that the Council has engaged constructively, actively and on an on-going basis and it can be concluded that the duty to cooperate has been met.

## **Assessment of Soundness**

### **Main Issues**

18. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified a number of main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and legal compliance rather than responding to every point raised by representors.

### **Issue 1 – Whether or not the amount and distribution of housing (including with regard to the needs of gypsies and travellers) is in accordance with the adopted Core Strategy and is sound.**

#### **The relationship between the Plan, the adopted Core Strategy and Housing Need and Delivery**

19. The Plan is clear as to its purpose and that is to sit below the adopted CS. It provides more detailed policies and defines the boundaries of the strategic allocations. The CS was adopted in 2013 and established the broad scale and distribution of development within the Borough and sets out the main role and function of different areas through the settlement hierarchy for the period up to 2031 (the same end date applies to this Plan).

20. While concerns were expressed by some representors about the quantum of development proposed and, as already mentioned, the amount of land proposed to be removed from the Green Belt, these were matters examined at the CS stage and that Plan was ultimately found sound.
21. CS policy CS3 says that the local allocations (the larger strategic sites) will be delivered from 2021 and they will be managed as countryside until needed for development. The intention of this policy is to, among other things, encourage brownfield sites to come forward in the early years of the Plan period. Policy CS3 delegates the role of providing specific release dates to this Plan, based on a number of criteria. It does however say that the release date of any local allocation may be brought forward in order to maintain a 5 year housing land supply and that this decision will be made with reference to the Annual Monitoring Report (AMR).
22. This Plan contains 2 housing schedules. The sites in part 1 of the housing schedule are permitted to come forward at any time, and those in part 2 of the housing schedule are programmed for delivery from 2021 onwards. All of the sites are in part 1 of the housing schedule, with the exception of local allocations LA1, LA2, LA3, LA4 and LA6.
23. Site LA5 is in part 1 and so permitted to come forward immediately. This is partly because a 5 pitch gypsy and traveller site would be delivered as part of it and thus ensure that the Council has a 5 year supply of deliverable gypsy and traveller pitches to meet the identified need.
24. However, it became apparent at the hearings that the traveller site is unlikely to be delivered because the developers and owner of the site are unwilling to develop site LA5 if they are required to provide the gypsy and traveller element, for a variety of reasons. In addition, there are concerns locally and from the Chilterns Conservation Board that the site is in the Chilterns Area of Outstanding Natural Beauty (AONB) and that no formal assessment has been carried out by the Council to assess its likely impact on the AONB and in particular whether it would conserve and enhance the natural beauty of the AONB. This is a serious soundness issue.
25. Site LA5 forms an important element of the Council's housing land supply and would also provide a much needed cemetery extension and some public open space, as well as other benefits such as affordable housing. Therefore, it is important that the housing, as well as the cemetery extension, employment land and public open space are brought forward. As such, the gypsy and traveller element of the allocation is deleted through **MMs28, 29, 30, 31, 33, 38 & 39** and, in the light of my concerns, these modifications are necessary for soundness.
26. In order to remedy the lack of a 5 year supply of deliverable gypsy and traveller pitches that these MMs would create it is proposed to allow the other 2 local allocations (LA1 & LA3), that include pitches, to come forward immediately. Given the time that has already passed since the CS was adopted this is unlikely to prevent brownfield sites coming forward. Policy CS3 uses the words 'deliver before 2021'. The local allocations, particularly the larger LA3, will take some time to progress through the planning application process and so it is unlikely many houses will be delivered in advance of 2021

in any event. Moreover, the developers of LA3 confirmed at the hearings that they were committed to submitting a planning application in the near future as well as providing the traveller site element of this local allocation. This is remedied through a number of Main Modifications that are, thus, necessary for soundness reasons **(MMs6, 7, 8, 10, 40, 49, 50 & 55)**.

27. This approach could result in a shortfall in the overall number of gypsy and traveller pitches required in the Borough over the Plan period, according to the need established in the Dacorum Borough Council and Three Rivers District Council Traveller Needs Assessment 2013 (GTAA). Nevertheless, a comprehensive local plan (based on a new GTAA), will be adopted well in advance of the end of the Plan period and so this is not a soundness issue for this Plan. The main modifications proposed are necessary to remedy the soundness issues that arise from the inability of LA5 to deliver the gypsy and traveller element of the site.

### **Five year housing land supply and windfall development**

28. The Council can demonstrate a 5 year supply of deliverable housing sites whether a 5% buffer or a 20% buffer is applied, although the supply figure for 20% is only marginally above 5 years (5.1 years, based on information at 1 April 2015). This is based on the Sedgefield calculation method i.e. dealing with the previous shortfall early in the Plan period, which I endorse here. Looking at previous completions against the annual target of 430 dpa, this has been achieved on only 2 occasions in the last 9 years. I note that the target has almost been reached on 3 occasions and I accept that this has been during a period of unprecedented economic recession and that the early indications are that this year the annual target will be exceeded by a significant margin. Nevertheless, on balance, I find that the Council should be applying a 20% buffer at the present time.
29. While the Council's 5 year housing land supply, based on a 20% buffer is currently very fragile, the Council has not included small windfalls in the 5 year supply calculations. Taking the average of the previous 7 years windfall figures provides an annual average of 91 dwellings. In recent years the number of both large and small windfalls has increased as a result of the introduction of permitted development rights for the change of use of offices to dwellings.
30. However, the rate of this supply is likely to reduce over time as the amount of offices that lend themselves to residential conversions diminishes. That said there is compelling evidence that a significant number of windfalls will continue to come forward and thus provide an additional source of housing. This would take the supply to a much more respectable figure, even applying a 20% buffer. The 5 year supply will also be improved through the inclusion of sites LA1 and LA3 in part 1 of the housing schedule and through incorporating the updated capacity figures referred to below.
31. Moreover, given the Council are in the process of preparing a single local plan that is expected to supersede this one in 2019; I am satisfied that the housing sites allocated in this Plan, along with other sources such as windfalls, will provide a 5 year supply of deliverable housing sites. The single local plan will be based on a new OAN figure and a Green Belt review and supersede this

Plan. Nonetheless, this Plan needs updating to include a commitment to the continued preparation of the single local plan and the timetable in the latest LDS. This is done through **MM56** and is necessary for the Plan to be effective.

### **Site capacity**

32. Concern has been expressed through representations that many of the policies contain specific expected numbers of dwellings and this would not provide sufficient flexibility. In response to this the Council has advanced a main modification that will introduce text to explain that the net capacity figures are an estimate rather than a maximum and that final dwelling numbers will be assessed through the planning application process (**MMs1, 9 & 41**). This is necessary for the plan to be effective.

### **Gypsies and travellers**

33. The GTAA, identified a need for 17 new traveller pitches in Dacorum Borough over the lifetime of the Plan. This is being updated for the emerging single local plan and will take account of the change in definition of travellers in Planning Policy for Traveller Sites. At the moment though the evidence before me indicates the need for 17 pitches.
34. The Plan makes provision for these pitches over 3 different allocated housing sites in sustainable locations and in locations where they will be close to settled communities. However, for the reasons set out above the pitches within site LA5 will be deleted through a main modification and the remainder (12) will be provided on the other 2 sites (LA1 and LA3). The phasing of these sites will be altered to ensure that the Council has a 5 year supply of deliverable traveller sites. These changes require a number of Main Modifications, as set out above.
35. I therefore find that, subject to the recommended MMs, the Plan is sound in terms of the way in which it deals with this matter and its compliance with national planning policy.

### **Conclusion on Issue 1**

36. The SA DPD satisfactorily reflects the policies of the adopted CS in terms of the amount and distribution of housing and is sound.

### **Issue 2 – Whether or not the selection of housing sites has been based on a sound process of sustainability appraisal and the testing of reasonable alternatives.**

#### **The Sustainability Appraisal (SA)**

37. A number of respondents criticised the SA, particularly in relation to the options considered. The strategic sites were determined at the CS stage following acceptable sustainability appraisal. In terms of the other smaller sites the Council has included all of the reasonable alternatives in the Plan.
38. The Borough is heavily constrained by Green Belt which has resulted in a limited number of 'reasonable alternatives'. Indeed the CS Inspector found

that the Council could not meet all of its objectively assessed housing need without a review of the remainder of the Green Belt land.

39. The SA work has been an iterative process since the preparation of the CS through to the main modifications stage of the Plan. In order to ensure that this process is clearly understood and that a paper chase is not required to understand it the Council prepared a core document (PC3a) that explains in detail the process the Council has been through and how it has 'sieved out' sites in the Green Belt and or the AONB and how ultimately all of the reasonable alternatives became allocations in the SA DPD.
40. There are local concerns about the highway network and the ability of the local road network to accommodate additional traffic at the levels likely to be generated following the development of some of the local allocations, particularly LA3. The Council has commissioned transport modelling and the developers have prepared transport assessments and these form part of the evidence base that supports the levels of development being promoted by the Plan. Hertfordshire County Council Highway Department are supporting the levels of growth proposed in the Plan.
41. The SA sets out very clearly the approach taken to the whole process and the scoring is transparent and clear and assesses the likely significant effects.

### **Conclusion on Issue 2**

42. The approach of the Council towards the selection of housing sites has been sufficiently thorough, proportionate and justified and in all respects is sound.

### **Issue 3 – Whether or not the Local Allocations are justified.**

#### **Policy LA1: Marchmont Farm, Hemel Hempstead**

43. This local allocation that will deliver between 300 and 350 homes is located in the Green Belt at present, but is identified in the CS as a suitable location for development to meet some of the objectively assessed housing need for the Borough.
44. The policy requires the delivery of 5 traveller pitches which it was originally envisaged would be required towards the end of the Plan period. However, for the reasons set out above, there is now a need to release other traveller sites early so that they can be developed as soon as possible. So, this site will be permitted to come forward immediately. This is remedied through main modifications **MM12 & 13**.
45. An amendment to the indicative layout in the Plan is also required to recognise an existing pedestrian link and remove reference to a specified landscape buffer on the western boundary to enable a natural delineation along the planted settlement edge (**MM11**). These changes are necessary for the Plan to be effective.

#### **Policy LA2: Old Town, Hemel Hempstead**

46. This local allocation will deliver around 80 homes. It is located in the Green Belt at present, but is identified in the CS as a suitable location for

development to meet some of the objectively assessed housing need for the Borough.

47. A number of respondents expressed concern about reference in the Plan to what would be acceptable heights for the dwellings, particularly where it says that 'elements higher than 2 storey would be acceptable where they would create interest and focal points in the street'. This could lead to the expectation by developers that 3 or 4 storey houses would be acceptable when it seems that is not what the Council envisaged. To remedy this a main modification is necessary to clarify that the maximum height that would be acceptable would be two and a half storeys, in order to preserve the character and appearance of the surrounding area (**MM15**).
48. The policy incorporates a plan which incorrectly shows a vehicular access to Townsend. This is remedied through **MM16**. All of these main modifications are necessary for the Plan to be effective.

### **Policy LA3: West Hemel Hempstead**

49. This large local allocation will deliver around 900 homes as well as other facilities such as a shop, doctors' surgery, a new primary school and public open space/playing fields. It is located in the Green Belt at present, but is identified in the CS as a suitable location for development to meet some of the objectively assessed housing need for the Borough.
50. Policy LA3 requires the delivery of 7 traveller pitches which were originally envisaged would be required towards the end of the Plan period. However, for the reasons set out above, there is now a need to release other traveller sites so that they can be developed as soon as possible. The developers of the site have expressed their commitment to developing this site, including the gypsy and traveller pitches, as soon as possible. This is remedied by **MM20 & 21** and they are, thus, necessary for the Plan to be justified and effective.
51. The policy at present fails to recognise the need to mitigate the impacts of the development on ecological assets and safeguard those on the adjacent site. This is important given the presence of Shrubhill Common Nature Reserve, adjacent to the site. This is remedied through **MM18**.
52. The Council adopted a CIL charging schedule in February 2015 (which came into effect in July 2015) and this policy needs updating to reflect this and is covered by **MM22**. The policy also incorporates a plan which incorrectly shows a footpath access and this is remedied through **MM19**. All of these main modifications are necessary for the Plan to be effective.

### **Policy LA4: Hanburys, Shootersway, Berkhamsted**

53. This local allocation is a site currently inside the Green Belt, but it is identified in the CS as a suitable site to accommodate housing growth in the Borough. It is expected to be able to accommodate around 40 dwellings.
54. The Policy also advises that a contribution may be required to the loss of wildlife resource, however it is clear now that this will definitely be the case and therefore this will be clarified through **MM25** which is necessary for the Plan to be effective.

### **Policy LA5: Icknield Way, West of Tring**

55. As set out above policy LA5 is a local allocation that is currently within the Green Belt and partially within the AONB. It allocates a large area of land for 180-200 new homes, an extension to an existing industrial estate, an extension to the cemetery as well as car parking and associated facilities in connection with the cemetery; open space; and a gypsy and traveller site which I have discussed above. For the previously stated reasons, the gypsy and traveller element of the allocation is unsound and the Council has proposed various main modifications to overcome this and deal with the shortfall in pitches that would arise.
56. Since the drafting of the Plan some uncertainty has arisen about the exact location of the associated facilities for the cemetery. The Council has suggested some more flexible wording to remedy this (**MMs27 & 32**). A change to the plan within policy LA5 is required to reflect this along with the deletion of the gypsy and traveller site (**MM34**).
57. The Framework indicates that major development should only be permitted in an AONB in exceptional circumstances. The Council's formal assessment concludes that these uses (a cemetery extension and public open space) here would conserve and enhance the natural beauty of the AONB. It also demonstrates a need for this development and that exceptional circumstances exist. At the time the relevant planning application is submitted full consideration will need to be given to the effect of the details of the proposals, including any buildings or play equipment within the public open space, or any buildings within the cemetery, on the AONB.

### **Policy LA6: Chesham Road and Molyneaux Avenue, Bovington**

58. This local allocation is a site currently inside the Green Belt, but it is identified in the CS as a suitable site to accommodate housing growth in the Borough. This local allocation is expected to deliver 60 new homes and corresponding open space. Some representors consider that at least one other site is needed in Bovington because they argue that this one will not be able to accommodate the estimated 60 dwellings. However, this estimated site capacity is based on an indicative plan produced for the Council by a consultant employed by the Ministry of Justice (the landowner). The site is constrained by its shape and the mature landscaping around it but it would appear this was taken into consideration in the assessment.
59. Table 8 in the CS summarises the prospective distribution of housing for various places and allocates 130 dwellings to Bovington. However this does not mean that this number of dwellings must be provided here, it is merely indicative. While it seems unlikely, based on past statistics, that a large number of windfalls will arise here, a planning permission has recently been granted for a McCarthy and Stone development that will provide apartments for older people.
60. Moreover, the emerging single local plan will be considering the capacity of Bovington again to accommodate further growth and assessing the suitability of sites put forward for development and that is the correct manner in which to deal with this issue.

61. A main modification is necessary to ensure that it is clear that the developer is only required to provide infrastructure upgrades that are required as a result of the development and not to remedy existing problems (**MM37**).

### **Green Belt Boundary Changes**

62. As detailed in paras 9 and 10, the CS identifies these specific allocations to be necessary and recognises that they will require changes to the Green Belt boundary and this was deemed sound by the CS Inspector. I have determined that the precise boundaries of these allocations are soundly-based. Having regard to this, the adopted CS and all other matters relevant to these allocations I concur with the Council that the exceptional circumstances exist to justify the removal of these sites from the Green Belt.

### **Issue 4 – Whether in all other respects the policies, including the remainder of the allocations, are justified.**

#### **Local Allocations**

63. Concern has been expressed regarding the lack of precise wording about the requirement for a drainage strategy to identify any infrastructure upgrades in policies LA1–LA6 (inc.). For the Plan to be sound it is necessary that the wording is changed to ensure that it is clear that the developer is only required to provide infrastructure upgrades that arise as a result of the development and not to remedy existing problems. This is remedied through a number of main modifications (**MMs14, 17, 23, 26, 36 & 37**).
64. Policies LA4 and LA5 seek an initial outline planning application, followed by a reserved matters application. There is no sound planning reason for this and indeed such a process could unnecessarily delay the delivery of housing on this site. This is rectified though **MMs24 & 35** which are necessary for the Plan to be effective.

#### **The Towns and Large Villages**

##### Hemel Hempstead

65. Hemel Hempstead sits at the top of the settlement hierarchy in the CS and thus this is identified as the main centre for development, employment growth and regeneration. It is the focus for new housing development in the Borough as well as the place that will accommodate substantial employment growth.
66. This Plan rises to the challenge. However, as set out above, part of Hemel Hempstead was intended to be covered by an AAP and the intention when the CS was adopted was that sites for housing and employment use would be allocated in the AAP. This has now been superseded by the emerging full local plan, which will cover this area, and be adopted in 2019 i.e. well before the end of this Plan period.
67. Within the Plan there are a variety of allocations including 3 of the local allocations, other smaller housing allocations, a number of mixed use sites (including employment), transport proposals, an out of centre shopping centre extension and a leisure development in Hemel Hempstead. The detail of some

of the site schedules are proposed to be amended by the Council and I deal with these now.

68. Proposal H/2 allocates a site for 160 homes but following further work the Council estimate that the site could accommodate around 350 homes. I have found no reason to disagree with this estimated capacity and it is therefore recommended that this be reflected through **MM42** to the Plan for soundness reasons.
69. Proposal H/5 allocates a site for 15 homes but planning permission has now been granted (subject to the completion of a section 106 agreement) for 36 homes and so it is necessary to amend the Plan accordingly in order for it to be justified (**MM43**).
70. Similarly, proposal H/9 allocates a site for 25-35 homes, but planning permission has now been approved for 31 homes and so this needs a modification to the Plan for it to be effective (**MM44**).
71. Proposal H/12 identifies an indicative capacity of 50 homes, but it should be increased to 66 through **MM45** in order to be justified, having regard to a proposed future revised planning application for around this number.
72. Main modifications are also necessary to proposal MU/2. This mixed use site will provide homes, a replacement hospital and a primary school. As a result of further work to assess the likely capacity of the site for housing the number is likely to be around 400, rather than the 200 set out in the policy. This is updated through **MMs2 & 47** in the interests of a justified Plan.
73. Proposal MU/3 allocates a site for Class B1-led business uses and 75 homes. There is no requirement in the policy at the present time for a development brief, but this is necessary for effectiveness given the mix of uses. It is remedied by **MM3**.
74. Proposal S/1 relates to an existing out of centre retail and leisure development and allocates land for additional non-food retail and warehousing in line with approved planning applications. It sets a figure of approximately 7000 sq. metres which is roughly the amount previously granted planning permission. However, more recently outline planning permission has been allowed, on appeal, for 10,305 sq. metres (gross internal area) of Class A1 retail floorspace.
75. The Council are proposing main modifications (**MMs4 & 5**) to the policy wording and a table that contains all of the out of centre retail locations and the main uses. This does not set a figure or refer to either planning permission thereby creating a more accurate, but neutral policy. It also takes account of the use that has recently been approved. This is necessary for the Plan to be effective.

### Tring

76. Tring is one of 2 market towns in the Borough and is seen as important in meeting housing needs and providing employment opportunities and services. The Plan is positively prepared in relation to the town and allocates sites for a range of uses here, one of which is a local allocation. As in my report as a

whole I will only deal here with matters upon which the soundness of the plan depends.

77. Proposal L/3 is the policy that covers the public open space element of LA5 and proposal C/1 forms part of a schedule of social and community proposals and sites and is linked to Policy LA5. There is a requirement in these policies that the design details are discussed with the Chilterns Conservation Board.
78. However they are not a statutory consultee and the Plan does not require consultation with any other non-statutory consultees. The site is within the Chilterns AONB and so is protected by legislation that requires any development must conserve and enhance the natural beauty of the AONB. As such, this consultation requirement is not justified. This is remedied through **MMs51 & 53**.
79. Proposal L/4 relates to Dunsley Farm, London Road, Tring and seeks to ensure that a 2.7ha parcel of land is secured for playing fields in connection with the potential future redevelopment and physical expansion of Tring Secondary School. There is also a requirement that any future facilities be made available for community use.
80. There is clearly a need for additional playing pitches for community use at the present time. Nevertheless, the site will only be released in connection with the expansion of the school since the land is owned by Hertfordshire County Council and it wishes to ensure that the land is kept available to prevent it jeopardising the future expansion of the school. As such, I find that this policy is justified.
81. There is a significant omission in the policy in relation to ecology and also pedestrian access, but this is remedied by **MM54**.

#### Berkhamsted

82. Berkhamsted is the other market town in the Borough with the same objectives set for it in the CS settlement hierarchy as for Tring.
83. Proposal MU/8 relates to the former police station and library site and is allocated for up to 23 homes and a replacement library. A planning application has recently been approved for a scheme that includes 23 homes. However, in the schedule of housing sites set out within the Plan, site MU/8 is listed as having a net capacity of 14 homes. This should be updated and is remedied through **MM48** in the interests of effectiveness.
84. Proposal H/14 identifies an indicative capacity of 15 homes, but in order to be justified it should be reduced to 11 through **MM46** to reflect a planning permission that has been granted for this number of dwellings.

#### **Countryside locations**

##### Amaravati Buddhist Monastery, Great Gaddesden

85. Proposal C/2 relates to the redevelopment of the existing previously developed part of this monastery site which is located in open countryside, for planning policy purposes. For the reasons set out in relation to proposal C/1 a main

modification is necessary here in relation to consultation with the Chilterns Conservation Board (**MM52**).

**Issue 5 – Whether or not the Council's approach to delivery and monitoring will be effective.**

86. This Plan does not contain a monitoring framework, but the CS has an extensive monitoring framework and delivery strategy in place. Policies within this plan will be measured against those indicators and targets. Additionally, the Council is required to produce a monitoring report and this contains a wide range of information, including the implementation and performance of planning policies as well as statistical data on matters such as housing and employment land delivery.
87. The Council commits in the Plan to carefully monitoring housing delivery in order that performance against the CS housing target is assessed, but also to ensure that a 5 year rolling supply of deliverable housing sites is maintained. As such, I find that the Council's approach to delivery and monitoring will be effective.

**Omission sites**

88. A number of alternative/additional sites are being promoted. There is no clear evidence that any of the omission sites are significantly better than the allocated sites.
89. Moreover, as set out in my report above, I am satisfied that the Council have allocated sufficient sites to ensure that they can meet their housing targets handed down by the CS. As such, it is not necessary to allocate any further sites. The exclusion of the sites from the Plan does not necessarily prevent them being brought forward as windfall sites, provided they are in locations where housing development is supported in the Plan.

## Assessment of Legal Compliance

90. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Dacorum Site Allocations pre-submission document incorporating the focused changes has been prepared in accordance with the Council's LDS February 2014 and updated in December 2016.
Statement of Community Involvement (SCI) and relevant regulations	The original SCI was adopted in May 2009 and updated in July 2016. Consultation on the Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations AA Screening Report 2011 sets out why AA is not necessary. Natural England supports this.
National Policy	The Dacorum Site Allocations pre-submission document incorporating the focused changes complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Dacorum Site Allocations pre-submission document incorporating the focused changes complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

91. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
92. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Dacorum Site Allocations pre-submission document incorporating the focused changes satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

**Louise Crosby**

Inspector

**This report is accompanied by an Appendix containing the Main Modifications.**