



# The Green Belt and Rural Area Background Topic Paper

Dacorum Local Plan (2020-2038)  
Emerging Strategy for Growth  
November 2020

# **Background Topic Papers**

## **Introduction**

A series of background topic papers have been prepared to support the Dacorum Local Plan (2020-2038) Emerging Strategy for Growth consultation. These are as follows:

- **Climate Change and Sustainability**
- **The Development Strategy**
- **Housing**
- **Site Selection**
- **The Green Belt & Rural Area Background Topic Paper**
- **Employment**
- **Retail and Town Centres**
- **Transport and Connectivity**
- **Open Space, Sports and Leisure**
- **Chilterns Beechwoods SAC**

These papers form part of the evidence base and are intended to make it easier to understand the Council's emerging approach.

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# 1. Introduction

## **Role of topic papers**

- 1.1. The Borough is facing challenging pressures for new development over the next 20 years which it must tackle through its Local Plan. In particular, the need for homes, employment land and associated infrastructure is much higher than faced by previous Plans yet this has to be planned for in the context of the same extensive planning and environmental constraints. Thus the Plan must demonstrate how it has taken account of the Green Belt in coming to conclusions on meeting its development needs.
  
- 1.2. This topic paper provides a summary of how the Green Belt and Rural area policies for the Local Plan to 2036 (Local Plan) (Regulation 19) has emerged and what has influenced those decisions. It explains what the Plan took into account in developing the approach and how it has narrowed down reasonable policy options, identified Plan allocations, and highlighted changes to the Policies Map in terms of its:
  - Evidence base;
  - Feedback from the previous Issues and Options consultation;
  - Ongoing engagement with statutory and key stakeholders in line with the Council's Statement of Community Involvement
  - Ongoing engagement with those registered on the Council's consultation database
  - Meeting its legislative obligations under the Duty to Cooperate;
  - Testing of options through ongoing transport modelling; and
  - Testing of options through the Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment and Habitats Regulations Assessment.
  
- 1.3. This topic paper is published alongside the Emerging Strategy for Growth (2020 – 2038) consultation document. It should be read in conjunction with a series of related and complementary topic papers that explain the Plan's overall policies, visions and objectives.

## **The Green Belt in Dacorum**

- 1.4. The Hertfordshire County Development Plan first delineated an area south of Hemel Hempstead and south of Bovingdon as part of the Metropolitan Green Belt in 1958. The Green Belt was extended to most of the present area in Dacorum through the Hertfordshire County Structure Plan (approved in 1976) and the Dacorum District Plan (adopted in 1984) – i.e. around Hemel

Hempstead, Bovington, Berkhamsted and Tring, and up the M1 corridor: Kings Langley was excluded from the Green Belt at this time. The Green Belt was further extended up the Ver Valley through the County Structure Plan Review (1991-2011) and the Dacorum Borough Local Plan (1991-2011), which was adopted in 2004. Some land was excluded from the Green Belt in 2004 to allow for development needs to be met.

- 1.5. Over half of Dacorum's countryside lies within the Green Belt. It covers approximately 10,690 hectares (i.e. the area defined in the Dacorum Borough Local Plan (1991-2011) this forms part of the saved policies 2004). It forms part of the wider Metropolitan Green Belt, which surrounds and extends about 12-15 miles beyond London and further outwards along main transport routes. To the north of Markyate, the Green Belt adjoins the South Bedfordshire Green Belt.
- 1.6. A defined Rural Area lies beyond the Metropolitan Green Belt which is the wider countryside which is located outside of the main settlements. Whilst the Rural Area's role is legislatively different from the Green Belt, the pressures it faces are comparable: in order to retain its open character, development must be controlled in a similar approach.
- 1.7. Within Dacorum there is the Chiltern's Area of Outstanding Natural Beauty. An AONB is a nationally recognised designation for conservation based on its significant landscape value, which is afforded greater protection than other Rural Area designations. An AONB has comparable pressures to Green Belt.

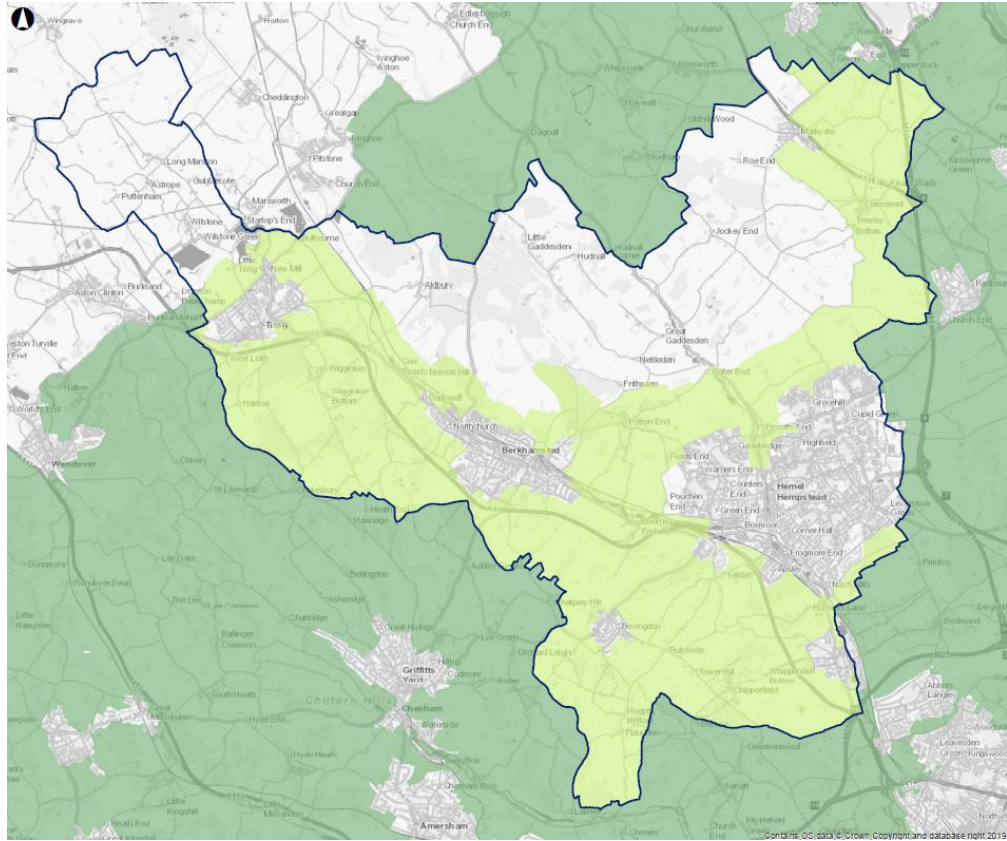


Figure 1 Green Belt (light green) and AONB (central north) in Dacorum – Extract from Green Belt Review stage 3 27<sup>th</sup> August 2020

1.8. The boundaries and policy approach for each settlement with Dacorum is as follows:

- the inner boundary of the Green Belt – this is consistent with the boundaries of towns and large villages, i.e. places which are excluded from the Green Belt:
  - Hemel Hempstead
  - Berkhamsted
  - Tring
  - Bovingdon
  - Kings Langley
  - Markyate [with the exception of the northern part of Markyate which abuts the Rural Area]
- the boundary of infilling areas at selected small villages within the Green Belt – commonly referred to as village envelopes:
  - Chipperfield
  - Flamstead
  - Potten End
  - Wigginton



- The outer boundary of the Green Belt - this is consistent with the boundary of the Rural Area [with the exception of the southern part of Markyate].
  - the boundary of selected small villages within the Rural Area:
    - Aldbury
    - Long Marston
    - Wilstone
- 1.9. The character and appearance of the Green Belt naturally varies across the Borough. There are significant existing areas and pockets of development within the Green Belt, particularly in the southern part of the Borough.
- 1.10. In proposing new Green Belt boundaries, the Council will continue to engage with stakeholders as well as continuing to consider the landscape characteristics, designations and adopted and draft Local Plans of the following neighbouring and adjoining authorities
- St Albans City and District Council
  - Central Bedfordshire Council
  - Luton Borough Council
  - Buckinghamshire Council
  - Three Rivers District Council
- 1.11. Throughout the process of preparing the draft Dacorum Local Plan, the Council and its officers has taken consideration of the balance between the great importance that the Government attaches to the protection of the Green Belt and the further emphasised NPPF requirements to place significant weight on the need to support economic growth and to boost significantly the supply of housing by meeting the objectively assessed needs for market and affordable housing in its Housing Market Area (HMA) in line with paragraph 59 of the NPPF.

## 2. Policy Context

- 2.1. The preparation of the new Local Plan, particularly in developing a spatial strategy for the Borough, has been influenced by a national, regional and local legislation, policy ,strategies and guidance

### Green Belt National Policy Context

#### **National Planning Policy Framework (February 2019)**

- 2.2. National advice on the Green Belt is provided through the National Planning Policy Framework (NPPF), which is supported by further guidance through the suite of National Planning Practice Guidance (NPPG). These documents are reviewed and updated by the Government.
- 2.3. It is noted that Paragraph 11 of the NPPF refers to the presumption in favour of sustainable development and how that is defined for the purposes of plan-making and decision-taking. Under this definition Green Belt is still classed as a designation in plan-making that may restrict the overall scale, type or distribution of development.
- 2.4. Chapter 13 of the NPPF sets the framework **for protecting Green Belt land**, including Government guidance for assessing Green Belt purposes. Paragraph 133 of the NPPF sets out the fundamental aim of the Green Belt and it states that:
- “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence”*
- 2.5. Paragraph 134 of the NPPF goes on to state that the Green Belt should serve five purposes which are defined as follows: to check the unrestricted sprawl of large built up areas;
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 2.6. Paragraph 135 of the NPPF refers to the addition of new Green Belt areas. No such areas were deemed appropriate to promote in the draft Local Plan.
- When considering the removal and reclassification of Green Belt land there are three paragraphs within the NPPF which specifically detail the steps which a Local Planning Authority must satisfy for Green Belt release which are detailed in paragraphs 136, 137, 138 and 139 which are referenced below:
- 2.7. Paragraph 136 of the NPPF makes it clear that adjustment to Green Belt boundaries should only take place through the plan-making process and only where exceptional circumstances are fully evidenced and justified. Appendix x of this topic paper sets out all of the relevant evidence to demonstrate what the draft Local Plan is sound on this matter.
- 2.8. Paragraph 136 of the NPPF states *“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans<sup>1</sup>”*.
- 2.9. What constitutes exceptional circumstances is a judgement each Local Planning Authority needs to reach when considering amending the Green Belt.
- 2.10. Paragraph 137 of the NPPF considers the need for the Local Planning Authority to adequately consider all other reasonable options for meeting the identified need for development before concluding that exceptional circumstances exist to justify changes to the existing Green Belt boundaries therefore seeking to release Green Belt land.
- 2.11. Paragraph 137 states *“Before concluding that exceptional circumstance exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph and whether the strategy:*

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<sup>1</sup> NPPF, MHCLG, Feb 2019, Paragraph 136

- a) *Makes as much use as possible of suitable brownfield sites and underutilised land;*
- b) *Optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- c) *Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground<sup>2</sup>.*

2.12. Paragraph 138 of the NPPF is a new requirement of the NPPF and it sets out some considerations for any Green Belt land to be released, once it has been established that some release of Green Belt land is necessary. Paragraph 138 states *“When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban area inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land<sup>3</sup>”.*

2.13. Paragraph 139 sets out a number of considerations for authorities who are seeking to explain and justify Green Belt releases. Paragraph 139 specifically states *“When defining Green Belt boundaries, plans should:*

- a) *Ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development;*
- b) *Not include land which it is unnecessary to keep permanently open;*
- c) *Where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- d) *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent*

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<sup>2</sup> NPPF, MHCLG, Feb 2019, Paragraph 137

<sup>3</sup> NPPF, MHCLG, Feb 2019, Paragraph 138

*development of safeguarded land should only be granted following an update to a plan which proposes the development;*

- e) Be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and*
- f) Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent<sup>4</sup>.*

## **National Planning Practice Guidance (NPPG)**

- 2.14. The National Planning Practice Guidance (PPG) is a comprehensive set of guidance produced by the Ministry of Housing, Communities and Local Government that is available online and is subject to regular review and updates<sup>5</sup>.
- 2.15. Planning Practice Guidance contains a number of important sections relevant to the preparation of Local Plans, the Green Belt tests, and expands upon many of the chapters and policies set out in the NPPF as described above.
- 2.16. The majority of the guidance is not reviewed or summarised here, as they are more relevant to other topic papers which we have prepared to support this draft Local Plan. For those that are interested all of the latest guidance documents can be viewed on the MHCLG's website.
- 2.17. The main Planning Practice Guidance on assessing Green Belt land and providing compensatory improvements is detailed within the latest Green Belt<sup>6</sup> PPG (Oct 2019).
- 2.18. This PPG clarifies the factors that should be considered when assessing the potential impact of development on the openness of the Green Belt, as well as the compensatory improvements that should be sought from Green Belt release.
- 2.19. Paragraph 1 of the PPG details what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt (where it is relevant to do so) and this guidance has been informed by various court decisions. The following matters should be taken into account but are not limited to
  - The openness in terms of both visual and spatial impacts of development including the volume of development;

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<sup>4</sup> NPPF, MHCLG, Feb 2019, Paragraph 139

<sup>5</sup> National Planning Practice Guidance (PPG), available to view online at:

<https://www.gov.uk/government/collections/planning-practice-guidance>

<sup>6</sup> PPG, section on Green Belt, available to view online at: <https://www.gov.uk/guidance/green-belt>

- The duration of the development and the provisions necessary to return land to its original state, or to an equivalent (or improved) state of openness;
- The degree of activity likely to be generated, such as traffic generation<sup>7</sup>.

2.20. Paragraph 2 of the PPG provides further guidance of the compensatory improvement measures that should be sought if it has been demonstrated that it is necessary to release Green Belt land for development. In that policy-making authorities should be setting policies in the Local Plan for the remaining Green Belt to improve the environmental quality and accessibility in accordance with supporting evidence and local strategies, and provides examples of how such improvements can be provided<sup>8</sup>.

2.21. Paragraph 2 of the PPG goes into state that compensatory improvements should be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies. Compensatory improvements may include the following:

- New or enhanced green infrastructure:
- Woodland planting:
- landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
- improvements to biodiversity, habitat connectivity & natural habitat
- new and enhanced walking and cycling routes; and
- improved access to new, enhanced or existing recreational and playing fields provision<sup>9</sup>

2.22. Paragraph 3 of the PPG addresses how the local planning authority can ensure that compensatory improvements to the environmental quality and accessibility can be secured. It goes onto advise that this will require early engagement with landowners and interested groups, once the land for release from the Green Belt has been identified. The following matters will need to be considered in relation to these matters:

- Land ownership in relation to the land that is proposed to be released for development and the land that most suitable for the compensatory improvements for which contributions may be sought;
- The scope of the works that would be needed to implement the identified improvements, such as public rights of way, land

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<sup>7</sup> PPG, section on Green Belt, Reference ID: 64-001-20190722

<sup>8</sup> PPG, section on Green Belt, Reference ID: 64-002-20190722

<sup>9</sup> PPG, section on Green Belt, Reference ID: 64-002-20190722

remediation, natural capital enhancement or habitat creation and enhancement, and their implications for deliverability;

- The appropriate use of conditions, section 106 obligations and the Community Infrastructure Levy, to secure the improvements where possible. Section 106 agreements could be used to secure long-term maintenance of sites.

2.23. The National Planning Policy Guidance (NPPG) also contains a suite of guidance that are relevant to Green Belt matters and that also cross relate to relevant sections of the NPPF summarised earlier within this document.

While not repeated in detail here, the key relevant other NPPG's include:

- Effective use of land PPG (22<sup>nd</sup> July 2019);
- Housing and economic needs assessment PPG (22<sup>nd</sup> July 2019);
- Housing supply and delivery PPG (22<sup>nd</sup> July 2019);
- Strategic environmental assessment and sustainability appraisal PPG (16<sup>th</sup> July 2020)

### **Government White Papers**

2.24. White papers are documents produced by the Government that sets out their proposals for future legislation. These various papers are published by the Government for a period of public consultation. Once the consultation is complete they usually are then translated into a bill which is formally presented to Parliament. In the last few years the Government has produced a number of papers which they have consulted upon two of which are relevant to the topic of Green Belt.

### **The Planning White Paper (2020) - Planning for the future and the revised standard method calculation through the August 2020- Changes to the current planning system consultation**

2.25. The Planning White Paper was published for consultation by the MHCLG in August 2020. It was placed on public consultation for a period of 12 weeks. At the time of writing this topic paper there has been no updates from MHCLG regarding the consultation and the progression of the White Paper and there has been no summary of the consultation responses published.

2.26. We acknowledge the evolving and ongoing situation with the COVID pandemic which obviously takes priority within Government at this time.

2.27. This White Paper seeks to introduce a number of planning reforms to the planning system in England, please note these are only proposals to be aware of and they do not apply to this current Local Plan consultation that is taking place from November 2020 to February 2021.

- 2.28. If these proposals were translated into a draft Bill and passed into law, they would aim to:
- Streamline and modernise the planning process
  - Ensure that more land is available for development
  - Improve outcomes on design and sustainability
  - Set clear expectations on what is required on land that is identified for development
  - Reform developer contributions
  - Speed up the Local Plan production for approval within 30 months
  - Add a degree of transparency as to where development would be given permission in principle.
- 2.29. The proposed changes which would have the most direct relevance to Green Belt, Rural Areas and countryside is the proposed introduction of three newly defined categories. Although it should also be noted that the consultation paper also references potential alternative options including introducing binary models and limiting automatic permission in principle as determined by the local planning authority, taking into account the requirements of National Planning Policy Framework and which would be subject to the existing development management process. (i.e. the process for determining planning applications)
- 2.30. Proposal 1 intends to simplify the role of Local Plans into defining land into three different categories, these are proposed as follows:

<b>Proposed Development Category</b>	<b>Summary Definition</b>
Growth Areas	Suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan.  Sub Areas within Growth Areas for self & custom-build homes, so that more people can build their own homes.
Renewal Areas	Suitable for some development, such as gentle densification
Protected Areas	Where development is restricted



Note: More detailed definitions are explained on page 29 of The Planning White Paper

2.31. In relation to the proposed changes to the production of future Local Plans Green Belt that is released from existing Green Belt we envisage would be classified as a Growth Area or a Renewal Area depending on the proposals for development, the scale of development and the character and area in which it is located. The remaining Green Belt would fall within the Protected Areas. 'Protected Areas' The detailed definitions can be found on page 28 and 29 of the White Paper and are also set out in the table below:

Proposed Future Categories	Detailed White Paper Definition
Growth Area	“suitable for substantial development”- we proposed the term be defined in policy to remove any debate about this descriptor. We envisage this category would include land suitable for comprehensive development, such as former industrial sites or urban regeneration sites. It could also include proposals for sites such as those around universities where opportunities to create cluster growth-focused businesses. Sites annotated in the Local Plan for this category would have outline approval for development (see proposal 5 for more detail). Areas of flood risk would be excluded from this category (as would other important constraints), unless any risk can be fully mitigated
Renewal Areas Suitable for Development	This would cover existing built areas where smaller scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for uses specified as being suitable in each area. Local authorities could continue to consider the case for resisting inappropriate development of residential gardens.
Areas that are Protected / Protected Areas	This would include sites and areas which, as a result of their particular environmental and / or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include such areas as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas

	<p>of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in Growth or Renewal areas. Some areas would be defined nationally, others locally on the basis of national policy, but all would be annotated in Local Plan maps and clearly signpost the relevant development restrictions in the National Planning Policy Framework.</p>
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- 2.32. The other proposal in the Planning White Paper which has relevance in regards to Green Belt is Proposal 4 which is defined as *‘A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop housing supply being a barrier to enough homes being built. The housing requirement would factor into land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.’*
- 2.33. Proposal 4 as detailed on page 32 of the Planning White Paper is connected to the other consultation document (Changes to the current planning system: Consultation on changes to planning policy and regulations<sup>10</sup>) which was also released in August 2020. Proposal 4 seeks to add flexibility to the existing standard method which is used to calculate the amount of houses that are needed during the Local plan period and which currently only uses household projections and affordability ratios to determine the Local Plan housing requirement.
- 2.34. The proposed approach as detailed in Proposals 4 is to incorporate many factors that could result in housing need increasing or decreasing. In relation to Green Belt the revision intends to take into account the practical limitations of what a Local Planning Authority can deliver such as land constraints in the area and ensuring that the figure takes into account the practical limitations. This correlates with proposal 1.
- 2.35. At the time of publishing this document the White Paper consultation deadline finished in October 2020 and it remains unclear as to when and if these reforms will be progressed and introduced into law or not. The decision has therefore been taken to continue with the production of the plan under current legislation and make small amendments which would coincide with the new

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<sup>10</sup> Changes to the current planning system consultation, Aug 2020, MHCLG, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/927157/200805\\_Changes\\_to\\_the\\_current\\_planning\\_system.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927157/200805_Changes_to_the_current_planning_system.pdf)

terminology. This was also discussed and agreed at the Dacorum Full Council Meeting on the 18<sup>th</sup> November 2020.

- 2.36. The Changes to the current planning system<sup>11</sup> (Consultation on changes to planning policy and regulations by MHCLG), as part of its scope contains:
- Changes to the standard method for assessing local housing need which is directly related to the Planning for the Future White Paper<sup>12</sup>;
  - The introduction of First Homes which provides new homes sold at a discount to market price for first time buyers;
  - Temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing from 40 to 50; and
  - Extending the current Permission in Principle to major development.
- 2.37. The proposed new standard method is to take into account a percentage of existing housing stock as well as using projected population figures to form the basis of determining housing need. Another element to be included is an affordability adjustment, although this previously featured in the standard method calculation it will increase its emphasis in the calculation and will be more responsive to changes in the locality and fluctuate when need. The proposals also intend to remove the cap that currently exists to suppress housing need based on affordability and household projections<sup>13</sup>.

### **The Housing White Paper – Fixing our broken housing market (February 2017)**

- 2.38. The Housing White Paper alongside a range of supporting documents was published in 2017. The paper sets out:
- how the Government intends to reform the housing market;
  - aims to boost the supply of housing;
  - over a longer term, create a more efficient housing market<sup>14</sup>
  - and provided the basis for the update to inform the revised NPPF that was published in February 2019

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<sup>11</sup> Changes to the current planning system consultation, Aug 2020, MHCLG, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/927157/200805\\_Changes\\_to\\_the\\_current\\_planning\\_system.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927157/200805_Changes_to_the_current_planning_system.pdf)

<sup>12</sup> Planning for the Future White Paper, Aug 2020, MHCLG, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907647/MHCLG-Planning-Consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf)

<sup>13</sup> Changes to the current planning system consultation, Aug 2020, MHCLG, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907215/200805\\_Changes\\_to\\_the\\_current\\_planning\\_system\\_FINAL\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf)

<sup>14</sup> Housing White Paper, Feb 2017, DCLG, Fixing our broken housing market, available to view online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)

- 2.39. The White Paper acknowledges that the housing market is broken, unaffordable and that there has been an under supply of new homes in England since the 1970's and the reasons for this are explained within the White Paper. The Paper recognises in order to tackle these years of under supply, to keep up with the population growth and to meet the local housing demand, there is a need for a much higher number of homes to be planned for and constructed including the provision for affordable homes.
- 2.40. The White Paper clearly acknowledges that if there has been a failure to plan, provide and build enough new homes across the country for a variety of reasons. The Government acknowledges that if more homes are not planned and provided for it will get even harder for people to be able to afford a roof over their heads which would also cause damage to the wider economy. The Government's overall aim is for people to be able to afford a place of their own.
- 2.41. The White Paper references the fact that Local Planning Authorities need to have an up to date plan that meets the projected growth in households in their Local Authority Area. It states that Local Planning Authorities will be required to have an up to date plan and that difficult decisions will have to be made throughout the production, progression and consultation of the plan and if there are delays in progression that the Government will intervene.
- 2.42. This White Paper references the matter of Green Belt in several sections including within their list of proposals under Step 1: entitled 'Planning for the right homes in the right places', it states the following
- "Maintaining existing strong protections for the Green Belt, and clarifying that Green Belt boundaries should be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their housing requirements".*
- 2.43. In paragraph 1.38 of the Housing White Paper in Green Belt land it states:  
*"Our Manifesto reiterated our commitment to protecting the Green Belt. The National Planning Policy Framework is already clear that Green Belt boundaries should be amended only "in exceptional circumstances". These changes are only to be made when plans are being prepared or revised, but does not define what those circumstances are. The Government wants to retain a high bar to ensure the Green Belt remains protected, but we also*

*wish to be transparent about what this means in practice so that local communities can hold their councils to account.”<sup>15</sup>*

2.44. In paragraph 1.39 it continues by stating: *Therefore we propose to amend and add to national policy to make clear that:*

- *Authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including;*
  - *Making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;*
  - *The potential offered by land which is currently underused, including surplus public sector land where appropriate;*
  - *Optimising the proposed density of development; and*
  - *Exploring whether other authorities can help to meet some of the identified development requirement.*
- *And where land is removed from the Green Belt, local policies should require the impact to be offset by compensatory improvements to the environmental quality or accessibility of remaining Green Belt land. We will also explore whether higher contributions can be collected from developments as a consequence of land being release from the Green Belt”<sup>1617</sup>.*

2.45. Much of this has now been translated into the National Planning Policy Framework of which the most recent version was published in February 2019. This details the basis for the justification for determining exceptional circumstances.

### **Dacorum Local Plan Context**

2.46. The following existing Plan documents will be replaced by the new Local Plan once it has been through an Examination in Public, has been found to be sound and is formally adopted:

- Dacorum Borough Local Plan 1991-2011 (adopted April 2004) (saved policies);
- Dacorum Core Strategy (adopted September 2013); and
- Dacorum Site Allocations DPD (adopted July 2017).

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<sup>15</sup> DCLG, Feb 2017, Fixing our broken housing market, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)

<sup>16</sup> PPG, section on Green Belt, Reference ID: 64-002-20190722

<sup>17</sup> DCLG, Feb 2017, Fixing our broken housing market, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)

2.47. Paragraphs 29.7 - 29.10 of the Dacorum Core Strategy 2013<sup>18</sup> committed the Council to an early partial review of the Core Strategy (i.e. after completion of the Site Allocations and Development Management DPDs) and the mechanisms to achieve this. The purpose of the review was to reconsider housing need and investigate ways of meeting that need more fully. Through the review (paragraph 29.10), the Council was to consider:

- a) Household projections
- b) The role and function of the Green Belt affecting Dacorum, including long term boundaries and the potential to identify safeguarded land beyond 2031; and
- c) the role that effective co-operation with local planning authorities could play in meeting any housing needs arising from Dacorum. This element will include St Albans district and relevant areas lying beyond the Green Belt.

### **The Dacorum Site Allocations DPD (2017)**

2.48. The Site Allocations Development Plan Document (DPD) was adopted July 2017, it supports and provides more defined details and boundaries to the sites referenced within the Core Strategy (2013) and makes a few additional changes to the Green Belt boundaries

### **The Draft Dacorum Local Plan (November 2020)**

2.49. The draft Dacorum Local Plan was approved for a regulation 18 extended 10 week public consultation at the Dacorum Full Council meeting which was held on the Wednesday 18<sup>th</sup> November 2020. The consultation commences on the Friday 27<sup>th</sup> November 2020 and as explained in the introduction this topic paper forms part of the supporting evidence base to that document. As explained in the Council's report to Full Council, the extended length of the consultation period is to provide additional time for people to prepare their responses in order to acknowledge the Christmas holiday period and the current pandemic.

### **Neighbourhood Plans**

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<sup>18</sup> Core Strategy 2006-2031, Sep 2013, Dacorum Borough Council, available online at: [http://www.dacorum.gov.uk/docs/default-source/strategic-planning/adopted-core-strategy-2013.pdf?sfvrsn=80753a9e\\_2](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/adopted-core-strategy-2013.pdf?sfvrsn=80753a9e_2)

- 2.50. Within Dacorum, there is only one “made” (adopted) Neighbourhood Plan (covering the neighbourhood of Grovehill in Hemel Hempstead).
- 2.51. Three other plans are being prepared for Bovington, Kings Langley and the Haynes Neighbourhood Plan. It should be noted that the Haynes Neighbourhood Plan went is currently out for a Regulation 14 public consultation until the 12th December 2020.

## **Other Local Strategies**

### **Dacorum Corporate Plan 2020-2025**

- 2.52. The Dacorum Corporate Plan 2020-2025 outlines the Council’s vision and priorities for a five year period, and provides a focus for service delivery and performance, aiding strategic decisions. The Council’s vision in the Corporate Plan is defined as follows:

*‘The Council is committed to working in partnership to create a borough which enables the communities of Dacorum to thrive and prosper. This requires us to play a leadership role in bringing together a range of organisations and individuals to support and sustain good conditions for local growth’*

- 2.53. The document sets out a delivery plan for the Council’s the five key priorities:
- A clean, safe and enjoyable environment
  - Building strong and vibrant communities
  - Ensuring economic growth and prosperity
  - Providing good quality affordable homes, in particular for those most in need
  - Ensuring efficient, effective and modern service delivery

### **Dacorum Growth and Infrastructure Strategy to 2050**

- 2.54. The Dacorum Growth and Infrastructure Strategy (2050) provides direction on how the Council will respond to the challenges of growth pressures in Dacorum in the long term. It sets both a vision for the future of the borough and a series of high level proposals for how the Council, working with partner agencies and organisations, will seek to manage the growth agenda to the benefit of local residents, businesses and the economy, and the environment. The Strategy is centred on six key themes:

Theme 1: Building Dacorum’s future with homes for everyone  
Theme 2: Generating a vibrant economy with opportunities for all

- Theme 3: A happier, healthier and safer Dacorum
- Theme 4: Creating a clean, green, attractive Dacorum
- Theme 5: On-track for a better transport network
- Theme 6: Harnessing the opportunity of technology and digital connectivity

- 2.55. For each theme there is a separate section structured into four parts: a vision; a summary of what has been achieved in the recent past; a list of the challenges and issues that need to be faced; and a set of proposals to set the direction for future work and action.
- 2.56. In the case of **Theme 1** it sets out the challenges faced in Dacorum in regards to Green Belt Land. One of the key challenges put forward is the balancing of demand for new houses and protecting the natural environment/ green spaces. Although it is recognised that land within the Green Belt will need to come forward for development the approach is to maximise growth on brownfield sites and urban densities, whilst taking into account the character and appearance of our settlements.
- 2.57. Under **Theme 2** providing the land necessary for meeting the aspiration of generating a vibrant economy could result in the need for land in the Green Belt. This has been noted as a potential challenge going forward 'Availability of land to build businesses'. There has already been an identified need to release Green Belt land for employment at the East Hemel Hempstead enterprise zone which will provide 55 hectares of employment land in St Albans district.

### **Draft Dacorum Infrastructure Delivery Plan (November 2020)**

- 2.58. The Draft Dacorum Infrastructure Delivery Plan brings together data and the views of expert stakeholders, such as information on the current provision and infrastructure requirements, projected costs and funding mechanisms. Within the context of limited and diminishing Council funding, establishing an infrastructure delivery document will help to align investment decision which have greatest effect and offer greater certainty to service providers, funders and developers.
- 2.59. The Council has engaged with infrastructure providers and their responses have helped to shape the policies of the local plan. The Draft Dacorum Infrastructure Delivery Plan is part of the evidence base for the Draft Local Plan and identified the potential infrastructure costings to feed into the plan wide viability study. The Draft Dacorum Infrastructure Delivery Plan will also form the basis of the Council Infrastructure Funding Statement (IFS) and will aid the identification of key infrastructure and spending priorities.

### **Climate Change Emergency**



2.60. The Council, the County Council along with other local authorities in the UK, has declared that there is a climate change emergency that requires urgent planning and action. Dacorum Borough Council in their Council meeting committed to this on 17<sup>th</sup> July 2019 with Hertfordshire County Council declaring shortly after on the 23<sup>rd</sup> July 2019. This will include a number of actions:

- That we work towards ensuring that the full range of council activities are net carbon neutral by 2030.
- That an action plan will be developed as soon as possible.
- That we ensure all services make the maximum possible impact in challenging the extent and causes of climate change. The developing new Local Plan will incorporate the maximum possible sustainability requirements that the system will allow, and encourage developers to go beyond this in order to future proof homes and buildings.
- It will act to improve social housing energy efficiency through direct action and take full advantage of Government and energy provider funding to improve the energy efficiency of private homes.
- Engage with all sectors of our residents, communities and businesses to publicise the climate emergency declaration and work together to reduce the possible impact.

2.61. This climate emergency has placed an even greater emphasis on the Plan delivering growth in a sustainable way.

### **3. Green Belt Case Law**

3.1. The NPPF (2019) provides a ‘plan-making framework’ but it does not currently define ‘exceptional circumstances’ in terms of justifying land to be released from the Green Belt for allocation and development. As a result of this, it is useful to refer to past legal cases and their decisions which are known as case law.

3.2. Much of this has emerged from legal challenges over what constitutes “exceptional circumstances” in the plan making process. Ultimately planning judgement will need to play a role.

3.3. To ensure that the case law that supports the Councils justification for exceptional circumstances is sufficiently robust, the Council has considered a number of past legal cases and judgements that have concluded that the question of whether exceptional circumstances requires an exercise of

planning judgement. These cases include the following and then the key points are explained in further detail below:

- Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin)<sup>19</sup>
- Compton PC, Ockham PC & Cranwell v Guildford BC, SSHCLG & Ors [2019]<sup>20</sup>
- Gallagher Homes Ltd v Solihull Borough Council [2014] EWHC (Admin)<sup>21</sup>
- IM Properties Ltd v Lichfield DC [2014] ewhc 2440 (Admin)<sup>22</sup>

### **Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin)**

3.4. One of the most commonly cited is the case of Calverton Parish Council v Greater Nottingham Councils [2015]. Calverton Parish Council had applied to the High Court to quash parts of the aligned Core strategies of the three authorities the basis that the Inspector and councils had failed to properly apply Green Belt policies and had failed in their duties under the Strategic Environmental Assessment Directive<sup>23</sup>.

3.5. However, the claim was rejected. In paragraph 42 of the decision, referring to the earlier Solihull decision, the Judge stated:

*“In the case where the issue is the converse, i.e. subtraction, the fact that Green Belt reasons may continue to exist cannot preclude the existence of countervailing exceptional circumstances – otherwise, it would be close to impossible to revise the boundary. These circumstances, if found to exist, must be logically capable of trumping the purposes of the Green Belt; but whether they should not in any given case must depend on the correct identification of the circumstances said to be exceptional, and the strength of the Green Belt purposes”.*

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<sup>19</sup>Calverton Parish Council v Nottingham City Council, 2015, available online at: <https://www.bailii.org/ew/cases/EWHC/Admin/2015/1078.html>

<sup>20</sup> Compton PC, Oakham PC & Cranwell v Guildford BC, SSHCLG & Ors, 2019, available online at: <https://www.ftbchambers.co.uk/news/high-court-considers-green-belt-release-housing-and-dutch-nitrogen-issue>

<sup>21</sup> Gallagher Homes Ltd v Solihull Borough Council, 2014, available online at: <https://www.landmarkchambers.co.uk/resources/cases/1-gallagher-homes-limited-2-lioncourt-homes-limited-v-solihull-metropolitan-borough-council-2014-ewhc-1283-admin/>

<sup>22</sup> IM Properties Ltd v Lichfield District Council, 2015, available online at: <https://www.casemine.com/judgement/uk/5a8ff74760d03e7f57eaabfc>

<sup>23</sup> Honey, R, Apr 2015, Francis Taylor Building, Core Strategies Upheld: Hunston ‘Stage 2’ and Green Belt Release Examined, Available online at: <https://www.ftbchambers.co.uk/news/core-strategies-upheld-hunston-%E2%80%98stage-2%E2%80%99-and-green-belt-release-examined>

Buckinghamshire Council, May 2020, Chiltern and South Bucks Council, Green Belt Exceptional Circumstances Report

3.6. The Judgment by Mr Justice Jay provided guidance on interpreting the two stage approach to housing numbers and ‘exceptional circumstances’ for Green Belt release. In determining whether such exceptional circumstances exist the judgment in paragraph 51 makes reference to five points that should be considered and states as follows:

*“...the planning judgements involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters.*

- i. The acuteness / intensity of the objectively assessed need (matters of degree may be important);*
- ii. The inherent constraints on supply / availability of land prima facie suitable for development;*
- iii. (on the facts of the case) The consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- iv. The nature and extent of harm to this Green Belt (or those parts of it which would have been lost if the boundaries were reviewed); and*
- v. The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent<sup>24</sup>.”*

### **Compton PC, Ockham PC & Cranwell v Guildford BC, SSHCLG & Ors [2019]**

3.7. Similarly, in the case of Compton PC, Ockham PC & Cranwell v Guildford BC, SSHCLG & Ors [2019]<sup>25</sup> there is an understanding that there are limited options available to Local Planning Authorities given increasing housing need from the OAN and examining the facts of each LPAs argument that exceptional circumstances exist rather than having to meet a set definition of requirements as suggested.

3.8. The main issue of the case related to the justification for Green Belt release in the local plan to provide for a supply of around 14,000 homes when the objectively assessed need (OAN) was around 10,000 houses<sup>2627</sup>.

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<sup>24</sup> Buckinghamshire Council, May 2020, Chiltern and South Bucks Council, Green Belt Exceptional Circumstances Report

<sup>25</sup> Honey, R, Dec 2019, Francis Taylor Building, High Court Considers Green Belt Release for Housing- and Dutch Nitrogen Issue, Available online at: <https://www.ftbchambers.co.uk/news/high-court-considers-green-belt-release-housing-and-dutch-nitrogen-issue>

<sup>26</sup>Honey, R, Dec 2019, Francis Taylor Building, High Court Considers Green Belt Release for Housing- and Dutch Nitrogen Issue, Available online at: <https://www.ftbchambers.co.uk/news/high-court-considers-green-belt-release-housing-and-dutch-nitrogen-issue>

<sup>27</sup> <https://www.localgovernmentlawyer.co.uk/planning/318-planning-features/42290-legal-challenges-to-the-guildford-local-plan-rejected>

3.9. The case determined that for exceptional circumstances to exist it is not reliant on justifying why each particular factor or the combination of factors are exceptional and that the reasoning and process taken in reviewing potential land makes the case for exceptional circumstances. The judge commented:

- All that is required is that the circumstances relied on, taken together, rationally fit within the scope of “exceptional circumstances” in this context. The breadth of the phrase and the array of circumstances which may come within it place the judicial emphasis very much more on the rationality of the judgement than on providing a definition or criteria or characteristics for that which the policy-maker has left in deliberately broad terms.
- There is a danger of the simple question of whether there are “exceptional circumstances” being judicially over-analysed. This phrase does not require at least more than one individual “exceptional circumstance”. The “exceptional circumstances” can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgement, to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary.
- General planning needs, such as ordinary housing, are not precluded from its scope; indeed, meeting such needs is often part of the judgement that “exceptional circumstances” exist; the phrase is not limited to some unusual form of housing, nor to a particular intensity of need.
- It is clearly implicit in the stage 2 process that restraint may mean that the OAN is not met. But that is not the same as saying that the unmet need is irrelevant to the existence of “exceptional circumstances”, or that it cannot weigh heavily or decisively; it is simply not necessarily sufficient of itself. These factors do not exist in a vacuum or by themselves: there will almost inevitably be an analysis of the nature and degree of the need, allied to consideration of why the need cannot be met in locations which are sequentially preferable for such developments, of the impact on the functioning of the Green Belt and its purpose, and what other advantages the proposed locations, released from the Green Belt, might bring, for example, in terms of a sound spatial distribution strategy.
- “Exceptional circumstances” is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires “very special circumstances.”

- 3.10. It was considered lawful to allow for a buffer to the housing need to ensure that a rolling 5 year housing land supply could be maintained. The judge also recognised there would be significant benefits if housing above the need was provided as more affordable housing could also be provided. It was therefore concluded that the advantage of a higher level of housing supply could contribute to exceptional circumstances for Green Belt release<sup>28</sup>.

### **Gallagher Homes Ltd v Solihull Borough Council [2014] EWHC (Admin)**

- 3.11. In the Gallagher Homes v Solihull Borough Council case, a developer's sites were proposed to be placed in the Green Belt and the developer challenged this on three grounds:

- i) That it was not supported by an objectively assessed figure for housing need;
- ii) The Council had failed in its duty to cooperate; and
- iii) The Council adopted a plan without regard to the proper testing for revising Green Belt boundaries

- 3.12. The claim succeeded at the High Court. An appeal was dismissed by the Court of Appeal. The Court held that the Inspector and Solihull Borough Council had made an error in law in failing to identify a figure for the objective assessment of housing need as a separate and prior exercise. The Judge also dismissed the Inspector's reasons for returning the developer's sites to the Green Belt, and stated that:

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

### **IM Properties Ltd v Lichfield DC [2014] EWHC (Admin)**

- 3.13. In the IM Properties Ltd case, Mrs Justice Patterson stated that paragraph 84 of the NPPF

*"is clear advice to decision makers to take account the consequences for sustainable development of any review of the Green Belt boundaries. As part of the relevant patterns of development travel are clearly relevant."*

- 3.14. In review of the case law above it appears there are a number of considerations which are as follows:

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<sup>28</sup> Ibid

- The need for housing and meeting the OAN (Objectively Assessed Need) can, and often does form part of the need to release Green Belt land; and
- The rationale in determining that exceptional circumstances exist can be made up of many different factors including whether there is sufficient suitable land available and whether land outside of the Green Belt boundaries is able to provide sustainable development.

3.15. Paragraph 137 of the subsequent NPPF sets out three separate tests that a local planning authority must be certain that it can meet before being satisfied that releasing land from the Green Belt can be justified. In order to demonstrate special circumstances, it will be shown that both case law, including the 5 Calverton tests and the 3 NPPF tests have been and will be fully considered in justifying the release of land from the Green Belt during the production and assessment stages of the Local Plan and its associated evidence base including the future Examination in Public.

## 4. The Green Belt Evidence Base

- 4.1. The Green Belt review is one of a number of evidence studies that the Council has produced as part of its Local Plan preparation. The purpose of these studies is to help inform the Councils approach to Green Belt release where it is necessary to do so by identifying land which contributes least to the five purposes of the Green Belt and would therefore be of least harm. This is often considered alongside landscape assessments to ensure sensitive sites remain as Green Belt. The Green Belt and Rural Area policies have been developed from a number of key evidence base work and studies which are summarised below.

### A) Green Belt Reviews

- 4.2. The draft Plan has been subject to a series of Green Belt reviews:
- Green Belt Review Purposes Assessment – Final Report (November 2013) - by SKM
  - Stage 2 Green Belt Review and Landscape Appraisal Report January 2016 (Published December 2016) - by Arup
  - Stage 3 Green Belt Review and Landscape Sensitivity Study – August 2020 - by Arup
- 4.3. The studies can be accessed using the following link to the Council's website: <https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan/technical-work-for-the-early-partial-review>
- 4.4. All of these reviews have helped the Council to understand their characteristics of their Green Belt and assisted the Council's understanding of the constraints and opportunities for potential development, and its implications for the wider Green Belt and detailed boundaries. This work, in conjunction with other evidence base studies, has followed the legislative requirements and guided the Council's previous and current decisions over the most appropriate locations for planned growth in the Borough.

### **Stage 1 The Green Belt Purposes Assessment, (November 2013)**

- 4.5. The Stage 1 Green Belt Purposes Assessment study was commissioned jointly by Dacorum, St Albans and Welwyn and Hatfield local authorities and was prepared on their behalf by Sinclair Knight Merz. The consultants undertook an assessment of the Green Belt in each authority area to identify how it met the defined purposes of the Green Belt as set out in national guidance. The study concluded that, on the whole, all strategic parcels in the Green Belt, at least in part, clearly performed a key role in terms of the Green

Belt function nationally and locally. It was clear that most of the Green Belt performed important functions that relate to checking sprawl, preventing merging, safeguarding the countryside, preserving setting and maintaining the local settlement pattern.

4.6. However, it did identify a small number of strategic sub-areas that were seen as contributing least to Green Belt purposes and should be subject to further assessment. These are listed below and defined on the following plan:

- D-S1 – Land enclosed by B488, A41 and west of Tring (GB03).
- D-S2 – Land enclosed by A41 and southeast Berkhamsted (GB11).
- D-S3 – Land south of Hemel Hempstead enclosed by the A41 and railway line, and in the vicinity of Rucklers Lane (GB14B).

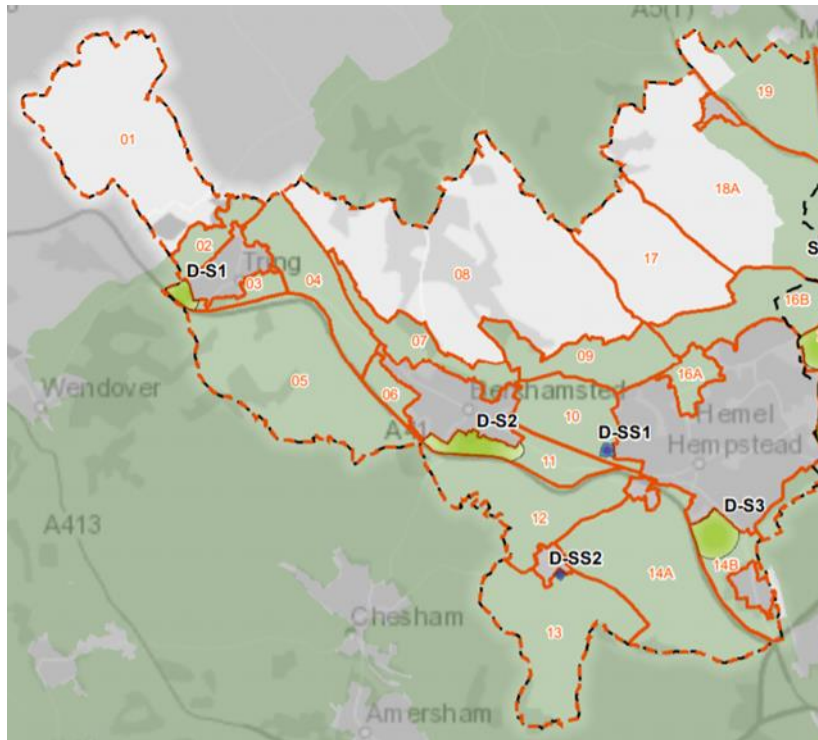


Figure 2 Extract from Green Belt Review stage 1 highlighting those areas contributing least to Green Belt purposes (2013)

4.7. Furthermore, it identified two smaller sub areas that were similarly seen as contributing least to such purposes which are detailed below and shown on the Figure 2 plan included above:

- D-SS1 – Land west of Hemel Hempstead (GB10)
- D-SS2 – Land at southeast edge of Bovington (GB13)

4.8. In the case of Dacorum, this 2013 study did not make any suggestions for boundary adjustments that could be made that would not compromise the



achievement of the overall purposes of the Green Belt as defined in the national policy at the time.

## **Stage 2 (Green Belt Review and Landscape Appraisal, January 2016)**

- 4.9. In 2016 the Council commissioned a Stage 2 Green Belt review which was undertaken by Arup. This study also included a landscape appraisal element. The review assessed in more detail those strategic and small-scale sub-areas of the Green Belt in the previous review that were considered as “contributing least” to Green Belt purposes, alongside additional sub-areas at the edges of the towns and large villages. The work continued to note that all of the sub-areas examined were adjudged to meet one or more of the NPPF (2012 version) purposes, though the degree to which different parts of the Green Belt contributed to the individual purposes varied significantly.
- 4.10. The 2016 study made clear that it did not aim to determine future amendments to the Green Belt boundaries in Dacorum. It identified a series of further refined Green Belt sub-areas around the Hemel Hempstead, Berkhamsted, Tring, Bovingdon, Kings Langley and Markyate which, on the basis of their strength against the NPPF Green Belt purposes, level of environmental and heritage constraint, and landscape sensitivity, should be considered further as part of the Council’s future site selection process.
- 4.11. The 2016 study refined the Green Belt sub-areas which were divided into less constrained and more constrained groups as follows in the table below:

<b>Degree of constraint</b>	<b>Settlement</b>	<b>No. of sub areas</b>
Less constrained	Berkhamsted	6
	Bovingdon	3
	Hemel Hempstead	3
	Kings Langley	2
	Markyate	1
	Tring	2
More constrained	Berkhamsted	2
	Hemel Hempstead	3

	Kings Langley	1
	Tring	2

4.12. The Stage 2 Review also suggested, as part of the Rural Area assessment, an addition of two sub-area to the Green Belt to the north of Markyate and recommended an amendment to correct an anomaly to the south of Berkhamsted to create a stronger defensible boundary with the A41.

4.13. The Green Belt Stage 2 report identifies a number of smaller sub areas for consideration having taken a focused view on Dacorum.

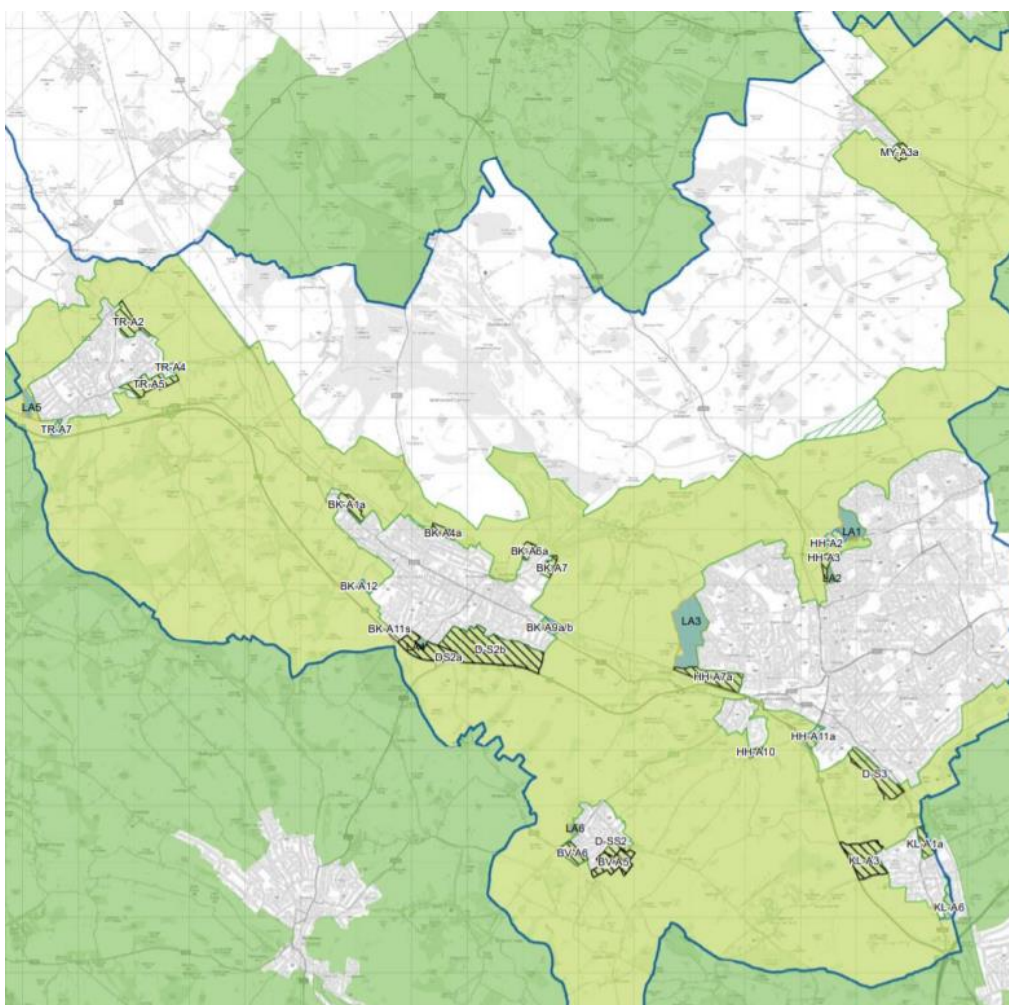


Figure 3 Extract from Green Belt stage 2 produced by Arup (2016) mapping those sites considered most suitable for further consideration

4.14. This is not to say that only these sites have been considered as additional factors including the need to provide enough land to meet the housing target of 922 have to be taken into consideration in selecting sites for possible

allocation. Additionally, the Council has undertaken another 'call for sites'<sup>29</sup> after the production of the stage 1 and 2 Green Belt reviews and so had to be assessed through the Greenfield site assessment (Rural SHLAA).

4.15. The other factors to consider (in regards to the NPPF 2019 and latest NPPG guidance) when selecting sites include:

- The performance of the Green Belt land in meeting the 5 purposes of the Green Belt including retaining its openness as defined in the current NPPF (2019) (This has been assessed and subsequently reassessed through the Green Belt summarising document, and Green Belt stage 3<sup>30</sup>).
- The impacts that a site would have from a landscape perspective such as on the AONB or far reaching views (assessed through the Site Assessment study and Green Belt stage 3).
- The ability for sites to form strong and defensible settlement boundaries
- The availability and deliverability of land to meet need over the Local Plan period of 18 years
- The ability of a site to meet the Council's infrastructure lead strategy particularly if the site can provide town wide benefits.
- The ability of the potential site to mitigate its impacts and provide the required on and off site infrastructure including the strategic infrastructure which will be defined in the evolving Draft Dacorum Infrastructure Delivery Plan (November 2020)

4.16. Based on the criteria above and taking into account a number of other studies as detailed in the site selection topic paper the Council selected the sites that should be taken forward for further assessment. For the purposes of this topic paper only the evidence relating to Green Belt will be mentioned.

### **Green Belt summarising document (November 2020) by Dacorum**

4.17. Through the Local Plan Issues and Options consultation which was carried out in 2017 and from the subsequent, ongoing engagement with the various site promoters, the issue was flagged about using the land parcels identified through Stage 2 Green Belt Review and their relation to the assessments contained within the Greenfield Site Assessment Study. This often resulted in

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<sup>29</sup> Dacorum Call for sites, 2017, available online at: <http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan/a-call-for-potential-development-sites>

<sup>30</sup> Dacorum Evidence base library, available online at: <https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan/technical-work-for-the-early-partial-review>

the assessment of land parcels being skewed due to the size of some of the parcels contained within the Stage 2 review.

- 4.18. This document has been produced by the Council and serves as a summarising document of the Green Belt review stages 1 and 2 and the sites promoted through the Greenfield Site assessment. The sites considered least constrained in the assessment and most suitable for possible allocation by the Council have been reviewed against the findings for each parcel from the stage 1 and 2 review.
- 4.19. The summarising document does not intend to make any conclusions on the suitability of a site or its boundaries but, along with other evidence, will inform the most appropriate locations for Green Belt release. The summarising document can be found in Appendix A

**Stage 3 Green Belt Review Stage 3 and Landscape Sensitivity Study (August 2020) - by Arup**

- 4.20. The Stage 3 Green Belt Review, was also prepared by Arup, and differed from the previous two stages as this analysed the potentially suitable sites for development identified in the Greenfield site assessment (Rural SHLAA discussed in section C of the evidence base chapter along with a few decisions made by Council on preferred sites.
- 4.21. The Stage 3 Green Belt Review does, however include a couple of additional sites that had not been considered in AECOMs Greenfield Site Assessment. These are:
- Site 105 – Land south of Markyate: This represents the larger land parcel originally put forward through the call for sites process as shown in the Site Selection Topic Paper Appendix B. The whole site area, to be consistent with the approach taken for other sites was included in the Stage 3 Green Belt review to identify what boundary strengthening measures and landscape considerations should be taken if the Council were to look to allocate this land. It should be noted that only those sites included within the main draft Local Plan are currently being considered for potential allocation at this time, however subject to the responses received through this Regulation 18 consultation this may change although the approach to the Area of Outstanding Beauty will not change.
  - Site MU/5 – Bunkers Park, Hemel Hempstead: This site has been promoted for Cemetery and Crematorium use having identified that there is a need for these facilities locally. The Greenfield Sites

Assessment was nearing completion when this was made aware to the Council and so was not considered in this assessment. The NPPF (2019) paragraph 145 point b<sup>31</sup> considers this to be a Green Belt compatible use, however given the open nature of the site it was considered suitable to include here for potential boundary strengthening.

- 4.22. The Stage 3 Green Belt Review consists of three main components which were:
- To assess potential housing and employment site allocations that lie within the Green Belt, considering the acceptability of the sites in Green Belt boundary terms and provide site specific advice on any mitigation required;
  - To advise on new Green Belt boundaries around the six key settlement following consideration of these sites; and
  - To assess the landscape and visual impact of the potential housing and employment sites.
- 4.23. The majority of the sites assessed through the stage 3 would require boundary strengthening to be NPPF consistent should they be released from the Green Belt and has been detailed on a case by case basis. Boundary strengthening is important in helping to restrict further Green Belt loss where there is no clearly defined site boundary. This was also supported through the landscape sensitivity study which identified any sensitivities that should be considered when releasing the site from the Green Belt.
- 4.24. The stage 3 assessment also considers the settlement wide boundaries taking into account those sites that have been identified as the preferred allocations for the new draft Local Plan and determine whether this would create any anomalies in the Green Belt boundaries. In the majority of cases there have only been minor or future cases of Green Belt anomalies and corrections to these proposed within the stage 3 assessment.
- 4.25. The selection of the proposed Green Belt sites has been explained in greater detail in the Council's Site Selection Topic paper (November 2020) which forms part of this consultation, having taken into account the Council's proposed strategy, consultation with external stakeholders such as the County Council and other evidence produced in preparing this draft Local Plan (November 2020).

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<sup>31</sup> NPPF, Feb 2019, MHCLG, Page 42 paragraph 145 point b, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

## **B) Dacorum's Urban Capacity Study (Urban SHLAA) (November 2020)**

- 4.26. In November 2020, an Urban Capacity Study (UCS) was also undertaken by the Council. The UCS considers a wide range of sites within the built up area of the six main settlements in Dacorum and also considers past completions of sites not identified in the Council's development plan (windfall sites) in order to assess their potential future contribution. The approach taken in preparing this SHLAA was in accordance with PPG guidance and the five stage approach<sup>32</sup>.

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<sup>32</sup> PPG, section on Housing and economic land availability assessment, Paragraph 5, Reference ID: 3-005-20190722

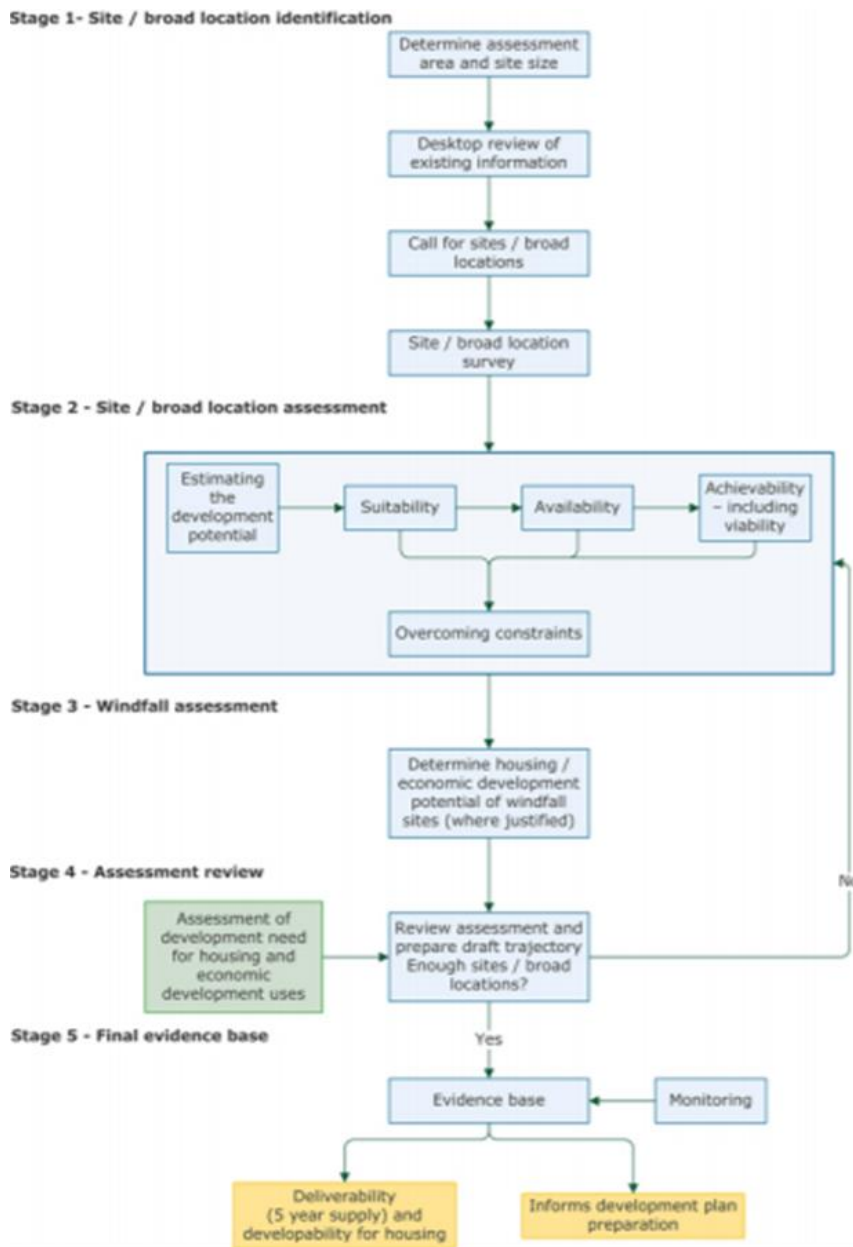


Figure 4 the five stage approach for identifying sites (Planning Practice Guidance, 2019)

- 4.27. The study identified 113 sites within the built up area of Hemel Hempstead, Berkhamsted, Tring, Bovingdon, Kings Langley, Markyate with the majority of these being located in the main town of Hemel Hempstead.
- 4.28. The assessment reviews a number of different elements relating to Current land use, character physical constraints and potential environmental constraints further details of the methodology and assessment process can be found within Dacorum’s Urban Capacity Study (2020). The Urban Capacity study helps to determine the amount of land likely to be needed outside of the urban areas in order to meet the remaining needs of the Plan.

- 4.29. Overall it is anticipated that Dacorum has a potential Urban Capacity of c. 10,500 dwellings over the plan period. This figure also includes existing allocations such as those made through previous Core Strategy/Site Allocation Development Plan Documents and Neighbourhood Plans, completions from the start date of the new Local Plan, commitments and windfall assumptions (sites that have not been identified as part of the Local Plan process) all of which form part of the anticipated supply. The Urban Capacity study helps to determine the amount of land likely to be needed outside of the urban areas in order to meet the remaining needs of the Plan.

**C) Greenfield Site Assessment Study (Rural SHLAA) (January 2020) - by AECOM**

- 4.30. The Sites Assessment study was commissioned by Dacorum Borough Council and undertaken on behalf of the Council by AECOM and viability specialist HDH. These consultants undertook an assessment of 144 sites identified by the council for either residential or employment development and categorised these as either being 'potentially suitable for allocation with minor constraints', 'potentially suitable for allocation with major constraints' or 'not suitable for allocation'.
- 4.31. The study consisted of two phases. Phase 1 was a high level desktop assessment of the fundamental constraints such as locally or nationally identified physical or policy constraints. The phase 2 assessment was more detailed and assessed each site against 13 criteria:
- Transport and Accessibility
  - Flood Risk
  - Green Belt
  - Geo-environmental
  - Agricultural Land Quality
  - Land Uses- both Existing and Neighbouring
  - Potential for Mix of Housing Types
  - Heritage
  - Local Landscape and Visual Impact
  - Regeneration Potential
  - Economic Development Potential
  - Environmental Impact
  - Spatial Opportunities and Constraints
- 4.32. Of the 144 sites identified 46 of these were considered potentially suitable for allocation at this stage with 15 of these recommended for boundary amendments. This document will be discussed further in the Site Selection



Topic paper as it more directly relates to this, however it is important to consider in the context of Green Belt release and the processes undertaken in informing these decisions.

- 4.33. Since the completion of the AECOM Site Assessment Study in January 2020 an additional 10 sites have been promoted to the Council for consideration as well as a further two sites identified by the Council which has been discussed in the Site Selection Topic Paper (November 2020). To ensure that this latest draft of the Local Plan (November 2020) was as up-to-date as possible, the Council has ensured that these additional sites were fully assessed by the Council using the same methodology as used by AECOM in their main report as detailed in their Greenfield Site Assessment Study.

### **Council Monitoring of Development**

- 4.34. The Council has a well-developed monitoring system which the County Council helps support. This allows it to carry out regular monitoring of land development in the borough and to publish an annual series of land position statements and borough wide monitoring reports.
- 4.35. The Council uses the information to understand the progress of policies and proposals in the existing Local Plan, in support of national monitoring requirements, and for monitoring its own corporate indicators.
- 4.36. It produces an annual land position statement for both housing and employment. These are prepared for each financial year using a base date of 1st April and provides a simple “snap shot” of the supply of planning permissions for development and their progress to date. The latest published residential and employment land position statement are for 1st April 2019 and cover the period 1st April 2018 – 31st March 2019.
- 4.37. The Council also prepares on an annual basis its Authority Monitoring Reports (AMR). The AMRs use information from the land position statements and other sources to provide a more detailed overview of the success of Local Plan policies and the progress of new development. Due to the need to progress the draft Local Plan in recent years, the latest published AMR covers the period 2016/17.
- 4.38. The land position statements and AMRs provide a key source of time-series information throughout the topic paper in support of policy formulation.

- 4.39. Over the period 2006- 2017 a total of 4759 dwellings have been delivered, with Green Belt completions only accounting for 114 of these accounting for 2.4% of completions<sup>33</sup>

## **5. Consultation and Engagement**

- 5.1. This section of the Topic Paper explains the Council's consultation requirements, process and what consultation and engagement the Council has undertaken in the production of the draft Local Plan to date and how the Council has dealt with the responses it has received to each consultation.
- 5.2. The Council is required to carry out engagement and consultation as required by the Planning and Compulsory Purchase Act 2004 (section 18)<sup>34</sup> and as detailed in the Council's Statement of Community Involvement. The Council's latest Statement of Community Engagement was published in

### **Call for Sites- November 2017**

- 5.3. Between 1<sup>st</sup> November and 13<sup>th</sup> December 2017 the council invited the public, developers and landowners to submit details of sites which they considered to be suitable for development over the next 20 years for potential inclusion in the new draft Local Plan. These sites were then assessed through the Greenfield Site Assessment Study (Rural SHLAA) undertaken by AECOM in January 2020.

### **Issues and Options (Reg. 18) Consultation November – December 2017**

- 5.4. The Council undertook a Reg.18 consultation during November-December 2017 which has helped inform and develop the draft Local Plan. These consultation responses were collated and analysed as part of the regulation 18 process and published in September 2019. The summary of responses along with the Council's comments can be found on our website: <https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan/issues-and-options-consultation-2017>
- 5.5. The following section of this document provides a brief summary of the Green Belt and Rural area assumptions following on from the previous Issues and Options consultation, which were considered at that stage, and the consultation responses received in relation to these. A full summary of this consultation material and the responses received are available to view on the

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<sup>33</sup> Dacorum Borough Council, Feb 2018, Authority Monitoring Report 2016/17, pg 27 available online at: [http://www.dacorum.gov.uk/docs/default-source/strategic-planning/authority-monitoring-report-2016-17.pdf?sfvrsn=dc42309e\\_4](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/authority-monitoring-report-2016-17.pdf?sfvrsn=dc42309e_4)

<sup>34</sup> Legislation.gov.uk, Planning and Compulsory Purchase Act 2004 (section 18), available online at: <https://www.legislation.gov.uk/ukpga/2004/5/section/18>

Council website<sup>35</sup>. Below is an extract from the Issues and Options consultation November 2017.

### ***“How should we distribute new development?”***

*Our current approach in the Core Strategy distributes development in line with what is called a ‘settlement hierarchy.’ This relates the size of settlements to levels of local services, facilities and infrastructure they contain. It chiefly focuses new development on the main towns, with lower levels of development directed towards the three larger villages. The smaller villages also play a role in meeting development needs, but in a much more limited way.*

*This approach targets new housing and other development to the larger settlements (particularly Hemel Hempstead) in order to:*

- *Make the most efficient use of land and local service provision;*
- *Minimise impacts on the Green Belt;*
- *Reduce the need to travel to access jobs and services;*
- *Protect the appearance and distinctiveness of the area; and*
- *Safeguard the countryside and attractive landscapes from development.*

### ***What is the role and function of the Green Belt?***

*Almost 85% of our Borough is rural. 60% of this area, and just over half of the Borough is designated as Green Belt. A key purpose of Green Belt is to keep a sense of openness between built up areas (in this case around London), together with other factors such as protecting the countryside from development and supporting urban regeneration. Green Belt also provides opportunities for people to access the countryside, to grow food and support nature conservation.*

*Government policy states that most types of development should not be allowed in the Green Belt. At the same time, it is clear that this does not rule out all development in the Green Belt. The Government also says we must plan for enough sustainable development to meet our future needs. This means that in an area like Dacorum we have to try to balance these two conflicting requirements. We can amend Green Belt boundaries, but in order to do this we need to show that there are ‘exceptional circumstances’. A review can only be done as part of the Local Plan process. Any changes to the Green Belt boundary should take a long term view, so that we don’t need to look at them each time we update our Plan.*

*We commissioned a Green Belt Review (Stage 1, November 2013) which considers all the Green Belt in Dacorum. This is supported by a further Green Belt Review and Landscape Appraisal (Stage 2, January 2016) which considers the Green Belt adjoining our main settlements. The studies break the Green Belt into parcels and*

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<sup>35</sup> <http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan>

*assess these against nationally set criteria. The Stage 2 study also considers the wider issue of landscape setting.*

*The studies conclude that most of our Green Belt meets the Government's criteria for designation. There are however a few areas which don't meet all of the criteria and so could have their Green Belt designation removed. This could allow planned development to then take place.*

*These conclusions will help us consider whether we should earmark some Green Belt land for new housing or other uses, and if so, how much and where. This final decision will depend on the Growth Option we choose and if exceptional circumstances exist.*

*However, whether or not particular areas of land meet Government criteria for Green Belt designation is not the only consideration for growth locations. We also need to consider how sustainable these areas would be if they were developed. For example, how could they be accessed, could they provide the necessary infrastructure needed to support the development and how would they affect the character of the town or village?*

*In the 2017 Housing White Paper- Fixing our broken housing market the Government suggests a checklist of things that we need to consider before making any changes to our Green Belt boundaries. These include:*

- Making best use of brownfield sites and supporting their regeneration;*
- Making best use of land which is currently underused, including land owned by the public sector;*
- Maximising the density at which new development is built; and*
- Exploring whether any other councils can help meet some of our local needs*

#### *Major Developed Sites*

*We currently allocate a number of large and well-established developments in the Green Belt as 'Major Developed Sites.' These help to meet local education, housing and employment needs, for example Abbot's Hill School, Berkhamsted Castle Village and Bovingdon Prison. The boundaries for these sites are set out in the Plan and whilst there are still restrictions regarding the amount of new development that can happen in these locations, it is a little more flexible than the policies that apply to areas in the wider Green Belt.*

#### *Defined village boundaries*

*Decisions made by Government Planning Inspectors at recent planning appeals have clarified that the village boundaries that we show on the Policies Map (that accompanies our 2004 Local Plan) provide a 'starting point' for debate and cannot be applied as a definitive boundary when determining planning applications. However, showing such boundaries can help control the extent of infill development*

*in villages and limit the effects of sprawl. Whether this approach of using village boundaries is continued or not, and whether any further small villages should have boundaries identified, will be considered as part of the Plan review.*

### *Detailed Policies*

*As well as setting out our overall approach to the Green Belt, the new Local Plan also needs to include more detailed policies which control what people can do to existing buildings and land within the Green Belt. An example would be a policy that sets limits on how far you can extend existing homes. Our new Local Plan should also provide locally appropriate definitions for terms used in national Green Belt policy, to ensure we apply our policies in a consistent and fair way. These include terms such as ‘disproportionate,’ ‘materially larger,’ ‘limited infilling’ and ‘major development.’*

### **What is the role and function of the wider Rural Area?**

*The ‘Rural Area’ is the name that we give to the countryside that isn’t designated as Green Belt. It largely covers the area around Wilstone / Long Marston, and that north of Berkhamsted and Hemel Hempstead. Much of this land falls within the Chiltern Area of Outstanding Natural Beauty and is poorly located in terms of access to key services and facilities.*

*In the past, we have treated the Rural Area in a similar way to the Green Belt and the Settlement Hierarchy Study suggests that restrictions on development in the countryside – whether Green Belt or Rural Area - should continue to be applied consistently. We therefore propose to assess sites in the Rural Area in broadly the same way as those in the Green Belt and take forward the same broad policy approach as in our current plans.*

## **Responses to Issues and Options Consultation (2017) relating to Green Belt Matters**

- 5.6. The Council had a successful engagement on the previous consultation and received a total of 22,708 responses from 2,376 individuals and organisations to the 46 questions contained in the Issues and Options consultation. The main documents can be found here:  
<http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan>.
- 5.7. There was significant support from key stakeholders including statutory consultees, Town and Parish Councils, individuals, resident action groups and other organisations for protecting the Green Belt from development in response to Question 9.

- 5.8. The responses raised a number concerns over the suitability and harmful impacts of releasing land from the Green Belt and the need for this to be supported by sufficient levels of infrastructure. Some respondents took a more pragmatic view stating that if Green Belt development had to come forward then this should be used as a way to ensure greater levels (in the order of 50%) of affordable housing. However, many developers and land owners agreed that land that performs poorly in relation to the 5 NPPF (2012 version) principles should be removed from the Green Belt.
- 5.9. Central Bedfordshire Council recognised that higher than anticipated growth levels would mean that further Green Belt release would be needed across the Borough of Dacorum. St Albans City and District were concerned that Dacorum Borough Council had not done enough to encourage urban regeneration and development beyond the Green Belt. Hertfordshire County Council took the view that Green Belt releases would need to take into account how accessible and sustainable such locations were, and they were supportive of using Green Belt for multiple uses.
- 5.10. The Council in its response to these consultation responses received explains that the approach taken for releasing Green Belt land has been consistent with the NPPF and has been informed through the Green Belt Studies. The amount of land to be released has been determined by the Standard Method for local housing need and the Sustainability Appraisal to ensure that the most appropriate sites are released from the Green Belt which balances the Boroughs economic, social and environmental needs.
- 5.11. Further work was also undertaken to ensure that the use of previously developed land was optimised and assessed through an Urban Capacity Study the details of which can be found in the Site Selection topic paper and section 5: Justification a) Has the Council identified sufficient suitable Brownfield/ under-utilised land in this Topic Paper. Similarly, the Draft Dacorum Infrastructure Delivery Plan (November 2020) has been updated as part of the Plan preparation and has assessed the needs for new or additional infrastructure to support the development proposed.
- 5.12. Question 10 - "Do you agree with the proposed approach to the Rural Area?" of the Issues and Options consultation was concerned with the Council's approach to the Rural Area. Many comments were also focussed on the Chilterns Area of Outstanding Natural Beauty given the overlap of the two designations. Many respondents sought a strengthening of policies in both cases. Markyate Parish Council suggested that the same principles applied to the Green Belt are also applied to the Rural Area. Alternatively, some warned that the Rural Area should not be treated in a similar way to Green

Belt. Historic England suggest that a policy is needed to protect the historic environment of the Rural Area.

- 5.13. Hertfordshire County Council suggested that the Rural Area outside of the Green Belt and Chilterns Area of Outstanding Natural Beauty would not provide sustainable location for development and so should be treated in the same way as the Green Belt. Conversely, St Albans Council did not believe that the Rural Area should be treated in the same way as Green Belt as it could provide future developable land. Tring Town Council raised the possibility of a new village, and argued that housing needs cannot be met within existing settlements.
- 5.14. The Council clarified in response that it would continue to operate a similar approach to Green Belt in the Rural Area given that these locations are unsustainable (further clarification on this can be found within the Site Selection topic paper and Exceptional Circumstances/ justification section of this topic paper). However in saying this a level of housing would be supported to meet local housing need and rural exceptions housing. In response to the potential new settlement option proposed this has been dismissed as stated in this topic paper.
- 5.15. A variety of responses were made to the Council's approach to selecting sites (Question 11). These overlapped earlier concerns about growth in general and its impact (individually and cumulatively) on the settlements, the Green Belt/Rural Area, and the need for (or lack of) infrastructure. There was considerable support for making effective use of urban/previously developed land, including smaller and windfall sites. The Chilterns Conservation Board stressed that the AONB should be a very important factor in assessing where development should be located.
- 5.16. A number of landowners have made representations in support of the release of their land from the Green Belt for a variety of reasons, including their overall suitability and contribution to meeting growth. Where there was support for this from individuals it was on the basis of schemes being properly planned for, that they were away from sensitive areas and in sustainable/accessible.
- 5.17. The approach to the selection of sites is explained in the Sites Selection topic paper, however in response to these statements the Council reassured that the selection of sites will be informed by a number of studies which have either helped to dismiss or consider further sites for allocation. This includes the Greenfield site assessment study, the Green Belt reviews, Urban Capacity Study and Sustainability Appraisal to name a few.

## **Internal Workshops**

- 5.18. The Strategic Planning team consulted with a number of different teams within the Council for feedback on its draft policies and approach as the Local Plan developed.
- 5.19. Over the course of producing the plan the Strategic Planning team went out to consultation twice internally. The first of these were mini workshops, where changes could be easily made to ensure they suited the needs of other teams within the Council. The second of these was through feedback forms which was again circulated to a number of different teams within the Council, although this was more focused on the Development Management team.

## **Duty to Cooperate**

- 5.20. Section 110 of the Localism Act<sup>36</sup> sets out the 'duty to co-operate'. This applies to all local planning authorities, national park authorities and county councils in England – and to a number of other public bodies. The duty:
- Relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council
  - Requires that councils set out planning policies to address such issues
  - Requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies
  - Requires councils to consider joint approaches to plan making.
- 5.21. As part of the Councils ongoing duty to consult with other parties (Duty to Co-operate) discussions have been had with neighbouring authorities in south west Hertfordshire (this includes St Albans City and District Council, Hertsmere Borough Council, Three Rivers District Council and Watford Borough Council and other neighbouring authorities outside of the Hertfordshire area (this consists of Central Bedfordshire Council, and Buckinghamshire Council as the two other joining authorities. This section is discussed in greater detail in Justification, reviewing and defining Green Belt boundaries: The NPPF approach to determining exceptional circumstances and release, as this forms an important part of the Councils justification for exceptional circumstances in accordance with NPPF<sup>37</sup>.

## **Other engagement with key stakeholders**

- 5.22. As part of the ongoing engagement with Green Belt landowners discussions were had as to the possible compensatory improvements that they could

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<sup>36</sup> Section 110 of the Localism Act: <http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted>

<sup>37</sup> NPPF, MHCLG, Feb 2019, Paragraph 137



provide. The NPPF paragraph 138 states: “... *Where it has been concluded that it is necessary to release Green Belt land for development, plans should,, set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.*”

- 5.23. The Planning Practice Guidance (PPG) also states the types of improvement that this could include:
- New or enhanced green infrastructure;
  - Woodland planting;
  - Landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
  - Improvements to biodiversity, habitat connectivity and natural capital;
  - New or enhanced walking and cycling routes; and
  - Improved access to new, enhanced or existing recreational and playing field provision
- 5.24. Landowners were requested to explain how they intend to provide these improvements that conform to the government guidance above.
- 5.25. The Council maintains a database of key stakeholders that are made up of statutory and non-statutory stakeholders many of which have been contacted in regard to the preparation of this Local Plan and Draft Dacorum Infrastructure Delivery Plan (November 2020). This database also includes those who have requested to be included on our Local Plan consultation database and wish to be kept informed of the progressing of the draft Local Plan.

## **6. Background and Considerations for Green Belt Release**

- 6.1. This section is to explore the Council’s justification that exceptional circumstances exist for Green Belt release. It should be noted following this consultation that the Council will be progressing further work on the strategic level exceptional circumstances and the specific reasons for release of each of the proposed sites that are currently located within the Green Belt.

### **The Geography of Dacorum**

- 6.2. The London metropolitan Green Belt covers just over half of the borough and plays an important role in restricting urban sprawl of the six main settlements of Hemel Hempstead, Berkhamsted, Tring, Bovingdon, Kings Langley and Markyate. Five of these six settlements are entirely inset to the Green Belt making their expansion impossible without Green Belt release. The only exception to this is Markyate, where the Green Belt adjoins the southern,

eastern and north-eastern boundaries of the village, with the Chilterns AONB defining the north and western edges of the settlement.

- 6.3. Equally the Chilterns AONB, which is afforded the highest level of protection due to its enhanced landscape and scenic beauty<sup>38</sup>, is an important factor in considering growth on the edge of the three main towns of Hemel Hempstead, Berkhamsted and Tring.
- 6.4. The only area that is not constrained by the Green Belt and Chilterns AONB is located in the north-western corner of the borough. While predominantly open countryside, this broad area includes the smaller villages of Long Marston and Wilstone. Wider influences include the settlements of Aylesbury and Aston Clinton to the west, with Wingrave, Cheddington and Marsworth to the north and east (all within Buckinghamshire Council).
- 6.5. The geography of Dacorum and its settlements have ultimately shaped the approach taken in developing the Councils preferred option for Green Belt release.

### **The introduction of the Standard Methodology and needs**

- 6.6. National Planning Policy requires that local authorities set out to deliver their housing requirements as set out in the Government's Standard Methodology for housing. The details of this are set out in the Housing Topic Paper.
- 6.7. Dacorum's requirement was that **1,023 homes per annum** would be required over the Plan period.
- 6.8. However, the changes to the current planning system consultation document seeks to change the standard method calculation to make the calculation more responsive to affordability levels and take into account existing housing stock as well as removing the cap of 40% currently used<sup>39</sup>.
- 6.9. Whilst Government has yet to announce any policy changes arising from the consultation the interim Standard Methodology would require Dacorum provide **922 dwellings per annum**. It is recognised that this figure may be adjusted depending on the final reforms announced by Government.
- 6.10. Regardless of the final housing figure it is expected that there will be significant uplift in the number of homes required in Dacorum (430 homes per annum) or to the average of 541 homes per annum completed over the last three years.

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<sup>38</sup> NPPF, MHCLG, Feb 2019, paragraph 172

<sup>39</sup> <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/>

- 6.11. Housing is an important need that is to be met through the production of this Local Plan alongside the need to allocate land for employment. The details of this are elaborated within the Dacorum Employment Topic Paper which is available on the Council's website as part of this draft Local Plan consultation
- 6.12. The South West Hertfordshire Economic Study Update (September 2019 by Hatch Regeneris) identified that there was a need for 10ha of office development and 53ha of land for industrial uses. This is to be split across the 5 South West Herts Authorities of Dacorum Borough Council, Hertsmere Borough Council, St Albans City and District Council, Three Rivers Council and Watford Borough Council.

## **7. Justification, reviewing and defining Green Belt Boundaries: The NPPF approach to determining exceptional circumstances and release**

- 7.1. The Council has been considering all reasonable options for accommodation growth outside of the Green Belt from the outset of preparing the Plan and has tested these through the Sustainability Appraisal process. These have been rejected for a variety of reasons and will be reviewed.
- 7.2. The Council through its Sustainability Appraisal concluded that focusing development towards towns and villages inset within the Green Belt was the most appropriate method for delivering growth within the Borough. This approach takes into account the additional requirements made in NPPF paragraph 138 of giving consideration to land that is well served by public transport, and will aid in delivering infrastructure for existing towns which are now either reaching or at capacity due to the incremental development that has preceded this Local Plan.
- 7.3. Initially, through the Issues and Options Consultation in November 2017 the Council proposed three growth options for the distribution of development across the borough which consisted of:
- Option A – Focus on three towns (Hemel Hempstead, Berkhamsted, and Tring);
  - Option B – Greater focus at Hemel Hempstead; and
  - Option C – Spread more evenly across the six main settlements
- 7.4. A number of other options were considered and rejected at the time of publishing the Issues and Options Consultation in 2017 on the grounds of

policy compliance and/or deliverability over a plan period. These will not be discussed in detail but can also be found in appendix B. The rejected options were:

- A new settlement (town or village);
- Rural growth;
- Export growth to another Council area;
- Use Greenfield land before brownfield land; and
- Significant expansion of a large village(s)

7.5. The Council through its Sustainability Appraisal has reassessed those three options originally put forward in the Issues and Options consultation of 2017, but updated to reflect the new housing need introduced through the Standard Methodology. Additionally, further growth options which were rejected through Issues and Options have been reconsidered. The reason for doing so is that they have some merit in providing reasonable alternatives, and should be subject to a full SA assessment in determining the best approach to growth, the additional options put forward were:

- Option Cii – Spread more evenly across the six main settlements (this proposed an alternative approach to the first Option C which was to have low growth at the villages). This options seeks higher growth at Bovingdon and Kings Langley;
- Option Di – New settlement in the north-west of the Borough (land beyond the outer Green Belt boundary)
- Option Dii – New settlement at Bovingdon
- Option E – Higher growth

7.6. No consideration was given to the possibility of growth being delivered in urban areas inside the Green Belt given that these 'urban areas' are small in scale, washed over with Green Belt and would fail to meet the additional criteria detailed in the NPPF in regards to access to public transport.

7.7. The Council has explored all reasonable options to meet its identified need for development without developing in the Green Belt. This should be seen in the context that the Borough is highly constrained and this has limited our available options. Nonetheless, there remains a strong urban focus on the towns and larger villages as sustainable locations for accommodating development and infrastructure needs. Indeed, the draft Plan policies will actively encourage this approach.

7.8. This matter is covered in more detail in the Development Strategy, Housing and Site Selection Topic Papers. However, in the following sub-sections we systematically explore the steps we have taken to justify exceptional circumstances for releasing land from the Green Belt against the NPPF requirements.

## 8. NPPF policies on Green Belt release and summary of justification

8.1. The NPPF requires the Council to demonstrate certain tests have been satisfied when considering releasing land in the Green Belt. These include:

8.2. Paragraph 136 which details that “*Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified*”<sup>40</sup>. It also explains that this can only be done so through the preparation or updating of plans.

8.3. Paragraph 137 sets out the criteria that a Local Planning Authority will need to satisfy before a case for exceptional circumstances can be justified.

### a) **Makes as much use as possible of suitable brownfield sites and underutilised land.**

8.4. Dacorum has maintained a Brownfield Land Register since December 2017 which identifies sites within the borough area that have been deemed suitable for housing. Part 1 is a comprehensive list of identified brownfield sites, while Part 2 is a list of sites deemed appropriate to give Permission in Principle. These will be housing-led developments, identified using set criteria and consultation. In December 2020 the Brownfield Land Register was updated to add an additional 4 sites<sup>41</sup>.

Review 2020	Dacorum Register
No. of sites	41
Dwelling Capacity	2965

<sup>40</sup> NPPF, MHCLG, Feb 2019, Paragraph 136

<sup>41</sup> Dacorum Brownfield Land Register, Dec 2020, Available online at: <https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/brownfield-land-register>

- 8.5. The table above gives an indication as to the supply of brownfield land, however some of these sites benefit from planning permission as detailed with the register<sup>42</sup>. Equally, this is not to say that the register encompasses all of the land that could be given Permission in Principle.
- 8.6. In addition to the Brownfield register the Council has produced an Urban Capacity Study which identifies potential sources of developable land. This takes into account past housing allocations, previous SHLAA assessments, sites identified through call for sites, as well as other potentially developable sites identified by the Council through other teams.
- 8.7. The outcome of this work has fed into the production of the housing trajectory which includes new housing allocations identified through the study and identifies other sources of potentially developable land that could be brought forward through windfall development.
- 8.8. Another element of the work also updated the Council's assumptions on windfall allowance for the new Plan period taking into account past trends. In total a potential **10,440 homes** were identified as being potentially deliverable through the Plan period from past allocations, existing commitments, windfall assumptions and proposed new allocations. However, this still falls **6,156** short of the Councils target of **16,596** over the Plan period (922 dwellings per annum x 18 years).
- 8.9. The Site Selection topic paper and accompanying Urban Capacity Study explain in more detail the assumptions and data that fed into this work and so will not be repeated here. However, it can briefly be explained that the information takes account of completions over the past fourteen years and uses this to make assumptions on anticipated windfall delivery over the new Plan period. The average windfall delivery rates since 2006 has been 306 dwellings per annum representing 67% of total completions, where as in the last three years windfall delivery rates have increased to 322 dwellings per annum on average representing 61% of total completions.
- 8.10. The detailed review of windfall sites makes the following recommendations on likely delivery rates which are considered to be robust and appropriate for the purpose of plan making and predicting likely infrastructure requirements. It is important to note that the recommendations exclude any consideration of sites granted through prior approvals.

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<sup>42</sup> Dacorum Brownfield Land Register, Dec 2020, Available online at: <https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/brownfield-land-register>

Type of windfall site	Annual allowance
Small sites (<5 dwellings)	75
Medium sites (5-9 dwellings)	25
Large sites (10+ dwellings)	100
Total annual windfall allowance	<b>200</b>
Likely contribution towards housing requirement  (this number takes a more cautious approach assuming lower delivery rates towards the front end of the plan period to ensure the 5 year housing land supply figure is more robust)	<b>2,400</b>

8.11. In trying to make as much use as possible of suitable brownfield and underutilised land the Council has had to review existing designations within the built up area, primarily existing employment land. Although, much of Dacorum's employment land is located within Maylands Business Park in Hemel Hempstead, which is to be retained, there are small employment sites which could provide highly accessible locations for housing growth. This includes the expansion and relaxation of some existing allocations from the Core Strategy as well allocating some existing employment land either within close proximity to town centres, or where there is an identified need for locations to expand but limited opportunities to achieve this. The Council feels that these locations would be more appropriate for housing given the need to provide growth in sustainable locations and the benefits that redevelopment could provide for new and existing residents. These numbers have been factored into the numbers provided within the Urban Capacity Study and subsequent allocations and demonstrates the measures that the Council is having to take in order to achieve its housing target and minimise the impact on the Green Belt.

**b) Optimise the density of development in line with the policies in chapter 11 of this framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport**

8.12. To ensure that the Council has taken an appropriate approach to density standards the process has had regard to guidance in the NPPF paragraph 122 and 123 which state:

*“Planning policies and decisions should support development that makes efficient use of land taking into account:*

- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) Local market conditions and viability;*
- c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) The desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) The importance of securing well-designed, attractive and healthy places<sup>43</sup>.*

*Where there is an existing or anticipate shortage of land for meeting identified housing needs, it is especially importance that planning policies and decision avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*

- a) Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*
- b) The use of minimum density standard should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range<sup>44</sup>.*

- 8.13. The Plan takes a number of active steps to optimise densities on Plan allocations and emerging sites. It will have in place a range of policies supported by other strategic and local design guidance in order to encourage higher densities in appropriate location. The Plan considers both pursuing

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<sup>43</sup> NPPF, MHCLG, Feb 2019, Paragraph 122

<sup>44</sup> NPPF, MHCLG, Feb 2019, Paragraph 123



higher densities coupled with increasing building heights, as circumstances justify.

- 8.14. Much of Dacorum’s housing need as mentioned previously is calculated by the Standard Method (currently 922 dwellings per annum), however the Council needs to consider other housing needs such as the provision of affordable housing, accommodation for older and disabled people, as well as housing needs for different groups such as self-build homes. This work has been produced by consultants GL Hearn for the wider South West Hertfordshire Area, the details of this work will be discussed further in the Housing Topic Paper.
- 8.15. The Urban Capacity study aims to provide an appropriate basis for densities across the Borough using completions data from each ward over the last fourteen years. By using the completions data this provided robust evidence as to what could be achieved within different areas of the borough given its market driven approach. The data informed which areas had greatest potential to deliver higher growth and implemented into policy (Policy DM11-Density of Development) setting minimum density standards across the whole borough in a way that would not cause harm to existing settlements/landscapes.
- 8.16. This data was also applied to the site assessments undertaken for the Urban Capacity Study and provided a sense check on whether an individual site would be able to accommodate more or less development. Subsequently, this was then refined taking into account broader areas and applied exceptionally high values on ‘landmark sites’ and is detailed within the Urban Capacity study with the proposed densities to be achieved. However, these values vary from those included within the Local Plan policy given that that is only used to apply minimum density standards, whereas those within the Urban Capacity Study are what the Council believes to be reasonable densities on those particular sites. It is anticipated that the development potential on brownfield and underutilised land is approximately 10,440 dwellings over the plan period, c. 6000 dwellings short of the development need for the borough based on the Standard Method Calculation.

<b>Source of supply</b>	<b>Dev. Potential – Est No of Dwellings</b>
Existing allocations (following review)	4108

New allocations in urban areas	1700
Commitments (from 01/04/2020 including a deduction for non-starters and excluding those in the Rural Area)	2465
Windfall allowance (excluding those in the Rural Area)	2167
<b>Total urban capacity (including windfall allowance)</b>	<b>10,440</b>

8.17. The Council has in all reasonable locations optimised the density of land whilst taking into account the provision of infrastructure.

**c) Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through a statement of common ground.**

8.18. We continue to work with neighbouring authorities on a range of strategic matters, including on how identified needs can be accommodated.

8.19. Dacorum Borough Council has been in discussion with its neighbouring authorities in the South West Herts Strategic Housing Market Area. This is made up of St Albans City and District Council, Watford Borough Council, Three Rivers District Council and Hertsmere Borough Council. The location of South West Herts within the Green Belt means that all of the authorities are facing similar challenges in regards to allocating land to meet their locally assessed housing needs.

8.20. Dacorum does have land available that is not in the Green Belt (this is designated as the Rural area and/or Area of Outstanding Natural Beauty) but developing here has been dismissed as an appropriate strategy to meet development needs in the Plan period.

8.21. The other option that was available to Dacorum Borough Council was consulting with the other neighbouring authorities of Aylesbury Vale District Council and Central Bedfordshire Council given they are less constrained by Green Belt, however given that their Local Plans are either at very advanced stage or are already adopted it provided little opportunity to pursue this approach. The Council has also engage with the other four authorities in the housing market area to see if they can contribute to meeting needs. It is clear

that these authorities face similar growth pressures and are also constrained by the Green Belt.

- 8.22. The Council therefore determined that there were no suitable options available for distributing growth to neighbouring authorities and therefore the release of some of the Green Belt has to be considered in order to meet the Council's current and projected housing need.

### **Channelling development towards urban areas inside the Green Belt Boundary**

- 8.23. The Council has perceived this to mean urban areas that are presently washed over with Green Belt, unlike the six main urban areas of Dacorum all of which are inset to the Green Belt. Dacorum has a limited amount of 'urban areas' and consists of the four small villages of:

- Chipperfield
- Flamstead
- Potten End
- Wigginton

- 8.24. Successive Local Plans have continued to apply a level of restraint on these locations having regard to the settlement hierarchy, delivery strategy and the requirements established in NPPF that Green Belt growth should be channelled towards those areas most able to accommodate such growth i.e. well served by public transport. Given the level of growth required it was determined that it would be unsuitable to deliver growth in these locations on the following grounds:

- Does not contribute to sustainable development given the lack of facilities available at these locations
- Runs the risk of the potential merger of settlements if large Green Belt releases were sought in these locations
- Would require significant large scale infrastructure provisions that would make schemes unviable in these locations
- The assembly of land and the likely timescales required to deliver this would go beyond the plan period
- Larger scale more appropriate sites have been identified around the main urban areas of Dacorum.

- 8.25. The NPPF (paragraph 140) explains that Local Planning Authorities should consider whether alternative policy tools other than the Green Belt should be

used to maintain the open character of villages. The Council has considered this matter carefully in preparing the draft Local Plan.

- 8.26. The current Green Belt policy for these settlements is set out in the Core Strategy under Policy CS6: Selected Small Villages in the Green Belt. This policy does allow a modest range of development opportunities to broadly support their existing role in the settlement hierarchy and to meet the local needs of the village. However, there is still an expectation that development must be sympathetic to the character of the village and surrounding countryside. It has also proved popular locally with residents and parish councils who do not want to see extensive changes to their areas.
- 8.27. If these villages were to be excluded from the Green Belt then the Council is concerned that this would not offer it the effective control over development. These small villages are more sensitive to change and are less able to accommodate development. While they vary in character these villages contain parcels of open land within and on the immediate edge of the villages e.g. residential amenity spaces, play spaces, paddocks, allotments, church yards, etc. Many houses sit in generous and open plots. It is also not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt and the transition into open countryside adjoining these villages.
- 8.28. The Council acknowledges that a range of development management tools would still be available to it e.g. conservation area designations and, in the case of Wigginton, the Chiltern Area of Outstanding Natural Beauty. However, this does not avoid the real danger that any removal of the Green Belt would lead to an erosion over time through piecemeal development of their open character. The Council would be in a much weaker position to control open gaps between buildings, the redevelopment of existing garden plots, and other small parcels of open land without the Green Belt.
- 8.29. Encouraging additional levels of development in these locations would run counter to the draft Local Plan's approach to sustainable development. The settlement hierarchy study<sup>45</sup> demonstrates that these villages are relatively isolated, poorly served by public transport and generally lack local facilities. It would also undermine the Green Belt objectives of assisting in safeguarding the countryside from encroachment and encouraging urban regeneration and investment where it is most needed away from the Green Belt.

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<sup>45</sup> Dacorum Borough Council, Oct 2017, Settlement Hierarchy Study, available online at: [https://www.dacorum.gov.uk/docs/default-source/strategic-planning/settlement-hierarchy-study-main-report-october-2017.pdf?sfvrsn=deac339e\\_4](https://www.dacorum.gov.uk/docs/default-source/strategic-planning/settlement-hierarchy-study-main-report-october-2017.pdf?sfvrsn=deac339e_4)

- 8.30. The Council believes that there are already a number of mechanisms to accommodate development in the Green Belt including:
- Proposed approaches to Green Belt development to be taken forward in the draft Local Plan;
  - The range of opportunities provided by the NPPF for acceptable forms of development in the Green Belt;
  - The potential for rural housing on the edge of villages as an exception to normal policy; and
  - Where relevant, a greater relaxation of permitted development rights.
- 8.31. The Council is satisfied that there remains a strong justification for retaining the selected small villages in the Green Belt. Policy is sufficiently flexible to offer more than generous scope for development in these villages without the necessity to remove the Green Belt protection from them. The approach strikes a reasonable balance between the requirement to protect the important open character of these selected villages and providing reasonable opportunities for development to meet their role and function.
- 8.32. This approach is not to be overly restrictive and the Council anticipates that limited growth will come forward in these locations and the AONB as part of the supply over the Plan period as detailed in the options tested in the Sustainability appraisal.

### **Growth beyond the Green Belt**

- 8.33. There are only two locations within the Borough that are not either Green Belt or existing built up areas. The Chilterns AONB which covers most of the Borough and is in close proximity to the three main settlements (Hemel Hempstead, Berkhamsted and Tring) and Markyate, and land to the north of the Borough currently designated as Rural Area.
- 8.34. The Chilterns AONB has already been dismissed as a reasonable option given the approach taken in the NPPF and its level of protection and on the basis that Dacorum has other land which is not afforded the same level of protection. Green Belt land is a planning designation to stop the unnecessary growth of settlements as opposed to AONB which has a landscape value. The fact that the NPPF has policy in place for Green Belt removal indicates that this, provided it has been sufficiently evidenced is acceptable.
- 8.35. There is only one notable location within the Borough that is not either designated Green Belt or AONB which is located to the north of Tring and

includes the small village of Long Marston, however this option was dismissed on a number of grounds including:

- The growth location would not contribute towards the principle of sustainable development;
- The growth location would require significant infrastructure upgrades including roads and utilities to support the proposed levels which could then also jeopardise the viability of the scheme;
- The growth location would be difficult to deliver given the fragmented and complex landownership;
- Landowners in the area showed little interest in developing as there was very little land in the location promoted through the Call for Sites process;
- There is potential for the growth location to have significant adverse effects to neighbouring authorities specifically Aylesbury Vale District Council which are experiencing significant levels of growth themselves and could impact on their services and facilities;
- The growth location would not help in meeting the Councils aspiration of providing new infrastructure to support existing communities; and
- The delivery of this growth location would be difficult to achieve in the plan period having regard to the points above.

8.36. This therefore means that development will need to take place in the Green Belt as all of the settlements within the borough are surrounded by Green Belt and/ or AONB and on the basis that AONB has a national designation it was determined that this was unsuitable to be allocated as there was less constrained and deliverable land available (Green Belt).

### **Channelling development towards towns and villages inset within the Green Belt**

8.37. Channelling development towards towns and villages inset within the Green Belt has been identified as being the most appropriate way of delivering sustainable development in line with the NPPF and the settlement hierarchy/ development strategy for delivering growth, and so this growth option has formed many of the options assessed through the Sustainability Appraisal with the exception of Option Di New settlement in the north west of the Borough.

8.38. The selection of sites has been discussed in detail within the Site Selection Topic Paper (November 2020) and its accompanying appendices, and so will not be repeated here. Instead this section considers the most appropriate growth option in order to achieve sustainable development.

- 8.39. Options Cii and Dii assessed through the Sustainability Appraisal are deemed to be less appropriate for achieving Sustainable Development and aligning with the Councils development strategy.
- 8.40. Option Cii was dismissed due to the need to balance appropriately the need to deliver growth (to ensure that housing markets in these smaller settlements do not stagnate and allow for local people to move within the area) and the necessary infrastructure to support it, having consulted with key stakeholders. Focusing more growth at the village locations would result in an infrastructure deficit whereby sufficient development had not been provided to deliver the required infrastructure, but was equally too high for the existing infrastructure to manage the growth and so therefore was determined that this would not be plausible without sustainably higher release of land, which would cause irreversible change at these locations, would focus development in locations which are not the most sustainable locations in the borough and would not comply with the development strategy.
- 8.41. Option Dii has the capability to deliver essential infrastructure, although this would be at the expense of the development strategy by exporting a large amount of growth better suited to one of the main towns. The only location where this could be realistically delivered would be at Bovingdon Airfield given its relation to the settlement and is Previously Developed Land, although this site has not been promoted to the Council for development. While the Site Assessment Study Addendum finds this suitable for further consideration with major constraints the Council has decided not to take this option any further forward. The reasons for not doing so is that:
- The sites openness and the impacts development would have on short, medium and long term views
  - The loss of employment land that would be difficult to replicate within the Borough and provides diversified employment opportunities for residents
  - While located in an area with access to public transport longer distance travel i.e. rail would need to be provided through neighbouring larger settlements, growth in existing large settlements would better enable people to make more sustainable choices for the first leg of their journey
  - The vast majority of vehicle movements are reliant on the B4505 with limited opportunities to improve this, or provide alternatives
  - The site risks coalescence with the neighbouring hamlet of Whelpley Hill
- 8.42. On similar grounds to the above Option C- Spread more evenly across the six main settlements was also dismissed given the significant infrastructure pressures surrounding the three main towns of Hemel Hempstead, Berkhamsted and Tring and the inability for these locations to reach the

trigger point for providing new infrastructure without causing harm to their character as a large village.

- 8.43. Therefore the exact approach to delivering growth is somewhat an amalgamation of Options A –Focus on three towns (Hemel Hempstead, Berkhamsted, and Tring) and B- Greater focus at Hemel Hempstead given the extent of development that is to take place within Hemel Hempstead. The majority of development in Hemel Hempstead is to be provided through urban growth and there will be further growth beyond the Boroughs jurisdiction and existing timescales within the Plan. However, there will equally be comparable amounts of growth (based on existing settlement size) at Berkhamsted and Tring to resolve existing infrastructure deficits.

## **9. Conclusion: Dacorum's Exceptional Circumstances**

- 9.1. Through the preparation of the Plan, and through the undertaking a range of specialist detailed assessments, from benchmarking other local authorities in similar positions and from a review of case law to date the Council has determined that exceptional circumstances exist to justify reviewing the Green Belt. The Council considers that a combination of circumstances exist, acting together, that hurdle the test for removing land from the Green Belt for development.
- 9.2. To briefly recap, the background information that supports the Council's view that exceptional circumstances exist the housing need for Dacorum based on the Government's current revised Standard Methodology 2 is currently 922 dwellings per annum. Dacorum's geographic location within the London Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty also limits what options are available to the Council when trying to plan for long term growth up until 2038.
- 9.3. A condition from the adoption of the Dacorum Core Strategy (2013) was that there would need to be a review of Green Belt boundaries to ensure that Dacorum could meet its need for the whole Plan period up to 2031. This was initially tested through the previous Issues and Options consultation which took place in 2017 which looked at how growth could be apportioned throughout the Borough. However, since then and over the last 3 years our housing need has increased and so these options have had to be reassessed to address this and includes the reassessment of previous options that were reviewed and discounted originally.



9.4. All of this work has also been assessed through the Sustainability Appraisal which will be discussed later on in this sections and has been also been informed by the Development Strategy and Site Selection Topic Paper. The Sustainability Appraisal provides an assessment of the environmental, social and economic effects that would likely result from the implementation of a range of options which have been considered during the development of the draft Local Plan (2020 – 2038). This includes:

- Spatial strategy options for delivering housing growth in Dacorum over the Local Plan period;
- Alternative levels of housing growth over the Local Plan period; and
- Options for site allocations that would be required to deliver the housing growth.

9.5. More information is available as part of the Regulation 18 consultation and can be found on the Councils website here:

<https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan>

### **National Planning Policy Framework (NPPF) (2019) Paragraphs 138 & 139**

9.6. Paragraph 138 of the NPPF sets out the importance of promoting sustainable development and how this should be provided having consideration of the different approaches to Green Belt release e.g. towards urban areas inside in the Green Belt boundary, urban areas inset to the Green Belt or locations beyond the outer Green Belt boundary and the compensatory improvements that should be sought.

9.7. In summary the Council was able to dismiss options looking at development inside the Green Belt boundary and beyond the Green Belt boundary given that these could not be realistically delivered in the timeframe of the Plan and didn't contribute towards the objective of sustainable development. Therefore the growth options including those considered in the Issues & Options consultation in 2017 focused on different distributions of growth in locations inset to the Green Belt having taken into account the amount of development that could be accommodated within the urban areas of the borough.

### **Defining Green Belt boundaries**

9.8. An additional requirement for Green Belt release is detailed in paragraph 139 which states:

*“When defining Green Belt boundaries, plans should:*

**a) Ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;**

- 9.9. The Council feels that the approach taken to Green Belt release is consistent with the plan's growth strategy. Past Plans have only ever sought to deliver modest growth, and while on their own these small scale developments have a limited impact the cumulative effects have often resulted in there being insufficient infrastructure to support current demand.
- 9.10. This has been observed within the large settlements of Berkhamsted and Tring where schools are currently nearing or at capacity with limited opportunities to resolve this. By delivering large scale growth around the existing settlements new schools can be provided to meet need and ensures that these facilities are readily accessible to new and existing residents alike.
- 9.11. Similarly, in some locations such as the large villages there has been an identified need for the expansion or redevelopment of infrastructure such as schools, and the Council along with Hertfordshire County Council as the education authority have worked together to resolve these issues. The issue with the large villages is that there isn't sufficient development land promoted in order to adequately resolve these issues, and even if this could be achieved it would be done so at the detriment of their character and therefore large scale growth in these locations has been dismissed.
- 9.12. Therefore in ensuring that sustainable development is delivered and infrastructure needs satisfied as far as is reasonably possible the strategy has focused growth around the three main towns and the amendments to Green Belt boundaries reflects this.

**b) Not include land which it is unnecessary to keep permanently open;**

- 9.13. The Council has undertaken various assessments to inform the emerging strategy consultation, including a detailed review of the Green Belt. In cases where alterations of Green Belt have resulted in any anomalies to settlement boundaries these have subsequently been reviewed as part of the Green Belt stage 3 study. The Council will carefully consider the responses it receives to the consultation and, where necessary, undertake further evidence gathering before finalising Green Belt boundaries prior to reaching Regulation 19.

**c) Where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;**

**d) Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;**

- 9.14. Land has been safeguarded in previous Local Plan documents including the most recently adopted Site Allocations DPD (2017)<sup>46</sup>. The Site Allocations safeguarded land to ensure that a sufficient five year housing land supply was available throughout the Plan period, whilst also allowing a sufficient lead in time to so that development could deliver on schedule. Safeguarding land also provided some extra flexibility to the approach namely that if earlier sites stalled or failed to deliver these other sites already in the planning pipeline could be delivered ahead of time to support the five year housing land supply.
- 9.15. The new Local Plan seeks to safeguard one site for future delivery which is further land to the North of Hemel Hempstead. This is part of a longer cross boundary project and already benefits from Government funding. It is considered that by safeguarding this land it will enable comprehensive master planning and infrastructure planning in a way that will deliver on the original Charter principles. The first half of the site we anticipate will start delivering 2028/29 for the first phase and this will continue to deliver over the remainder of the Plan period. The safeguarding of this land is not intended to be used in a similar way to that of the Site Allocations DPD and slowing down the delivery of sites.
- 9.16. The introduction of the standard methodology means that the Council has had to plan for a different scale of development which is being provided through the urban extensions at the three main towns of Hemel Hempstead, Berkhamsted and Tring. The scale of these developments means that naturally they will be unable to deliver until the latter end of the Plan period and therefore there is no need to safeguard these sites as done in the Site Allocations DPD. The greater reliance on larger sites to deliver housing need means that the Council will be relying on smaller scale sites to hold up supply earlier in the plan period including those Core Strategy Allocations that are currently in the planning system.

**e) Be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and**

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<sup>46</sup> [http://www.dacorum.gov.uk/docs/default-source/strategic-planning/dacorum-site-allocations-statement-june-2017.pdf?sfvrsn=d63a3c9e\\_10](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/dacorum-site-allocations-statement-june-2017.pdf?sfvrsn=d63a3c9e_10)

9.17. While the Council has made every attempt to lessen the impacts of growth on the Green Belt there is still a need to release some land to meet development needs in line with the standard method calculations of 922 dwellings per year. As part of the Hemel Garden Communities project the Council has identified additional land to be safeguarded for the next iteration of the Local Plan for a further 4,000 homes beyond 2038. While the Council cannot say with any certainty that this would mean no further Green Belt release in the next Local Plan it has identified a significant amount of land to meet this future need and with each process finding such land becomes increasingly difficult to identify.

***f) Define boundaries clearly, using physical features that that readily recognisable and likely to be permanent.”***

9.18. The Green Belt Review Stage 3 undertaken by Arup as part of its scope identifies any boundary strengthening measures that are required should a site be allocated for development. Where ever possible the Council has tried to identify sites where there are readily identifiable boundaries such as roads and canals although even here some improvements may be required and would subsequently be introduced as site specific requirements. A similar approach for the settlement wide improvements has also been conducted in relation to any boundary amendments, however this only serves to tidy and refine those existing boundaries. As previously mentioned the Green Belt Review Stage 3 helpfully identifies appropriate boundary strengthening for sites, if it is deemed necessary to improve them, and follows a similar approach for the settlement wide improvements.

## **10. Other Green Belt Policy Considerations for the plan**

### **Does the Plan’s approach to the Rural area apply the appropriate level of constraint relative to the Green Belt?**

10.1. The Council has been mindful that it needs to apply the appropriate degree of restraint in the case of the Rural Area beyond the Green Belt relative to that of the Green Belt itself. While the NPPF provides national advice on the Green Belt and how this is to be treated in terms of development proposals, it does not provide a similar level of guidance for the Rural Area outside of that for the wider countryside.

10.2. Matters are complicated in that the draft Local Plan should apply a broadly similar approach to protecting the countryside and urban edge irrespective of its designation. The countryside is made up of a mosaic of landscapes, natural assets, built heritage, small villages, forestry and farming and other rural enterprises. It continues to be under pressure from new development.

Furthermore, the countryside is the least sustainable location in terms of access to and range of services and facilities. Thus, the draft Local Plan recognises that development in both the Green Belt and Rural Area must be controlled to secure diversity and prosperity, where appropriate, but to also prevent damage to the intrinsic quality and purpose of the countryside.

10.3. It is clear that national planning policy places a high priority to safeguarding the Green Belt. Furthermore, it is recognised as an asset of particular importance under footnote 6 to paragraph 11 of the NPPF. Therefore, the draft Local Plan should rightly apply the highest degree of constraint to new development in the Green Belt and policies will be framed on that basis.

10.4. Given the above, it would not be reasonable for the Rural Area to operate to such a degree of constraint. It must be treated differently to the Green Belt. However, given the importance of promoting sustainable development and the limited availability of land in the Rural Area it would be unsuitable to consider this as a potential growth option.

### **Has the Plan identified sufficient compensatory improvements to the environmental quality and accessibility of remaining Green Belt land?**

10.5. As part of the site identification process the Council requested that site promoters identify ways in which they would be able to provide such improvements.

10.6. Planning Practice Guidance states that *“Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could include:*

- *New or enhanced green infrastructure;*
- *Woodland planting;*
- *Landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- *Improvements to biodiversity, habitat connectivity and natural capital;*
- *New or enhanced walking and cycling routes; and*
- *Improved access to new, enhanced or existing recreational and playing field provision”<sup>47</sup>.*

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<sup>47</sup> National Planning Practice Guidance, July 2019, Green Belt, Available online at: <https://www.gov.uk/guidance/green-belt>

- 10.7. The details of the exact improvements that will be provided by promoters is still in discussion and will be illustrated through the subsequent master planning of sites. However, given the large scale of the proposed releases there is the expectation that a number of these possible compensatory improvements will be provided on any one site.
- 10.8. It should also be mentioned that this will be in addition to any site requirements or policy on providing compensatory improvement such as the need for all development to achieve a biodiversity net gain of at least 10%.

### **Approach to providing employment land within the Green Belt**

- 10.9. The approach to providing employment land in Dacorum has taken a different view given that the Council anticipates that much of its employment need will be met within St Albans boundary as this has good connections to the strategic road network, located adjacent to the boroughs largest employment area and is to receive significant infrastructure improvements as part of the Hemel Garden Communities urban extension.
- 10.10. However, there is still a need to deliver some additional employment growth outside of this area to meet the needs of the borough. The sites in question are:
- Bovingdon Brickworks (expansion), Bovingdon
  - Bourne End Mills (expansion), Bourne End
  - Dunsley Farm, Tring
  - Land at the corner of A41 and Two Waters Road, Hemel Hempstead
  - Watling Street truck stop, London Road Flamstead
- 10.11. All of these sites are currently located within the Green Belt and are small in scale with the exception of Dunsley Farm which is to come forward as part of a housing allocation. This has been assessed in the same way as the other Green Belt sites given that these would present more significant changes to the Green Belt and its openness.
- 10.12. The Council believes that the approach to providing this employment land is consistent with the NPPF as it states in paragraph 145:
- “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*- not have a greater impact on the openness of the Green Belt than the existing development; or*

*- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”*

10.13. The Council feels that development at Bourne End services and Land at the corner of A41 and two Waters Road, Hemel Hempstead would be considered limited infilling given that the sites have very limited landscape impacts and are well retained by the existing boundary roads. These sites have been selected as employment sites as these locations are in less sustainable locations within the Borough and therefore not suitable for housing, however there locations on the main road network make them commercially attractive for employment use.

10.14. The expansion of the Watling Street truck stop has been demonstrated to be an essential piece of infrastructure given Dacorums location along the M1 and the critical level of need for the expansion of services in this location

10.15. Development at Bovingdon Brickworks consists of previously developed land, now that the existing building (used for the production of bricks) is vacant.

### **Is the use of Major Developed Sites in the Green Belt still relevant and consistent with the NPPF?**

10.16. The Council has continued to apply the previous PPG 3 approach of defining Major Developed Sites (MDS) in the Green Belt through the Core Strategy and Site Allocations DPD. The sites are listed in Table 2 of the Core Strategy and infill boundaries were identified in the Map Book to the Site Allocations DPD. As such this was a targeted approach to a small number of key and long-established developed sites in the Green Belt. The aim was to allow a modest degree of change within the context of Green Belt constraints where such sites could achieve wider economic, social and/or environmental benefits.

10.17. However, policy has continued to evolve which is making the use of MDS redundant. National policy has continued to be more permissive over development in the Green Belt (albeit it selective and generally small in scale). The NPPF (paragraphs 145-146) now allows for a broad range of

development opportunities in the Green Belt in relation to extending existing buildings, infilling and previously developed land. It would apply to all relevant sites equally. This provides more than sufficient flexibility to accommodate modest levels of change on existing developed sites in the Green Belt without the need to define specific sites and detailed infill boundaries.

- 10.18. In addition, in the case of the two General Employment Areas in the Green Belt at Bourne End and Bovingdon Brickworks, the Council felt that the MDS designations led to a degree of confusion on the Policies Map. Both the MDS outer and infill boundaries could be easily confused with their GEA boundaries. The removal of the MDS would simplify the Policies Map making it easier to read and understand.
- 10.19. Given the above points, the Council no longer consider this approach is required and is not intending to pursue it through the draft Local Plan, and therefore those employment sites would be classified as Green Belt.

### **Are the proposed new Green Belt boundaries appropriate and defensible?**

- 10.20. As part of the evidence base gathering for the new Local Plan the Council has considered the need for improvements to Green Belt boundaries and how defensible they are. The Green Belt review stage 3 as mentioned earlier in this topic paper reviews those sites deemed to be the most suitable for potential allocation and provides a conclusion on whether there should be any boundary strengthening regardless of whether it is retained within the Green Belt or not and a recommendation on any anomalies that may occur should a site be released.
- 10.21. A further element of the review also assessed the landscape effects that sites could have if they were released from the Green Belt. Although not a Green Belt consideration it is still an important element to consider when reviewing boundaries.
- 10.22. Where possible the Council has tried to direct growth to locations where there are strong defensible boundaries which would still provide sustainable forms of development. This uses some of the Councils existing infrastructure such as the Grand Union Canal and the A41 that passes in close proximity to all three of the large settlements in Dacorum and therefore would provide an appropriate strong defensible boundary. However, there will still be a number of boundary improvements required given that no sites identified within the production of this Plan without constraints (as mentioned in the evidence base). Where it has been determined that boundary improvements are required as part of the evidence base these improvements will be picked



up through the Plan through the individual site requirements or site Master Planning process as appropriate.

### **Are the proposed amendments to Green Belt boundaries on the Policies Map to correct minor anomalies justified?**

- 10.23. The Council has carefully assessed the need to make minor adjustment to Green Belt boundaries on the Policies Map in the light of its evidence basis. The draft Local Plan is only proposing a small number of such changes and these are considered necessary and justified in each case. They will not affect the long-term integrity of the objectives of the Green Belt.
- 10.24. The inner Green Belt boundaries around the settlements are generally long standing and are considered to perform a clear local Green Belt function in the vast majority of cases. Therefore, the Council takes the view that extensive changes are not warranted. It needs to be mindful that adjusting the Green Belt can have impacts on the openness and sensitive soft edges of the settlements. The Council will often find it more difficult using normal development management tools to control development once land is excluded from the Green Belt, potentially leading to harmful and piecemeal change.
- 10.25. The Council has only recently carried out, as part of the evidence base to support the Site Allocations DPD, a detailed appraisal of the need for changes to correct minor anomalies to the Green Belt boundaries around the settlements. These findings are detailed in the Sustainable Development Strategy Background Issues Paper (November 2015)<sup>48</sup>.
- 10.26. In summary the Paper assessed the nature and function of the Green Belt around the towns and larger villages, and in relation to the outer boundary with the Rural Area. It considered both minor anomalies and Green Belt boundaries to the Local Allocations. In terms of the former, it set out a broad approach to appraising anomalies:
- to use clear physical features where possible;
  - to distinguish between appropriate Green Belt (or countryside) uses and urban uses where possible;
  - to avoid consolidation and intensification of development; and
  - to correct genuine errors on the Policies Map.
- 10.27. The Council still considers these to be useful “tests” against which to judge anomalies to be taken forward in the draft Local Plan.

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<sup>48</sup> [http://www.dacorum.gov.uk/docs/default-source/strategic-planning/issues-papers---sust-dev-strat-nov2015.pdf?sfvrsn=3d862e9e\\_0](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/issues-papers---sust-dev-strat-nov2015.pdf?sfvrsn=3d862e9e_0)

- 10.28. The Paper only recommended a limited number of additions, removals and corrections to boundaries around the main settlements (GB/1-GB/15 in the Map Book to the Site Allocations DPD). This has given the Council confidence that there are no fundamental arguments for major revisions to the inner boundaries to correct for anomalies.
- 10.29. However, the Council has taken its commissioned reviews of the Green Belt to continue to check whether further changes are warranted. Inevitably, there will be some changes in circumstances on the ground since the work on the Site Allocations DPD.

### **Are any minor amendments to the selected small villages envelopes required?**

- 10.30. The Council does not feel that minor amendments to selected small villages are required. In the Core Strategy Plan these villages are washed over within the Green Belt and so no settlement envelopes are clearly identified. The Council maintains a degree of restraint in these locations and as such has determined that large scale growth in these locations would be unsuitable, however the NPPF principles provides an element of flexibility to development in these locations in regards to limited infilling in villages and limited affordable housing. The Council supports this view and understands that there is a need for limited housing growth in all locations in order to diversify the housing available, allow for some local market demand to be met help support the viability of existing services and businesses and ensure that the more rural parts make a small contribution to the development requirements of the Borough. This has continued to be the case as completions data from 2006 (which was used to calculate anticipated supply from windfall sites) has shown that those locations beyond the six main settlements of Dacorum continue to make significant contributions towards housing need and recent applications in these locations continues to support this.
- 10.31. Similarly, the amendments to use classes along with any other measures introduced by Government will continue to ensure that sources of suitable housing land in these locations can be found.
- 10.32. The Council therefore considers that there are sufficient measures in place to allow for small scale growth in the selected small villages, but not in a way that would irreversibly change their character. It is of the Councils view that there does not need to be an amendment to the village envelopes as it may encourage growth further beyond those settlements and an element of constraint lost.

## 11.CONCLUSIONS

### **Is the Plan's local approach to Green Belt policy consistent with the NPPF (2019)?**

- 11.1. The Council feels that the approach taken to Green Belt policy within the Plan is consistent with the current NPPF (2019). The approach relies heavily upon NPPF guidance, more specifically paragraphs 143 to 147, as this relate to the decision making process at the application stage where as this topic paper focuses on the Plan making stage through paragraphs 136 to 139.
- 11.2. The new Local Plan only includes three policies on Green Belt matters as this is covered through the NPPF and provides sufficient details as to the types of development that would be suitable in Green Belt locations and is unnecessary to repeat as part of the Plan making process. The policies included within the new Local Plan are intended to be focus on specific locations and the types of development required to meet the Boroughs strategic commercial, transport and social and community objectives. This includes the growth locations that the Council feels can be delivered through paragraph 145 of the NPPF as limited infilling.
- 11.3. Subsequently, there is also a policy in place for more generalised limited infilling within the four selected small villages in the Green Belt and again uses the NPPF principles as a basis, whilst also introducing elements more focused on the design and appearance of development in relation to the existing character. The policy requires that the site must be within the village envelope and comprise a gap that is clearly identifiable, but does not include back land development.
- 11.4. This coincides with other NPPF guidance set out in paragraph 70 that *“Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”*. While slightly different in meaning the principle of back land development is understood for example if it would cause harm to the prevailing properties and character of the area, however this would be determined on a case by case basis.
- 11.5. The final policy is specifically for Bovingdon airfield having served for a number of different purposes since it was decommissioned. This policy is slightly different in that this location will only ever support temporary structures and would not be supported for permanent development as explained earlier in this topic paper. The policy more appropriately deals with

the issues of maintaining openness, and that it should not interfere with local wildlife or residents. The matter of openness and the open nature of the site makes it relevant to be included in policy and ensure that proposals do not undermine this. In Planning Practice Guidance it makes reference to the importance of openness of the Green Belt and the factors that should be considered when assessing its impact<sup>49</sup>.

- 11.6. The Council believes that its approach to Green Belt policies is consistent with the NPPF and the principles that it sets out. The new Plan simply builds upon NPPF guidance taking into account the needs of the Borough.
- 11.7. Taking into account all of the information gathered the Council feels that it has sufficiently identified grounds that warrant Green Belt release having demonstrated through the NPPF principles that:
- A detailed assessment of land available within the urban areas has been undertaken identifying c.63% of the Borough housing need;
  - Evidence to show what could reasonably be expected from these locations taking into account densities that have been previously delivered and testing these in locations identified through the Urban Capacity Study;
  - Explanation as to why there was no opportunity to export growth to another authority; and
  - Examining the impacts different growth scenarios would have on the delivery of sustainable development if this were not to happen on Green Belt land and the subsequent approach to the release of Green Belt in meeting sustainable development.

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<sup>49</sup> National Planning Practice Guidance, July 2019, Green Belt, Available online at: <https://www.gov.uk/guidance/green-belt>