



Contact: Matt Thomson
Tel: 01844 355507
Mob: 07748 920067
Email: planning@chilternsaonb.org
Web: www.chilternsaonb.org

Chairman: Cllr Ian Reay
Vice Chairman: Ray Payne
Chief Officer: Dr Elaine King

By email only to responses@dacorum.gov.uk

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**Dacorum Local Plan Emerging Strategy for Growth (2020-2038) consultation
Response from the Chilterns Conservation Board**

The Chilterns Conservation Board (CCB) is grateful to be consulted on the Dacorum Borough Council's new local plan throughout its inception and the current consultation draft.

Our response, which begins on the following page, starts with an overall summary of our position on the draft local plan, and then gives more detail with regard to particular sections, policies and proposals (referenced and in plan order). Each element indicates whether our statement is in support, objection or as a comment. We did not find either the online portal or the downloadable pro forma to be conducive to an effective response, and we trust that this will be acceptable.

There is much to be commended about the plan, but we also have serious reservations. We are, however, strongly supportive of the council taking steps to continue progressing with consultation on the plan in these difficult times. It is essential to have an up-to-date plan in place at all times for the sustainable management of development in an area with such a potent combination of development pressures, regeneration aspirations and a sensitive environment. The council is to be commended for the steps it has taken to give stakeholders as much of an opportunity to comment on the current proposals as it can under the current circumstances.

Further information about the Board and its role is appended at the end of this document.

CCB is grateful for the opportunity to comment and looks forward to continuing engagement with members and officers on the plan as it progresses to the publication stage.

Yours sincerely

A handwritten signature in black ink, appearing to read "M Thomson".

Dr Matt Thomson MRTPI AoU
Planner, Chilterns Conservation Board

Background and summary

This section **comments** on the draft local plan as a whole.

The Chilterns Conservation Board (CCB) is grateful to Dacorum Borough Council's (DBC) officers and members for the seriousness with which they have approached the conservation and enhancement of the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB). The CCB has been engaged as if it was a specific consultation body (or statutory consultee), which is an approach that is most welcome and could usefully be emulated by other LPAs.

Dacorum Borough covers a relatively small area of the AONB in comparison with some other districts, and the AONB covers a significant minority of borough's area. Nonetheless, the shape of the borough boundary is such that it has a much wider influence on the AONB and its setting. Furthermore, much more of the borough's landscape is of a sufficiently high and undamaged character, sharing many of the characteristics of the AONB, that it could be designated as part of the AONB, or even as part of a National Park anticipated in the *Landscapes Review* (the "Glover Report").

The borough also includes or adjoins some of the most attractive, popular and sensitive of the Chilterns' assets, including the Chilterns Beechwoods SAC at Ashridge and Tring Park, the Grand Union Canal, and three of the area's nine ecologically unique chalk streams (the Ver, Gade and Bulbourne) and the catchment of a fourth (the Chess).

Support for the principle of the local plan's approach to the Chilterns

The CCB's officers have taken a cautiously positive approach to the development of the draft Local Plan. In particular, as will be developed in our detailed responses to the plan's proposals below, we particularly welcome:

- The (implicit) direction of growth to areas outside of the designated AONB.
- The inclusion, and enhancement, of the CCB's "model policy" as part of policy DM27.
- The frequent (but not comprehensive) references to the AONB in general, and in particular to compliance with the Chilterns AONB Management Plan 2019-24, the Chilterns Buildings Design Guide and other CCB position statements and technical advice.
- The attention paid to air and water quality, and particularly to the protection and enhancement of the area's chalk streams.
- The attention paid in principle to the sensitivity of the Chilterns Beechwoods Special Area of Conservation.

Specific support will be expressed below in relation to relevant policies and proposals.

Concern about the overall aspiration for growth and some development areas.

In the context of all of the above, and seeing the draft local plan come together as a whole, we do now have concerns as to whether the scale of growth currently proposed can be made to be consistent with the plan's objectives for the conservation and enhancement of the Chilterns AONB, the Chilterns Beechwoods SAC and the health of the area's chalk streams.

We have grave concerns about the potential impacts of some specific development proposals, particularly those that narrow or remove the open buffer between existing built-up areas and the AONB. Indeed, a glance at the draft "proposals map" reveals that the vast majority of new greenfield development has been located in the setting of the AONB, close to the SACs and/or on the sides of the valleys of the chalk streams. We find this pattern of development unacceptable and consider that it is not consistent with the plan's objectives, with government policy in the NPPF or with the council's duty under section 85 of the Countryside and Rights of Way Act 2000.

DBC's focus on planning to meet its identified housing needs in full will no doubt be welcomed and supported by the Secretary of State for Housing, Communities and Local Government, through a planning inspector's consideration of the future public examination. The plan clearly intends to deliver on the government's objective of "significantly boosting the supply of homes" (NPPF, 2019, para 59). However, this objective is only one among a range of national policy objectives that the NPPF seeks, many of which are directly countered by the local plan as currently drafted. As such, we consider that the plan is not currently sound.

Ultimately, it is notable that in the context of DBC's explicit recognition of the sensitivity of the Borough's environment (e.g. in sections 2, 3, 17, 18 and 19), as well as the acknowledged global climate emergency and biodiversity crisis, the draft local plan proposes to meet identified development needs in full. This conflicts with the NPPF's flagship "presumption in favour of sustainable development" policy which requires that development needs should not be met in full (or exceeded) where "the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area". Footnote 6 to that policy explains that the said policies that provide the required "strong reason" to restrict development include Green Belts and AONBs (which between them cover almost all of Dacorum Borough), as well as SACs.

The plan's vision and sustainable development strategy do not make a sufficient case for setting aside the "strong reason" provided by these (and other) policies that protect these (or other) areas or assets of particular importance. It must be emphasised that the onus is on the council to clearly demonstrate why these policies that provide a strong reason to restrict development should be set aside.

Harmful impacts on the AONB and SACs are not discussed in the "vision" and "sustainable development strategy" sections of the draft plan, and the assumption seems to be that these will be resolved or "mitigated" through the area- or site-specific policies and proposals. However, those policies, and the assessments including sustainability appraisal that support them, are predicated on the assumed level of development being a given. The plan assumes that the harm arising from the proposed level of development may be mitigated, when it arguably should have been avoided in the first place by reducing the scale of development proposed, in line with para 11(b) of the NPPF in the context of Green Belt, AONB and habitats policies.

Green Belt as a buffer for the AONB and means of managing development in its setting
Nowhere are the shortcomings in this respect of the draft local plan more clear than in the justification (insofar as it is made in the plan itself) for the release of land from the Green Belt.

This is of importance to the CCB because the Green Belt, especially around Tring, Berkhamsted and the north of Hemel Hempstead, fulfils part of its defined purpose of "safeguarding the countryside from encroachment" by providing a permanent and substantial open buffer between built-up areas and the designated AONB, as well as sensitive habitats such as the Chilterns Beechwoods SAC. The Green Belt here also serves as a key means of managing the setting of the AONB as part of protecting its natural beauty and providing space within which that beauty may be enhanced through landscape restoration. Releasing land from the Green Belt in these locations requires rigorous justification, and the "exceptional circumstances" demonstrated surely must, explicitly, take account of issues regarding the setting of the AONB, as well as impacts arising from those developments on the AONB itself, such as visitor management, air quality and light pollution.

It is not evident from either the local plan or the "Green Belt and Rural Area" topic paper that this matter has been considered properly by the council. The supporting text to the Green Belt policy (SP11) at paragraph 19.6 of the draft local plan refers the reader to the "Sustainable Development Strategy" section for the demonstration that "exceptional circumstances" apply to release land from the Green Belt. That section runs to some 28 pages and contains no obvious rationale for Green Belt

release. The main justification for “exceptional circumstances” to release *any* land from the Green Belt in the local plan appears to be that there is a need for development that cannot be met elsewhere (either within the Borough or in a neighbouring authority), e.g. at paras 5.3 and 8.20. It may be inferred from reading this section (and the topic paper) that the over-riding issue, beyond estimates of need and aspirations for growth (which should, under NPPF para 11(b), be outweighed by the policies that provide a “strong reason” for development restraint), is the sustainable “transformation and regeneration of Hemel Hempstead and renewal of its New Town infrastructure” (para 5.3). This is a laudable objective, but is hard to see how this necessarily justifies significant releases of Green Belt at Tring or Berkhamsted. This objective may justify the release of Green Belt land around Hemel Hempstead, but not necessarily to determine that the main focus for development should be in the setting of the AONB: preferable alternatives are available.

NPPF para 11(b) clearly allows for LPAs to plan for less than their identified need where Green Belt and AONB (or other policies) apply, and case law – as ably summarised in the topic paper – implies that there needs to be a combination of circumstances beyond simply a need for development or aspiration for growth, before Green Belt should be released. Such a justification should, in effect, relate to the proper sustainable development of the whole area, rationally considering alternatives, and taking account of the contribution each location makes to the purposes of Green Belt designation: even if exceptional circumstances apply in general, they must be demonstrated for each type of development in each location.

The draft local plan, however, appears to take the view simply that there would be an unmet need for development if no Green Belt land was released, and therefore sufficient Green Belt must be released to meet all identified needs (plus an extra allowance of “safeguarded land” for unspecified future development needs). This is exacerbated by an unfounded assumption in the topic paper (para 8.22) that the Borough is required to meet all of its identified needs for development if there are “no suitable options available for distributing growth to neighbouring authorities” – this is not the correct interpretation of NPPF para 11(b) nor the PPG guidance. The latter states that “If following this [process], needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination” (Paragraph: 025 Reference ID: 3-025-20190722) – the “reasons why” in Dacorum Borough are clearly set out in NPPF para 11(b) and footnote 6. Hence, the plan’s insistence on meeting its identified need in full by releasing land from the Green Belt in the setting of the Chilterns AONB renders the plan as a whole unsound.

This does not mean to say that some development involving release of land from the Green Belt or impacting upon the AONB or its setting could not be justified, but that this must be related to the specific development needs of each policy sub-area in the local plan and to the character of each site and the reasons for its designation. None of this reasoning is apparent in the draft local plan.

The outcome of the draft local plan’s flawed approach to its Green Belt releases is that significant greenfield development is proposed adjacent to and elsewhere in the setting of the AONB, including within the zone of influence of the Chilterns Beechwoods SAC. Our particular concerns will be set out in relation to each relevant proposal. A general point, notwithstanding the acceptance of each proposal in principle, is that the draft local plan proposes in each case to release the whole of each identified site from the Green Belt. We would argue that

- a) there is often a clear need for a significant landscape buffer on the proposed sites, and we consider that the location and extent of this would better be determined in the local plan and retained as Green Belt (as appears to have been the case for the “safeguarded land” north of Hemel Hempstead – although whether this buffer is sufficient is open to debate), and
- b) the principle and extent of some of these proposals are yet to be determined, with regard especially to impacts on the SAC, and we consider that, again, these sites should be retained in the Green Belt pending that determination.

Overarching vision for Dacorum’s growth

We **object** to parts of the vision as expressed on pp.22-24.

The overarching vision is rightly a political (small “p”) expression of the aspirations held by the community as expressed by the council. The CCB has no reason to dispute the aspirations themselves or the principles behind them. The vision is felt to represent a positive and locally distinctive set of aspirations for Dacorum, recognising the character and function of different areas of the Borough.

We are pleased with the statement that “The natural beauty of the Chiltern Hills and the varied character of the countryside will have been enhanced, and continued to be admired and cherished”, and the emphasis on enhancement is particularly to be welcomed, as are the aspirations for woodland, streams and the historic environment, both inside and outside of the designated AONB.

Chilterns Beechwoods SAC

It is a shame, however, that the same aspiration for enhancement of these environmental assets is not applied to the area’s most sensitive habitat, and we are extremely disappointed that the only aspiration for the Chilterns Beechwoods SAC is that the impacts of growth on these internationally recognised habitats will be “effectively mitigated”.

The CCB **objects** to this wording (last sentence of the second paragraph under “Environmental Sustainability”). To “mitigate” is something is merely to make it *less harsh*, and this aspiration in effect says that the SAC will not be as badly destroyed as it might have been. A spatial vision should be aspirational, representing the best realistic outcome anticipated by the community. Rather than setting a bar for the SAC as low as “not as much harm as it could have been” the vision should surely anticipate that “the Chilterns Beechwood SAC is a thriving habitat that is in a better condition than when it was designated, with nearby areas actively being restored to the same high environmental standard”.

Vision for Dacorum’s places

The (separate) “Vision for Dacorum’s places” is also disappointing in that, while it gives an excellent account of the distinctive aspirations for the Borough’s three principal settlements, the vision for “the countryside and other small villages” is very weak: such areas are about more than just being protected while allowing a little farm diversification.

This section could be improved through:

- reference to different aspirations for the AONB and the Green Belt areas (e.g. as expressed in the relevant chapters of the plan as well as in other parts of the vision);
- recognising the range of functions that are important in terms of e.g. food production, tourism and natural capital, as well as contributing to the area’s prosperity and the well-being of its citizens;
- ascribing an economic role to the smaller villages, none of which are merely dormitories or retirement homes for the other towns.

CCB’s officers would be willing to assist with developing this part of the vision.

Strategic Objectives

Object. (pp.25-26)

For the most part the objectives appear to be consistent with achieving the Vision and are reasonable in themselves. They contain specific objectives (e.g. under the natural environment heading) consistent with the conservation and enhancement of the natural beauty of the Chilterns AONB.

However, we draw attention to the first objective (to “deliver the identified housing requirement between 2020 and 2038”) and emphasise that in this context, the “identified housing requirement” must refer to the requirement identified as representing sustainable development for the Borough, and not to the (separate) centrally-determined assessment of local housing need from which the requirement is derived.

It might be more appropriate to express this objective in terms of delivering housing sufficient to meet the needs of the Borough’s citizens, plus a level of growth to support economic regeneration that is consistent with other objectives of the local plan. This would be more consistent with other objectives for promoting development, such as those under the “vibrant economy” heading, which do not specify a particular quantum of development that needs to be met. It is easy to envisage any of the economic objectives being met without necessarily conflicting with other objectives of the plan – not so with the housing objective.

Key Diagram and draft Proposals Map

Comment. (p.29 and separate document)

The key diagram is very helpful, and we welcome the fact that it shows the plan’s key proposals in the context of the AONB beyond the borough boundaries.

While the key diagram shows the extent of the “Rural Area” this is not shown on the draft proposals map, despite the supporting text of the relevant policy (SP12) saying that it is. See also our comment on that policy below.

It would be helpful, given the emphasis placed on the designation in the early sections of the local plan, for the Chilterns Beechwoods SAC areas to be shown on the key diagram, and possibly the SAC’s zone of influence. Note that the relevant policy (DM31) states that the SACs and the zones of influence are shown on the proposals map, which they are not. See also our comment on that policy below.

We would also support having the borough’s chalk streams identified on the proposals map, which is not currently the case (their representation on the key diagram would be welcome, but perhaps not necessary).

Sections 5 & 6 – Spatial Strategy for Growth and Settlement Hierarchy

Object. pp.30-34, policies SP2 & SP3

There is confusion and overlap between these two sections, which amount to the same thing. However, the key problem is that both sections seek to distribute growth across the Borough before the plan has justified the need for and hence appropriate levels of growth.

The first two bullet points under paragraph 5.2 (the “key principles behind the [spatial] strategy”) do not influence the spatial distribution of development, merely the quantum of that development. The quantum of development has yet to be established, and should, from a sustainable development perspective, take account both of opportunities for development and constraints upon it. Instead, the plan simply takes its centrally-derived assessment of local housing need figure of 922 homes per annum (not revealed until p.36) and employment needs assessment (p.44) as read, and these (retrospectively) determine clause 1 of policy SP2.

The CCB **strongly objects** to the direct translation of the “standard method” figure of 922 homes per annum into the local plan housing requirement for Dacorum, in this case represented in policy SP2(1). The NPPF’s flagship “presumption in favour of sustainable development” policy states that LPAs are not required to meet development needs in full (or exceed them) where “the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for

restricting the overall scale, type or distribution of development in the plan area”. Footnote 6 to that policy explains that the said policies that provide the required “strong reason” to restrict development include Green Belts, AONBs and SACs, all of which apply here. No strategic justification is given for setting aside the “strong reason” provided by these (and other) policies that apply in Dacorum Borough in order that the identified needs for housing and employment land should not be reduced to protect such areas or assets of particular importance.

The remainder of policy SP2 simply sets out the position, already established in the “key principles” (para 5.2), again in para 5.3, then again in paras 5.4-5.7, that most development will be in Hemel Hempstead, with quite a lot of development in Berkhamsted and Tring, a bit in Bovingdon, Kings Langley and Markyate, with limited development elsewhere. This is all repeated again in para 6.1 and policy SP3.

There is admirable encouragement for the redevelopment of brownfield sites and other forms of redevelopment within the borough’s existing built-up areas, including an emphasis on intensification. This is strongly supported, and to be commended, especially in the context of a new town like Hemel Hempstead – other, lesser, LPAs insist that there is very limited scope for such regeneration in new towns.

However, other than the opportunities for regeneration, there is very little by way of substantive justification for the spatial development strategy or settlement hierarchy, and nothing in the policies or supporting text that indicates that any account has been taken of the specific constraints applying in or around any of the areas or settlements mentioned. This is particularly concerning given that one of the “key principles” ostensibly behind the strategy was “Minimising and managing the requirement for development on Green Belt land and the impact on the Chilterns AONB and other protected sites”.

The result is that the spatial strategy *requires* significant development on greenfield sites in the setting of the Chilterns AONB, closing the open gaps between existing urban areas and the designated AONB, and frequently running up to the boundary itself. As a result, the CCB **strongly objects** to the spatial strategy (SP2) and settlement hierarchy (SP3) policies.

That the protection and enhancement of the natural beauty of the AONB and its setting has not been considered by the council in shaping the spatial strategy or the settlement hierarchy is evidenced from the fact that the AONB is not specifically discussed in the supporting text to either policy, or mentioned in relation to any of the locations discussed in the policies themselves. The only explicit mention is in the “key principles” (para 5.2), and the subsequent indirect assertion in para 5.5 that landscape impacts will be managed. Managing impacts of a pre-determined quantum of development is a very different proposition than “restricting the overall scale, type or distribution of development” envisaged by NPPF paragraph 11.

It might be argued that the focus of the NPPF is on restricting development only “within” the designated area of an AONB. This is, of course, a major failing of the NPPF as currently drafted. The online planning practice guidance recognises that “Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm” (paragraph: 042: 8-042-20190721) and section 85 of the Countryside and Rights of Way Act 2000 refers to “functions in relation to, or so as to affect, land in” and AONB. Furthermore, in response to the “Glover Review”, the government has now proposed to amend paragraph 172 of the NPPF so that it will read “The scale and extent of development within [National Parks and AONBs] should be limited, while any development within their settings should be sensitively located and designed to avoid adverse impacts on the designated landscapes.” Greater consideration of the setting of the AONB is clearly required in relation to the plan’s spatial strategy.

The CCB considers that the decision to meet the identified development needs in full and locate a significant proportion of the necessary greenfield development required as a result in the setting of the AONB and in already narrow gaps between the main settlements and the AONB boundary represents a failure of the council to fulfil its duty under section 85 of the Countryside and Rights of Way Act 2000 to have regard to protecting and enhancing the natural beauty of the AONB; as a result the plan is not sound.

Section 7 – Housing Strategy

Object. pp.35-40, policy SP4.

The fundamental flaw in the council's thinking about the levels of development anticipated in the draft local plan is evident from the summary of national policy given in support of the housing strategy in paragraph 7.2. CCB specifically **objects** to this paragraph. This summary omits a key element of national planning policy, in that, while the NPPF does strongly encourage LPAs to meet development needs, the NPPF paragraph referred to here (paragraph 11), explicitly notes that such needs should be met unless "the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area". Footnote 6 to that policy explains that the said policies that provide the required "strong reason" to restrict development include Green Belts, AONBs and SACs, all of which apply here.

The omission of that exception, in a borough almost entirely covered by either AONB or Green Belt, is critical, to the point of appearing to be deliberately misleading to the plan's readers.

The remainder of the housing strategy section, including table 2 and policy SP4 itself, is therefore constructed as if both the target figure of 16,900 homes, and the numbers into which that is broken down in table 2, are written in stone – even that the 16,900 figure is the result of adding up the other figures from that table, as if they were predetermined.

This impression is not helped by table 2 beginning with the (false) statement concerning the "number of homes required to be built" (my emphasis). This is again a misrepresentation of government policy. The estimate of housing need derived by the "standard method" is, explicitly "the first step in the process of deciding how many homes need to be planned for" (PPG Paragraph: 001 Reference ID: 2a-001-20190220), not a requirement in itself.

The CCB therefore **objects** to table 2.

In addition, table 2 uses different terminology from the supporting text. It would be clearer to use the categories listed in paragraph 7.6 (although some of those are ambiguous), in order to give greater clarity as to which elements are related to existing planning permissions, existing unimplemented allocations from earlier development plans (including any uplift from anticipated "increased delivery on allocated sites"), sites already identified on the council's brownfield register or through the urban capacity study, etc.

Ultimately, the key function of this analysis is to reveal how the amount of development that the plan needs to accommodate on previously unidentified sites, so it needs to be clear and robust, and demonstrate how the capacity of suitable new sites has been assessed. There is no explicit indication in this section of how the "strategic greenfield growth areas" have been identified and their capacity quantified – indeed that term is not even defined.

The only conclusion that can be drawn from this, is that the housing strategy and policy SP4 are based on a slavish adherence to the housing need estimate derived from the "standard method" and has not followed the requirement of NPPF paragraph 11(b) that this figure should be reduced in a borough

largely constrained by AONB and/or Green Belt, nor have the sites selected and the amount and distribution of development apparently been considered through a land availability assessment (although the evidence listed on p.40 refers to a “greenfield site assessment” that is not listed (by that name) on the council’s website.

The CCB therefore **objects** to policy SP4.

Section 8 – Employment Strategy

Object. pp.41-44, policy SP5.

As for the housing strategy, the employment strategy does not explicitly recognise the provision of NPPF para 11(b) that allows for plans not to meet identified needs for commercial development in full where policies of restraint apply. Paragraph 8.2 should recognise this.

This is of less concern to the CCB than the equivalent housing policy because the draft local plan tends to focus employment development either on existing underused sites or in areas of Hemel Hempstead away from the AONB. It is also important to the CCB that economic activity is supported in and around the AONB, especially if this is in sectors that are compatible with the AONB’s designation.

We do have serious concerns with regard to how commercial premises will be positively managed through the planning system in future, with national policy often offering a favourable climate for the redevelopment or conversion of commercial sites and premises to residential use, exacerbated by current national-level proposals to increase the scope for this through permitted development rights. While the current proposals are not intended to apply within AONBs, they will apply in towns and villages on the edge of such areas, and this could have a significant impact on important local economic centres like Tring and Berkhamsted, with the inevitable knock-on effect of a need for more greenfield commercial development. The CCB would welcome working with DBC on measures to reduce this risk, including article 4 directions where necessary.

Section 9 – Retail and Leisure Strategy

Object. pp.45-48, policy SP6.

CCB is concerned that this strategy focuses on town centre commercial development and does not provide a context for the consideration of retail and leisure proposals in the countryside, including within smaller villages. This overlooks the important contribution that isolated shops, including farm shops, as well as rural pubs and guest houses, as well as other small-scale commercial leisure activities can make to local economies (including supporting farm diversification) and to supporting the needs of rural residents. Such activities are of particular importance to the vitality of the Chilterns AONB.

DM1 Mix of Housing

Object.

The CCB is concerned that the policy, particularly clauses 3 and 4a, will fail to address the issue of there being a relative lack of smaller homes in rural locations. The tendency, particularly in recent years, has been for residential development on small sites in villages, and for isolated dwellings in the countryside, to provide for high-end market demand; only rural exceptions sites seem to provide smaller homes, and those are usually for affordable rented properties. Many housing needs in smaller rural communities, which arise from newly forming households, or from older residents seeking to downsize, could be met by the provision of a small number of smaller (1-2 bedroom) homes on the sorts of infill plots that frequently provide a single detached executive home. We consider that this policy should express a preference for a higher proportion of small market homes on sites where housing development is acceptable in principle, including in the AONB and its setting.

DM2, DM3, DM4 Affordable and agricultural workers' housing

Support.

The CCB strongly supports the three policies relating to affordable, rural exceptions and agricultural workers' dwellings. These policies are essential for creating and maintaining homes that people who need to live in the countryside (including the AONB) can afford to live in.

As an observation, we find that clause 3 of policy DM3, relating to entry-level exceptions sites, is unclear. We understand that this is intended to restrict such proposals to Long Marston and Wilstone. If this is the case, then the reference to the "Rural Area" is superfluous, and gives the impression that proposals in other parts of the Rural Area would be acceptable, including those in the AONB, where the NPPF's entry-level exceptions sites policy should not apply. We recommend deleting the reference to the Rural Area. (See also our objection to the Rural Area policy SP12.)

DM5 Conversions and changes of use to housing

Object.

The CCB would welcome a reference in this policy to encourage redevelopment rather than conversion in circumstances where the existing building is considered not to conform with the identified character of an area. We propose a third clause as follows:

"3. While a conversion is often the most straightforward form of development, an efficient use of energy and materials, especially with regard to buildings of historic or architectural merit, where the existing building is of design or constructed from materials not consistent with the general identified character of the area, a more sensitive redevelopment would be supported. This would particularly apply in the Chilterns AONB and its setting."

We would also welcome a reference to the Chilterns Buildings Design Guide as part of the "supporting guidance" section.

The policy may better be divided into two, one relating to sub-division of existing residential properties and one to conversion of other uses to residential, as the considerations applying to each are different.

DM18 Tourism

Object.

While the supporting text to this policy mentions the Chiltern Hills and other attractions in the AONB, the CCB considers that the particular value of the Chilterns AONB in supporting local economies through tourism could be drawn out more. We also consider that the policy itself could be improved by including reference to supporting tourism activities that are consistent with the reasons for the area's designation, including where these are not necessarily located in or adjacent to an existing settlement. Such support could be particularly useful for farm diversification. CCB's officers would be willing to assist DBC with drafting appropriate wording.

DM21 Town centre uses outside existing centres

Object.

The CCB is concerned that policy DM21 does not provide for the development of small-scale retail and other "town centre uses" that could be appropriate as part of farm diversification schemes, which can be important to residents and local economies in rural areas, including within the Chilterns AONB. CCB's officers would be willing to assist DBC with drafting appropriate wording.

Conversely, we are not convinced that the policy provides enough discouragement against major out-of-town retail in the AONB or its setting, as the harm that is addressed by this particular policy is related to impacts on other retail centres, rather than on the environment. We recognise that other policies, such as DM27, may be intended to provide this protection.

DM22 and DM23 Sustainable design, construction & emissions

Object.

While the CCB is strongly supportive of the principle, and most of the content, of both of these policies, we are concerned that either policy could be seen to give support for development proposals in the Chilterns AONB and its setting that introduce building forms and materials that are alien to the landscape on the (laudable) grounds that the design is highly eco-friendly. The CCB is strongly of the view that there will always be alternatives that use locally appropriate designs and materials which are as effective, or effective enough, in terms of meeting the objectives of these policies. In our view the policies should include a caveat to the effect that in the Chilterns AONB, and its setting, if there is a choice between an alien design solution and one that is appropriate to the local landscape, then the locally appropriate solution should always be favoured. We consider that the Chilterns Buildings Design Guide and our technical note on renewable energy should be referenced in the additional guidance section. CCB's officers would be willing to assist DBC with drafting appropriate wording.

It is worth noting that this year's Chilterns Buildings Design Awards (run jointly with the Chiltern Society) are intended to include categories for sustainable and low carbon design, and both organisations intend to promote design solutions that we consider are most appropriate for the Chilterns AONB environment. Using local materials is often a very good starting point.

DM24 and DM25 Community heat and energy and Renewable energy

Object.

The CCB is again strongly supportive of the principle of both of these policies, but we have serious concerns about some of the wording, including of the supporting text, and the current form of figure 6.

Paragraph 17.36 states that figure 6 "identifies opportunities for renewable energy in the Borough's town centres and Maylands Business Park, and through large-scale greenfield development." Taken at face value, this suggests that it is the council's policy that any area marked in green on the map in figure 6 is suitable for "large-scale greenfield development" and specifically for "wind turbines". If this is the council's policy then CCB most strongly objects. We do not, however, believe that this is intended to be the council's policy, and consider that paragraph 17.36 and the map in figure 6 should be amended appropriately, and should show (a) the AONB boundary, and (b) the growth areas proposed in the local plan where community heat and energy networks would be appropriate.

The CCB has published a [position statement on renewable energy](#), and we commend that advice to you. It includes, for example, the scale of developments (including wind turbine installations) that CCB considers are definitely inappropriate in the AONB and its setting. We consider that these guidelines should be translated into the draft local plan, and would be willing to assist with development wording in support of this. The position statement should be referenced as supporting guidance to the policy.

DM26 Carbon offsetting

Comment.

If carbon offsetting schemes envisaged under clauses 2 and 3 of policy DM26 are intended to include support for the planting or restoration of trees, woodlands, hedgerows or other green infrastructure, then the CCB would be interested in exploring ways in which this might be coordinated with other aspirations for nature recovery, rewilding, etc in a strategic way across the Chilterns region (not just within the AONB), including in partnership with others. (See also our response to policy DM30.)

Paragraph 18.12 Chilterns Conservation Board

Comment.

The CCB is grateful for being namechecked, and having our role explained in the draft local plan. We welcome the references to our published policy and guidance materials, and would be very happy for the council to provide a link to those materials on our website. We would also be grateful if the plan could specify that the CCB's management plan, design guide, position statements and technical advice notes would be taken as material considerations that the council will normally take into account when considering development proposals in the Chilterns AONB and its setting.

DM27 Landscape Character and the Chilterns AONB

Support.

The CCB strongly supports the inclusion of this policy in Dacorum's draft local plan. We note that the policy includes all of the text from CCB's model local plan policy, with some additions that we consider to be enhancements of the original. (Note that there is currently a typographical error in clause 4(b) where "affects" should be "affect".) If the council considers making changes to this policy, we would very much hope to be consulted.

DM28 Protection of Sites

Object.

The CCB supports the principle of the policy.

We do, however, strongly object to the wording of clause 2, which is not consistent with the concept of the mitigation hierarchy that it seeks to apply. The first – and most valuable – step in the mitigation hierarchy is avoidance of harm in the first place. Discussing the mitigation hierarchy under a sub-clause dealing with "compensatory provision" is risible, since compensation is the last resort of the mitigation hierarchy. Indeed, compensation cannot, by definition, "ensure that the overall coherence of the site is protected", but only aim to replace (i.e. compensate for) the harm that the proposed development will cause. This clause needs revisiting, but the rest of the policy is sound.

In particular we note that clauses 3(a)(ii) and 3(b)(ii) require that before development likely to cause harm to sites of national or international importance the council will satisfy itself that "there are no suitable alternatives to the proposal". With regard to the internationally important Chiltern Beechwoods SAC at Ashridge and Tring Park, for example, we do not consider that the council has properly considered "suitable alternatives", including the alternatives of either (a) locating significant development proposals further away from the sites, or (b) applying restraint regarding the quantum of development, as is allowed for under paragraph 11(b) of the NPPF.

DM30 Biodiversity Net Gain

Comment.

As with policy DM26, the CCB would be interested in exploring ways in which offsite biodiversity net gain contributions might be coordinated with other aspirations for nature recovery, rewilding, etc in a

strategic way across the Chilterns region (not just within the AONB), including in partnership with others.

DM31 Chiltern Beechwoods SAC

Object.

The CCB is grateful to the council’s officers for engaging with us on the policies and proposals supporting the protection and enhancement of the Chiltern Beechwood SAC sites at Ashridge and Tring Park. We welcome the seriousness with which the issue is being approached, and support the principle and objectives behind this policy. As noted elsewhere in our submissions, we are not yet convinced that the level of development proposed overall in Dacorum Borough and the specific sites selected for development are necessarily consistent with the protection and enhancement of the SAC (or indeed the Chilterns AONB landscape as a whole), and this concern applies to development proposals around the north of Hemel Hempstead, in Berkhamsted and, particularly, to the eastern and south-eastern expansion of Tring.

The focus in much of the plan, including policy DM31, is on mitigating or compensating for the impacts of these developments on the SAC, rather than avoiding the harm arising in the first place. As noted in our commentary on the plan’s strategic policies, particularly the housing strategy, the quantum of development for the whole Borough has been taken as a given and not challenged, despite the evident general sensitivity of the Borough’s environment having been recognised in the plan’s context in section 2, including the presence of the SAC sites, the Chilterns AONB, rare chalk streams, etc.

This policy continues to focus on mitigation (with avoidance of harm only considered in terms of the development taking place) and this framework is not considered to provide sufficient protection for the SAC in terms of setting out what evidence is required to justify the assumption that there is need for development sufficient to over-ride the general presumption against causing harm to these sites. There is not even the application of the precautionary principle.

Note, the policy maintains that the SACs and their zones of influence are shown on the “policies map”, but neither area is included on the draft “proposals map” that accompanied this consultation.

The CCB welcomes the continuing opportunity to engage with Dacorum Borough Council in developing an appropriate planning policy context for the protection and enhancement of the SACs.

DM32 Ashridge Estate

Comment.

The CCB supports policy DM32, but considers that the Chilterns Buildings Design Guide should be referenced as supporting guidance.

DM33 River Character and the Water Environment

Comment.

The CCB supports policy DM33 as it stands. CCB officers have been having internal conversations about developing model local plan policies for the protection and enhancement of chalk streams, although this work is at very early stages. We would very much welcome the opportunity to develop this policy area with the council’s officers as the plan goes forwards.

DM35 Environmental Pollution

Support, with comment.

The CCB supports this policy (really a set of policies). We would ideally seek stronger protections in the Chilterns AONB area and its setting, especially for preventing light pollution, but have not been able to identify a practicable improvement to the wording, without completely changing the policy. We would welcome inclusion of the Chilterns Buildings Design Guide and reference to our technical advice notes in the supporting guidance.

DM36 Tree protection

Object.

The CCB strongly supports the principle of this policy, but we have two concerns.

First, the requirement under clause 1 for all development to “incorporate” at least 2 trees per dwelling could have the unintended consequence of preventing higher density development or the sensitive redevelopment/conversion of existing buildings. It may be appropriate to apply this aspect of the policy only in certain circumstances, or to allow for offsite or other forms of provision, similar to the carbon offsetting (DM26) or biodiversity net gain (DM30) policies. (Would the trees required under DM36 be in addition to any required under those policies?) The policy could also usefully require appropriate native species (as is required under DM37 – landscaping).

DM37 Landscaping

Comment.

The policy could usefully refer to the Chilterns Buildings Design Guide as part of the supporting guidance.

SP11 Green Belt

Object.

The CCB has several concerns about the Green Belt policy. Note that our interest in this policy stems from our position that much of the Green Belt in Dacorum Borough serves an important function in terms of helping to manage development in the setting of the AONB (as well as the AONB itself), and the long-term (supposedly permanent) nature of Green Belt provides a context which facilitates investment in environmental and landscape improvements on the land it protects.

There is a typographical error in the second sentence of clause 1: we presume it should read “reviewed to *exclude* land in defined Growth Areas”.

The wording of clause 1 is slightly misleading, because, while the council has undertaken a review of the Green Belt, the boundaries of the Green Belt will not be amended until the plan is adopted. At the current time the growth areas are only *proposed* to be removed from the Green Belt. This should have been clear in the plan until the publication draft, and the proposals map should have represented the land proposed to be removed from the Green Belt.

As noted in relation to the specific sites, CCB considers that the extent of landscape buffers in development sites necessary to maintain the protection and enhancement of the Chilterns AONB and other assets of importance such as the Chilterns Beechwoods SAC should have been identified by this stage of the plan process, and retained as designated Green Belt.

We consider that clause 2 of the policy could be clarified by referring to the relevant sites as being “developed sites washed over by Green Belt” or similar.

We consider that clause 3 of the policy could be clarified by noting that “proposals will *only* be acceptable” etc.

DM39 Limited infilling in small villages

Object.

The CCB considers that the policy does not draw out a distinction between villages in the Green Belt only, and those in also in or adjacent to the AONB. Wiggington is in the AONB, and Flamstead and Potten End are very much in its setting. It might be appropriate to include the Chilterns Buildings Design Guide in the supporting guidance.

SP12 Rural Area

Object.

The CCB objects to this policy, which significantly, and unnecessarily, adds to the complexity of the plan. The terms “Rural Area” is used in several places in the plan (albeit, sometimes, with different capitalisation) to refer to (a) the intended policy area, which applies to all of the borough outside the Green Belt but not part of a larger settlement, (b) the definition provided in the Housing Act which applies to how affordable housing (and some other) policies are applied, and (c) the colloquial meaning of countryside or land remote from towns.

The policy itself applies a range of blanket restrictions and other matters to the consideration of development proposals. These are articulated in a way that suggests they will be applied with a similar rigour to Green Belt and AONB policy. This is not supported by national planning policy. Because the designated area overlaps with the Chilterns AONB, this muddies the waters of applying policies appropriate to the national designation. Indeed, several policies in the draft plan refer to approaches to be taken in the Rural Area without reference to the – more legitimate – approaches demanded by AONB policy.

No reasoning is given for why clause 4 of the plan should apply equally to Long Marston and Wilstone (not in the AONB) and Aldbury (in the AONB) while other similar villages in the AONB are not mentioned.

We consider that the Rural Area policy should be excised from the plan entirely. If it is to be retained, then it should explicitly only apply to the (small) area of the borough that is neither town, nor Green Belt, nor AONB.

SP13 Delivering High Quality Design and design policies DM41-48.

Object.

The CCB considers that these policies (especially SP13) should make explicit reference to the Chilterns Buildings Design Guide and a requirement that its provisions should be applied with regard to all development proposals in the AONB and, preferably, its setting. The Guide, and its supporting technical notes, should at be included in the supporting guidance here.

DM55 and DM56 Parking Requirements

Comment.

The CCB considers that these policies would benefit from referring to the Chilterns Buildings Design Guide as part of the supporting guidance.

DM58 Mobile communications

Support.

DM59 Health

Comment.

There is an opportunity missed in this section to refer to the positive benefits on the physical and mental health and well-being of Dacorum's residents of the Chilterns AONB and other aspects of its natural open spaces. Conservation and enhancement of the AONB should be seen explicitly as investment in the community's health.

Hemel Hempstead Garden Community Delivery Strategy, including policy SP16

Object. pp.191-220

The CCB welcomes the fact that a strategic vision and approach has been taken with regard to the expansion and regeneration of Hemel Hempstead, in particular that neighbouring St Albans Council have been positively engaged with its interest in adjoining land. Despite this, the founder of the Garden City movement, Ebenezer Howard, would be spinning in his grave, since he stated that a garden city that expanded into its surrounding Green Belt would, in his eyes, no longer be worthy of the name – a principle that has been forgotten by the TCPA as current custodians of the "Garden City Principles".

The CCB is, however, deeply concerned that this section of the plan fails to mention the Chilterns AONB specifically, despite the many parts of the town's expansion that extend into the setting of the AONB, including right up to its boundaries. The extent of the AONB is not even shown on the "key developments" maps on pp.193 and 206. This is a serious omission and could be seen to demonstrate evidence that the Delivery Strategy has not taken due account of the duty under section 85 of the Countryside and Rights of Way Act 2000.

The CCB specifically objects to policy SP16 which fails to renotes that the site of the Amaravati Monastery is located in the Chilterns AONB, and the policy should therefore include a reference to the Chilterns Buildings Design Guide.

Appendix 1: About Us



The Chilterns Area of Outstanding Natural Beauty

The Chilterns AONB was designated in 1965 for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.

Chilterns Conservation Board

The Chilterns Conservation Board is a statutory independent corporate body set up by Parliamentary Order in 2004 under the provisions of Section 86 of the Countryside and Rights of Way (CRoW) Act 2000.

The Board has two statutory purposes under section 87 of the CRoW Act:

- a) To conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment by the public of the special qualities of the AONB.

In fulfilling these roles, if it appears that there is a conflict between those purposes, Conservation Boards are to attach greater weight to (a). The Board also has a duty to seek to foster the economic and social well-being of local communities within the AONB.

Like all public bodies, including ministers of the Crown, local authorities and parish councils, the Chilterns Conservation Board is subject to Section 85 of the CRoW Act which states under "General duty of public bodies etc"

"(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

List of Organisations providing Nominees to the Chilterns AONB Conservation Board

The Chilterns Conservation Board has 27 board members, all drawn from local communities; these are elected by:

- Hertfordshire and Oxfordshire County Councils
- Buckinghamshire, Central Bedfordshire and Luton Borough Councils (unitary authorities)
- Dacorum Borough and North Hertfordshire, South Oxfordshire and Three Rivers District Councils
- The Central Bedfordshire, Buckinghamshire, Hertfordshire and Oxfordshire Parish Councils (6 elected in total), and

The Secretary of State for the Environment, Food and Rural Affairs (8 in total).