

Dacorum Local Plan

Emerging Strategy for Growth 2020-2038 Consultation

CPRE Hertfordshire Comments

By Chris Berry, Planning Manager

Date: 23rd February 2021

Vision and Strategic Objectives

Question 1: Do you think the overarching vision, the vision for Dacorum's places and the strategic objectives are right for the Borough? NO

This question is about the content of Chapters 2 and 3 of the Draft Plan in which these matters of principle are set out, but it is asked in the context of Chapter 1, which is not the subject of any of the Council's questions, but is fundamental to how the process of this Plan's preparation should proceed.

Chapter 1 sets out the Council's 'Strategy for Growth' based on stated pre-determined considerations, which should have been the first focus of the current consultation, because they have not been properly consulted on hitherto, and yet are treated in the Draft Plan as if they have already been decided.

The Chapter emphasizes a series of Dacorum Borough Council (DBC) corporate plans, 'agreements' and 'joint studies' with other public bodies and councils, treating their content as definitive, thereby limiting the scope of the Local Plan, proposing specific projects for development, and setting out courses of action as if they are already commitments which cannot be changed or properly considered in the light of current circumstances by the residents of Dacorum and other interested parties.

Hence while paragraphs 1.30 and 1.32 refer to being 'informed' by agreements with other authorities that the Council has 'engaged' with, these cannot pre-determine the Plan's strategy, which must emerge from the current consultation. Such 'agreements' and background studies over wider areas have clearly been on a selective basis as they have resulted in a list (paragraph 1.33) of ten 'Strategic Planning Matters' to be addressed by the Plan which do not even mention the words 'Green Belt', which is the single most important strategic planning provision in Dacorum and its neighbours for over 60 years, and which is still central to national planning policy.

This fundamental omission is strange, as protection of some important environmental designations with similar status in national policy is listed. Possibly it would look strange to be stating the importance of protecting the Green Belt when an item that is listed is the 'delivery of' (not the 'consideration of the acceptability of') Hemel Garden Communities (HGC), is presented in the list as if it has to be included in the Plan despite the scale of impact on the Green Belt. The list also includes meeting the needs of Watford, again as if this has already been decided whatever the consequences, and without the evidence for it being tested.

Sustainable development means delivering an environment to the next generation in an equal or better state than the one inherited and it is by no means certain that this Strategy will deliver that objective.

The text continues with 'statements of fact' rather than proposals, that the Plan will meet all its housing need as defined by national government formulae (paragraph 1.37) releasing additional Green Belt around Hemel as part of the HGC scheme for even longer term needs, and proceeds to announce (paragraph 1.41) that a new, wider plan for South West Hertfordshire, covering Dacorum, 'will come into force in 2023'.

CPRE Hertfordshire urges DBC to reconsider its strategy in the light of the responses to this consultation and, as stated in paragraph 1.48, the outcomes from the government Planning White Paper consultations and legislative changes, before deciding how to proceed not only with this Local Plan, but also with Plans and projects being proposed for the wider area of SW Herts.

Chapter 2 begins (paragraphs 2.1 and 2.3) with further pre-determined statements about 'managing a step-change in housing' when such a change has yet to be shown to be necessary in Dacorum, and CPRE Hertfordshire does not agree with this assumption and the absence of any qualifying reference to protection of designated and other countryside. The assertion that the level of housing growth is 'required by Government' is untrue and therefore misleading for those participating in the consultation, because national policy specifically states that setting a housing requirement must be a balancing exercise between need and other policies and constraints (NPPF paragraph 11 and footnote 6).

The Housing section (paragraph 2.4) only refers to improving affordability through increased housebuilding, known to be a blunt and ineffective mechanism for doing this.

The Economic prosperity section asserts, without evidence from the current post Brexit and Covid context that there is a need to plan for significantly more employment floorspace, and that St Albans will take some of this increase. Both assertions need to be reconsidered before the Plan is prepared, as will the proposal to 'safeguard' other employment areas (paragraphs 2.7 and 2.9), now that the St Albans Plan has been withdrawn, and government policy and regulations seek to make better use of land and premises for housing in particular, through re-use, regeneration and redevelopment.

The Infrastructure section (paragraph 2.18) wrongly pre-judges the scale and location of development of 'Hemel Garden Communities', based on the Council's 'Infrastructure Delivery Plan' (IDP) a non-statutory document that has not been subject to Strategic Environmental Assessment or the development plan process, and cannot therefore determine what should be included in the statutory Local Plan. The IDP should therefore eventually reflect the result of the Local Plan process, not the other way round.

Paragraph 2.19 in the Natural Environment section is particularly disappointing, because the five stated elements said to reduce the impacts of growth, are nothing more than the existing basic requirements that all development should satisfy before being permitted, including legal commitments. Nothing is set out as part of the vision or strategy on the prevention of harm from individual proposals or the plan as a whole, in line with the well worded following paragraph 2.20.

CPRE Hertfordshire is particularly concerned about the 'managing change' section. Paragraph 2.21 seeks to pre-determine that housing growth WILL signal significant changes to the Borough's towns and villages. Surely the potential implications of such profound changes must be addressed in the light of the current consultation and context, so that there is consensus on what changes are acceptable and tested through the examination of the Plan that is finally submitted by the Council. Declaring in paragraph 2.23 that there is evidence that Dacorum cannot meet all its housing and employment need without using greenfield Green Belt land, is just not true because any such evidence was based on completely different data, economic and social circumstances, and national policy context, than exist now. The Council needs to reconsider both the facts of the current circumstances and how it chooses to address these through the Plan.

Para 2.24 lists the main elements of the Strategy and notes "protecting the character of the wider countryside and value of protected /important sites as far as possible (such as important landscapes, heritage and biodiversity and avoidance of areas at high risk of flooding". This is incorrect and misleading. "As far as possible" is not an option and this statement sums up the whole attitude of the Strategy.

Sustainable development should be about delivering an environment for the next generation in an equal or better state than the one inherited. "As far as possible" not only does not achieve that objective, it is also contrary to national policy regarding protected sites and designated areas

The Council should be defending rigorously the natural capital of the Borough area, not adopting a strategic approach which allows that capital to survive only when left behind by its unjustified growth agenda. Mitigation and adapting to climate change is not sufficiently central to the vision and strategic objectives. There is no mention of the legal requirement for all sectors of the economy to reach net zero carbon by 2050, including those overseen by local authorities. Policies such as SP10 which proposes net zero carbon development only from 2030 jeopardises the aim of reaching net zero by 2050.

Consequently, the main 'strategy elements' set out in paragraph 2.24 must be reconsidered. To start with, the Green Belt is not even mentioned at all as one of the six elements and the relative scale and function of the various settlements has already been established over decades and centuries. A compelling case would have to be made by the Council to change this, and to promote the growth of villages that are currently consciously constrained as part of national, as well as local Green Belt policy.

The Covid recovery section in paragraph 2.28 focusses entirely on economic recovery in five of the nine proposed actions, with no reference at all to social or environmental recovery, or the climate change crisis and three of the others are solely principles, not actions, and must be reconsidered by the Council.

The graphic presentation of 'background information' on pages 19 and 20 is out of date and factually misleading, for example 'around 16,500 new homes 2020 - 2038' is contrary to more up to date information available to the Council last year, and failing to mention both the existence of the internationally important Chilterns Beechwoods Special Area of Conservation, the impending critical shortage of water supply, and the fact that there is no national health hospital commensurate with Dacorum's population.

Chapter 3 proposes a 'Borough Vision to 2038', but this is based in two Dacorum Council internal plans and strategies, that have not been tested through the Planning process, and the erroneous statement in paragraph 3.2 that it (the vision) 'sets out how we will make the growth that the Local Plan is required to deliver...', when the Council must be aware that there is no such 'requirement.' It is for the Council to determine the scale of development through the formal local plan process, of which the current consultation is at an early stage, and subject to at least one further phase of consultation.

CPRE Hertfordshire is concerned that there will be many residents and other stakeholders in Dacorum who are not familiar with the planning process, who will not understand that no definitive decisions on the scale and location of future development in the Borough have yet been taken, and that they are at liberty to contribute to that decision making process. Hence it is wrong for paragraph 3.5 to state that 'the priorities have been set by our councillors, taking into account "the vision" and what is most important to the Borough's residents'.

This consultation is the first opportunity for priorities to be considered by the community, and they should be reconsidered in response to the consultation. None of the five priorities set by the councillors, and listed in paragraph 3.6, make any mention of the countryside, the Green Belt, biodiversity or climate change, and this is a major oversight.

CPRE Hertfordshire accordingly urges the Council to reconsider the proposed wording of its 'overarching vision for growth by 2038', particularly to amend the statements about 'growth' at Hemel Garden Communities, Berkhamsted and Tring, and associated road building, avoiding, not mitigating, adverse impacts on the Chilterns Beechwoods SAC, all in the context of protecting the Green Belt and the AONB in particular.

The Sustainable Development Strategy

Question 2: Do you have specific comments about the Sustainable Development Strategy? YES

This question relates to Chapters 4 to 12 of the Consultation Plan, on which CPRE Hertfordshire has many comments and suggestions, as set out below.

Chapter 4 is entitled Sustainable Development Strategy, and three issues are apparent. Firstly, in a Borough where 85% of the land area is rural, it is unacceptable not to see a rural strategy as part of the Emerging Strategy, to encompass particularly the need to identify and protect natural capital resources, including soils, and demonstrate how rural areas can contribute to climate change mitigation and the promotion of biodiversity across the whole area, and not just in conjunction with development.

Secondly, the key diagram should be amended to exclude the major proposed greenfield allocations in the Green Belt at Hemel Hempstead, Berkhamsted and Tring which are not justified by current evidence. Thirdly, selective development proposals are shown outside the plan area, including proposals in St Albans which has recently withdrawn its local plan, and proposals for which must be considered speculative at present, but major proposals in other local authorities that now have a formal status are not shown.

Chapter 5 on the spatial strategy 'key principles' in paragraph 5.2 is opposed, mainly for the reasons set out in response to Question 1. Up to date evidence is not shown for the massive proposed growth of Hemel Hempstead, Berkhamsted and Tring, or to promote growth of villages set in the Green Belt, or that there is 'a requirement for development on Green Belt'. Protected 'sites' are referred to, but these should include protected 'designations', not just sites.

Similarly, there is insufficient evidence to justify 'significant uplift in growth' (paragraph 5.3), and for the statement that 'we know' growth cannot all be accommodated in the urban areas, when the amount of development has yet to be determined.

The proposed extensions to Hemel, Berkhamsted and Tring, and the farther north-eastward extension of Hemel (paragraph 5.4 and repeated in paragraph 5.8 in the context of Hemel Garden Communities (HGC)) are strongly opposed. Any cross-boundary projects such as HGC should not be promoted ad hoc across local authority boundaries in separate development plans, but through an additional joint plan if both authorities can justify its promotion.

The claim that Berkhamsted and Tring cannot absorb any higher density development, resulting in expansion into the Green Belt (paragraph 5.5) is contrary to two aspects of national planning policy, and needs to be reconsidered. Consequently, CPRE Hertfordshire opposes Proposed Policy SP2 on spatial growth, including in particular criteria 1 a, b, and d; 3 a, b, c, d, and g (which significantly underestimates windfall housing capacity); and criterion 5 which promotes even more development than proposed in the draft Plan, through neighbourhood plans, and fails to dissuade development contrary to the Local Plan and national policy.

Chapter 6 on Settlement Hierarchy including Table 1, should be amended to delete references to the eastward extension of Hemel into St Albans District, which are dependent upon that area's local plan, not yet at a formal stage of preparation, and to 'significant growth' at Berkhamsted and Tring for the reasons set out in answer to Q1.

Chapter 7 on Housing Strategy will need to be rewritten, to properly reflect national policy, and up to date information in order to reach a sound conclusion on how much housing should be provided for in the Plan. Paragraph 7.2 misinterprets key paragraph 11 of the NPPF on the basis for such decisions and crucially in the second bullet point, fails to state that the Plan's housing requirement is not the same thing as housing need, but has to be determined in the light of local circumstances. Furthermore the Council is not obliged to use the formulaic 'standard method' to determine housing need if there are exceptional circumstances applying in Dacorum, which CPRE

Hertfordshire considers to be the case, but if that method is used, it should be based on the latest available projections independently published by the Office for National Statistics (ONS) which reveal a dramatic fall in projected households from the much older ones advocated by government.

In this respect, the 'evidence base' for the Plan set out in paragraphs 7.3 and 7.4 is woefully out of date on the capacity of urban areas, housing need, and how the Plan's housing requirement should be decided. Indeed, paragraph 7.4 treats need and requirement as the same thing, which they do not have to be, and clearly should not be, for Dacorum, because of the necessity to protect the Green Belt and designated landscapes, heritage and habitats, as well as the character of the Borough's towns, villages and countryside. That same basic error is repeated in paragraph 7.5. Surveys of need do not help understand the quantum of housing requirement. CPRE Hertfordshire does however welcome the statement that the Council will review the scale of housing need, and its proposals for the Plan's housing requirement.

As part of that review the Council is urged to reconsider its inadequate allowance for windfalls and the potential for regeneration (paragraphs 7.6 and 7.9) in the context of changes in demand for land and premises in retail, commercial, industrial and other employment uses following the Covid pandemic and Brexit, and to reconsider the figures in paragraph 7.7 and Table 2, which are strongly opposed.

As a result of the above changes needed to the Strategy, there are a number of changes needed to other parts of the Plan, for example to paragraph 7.21 about HGC and proposed expansion of Hemel into St Albans District, which are a matter for St Albans Council, not Dacorum, and the figures for proposed housing provision in Policy SP4 need to be significantly reduced.

CPRE Hertfordshire also urges the council to reconsider the Employment Strategy in **Chapter 8**, in its entirety, to significantly reduce the amount of land and floorspace proposed for employment use, and in particular offices in the light of the different post-Covid context and the latest population and household projections that supersede the data in the Council's evidence studies (for example the South West Herts Economic Studies 2016 and 2019), and do not justify the claim (paragraph 8.7) that there are critically low levels of employment space. Paragraphs 8.10 and 8.11 need to be similarly amended.

Statements about proposals in St Albans should be reconsidered, and less weight given to the aspirations of the economic partnership uninformed by any engagement with environmental interests or policy. Clearly the Council should not claim (paragraph 8.20) that there are exceptional circumstances for removing land from the Green Belt for employment use based on current evidence, and the proposed allocations in the Green Belt (paragraph 8.23) should be reconsidered, and policy SP5 and Table 3 amended accordingly.

The recognition in **Chapter 9** (paragraph 9.11) that the consequences for retailing of Covid 19 are not yet understood is welcomed, but pending a better understanding the Council should return to basic principles, to ensure that new floorspace is only created in sustainable locations within existing retail centres, not out of 'centre' or out of 'town', and not within the Green Belt, as currently proposed in Policy SP6 and Table 4, at Berkhamsted and Tring. Floorspace no longer required for retail use in town centres should instead be used for mixed use development to assist with the provision of housing and ensure the continued vitality of central areas as the Borough's accessible and sustainable hubs.

Chapter 10 refers to infrastructure requirements and the treatment of this significant area is inadequate. Dacorum's Growth and Infrastructure Strategy to 2050 makes no mention of the critical issues around water supply or those relating to waste-water and sewage treatment. The Infrastructure Development Plan 2020 references the issues of sewage treatment and wastewater transport but, as since 2018, work required as the result of new development is to be carried out by the relevant statutory water undertaking, the Water Cycle Study Scoping Study (evidence for the Emerging Strategy) is out of date and needs revising urgently.

Chapter 11, and SP8 'c' on Neighbourhood Planning, should also be reconsidered in the light of the latest available information and evidence, not just that published by the Council.

Guiding Development

Question 3: Do you have specific comments about any of the Guiding Development policies? YES

CPRE Hertfordshire urges the Council to review this section of the Consultation Plan in the context of the changes sought in our representations, to the proposed strategy and the excessive scale of development therein, latest government planning policy and regulations, and the new evidence available on household and population trends. This is particularly necessary for **Chapters 14 on Housing Delivery** and **15 on Economic Development**.

Policy DM3 on Rural Exceptions should be carefully reworded to ensure that only proposals that meet a genuine need that cannot be met in any other way are permitted in the Green Belt or designated area, including the AONB, and that this does not therefore include dwellings that can be sold on to a household that does not have such a need.

Chapter 15 refers to meeting 'the required floorspace requirement we have identified.' Unfortunately the Council's studies must be updated in the light of fundamental changes resulting from Covid 19 in the way businesses and office based organisations are likely to operate for the foreseeable future and the consequential changes to floorspace demand.

Paragraph 15.7 on the Council's expectations and proposals for 'new and expanded employment areas', should be reconsidered, so that land is not removed from the Green Belt for development that may not be required at all, or could be accommodated through redesign and regeneration within the existing urban footprint. Policy DM16 and table 19 should therefore be re-written, as exceptional circumstances for 'growth' almost certainly do not exist for development of existing Green Belt land at Bourne End and Bovingdon Brickworks.

Similarly, policy DM17 for Offices in 'growth areas' must be reviewed as the 'relevant evidence' identified by the Council to justify these is both out of date now, and have taken no account of the post Brexit and Covid 19 changes to the economic climate. .

In **Chapter 16** the retail studies relied on by the Council are now out of date and the retail landscape has changed considerably in the light of current circumstances, particularly with regard to the future of town and village centres and local shopping provision. Much more emphasis is required on regeneration and creation of mixed use, sustainable central areas, as noted in answer to Q2.

In **Chapter 17**, mitigation and adapting to climate change is not sufficiently central to the Emerging Strategy vision and objectives. There is no mention of the requirement for all sectors to reach net zero by 2050, including those overseen by local authorities.

Fig 6 is called 'Opportunities for Renewable Energy', but worryingly shows large swathes of countryside as 'opportunity for wind turbines'. This notation, Policy DM25 'a', and the information they are based on, must be reviewed to ensure that no encouragement is given to siting of turbines in locations that would result in harm to the designated landscapes and their settings, which includes views from such landscapes. The policy would seem to be far too permissive, and part 'c' of the policy is worded to allow such development affecting designated areas subject to 'minimising' harm, not avoiding harm, which is what the policy should focus on. The same consideration should apply to part 'e' in respect of wildlife habitats.

The introductory paragraphs to **Chapter 18** set out the national policy framework on biodiversity. However, apart from policies on the Chilterns AONB, protected sites and a series of policies related to development, there is no up-to-date strategic framework outlined for conservation and in particular enhancement of the Borough's biodiversity.

The two documents referred to as forming the basis for policy are both out-of-date and do not reflect the urgency of the biodiversity crisis, nor the scope for the enlargement of biodiversity assets as reflected in modern conservation action.

Specifically, attention should be paid to three highly significant areas:

1. Chilterns Area of Outstanding Natural Beauty (AONB)
2. Chalk streams; namely, the Rivers Bulbourne, Gade and Ver
3. Chilterns Beechwoods Special Area of Conservation (SAC)

The one third of the countryside in Dacorum Borough which is within the Chilterns AONB is a designated protected landscape of national importance which the Council has a duty to protect and enhance, both the area and its setting. In 2019 the Glover Report, commissioned by DEFRA recommended that the Chilterns become the next national park. There is no mention of the Glover Report's recommendation in the Emerging Strategy which promotes substantial areas for housing along the AONB boundary which is unacceptable

Despite chalk rivers being a 'priority habitat' under s41 of the Natural Environment and Rural Communities Act 2006, the Strategy is largely silent on the matter of protecting the three designated chalk streams of the Bulbourne, Gade and Ver. Most of Dacorum lies within the catchments of these three rivers.

Dacorum BC is the designated Competent Authority responsible for ensuring that no harm is done to the SAC as a result of any development proposals. Much of the area comprises the National Trust's Ashridge Estate which is a popular leisure and recreation destination. The Council is in the process of engaging consultants to carry out a screening exercise which defines the impacts of development on the SAC and it is irresponsible to publish the Strategy in advance of the results of this study.

Chapter 19 on development in the countryside wrongly omits any reference to 'openness' as being one of the two key characteristics of the Green Belt that national policy seeks to protect. This is a serious omission because it is this section of the Plan that will be used to manage individual development proposals, and harm to openness must be a primary consideration when the Council is determining such proposals, not just the five defined 'purposes' of the Green Belt.

Paragraph 19.11 is wrong to facilitate any development on sites 'washed-over' by Green Belt. Exceptional circumstances have to be demonstrated for proposals in the Green Belt in the Plan, and 'very special circumstances' must be shown to permit planning applications for inappropriate development in the Green Belt.

Consequently Policy SP11 should be changed, especially part '1' which wrongly assumes that identified development need alone justifies removal of land in the Council's proposed 'Growth Areas' from the Green Belt. Parts '2' and '3' of the policy are also deficient in allowing inappropriate development in both specified and unspecified locations in the Green Belt, contrary to national policy.

Policy DM39 on 'infilling' in villages should include criteria to ensure this is only allowed where this is sustainable, particularly in terms of transport and services, and although Policy SP12 '1' (d) would allow leisure uses in rural areas, the built development and ancillary uses associated with these should be limited to those that are essential and will not harm to the Green Belt and designated landscapes.

The Delivery Strategies

Question 4: Do you have specific comments about any of the Delivery Strategies? YES

As noted in previous responses, specific delivery strategies cannot be supported due to the unevidenced scale and inappropriate locations of proposed development throughout the Strategy.

Proposals and Sites

Question 5: Do you have specific comments about any of the Proposals and Sites? YES

Specific objection is raised to the North Hemel proposal as an unsustainable development which will cause immense damage to high grade agricultural land and the setting of the Gade valley.

It should also be noted that there has been entirely inadequate consultation on the Hemel Garden Communities proposals despite their considerable impacts on the countryside.

Proposals and Sites

Question 5A: Are there any other sites that you think should be included in the Plan? NO

No comment

Sustainability Appraisal

Question 6: Do you have any comments on the Sustainability Appraisal that accompanies the Plan?

The results of the Sustainability Appraisal (SA) are of course directly related to the quantum and location of proposed development throughout the Borough. Given our significant objections to considerable areas of the Strategy, as already noted, it will be necessary to revise the SA very considerably to reflect policies and projects which are supported by evidence and the results of consultation as required by planning legislation.

Evidence Base

Question 7: Do you agree that the Evidence Base that accompanies the Plan is adequate, up-to-date and relevant? NO

For the reasons stated in answer to the earlier questions in this questionnaire, the Council should review and update the studies that it seeks to rely on for the preparation of the next, formal stage of the Plan, its publication as a pre-submission plan that all parties will be able to formally support or object to. This is because many of the documents relied on by the Council for this Regulation 18 consultation are out of date in respect of fundamentally important considerations that should inform the Council's proposals for future development in the Borough.

In particular, the Council should reconsider, and use the latest reliable information on:

1. Population trends, including ONS projections;
2. Household formation trends, including ONS projections;
3. Shifts in demand and need for land and floorspace for retail, business and employment as a result of the Covid pandemic and Brexit, with a particular focus on retail and office based uses;
4. Potential for urban regeneration;
5. Potential for increased density of development in accordance with national planning policy and regulations;
6. Potential for more housing from changes of use and conversion of buildings in accordance with the latest government changes to regulations;
7. Measures necessary to include in the Plan in order to ensure that national and local policies and targets on Climate Change will be met;
8. Infrastructure requirements, especially for water supply and waste-water and sewage treat throughout the Borough.

The Strategy fails to recognise the Climate Emergency declared by the Council, including the consequences of removing 850 hectares of Green Belt, green-field and urban open space for housing.

National Policy and Guidance

Question 8: Do you think the Plan is consistent with the National Planning Policy Framework (NPPF) and supporting guidance? NO

The NPPF as currently worded is not complied with in respect of protection of designated areas of landscape and wildlife importance and the Green Belt, or in respect of the identification of the need for development for housing and employment in particular, as addressed in response to the earlier questions in this questionnaire.

Further, the Emerging Strategy does not take sufficient account of matters relating to climate change adaptation, the promotion of biodiversity and provision of infrastructure as required by legislation,

Any other comments on the Emerging Strategy for Growth

Question 9: Do you have any other comments on the Plan? YES

The Emerging Strategy should set out how local communities are being, or will be, engaged more fully in the future. We are clear that strong local vision and engagement will lead to better plans and proposals which should reflect enhancement of both natural and historic environments as well as sustainable development for future generations.

-- Ends --