

DACORUM NEW SINGLE LOCAL PLAN to 2036

Issues and Options Consultation, December 2017

Consultation Response prepared on behalf of

KINGS LANGLEY & DISTRICT RESIDENTS ASSOCIATION



11th December 2017



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PREAMBLE

This representation, made on behalf of Kings Langley & District Residents Association (KL&DRA), has been prepared by Jane Terry, Planning Partner and Alice Attwood at Vail Williams LLP and Bernadette Hillman, Partner and Head of the London Planning Law Team at Shakespeare Martineau.

The KL&DRA is a non-profit organisation set up to preserve and enhance the quality of life for residents in Kings Langley and the surrounding area. The KL&DRA represents the views of a large proportion of Kings Langley residents. The public meeting held recently at Kings Langley School attracted around 800 residents, the majority of whom were opposed to the development of Green Belt land in and around Kings Langley. **As such we would appreciate a dialogue with Dacorum Borough Council to discuss matters relating to Kings Langley arising from these representations and would be grateful if arrangements could be made to meet with officers as part of their consideration and prior to the selection of the preferred approach.**

These representations are prepared in response to Dacorum Borough Council's Regulation 18 Issues and Options (I&O) report of the New Single Local Plan which looks at the development challenges Dacorum is facing to 2036 and how these could be addressed.

The submission has two purposes. First, it provides comment on the proposed Local Development Plan (LDP) distribution strategy to exclude certain sites and to encourage allocation of more appropriate sites for housing land within built up areas. Secondly, it outlines support for the principle of identification of new housing proposals on appropriate land within built up areas.

At the outset of this response we would emphasise our clients' broad support for the five key aims outlined within the proposed LDP, namely:

- Support growth of the city economy,
- Help increase the number and improve the quality of new homes
- Ensure sustainable transport and access to jobs and services
- Look after and improve our environment
- Create sustainable communities

It is agreed that the emerging Local Development Plan should make provision for continued sustainable growth. KL&DRA is extremely concerned that this should not be at the expense of greenfield sites within the Green Belt around Kings Langley: Site KL-h1 - Wayside Farm, Site KL-h2 - Rectory Farm, Site KL-h3 Hill Farm, Love Lane, Site HH-h3 – Shendish (which lies within the parish of Kings Langley). KL&DRA wishes to exclude these four sites from allocation within the LDP in favour of more appropriate land within built-up areas.

In addition, it should be acknowledged that Kings Langley has already accommodated a significant amount of development (approximately 2,500 dwellings) since the last Local Plan, as the map at Appendix A illustrates.

The representations that follow are arranged according to the questions set out in the Issues and Options Consultation. Specific conclusions, recommendations or representations to be considered have been summarised within boxes for ease of reference:

Summary Representation and Response Sought:

Specific conclusions, recommendations or representations to be considered have been summarised within boxes for ease of reference.

The KL&DRA represents the views of a large proportion of Kings Langley residents. As such, we would appreciate a dialogue with Dacorum Borough Council to discuss matters relating to Kings Langley arising from these representations and would be grateful if arrangements could be made to meet with officers as part of their consideration and prior to the selection of the preferred approach.

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REPRESENTATIONS

QUESTION 2 – Have we reflected all cross-boundary issues or issues of particular importance to you or your organisation?

- **No**

The Borough's commitment to cooperative working with its neighbouring authorities and other key organisations to ensure the planning of housing, employment and infrastructure is coordinated properly (3.6.1) is applauded. However, we do not think that this has gone far enough in relation to the contribution that neighbouring authorities can make to fulfilling the housing needs of Dacorum, in particular where urban areas just over the boundary relate more strongly to settlements within Dacorum than within either St Albans or Three Rivers.

The Council has a legal Duty to cooperate with neighbouring planning authorities set out in section 33A of the Planning and Compulsory Purchase Act 2004 when producing its strategic local plan. That duty was introduced by the Localism Act 2011 following the abolition of regional spatial strategies and the return of spatial planning powers to local planning authorities: see Samuel Smith Old Brewery (Tadcaster) v Selby District Council [2015] EWCA Civ 1107; [2016] PTSR 146. It is incumbent on the Council to meet and fulfil that duty.

Of critical importance is cross boundary agreement in relation to the future of the employment land within Three Rivers. Retention of good quality local job opportunities is clearly advantageous. But, consideration also needs to be carefully considered alongside this for the release of parts of this area for housing. Such redevelopment would relate well to Kings Langley, have good connections with public transport and make most efficient and effective use of previously developed land. Similarly, new homes and employment land at Gorhambury Estate, East Hemel within St Albans District relate to Hemel Hempstead and should contribute towards Dacorum housing and employment needs.

QUESTION 2 - Summary Representation and Response Sought:

In the context of significant constraints within Dacorum and the strong linkage these areas have with Kings Langley being situated on the boundary between Dacorum / Three Rivers, and between Dacorum and St Albans, a request should be made to Three Rivers District and St Albans Councils through the Duty to Cooperate, for any resulting development whether it be employment or residential redevelopment, to contribute towards the overall housing and employment needs of Dacorum Borough. The case of R (Appn St Albans City & District Council) and SSCLG [2017] EWHC 1751 (Admin) serves as a reminder that the Duty to Cooperate requires continual and effective dialogue with neighbouring authorities throughout plan preparation over cross boundary matters. Such matters should be formalised through a Written Statement of Common Ground between the authorities.

QUESTION 4 – Do you agree with the suggested vision for the Borough?

- **Yes, but it must actively influence the choice of alternative options and identification of sites for allocation.**

The Vision for the Borough up to 2031 was adopted in the Core Strategy September 2013 alongside local visions for each town, large village and the countryside and is to be rolled forward into the new Plan. Key points to highlight within the vision are condensed as follows:

- Protection of the varied character of the countryside; with the countryside actively managed to support the local economy (more food grown locally) and diversity of wildlife enhanced;
- Focus on Hemel Hempstead to fulfil its sub-regional role as a business centre and meeting the locally generated (Borough-wide) demand for new homes.
- The market towns of the Borough should provide the necessary services for their communities and surroundings.
- The character of each place is recognised and valued as is the wider historic environment.

QUESTION 4 - Summary Representation and Response Sought:

This vision is broadly supported. However, a distinction should be made between the 2nd tier Market Towns and 3rd tier Larger Villages in the extent of their role in provision of necessary services and consequential ability to provide for future needs.

QUESTION 5 - Does our Core Strategy reflect the specific local aspirations and / or qualities that you feel should continue to be reflected in the visions for Kings Langley ... or the wider countryside?

- **Broadly, yes but updated as set out below**

The Borough vision is complemented by local visions set out in individual Place Strategies for each settlement. They express specific local objectives as well as the vision for each place. It is proposed that these Place Strategies will be rolled forward into the new Plan and updated as required.

The Vision for Kings Langley is set out in the Core Strategy at Chapter 23:

“Kings Langley remains a vibrant compact village, delivering a high quality of life for local residents and businesses. Its natural, historic and built heritage has been conserved, particularly in the context of its setting in the Gade Valley, the Grand Union Canal and village centre. Limited growth has helped support vitality of the village. Development is sympathetic to local character and has helped to secure more affordable and sustainable housing. The local centre remains the heart of the village and continues to deliver a range of local shops, services and facilities. Support has been given to local businesses, schools and community facilities, and important wildlife and biodiversity resources protected.”

Figure 25 of the Core Strategy sets out the Kings Langley Vision Diagram. It defines the urban area into ‘urban design zones’ – centre, inner, semi-urban and peripheral zones along with areas of open land. It also recognises that Kings Langley is a ‘Cross Boundary Village’, crossing the administrative boundary into Three Rivers District, and open land and employment land with scope for alternative uses are identified within Three Rivers. This is an important inter-relationship – a single village but with two administrative authorities responsible for it. It is therefore critical that the issues surrounding this strong cross-boundary relationship are picked up through the Duty to Cooperate and the contribution of sites with development potential within Three Rivers, contributes towards the needs and requirements of Kings Langley as a whole. This should subsequently be reflected and written into the Statement of Common Ground between the two authorities (see response to Question 2 above).

Provision has been made within the adopted Core Strategy for approximately 110 new homes between 2006 and 2031 supported by improvement of the secondary school and maintenance and enhancement of the role and character of the Grand Union Canal. Design of new development is to respect the heritage importance of the village and canal. Retention and enhancement of the local shopping and service role is to be safeguarded and consideration given to reconfiguring existing employment areas for residential and mixed use to make best use of available land.

Whilst this vision is supported, it is however considered that greater emphasis should be given to the containment of further high-quality development within the Village boundaries. This is considered necessary to:

- Conserve and enhance the role and function of Kings Langley as a large village;
- Protect the character of Kings Langley, its historic environment and its countryside setting.
- Protect and enhance the historic environment and nationally important heritage sites in the locality

QUESTION 5 - Summary Representation and Response Sought:

The local Vision for Kings Langley set out at Chapter 23 of the adopted Core Strategy is generally supported but should be strengthened to protect the historic nature and countryside setting of the village through reference to the containment of future development within the existing defined settlement boundary, the reuse of previously developed land and limited infill development.

Figure 25 of the Core Strategy: Kings Langley Vision Diagram recognises Kings Langley as a 'Cross Boundary Village' but the strong inter-relationship between the core town and land with development potential in Three Rivers must be fully assessed with the contribution of both housing and employment development within Three Rivers counting towards the needs of Kings Langley specifically and Dacorum as a whole, written into the Statement of Common Ground to be prepared between the two authorities.

The extent and definition of the Urban Design Zones within Figure 25 should be re-assessed in the light of the strengthened vision to identify and protect the village's historic environment, countryside setting and containment as a large village. Particular attention should be paid to the definition of peripheral zones and the extent to which these relate to the countryside and Green Belt beyond them.

QUESTION 6 - Do you agree with the suggested objectives for the new Local Plan?

- **Yes, but with the caveat set out below.**

The Strategic objectives of the Core Strategy are:

- To promote healthy and sustainable communities and a high quality of life.
- To mitigate and adapt to the impacts of climate change.
- To promote social inclusion and cohesiveness, embrace diversity and reduce inequalities.
- To enable convenient access between jobs, homes and facilities, minimise the impact of traffic and reduce the overall need to travel by.
- To promote Hemel Hempstead as the central focus of the Borough for homes, jobs and strategic services, reinforcing the role of the neighbourhoods in the town.
- To conserve and enhance the function and character of the market towns, villages and countryside.
- To ensure the effective use of existing land and previously developed sites.

Of particular interest to the KL&DRA, the Core Strategy (Dacorum 2036: A Vision, p25 I&O) confirms that whilst housing needs must be met, the following objectives should be applied:

- Impact on the countryside should be minimised through making effective use of previously developed land in the towns and villages;
- Under used and under developed commercial land should be reviewed and relocated to housing;
- The growth and regeneration of Hemel Hempstead as the principal town within the Borough is to continue; and
- Differences in the character of each place are to be recognised and valued, development reflects local character and the wider historic environment is valued and protected.

QUESTION 6 Strategic Objectives - Summary Representation and Response Sought:

These strategic objectives are generally supported. However, to be meaningful these objectives need to actively influence not only the choice of alternative options for the distribution of growth but also the identification and selection of potential sites for allocation. Greater emphasis should be made to the role that Hemel Hempstead plays, regeneration and the protection of local character set out in the following bullet points:

- Impact on the countryside should be minimised through making effective use of previously developed land in the towns and villages;
- Under used and under developed commercial land should be reviewed and re-allocated to housing;
- The growth and regeneration of Hemel Hempstead as the principal town within the Borough is to continue; and
- Differences in the character of each place are to be recognised and valued, development reflects local character and the wider historic environment is valued and protected.

The proposal is to roll these forward into the new Plan, updated as required. They are set out by issue in the Issues and Options paper – Sustainable Development, Strengthening Economic Prosperity, Homes and Community Facilities, Looking after the Environment, and Infrastructure and Delivery.

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Particular support is given to the following objectives:

Sustainable Development:

- Focus on the main towns of Hemel Hempstead, Berkhamsted and Tring as the focus for homes, jobs and strategic services;
- Conservation and enhancement of the function and character of the villages and countryside; and
- Ensuring the effective use of existing land and previously developed sites.

Strengthening Economic Prosperity:

- Strengthening the confidence in Hemel Hempstead's role as a thriving sub-regional business centre and shopping hub;
- Maintaining the commercial enterprise and employment opportunities in the market towns and large villages (albeit that greater differentiation needs to be given to the two tiers to reflect their respective roles).

Looking after the Environment:

- Protection and enhancement of Dacorum's distinctive landscape character, open spaces and historic environment.

QUESTION 6 Settlement Hierarchy - Summary Representation and Response Sought:

Greater differentiation should be given to the two tiers of settlements, Market Towns and Large Villages, to reflect and differentiate proportionally between their roles, ability to provide services and meet the needs of the local population.

QUESTION 7 - Do you agree with the proposed policy coverage of the new Local Plan?

- **Yes, but with the caveats highlighted against each policy below**

The new Plan will cover the topics as set out in national policy and will broadly follow the same structure as the adopted Core Strategy, updated to incorporate the more detailed development management policies from the saved Dacorum Borough Local Plan 2004. The list of policies set out at Appendix A of the I&O paper is broadly supported. However greater emphasis should be placed on the following to reflect the strengthened vision as outlined in the response to previous questions:

Sustainable Development:

- Distribution of Development – the focus to be on Hemel Hempstead, regeneration schemes and the effective use of previously developed land to minimise the need for the further take of greenfield / Green Belt land;
- Selection and management of development sites – which should be in accordance with the vision for the Borough and Kings Langley in particular
- Managing selected development sites
- Identified Proposals and Sites – which should be in accordance with the vision for the Borough and Kings Langley in particular
- The Towns and Large Villages – Greater differentiation should be made between these two tiers of settlements in terms of their role and ability to provide services to the local area
- Green Belt – where any infringement of Green Belt land should be kept to a minimum and only after stringent assessment of all other alternatives has been carried out and rejected.

Homes and Communities:

- Local allocations – All local allocations should be proposed in accordance with the vision and Place Strategy for each individual settlement. For instance, for Kings Langley, allocations should be focussed on the existing built-fabric of the village taking advantage of the scope for the redevelopment of existing previously developed sites (in particular cross-boundary development into Three Rivers); take into consideration the need to protect its existing character through protection and enhancement of the historic environment and separation with neighbouring towns through the retention of the strategic gap.
- Optimising the use of land – robust assessment of the extent to which previously developed land can be utilised to meet future development needs must be made before any other alternative option is considered. Currently it is not considered that this element has been adequately assessed.

Looking after the Environment:

- Landscape Character – should include the protection and identification of strategic gaps between settlements over and above the Green Belt designation.
- Green Infrastructure – protection of existing green spaces whether they are within the urban fabric or act as the setting to individual settlements, and provision of new.
- Quality of the Historic Environment – to be strongly protected (including from the impact of new development) and enhanced.

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- Development affecting the historic environment; archaeological remains, historic parks and gardens and/or listed buildings.
- Development affecting Conservation Areas - to be strongly protected (including from the impact of new development) and enhanced.

Place Strategies:

Support is given for the preparation of Place Strategies for each of the listed main settlements of the Borough along with key employment and redevelopment areas of Maylands Business Park. However, there are major concerns regarding infrastructure which will need to be robustly reviewed and addressed for further development to come forward.

However, it is noted within the Hemel Hempstead Place Strategy that sites identified for potential development include those for Kings Langley as well. This is not only inaccurate but is misleading when it comes to consideration of the growth options. Whilst the focus of development on Hemel Hempstead is recognised and supported, Kings Langley is a distinct and separate settlement and should not fall to be considered as part of Hemel Hempstead.

QUESTION 7 - Summary Representation and Response Sought:

The separate nature of Kings Langley should be made clear by the removal of all Kings Langley sites from the Hemel Hempstead map. (For clarification, these sites include land at: Wayside Farm (KL-h3), Rectory Farm (KL-h2), Hill Farm (KL-h1) & Shendish (HH-h3), Kings Langley.

The footnote to the Place Strategies policy section states that '*Coverage will be provided for the settlement of Kings Langley although specific policies for these settlements are likely to be unnecessary*'. Objection is made to this statement which should be deleted, and the remaining settlements of the Borough including Kings Langley, added to the policy list for the preparation of Place Strategies. This is in order that the vision and objectives for each individual settlement adequately influence the Strategic Options for growth in the Borough and shape the future of each settlement. It should be noted that whilst Kings Langley is close to Hemel Hempstead, that it is a distinct and separate village and should be identified and acknowledged and with separate policies established to retain it as such.

QUESTION 7 - Summary Representation and Response Sought:

All settlements of the Borough, including Kings Langley as a separate entity from Hemel Hempstead, should be added to the policy list for the preparation of Place Strategies.

Accommodating Future Growth Levels - Housing Capacity

We acknowledge the work already done in identifying capacity for 10,940 new homes up to 2036 including brownfield sites and greenfield sites which have already allocated.

The efforts that Dacorum are taking, set out at paragraph 10.1.4 of the I&O paper are fully supported namely:

- Allowing housing on land which is no longer needed for employment uses;
- Encouraging higher densities and taller buildings on sites where this won't be damaging to the area's character i.e. Hemel Hempstead town centre and Spencer's Park, North Hemel Hempstead; and
- Making modest allowance for small 'windfalls'.

However, we don't accept that the figure of 10,940 is necessarily the upper level which can be accommodated without the use of greenfield sites. Further work to identify additional capacity through the 3 means bulleted above needs to be rigorously undertaken before any greenfield or Green Belt sites are considered.

We are also of the opinion that further work needs to be undertaken to explore the cross boundary inter-relationships between provision of housing, facilities and services, and the opportunities that exist for the identification of suitable sites for allocation. This is particularly relevant in relation to Kings Langley which has been highlighted as a 'cross-boundary settlement'. Opportunities exist (identified through the I&O paper and at Figure 25 Kings Langley Vision Strategy of the adopted Core Diagram, for the redevelopment of employment land to the east of the River Gade in Three Rivers Borough area which could be used for alternative purposes (including housing). That this area presents potential opportunities to meet development needs and that it relates strongly to the main settlement of Kings Langley means that cross-boundary discussions should be taking place through the Duty to Cooperate with Three Rivers Council, for this area to come forward for development and that the resulting housing and employment yield should count towards the Dacorum needs figure. The same applies in relation to the Gorhambury Estate, East Hemel within St Albans District.

QUESTION 7 - Summary Representation and Response Sought:

- Further work to identify additional capacity through the 3 means bulleted above needs to be rigorously undertaken before any greenfield or Green Belt sites are considered.
- Cross-boundary discussions should be taking place through the Duty to Cooperate with Three Rivers and St Albans Councils, for the redevelopment of land to the east of the River Gade and at Gorhambury Estate, East Hemel to come forward for development and that the resulting housing and employment yield should count towards the Dacorum needs figure.

QUESTION 8 – Do you agree with the proposed broad approach to distributing new development?

- **No**

We agree with settlement hierarchy as an approach but disagree with some of the outcomes of the Settlement Hierarchy Study. For example, Kings Langley is named as a Large Village and we do not consider this accurately represents the character of Kings Langley as a small, historic village. Kings Langley does not aspire to become a town and wishes to retain its current rural character and to remain as a village. The village lacks key services such as a supermarket and indoor sports hall which limits its ability to serve the surrounding rural hinterland. Whilst it does have reasonable access to towns such as Hemel Hempstead and Berkhamsted, with a railway station on the edge of the village, this is already at capacity and considerable improvements would be required.

We also do not agree that the approach chiefly focuses on new development in new towns with lower levels of development. The distribution of sites in and round Kings Langley would significantly change the role and character of the village. There are potentially four major housing allocations identified around Kings Langley:

SITE:	NUMBER OF UNITS:
HH-h3 Land Shendish, London Road	Mix use up to 900 dwellings
KL-h1 Land at Hill Farm, Love Lane	150 -300 dwellings
KL-h2 Land at Rectory Farm, Hempstead	80 dwellings
KL-h3 Land to the east of A41 and Wayside Farm, Watford Road	300 to 1000 dwellings
Total yield from all site around Kings Langley	Minimum of 1430 dwellings and maximum 2280 dwellings

Table 1: Sites Identified for Potential Allocation.

As can be seen in Table 1 above, King Langley is potentially facing a significant level of development which is disproportionate compared with either of the other two 'Large Villages', for example the site identified at Markyate would yield up to 175 dwellings and that identified at Bovington, up to 385 dwellings. The yield from all the sites identified around King Langley would equate to between minimum of 1430 dwellings and maximum 2280 dwellings. This is not considered to be a 'lower level of development' highlighted as appropriate to the settlement hierarchy category of Large Villages and will not reflect the characteristics of King Langley.

Whilst the I&O paper confirms that no sites have yet been identified for allocation as the various options for development across the Borough must be established first, the approach taken to highlighting potential sites for accommodating development, particularly the distribution of development in the King Langley area, does need to be re-considered: Despite its proximity to Hemel Hempstead, Kings Langley is a distinct and separate village and the identification of sites around and within the parish of Kings Langley should not be identified as part of the Hemel Hempstead options for future development which is both incorrect and misleading. The current proposed approach will not protect the appearance and distinctiveness of Kings Langley nor will the proposed approach safeguard the Green Belt, countryside or attractive landscape setting around Kings Langley.

Further, Kings Langley has been acknowledged as a cross-boundary village. As such its situation at and relationship with development coming forward within Three Rivers Borough, should be assessed very carefully through the Duty to Cooperate and development allocations attributed accordingly.

QUESTION 8 Distribution of New Development - Summary Representation and Response Sought:

The approach to identifying potential development sites around Kings Langley should be reconsidered to a more realistic and proportionate level; Kings Langley should not be considered as part of Hemel Hempstead; and the status of Kings Langley as a cross-boundary village should be recognised and its situation discussed through the Duty to Cooperate with Three Rivers District Council.

QUESTION 9 - Do you agree with the proposed approach to the Green Belt and Major Development Sites summarised above?

- **No**

The National Planning Policy Framework (NPPF) states that ‘the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.’ (NPPF paragraph 79)

The NPPF defines five purposes of Green Belt as follows:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

National policy makes a distinction between ‘very special’ circumstances that need to be demonstrated to justify inappropriate development in the Green Belt through planning applications, and ‘exceptional’ circumstances that need to be demonstrated to alter Green Belt boundaries through the plan-making process.

In relation to Local Development Plans, national policy states:

‘Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. Neither national policy nor guidance set out what should be considered ‘exceptional’ or ‘very special’ circumstances.’

The Green Belt analysis must form part of the evidence base for the Local Plan and therefore the focus of this section of the document is on ‘exceptional circumstances’ rather than ‘very special circumstances’. Neither the NPPF nor the Planning Practice Guidance (PPG) defines ‘exceptional circumstances’, and therefore each Local Planning Authority must decide for itself whether these circumstances exist in relation to designated Green Belt within its administrative area. A discussion of the Dacorum approach and options is carried out below with reference to case law.

Additionally, Dacorum Borough Council must consider the exceptional circumstances criteria. PPG asks: *‘Do housing and economic needs override constraints on the use of land such as Green Belt?’* and states *“The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.”* The approach which should be taken by the LPA is to have regard to a wide range of NPPF factors summarised as criteria under the five headings of Local Plan Strategy; Green Belt; Sustainable place-making; Design, landscape and biodiversity; and Transport. This approach can be informed by the case law set out below.

Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council [2015] EWHC 1078 (Admin), Jay J

The Calverton PC case sets out the following five matters for consideration to lead to the planning judgments as to whether there are exceptional circumstances regarding the release of Green Belt land through the local plan process in a particular case having determined the objectively assessed need (para 51)

- i) the acuteness/intensity of the objectively assessed need;

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- ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;
- iii) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
- iv) the nature and extent of the harm to the Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and
- v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

Principles i. and ii. apply District wide. Principles iii. iv. and v. are site specific and should be considered in the screening of the parcels.

Gallagher Homes Ltd v Solihull Borough Council [2014] EWHC 1283 (Admin), Hickinbottom J

Preparing a new local plan is not, of itself, an exceptional circumstance justifying alteration to a Green Belt boundary. There is a considerable amount of case law on the meaning of "exceptional circumstances" in this context. In particular: Carpets of Worth Limited v Wyre Forest District Council (1991) 62 P & CR 334, Laing Homes Limited v Avon County Council (1993) 67 P & CR 34 COPAS v Royal Borough of Windsor and Maidenhead [2001] EWCA Civ 180; [2002] P & CR 16 and R (Hague) v Warwick District Council [2008] EWHC 3252 (Admin)

From these authorities, many propositions are clear and uncontroversial.

- i) Planning guidance is a material consideration for planning plan-making and decision-taking. However, it does not have statutory force: the only statutory obligation is to have regard to relevant policies.
- ii) The test for redefining a Green Belt boundary has not been changed by the NPPF. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans (e.g. paragraph 2.7 of PPG2: paragraph 83 above), and has always required "exceptional circumstances" to justify a revision. The NPPF makes no change to this.
- iii) Exceptional circumstances are required for any revision of the boundary, whether the proposal is to extend or diminish the Green Belt.
- iv) Whilst each case is fact-sensitive and the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgment, what is capable of amounting to exceptional circumstances is a matter of law, and a plan-maker may err in law if he fails to adopt a lawful approach to exceptional circumstances. Once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration."

As part of Dacorum Borough Council's approach to the Green Belt release it undertook a Green Belt Purpose Assessment in 2 parts. Parcels of land have been considered through this assessment and in relation to Kings Langley, Green Belt parcel GB14B was assessed as meeting only two out of the five purposes of Green Belt designation.



Extract from the Green Belt Purposes Assessment Figure 6.1 Strategic Parcel Plan showing Parcel GB14B around Kings Langley.

However, the Green Belt Review Purposes Assessment has not demonstrated any 'exceptional' or 'very special' circumstances to demonstrate why part of the Green Belt should be released. The KL&DRA does not agree with the outcomes of this report or its recommendations for the potential release of land from the Green Belt.

The approach has not considered the potential merging of 1st, 2nd and 3rd tier settlements and has mainly focused on the potential merging of 1st tier settlements with other 1st tier settlements.

The approach to the release of Green Belt land has not considered the impact on infrastructure or the effect on character for Rucklers Lane and Kings Langley. The sites identified here would lead to the merging of Rucklers Lane and Kings Langley with Hemel Hempstead. This would not comply with the first two purposes of Green Belt, namely to check the unrestricted sprawl of large built-up areas (Hemel Hempstead) and prevent neighbouring towns merging into one another (Hemel Hempstead with Kings Langley).

In stage two of the Green Belt Review it was concluded that Green Belt parcel GB14B only partially prevents neighbouring towns from merging. The Green Belt is however, instrumental in separating Rucklers Lane and Kings Langley from Hemel Hempstead and therefore has a significant role in preventing neighbouring towns and villages from merging with each other.

The KL&DRA also challenges the Green Belt Review conclusion that GB14B has a partial role to assist in safeguarding the countryside from encroachment. GB14B protects the surrounding countryside around Kings Langley. There has been some development within GB14B, but this development is for acceptable use within the Green Belt, for example sport and recreation - a golf course which preserves the openness of the Green Belt here. Rucklers Lane was cited within the Stage Two Green Belt Review as '*extensive ribbon development*'. Most houses along Rucklers Lane were built before Green Belt policy was incorporated into the Town and Country Planning Act 1947 and designation which only started to take place in the in 1950s. This would explain why Rucklers Lane has remained a ribbon development and has not further encroached into Kings Langley or Hemel Hempstead.

The Green Belt parcel is rural and reflective of the surrounding countryside in character. There are many pockets of deciduous woodland within GB14B and these are protected by the Green Belt. The

KL&DRA disagrees that this parcel of land within the Green Belt only partially assists in safeguarding the countryside from encroachment and that its role as such should be changed to significant.

KL&DRA disagrees that the loss of land from the Green Belt here will promote sustainable patterns of development. Paragraph 84 of the NPPF states: *'When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.'*

Currently Dacorum's approach to Green Belt does not reflect paragraph 84 of NPPF. There should be more focus on key towns which are best placed to provide the full range of facilities and services required for sustainable living. Rather than channelling development towards villages such as Kings Langley where services and facilities are to a degree, limited, the focus should be on the main towns of Hemel Hempstead, Tring and Berkhamsted.

Neither will removal of this land from the Green Belt comply with the final purpose - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The consequence of removing this land from the Green Belt would be to place extra pressure to build in the Green Belt. Rather it is important to make efficient use of available land (i.e. previously developed land and land within the urban areas and to develop these at the highest density appropriate to the locality in question). It is not considered that the approach outlined within the I&O paper has adequately taken this purpose into account as it fails to demonstrate what efforts have rigorously taken place to make best use of brownfield site or underused land within settlements.

The Housing White paper 'Fixing our Broken Housing Market' (February 2017) re-emphasises that part of the test to demonstrate 'exceptional circumstances' requires all other reasonable options to have been considered first before Green Belt boundaries are amended. The White Paper states:

'We propose to amend and add to national policy to make clear that authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including:

- *making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;*
- *the potential offered by land which is currently underused, including surplus public-sector land where appropriate;*
- *optimising the proposed density of development; and*
- *exploring whether other authorities can help to meet some of the identified development requirement.'*

The current approach has not explored all the options above and it has failed to observe PPG which asks: *"Do housing and economic needs override constraints on the use of land such as Green Belt?"* and states: *"The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up the local plan."* The approach which should be taken is to have regard to a wide range of factors summarised as criteria under the five headings of Local Plan Strategy: Green Belt, Sustainable Place-making, Design, Landscape and Biodiversity and Transport. For example, part of Kings Langley lies within Three Rivers District. However, the scope

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as to whether any of the land within Three Rivers could be brought forward, through the Duty to Cooperate, help to meet the local housing needs within Dacorum generally, or Kings Langley specifically has not been fully explored.

One such opportunity exists on land north of Master Yard (also known as the Kings Langley Employment Area) which offers a potential redevelopment opportunity for approximately 100 dwellings on a brownfield site. This opportunity should be fully explored to help meet Dacorum's identified development requirement. This is just one potential option which would lead to a reduced need for development within the Green Belt. A further significant opportunity is the efficient and effective use of underused and undeveloped employment land at Maylands Industrial Estate including the People building – plots 1 and 2 currently vacant and adjacent land, not yet with planning permission. A review of this employment area therefore needs to be carried out to ascertain whether there is scope for re-allocation for residential use.

QUESTION 9 Approach to Green Belt and Major Development Sites - Summary Representation and Response Sought:

It is not considered that a sufficiently robust exercise has taken place to justify releasing any sites from the Green Belt. Further work needs to be undertaken to investigate the potential yield from existing brownfield sites or from opportunities arising from the Duty to Cooperate. As such no consideration should be given to releasing Green Belt sites until this has been achieved.

Question 10 – Do you agree with the proposed approach to the Rural Areas summarised above?

- **No**

Protection of the countryside is important, and it would be supported by KL&DRA to have limited development in rural areas as stated in Option 1A.

A settlement should be considered in a rural area if the settlement is surrounded by open countryside. This is the case for Kings Langley. Although Kings Langley is classed as a large village, the settlement hierarchy focuses on size rather than character. Kings Langley is surrounded by open countryside and this is part of the village's character. Limiting development would protect the countryside and King Langley's character. The current proposals are situated on the periphery of Kings Langley and are set in the open countryside. The approach should be reviewed to remove greenfield sites in preference for brownfield development in and around Kings Langley.

Gallagher Homes Ltd v Solihull DC [2014] EWCA Civ 1610

'The fact that a particular site within a council's area happens not to be suitable for housing development cannot be said without more to constitute an exceptional circumstance, justifying an alteration of the Green Belt by the allocation to it of the site in question.'

IM Properties Development Ltd v Lichfield DC [2014] EWHC 2440 (Admin), Patterson J

'What is clear from the principles distilled in the case of Gallagher is that for revisions to the Green Belt to be made exceptional circumstances have to be demonstrated. Whether they have been, is a matter of planning judgment in a local plan exercise ultimately for the inspector.'

In consideration of the case law above the approach has failed to show that exceptional circumstances have been demonstrated. Therefore, there can be no justification for revising the Green Belt around Kings Langley. The Council should review alternative options for development that would not impact on the Green Belt around Kings Langley. Before considering allocating or releasing sites within the Green Belt the Council should explore:

- making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
- the potential offered by land which is currently underused, including surplus brownfield public sector land where appropriate;
- optimising the proposed density of development; and
- exploring whether other authorities can help to meet some of the identified development requirement.
- KL&DRA support minimum development within rural areas. For this reason, KL&DRA supports Option 1A.

QUESTION 10 Approach to Rural Areas - Summary Representation and Response Sought:

The Council should review alternative options for development that would not impact on the Green Belt around Kings Langley. Before considering allocating or releasing sites within the Green Belt the Council should explore the following:

- Making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
- The potential offered by land which is currently underused, including surplus public-sector land where appropriate;
- Optimising the proposed density of development; and
- Exploring whether other authorities can help to meet some of the identified development requirement.
- KL&DRA support minimum development within rural areas. For this reason, KL&DRA supports Option 1A.

Question 11 – Do you agree with the proposed approach to selecting sites?

- **No**

We disagree with the approach to only include sites with a capacity of 10 plus units or a minimum of 0.3 ha in area as specific allocations with plan. The approach should be to focus on the quality and suitability of sites rather than on size alone. Kings Langley has many smaller brownfield sites in and around the village which could be brought forward in preference to building on the outer edge of the settlement.

KL&DRA disagree with the approach to selecting sites because the approach places reliance on the incorporation of Green Belt sites which would consequently lead to an amendment in the Green Belt designation. Local authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including:

- Making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
- The potential offered by land which is currently underused, including surplus public-sector land where appropriate;
- Optimising the proposed density of development; and
- Exploring whether other authorities can help to meet some of the identified development requirement and then only with the support of local people.

Dacorum Borough Council has not explored the above options and therefore no greenfield and Green Belt sites should be released or allocated. Dacorum Borough Council must look closer into the potential for delivering housing need through making most efficient and effective use of brownfield sites across the Borough but focussed on the town of Hemel Hempstead, and market towns of Berkhamsted and Tring.

KL&DRA are aware of potential opportunities on brownfield site alternatives which have not been robustly investigated by Dacorum Borough Council (including small windfall sites and cross-boundary sites involving the Duty to Cooperate). We have carried out a quick review and identified the following brownfield sites in Kings Langley and Hemel Hempstead (and one in Tring).

- Skyline Roofing, The Nap WD4 8ES - builder's yard to the rear
- Chiswell Pools, 126 Hempstead Rd, WD4
- Alpine Press, Station Rd, WD4 8LF.
- A T Olivers, Home Park Works, WD4 8LW
- Druglink, Trefoil House, Red Lion Lane, HP3 9TE
- Red Lion Pub, Red Lion Lane, 56 London Road HP1 3BD
- DBC garages in Barnes Rise WD4 8AN, Rucklers Lane, Waterside and Great Park
- Pillings Volvo, 28 Rucklers Lane, WD4 8AU
- Trade Link used cars, 20 Church Lane WD4 8JU
- Chipperfield Garden Scene (garden centre), Chapel Croft, WD4 8EG
- 167 London Road, Apsley, Hemel Hempstead, HP3 9SQ
- 21 Bellgate, Hemel Hempstead, HP2 5SB
- 2 Kimps Way, Hemel Hempstead, HP3 8EN
- Charter Court, Kings Langley, WD4 9HR

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- 100 High Street, Hemel Hempstead, HP1 3AQ
- Maylands Avenue, Hemel Hempstead
- Former gasometer, London Road, HP3 9AB
- 353 London Road, Hemel Hempstead
- Hemel Hempstead Station
- 27 Standring Rise, Hemel Hempstead
- Link Road, Hemel Hempstead
- Pennine Way, Hemel Hempstead
- Former Buncefield Depot
- Three Cherry Trees Lane, Hemel Hempstead Industrial Estate
- Spencer's Park, Crown Land, North Hemel Hempstead
- Westside, London Road, HP3 9TD
- ASM Recycling, Railway Terrace, WD4 8JE
- Gaywood Fishery, Station Footpath, WD4 8DZ
- Kings Langley Building Supplies, Primrose Hill, WD4 8HR
- Langley Wharf, Railway Terrace, WD4 8JE
- Sunderlands Yard, Church Lane, WD4 8JU
- BT Exchange, The Nap, WD4 8ET
- Land at Runways Farm, Upper Bourne End Lane, Hemel Hempstead, HP1 2RR
- 7- 9 High Street, Tring, HP23 5AH

A Map illustrating the location of each of the above sites is to be found at Appendix B.

The above list is not comprehensive and there are likely to be other brownfield sites as well. However, this exercise could clearly be replicated in the other main towns with Tring and Berkhamsted also yielding a considerable amount of additional brownfield land suitable for residential development which would contribute to minimising any residual requirement for greenfield, Green Belt. Redevelopment should be at the highest density appropriate to the site and surroundings.

The KL&DRA are not suggesting that any particular site should be built on but that their potential for redevelopment or conversion should be thoroughly reviewed before the allocation of any greenfield, Green Belt sites. We do not consider that a sufficiently robust review has so far taken place.

QUESTION 11 Approach to Site Selection - Summary Representation and Response Sought:

Dacorum Borough Council has not explored the above options and therefore no greenfield or Green Belt sites should be released or allocated. Dacorum Borough Council must look closer into the potential for delivering housing need through making most efficient and effective use of brownfield sites across the Borough but focussed on the town of Hemel Hempstead and the market towns of Berkhamsted and Tring.

Question 26 – Do you support the proposed approach to the historic environment?

- Yes.

However, it is important to have a robust approach protecting the historic environment. It is positive to see that the approach focuses on protection of the historic assets. However, it is unclear how the approach will protect historic landscape setting given the number of sites identified for potential development. Kings Langley is a village with a rich historic character, yet this will not be protected as currently outlined within the I&O paper.

QUESTION 26 Approach to the Historic Environment - Summary Representation and Response

Sought:

It is not clear how the potential development sites identified will protect or mitigate the resulting impact on the historic village of Kings Langley.

Question 29 – Do you agree that we have covered all relevant issues relating to physical infrastructure?

- **No, not fully**

It is agreed that the level of new or improved transport infrastructure will become clearer once the preferred growth option is chosen. It is positive to see that transport infrastructure is a focus point. The KL&DRA would like the council to note their concern that potential additional housing allocations would cause untold extra pressure on existing transport infrastructure.

If Option 1 is selected there will still need to be an improvement in existing transport infrastructure. The KL&DRA report that:

- Transport links at the south of Dacorum are currently overloaded at peak hours.
- There is additional pressure created on transport links at M25 Junctions 19 & 20, and on the rail link to Euston because of the large increase in population in Abbots Langley.
- The roads within King Langley are currently at high capacity and a review into the Kings Langley transport infrastructure is needed.

We agree with the approach that the Council, water companies and developers should work together to ensure that investments are made in water and sewerage infrastructure. The KL&DRA has concerns that the current water and sewerage infrastructure is at full capacity and will not be fit for purpose if there is a substantial increase in dwellings in and around Kings Langley.

The approach to the improvement of telecommunications and power networks is welcomed.

QUESTION 29 Physical Infrastructure - Summary Representation and Response Sought:

Concerns in relation to the adequacy of existing physical infrastructure are raised which would need to be reviewed in greater detail once the preferred option is identified.

Question 30 – Do you think that we have cover all relevant issues relating to social infrastructure?

- **No**

The level of social infrastructure will become clearer once the preferred growth option is chosen. It is agreed that very limited capacity exists in primary and secondary schools in the local area and that additional development will require further provisions.

Primary care, secondary care and mental healthcare and community care service are all currently under great strain. Both of Kings Langley's local GP centres are close to capacity with patient registrations. It is therefore clear that any future site allocation would have to account for further increasing pressure on a strained system by making contributions to healthcare infrastructure. Even with no major growth the approach must focus on bringing forward healthcare infrastructure because Dacorum has an increasing elderly population. It is felt by the KL&DRA that there is a need for a new hospital after Hemel Hempstead Hospital closed several departments. It is also felt that the Watford hospital is out dated and could be regenerated to service the community more efficiently. The residents have also found Watford Hospital hard to access. Any future site allocation will need to contribute to existing services and provide mitigation for increasing pressure on services.

The approach to enhance and protect Community Facilities within and around King Langley is supported.

QUESTION 30 Social Infrastructure - Summary Representation and Response Sought:

Social Infrastructure is under great pressure and therefore, improvements will need to be made before allocating further development.

Question 31 - Do you think that we have covered all issues relating to green infrastructure?

- No

Green Infrastructure is an important part of the character of Kings Langley and provides a strong sense of place. The approach needs to focus on protecting existing green infrastructure and potentially creating new green infrastructure.

Green Infrastructure around Kings Langley is important not only for preserving the natural setting and historic character of the village but to keep the distinct character of the village separate from Hemel Hempstead to the north and Hunton Bridge / Abbots Langley / Leavesden to the south. Both gaps are extremely fragile, and their integrity is essential for protection against coalescence both physically and perceptually. Consequently, the KL&DRA would like to see the following areas designated as Strategic Gaps:

- Land to the north and north west of the village (to the north of Rectory Farm and between the village edge northwards taking in Rucklers Lane and Shendish); and
- Land to the south of Kings Langley at Wayside Farm.

These additional designations should be considered in the Council's approach to Green Infrastructure. Please see Appendix C for a map identifying the areas proposed for designation as Strategic Gaps within the emerging New Local Plan.

In addition to the above, KL&DRA wish to see the area at Rectory Farm identified as a strategic open space. There is also scope, to improve the green infrastructure to the north of Rectory Farm between the village edge and Gaywood Park. This area already contains the sports pitches of Kings Langley Football Club as an important community recreational facility, but it could be further enhanced through the creation of a green wildlife corridor along the canal and River Gade. Such improvements could be facilitated through development contributions, should the Rectory Farm brownfield footprint be allocated for residential redevelopment and should be made explicit in any policy criteria attached to such redevelopment.

QUESTION 31 Green Infrastructure - Summary Representation and Response Sought:

KL&DRA would like to see the Green Infrastructure network and resource enhanced around Kings Langley:

- i) Land to the north and north west of the village (at Rectory Farm and between the village edge northwards taking in Rucklers Lane and Shendish) as a Strategic Gap to protect against coalescence with Hemel Hempstead; and
- ii) Land to the south of Kings Langley at Wayside Farm as a Strategic Gap to protect against coalescence with the M25 / Hunton Bridge / Abbots Langley / Leavesden.

These areas are identified on the Map at Appendix C.

- iii) Land on the periphery of the village at Rectory Farm should be identified as a strategic open space with a green wildlife corridor identified along the canal and River Gade. A policy requirement for the enhancement of Green Infrastructure should be placed on any redevelopment of the brownfield element of Rectory Farm.

QUESTIONS 33- 35

QUESTION 33 - Do you agree that the three growth levels proposed are the most reasonable to consider?

- **No**

We do not consider that the growth levels proposed through Options 1-3 are the most reasonable to consider.

This is for the following reasons:

Option 1 - 602 homes a year (13,846 homes 2013-2036): This figure equates to the draft figure contained in the Government consultation on 'Planning for the right homes in the right places' September 2017 which considers housing need but also the presence of significant constraints such as those present in Dacorum (Green Belt, AONB and SAC). As such it is therefore broadly supported.

However, we do not agree with the statement set out in paragraph 10.1.8 of I&O which states that it matches the true housing capacity of the Borough. The inclusion of land within existing towns and village boundaries, existing allocations and an allowance for windfalls, plus the identification of previously developed sites with the potential for redevelopment is acceptable. However, as currently set out in I&O, there is still reliance on the release of 'limited Green Belt' land. As we set out above, the Green Belt should be a long-term designation with release through the Local Plan process only in exceptional circumstances. We do not consider that this early review which seeks to roll forward the Plan just 5 years warrants 'exceptional circumstances'.

Further, and without prejudice to our position above, the KL&DRA does not agree with the conclusions of the Green Belt Review which suggests that some land around Kings Langley does not meet all the criteria for continued Green Belt designation. We therefore consider that whilst Option 1 is the preferred option in terms of overall numbers, that it should be fulfilled on the basis of a 'policy on' approach which leaves the Green Belt intact.

Option 2 – 756 homes a year (17,388 homes 2013 – 2036): This figure reflects the level of need assessed through the SHMA. However, on the basis that a new standardised approach to the setting of objectively assessed housing needs is to be brought into play as outlined in Option 1, this approach would appear to be obsolete. Neither does it take account of the significant level of constraints across the Borough which should be considered in adjusting the figure downwards.

Option 3 – 1,100 homes a year (25,300 2013 – 2036): This option anticipates the scenario whereby at the point of adoption, the previous Core Strategy is more than 5 years old. It is recognised that achieving such a high level of growth within the Borough would be extremely hard to achieve. However, the Local Development Scheme sets out a programme for bringing forward this early Review Plan with an adoption date of June 2018. Such a timetable would ensure that this 'surcharge' of housing numbers would not be applied. It is therefore essential that the momentum on getting the New Single Local Plan in place as quickly as possible is maintained.

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QUESTION 33 Growth levels - Summary Representation and Response Sought:

Option 1 is the preferred option in terms of overall numbers, that it should be fulfilled on the basis of a 'policy on' approach which leaves the Green Belt intact.

QUESTION 34 - Do you agree with the rejection of the following growth levels:

- 1. Continuing the current housing target (430 homes a year)**
 - 2. Urban capacity option (476 homes a year); and**
 - 3. Significantly above the upper Government figure (1,000+ homes a year)**
- **No**

We do not agree with the rejection of growth levels 1 and 2 above and do not agree with the statements set out in paragraphs 6.2.9 or 10.1.8 (Option 1) I&O which concludes that some 3,560 dwellings across the Borough would need to be found on greenfield / Green Belt sites.

Option 1 - Continuing the current housing target (430 homes a year): This option is based on a lower provision than technical studies show is likely to be accommodated over the Plan period. However, these technical studies include the release of sites within the Green Belt which for reasons set out elsewhere, we disagree with. We do not consider that exceptional circumstances have been shown to release sites from the Green Belt, nor do we agree with the conclusions of the Green Belt Review which suggest that areas around Kings Langley do not meet all the criteria for continued Green Belt designation. Therefore, the conclusion that technical studies show a higher housing provision will be accommodated over the Plan period is challenged.

Option 2 – Urban Capacity Option (476 homes a year): This option equates to the calculated urban capacity of the Borough and would not require any further release of Green Belt. Rejection of this option is based on the Council’s view that all other site and density options have been considered, and therefore that ‘housing need’ provides the exceptional circumstances required to consider the release of some Green Belt land. As above, we do not agree with this statement but also consider that insufficient work has been carried out to maximise housing provision using urban sites and previously developed land. For instance, the Brownfield Register has not yet been prepared or published which may reveal further suitable sites for development. Neither do we consider that sufficiently robust discussions have taken place or have yet concluded with neighbouring authorities in relation to cross boundary issues under the Duty to Cooperate. The allocation of housing and employment floorspace within the Three Rivers portion of Kings Langley should reasonably be related to the Dacorum figures as the redevelopment of this area relates strongly to the main portion of the village which lies within Dacorum. The same applies to the Gorhambury land at East Hemel within St Albans District.

Option 3 – Above upper Government figure (1,100 + homes a year): We agree that this figure is unrealistic and would be impossible to deliver considering the significant constraints present within Dacorum (Green Belt, AONB, SAC) which would be materially affected adversely by this level of development. Neither does there appear to be a need for this higher level of housing as the timetable for adopting this early review is anticipated to be completed within five years of adoption of the Core Strategy; there has been no request from neighbouring authorities within the HMA to accommodate significant unmet needs for their areas and there is no requirement to consider meeting unmet needs from an adjoining HMA.

QUESTION 34 Rejection of Growth levels - Summary Representation and Response Sought:

Before Options 1 or 2 can be rejected, further work is required to ensure that the development yield from urban sites, previously developed land and imposition of appropriate higher densities is maximised. Sites identified through preparation of a Brownfield Register (required to be in place by Christmas 2017) will also contribute to a reduction in the need to take greenfield / Green Belt land.

Further discussions under the Duty to Cooperate should be held with both Three Rivers and St Albans District Councils in the allocation and delivery of development on the boundary between these authorities.

QUESTION 35 - Has the Council considered all reasonable alternative levels of growth?

- **No**

Further work is required to ensure that the development yield from urban sites, previously developed land and imposition of appropriate higher densities is maximised. Sites identified through preparation of a Brownfield Register (required to be in place by Christmas 2017) will also contribute to a reduction in the need to take greenfield / Green Belt land.

- Further discussions under the statutory Duty to Cooperate should be held with both Three Rivers and St Albans District Councils in the allocation and delivery of development on the boundary between these authorities.

QUESTION 35 Alternative Levels of Growth - Summary Representation and Response Sought:

Further work is required to ensure that the development yield from urban sites, previously developed land and imposition of appropriate higher densities is maximised. Sites identified through preparation of a Brownfield Register (required to be in place by Christmas 2017) will also contribute to a reduction in the need to take greenfield / Green Belt land.

Further discussions under the statutory Duty to Cooperate should be held with both Three Rivers and St Albans District Councils in the allocation and delivery of development on the boundary between these authorities.

QUESTION 36 – Do you support the proposed locational principles?

- **Yes.** The following locational principles are supported:
 - Maximise the use of brownfield land for development.
 - Maximise the density of development, whilst ensuring it reflects local character.
 - Support urban regeneration – particularly of Hemel Hempstead new town.
 - Locate development at well-connected sustainable locations.
 - Avoid areas at high risk of flooding.
 - Respect the character of the existing settlement pattern and restrict urban sprawl.
 - Protect the character and value of important landscapes, heritage and biodiversity.
 - Ensure that new development can be served by necessary infrastructure.
 - Locate development to help support delivery of a 5-year housing land supply, as required by Government.

However, we also consider that additional locational principles should be added to the above list:

- The focus of development should be on the 1st (Main) and 2nd tier (Market) towns.
- Protect the separation of Kings Langley from its neighbours, Hemel Hempstead, Hunton / Abbots Langley / Leavesden

QUESTION 36 Locational Principles - Summary Representation and Response Sought:

Add a further locational principle:

- The focus of development should be on the 1st (Main) and 2nd tier (Market) towns;
- Protect the separation of Kings Langley from its neighbours, Hemel Hempstead, Hunton / Abbots Langley / Leavesden

QUESTION 37 – Do you agree with the rejection of the following growth distributions?

1. New settlement (town or village):

- Yes

The identification of a new settlement would require significant land take in this constrained Borough which is unlikely to be deliverable.

2. Rural growth:

- Yes

A high priority should be given to protection of the rural areas within Dacorum being in the main, Green Belt, AONB, SAC and important for the setting of the historic environment.

3. Export growth to another Council area:

- Yes

However as set out earlier in these representations, there should be greater cross-boundary co-operation with allocations to the east of Kings Langley in Three Rivers and at Gorhambury, East Hemel in St Albans contributing towards the needs of Dacorum. This is based on the strong links of these areas with Kings Langley and Hemel Hempstead respectively.

4. Use greenfield land before brownfield land:

- Yes

The identification and allocation of brownfield land both within urban areas and previously developed land elsewhere should be prioritised over greenfield land. This fundamental principle reflects advice within the NPPF to make most efficient and effective use of available land, protection of the Green Belt and protection of the special character and constraints of the Borough.

5. Significant expansion of a large village(s):

- Yes

Option 1A: Growth should be focused on the three main towns of Hemel Hempstead, Tring and Berkhamsted.

QUESTION 37 Growth Distributions - Summary Representation and Response Sought:

The KL&RA supports the rejection of all of the above growth distributions

QUESTION 38 – Has the Council considered all reasonable alternatives for distributing growth?

- **No**

As previously highlighted, further work needs to be done to identify suitable brownfield opportunities to accommodate required development needs alongside further cross-boundary discussions through the Duty to Cooperate.

QUESTION 38 Alternatives for the Distribution of Growth - Summary Representation and Response Sought:

Further work is required to ensure that the development yield from urban sites, previously developed land and imposition of appropriate higher densities is maximised. Sites identified through preparation of a Brownfield Register (required to be in place by Christmas 2017) will also contribute to a reduction in the need to take greenfield / Green Belt land.

Further discussions under the Duty to Cooperate should be held with both Three Rivers and St Albans District Councils in the allocation and delivery of development on the boundary between these authorities.

QUESTION 39 – Is Option 1A your preferred option for delivering the growth needs of the Borough?

- Yes

The following comments are made:

- It is noted that no decision has yet been made regarding potential site allocations to make up each growth option. This is to be undertaken following views from this consultation and further discussion with landowners and infrastructure providers have taken place.
- None of the options assume any of the housing from Gorhambury, East Hemel or, presumably east of Kings Langley in Three Rivers District. It is noted that this situation is to be kept under review and discussions on these cross-boundary matters will continue. However, we consider that greater reference should be made to the contribution that these cross-boundary opportunities could make towards meeting the needs of the Borough without use of Green Belt land.
- Option 1A with focus on the three main towns is preferred as it spreads the development more evenly than just focussing on Hemel Hempstead thus making more effective use of the available facilities, services and infrastructure across the three main towns and limiting the impact of the outward expansion of Hemel Hempstead on surrounding villages.
- There is no need for additional employment allocations for the level of growth within Option 1. Therefore, there would be no need to set aside any land for employment to the south of Kings Langley, as ‘safeguarded land’ post 2036. If such land is required post 2036, the appropriate level will need to be fully assessed through the next Local Plan review.
- Option 1C is flawed as it does not make most effective use of the available facilities, services and infrastructure at the three main towns, nor protect the rural areas around the larger and smaller villages from encroachment and urban sprawl.

QUESTION 39 Preferred Option - Summary Representation and Response Sought:

Greater reference should be made to the contribution that cross-boundary opportunities in St Albans and Three Rivers Districts could make towards meeting the needs of the Borough without use of Green Belt land.

Reference to the safeguarding of land for employment use south of 2036 should be deleted as this would more appropriately be assessed in the next Local Plan review.

Question 46 – Do you have any feedback on any of the sites contained in the draft schedule of Site Appraisals or Sustainability Appraisal working note which accompanies it?

- Yes

HH-h3 Land at Shendish, London Road capacity for 900 homes

This site is highly constrained and should be reviewed as the development is likely to cause material harm to the surrounding environment and heritage assets.

Green Belt and Green Gap loss.

The proposal would see the gap between Hemel Hempstead and Rucklers Lane entirely closed and the gap between historic Kings Langley would be adversely narrowed.

Rucklers Lane was built for workers on the nearby Shendish Manor estate. This area has a unique character with several mock Tudor houses. The area has few services but does have a community hall. The character of this area is rural with open space on either side of Rucklers Lane. The Stage 2 Green Belt Review concluded that this area of Green Belt only contributes to two out of the five Green Belt purposes. In the Green Belt Purposes Assessment Green Belt parcel GB14b was rated as having only a partial effect in preventing neighbouring towns from merging. The assessment states that: *'Any small-scale reduction in the gap would be unlikely to compromise the physical separation of 1st tier settlements but would reduce overall levels of visual openness.'* The assessment should have also considered the 2nd and 3rd settlements where there would be a significant effect on Rucklers Lane and Kings Langley merging into Hemel Hempstead.

Valued Landscape

The land at Shendish is a valued landscape well used by walkers and local people, and appreciated for the separation it provides between Kings Langley village from Hemel Hempstead.

Harm to the Historic Environment

The development of this site would have a significant effect on Apsley Manor Farmhouse and Shendish Manor even though these buildings are excluded from the identified development site. Both buildings are Grade II listed and the surroundings are part of their character. Shendish Manor is also a locally Registered Park and Garden. This site adjoins the listed curtilage and if brought forward for development would significantly impact on the Zone of Visual Influence. Dacorum's Schedule of Site Appraisals has not gone into enough detail on how these heritage assets will be affected by the proposed allocation and further development. Before this allocation is made it should be assessed against guidance set out in 'The setting of Heritage Assets - Historic Environment Good Practice Advice' in Planning Note 3.

Poor Access

The access to the site is currently very poor. It has been suggested that direct access onto London Road would be used plus a potentially new access from Rucklers Lane. Currently both these roads are very narrow and of poor quality. The level and impact of required improvement to the roads would need further scrutiny. The large-scale nature of this site means that if it were to be brought forward for development it would exert significant pressure on the local highway network. An assessment of potential access options should be undertaken before any further development is

considered in this location to establish the impact of additional traffic on the capacity of the local highway and on the local environment.

The site also lies within an area of potential Archaeological significance.

Ecology

Within the Schedule of Site Appraisals, it states that the ecological value is “to be confirmed”. An Ecology Appraisal should be carried out before further consideration is given to the site’s allocation to check whether there are any significant ecological factors likely to be affected. The site has extensive tree coverage which are protected by a Tree Protection Order. An arboriculture assessment should be carried out to assess the trees. This should be done before allocation, so an informed decision can be made about the potential harm to protected trees.

Groundwater Protection Zone

The allocation is within a Ground Water Protection Zone. Any development that takes place will have to consider measures to protect groundwater. The Precautionary Principle should be applied to determine whether this site is appropriate to be allocated and developed.

Public Right of Way

This site is constrained by three Public Right of Ways. These are:

- Kings Langley 017
- Kings Langley 018
- Kings Langley 019

KL&DRA object to the possible loss of these Public Right of Ways if the allocation is brought forwards. These Public Rights of Way are regularly used, and it would be harmful to the community if they were lost.

Dacorum Borough Local Plan 1991 – 2011 (Adopted 2004) – Inspector’s Report – August 2002

Green Belt Policy was last reviewed at the Inquiry into the Dacorum Borough Local Plan 1991-2011 and his conclusions set out in the Inspector’s report, August 2002. Of particular note, the matter of whether land at Shendish should be released from the Green Belt was considered. The Inspector concluded at paragraph 4.34.14 that:

“In my view, the substantial damage that would be caused to the form and function of the Green Belt and the visual intrusion into the attractive open landscape on the southern valley side would more than outweigh any positive sustainability benefits that would be achieved through development of this site. For this reason, I do not consider that the site is a sustainable location for housing. I am not satisfied therefore that it would be a better housing location than any of the sites proposed in the Plan. Accordingly, I find that the circumstances are not sufficiently exceptional to warrant its release from the Green Belt. I recommend that no modification should be made to the Plan in response to objection 4807.”

Furthermore, Shendish was also reviewed by the Inspector as an alternative housing allocation. In paragraph 7.59.45 that:

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“I conclude that although the site would be well served by other modes of transport and well located in respect of most facilities and services it would not be sustainable overall because of the impact on the Green Belt and the setting of Shendish Manor. I find that it would set a precedent for further development to the south of the railway line and would have a damaging visual impact on the landscape of the Gade Valley. It would also significantly detract from the historical setting of Shendish Manor and diminish the recreational value of the footpaths that pass through the site. It could also cause problems of congestion on London Road. I accept that the existing infrastructure could be expanded to accommodate the development and that it would bring some benefits, but I am not satisfied that these would outweigh the harm I believe it would cause. Consequently, I am not persuaded that the land at Shendish would be a preferable location for housing. Accordingly, I recommend that no modification should be made to the Plan in response to these objections.”

The situation surrounding either the site or local context have not materially changed since the Inspector’s report such that a change to his overall conclusion should be made. There would be:

- Substantial damage to the form and function of the Green Belt in this location;
- A damaging visual intrusion into the attractive open landscape on the Gade Valley;
- It would significantly detract from the setting of Shendish manor;
- It would diminish the recreational value of the footpaths that pass through the site;
- It would cause problems of congestion on London Road and whilst improvements to the existing infrastructure could be made, these would not outweigh the harm it would cause as listed above;
- The site cannot be considered sustainable because harm would outweigh any positive sustainability benefits that would be achieved through development of the site;
- The circumstances are not sufficiently exceptional to warrant its release from the Green Belt.

QUESTION 46 HH-h3 Land at Shendish, London Road - Summary Representation and Response

Sought:

Site HH-h3 Land at Shendish, London Road, is inappropriate for development for the reasons set out above.

KL-h1 Land at Hill Farm, Love Lane

Green Belt and greenfield land

Development of this site would lead to the substantial loss of greenfield land and land within the Green Belt. Land around Hill Farm adjoins Kings Langley School and offers a special local character valuable to the local community.

The site is located within Green Belt Parcel GB14B. The Green Belt is important to the protection of Kings Langley historical character and wider landscape setting. If this site was to come forward, then the site would have to be released from the Green Belt. Local authorities should only amend Green Belt boundaries when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including:

- making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
- the potential offered by land which is currently underused, including surplus public-sector land where appropriate;
- optimising the proposed density of development; and
- exploring whether other authorities can help to meet some of the identified development requirement.

Dacorum Borough Council has not explored the above options and therefore this greenfield site should not be released or allocated.

Infrastructure capacity

The transport infrastructure is at full capacity by KL&DRA and the potential development of this site would exacerbate this. The area is already very congested. The Schedule of Site Appraisals confirms that the impact on capacity of the local road network will need to be robustly assessed in terms of highway capacity, highway safety and safe routes to school. This should be completed before allocation of this site is considered, including a safety audit. In addition, KL&DRA disagree with the suggested access to the high street as there is already significant traffic issues on Langley Hill, Vicarage Lane, Common Lane and Coniston Road which lead down to the A4251. There needs to be careful consideration of transport issues in relation to this potential allocation site.

This site is located very close to three schools and is extremely busy at drop off and collection times. Hundreds of children use the very busy roads around the Hill Farm site to walk to school and any further increase in traffic could pose a serious risk to pedestrian safety at these busy times of day

Historic environment

This allocation will have an adverse impact on the Kings Langley Conservation Area and its surrounding setting. The allocation will also have an adverse impact on the listed buildings and their setting. Historical constraints are likely to have an impact on this allocation and future development. A historical appraisal of the site should be carried out in accordance with 'The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3' prepared by Historic England before any decision is made on allocation of this site.

Ecology

It is stated within the Schedule that Ecology is to be confirmed. Ecology is likely to be an important factor in deciding whether this site should be allocated. The site is a greenfield site and therefore it is highly likely that there will be Ecological value to the site. A Desktop Study using MAGIC revealed there is likely to be these species on site:

- Lapwing
- Turtle Dove

As well as the above species, the site is designated a Source Protection Zone. An ecology appraisal should be carried out before a decision is made on allocation. This will reveal the scope for ecology on site.

QUESTION 46 KL-h1 Land at Hill Farm, Love Lane - Summary Representation and Response

Sought:

Site KL-h1 Land at Hill Farm, Love lane is inappropriate for development.

KL-h2 Land at Rectory Farm, Hempstead Road

The site at Rectory Farm consists of approximately 20 acres of farming land, including just over one acre of dilapidated farm buildings, located on the north side of Kings Langley. Access is via Gade Valley Close, which runs along the southern border. To the west the farm is bordered by Hempstead Road (A4251), and the Grand Union Canal runs along the eastern border. To the north are pitches owned by Kings Langley Football Club.

Since 2014, Transition in Kings (TiK) has engaged local volunteers in producing vegetables for sale at the monthly Kings Langley Market. On a very small scale, this effort demonstrates the potential for a much larger and more efficient food producing business at Rectory Farm, possibly based on “pick-your-own” fruit and vegetables together with modern systems for producing year-round fresh vegetables.

In addition, the Sunnyside Rural Trust at Hemel Hempstead has a track record of developing the life skills of people with learning disabilities through engaging in horticultural activities. By leasing 5-10 acres at Rectory Farm, the Trust would be able to expand their valuable community work in Kings Langley.

Taking into consideration the need to make most effective use of available previously developed land, and the former and current uses of this site, it is considered that most effective use could be made of the brownfield element through redevelopment for housing, thus contributing towards the Borough’s housing needs. However, this forms only a small part of the larger Rectory Farm site which is used for agricultural purposes and allotments by the community. This element should be retained in open uses which are entirely appropriate to the Green Belt. Retention of the greenfield part of the site would also be significantly enhanced for community benefit through its identification as a strategic open space set aside for recreational use and creation of a riverside footpath. Contributions to facilitate these enhancements should be linked to any redevelopment of the brownfield element of Rectory Farm, set out as requirements through policy criteria.

Ecology

The land adjacent to the Grand Union Canal provides a rare undisturbed wildlife corridor approximately 0.5 km in length, supporting a variety of water birds including a kingfisher, herons, egrets, and more common moorhens, ducks and swans. A full wildlife audit should be undertaken to ensure there is no adverse impact on the habitats for these species. With carefully built access routes this area could provide invaluable resources for school nature studies and wildlife observation. Some trees on Rectory Farm have Tree Protection Orders.

Dacorum Borough Local Plan 1991 – 2011 (Adopted 2004) – Inspector’s Report – August 2002

Rectory Farm was also considered in the 2002 Local Plan Inspector’s report. The Council had previously allocated the land as a reserved housing site. However, through the Inquiry it was

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acknowledged that there was no longer any need for the land at Rectory Farm to be allocated or released for housing. The inspector concluded that:

“In reaching this conclusion, I have taken account of the fact that Rectory Farm would be well located in terms of its accessibility to local bus routes, schools and shops in the village centre. However, in the light of its impact on the Green Belt, on the character of the area and on the capacity of the local infrastructure I am not satisfied that it would constitute a more sustainable location for housing than any of the other greenfield housing proposal sites.”

It has long been acknowledged therefore, that the greenfield land at Rectory Farm makes a significant contribution to the Green Belt and should be protected as such.

The situation surrounding either the site or local context has not materially changed since the Inspector’s report such that a change to his overall conclusion should be made. There would be an unacceptable impact on:

- The character of the area;
- The capacity of the local infrastructure.; and
- This area of the Green Belt.

Notwithstanding the above, it is recognised that the brownfield element of land at Rectory Farm does not have a positive impact on the Green Belt and could contribute towards the housing requirements of the Borough. Subject to limitation to the previously developed area, it is therefore accepted that the brownfield footprint of the site could be allocated for residential development. This would protect the greenfield element and minimise the impact on the Green Belt.

QUESTION 46 KL-h2 Land at Rectory Farm, Hempstead Road Summary Representation and Response Sought:

Site KL-h2 Land at Rectory Farm, Hempstead Road is inappropriate for development other than redevelopment of the brownfield footprint, for the reasons set out above. Any redevelopment of the brownfield footprint of Rectory Farm should be accompanied by appropriate criteria including the requirement for contributions for the enhancement of the residual green infrastructure for recreational use and creation of a riverside footpath.

KL-h3 Wayside Farm

Green Belt

The site is located within Green Belt Parcel GB14B. The Green Belt is important to the protection of Kings Langley historical character and wider landscape setting. If this site was to come forwards, then the site would have to be released from the Green Belt. For this to happen authorities should only amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including:

- making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;

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- the potential offered by land which is currently underused, including surplus public-sector land where appropriate;
- optimising the proposed density of development; and
- exploring whether other authorities can help to meet some of the identified development requirement.

Dacorum Borough Council has not explored the above options and therefore this greenfield / Green Belt site should not be released or allocated.

Valued Landscape

Wayside is a valued landscape that separates Kings Langley village from the M25 and A41.

Historic Environment

There are two designated areas of Archaeological Significance. One is north to the rear of Langley Hill and one to the east of Watford Road. Each of these areas contains a Scheduled Ancient Monument.

Wayside Farm has historical significance. The top of the farm near to Rudolph Steiner School was once the location of Queen Eleanor's 13th century Palace.

Historical constraints are likely to have an impact on this allocation and future development. A historical appraisal, if the site should be carried, should be carried out in accordance with The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3 by Historical England before any decision is made on allocation of this site.

Flood Zone 3

The Eastern edge of the smaller south-eastern parcel falls within Flood Zone 3. A Sequential Test should be carried out on this site as part of the site is in Flood Zone 3. A Sequential Test will provide an explanation of why this specific site has been chosen above other more suitable sites. Currently there is brownfield land within Kings Langley which could be more suitable for development.

Ecology

It is stated within the Schedule that ecology is to be confirmed. Ecology is likely to be an important factor in deciding whether this site should be allocated. The site is a greenfield site and therefore it is highly likely that there will be ecological value on the site. A Desktop Study using MAGIC revealed there is likely to be these species on site:

- Arable and Greenland Assemblage Farmland Birds
- Lapwing
- Tree Sparrow
- Turtle Dove
- Yellow Wagtail

As well as the above species, the site is designated a Woodland Priority Habitat Network. This is configuration of habitat that allows species to move and disperse through a landscape. If this site is

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allocated, then the Woodland Priority Habitat Network will be disturbed, and this will have a harmful impact on the local Ecology. An ecology appraisal should be carried out before a decision is made on allocation.

Inefficient land use

There is a lack of justification for building additional office space in Dacorum due to the number of vacant or under-used offices such as Maylands Industrial Estate in Hemel Hempstead. It is felt that office use on the Wayside Farm site would not be an efficient use of this land and therefore the site should not be allocated.

Public Right of Way

This site is constrained by three Public Right of Ways. These are

- Kings Langley 005
- Kings Langley 007
- Kings Langley 008

KL&DRA object to the possible loss of these Public Right of Ways if the allocation is brought forwards. These Public Rights of Way are regularly used, and it would be harmful to the community if they were lost.

QUESTION 46 KL-h3 Wayside Farm Summary Representation and Response Sought:

Site KL-h3 Land to the east of A41 and Wayside Farm, Watford Road is inappropriate for development.

Other Potential for developing brownfield land in preference to greenfield and Green Belt sites

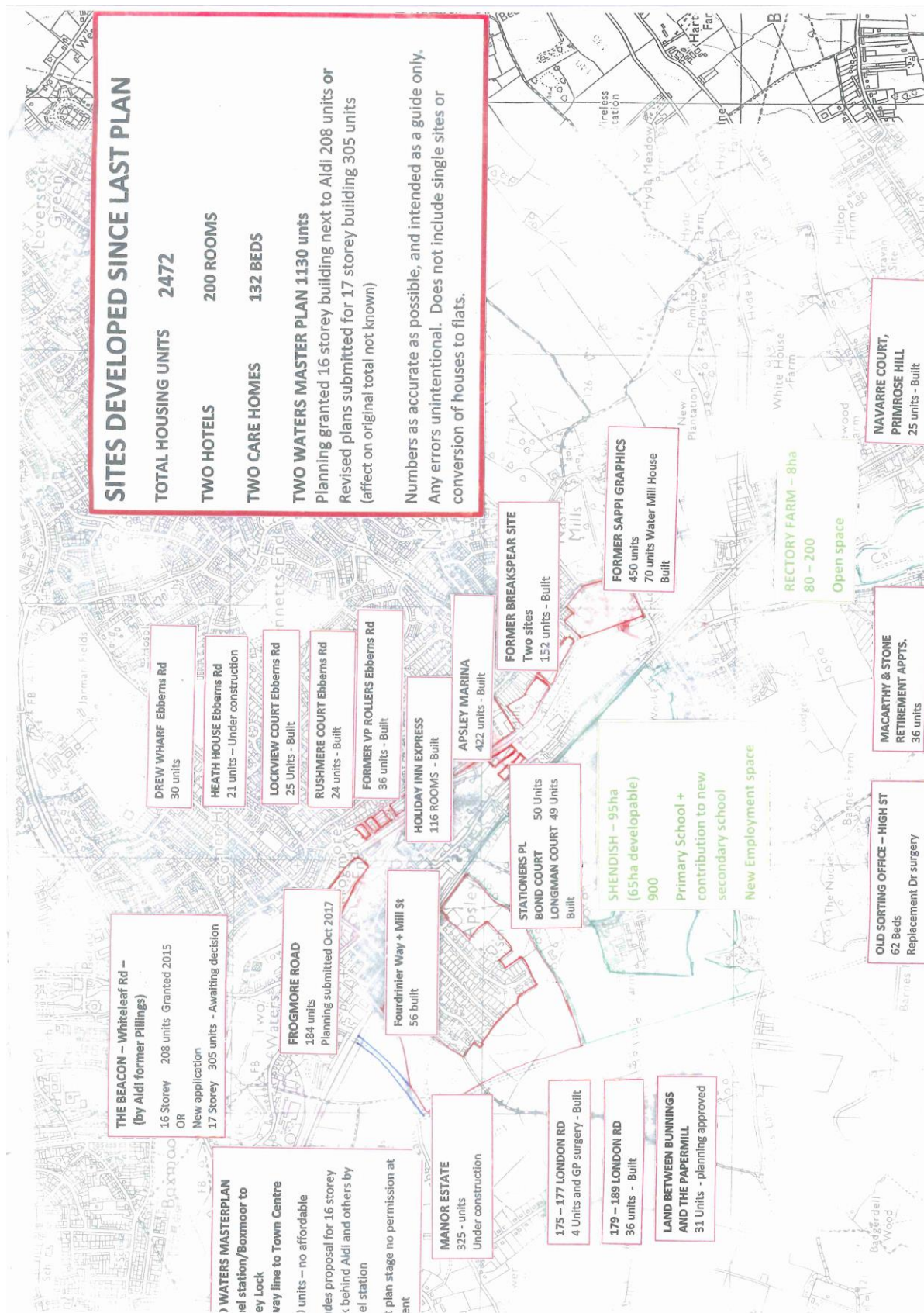
As referenced above, it is not considered that sufficient work has been undertaken to demonstrate that the contribution to delivering the Borough's housing needs cannot be carried out on brownfield land whether within the existing urban fabric or on previously developed land within the Green Belt. A simple exercise undertaken for Kings Langley and surrounding areas indicates 33 potential sites (see response to question 11) which would be more appropriate for development than the release of Green Belt land. These sites have an indicative potential yield significantly more than the level of development required under Option 1A.

A more in-depth appraisal is likely to identify further sites not only in Kings Langley but also across the Borough, thus reducing the need for Green Belt releases. No further consideration of Green Belt releases should be made until a robust appraisal of all previously developed land has been undertaken across the Borough.

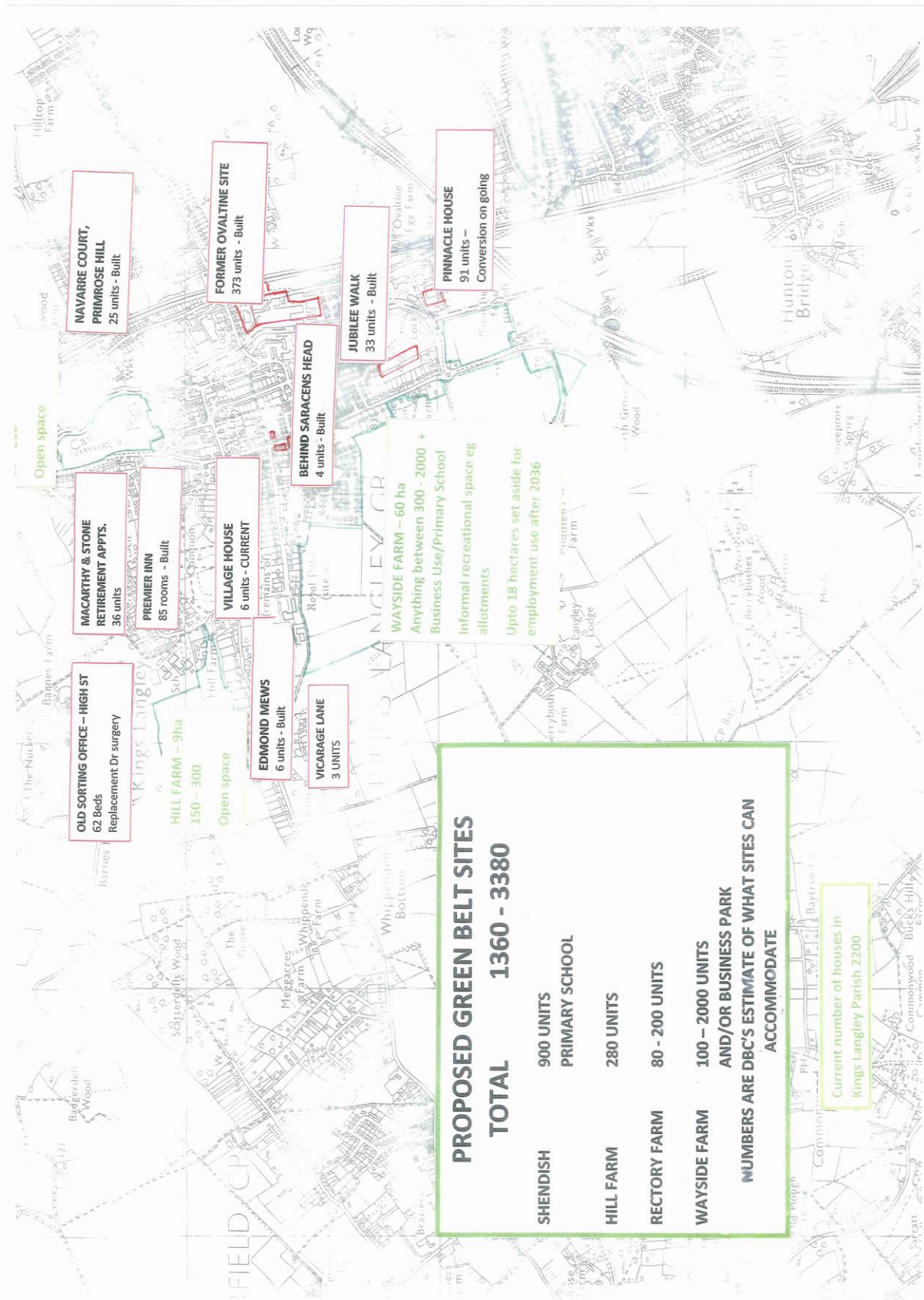
QUESTION 46 Alternative Potential Brownfield Sites - Summary Representation and Response Sought:

Further work is required to identify potential brownfield sites before further consideration is given to the release of any land for development within the Green Belt.

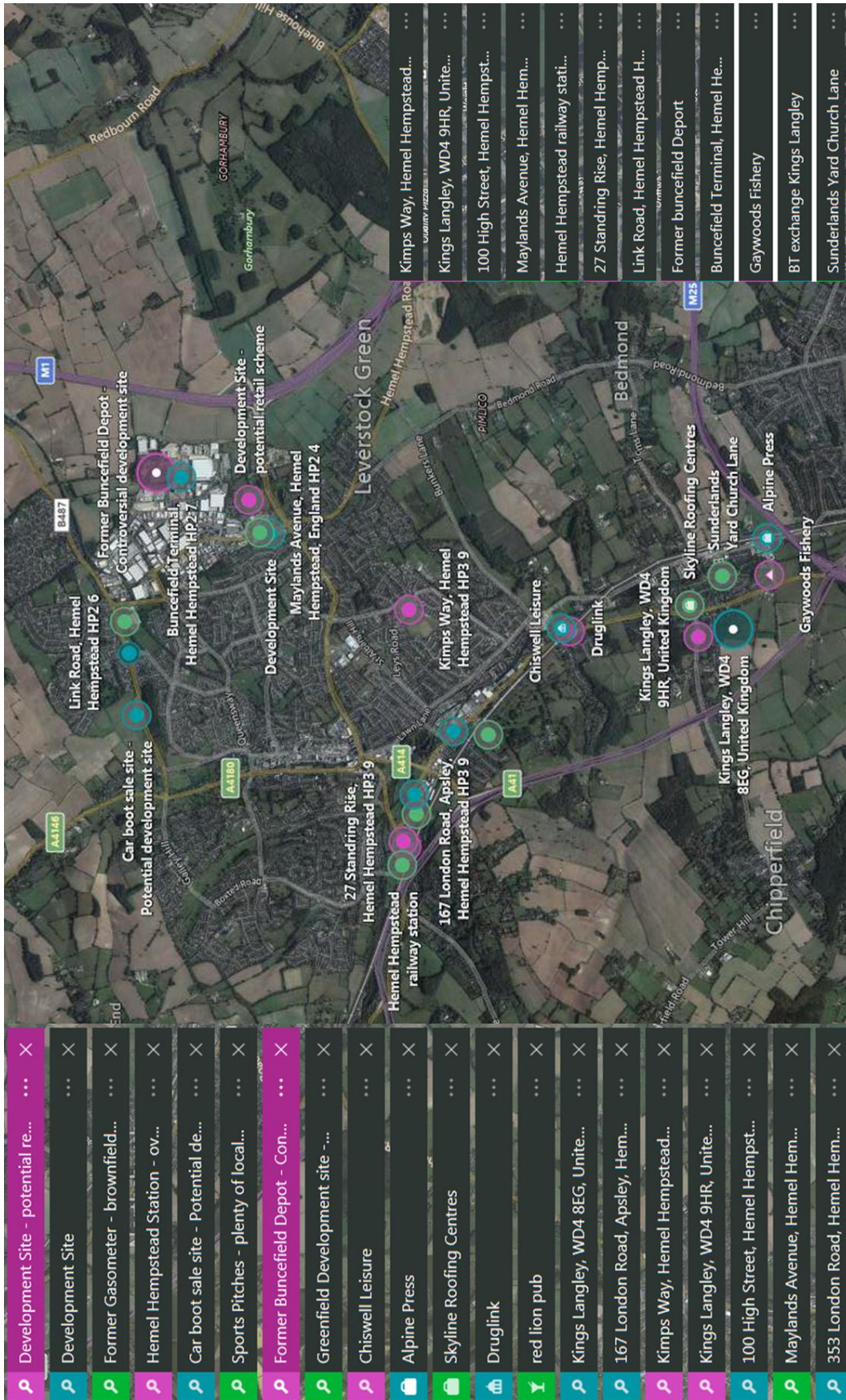
APPENDIX A - Sites Developed or with Planning Permission since the Last Local Plan



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APPENDIX B - Plan Illustrating the Location of Identified Brownfield Sites within Kings Langley and Hemel Hempstead



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APPENDIX C – Proposed Strategic Gap to the North and South of Kings Langley

Proposed Strategic Gap to the North and South of Kings Langley





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