

Draft Hertsmere Local Plan September 2021

Planning for Growth - Regulation 18

CPRE Hertfordshire Comments

By Chris Berry, Planning Manager

Date: 19th November 2021

About CPRE Hertfordshire

CPRE Hertfordshire is a local countryside charity, part of the national CPRE network. We work to promote, enhance and protect a beautiful, thriving countryside for everyone to value and enjoy.

Founded in 1928 we are a grassroots organisation, with about 1000 members and a small team of staff supported by volunteers. CPRE Hertfordshire has a long history of campaigning against inappropriate development on Hertfordshire's green spaces. We also work with local groups around the county, providing advice on how they can best protect the countryside near them.

Our Point of View

CPRE Hertfordshire believes that Local Plans are best developed using an integrated approach that puts climate change, biodiversity, well-being and social inclusion at the centre of the plan.

CPRE Hertfordshire believes that planning is crucial to empowering local communities and making sustainable, liveable places. Ensuring everyone has an affordable home that meets their needs is essential to that, both in town and country.

Equally, it is vital that new development is planned intelligently. Our countryside is precious and finite and urgently needs better management in the face of the climate and nature emergencies. Critical to this is that land is not lost to development unnecessarily. More new homes are undeniably needed and there is plenty of scope to use previously developed urban land (i.e., "brownfield") and take advantage of the changes taking place in town centres, working practices and elsewhere to help address this need.

We do not intend to comment in detail on individual sites, but we encourage all members and interested parties to comment on specific sites of concern.

Our Key Concerns

Key concerns of CPRE Hertfordshire include the presentation of the Draft Hertsmere Local Plan (DHLP) as well as the technical scope and content of the documents issued for public consultation. A number of over-arching issues may be identified at the outset with regard to how the DHLP has been published and the impact this has on how the public can respond effectively and usefully.

1. Presentation

The DHLP has been published together with a series of public relations graphics and videos to illustrate various aspects of the proposals which the Council regards as positive. Inevitably the

perceived advantages for Hertsmere residents, businesses and visitors are emphasised to a degree, but there are huge gaps in the topics and the way they are addressed, and these will be identified in this document.

Particularly lacking in the main DHLP document is a comprehensive and comprehensible listing of the specific proposals for development. It is common practice in Local Plans elsewhere to prepare a single comprehensive list of proposed development sites which is readily accessible for consultation.

It would also be helpful to number the paragraphs in the text for ease of reference.

2. Direction of travel

It is clear from the DHLP that Hertsmere Borough Council (HBC) is pursuing a developer led economic growth agenda which is seen as beneficial in economic and social terms, and proposals are presented in term of opportunities for further development, effectively without major constraint. Considerable areas of land are allocated for development of various kinds, often ignoring the critical environmental implications which are valued by residents and visitors alike.

The fact that all the open countryside in the Borough is designated as Green Belt is not identified in the DHLP as a positive attribute for Hertsmere. This is clearly intentional and effectively ignores the contribution that open countryside makes to the quality of life of residents and visitors alike, resulting in an imbalanced local plan.

It is stated frequently in the DHLP that it is a requirement for the Council to provide for housing need in full, as assessed by the Government formula (known as the 'standard method'). This is not the case.

The Government provides the formula for assessing housing need but HBC is responsible for the preparation of housing targets for its Local Plan. The National Planning Policy Framework (NPPF) allows councils to constrain the allocation of land where it is designated to be protected, as is the case with Green Belt (NPPF para. 11, plus footnotes).

Recently, alternative interpretations of the NPPF, related to the requirement to provide a supply of land for housing for five years, and over-riding the ability to constrain development for protected land, has led to councils allocating Green Belt for housing, and planning inspectors to allow appeals on Green Belt. HBC has made this choice in allocating sites with huge implications for protected countryside in the Borough.

3. Lack of protection of Green Belt as a Strategic Objective for the Local Plan

The whole of Hertsmere outside the built-up areas is designated as Green Belt which also includes nationally and locally designated environmentally sensitive sites which are key characteristics of the district and contribute greatly to the quality of life of residents and visitors. Approximately nine percent of the Green Belt in Hertsmere is allocated for development of various kinds, and this will have a huge impact on the character and appearance of the Borough.

With all the open countryside of the Borough being Green Belt, it is unacceptable that its protection is not regarded as a specific Strategic Objective for the DHLP. A basic characteristic of the Green Belt is its permanence, and it should be regarded as a principal constraint to development and a key asset for the Borough to be protected and enhanced for the benefit of everyone. .

The 'Green Hertsmere' Vision heading in Section 3 makes no mention of the Green Belt and 'Distinctive Hertsmere' states simply that "the strategic green belt (sic) will be protected'. This is clearly not true.

A single line in Strategic Objective 13 (Section 3) refers to the Green Belt and policies referring to the Green Belt comprise six pages in a 245 page document. The minimal treatment of this major land designation is a significant failing of the DHLP.

4. Overprovision of housing

CPRE Hertfordshire accepts there is a need for housing in Hertsmere as elsewhere, especially truly affordable housing for young and older households, but the projections used in the DHLP are excessive and out of date. The DHLP identifies the South West Herts Local Housing Needs Assessment (SWHLHNA) as the source of data for assessing housing need for Hertsmere.

The SWHLHNA uses the Government's 'standard method' for assessing housing need based on national household growth projections for 2014 that are now significantly out-of-date' We firmly believe that the latest projections, as required by technical guidance and currently available for 2018 (and shortly to become available for 2020) should be used as these show a projected decrease in new households in the Borough for the plan period, and therefore a reduced number of houses which should be planned for.

We have already noted that the Council has also failed to take account of the National Planning Policy Framework (NPPF) as revised in July 2021,(paragraph 11, footnote 7), which permits Local Planning Authorities (LPA) to restrict the scale of development due to planning constraints including protection of Green Belt and other designated areas and sites. We would also note that application of the latest available household projections would have the effect of reducing the number of houses needed to approximately 55% of the total presented in the DHLP for the plan period (2018 to 2038).

5. Failure to address climate change

HBC declared a Climate Emergency in 2019 and the DHLP is the key mechanism for the Council to implement the requirements of this declaration. Despite the requirements of the NPPF and 2004 Planning and Compulsory Purchase Act 2004 and subsequent legislation, the proposed policies fail to take account of the need for carbon reduction targets and sustainable transport provision, amongst many other concerns, and a carbon reduction pathway is needed to meet national obligations for net zero emissions by 2050.

6. Underestimation of the opportunities for regeneration and reuse of land

The reuse of previously developed land is considered mainly in terms of the release of Green Belt land and some urban sites, which greatly underestimates the likely changes which are already affecting town centres, out of town centre retailing and commercial uses more generally. The impact of the pandemic and projected social and economic trends are likely to create many more opportunities for the conversion of commercial and other space to residential use and changes in the form and function of workspace which are not taken into account in the DHLP.

A more positive place making strategy is needed as part of a detailed brownfield land review to realise the local enhancement of the existing built environment with benefits for existing and new residents. No attempt is made to establish place-making as an objective for future development. The emphasis throughout is on narrowly defined economic growth opportunities with virtually no treatment of the implications of policies and proposals.

7. Infrastructure implications

The DHLP lacks adequate treatment of infrastructure provision in several areas, which will affect the countryside throughout the Borough and residents outside the built-up areas. Weaknesses are particularly acute with regard to water, sewerage and sustainable transport topics and these are addressed in more detail below.

Our Comments – by chapter

CPRE Hertfordshire identifies further detailed concerns which we present under the appropriate chapter headings. Inevitably these concerns can overlap several topic areas but repetition is avoided wherever possible.

Chapter 1 – Foreword

Page	Chapter	Description
3	Foreword	
Comments		
<p>The Foreword clearly indicates a ‘planning for growth’ agenda and mentions the declaration of a climate emergency in 2019. It states that 'the policies in our plan seek to deliver zero carbon development' and this entirely ignores the necessary scope of the climate change and related agendas which should include requirements for existing buildings, transport, waste, power and land use.</p> <p>The Foreword states that the policies in the DHLP will seek to ensure that 'our high quality environment is protected and enhanced'...and 'Our plan aims to create... thousands of new jobs in the future'. The policies and proposals presented challenge the first assertion due to the scale of new development proposed. At this stage of consultation it is also legitimate to consider whether large-scale employment generation should be an objective of the DHLP given the huge local impacts of the level of development envisaged, and the local, regional and national implications of unconstrained commercial and housing development.</p>		

Chapter 2 – Introduction & Context

Page	Chapter	Description
4	2	Introduction and Context/Purpose and status of this document
Comments		
<p>Climate change mitigation and resilience should be at the heart of the DHLP as recommended by the Government’s Climate Change Committee (CCC), established under the Climate Change Act 2008, and later treatment of this topic by Policy SG2(see below) is wholly inadequate. Essential preparation should be the production of net zero or climate action plans with delivery projects that prepare the Borough for attaining net zero carbon by 2050. This should be for all sectors and not just local authority activity, and key areas to address are emissions from buildings, transport, waste, power and land use, including land use change.</p>		

Page	Chapter	Description
5	2	Purpose and status of this document
Comments		
<p>Reference to the Planning and Compulsory Purchase Act 2004 ignores the requirement for Local Planning Authorities (LPA) to make climate mitigation and adaptation central principles of plan making, as set out in S 19(1A) of the Act. These should include policies designed to ensure that the development and use of land in the LPA’s area contributes to the mitigation of, and adaptation to, climate change. There is little evidence that the policies set out will meet the recommendations of the Royal Town Planning Institute’s (RTPI) <i>Planning for Climate Change – Law and Policy Briefing</i> dated September 2019, which states that meeting the requirements of S 19(1A) will be a consideration when a Local Plan is examined.</p>		

Page	Chapter	Description
6-7	2	'What is a Local Plan?'/National Policy
Comments		

No reference is made to the need for climate change mitigation and resilience to be at the heart of the DHLP as one of its key purposes, other than passing references in Chapter 3 and Policy SG2 (see below). Nor are climate change or related matters such as carbon reduction considered in the context of national planning and other related policy.

There is no evidence of reference to the recommendations for local authorities produced by the CCC in its December 2020 publication *Local Authorities and the Sixth Carbon Budget*. These include developing net zero or climate action plans with delivery projects that prepare the area to make the transition to net zero choices from 2030, and monitoring and reporting on progress in reducing emissions.

The RTPI briefing noted above also states: ‘Robust evaluation of future emissions will require consideration of different emission sources, likely trends taking into account requirements set in national legislation, and a range of development scenarios’. It goes on to state: ‘The distribution and design of new development and the potential for servicing sites through sustainable transport solutions, are particularly important considerations that affect transport emissions’. Such considerations are absent in the DHLP.

Page	Chapter	Description
7	2	Other external influences
Comments		
The Hertfordshire Local Transport Plan (2018) is acknowledged as the framework for reducing the need to travel, encouraging sustainable transport options and promoting active travel. However, the Council has responsibility too, relating to climate change mitigation and net zero carbon targets and budgets, to ensure that its policies throughout the DHLP meet sustainable transport aims.		

Chapter 3 – Local Plan Vision and Strategic Objectives

Page	Chapter	Description
10 seq.	3	Local Plan Vision etc
Comments		
Throughout Chapter 3 statements are made regarding the relationship between development and the existing natural environment, for example, 'the close relationship with surrounding countryside will be safeguarded and improvements made to the countryside and biodiversity to offset the impact of development'...and 'Hertsmeres's valued natural environment – comprising both blue and green infrastructure – will be protected and enhanced'.		
The reality is likely to be very different as a significant proportion of the Borough’s countryside, which is all designated Green Belt, is proposed to be built on. Approximately 12,200 new houses, and considerable commercial development together with the necessary supporting infrastructure cannot be achieved without negative impacts on biodiversity and landscape, as is claimed on page 22.		

Page	Chapter	Description
10-11	3	Vision and Strategic Objectives
Comments		
The ‘seven key themes’ do not include the fundamental importance of the current extent of the Green Belt in protecting the countryside and maintaining the historic settlement pattern for future generations. The Green Belt is a key asset for Hertsmeres Borough and this is not recognised in either the themes or subsequent policies and proposals.		

Page	Chapter	Description
10	3	Hertsmeres Homes
Comments		

This theme includes provision to 'meet the needs of all' and the creation of a new settlement in the Green Belt to be called 'Bowmans Cross'. Where it is intended by national planning policy to limit development through Green Belt and other designations, development should not be promoted to meet all potential housing need from any area, and it is wrong to promote a new settlement entirely within the Green Belt that is not justified by the evidence to support it.

Page	Chapter	Description
11	3	Green Hertsmere
Comments		
<p>Passing mention is made of 'combatting climate change' under the heading 'Green Hertsmere' and 'New development' is referenced. There is no mention of the substantial target presented by existing buildings and other infrastructure which will require targets for retrofitting to contribute to meeting net zero carbon targets for the Borough.</p>		

Page	Chapter	Description
11	3	Distinctive Hertsmere
Comments		
<p>The theme entitled 'Distinctive Hertsmere' states that 'strategic green belt'(sic) will be protected'. This is clearly not the case when very large expanses of designated Green Belt between settlements and currently protecting the countryside, are proposed for development.</p>		

Page	Chapter	Description
12	3	Strategic Objective 3
Comments		
<p>The objective to provide for a minimum of 12,160 new homes is based on the false assumption that the figure resulting from the application of the current standard method of calculating housing need should also be the DHLP's housing requirement or 'target'.</p> <p>The Council should reconsider the source of this assumption, and figures it produces in the light of the latest available information on household and population trends. Having reassessed housing need, the Council should then decide how much of that need should be met in the context of national planning policy as set out in the NPPF, paragraph 11b, footnote 7.</p> <p>(See also our further comments on Chapter 7, Housing Need).</p>		

Page	Chapter	Description
12	3	Strategic Objective 6
Comments		
<p>The proposed strategic objective to facilitate the first phase of a new settlement called Bowmans Cross should be deleted from the DHLP. This proposal is contrary to national planning policy and is both unnecessary and unjustified, as well as being likely to cause significant harm environmentally through the resulting loss of significant Green Belt.</p>		

Page	Chapter	Description
12	3	Strategic Objective 12
Comments		
<p>There is a single mention of climate change in Strategic Objective 12, simply referring to promoting the building of 'net zero greenhouse gas emission homes, offices and commercial buildings to help minimise the impact of climate change' and this is entirely inadequate.</p> <p>An important part of a Borough-wide preparation of carbon budgets and delivery plans will be the assessment of the role of land across its area to contribute to meeting net zero budgets through carbon sequestration and storage. This is absent in the DHLP and the existing and potential</p>		

capability of undeveloped land in particular to sequester and store carbon must be taken into account.

Page	Chapter	Description
12	3	Strategic Objective 18
Comments		
This proposed Strategic Objective for protection of the Green Belt from inappropriate development is inadequate and the DHLP fails to achieve even that objective by proposing very significant development within the Green Belt.		

Chapter 4 – The Spatial Strategy

Page	Chapter	Description
14	4	The Spatial Strategy/Guiding Principles
Comments		
The statement 'Development should be planned and located so as to maximise resilience against climate change, reduce and mitigate its impacts' is meaningless unless supported by robust evidence gathering and planning as recommended by the CCC/RTPI as noted above.		

Page	Chapter	Description
15	4	Guiding Principles/Table 1
Comments		
Table 1 includes a final tier of 'New Settlement', for Bowmans Cross, but states this is intended to be a Tier 3 settlement alongside Radlett, in the Key Settlements section of the Hierarchy. The proposal should be omitted from the DHLP in its entirety, as it is contrary to national planning policy and would cause immense harm to Hertsmere and the Green Belt that the DHLP is required to protect.		

Page	Chapter	Description
16	4	Locations for Development/Table 2
Comments		
Table 2 sets out DHLP expectations for the scale of urban development and assumes less than 60 windfall dwellings a year are likely to be built, woefully short of both the much higher number achieved over the last few years, and far less than current national planning policy and regulations will allow. Furthermore, inadequate attention has been given to the amount of potential planned development within the four towns through urban regeneration and redevelopment of previously developed land and buildings.		
These are significant deficiencies in the DHLP that force more unnecessary pressure for the development of Green Belt land in and around the Borough's settlements. The Council should review the available evidence on the potential for housing, including windfalls, in the light of best practice, current national policy, and the legal framework.		

Page	Chapter	Description
17	4	New sustainable neighbourhoods and neighbourhood extensions
Comments		
This section notes 'The policies and proposals in Local Plan (sic) will support 'new sustainable growth...etc' but minimising carbon emissions is not listed as a priority consideration. When climate change considerations are eventually set out at the end of this chapter the ambition is meaningless in the absence of the robust processes referred to above. The ambition that 'appropriate location and design of development' will succeed in 'safeguarding and enhancing greenbelt and other open		

spaces' and in 'protecting and enhancing the borough's biodiversity' appears to be impossible in the light of the scale of Green Belt losses which are proposed in this document.

Page	Chapter	Description
17	4	Locations for Development/Table 3
Comments		
<p>Table 3 is both misleading and unacceptable in terms of its proposals for the development of land and its removal from the Green Belt. The table is titled the 'Distribution of new sustainable neighbourhoods and neighbourhood extensions' but the first title box refers to 'Redevelopment of Urban Brownfield Sites'. This is incorrect. Most of the sites are greenfield extensions or new allocations in the Green Belt and this is not made clear in the text. Neither is it acceptable for the text to claim that planning applications will have to justify such development. Proposals set out in the DHLP should be justified by exceptional circumstances and this has not been done.</p> <p>The scale of proposed development within the Green Belt around the Borough's towns is excessive and not justified by any circumstances set out in the DHLP. The scale of housing need is the only reason referred to for the allocation of sites but this is neither a sound basis for the proposals nor an exceptional circumstance sufficient to outweigh Green Belt policy. The allocations proposed in the Green Belt should be omitted.</p>		

Page	Chapter	Description
18	4	Locations for Development/Table 4
Comments		
<p>Table 4 sets out the scale of proposed allocations, mostly in the Green Belt in and around Key Villages, stating that exceptional circumstances 'will be' demonstrated for them. Such circumstances are required to be set out in the DHLP together with any proposal, which is not the case, and so these proposals should be omitted.</p>		

Page	Chapter	Description
18	4	Locations for Development/Table 5
Comments		
<p>The proposed allocations in the Green Belt in and around other villages set out in Table 5 should be omitted from the DHLP for the same reasons set out for Tables 3 and 4 above.</p>		

Page	Chapter	Description
19	4	Locations for Development/ Creating a New Settlement
Comments		
<p>It is stated that 'to contribute to the overall levels of growth required'...'a new settlement known as Bowman's Cross... will be delivered'. This a flawed basis for such a proposal, because the overall level of growth required is to be determined by HBC, based on national policy, and should not be driven by the application of the 'standard method' formula which seeks only to provide objectively assessed housing need. It is for HBC to determine how much of the calculated need it is reasonable to accommodate, following NPPF guidance, including paragraph 11 referred to above. In accepting the housing need calculation as the housing requirement, without the application of planning judgement, HBC has not carried out this critically important stage. Any plan based on the current calculations should be regarded as unsound, and its proposals unacceptable.</p>		

Page	Chapter	Description
20	4	Meeting Economic Development Needs/Table 7
Comments		
<p>The proposed Special Policy Area, called 'Media Quarter', is predominantly within the Green Belt, with the proposed development area projecting from the existing town of Borehamwood eastwards</p>		

from Rowley Lane. No exceptional circumstances are set out to justify this massive development which is contrary to national planning policy.
Such projects are totally inappropriate in Green Belt areas, and are not based on any local need case. The proposal should not feature in the DHLP when published.

Page	Chapter	Description
20	4	Meeting Economic Development Needs
Comments		
Reference is made to the protection from change of use planning applications of all existing designated employment sites, including the use of Article 4 Directions, to prevent such changes without planning permission. CPRE Hertfordshire urges the Council to use such powers sparingly, to ensure that the need for housing is not ignored when weighing the priorities for employment provision and housing provision at existing employment sites, some of which are likely to be unsuitable for continued employment use, but have potential to provide new homes.		

Page	Chapter	Description
21	4	Infrastructure
Comments		
Very significant concerns relate to infrastructure requirements affecting the countryside with regard to the treatment of waste-water, sewerage and sustainable transport, and these are addressed in detail in our representations with regard to Policies DL5, ENV1, and ST1-3 in Chapters 11, 13 and 15 respectively below.		

Page	Chapter	Description
22	4	Natural and historic environment
Comments		
It is stated that 'development proposals are designed and located so as to protect and enhance the borough's water and other natural resources.' It is not indicated what is meant by 'water' and definitions and explanation are lacking.		

Chapter 5 – Individual Place Strategies

CPRE Hertfordshire makes no specific comments on Individual Place Strategies but we note the inappropriate levels of development envisaged which are neither justified nor appropriate in the light of the representations made in this document. The excessive quantity of housing and commercial development proposed cannot be justified on the basis of local or even regional economic and social needs.

We urge the Council to reconsider the proposals for the removal of Green Belt protections for the three existing settlements of Shenley, Elstree and South Mimms, the new settlement proposed at Bowman's Cross and the Media Quarter.

Chapter 6 – Sustainable Growth and Regeneration

Page	Chapter	Description
46	6	Sustainable Growth and Regeneration
Comments		
This section refers to the Council's Climate Change and Sustainability Strategy (2020) as setting out 'a number of principles to be embedded in all aspects of the functioning and development of the area'. However, tangible targets, timetables or budgets are largely absent from this Strategy document.		

Policy SG1 includes, as Objective VIII of ten, a requirement for development proposals to 'design for climate change' among other requirements, together with Policies SG2 in respect of climate change resilience and SG3 in respect of presumption in favour of sustainable development. The lack of definitive proposals in these areas renders these policy assertions meaningless.

Page	Chapter	Description
49	6	Sustainable growth and Regeneration/Policy SG2
Comments		
<p>While supporting the principle in Policy SG2, new development should incorporate greater water re-use and recycling; rainwater harvesting is not mentioned and should be required. This relates to more than climate change issue as abstractions for the public water supply have had a long-standing impact on the chalk streams present throughout Hertfordshire. CPRE Hertfordshire supports the adoption of stricter Building Regulations to require all new houses to meet a water use target of 110 litres per head per day, or an equivalent higher standard if introduced.</p> <p>It may be noted that Hertfordshire currently has one of the highest per capita water consumption rates in the country (166 litres per head per day is quoted in The Hertfordshire Water Study 2017) so the scale of this ambition should not be underestimated.</p>		

Chapter 7 – Meeting Local Housing Needs

Page	Chapter	Description
57	7	Meeting Local Housing Needs /Table 9 (first two paragraphs)
Comments		
<p>Table 9 sets out the proposed distribution of new housing across the Borough by settlement, including the proposed new settlement between London Colney and Colney Heath, and the accompanying text explains the source of this distribution, starting with an interpretation of NPPF policy and the study HBC relies upon for facts about housing need.</p> <p>The brief summary of NPPF policy is incorrect in stating that the DHLP has to provide enough housing 'to support growth'. The only requirement in terms of housing numbers is to seek to provide enough housing to meet assessed need as far as this is consistent with other national policies, including those that seek to protect areas from development, such as the Green Belt. The DHLP may take into account the need for other development and strategies such as the economic aspirations of business and commerce, but their non-statutory strategies are secondary to national planning policy.</p> <p>The study that underpins the Housing chapter is the South West Hertfordshire Local Housing Needs Assessment (SWHLHNA) carried out by consultants GL Hearn for five councils in SW Herts. Unfortunately HBC appears to have taken the findings of the study 'as read' in terms of determining the Borough's housing need and not questioned whether or not it should be met in full. The study was published in September 2020, but most of the relevant information and research that it was based on is now out of date and/or superseded, notwithstanding the lack of analysis of local circumstances, and it should not be relied upon.</p> <p>Critique of the SWHLHNA and its implications</p> <p>The SWHLHNA report outlines a calculation of housing need using the Government's current 'Standard Methodology', which currently requires the 2014-based national household projections by the then Ministry of Housing Communities and Local Government (MHCLG) to be used as the starting point for the assessment. The methodology also requires the application of the latest Office for National Statistics (ONS) 'housing affordability ratio', and a 40% cap on the resulting increased total. G L Hearn consultants set out a table of the results for each of the five councils in the executive summary to the Report.</p>		

Based on their calculation, G L Hearn simply recommend (first paragraph on page 4 of the SWHLHNA) that 4,043 houses per annum be provided throughout the five authorities between 2020 and 2036 and 717 per annum for Hertsmere. These figures and recommendations are also on page 36 of the Report under 'Demographic Trends and Housing Need Projections: Key Messages and Recommendations'.

We have several concerns with the way that G L Hearn consultants have interpreted the available information and both national planning policy and guidance, to arrive at their recommendations. The following issues relate to the first part of the planning process required, the assessment of need:

- 1) Paragraph 1.15 of the SWHLHNA refers to a requirement to use the 2014-based household projections as the starting point for assessing need, without noting that under exceptional circumstances the Local Planning Authority can use an alternative. It notes that the 2016-based projections were lower, but even these are out of date, and the more recent, and even lower, 2018-based projections are not mentioned at all in the Report.
- 2) This is significant, as the consultants state questionably that the 2016-based projections 'were seen as locking in more recent and thus more negative trends'. The use of the term 'more negative' is highly inappropriate in an independent analysis of the facts. The consultants continue to say that if the 2016-based projections were used 'the government target of 300,000 (homes a year in England) would not be achieved', which raises further issues of national policy which are beyond the scope of the DHLP.
- 3) Paragraph 1.23 says that it may be necessary to carry out a 'targeted update to this report' when 'revised guidance is published'. CPRE Hertfordshire believes that not only is a comprehensive update needed, the whole approach to housing need should be reconsidered based on latest available information and no local plan should be reliant on the current SWHLHNA as the principal source of evidence on housing need.
- 4) The Population section of the report does use the 2016-based projections, but that section is still predicated on the use of the 2014-based household projections to determine the level of housing need. 2018-based projections are the latest available figures and have been for over 18 months, but are ignored by the Report. 2020 figures will be available shortly and should be used in calculations of housing need.
- 5) Page 34 of the SWHLHNA includes a section on 'Alternatives to the standard method', quoting (at paragraph 2.52) National Planning Practice Guidance paragraphs 3 and 15, about when alternatives can be used when preparing local plans. Paragraph 2.53 of the consultant's report however, only identifies estimates from ONS Mid-Year Estimates (MYE) rather than ONS Projections, and NHS data. Paragraph 2.56 notes that the NHS estimates are too high, indeed they are known to overestimate national population, possibly by as much as six million people nation-wide due largely to double counting on patient registers. G L Hearn fail to consider any other data, and have not mentioned the lower 2018-based ONS household projections that were available before the SWHLHNA was published in September 2020.
- 6) Paragraph 2.54 and Table 12 in the Report also show a much lower (around 12,000 lower) population in 2018 than in the 2014-based projections, but paragraph 2.55 then states that the 'exaggerated demand for housing this information shows would have largely been known to the Government when updating the NPPG in February 2018'. This is completely irrelevant to the results of official projections by ONS and the consultant's comments are also confusing, as the 2016-based projections were not available until after Feb 2018 when the PPG was updated (which also pre-dates the MYE for 2018).
- 7) Paragraph 2.59 simply concludes, based on G L Hearn's minimal, and now out of date, look at alternatives, that there are 'no exceptional circumstances' to justify using an alternative to the Standard Method. CPRE Hertfordshire strongly disagrees, and awaits with interest the results of the Government's current review of housing need, and both initial results of the 2021 National Census and the next round of ONS population and household projections for Hertsmere.

8) The consequences of overestimating housing need, and of seeking to meet all of that excess number, has additional consequences. Section 3 of the consultant’s report shows that jobs growth in South West Herts would increase by nearly 44,300 by 2036 (65,000 more jobs, compared with 20,500 in the Economic Forecast Model (EFM) previously commissioned by the five councils). The equivalent figures for Hertsmere alone are 10,871 based on the standard method, and 2,590 in the EFM, nearly quadrupling the number of forecast jobs’. The result would be fuelling in-migration to the Borough on a significant scale if the Standard Method housing calculation is used as the basis for determining population in the area. This is a sound reason for Hertsmere BC to consider using an alternative method to determine housing need, given the drastic consequences for the Green Belt of providing much more employment land and associated infrastructure. Paragraphs 3.36 to 3.39 on pages 45 to 47, and Figure 5 are the relevant parts of the Report on this issue, and are of great concern to CPRE Hertfordshire.

The above issues relate to how HBC has assessed housing need. The vital second stage, not carried out by consultants GL Hearn, is to determine what level of housing need should be met in setting the DHLP housing requirement, otherwise referred to as the DHLP housing target, and further issues are noted:

- 9) The Executive Summary to the SWHLHNA makes no reference to NPPF paragraph 11 and footnote 7 which defines the circumstances for setting housing targets at a lower level than housing need.
- 10) This fundamental flaw is exacerbated by paragraph 2.16 which states that councils in joint plan areas (and the five councils in SW Herts have stated an intention to prepare such a plan) are allowed to redistribute the total housing requirement ‘as long as the sum (ie all) of the local housing need for each local planning authority is met’. This is simply untrue and the consultants make no reference to the difference between housing need and housing targets, and what the councils should do to determine them. Para 2.17 states that ‘any redistribution (of the total needed) will need to take into account a range of factors including local capacity’ and ‘strategic aspiration’, but there is no reference to NPPF guidance.
- 11) Given that virtually the whole of the South West Herts area outside existing built up areas is Green Belt, and much of it also Area of Outstanding Natural Beauty (AONB) there is a strong case for housing requirements to be set at a much lower level than housing need but this is ignored in the SWHLHNA.
- 12) Some consequences of the consultant’s advice are clear from other paragraphs. On page 5, summarising the economic need for housing, the text notes that the standard method housing need figure would lead to major population growth in SW Herts and the need for a big increase in jobs provision (nearly 65,000 in the period to 2036) in the area, to avoid increased out-commuting.
- 13) The Planning Committee’s’ Report to the Council’s Executive on 14 September 2021, at paragraph 2.17 states that the ‘ Hertsmere starting point was to seek to deliver in full the identified need for housing and employment’. This is highly inappropriate and the Report makes no reference to whether theoretical housing need should be met in full in view of the large scale loss of Green Belt that would arise with this course of action, in defiance of national planning policy.

For information, the proposed housing target is 12,160 at 608/yr from 2018 to 2038. Using 2018-based household projection rates (instead of 2014) with the Standard Method and the latest (2020) ONS Affordability Ratio would give a housing need figure of 6,640 houses at 332 per annum for the plan period (2018 to 2038) i.e. less than 55% of the figure in the DHLP.

Page	Chapter	Description
57 seq	7	Meeting Local Housing Needs
Comments		

Chapter 7 makes no mention of climate change until page 77 where there is a stated requirement for new home developments to 'contribute to a reduction in the impact of climate change'. It is clear that HBC will expect developers to submit their own 'comprehensive Sustainability and Energy Strategy' (as described on page 107) which details how the development will achieve net zero carbon operation'. This allows for considerable variation in such proposals and HBC should prepare standards which developers will be required to achieve, in line with Borough-wide climate change and net zero carbon targets and strategies (as recommended by the CCC).

Page	Chapter	Description
58-59	7	Meeting Local Housing Needs/ Tables 10 and 11
Comments		
<p>Table 10 on sources of Housing Supply and the associated text are drafted to ensure that the proposed provision equates to the excessive overall total housing number, 12,160, as commented on above and below. As already stated, the number of dwellings likely to come forward as windfalls and the potential from regeneration are underestimated, and the proposed provision in the Green Belt is unnecessary and unacceptable. Consequently the proposed housing trajectory in Table 11, and the housing delivery in Figure 3, need to be reconsidered to be consistent with a more acceptable lower housing requirement (target) figure.</p>		

Page	Chapter	Description
59	7	Green Belt
Comments		
<p>The text on Green Belt claims that exceptional circumstances exist for releasing land for housing because there is insufficient non Green Belt land available to meet housing need. It continues to say that exceptional circumstances exist for the individual proposed sites. These statements are wrong for the following reasons:</p> <ol style="list-style-type: none"> 1) the Council has not identified the true scale of potential housing in non-Green Belt locations, 2) the Council has significantly overestimated the scale of housing need, 3) the Council has failed to carry out any assessment of how much of the housing need that does exist can reasonably be accommodated in the context of NPPF policy (paragraph 11) for the protection of the Green Belt and other land designated for protection. <p>Without resolving these basic critical factors, no sites should be allocated in the Green Belt, and every proposal may be said to be unsound through lack of evidence to justify it. These criticisms in principle of the DHLP are in addition to reasons why individual sites in the Green Belt should not be developed for environmental or social reasons, or because they are unsustainable.</p>		

Page	Chapter	Description
60	7	Policy H1 (The Supply of New Homes)
Comments		
<p>This draft policy should be changed as it proposes that at least 12,160 new homes should be built at a rate of 760 per year; figures significantly in excess of both a reasonable assessment of housing need, and what would constitute a reasonable housing target for the DHLP.</p> <p>The policy is also inconsistent in requiring both the retention of 'existing housing' (criterion iii) and prioritising the development of previously developed land (criterion iv) which includes areas and sites of 'existing housing' in towns and villages.</p> <p>Detailed comments on how 'need' and 'requirement' are addressed in the DHLP are set out in comments above re page 57.</p>		

Page	Chapter	Description
77-79	7	Housing Land and Site Allocations/ Policy H10
Comments		

CPRE Hertfordshire urges the Council to rethink its approach to housing provision in the DHLP and Policy H10 in the light of concerns about the overall levels of housing need, housing requirement and Green Belt set out in comments above on Chapter 7. The proposed housing allocations in the Green Belt are not justified and exceptional circumstances for their removal have not been demonstrated.

Chapter 8 – A Strong Local Economy

Page	Chapter	Description
116 seq	8	A Strong Local Economy
Comments		
<p>Hertsmere already has a strong and competitive local economy with a low unemployment rate and high attainment by residents. It is assumed that significant economic development is to be encouraged without any assessment of the impacts of further developer-led growth.</p> <p>It is at least appropriate to challenge the assumption that such growth is automatically beneficial to residents and existing businesses and should be provided for.</p> <p>No justification is provided for the promotion of speculative economic growth which will have a range of impacts on the environment, and over-stretched services, facilities and infrastructure.</p>		

Page	Chapter	Description
116	8	Introduction/Policy E1
Comments		
<p>Chapter 8 notes that provision will be made for 115 hectares of employment land; with a list of existing areas and six proposed new allocations, mainly in the Green Belt, without reference to the evidence on which this proposal is based or any attempt at justification for the inherent loss of protected land.</p> <p>The source of the figure for employment land is revealed as the South West Herts Economic Study, completed in 2019 which is said on page 119 ‘...to provide(s) a comprehensive economic baseline and growth scenarios for Hertsmere...’ and for projected employment land requirements from 2018 to 2038.</p> <p>The fundamental problem with using this study as the basis for employment land provision in the DHLP is that, despite noting that ‘as a result of structural impacts of the Covid-19 pandemic, buildings may become unoccupied’. (p.117) no reference is made to any need to reconsider the findings of the Study in the light of the pandemic and Brexit which will clearly have consequences for the need for new employment land or the retention of existing land in such uses.</p> <p>Consequently, the proposal to provide 115 hectares of such land, including the removal of land from the Green Belt for such uses has no sound basis, and should be reconsidered by the Council before the next stage of plan preparation.</p>		

Page	Chapter	Description
120	8	Provision of Employment Land/ Policy E2
Comments		
<p>For the reasons set out above on the introductory text and Policy E1, there is no justification at present for the allocation of Green Belt land (for example east of Rowley Lane Borehamwood) for employment uses as proposed by the DHLP. Such justification would need to be based on a new economic study in the current post pandemic context and the requirement of national planning policy for exceptional circumstances to be demonstrated.</p>		

Page	Chapter	Description
123	8	Special Policy Areas/Policies E4, E5
Comments		

The case for allocating the two existing areas at Elstree Aerodrome and the South Mimms Service Area to expand their footprint into the Green Belt should be reconsidered, based on a demonstration of exceptional circumstances in the current post pandemic situation, and the climate crisis, which demands a reduction in unsustainable transport options. In any event the specific policy wording as a guide for development management must include a requirement for any development proposals to be judged against the impact on the Green Belt as well as the factors already proposed in Policies E4 and E5.

For the third proposed Special Policy Area, east of Borehamwood and termed Media Quarter in the text, comments are made below with reference to pages 128 to 130 of the DHLP.

Page	Chapter	Description
127-130	8	Special Policy Areas/Policy E6
Comments		
<p>The introduction to the 'Media Quarter' proposal refers only to general aspirations for the expansion of media industries nationwide and the benefits of encouraging them. No explanation is given as to whether there is any need for such expansion in Borehamwood that cannot be accommodated within existing previously developed areas, or that justify the loss of a further 50 hectares of land from the Green Belt in addition to the land already proposed in Policy E1. Over 150,000 square feet of buildings alone are proposed on what is currently mainly open countryside, contrary to national Green Belt policy. No attempt is made in the text or the proposed policy to address this major issue and the Policy E6 should be removed from the DHLP.</p>		

Page	Chapter	Description
133	8	Media Quarter/Policy E8
Comments		
<p>The section dealing with the Council's proposals for the media industry, and references to the 'Media Quarter' proposal should be removed from Policy E8 for the reasons set out under Policy E6. In addition to the in-principle objections to this massive development in the Green Belt, the policy would effectively facilitate any media related development sought by the developer and users of the land without taking into account any impacts on the Green Belt. No criteria are set out in the draft policy to limit or guide development of the 50 hectares proposed for removal from the Green Belt.</p>		

Chapter 9 – Protecting the Green Belt

Page	Chapter	Description
138 seq.	9	Protecting the Green Belt
Comments		
<p>The treatment of Green Belt which comprises all the open countryside in the Borough and is a major asset for Hertsmere is entirely inadequate. Most of this modest chapter (merely six pages) comprises policies and proposals for development within the protected area and effectively ignores the contribution that the Green Belt makes to the quality of life of residents and visitors alike. The statement that 'land use in the green belt is not static' is misleading in the light of the NPPF guidance that 'an essential characteristic of Green Belt is its permanence' ... The further assertion that 'there is a general presumption against development in the green belt (sic)(p.139)' is belied by the significant proportion (approximately 12% of the total in the Borough) which is proposed to be released from the Green Belt.</p>		

Page	Chapter	Description
139-140	9	Protecting The Green Belt – text
Comments		

The introductory text on page 139 on Compensatory Green Belt Improvements wrongly implies that all housing and employment need has to be provided for. (see comments on Chapters 2 and 4). The term Compensatory Green Belt Improvements is effectively meaningless when key characteristics relate to open countryside and permanence, and the whole Borough outside its built-up areas is already designated Green Belt. In most cases, 'improvements' are neither needed nor sought.

From the information provided, exceptional circumstances have not been demonstrated for the removal of the locations proposed for removal from the Green Belt.

Page	Chapter	Description
141-142	9	Key Green Belt Sites, Table 22, Policy GB3
Comments		
<p>Policy GB3 proposes a large number of existing developed sites in the Green Belt listed in Table 22, which would facilitate new development that is inappropriate development in the Green Belt. This is not consistent with national planning policy, which seeks to protect the Green Belt from such development.</p> <p>Recognising that there may be justification in individual cases for small scale new buildings, and extensions to existing buildings and structures within the curtilage of such developments, the DHLP should include a policy that requires individual planning applications for them, setting out the criteria that would apply to them, and requiring very special circumstances to be demonstrated for any further incursion into the Green Belt.</p> <p>Such criteria should be stronger than those currently set out in Policy GB3. For example, criterion GB3i refers to proposals not having a greater adverse impact of the openness of the Green Belt and the purpose of including land within it. This may have been a typographical error, but there are five defined purposes of the Green Belt in national planning policy, and all that are relevant to Hertsmere must be considered when assessing individual development proposals.</p> <p>Such a criteria-based policy should apply to the whole of every key site identified in the DHLP. Any proposed 'envelope' for the extent of the current built up footprint of such sites, should be tightly drawn around that developed area, and not extended into the Green Belt, which would require exceptional circumstances for doing so to be demonstrated in the DHLP.</p>		

Chapter 10 – Responding to Climate Change

Page	Chapter	Description
145	10	Responding to Climate Change
Comments		
<p>This chapter appears to be concerned mainly with the role of developers in submitting a Climate Change and Energy Strategy and it is not clear if this is the same as the Sustainability and Energy Strategy referred to above. As noted previously this is an entirely inadequate treatment of a key element of all local plans and the emphasis on development to the exclusion of all other aspect of climate change and carbon reduction should render the DHLP unsound.</p> <p>In respect of the management of water resources, CPRE Hertfordshire supports the ambition to adopt the tighter Building Regulations optional requirement of all new homes meeting the target of 110 litres per head per day, or an equivalent higher standard if introduced. However, we query the 'concept of water neutral development which does not add to overall water demand of an area and will have a net zero impact on the mains water supply'.</p> <p>CPRE Hertfordshire would also point out that water supply issues arise not only as a result of climate change and separate comments on general water supply issues and the importance of protecting chalk streams as rare habitats are included elsewhere. (See further comments below)</p>		

Page	Chapter	Description
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147	10	Responding to Climate Change
Comments		
<p>In respect of Hertsmere's hierarchical approach to net zero carbon, the final stage of this process is of particular concern. By off-setting outside the Borough area, the Borough itself will reduce its opportunity to meet its net zero carbon targets. This approach gives developers a green light to underperform with respect to on-site net zero targets, safe in the knowledge that they can theoretically be off-set elsewhere.</p>		

Chapter 11 – Design for Life

Page	Chapter	Description
158	11	Design for Life/Policy DL5
Comments		
<p>Policy DL5 requires developers of strategic housing allocations to 'demonstrate that adequate waste water capacity exists on and off the site to satisfactorily serve the development, or that extra capacity can be provided in time to serve the development'. This is a critical issue and requires detailed treatment which is lacking in the DHLP.</p> <p>In recent months the extent of sewage pollution into water courses from waste water treatment works overflows and other drain overflows has been exposed and found to be massively in excess of what has previously been admitted by water companies.</p> <p>The Hertsmere Borough Council Infrastructure Delivery Plan Part 2: Infrastructure Schedule (2021) lists eight locations where upgrades to the local sewerage network in the vicinity of a proposed development site are required to accommodate development due to limited existing capacity. Policy DL5 needs to be substantially strengthened to require that no development is commenced until it is clear from Thames Water's agreed infrastructure development programme that the required upgrades will be completed before the development is occupied. This is particularly important as storm events are expected to increase in frequency and severity due to climate change.</p> <p>The 2017 Study states (page 6) that any growth identified in a Local Plan beyond the end of the next Water Company Asset Management Plan (AMP) cycle (normally a five-year period) is unlikely to be associated with any water infrastructure investment planning or commitments, due to the inherent focus on the current and/or next AMP cycle.</p> <p>The findings of the 2017 Study with respect to Hertsmere conclude (pages 58-62) that growth areas remain relatively unconstrained (by the wastewater system), up to and including 2031, although this only relates to projected growth figures supplied in 2016. Appendix B on page 153 defines strategic intervention to include: major upsizing in the network, major new ancillary construction including pumping stations, major upgrade works to sewage treatment works and major sewer upsizing and/or new trunk sewers which are clearly not insignificant.</p> <p>Maple Lodge Sewage Treatment Works (STW) is one of the major STWs serving the county, including Hertsmere. This STW is predicted to require at least 'focused planning' from 2021 onwards to ensure it can accommodate expected growth, while strategic interventions could be needed to ensure it has sufficient capacity in 2051. Focussed planning includes improvements to process capacity and/or additional storage treatment capacity.</p> <p>The 2017 Study concludes (page 131) that the reluctance of Water Utility Companies to fund new infrastructure until planning permission has been approved is a significant issue, leading to piecemeal upgrades instead of longer term benefits.</p> <p>Limited capacity has been identified at Maple Lodge and Blackbirds waste water treatment works, requiring substantial upgrades which may also take up to ten years to plan, design and construct subject to the financial and technical feasibility of the required upgrades.</p> <p>A further concern identified is that throughout most of the East of England the majority of receiving watercourses already exhibit high phosphate levels which cause them to be below good ecological</p>		

status. Further discharges would therefore require substantial reductions in phosphate levels which might be technologically and financially challenging.

Chapter 12 – Local Heritage

No comments

Chapter 13 – Protecting and Enhancing our Natural Environment

Page	Chapter	Description
166 seq.	13	Protecting and Enhancing Our Natural Environment/Water
Comments		
<p>The Hertfordshire Water Study 2017 (the 2017 Study) prepared for nine local planning authorities in Hertfordshire, including Hertsmere, states (page 6) 'The Environment Agency(EA) currently classifies both surface water and groundwater resources within the majority of Hertfordshire as over-licensed or over-abstracted, effectively meaning that there is no surplus water available for any further increase in supply. This highlights the importance of the conservation of water in both new and existing domestic dwellings, as well as commercial properties'.</p> <p>The 2017 Study also references UK climate predictions (on page 9) which suggest that average summer rainfall in Hertfordshire is expected to decrease by 10% by the 2020s and by up to 18% by the 2050s, although a higher figure of decrease of 34% is also quoted. At the same time winter rainfall is expected to increase in quantity and intensity: the intensity increase having implications for sewer capacity. More intense rainfall is likely to cause a decrease in winter aquifer recharge as runoff goes into the waste water infrastructure rather than infiltrating into the ground as happens when rainfall is less intense. Development on greenfield land also reduces capacity for aquifer recharge.</p> <p>The scale of new development proposed within the Borough will substantially increase water demand. The Environment Agency (EA) requires that reductions in abstractions from the headwaters of chalk streams must be in place by 2025, as set out in its Water Industry National Environment Programme (WINEP)and whereas some reductions in groundwater will be made due to new supply from Graffham Water due in 2024/25, thereafter no new imported supplies of water are likely to be possible before 2030 at the earliest. The Water Resources South East (WRSE) process now underway aims to identify new water sources, including new reservoirs and transfers of water from elsewhere in England. A decision on which option(s) to choose is expected in 2025 with a minimum of six years before new supplies are delivered (and much longer if reservoir options are chosen).</p> <p>The 2017 Study states (section 6.3.2, pages 32-33) that between 2015 and 2040 efficiency measures (metering and other demand reductions, together with leakage reductions) have been predicted to decrease total water usage for Hertfordshire. However, due to the quantum of population growth projected there is still an upward trend in usage and the overall water demand is predicted to increase by an average of 40% within the study area by 2051.</p> <p>It is unthinkable yet a definite possibility that the level of growth proposed in Hertsmere and in adjoining areas will lead to water shortages especially in periods of lower than average rainfall which are becoming more common (the last two periods were Spring 2020 and the winter, spring and summer of 2018/19). If this happens there will be no option but to increase groundwater abstractions again and significant harm to biodiversity will be inevitable. This scenario has implications for Water policy i. under Policy ENV1 – Environmental impact of development: 'Development which would be likely to ... unduly affect the water table will not be granted permission' (page 168).</p>		

Page	Chapter	Description
168	13	Policy ENV1

Comments
<p>Policy ENV1 states that 'The council will ... ensure that development proposals do not create an unacceptable level of risk to occupiers of a site, the local community and the wider environment'. 'Development should not ... significantly add to contamination or pollution'.</p> <p>The Hertsmere Borough Council Infrastructure Delivery Plan Part 2: Infrastructure Schedule (2021) lists eight locations where upgrades to the local sewerage network in the vicinity of a proposed development site are required to accommodate development due to limited existing capacity. Please also see our comments relating to Policy DL5 above.</p>

Page	Chapter	Description
170	13	Biodiversity
Comments		
<p>CPRE Hertfordshire is concerned by a number of proposals in this section, in particular the suggestion that habitats or species protected in legislation can still be damaged by development, with the damage mitigated or compensated for. This is unacceptable.</p> <p>The quantum of the current biodiversity crisis means that there should be an assumption in decision-making that all remaining biodiversity should be protected. Sites are protected in legislation due to their very special qualities which are often unique and irreplaceable due to the very long time frame in which they have evolved complex associations of species on particular edaphic conditions. Some habitat types and species may never recolonise alternative sites and could become extinct in the locality. On many sites their value lies in their longevity and this cannot be reproduced</p> <p>The DHLP should state specifically that out-of-Borough offsetting should not be permitted, otherwise the overall result could be a loss of local biodiversity, with compensatory measures being taken in distant places inaccessible to local people.</p> <p>The BNG percentage should be 10% or the minimum required by legislation if higher. The possibility that the Council might decide that a BNG management and monitoring plan is not needed, as suggested on page 171, is alarming. Although it is likely that the statutory period for maintaining BNG will be 30 years, in reality this is far too short a period and the Council should require much longer periods to allow habitats such as woodland to develop more fully.</p>		

Page	Chapter	Description
171	13	Policy ENV3
Comments		
<p>Policy ENV3 suggests that the conservation of nationally and locally designated sites is negotiable with developers. It also suggests that BNG is optional (in para ii.) and both these assertions are arguably illegal and certainly unacceptable, and should be deleted.</p>		

Page	Chapter	Description
172	13	Policy ENV4
Comments		
<p>Policy ENV4 is unacceptable with respect to the assumption that nationally designated wildlife and geological sites can be damaged as a result of development and the damage mitigated or compensated for. Our reasons for objecting to this policy are noted above (re Policy ENV3).</p> <p>Development proposals must avoid such sites and ensure that they are not damaged by activities on nearby development sites. In addition, the ambition to protect all sites of biodiversity value should be pursued to ensure that biodiversity decline is halted. Mitigation and compensation are not adequate alternatives to damage or loss. This should include relatively common features including small woods and copses, hedgerows (which may also be significant historic assets), species-rich grass verges and other grassland, scrub and local wetlands including ponds and minor watercourses.</p>		

It is also alarming that the unique RIGS site protecting in-situ Hertfordshire Puddingstone is included within housing site R3. The RIGS area should be excluded from the housing site altogether and protected by a substantial width of undeveloped land. Hertfordshire Puddingstone is a globally rare rock almost unique to the County and this site is one of few known to have in situ Puddingstone present. Any risk of damage must be avoided.

Page	Chapter	Description
173	13	Policy ENV5
Comments		
<p>Policy ENV5 states that individual development proposals will be assessed for their impact on landscape features to ensure compliance with the Hertfordshire Landscape Character Assessment and the 'Hertsmere Landscape Sensitive and Visual Impact Assessment'(sic)(the actual title is the Landscape and Visual Sensitivity Assessment (2020)). However, in the individual assessments of housing and other site allocations in Chapter 7, Meeting Local Housing Needs, and Chapter 8, A Strong Local Economy, there is no indication in the individual site descriptions and proposals of the outcome of these site assessments. Nor is there any indication of the impact of the proposals for the sites on features such as public rights of way crossing the land.</p>		

Page	Chapter	Description
173	13	Policy ENV6
Comments		
<p>Policy ENV6 that development of the 'best and most versatile' (BMV) agricultural land should be avoided. BMV land is defined as Grade 1, 2 and 3a land (as assessed by DEFRA) and as their mapping does not split Grade 3 land, Natural England's advice (Guide to assessing development proposals on agricultural land – updated 5 February 2021) is that new surveys should be carried out using experienced soil specialists to inform planning decisions and the implication of the consultation requirement for more than 20 hectares of BMV land proposed to be lost as a result of a non-agricultural planning if not in a development plan, is that such losses are not generally acceptable. There are no indications in the individual site appraisals of the grade of land underlying the sites.</p> <p>Given that much of Hertsmere is rural land (79% is Green Belt although not all of that is rural), the need to protect agricultural land and soils should be given much greater prominence throughout the plan. This reflects the role of agricultural land for food production and many other uses, and the further potential of agricultural land to enhance landscapes and biodiversity, mitigate climate change through carbon sequestration in soils and vegetation, provide resilience to climate change including through reducing the impacts of severe weather events, and support health and well-being.</p> <p>While well-managed soil is a significant carbon sink, poorly managed soil is a significant source of carbon release into the atmosphere. Specific soil-handling and storage requirements should be applied as part of development planning conditions to minimise carbon release.</p>		

Page	Chapter	Description
174	13	Policy ENV7
Comments		
<p>Large mature trees on development sites are difficult to manage and not always popular with residents due to shade, honeydew deposits and potential damage from falling branches and roots. Care should be taken when approving development plans to ensure that buildings and other construction works are kept well away from trees.</p> <p>Tree roots can extend a considerable distance beyond the extent of their crown width and be damaged so that the trees are weakened and eventually need to be removed. Tree species chosen for tree-lined streets should be selected to reduce potential problems as they mature.</p>		

Page	Chapter	Description
175	13	Policy ENV8
Comments		
<p>No mention is made in Policy ENV8 of Local Nature Recovery Strategies (LNRS) which are expected to be introduced in the Environment Bill. These are likely to require measures to protect and restore priority species and habitats, mapping proposals for specific actions and enable the implementation of wider benefits using nature-based solutions including flood mitigation and soil protection, and measures to capture and store carbon.</p> <p>LNRS will provide opportunities to create accessible green spaces and rights of way networks to enhance the public's access to and enjoyment of the countryside and nature. Far-sighted local planning authorities (such as Lancaster City Council) are already planning for LNRSs by mapping existing blue and green infrastructure and identifying potential nature improvement sites, which create a connected network across their area.</p> <p>LNRS will enable public, private and voluntary sectors to work together on biodiversity recovery locally, and communities will have opportunities to contribute to enhancements in their local areas. They will create a framework for off-site in-Borough Biodiversity Net Gain (BNG) where developers are unable to accommodate such requirements on-site.</p> <p>By preparing maps of LNRS areas in advance there is a greater chance that BNG will be retained in-Borough and not off-set to a more distant location. This is a more substantial approach than the largely development-funded approach envisaged in Policy ENV3 paras iii to v.</p> <p>LNRS networks can integrate sustainable drainage measures (as referenced in Policy ENV11) and the protection and enhancement of watercourses (Policy ENV12). In both case long-term management needs to be funded, planned and managed.</p> <p>Creative management solutions are needed to meet the long-term challenges of all green and blue infrastructure, including land incorporated into LNRS, Sustainable Urban Drainage Systems and watercourses to ensure their continued management and enhancement so as to meet biodiversity improvement aims and other nature-based solutions.</p> <p>Clear and distinct policies are required for separate elements of green and blue infrastructure, existing designated wildlife sites, habitats supporting protected and priority species, other existing areas of biodiversity value, and new sites. There should be much greater emphasis on the role of natural habitats and other undeveloped land to contribute to achieving net zero carbon targets and mitigating the effects of climate change, including reducing the impacts of extreme weather events.</p>		

Page	Chapter	Description
175	13	Policy ENV8
Comments		
<p>The upper River Colne and its tributaries, including Mimmshall Brook, are chalk streams which are located throughout the Borough area, including Potters Bar, Borehamwood and Radlett. As such their protection falls within the requirements of NPPF paras 179 and 175 concerning the conservation, restoration and enhancement of priority habitats. Chalk streams including the Upper Colne and its tributaries are priority habitats under S 41 of the Natural Environment and Rural Communities Act 2006. Planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided (NPPF para 180).</p>		

Page	Chapter	Description
175 seq	13	Policy ENV8
Comments		
<p>The Watling Chase Community Forest receives only a brief mention under the heading Green and blue corridors. Community Forests were proposed some 30 years ago, intended to create a multi-purpose woodland resource on the urban fringe. While many of the Community Forests originally designated under this initiative have continued to thrive, including Thames Chase in Essex and the Forest of Marston Vale in Bedfordshire, Watling Chase appears to be moribund. In view of tree</p>		

planting targets for England proposed by the Climate Change Committee and reflected in the recently-published England Tree Strategy, this is an ideal time to re-start active development of the Forest as an objective of the DHLP.

The original *Advice manual for the preparation of a community forest plan*, published by the Countryside Commission in 1990, stated: 'The opportunities for nature conservation within community forests are especially exciting', adding: 'there will be the opportunity for plan for nature conservation from the outset: to give it priority where existing or potential interests demand, and to integrate nature conservation fully with other land uses on equal terms'. 'If this balance is achieved, community forests will be exciting innovations for nature conservation, as well as breaking new ground in woodland creation and leisure provision.'

Biodiversity Net Gain and Local Nature Recovery Strategies will provide an opportunity for these original objectives to be realised, and it is recommended that the original 1995 Forest Plan for Watling Chase is revisited and updated, with appropriate resource allocations committed by the participating local authorities, to ensure that its objectives are realised.

Page	Chapter	Description
178	13	Policy ENV10
Comments		
<p>Policy ENV10 states that development in some flood risk zones will be permitted. It is becoming increasingly apparent that nature-based solutions to flood control are effective, low-cost and low carbon alternatives to man-made flood defences.</p> <p>Flood plains are essential to the nature-based approach and their effectiveness will be substantially compromised if any further development within floodplains is allowed. Instead floodplains should be allowed to develop natural vegetation such as reed beds and carr wood, which trap and hold water, releasing it only slowly and reducing flood peaks.</p> <p>Such vegetation will also contribute to biodiversity recovery. This includes access routes to development sites, since hard surfacing detracts from the capability of a flood plain to hold water. Development in flood-risk zones can be expected to increase the risk of flooding downstream.</p> <p>Policy ENV10 needs to be substantially rewritten, especially as climate change is likely to result in more severe and more frequent storm events.</p>		

Page	Chapter	Description
180	13	Policy ENV11
Comments		
<p>CPRE Hertfordshire supports Policy ENV11 concerning the requirement for grey water recycling and on-site reuse in all new employment and business developments, to which should be added rainwater harvesting. We would urge the Council to introduce a similar mandatory requirement for new houses, and to plan for retrofitting of the existing built infrastructure in the Borough to incorporate similar measures.</p>		

Chapter 14 – Local Facilities

Page	Chapter	Description
183 seq	14	Local Facilities/Policy LF3 et al
Comments		
<p>Insufficient attention is given throughout the DHLP to the importance of Hertsmeres's Green Belt countryside for health and well-being, including the many public rights of way used by local residents for walking and access to nature. Specifically there should be recognition of the significance of The Hertfordshire Way long distance path, 20 miles of which passes through</p>		

Hertsmere, and which will specifically be harmed by several of the development proposals (S1 Shenley, SM1 South Mimms, PB2 Former Potters Bar Golf Course, and the employment area just north of Potters Bar, west of the rail line).

Chapter 15 – Sustainable Travel

Page	Chapter	Description
193 seq.	15	Sustainable Travel/Policies ST1,ST2,ST3
Comments		
<p>Edge-of-settlement locations and the proposed new settlements (see Chapters 2 and 3 above) are likely to be car-dependent, as they are located in many cases too far for active travel options to be realistic.</p> <p>There is no over-arching public transport plan for the Borough area, setting standards for the location, frequency and cost of services which might succeed in reducing car use. According to the Hertfordshire Local Transport Plan, investment on its own to improve provision for and encourage use of alternative modes of travel to the car will not be sufficient to change existing travel behaviour and deliver sufficient modal shift. It goes on to state that reduction in car use requires policies to reduce the ease and convenience of car use and this should be acknowledged and addressed in the DHLP notwithstanding the unavailability of the Hertfordshire Public Transport Strategy.</p> <p>Policy ST1 includes the requirement that proposals for development must, among other aims, ensure that impacts on the local transport network and associated infrastructure are mitigated. This is vague and unlikely to be capable of being successfully achieved given the size and location of many of the housing sites and the findings on the barriers to achieving modal shift quoted in the Hertfordshire Local Transport Plan.</p> <p>Policy ST2 requires the delivery of 'new or improved bus services to be subsidised for an initial period'. This is not a sustainable proposal and allows for a failure of the bus service and a reversion to car transport as the mode of choice. 'New and visionary options are welcomed' suggests that the HBC has little idea how to achieve the scale of modal shift required to achieve genuinely sustainable transport.</p> <p>Policy ST3 contains significant inconsistencies and unreality. For example, the narrative states 'where highways improvements are likely to result in an increase in vehicular traffic, the promoter will be required to demonstrate that' (among other requirements) 'the proposal does not result in an increase in travel demand and reliance on the private car'. This is both unrealistic and inappropriate.</p>		

Page	Chapter	Description
201	15	Sustainable transport solutions, Policy ST4
Comments		
<p>It is stated that 'lower density development will be confined to areas that are less accessible or have limited opportunities for significant sustainable travel improvements'. This is contrary to the whole concept of sustainable travel and such areas should be regarded as unsuitable for any development. Table 27 setting out residential car parking provisions does not appear to meet the desired outcome of reducing car use generated by new development.</p> <p>The Hertsmere Infrastructure Delivery Plan Part 2: Infrastructure Schedule (2021) includes, starting on page 26, a list of highways improvements which include: 'highway connections, external highway mitigation and provision of internal highway networks to serve individual development sites'. These are not proposals designed to reduce car use.</p> <p>Policy ST4 appears acceptable in stating that major trip-generating development will be focused in town centres or other areas of greater public transport accessibility. However, the subsequent</p>		

statement that 'traffic generated can be accommodated through current or upgraded road layouts' does not conform with car use reduction objectives.

Chapter 16 – Vibrant Town Centres

No comments

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