

## **Dacorum Borough Council Core Strategy**

### **Independent Examination**

#### **Issue 2 The Distribution of Development (Settlement Hierarchy) and the Green Belt**

##### **Banner Homes Representor ID 211062**

This written submission to the Examination is made on behalf of Banner Homes who are promoting the development of land at New Road, Northchurch for housing development. It covers those Questions of particular relevance to the original submissions made to the pre-submission draft Core Strategy.

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

No specific response to this issue.

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

The criteria for the Selection of Development Sites in policy CS2 is misleading as it assumes that there will be a readily available supply of sites to meet these criteria. This is a false assumption, particularly for Berkhamsted / Northchurch where it is clear from an examination of the sites in this area which are identified in the SHLAA that there is not a wide choice of sites within the settlement boundary which are not already the subject of planning permissions, proposed for allocation or have been implemented already. The table attached to this submission illustrates the extent of the identified potential supply. Inevitably the only sites likely to be capable of delivering reasonable numbers of units will be in the Green Belt.

A number of Green Belt sites have been examined through the preparation of the Core Strategy and all apart from LA4 have been rejected. Therefore part B of the policy is largely irrelevant. Unless the green belt boundary has already been changed through the development plan process, this will in effect prevent any site in the Green Belt from further consideration. The only sites eligible will be the local allocations which have already been identified. In the case of Berkhamsted, this will restrict potential future extensions to a single site with no contingency. If for some reason this site is not capable of being brought forward at the appropriate time, there will be a long time lag before any alternative site can be capable of delivery. Also such sites remain in the Green Belt for the time being and consequently are still subject to all the restrictions that accompany this designation, i.e. the test of 'very special circumstances' which is necessary for development to gain planning permission.

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

There does not appear to be any clear justification for local allocations being held in reserve and managed as countryside or retained as Green Belt. There is a concern that there is insufficient flexibility in the choice of sites coming forward, particularly in Berkhamsted. Of the sites in the SHLAA 2008 considered to be acceptable and other sites put forward for consideration through the Core Strategy consultation process, only one green belt site, LA 4, was identified for development. The Council appears to be content to rely on sites within the settlement boundary coming forward to meet the local housing needs. Having looked at those sites considered by the Council to be acceptable and listed these in a table along with those sites in the Green Belt which were given some further consideration, it is apparent that the only realistic solution for significant new provision is from Green Belt sites, see Appendix 1.

Given that there is only one strategic site for Berkhamsted, SS1 together with the local allocation LA4, it seems unnecessarily restrictive to hold these sites in limbo without any methodology being agreed or proposed for their release. There is currently insufficient clarity in the policy to be able to be certain of the local allocation sites coming forward at the appropriate time. This seems contrary to the advice for local plan making in the NPPF in paragraph 14 which requires Local Plans to have sufficient flexibility to adapt to rapid change.

**2.4 Have the proposed amendments to the green belt boundary been properly justified and has the Council's approach heeded national guidance? What are the exceptional circumstances that exist to justify such revisions?**

The Council has accepted that given the need to provide for more housing in the Borough that it needs to consider making some localised changes to the Green Belt. It has carried out an assessment of potential sites several times during the preparation of the Core Strategy, many of which were sites around Berkhamsted / Northchurch in the Green Belt. The Assessment of Potential Local Allocations and Strategic Sites June 2012 identifies in the conclusions a list of sites for Green Belt release in order of preference. Banner Homes' New Road site is the second best site for possible release from the Green Belt.

In respect of Berkhamsted, it is considered that the Council has failed to give proper consideration to the amendment of the green belt boundary particularly in respect of N16, the site in New Road Northchurch being promoted by Banner Homes. In our submission on Issue 11 Berkhamsted we have also discussed the Council's mistaken assessment of the merits of this site by linking its delivery to the New Road/Springfield Road by-pass to Berkhamsted High Street.

The exceptional circumstances to justify some adjustments to the green belt boundary are the continuing unmet demand for housing and the lack of suitable sites within the settlement boundary to satisfy the housing needs. A number of these sites, including the New Road should have been identified for release from the Green Belt now and then held in reserve, see comments under 2.5 below.

**2.5 Paragraph 83 of the National Planning Policy Framework refers to the permanence of the green belt in the long term so that they should be capable of enduring beyond the plan period and paragraph 85 refers to the identification of safeguarded land. How does the Core Strategy address the possible need to safeguard land?**

The Core Strategy and policy CS5 in particular does not address the likely need to safeguard land for possible needs beyond the plan period. In doing so it fails to reflect the requirements of paragraph 83 of the NPPF to define Green Belt boundaries which will endure beyond the end of the plan period, i.e. 2031. In a recent Ministerial statement on Housing and Growth in early September 2012, the Secretary of State for Communities and Local Government sought to encourage councils to use the flexibilities in the guidance in the NPPF to tailor the extent of Green Belt to reflect local circumstances. Given the restricted nature of the potential supply of land within the settlement boundary of Berkhamsted / Northchurch and the tight Green Belt boundary around the settlement, it is clear that the Council has failed to take this guidance on board.

It is most unlikely that pressures to provide more homes will have reduced significantly beyond the plan period. There is no evidence from population and household trends that there is going to be a rapid reduction in either population numbers or household formation rates. It is therefore unrealistic to assume that sufficient housing to meet even local needs can be contained within the existing settlement boundaries. This is particularly the case for Berkhamsted and Northchurch given the lack of significantly large brownfield sites within the built up area capable of alternative use for housing.

There is no evidence to suggest that in respect of Berkhamsted that the Council has given any consideration to the need to safeguard land for longer term use, as advised by the NPPF. On this point the Core Strategy, in particular policy CS5, is not sound and has failed all the tests of soundness as it has not been positively prepared, it is not justified, it is not effective and it is not consistent with national policy.

**What part of the Core Strategy is unsound**

Policy CS2 Selection of Development Sites

Policy CS3 Managing Selected development Sites

Policy CS5 Green Belt

### **Which soundness criterion it fails**

All three policies taken together as the Council's strategy fail all four soundness criteria.

They have not been 'positively prepared', 'justified', 'effective', or 'consistent with national policy'

### **Why it fails**

All these policies have failed for the following reasons:-

- They have not been 'positively prepared' because it is considered that they will not deliver the necessary housing development;
- They do not provide the most appropriate strategy and are therefore not 'justified';
- They are not expected to be 'effective' as they are unlikely to deliver what is required over the plan period; and
- They are not 'consistent with national policy', particularly in relation to the advice in the NPPF regarding Green Belt and also because they are likely to prevent the delivery of sustainable development.

### **How the Core Strategy can be made sound**

There needs to be a larger pool of sites available as potential Local Allocations for part B of Policy CS2 to be effective.

There should be two categories of sites, those released from Green Belt which are Local Allocations and then some sites which are safeguarded land which remains as Green Belt and is held in reserve for development beyond the plan period. Banner Homes site in New Road Northchurch should be identified as a Local Allocation for Berkhamsted.

### **The precise change and or wording that you are seeking**

The site at New Road Northchurch should be identified as a Local Allocation.

Local Allocations should be removed from the Green Belt and then held in reserve.

The mechanism for their release should be set out more clearly.

**Appendix 1 to Banner Homes' Submissions Issues 2, 6 and 11**

**Review of Sites in Berkhamsted / Northchurch Identified as 'Acceptable' for Development SHLAA 2008**

Site Name	Ref No.	Unit Nos. (SHLAA)	Green Belt	LDF Assessment 2012	Pre-Submission Draft Site	Comments	Potential Future Supply 2012
Alma Road / Duncombe Road Northchurch	N1	8	No	No	No	Planning permission for 4 cottages	4
Land at Egerton Rothesay School, Durrants Lane Northchurch	N13 (N10)			Officer's recommendation that there are no significant environmental impacts to reject it as a housing site.		Part existing Local Plan Housing allocation H37 Net capacity 100 units Proposed strategic site allocation for Berkhamsted SS1- 180 units	180
Land west of Durrants Lane, Berkhamsted	N15	177	Yes	No	No		
Land west of New Road Northchurch	N16	83	Yes	Considered favourably as second choice site after LA4. Some doubts raised by officers about further consideration.	No	Site was considered in the Emerging Core Strategy consultation, June 2009. Estimated potential 50 units.	
Stag Lane/High Street Berkhamsted	BW3	27	No	No	No	Housing Land Availability Paper App 4 and App5 14 units.	14
Park Street Berkhamsted	BW7	8	No	No	No	App 5 Land Availability Paper Impact on large grounds surrounding church. No developer intentions	
Majestic Wine Warehouse High Street Berkhamsted	BW16	20	No	No	No	App 5 Land Availability Paper Still in viable use Loss of employment	

Site Name	Ref No.	Unit Nos. (SHLAA)	Green Belt	LDF Assessment 2012	Pre-Submission Draft Site	Comments	Potential Future Supply 2012
British Film Institute (BFI) Kingshill Way Berkhamsted	BW24	136	Yes	No	No	10 units have been allocated to this site in Appendix 4 of Housing Land Availability Paper (July 2011)	10
Hanburys, Shootersway, Berkhamsted	BW25	70	Yes	Officer recommendation – further consideration.	LA4	Option considered in Emerging Core Strategy consultation June 2009. Promoted by landowners. Proposed Local Allocation Site LA4 60 units	60
Land off Shootersway, Berkhamsted	BW26	198	Yes	Part of land south of Berkhamsted. Officer recommendation to give no further consideration.	No		
The Old Orchard, Shootersway, Berkhamsted	BW29	8	Yes	No	No		
Land to east of BFI Kingshill Way, Berkhamsted	BW30	159	Yes	No	No		
Open land off Shootersway (next to Blegberry Gardens), Berkhamsted	BW33	154	Yes	Officer recommendation to give no further consideration	No	Option considered in Emerging Core Strategy consultation June 2009 but not taken forward	
Hospice of St Francis and Blue Mist , Berkhamsted	BW34	16	No	No		Now built	
Chilterns, Stoney Close, Berkhamsted	BW35	12	No	No	No	Under construction	
Clarence Road, Berkhamsted	BE7	16	No	No	No	Potential site for development. DBC owned App 5 Land Availability Paper	16
Chesham Road, Berkhamsted	BE12	4	No	No	No	Potential loss of sports use	4
Off High Street, Berkhamsted	BE15	7	No	No	No	Active garage, poor access	7

Site Name	Ref No.	Unit Nos. (SHLAA)	Green Belt	LDF Assessment 2012	Pre-Submission Draft Site	Comments	Potential Future Supply 2012
Egerton School Charles Street , Berkhamsted	BE16	5	No	No	No	Conversion to housing implemented App 5 Land Availability Paper	
Ashlyns School and Thomas Coram School, Berkhamsted	BE27	65	Yes	Concluded site should be retained for education.	No	Option considered in Emerging Core Strategy consultation 2009 Loss of school land?	
1 Park View Road Berkhamsted	BE28	5	No	No	No	Planning permission granted 755/06	5
Bank Mill Lane, Berkhamsted	BC1	1	No	No	No	Likelihood doubtful?? Part open space/open land	
New Lodge Farm and outbuildings, Berkhamsted	BC2	85	Part Green Belt	No	No	Local Plan Housing Allocation H36 Net capacity 50 units 54 units granted on appeal App 5 - Housing Land Availability Paper	54
Chapel Street, Berkhamsted	BC12	7	No	No	No	Scout Hut close to town centre Potential loss of community use App 5 – Housing Land Availability Paper	7
Greene Field Road, Berkhamsted	BC20	1	No	No	No	In current use	1
St Katherine's Way, Berkhamsted	BC30	6	No	No	No	Green Space on housing estate App 5 Land Availability Paper	6
Rose Cottage, Bank Mill, Berkhamsted	BC38	24	No	No	No	Completed	
High Street /Water Lane, Berkhamsted	BC 41	49	No	No	No	Subject to feasibility and concept statement Existing retail uses Multiple ownerships may affect delivery App 5 Land Availability Paper	49
Manor Street, Berkhamsted	BC42	20	No	No	No	Completed	

Site Name	Ref No.	Unit Nos. (SHLAA)	Green Belt	LDF Assessment 2012	Pre-Submission Draft Site	Comments	Potential Future Supply 2012
Site off Bank Mill Lane, Berkhamsted	BC43	100	Yes	No	No		
110 High Street, Berkhamsted	BC44	12	No	No	No	Housing Commitment Plan Ref:622/05 Plannning permission for 13 units. 12 is net figure	
Land At Tunnel Fields, Berkhamsted	BC45	16	No	No	No	Completed	
<b>Potential Total Future Supply 2012</b>							<b>417</b>

**Additional Sites Considered in June 2012 Final Assessment not referred to above\***

<b>Site Name</b>	<b>Ref No.</b>	<b>Unit Nos.</b>	<b>Green Belt</b>	<b>LDF Assessment 2012</b>	<b>Pre-Submission Draft Site</b>	<b>Comments</b>
Land south of Berkhamsted			Yes	Yes	No	Option not included in Emerging Core Strategy consultation but being actively promoted. Includes 7 parcels of land including BE25, BE 24 and BE26
Haslam Field , Shootersway			Yes	Yes	No	Site put forward for consideration as part of Pre-Submission Core Strategy consultation Loss of playing fields/open space
Home Farm, Pea Lane			Yes	Yes	No	Site put forward for consideration as part of Pre-Submission Core Strategy consultation Rejected as in Chilterns AONB
Ivy House Lane	BC14		Yes	Yes	No	Site put forward for consideration as part of Pre-Submission Core Strategy consultation Rejected due to proximity to Chilterns AONB