

Dacorum Borough Council

Core Strategy Examination in Public 2012

AMEC on behalf of The Crown Estate (ID: 211068)

Hearing Session: Tuesday 16 October 2012 10.00

Issue 10: Place Strategies: Hemel Hempstead

Question 10.1: Is the policy for growth and change in this area appropriate and justified, including in relation to national guidance and local needs, and in terms of economic, social and environmental impact? Have all reasonable alternative sites been assessed?

1. It is considered that the policy for growth provided in the Hemel Hempstead Place Strategy is unsound for the reasons outlined below:
 - **The policy for growth and change in this area is not justified in relation to national guidance and local needs.**
2. The general thrust of the NPPF (as outlined in paragraph 14) is aimed at contributing towards sustainable development through the planning system. There is a presumption in favour of sustainable development “*which should be seen as a golden thread running through both plan-making and decision-taking.*” Paragraph 158 of NPPF requires that Local Plans are prepared on the basis of an ‘*adequate, up-to-date, and relevant evidence base about the economic, social and environmental characteristics and prospects of the area.*’
3. It is considered that insufficient land for development has been identified in the Core Strategy to meet housing needs (see our response to issue 6) and employment growth needs (see our response to issue 5). Given the scale of growth required to meet development needs it is considered that the Core Strategy cannot be delivered without the delivery of land at East Hemel Hempstead (including the AAP area). This provides the most sustainable direction for growth and should not have been discounted and is critical to addressing local needs (see response to question 12.2).
 - **All reasonable alternative sites been not been adequately assessed**
4. The Crown Estate does not consider that all reasonable alternative sites have been fully assessed and therefore the Core Strategy is unsound and fails the tests of effective, justified and consistency with national policy. The Council’s evidence base and sustainability appraisal do not support the Council’s current strategy as being the most sustainable option for delivering growth in the Borough.
5. The Crown Estate’s extensive land landholding east of Hemel Hempstead was partly assessed in the early stages of the Core Strategy as part of a dispersed housing growth option. It was consistently scored as one of the most sustainable growth options available to the Council. The option partly however lies within the District of St Albans. It was identified in the East of England Plan but appears to have been discounted following the

proposed revocation of the Regional Spatial Strategy. Whilst there is an intention to revoke the Regional Spatial Strategy, this does not remove the requirement to deliver sustainable development or to work collaboratively with neighbouring authorities (see response to Issue 1).

6. Land to the east of Hemel Hempstead was initially included as an option in the November 2006 Issues and Options 'Growth at Hemel Hempstead' consultation document (CS5). The Sustainability Appraisal did not identify any major constraints to development and the issues that scored negatively are not considered to have been appraised correctly taking into account the proximity of the site to employment areas and the new facilities/public transport links that would be provided as part of the development.
7. The June 2009 Emerging Core Strategy, page 146, (CS8) stated that "*Further extension of Hemel Hempstead's residential areas may be necessary or appropriate. The best opportunity with least impact, lies to the east of Spencer's Park and south of the Nickey Line.*" It goes on to note that St. Albans would be the planning authority and would be responsible for decisions on the level of development. However, no specific options for east Hemel Hempstead were assessed as part of the Sustainability Appraisal. The reason given for this was due to the uncertainty at the regional level.
8. The November 2010 Sustainability Appraisal of the Dacorum Core Strategy Consultation Draft (examination reference CS17) states in section 6.3.4 in relation to the August 2009 Housing Growth Options that: "*The eastern strategy in combination with the East Hemel Hempstead Area Action Plan (AAP), should they both proceed, could have cumulative positive effects on the economic and social objectives through the provision of employment, leisure and housing in close proximity, plus improvements to transport infrastructure.*"
9. However, the Core Strategy consultation in November 2010 did not include land to the east of Hemel Hempstead (north or south of the A414), and the land was not included as part of the Assessment of Local Allocations and Strategic Sites Document (October 2010). This does not appear to be related to the results of the previous sustainability appraisal (on which it scored well). There is no justified reason for the omission of the site but simply the fact that land to the east of the town falls within a different authority.
10. It should not have been discounted solely on this reason. Paragraph 17 of NPPF sets out core planning principles which "*should underpin both plan-making and decision-taking.*" These include that plans should "*be based on joint working and co-operation to address larger than local issues*" and they should "*proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and and thriving local places that the country needs.*" Please also refer to The Crown Estate's representations relating to cross boundary issues (on Issue 1).
11. The Crown Estate has in the past promoted an urban extension to the East of Hemel Hempstead. See submission document OT10 'Proposed Development at Gorhambury: Hemel Hempstead East'. This is referred to in the document as the 'Gorhambury Concept' (see also the Gorhambury Concept Position Statement submitted with our response to issue 1).
12. The Gorhambury Concept has been identified over many years to accommodate major expansion of Hemel Hempstead. This could include the delivery of up to 6,000 new homes to meet the immediate growth requirements as well as longer term growth needs in a sustainable and phased manner. Smaller options are also available in the northern and

southern neighbourhoods. Development of mixed use neighbourhoods in this location would assist in balancing the mix of uses to the east of the town, providing housing and community facilities close to the Maylands Employment Area. Critically, it would also assist in the regeneration of this area.

13. There are no major environmental constraints to development to the east of the town. The land makes a limited contribution to the Green Belt, the M1 is a clear robust long term Green Belt boundary to prevent encroachment into the countryside. Development would not impact negatively on the AONB, unlike other locations.
14. It is considered that growth to the east of Hemel Hempstead should be fully assessed as an option. Substantial and comprehensive evidence produced to support the concept (see OT10) in addition to the Council's sustainability appraisals highlight the significant opportunities this provides to meet the area's development needs in a highly sustainable manner.

Question 10.2: What are the implications for Hemel Hempstead with regard to development on land to the east within St Albans City and District? Is the proposed boundary of the East Hemel Hempstead AAP appropriate and justified? Have all the opportunities for development to the east of Hemel Hempstead been robustly explored?

- **What are the implications for Hemel Hempstead with regard to development on land to the east within St Albans City and District?**

15. With regard to question of what are the implications for Hemel Hempstead in terms of development on land within St Albans City and District, it is considered that the growth of East Hemel Hempstead is of strategic importance to delivering sustainable development in both Dacorum and St Albans districts but given the current lack of collaboration between the two neighbouring authorities this is unlikely to be delivered. This undermines the soundness of the whole plan.
16. As noted above, it is considered that insufficient land for development has been identified in the Core Strategy to meet housing needs (see our response to issue 6) and employment growth needs (see our response to issue 5). It is considered that the delivery of land at East Hemel Hempstead (including the AAP area) is critical to the successful delivery of the Core Strategy. This provides the most sustainable direction for growth and its importance was noted in the East Hemel Hempstead AAP Issues and Options Document (reference AA1) states that:

“We have considered a ‘do nothing’ approach, in terms of projecting our existing planning policies forward and allowing the market to dictate the pattern of development up to 2031. However, this would fail to provide the much-needed stimulus to transform East Hemel Hempstead and would likely result in the continued underachievement of the area.”

17. The importance of the EHHAAP to the economy of Hemel Hempstead and the wider Borough is specifically recognised in the Council's own consultation on the AAP Issues and Options (reference AA4). In this document the Council identify how “critical” it is to the vision of Maylands:

*“The possible expansion of the employment areas to the east is **critical** to the vision of Maylands as a prosperous and green business park” (page 17, emphasis added).*

18. St Albans City and District and Dacorum Borough Council were working on a joint evidence base to test options east of the town. However following the quashing of Regional Plan policies and the intention to revoke the RSS, the collaboration has significantly slowed and there has been a lack of cross boundary working. The two emerging Core Strategies are not aligned. The emerging St Albans Core Strategy has no firm commitment to deliver growth in Dacorum. St Albans Council have indicated that the indicative AAP boundary should only be treated as an 'indicative study area'. Given that there is no firm commitment from St Albans City and District there is a strong possibility that the AAP will not be deliverable.
19. It is appreciated that the AAP itself will be the mechanism for dialogue between the authorities, but as far as The Crown Estate is aware there has not been any agreement with St. Albans regarding joint working to assist Dacorum in meeting its development needs on the eastern edge of Hemel Hempstead. NPPF states that "*planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts when their local plans are submitted for examination*" (paragraph 180). Evidence submitted by Dacorum in its Statement of Compliance with the Duty to Cooperate (SUB8) shows that since 2009 there has been no effective joint working.
20. The Planning Inspectorate guidance 'Examining Development Plan Documents: Learning from Experience' September 2009 states at paragraph 29 that "*A conflict between authorities about cross boundary dependencies is likely to lead to a finding of unsoundness for all the strategies involved.*"
21. We do not consider that the Core Strategy and the approach being taken by Dacorum and St Albans provides an effective framework for the progression of the AAP and this undermines the delivery of the AAP. The AAP is only likely to progress through the alignment of the two Core Strategies and the preparation of a joint evidence base which is not currently happening.
 - **Is the proposed boundary of the East Hemel Hempstead AAP appropriate and justified?**
22. There is no agreement between the two neighbouring councils about what the appropriate boundary should be. As this presents one of the most sustainable options for growth of the town, the tightly drawn local authority boundary should not be a reason for it not being progressed.
23. Sensible and sustainable planning does not stop at local authority boundaries, and given that the eastern edge of Hemel Hempstead is very constrained by a tightly drawn boundary, there is a clear need for St. Albans to co-operate and work with Dacorum to assist Dacorum in meeting its development needs for employment, residential and community uses in sustainable locations. The Crown Estate considers that the AAP area should be based on a clear boundary such as the M1 and that this would provide sufficient flexibility for any detailed proposals within that area.
24. As part of The Crown Estate's 'Gorhambury Concept' proposal for a sustainable mixed use urban extension of Eastern Hemel Hempstead, a concept plan was prepared by The Crown Estate, which shows its full potential. Plan A1.2 (included in the Draft North East Hemel Hempstead Framework) identifies a bigger area based on existing and defensible boundaries defined by surrounding roads (see Gorhambury Concept Position Statement submitted with our response to issue 1).

25. The Council's evidence base points towards the East of Hemel Hempstead being the focus of development in the current plan period and beyond. In fact in the Council's statement on the duty to co-operate (SUB8), they recognise the east of the town being the logical growth option (paragraph 4.18). The Employment land update report (reference ED12) states that greenfield land to the east of Maylands within St Albans, whilst not required in the current plan period, could be required when the target is revised in five years. Given that the plan covers the period through to 2031 it is appropriate to identify this area of land as a location for employment over the life of the plan.
26. The area between Hemel Hempstead and the M1 provides potential for a range of employment uses. However the specific attributes of the site being close the M1 present a unique opportunity for large scale B8/logistics uses that would provide a substantial contribution to the local economy. Evidence of the attractiveness of the site for large scale logistics uses is shown by DHL who have expressed their interest in the site as a location for a major logistics centre of over 2m sq ft. providing potential for some 2000 - 3000 jobs.
27. Paragraph 4.15 of the Council's 'Statement of Compliance with the Duty to Cooperate' recognises that land outside of the District is required:
- "The jobs target is consistent with the housing growth, allowing for a small element of growth from outside Dacorum reflecting the sub-regional role of Maylands Business Park."*
28. When undertaking a review of the Green Belt boundaries in this location (see response to Issue 2) The Crown Estate believes that the M1 to the east of Hemel Hempstead provides a long term defensible boundary to the expansion of the town beyond the current plan period. Land could also be safeguarded in order to meet long term development needs (in accordance with NPPF, paragraph 85). Using the M1 as a boundary for the APP area and safeguarding land within this area would avoid the incremental and piecemeal erosion of the Green Belt as would be provided by the current spatial strategy.
- **Have all the opportunities for development to the east of Hemel Hempstead been robustly explored?**
29. No. As noted in the response to question 10.1 The Crown Estate does not consider that all reasonable alternative sites have been fully and robustly assessed and therefore the Core Strategy is unsound and fails the tests of effective, justified and consistency with national policy. The Council's emerging Core Strategy and supporting evidence base (including the sustainability appraisal) supports East Hemel Hempstead as being the most sustainable option for delivering growth in the Borough.

Summary

What part of the Core Strategy is unsound?

30. The Hemel Hempstead Place Strategy within the Core Strategy is considered to be unsound on the basis that:
- The policy for growth and change is not appropriate or justified;
 - It is not justified in terms of a consideration of realistic alternatives; and

- The proposed boundary of the East Hemel Hempstead AAP is not appropriate, justified or deliverable without effective cross boundary working.

Which test of soundness it fails?

31. It is considered that the Core Strategy fails the following tests of soundness:

- Positively prepared: the plan is not sufficiently positive and does not meet objectively assessed needs (see also The Crown Estate's response to Issues 5 and 6);
- Justified: the plan does not provide the most appropriate strategy when considered against other reasonable alternatives (see response to issue 1) ;
- Effective: the plan is not sufficiently based on effective joint working or economic growth needs (see also The Crown Estate's response to issues 1 and 5); and
- Consistency with national guidance: the plan does not provide the most sustainable growth strategy for the town.

How the CS can be made sound

32. In order to be found sound, it is considered that an appraisal of alternative options at East Hemel Hempstead should be comprehensively undertaken. This should also be included as part of a robust Green Belt review (jointly with St Albans).

The precise change and/or wording sought

33. The Council should carry out a robust assessment of alternatives. The Council's emerging Core Strategy and supporting evidence base (including the sustainability appraisal) supports East Hemel Hempstead as being the most sustainable option for delivering growth in the Borough. This should be allocated for a mixed use housing and employment development to ensure the successful delivery of the Core Strategy.

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