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# **Response to the Deposit Draft of the Dacorum Local Plan**

For and on behalf of the

***Tring Environmental Forum***

**January, 1999**



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## Contents

<b>Part A: Introduction</b> .....	<b>5</b>
<b>Part B: General Commentary on the Plan</b> .....	<b>6</b>
1. Introduction .....	6
2. Defining Sustainable development .....	6
3. Sustainability in the Context of Dacorum District.....	9
4. Modifying the Plan .....	11
<b>Part C: Objections to the Deposit Draft</b> .....	<b>12</b>
1. Format and Content of the Plan.....	12
2. Statutory Guidance and the Content of the Plan .....	13
3. Sustainable Development .....	15
4. Plan Objectives .....	19
5. Conformity with the Structure Plan.....	20
6. Locations for Development.....	20
7. The Green Belt .....	21
8. Zoning of Land.....	22
9. Optimising Land Use .....	22
10. Building in Sustainability Through Conditions .....	22
11. Inclusion of Enforcement Policies .....	23
12. Supplementary Planning Guidance.....	24
13. Special Planning Zones.....	24
14. Housing Development.....	24
15. Controlling the Use of Housing Land.....	25
16. Housing Conversions.....	26
17. Affordable Housing.....	26
18. Managing Housing Density .....	27
19. Agricultural Dwellings .....	28
20. Rural Affordable Housing .....	28
21. Caravans and Moorings .....	29
22. Business Development .....	29
23. Business Development and Use Class .....	31
24. Change of Use on Employment Land .....	31
25. Established Uses .....	32
26. Controlling Storage and Distribution Development.....	32
27. Controlling Land Use in Town Centres.....	33
28. Location of Retail Development .....	33
29. Transport Strategy and Integrating Land Use and Transport.....	34

<b>30. Highway Schemes</b> .....	<b>39</b>
<b>31. Developing a Capacity Based Transport Policy</b> .....	<b>39</b>
<b>32. Roads Development</b> .....	<b>40</b>
<b>33. Parking</b> .....	<b>40</b>
<b>34. Walking</b> .....	<b>41</b>
<b>35. Cycling</b> .....	<b>42</b>
<b>36. Public Transport</b> .....	<b>42</b>
<b>37. Need for Policy 68</b> .....	<b>42</b>
<b>38. Allotments</b> .....	<b>43</b>
<b>39. Golf Courses</b> .....	<b>43</b>
<b>40. Equestrian Development</b> .....	<b>44</b>
<b>41. Leisure and Educational Facilities</b> .....	<b>44</b>
<b>42. Tourism</b> .....	<b>44</b>
<b>43. Camping Facilities</b> .....	<b>45</b>
<b>44. Protecting Agricultural Land</b> .....	<b>45</b>
<b>45. Trees and Hedgerows</b> .....	<b>45</b>
<b>46. Telecommunications</b> .....	<b>46</b>
<b>47. Archaeology</b> .....	<b>46</b>
<b>48. Development on Minerals and Waste Sites</b> .....	<b>47</b>
<b>49. Species Protection</b> .....	<b>47</b>
<b>50. Ecological Buffer Zones</b> .....	<b>48</b>
<b>51. Water Protection</b> .....	<b>49</b>
<b>52. Flood Plains</b> .....	<b>49</b>
<b>53. Water Resources</b> .....	<b>50</b>
<b>54. Waste</b> .....	<b>50</b>
<b>55. Renewable Energy</b> .....	<b>53</b>
<b>56. Energy Conservation</b> .....	<b>53</b>
<b>57. Presentation of the Plan for the Layperson</b> .....	<b>54</b>
<b>58. Farmers Markets</b> .....	<b>54</b>
<b>59. Monitoring and Sustainability Indicators</b> .....	<b>54</b>
<b>60. Contaminated Land</b> .....	<b>55</b>

## **Part A: Introduction**

### **1. General**

This report has been produced on behalf of the Tring Environmental Forum. On behalf of the forum I have been commissioned to write a critical evaluation of the draft plan, and provide detailed objections to the plan. Objections to the plan are grouped around certain issues (numbered 1 to 60), and the parts of the plan to which the objection relates are identified by section/policy, part and page numbers.

Generally, I would have to remark that the plan is an 'old-style' plan - it does not consider the issue of sustainable development as part of its overarching strategy. Furthermore the format and content of the plan is extremely overbearing - in many ways the planning authority have attempted to control development to such a level of detail as to make pragmatic and flexible planning very difficult. The planning authority may consider the number and scope of the objections excessive. In terms of the 'bad' plans that I review for clients this report is slightly larger than normal - but by no means the largest.

At this stage it is not clear in what form the Environmental Forum will be attending the local plan inquiry. The extent to which objections will be dealt with at the inquiry or by written representation, and the possibility of calling witnesses, will depend on the availability of funding. It is not possible to give precise details on which objections we will seek to address orally through the inquiry at this time.

### **2. Further Discussions**

You will no doubt be aware of the proposals in the Government's '*Modernising Planning*' consultation regarding discussions on objections before the inquiry. We would be willing to meet in advance of the local plan inquiry to try and resolve differences, and where this is not possible agree areas of disagreement for the Inspector to consider specifically.

### **3. Copies of Documents**

I am providing the text of the report on an IBM-PC floppy disk in text, Word 97 and Word 2 and Adobe Acrobat file formats. I also include the objection schedule as an Excel 5 spreadsheet. If you require the document in another file format because you are unable to read these standard formats I would be happy to supply it.

### **4. Schedule of Objections**

Attached to this report you will find a '*schedule of objections*'. This is a standard format I have evolved for the compilation of reports to plans, and for the processing of objections at public inquiries (the table will be added to and extended during the inquiry). Space is provided on the form to fill in your own remarks/filing details.

### **5. Suggested Wordings**

There are a number of objections in the plan where we state that we would be willing to consider alternative suggestions for the wording of changes to the plan. This is, we hope, an open invitation for the planning authority to phrase the wording of the response unfettered. We would rather that the amendments in response to our objections be in a form that the authority felt they could accept rather than imposing our own.

## **Part B: General Commentary on the Plan**

### **1. Introduction**

While the objections to the draft plan comprise the substance of the case to the local plan inquiry, this section is intended to develop the 'context' in which the objections are made. Government policy is increasingly putting emphasis on developing 'sustainably' - the main vehicle for delivery of sustainable development at the local level is the town and country planning system. It is rather disappointing therefore that Dacorum Borough Council have chosen not to provide a sustainability-oriented plan. Instead we see very much an old style '*development as usual*' style plan which does not provide the sort of strategic guidance necessary to deliver sustainable development.

Although generally in conformity with the structure plan, we do not believe that the Dacorum plan takes the same proactive approach to the issue of sustainable development - in particular the development of an overarching sustainability to guide the compilation of the plan and the application of policy. Sustainable development is a core issue Government and regional planning guidance. This has been demonstrated with the recent consultation papers on '*Opportunities for Change*'<sup>1</sup>, '*Modernising Planning*'<sup>2</sup>, and SERPLAN's sustainable development strategy<sup>3</sup>, and the recent draft regional guidance<sup>4</sup>. Also recent detailed guidance, such as '*Planning for Sustainable Development*'<sup>5</sup>, provides clear instructions to local authorities to make sustainable development the basis of development plans.

Finally, the draft plan seeks to provide a level of detail - through the inclusion of detailed development schemes for sites in the area - which, in our opinion, render the plan unworkable. It seeks to control development to such a degree that the flexibility in plans recommended by the government is in many cases eliminated. Also, in terms of making pragmatic decision on development according to their merits this plan effectively prohibits changes in development strategy in Dacorum. Operating development in any other way would result in the planning authority having to continually depart from the written text of the plan. This is neither desirable for the public or the development industry - both of who require clarity and certainty in judging how land will be developed in the future. The actual format of the plan - very large, and with minimal indexing and cross-referencing - makes it use very difficult, and in our opinion it obstructs use by the layperson. There needs to be a revision to the format of the plan, as well as the content of its policies.

### **2. Defining Sustainable development**

Once we begin to consider sustainable development, the first obstacle we hit is one of definition. The generally accepted definition is that from the Brundtland Report<sup>6</sup>. But sustainability is much more than the definition given in the Brundtland Report. In fact the Brundtland Report definition is nearly always truncated, failing to give the full paragraph in the original report...

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<sup>1</sup> '*Sustainable Development: Opportunities for Change: Consultation Paper on a Revised UK Strategy*', Department of the Environment, Transport and the Regions, April 1998

<sup>2</sup> '*Modernising Planning: Improving arrangements for the delivery of local plans and unitary development plans*', Department of the Environment, Transport and the Regions, March 1998

<sup>3</sup> '*A Sustainable Development Strategy for the South East - public consultation*', SERPLAN (ref. SERP400), May 1998.

<sup>4</sup> '*A Sustainable Development Strategy for the South East*', SERPLAN (ref. SERP500), December 1998.

<sup>5</sup> '*Planning for Sustainable development: Towards Better Practice*', DETR October 1998.

<sup>6</sup> '*Our Common Future*' - the report of the World Commission on Environment and Development (the 'Brundtland Commission'), Oxford University Press 1987

*Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains two key concepts:*

- *the concept of needs, in particular the essential needs of the world's poor, to which over-riding priority should be given;*
- *the idea of **limitations** imposed by the state of technology and social organisations on the environment's ability to meet present and future needs.*

The Brundtland quote is a '*concept*' - and like any concept it must be interpreted to be relevant to the area in which it is used. In interpreting the '*concept*' of sustainable development, we have highlighted the idea of '*limitations*' because this is very relevant to this plan. The Brundtland Report makes it clear that, although technology is able to perform many tasks, not all of the tasks and their results are desirable when considering the well-being of this and future generations.

Defining sustainable development is very difficult. There are many different definitions that, while taking common terminology from the general debate on sustainable development, depend largely for their meaning on the vested interests of the originator. This problem was highlighted very well by the Town and Country Planning Association in relation to the different interpretations that are used in the field of planning:

*...it is a vague concept that, at once, offers a comprehensive, consensual and conservative approach able to weld together quite disparate and conflicting interests in environment and development. But, because it is vague and its implications poorly understood, in practice it offers few clear solutions. Anyone can sign up for sustainable development so long as it requires no specific commitment to do anything that will threaten their material interests.*

Sustainable development has not, in our view, ever really occupied an important place in the debate on development control, although it does form part of the debate of strategic planning. This leads to the practical problem that whatever we put into development plans during the strategic process is very unlikely to be considered when the plan is put into action. The reason for this, we believe, is that the philosophy of sustainable development does not easily fit into the everyday terminology of development control. The imperative in building sustainability into the plan must therefore be to design policies and strategies that, while in the jargon of development control, seek to implement to goals of sustainable development.

The origins of sustainable development are numerous. One can see the basic philosophy in 17<sup>th</sup> Century English radicalism, or the philosophy of the Great Plains Indians of the USA. In many ways sustainable development is a common-sense led set of principles that lie within many human philosophies - irrespective of race or religion there are a whole range of principles which humans share. But the origin of the 'modern' concept of sustainable development was the perceived 'environmental crisis' of the 1960s/1970s. The need to manage human society, in the interests of the environment, was first coherently expressed at the First United Nations (UN) conference of Environment and Development at Stockholm in 1972. For the first time nations came together to consider the importance of environmental systems, and not just the economic ones. The issues raised at the Stockholm Conference and the move towards considering the environment as an essential factor in development were discussed in a book which became one of the important texts of the early environment movement, '*Only One Earth*'<sup>7</sup>.

At the United Nations Conference on Environment and Development in Rio de Janeiro (the '*Earth Summit*') in June 1992, 20 years after the Stockholm Conference, a new convention on the need to integrate the environment into social and economic decision making was produced. The convention on sustainable development, entitled '*Agenda 21*'<sup>8</sup> (the Agenda for the 21st Century), set out for the first time detailed definitions of what sustainable development was, and set objectives and targets for

<sup>7</sup> '*Only One Earth: The care and maintenance of a small planet*', Barbara Ward and René Dubos. André Deutsch Ltd. ISBN 0 233 96308 1. First published 1972.

<sup>8</sup> '*Agenda 21*', United Nations Conference on Environment and Development Final Document, UNCED 1992.

achieving it. The conference also set out 27 principles in the '*Rio Declaration*' that practically defined the meaning of sustainable development in a series of simple statements. These principles provide a simple way of assessing 'sustainability', and help define the relevant matters before proceeding to a detailed analysis to formulate policy.

The one problem with sustainable development has been translating the overarching international principles in Agenda 21 into national codes or action plans that the public, business and government agencies can implement. The Governments' white paper on the environment, '*This Common Inheritance*'<sup>9</sup> did give some guidance on general principles of environmental protection, and it also advanced the use of the precautionary principle well before it was defined in Agenda 21. In relation to planning there is guidance in Chapter 7 of Agenda 21; in the UK there is guidance in Chapter 24 of '*Sustainable Development - The UK Strategy*'<sup>10</sup>; at the European Union level, sustainable development is discussed in Chapters 11 to 16 of the EC's response to Agenda 21<sup>11</sup>.

The full statement from the Brundtland Report, given previously, phrases '*sustainable development*' in a wider social, political and economic arena. It contains three concepts that require precise definition:

- **The first is development** - which is not the same as growth, although the two are often used synonymously. This factor is confused in the plan. Growth involves the physical expansion of the economic system. Sustainable growth is ultimately contradictory since there are physical limits imposed by the earth and its natural resources. Development, by contrast, implies improvement and progress and includes social and cultural as well as material dimensions. Sustainable development emphasises conservation and the recognition that natural resources are not simply free goods to be pillaged and pilfered at will. This is particularly relevant to the planning authority as Government guidance considers sustainability in terms of the carrying capacity of the environment.
- **The second concept is needs** - defined in the Brundtland Report as '*meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life*'. The environment simply cannot cope with meeting the material standards enjoyed by the rich while, at the same time, supplying basic necessities to the burgeoning populations of the developing world.
- **Thirdly, there is the concept of future generations.** This involves the notion of stewardship. We have a moral duty to look after our planet and to hand it on in good order to future generations. This means improving already degraded areas, avoiding irreversible damage to other areas (such as the destruction of species), or imposing risks on the future (from toxic or radioactive wastes, for example).

Looked at in this way the criteria for sustainable development are very tough indeed. First, it will require a review of political and social systems - not just economic ones. Second, it implies a wholesale shift from exploitation to conservation through the accurate quantifying of the resources that are currently considered free (the air, for example, used and polluted by power stations). Third, there has to be a withdrawal now from those activities whose effects transcend generations, and which rob or endanger future generations - the generation of radioactive waste for example. These issues are examined in part by the SERPLAN consultation document, but the best source is of course the reports produced by the Rio '*Earth Summit*' in 1992 (Agenda 21, The Rio Declaration, etc), and the follow up reports produced for the New York '*Rio+5*' conference in 1997.

Finally, we have to consider other aspects of Government policy which while not being directly defined as 'sustainable development', have implications for how we deliver sustainable development. These policies can help us frame our definition of 'sustainability'. One of the recent Government initiatives that can help in this respect is the '*Best Value Framework*'. This is defined in the recent

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<sup>9</sup> '*This Common Inheritance: Britain's Environmental Strategy*', Cm1200, HMSO 1990

<sup>10</sup> '*Sustainable Development: The UK Strategy*', Cm 2426, HMSO 1994

<sup>11</sup> '*Report of the Commission of the European Communities to the United Nations Conference on Environment and Development*', European Commission 1992

White Paper on Local Government<sup>12</sup>. Although it is primarily framed around service provision by local authorities, within its philosophy we can see the principles of sustainable development. The expressed intention of the white paper to introduce a legal obligation on local authorities to protect the public's environmental, social and economic wellbeing<sup>13</sup> also has an implication for land use planning.

Finally, we have to consider the future for local government itself. This has been outlined in the recent White Paper on Local Government. Chapter 8 of the white paper notes specific responsibilities with regard to sustainable development:

- 8.8 *The Government intends to introduce legislation to place on councils a duty to promote the economic, social and environmental well-being of their areas and to strengthen councils' powers to enter into partnerships.*
- 8.9 *This new duty will provide an overarching framework for local government. It will enshrine in law the role of the council as the elected leader of their local community with a responsibility for the well-being and sustainable development of its area.*
- 8.10 *It will ensure that councils must, at all times, consider the long-term well-being of their area. It will put sustainable development at the heart of council decision making and will provide an overall framework within which councils must perform all their existing functions. So, in taking decisions affecting their area or its people, councils will have to weigh up the likely effects of a decision against the three objectives - economic, social and environmental - and if necessary strike a balance to ensure that the overall well-being of their area is achieved.*

There is therefore a clear intention in government policy not only to strengthen the role of sustainable development in the work of local authorities, but to actually make the long-term wellbeing of local communities a legal obligation.

### **3. Sustainability in the Context of Dacorum District**

**The consideration of the efficacy and effectiveness of the Dacorum Local Plan is therefore a matter of definition - an issue which we raise in objections at a number of points. Unless we can define the 'meaning' of sustainable development in the context of Dacorum District, and then create strategies and policies that seek to address the opportunities or confounders of this broad definition, we will not have a sustainable plan.**

In our view there are five primary goals which need to be implemented in order to achieve true sustainability:

- **Conservation:** Sustainable development means the efficient use of non-renewable energy and mineral resources through higher productivity, recycling, development of alternative technology and substitution wherever these are possible and not environmentally harmful. It also means maintenance of biological diversity and potential. It will also require the economic valuation of natural capital assets regarded as free. The conservation goal can be said to be to ensure the environmentally efficient use of land and other resources.
- **Balanced development:** This goal is concerned with the use of physical resources and their impact on the built environment. Resource conservation requires patterns of development that minimise energy consumption, promote the re-use of buildings and prevent the waste of valuable natural resources. The goal here is to achieve an appropriate balance between the built and natural environment.

<sup>12</sup> Chapter 7, 'Modern Local Government In Touch with the People', Department of the Environment, Transport and the Regions, July 1998.

<sup>13</sup> Chapter 8, *ibid.*

- **Environmental quality:** At the very least environmental quality means that processes must be avoided that degrade or pollute the environment. But it must also be an aim to improve and enhance environmental quality in those areas already degraded or grossly polluted. This goal is therefore to prevent or reduce processes that are harmful to the environment and human health.
- **Social equality:** A pattern of inequality has developed that intensifies the pressure on the environment from the high per capita demands of the rich and the struggle for survival of the poor. The conflicts that arise are a major obstacle to co-operation. Greater equality will not, in itself achieve sustainability since under present economic systems both wealth and poverty degrade the environment. But greater equality will remove the sources of conflict and is a precondition for political co-operation and commitment. The scale of inequality was first assessed in the Brundtland Report, and was further considered at UNCED through the proposals drawn up in Agenda 21.
- **Political participation:** Commitment will only be achieved through participation. This goal is to change values and attitudes by encouraging the increase of participation in political decision-making at all levels. Change cannot simply be ordained from above - it must also be stimulated from below. Within democratic systems of government, non-governmental organisations (NGO's) are able to promote ideas and mobilise support for them. Dispersal of power from the central state to the local level will encourage innovation, responsibility and support for policies of sustainable development. In this respect, the structure plan system fails since it is strictly regulated by 'guidance' defined at the national level.

The above goals must be acknowledged within any strategy which aims to institute sustainable development policies - purely economics or development led goals will not achieve a sustainable system - it just makes the existing economic system '*environmentally friendlier*'.

The process that we believe Dacorum District Council should have adopted in the compilation of this plan is much the same as we ourselves undertook:

1. **Visioning** - identifying peoples views of the area, and their aspirations for change;
2. **Definition** - identifying the relevant parts of international, European, national and regional guidance on sustainable development, and specifying the 'objectives' for development in terms of these guidelines;
3. **Capacity Assessment** - taking the issues that arise as part of (1), and the objectives in (2), we assess the possibilities for delivering (1) and (2) within capacity of the environmental, social and economic systems in the area to deliver change;
4. **Strategy** - a strategy is the systematic definition of objectives, targets and the evaluation of procedures for achieving the goals specified in (1) and (2), having regard to the assessment of capacity(3). In our view the plan does not have a coherent and identifiable sustainability strategy;
5. **Policy** - a systematic definition of those actions which are necessary to realise the strategy. The plan has policies, but the lack of a clear strategy makes it difficult to associate the authority's progress towards sustainable development with the policies of the plan.

We do not believe that the plan has a clearly define structure/strategy for implementing policies on sustainable development. The sources of guidance for this are numerous, and hence the options for achieving this are many. But the basis of the plan appears to be a matter of achieving development provision. More importantly this objective is implemented without regard to the capacity of local systems to accept it.

It has also become apparent, as part of the process of canvassing opinion to produce this report, that there is a general feeling amongst the public that there has been very little consultation in the production on this plan. From the perspective of many, the content of the plan - particularly Part 4 - is aimed specifically at facilitating development. However the aspiration of the public is not for *more* development, but a change in the *mode* of development to a system where the quality and the

character of the development enhance the urban and rural environment. For many it would appear that the requirement to provide development has been handed down from the County Council, or from development lobby groups, and the plan is seeking to provide this. This is not the type of development control system that the public desire.

#### **4. Modifying the Plan**

The draft local plan requires major modification. There are three problem areas:

- **Format:** The way the plan is produced, its size and the lack of indexing and cross-referencing make it difficult to use. The basic design of the plan needs revision to make it clearer and easier to use.
- **Content:** The plan is far too detailed. The inclusion of such detailed information on individual site proposals, which are not usually included in local plans, make the plan unwieldy and in our opinion will make it difficult to use in operation. There needs to be a radical revision to the general content of the plan -
  - reducing the level of detail on individual development proposals;
  - cutting out many of the extracts and replacing them with references; and
  - condensing the remaining text of the plan to make it 'crisp, clear and precise' in its meaning.
- **Strategy:** There need to be a much greater emphasis on coordinating all aspects of the plan around a strategy for delivering sustainable development. The international, national, regional and County Council guidance on sustainable development should inform the general basis of the sustainability strategy. The needs of the different sectors of society in Dacorum - business, the public, the natural environment, the built environment, etc - should then provide the detail around which the policy objectives of sustainable development can be delivered.

These revisions, together, will provide a much more up-to-date and workable plan that the public can have confidence in. If the planning authority seek to adopt the local plan without these revisions then development in Dacorum will be unsustainable, and will not command public support.

## **Part C: Objections to the Deposit Draft**

This part details objections to the plan. Each section outlines the grounds for the objection. The grounds presented here are those which will form the basis of our evidence to the local plan inquiry, but in writing the proofs of evidence for that inquiry we will greatly expand the content of some objections. However for many objections the text given here will essentially be the same as that presented to the inspector at the local plan inquiry.

### **1. Format and Content of the Plan**

**1a. Plan development and strategy. Parts 1 - 3, , p.1-3/all**

**1b. Flexibility and the inclusion of detailed development proposals. Part 4, p.4/all**

**1c. Relevance of 'environmental guidelines'. Part 5, p.5/all**

**1d. Inclusion of extensive policy extracts and format of policy proposals. Parts 2 & 3, p.2 & 3/all**

The forum object to the format of the draft local plan (**1a**). In our view it is far too large, and badly edited. In our view, in compiling the plan the planning authority have not had sufficient regard to government policy on sustainable development, and the views of the general public have not been adequately sought. This is contrary to the government's stated policy on development plans to promote, "*shorter clearer plans and better targeted consultation*"<sup>14</sup>. There is also encouragement for local authorities to avoid making their plans too complicated<sup>15</sup>. PPG12 also stresses that the government, "*...is very much against over elaborate plan making. Plans should be clear, succinct and easily understood by all who need to know about the planning policies and proposals in the area*"<sup>16</sup>. More recent guidance<sup>17</sup> makes it clear that a clear strategy and framework, with sustainable development as the underlying philosophy in the development of that strategy, is also essential. The draft plan fails on all these counts.

We object to the level of detail provided in the plan (**1b**). Government policy also gives emphasis to the flexibility of plans - in particular that plans should not be so complicated that they cannot function effectively, or that they date too quickly. The level of detail provided in this plan is in contradiction to the need to provide flexibility. Flexibility within any plan, irrespective of its details, would still be provided by sections 54A and 70(2) of the Town and Country Planning Act 1990. However in a planned system it would be inappropriate to abandon every time difficulties arose because of changed circumstances. The inclusion of '*environmental guidelines*', which appear more as supplementary guidance rather than planning policy also adds confusion to the interpretation of the plan. We object (**1c**) to the current format of the '*environmental guidelines*', and would prefer that this guidance be integrated within the main policies of the plan. The inclusion of lengthy extracts from regional guidance and the structure plan is also questionable, and we believe they should be removed (**1d**). In any case, only the policies of the structure plan are relevant to the production of the local plan - the explanatory memorandum is not.

The whole plan therefore needs major revision and simplification in order to make it flexible and workable. There are three problem areas that need addressing:

- **Format:** The way the plan is produced, it's size and the lack of indexing and cross-referencing

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<sup>14</sup> (page 9) '*Modernising Planning*' - A Policy Statement by the Minister for Regions, Regeneration and Planning. DETR, January 1998. Ref. 97PD0349.

<sup>15</sup> Ibid.

<sup>16</sup> Paragraph 5.3, Planning Policy Guidance No.12, Department of the Environment February 1992.

<sup>17</sup> '*Planning For Sustainable Development: Towards Better Practice*', DETR October 1998.

make it difficult to use. The basic design of the plan needs revision to make it clearer and easier to use.

- **Content:** The plan is far too detailed. The inclusion of such detailed information on individual site proposals, which are not usually included in local plans, make the plan unwieldy and in our opinion will make it difficult to use in operation. There needs to be a radical revision to the general content of the plan -
  - reducing the level of detail on individual development proposals;
  - cutting out many of the extracts and replacing them with references; and
  - condensing the remaining text of the plan to make it 'crisp, clear and precise' in its meaning.
- **Strategy:** There need to be a much greater emphasis on coordinating all aspects of the plan around a strategy for delivering sustainable development. The international, national, regional and County Council guidance on sustainable development should inform the general basis of the sustainability strategy. The needs of the different sectors of society in Dacorum - business, the public, the natural environment, the built environment, etc - should then provide the detail around which the policy objectives of sustainable development can be delivered.

***The practical effect of these revision will be that the planning authority should suspend further work on the plan, seek further consultation with local communities on the content of the plan, and then produce an appropriately structured plan which accords with government guidelines.*** These revisions, together, will provide a much more up-to-date and workable plan that the public can have confidence in. If the planning authority seek to adopt the local plan without these revisions then development in Dacorum will unsustainable, and will not command public support.

## **2. Statutory Guidance and the Content of the Plan**

***2a. Statutory basis of plan; secs. 1/2, p.1/11***

***2b. Relevance of 'information and other considerations'; sec.. 4, p.1/11***

***2c. Application of the plan; sec. 8, p.1/12***

***2d. 'Bottom drawer' strategies; sec. 15, p.1/17***

***2e. Definition of the development strategy; sec. 1, p.3/27***

In our view, the legal basis and functions of the plan specified within sections 1 and 2 of Part 1 do not accord with section 36 of the Town and Country Planning Act 1990 (**2a**). In particular subsection 3-6, 9 and 11:

*(3) The policies shall include policies in respect of -*

*(a) the conservation of the natural beauty and amenity of the land;*

*(b) the improvement of the physical environment; and*

*(c) the management of traffic.*

*(4) A local plan shall be in general conformity with the structure plan.*

*(5) A local plan shall not contain -*

*(a) any policies in respect of the winning and working of minerals or the depositing of mineral waste, unless it is a plan for a National Park.*

*(b) any policies in respect of the depositing of refuse or waste materials other than mineral waste, unless it is a plan for a National Park or for an area where such depositing is not a county matter for the purposes of Schedule 1.*

*(6) A local plan shall also contain -*

*(a) a map illustrating each of the detailed policies; and*

*(b) such diagrams, illustrations or other descriptive or explanatory matter in respect of the*

*policies as may be prescribed, and may contain such descriptive or explanatory matter as the authority think appropriate.*

(9) *In formulating their detailed policies, the authority shall have regard to -*

*(a) such information and other considerations as the Secretary of State may prescribe or, in a particular case, direct;...*

(11) *For the purposes of this section "policies" includes proposals.*

With regards to PPG12, chapters 4 to 7 outlines the relevant factors on the content of plans. However this is 'guidance' - the extent to which the information in PPG12 is followed must be qualified by two factors:

- Firstly, the fact that PPG12 is out of date, and is currently under review as part of the government's 'Modernising Planning' programme. Therefore we should also give weight to recent government statements on the future of development plans - primarily the statement on 'Modernising Planning' and the consultation paper on the review of development plans<sup>18</sup>.
- Secondly, significant policy development since the publication of PPG12. The clear development since February 1992 has been the adoption of sustainable development as being the key factor in determining future development policy. This has been clearly defined in the recent government report, 'Planning for Sustainable Development - Towards better Practice'.

The first two sections of Part 1 should be revised to appropriately outlines the statutory guidance on local plans. It should then provide an interpretation of how other issues are considered within the statutory framework, and then provide clear references to the strategic documents (e.g., 'Planning for Sustainable Development') which provide more detailed guidelines of relevant policies.

With regards to this second point, attempts are made in section 4 to consider other guidance. However there references in this section are erroneous and insufficient to provide the necessary scope to inform policy and we consider this section needs significant amendment (**2b**). Significantly, the reference to the Regional Guidance for the South East is in error given that this is currently under review, and has been significantly revised from the old Regional Planning Guidance (RPG) No.9. The Planning authority should have considered the content of the recent draft for consultation of the RPG<sup>19</sup> in devising the policies for the plan (this has actually now been superseded by a draft RPG<sup>20</sup>). The plan should provide appropriate guidance on how the difference in emphasis between the old RPG 9, and the recent draft regional guidance and recent government policy on sustainable development, have been interpreted in making plan policies.

In terms of how the plan is interpreted, we consider section 8 of part 1 to be in error (**2c**). PPG1 and PPG12 clearly state the role of the local plan in determining policy for future development. However section 8 has effectively reversed the necessary decision. The plan states development policy, and that the plan should be read as a whole (thus far, correct). However the important issue is not the interpretation of the plan, but how the planning authority will deal with 'material considerations' as exceptions to the plan. Therefore in section 8 there should be an explanation of the process for considering 'material considerations', and the scope that the term 'material considerations' can include.

Section 15 of Part 1 contains a contradiction, and we object to it (**2d**). If the plan is not complete, and parts of policy require "further work", then the plan should not have been circulated to public consultation. The introduction of new policy as 'supplementary guidance' degrades the policies of the adopted plans, circumvents the concept of the plan-led system, and encourages the sort of 'bottom

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<sup>18</sup> 'Modernising Planning - Improving arrangements for the delivery of local plans and unitary development plans', DETR March 1998.

<sup>19</sup> 'A Sustainable Development strategy for the South East - public consultation', SERPLAN (ref. SERP400), May 1998.

<sup>20</sup> 'A Sustainable Development strategy for the South East', SERPLAN (ref. SERP500), December 1998.

drawer' approach to developing policy that PPG12 specifically advises against<sup>21</sup>. To resolve this problem, the plan should clearly identify the areas where the planning authority will produce supplementary guidance to augment the policies of the plan. Additionally, we believe that the text of section 15 should make it clear that such supplementary guidance will not in any way override the policies of the adopted plan.

Finally, section 1 of Part 3 is in error in its definition of the development strategy (**2e**). The text of the plan appears to confuse the statutory and national policy objectives for the planning system with the 'development strategy' of the plan. The development strategy of a local plan is not to provide for the development handed down by the structure plan or national guidance. The development strategy is the planning authority's set of proposals that will meet local needs and aspirations in order to meet those requirements from statutory and non-statutory national and local guidance. The planning authority cannot abdicate responsibility for any policy in their plan on the grounds that it was evolved in another place. This is clearly outlined in PPG12:

*5.4. Development plans should contain the local planning authority's policies and proposals for the development and use of land. They should also refer, by way of background, to the overall strategy and other relevant policies and proposals of local planning authorities, and other authorities and bodies, such as Government departments and health authorities, where they are relevant to a land-use plan.*

Therefore, section 1 should be providing a linkage between the main themes in national policy, and which parts of the plan address those issues. Currently this section does not provide such specific information, and therefore it is difficult to interpret how the policy content of the plan interrelates to the wider network of national and local policies.

### **3. Sustainable Development**

- 3a. Definition of 'sustainability'; sec.. 11, p.1/14**
- 3b. Sustainability and regional guidance; sec.. 1, p.2/19**
- 3c. Sustainability and the structure plan; sec.. 2, p.2/21**
- 3d. Definition of 'sustainability' in local plan objectives; sec. 3 , p.2/24**
- 3e. Need for policies on sustainable development. (new proposal)**
- 3f. Need for a policy on the precautionary principle, risk, and public concern. (new proposal)**
- 3g. Assessment of urban capacity and development needs. (new proposal)**

#### **3.1. Sustainable Development**

It is our view that the plan should develop the overarching sustainability strategy on which the rest of the development strategy is based (**3e**). However the plan and the development strategy fail to do this. This failure to provide the necessary quantification of social, economic and environmental assets and capacity, and the failure frame land-use objectives within a series of clearly defined sustainable development criteria, means there is no indication that sustainable development will ever be seriously considered within land use planning in Dacorum.

Planning Policy Guidance 12 has limited references to 'sustainable development', but Planning Policy Guidance 12 was drawn up before the Earth Summit in June 1992. There is also the European

<sup>21</sup> Paragraph 3.20, PPG12.

Union's Fifth Action Programme<sup>22</sup> (soon to be superseded by the Sixth) on the Environment that came into force at the beginning of 1993, and seeks to encourage more sustainable economic and social systems throughout all member states. There is the UK government's response to the Earth Summit<sup>23</sup>. Finally, more recent government policy through reports such as '*Planning for Sustainable Development*' have highlighted the role of the planning system in delivering sustainable development.

Paragraph 4 of PPG1 gives some guidance on sustainable development, but the general approach is to leave the determination of issues to the planning authority. However, the planning authority have not risen to this challenge, and therefore the local plan does not fully meet the requirements for 'sustainability'. A good example would be that the plan does not consider the 'precautionary principle' - a policy which is central to UN, European Union and UK national advice on policies for sustainable development. There are a number of sources of guidance on how development plans can be made more 'sustainable', and this guidance works at national, European and international levels. Although it is often argued that international conventions are not primarily a matter in local planning, the UK Government has committed itself to the international programmes for sustainable development, climate change, etc. We see that these international conventions are relevant as they constitute international obligations binding on Dacorum Borough Council as an emanation of government.

It is clear from the references to sustainable development in the local plan that Dacorum Borough Council has a very restricted understanding to the concept of sustainable development. This is typified by section 11 of Part 1 (**3a**). We object to the notion that sustainability is synonymous with 'environmental sustainability'. Likewise the vision of sustainability provided in section 3 of Part 2 - where the objective, "*to sustain the development and continued prosperity of the Borough's economy*" is presented - we find facetious, and in need of correction (**3d**). Sustainable development must be presented as an all embracing concept that involved economic, social and cultural as well as environmental values. All consideration of sustainable development - such as the use of environmental appraisal - must consider all these factors. For example, in policies on economic development it is not enough to simply consider the environmental effects of development - it is necessary to consider how the policy encourages moves towards more sustainable economic and social practices too.

When considering regional development - section 1 of Part 2 - while the text may be considered a fair appraisal of the current regional guidance it would be an error to state that this guidance is to be accepted without qualification (**3b**). The most recent draft of the forthcoming regional guidance phrases development objectives within a clear framework of economic, social and environmental sustainability. This can be clearly seen in the first chapter of the recent draft RPG<sup>24</sup> which phrases the new guidance in terms of producing a more sustainable pattern of development, promoting and urban renaissance, and securing a prosperous and multi-purpose countryside.

The structure plan also requires the planning authority to make policies which encourage more sustainable patterns of development. It is clear that on a number of points the local plan does not properly implement the sustainability related policies of the structure plan (**3c**). For example:

- It can be demonstrated that the local plan does not implement all aspects of Policy 1 of the structure plan in relation to sustainable development
- The plan does not provide any policies for the 'comprehensive settlement appraisals' required under Policy 3 of the structure plan.

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<sup>22</sup> '*Towards Sustainability: A European community Programme of Policy and Action in relation to the Environment and Sustainable Development* (EC Fifth Environmental Action Programme) EC Commission Official Publication Cm (92) 23/11 Final. Please note that the Commission will shortly finalise its Sixth Environmental Action Programme.

<sup>23</sup> The government's response to Rio was contained in four white papers:  
- '*Sustainable Development: The UK Strategy*', Cm 2426, HMSO 1994.  
- '*Climate Change: The UK Programme*', Cm 2427, HMSO 1994.  
- '*Biodiversity: The UK Action Plan*', Cm 2428, HMSO 1994.  
- '*Sustainable Forestry: The UK Programme*', Cm 2429, HMSO 1994.

<sup>24</sup> '*A Sustainable Development strategy for the South East*, SERPLAN (ref. SERP500), December 1998.

- It is arguable to what extent the development strategy of the local plan could be considered as '*planned regeneration*'. There have been no arguments advanced to justify that the planning authority have sought a policy of planned regeneration in accordance with Policy 7 of the structure plan.
- The local plan does not implement an integrated and capacity based transport policy as required by Policies 22 and 23 of the structure plan.
- There is no strategy for dealing with contaminated land as required under Policy 45 of the structure plan.
- There is no policy on renewable energy to implement Policy 54 of the structure plan.

Our objection to the draft plan on the lack of a framework for implementing sustainable development is, by implication, an objection to the entire plan. The plan, despite the requirement of Government guidance and international and national policy statements, does not properly consider the need to plan for sustainable patterns of development. These issues must be addressed before the plan is adopted. To resolved objections 3a to 3e it is necessary for the planning authority to undertake a complete revision of the plan to evolve a development strategy that places sustainable development at its core. All policies developed from this strategy should then seek to implement sustainability related objectives flowing from the strategy. It is essential that this section is redrafted to provide:

- Clear definitions of the key terms/concepts of sustainable development, and their context in Dacorum.
- An association between the legal framework of the Town and Country Planning System and these concepts.
- A series of achievable and measurable objectives which define the goals of the strategy.
- A series of land-use planning related policies which make the strategy an active part of the policy framework of the plan.

***In our view, this can only be achieved by implementing a specific set of defined policies within which 'sustainable' decision on development control issues will take place.***

**We require the following policies to be inserted into the plan:**

- **Policy A:** *The authority will seek an economically, socially and environmentally sustainable quantity, pattern and form of development, through land use which will facilitate the conservation of energy and other natural resources and the minimisation of pollution.*
- **Policy B:** *When considering the location, scale and design of development, regard must be had to local capacity restrictions. Where development would breach local capacity restrictions proposals must be submitted to mitigate or prevent degradation of the local economy, communities or the environment.*
- **Policy C:** *The authority will reflect agreed national and international sustainability targets in the making planning decisions, and will set appropriate local targets.*
- **Policy D:** *The authority will welcome new development where it is most appropriate and most beneficial to current local and regional needs and quality of life, provided that it does not have an unacceptably detrimental effect on the economy, communities or the environment, or the means whereby future needs will be met.*
- **Policy E:** *The authority will establish environmental assessment and monitoring procedures as part of the continuing monitoring and evaluation of the development plan, to assess the impacts of development on local*

*environmental resources. Where necessary the planning authority will seek information from developers as part of planning conditions or in applications in order to assess progress towards local sustainability objectives.*

- **Policy F:** *All proposed developments will be assessed in the light of the emerging national strategy for sustainable development, and any agreed Local Agenda 21 policies. Development contrary to these policies will be resisted.*

We must make it clear that these policies need to be set in a chapter on their own. They are not 'environmental' policies - they are universal in their nature, and should govern all day-to-day decisions in land use planning. The main objective of the policies outlined above is to get a general acceptance of any national proposals on sustainable development which emerge in the next few years, without the need to go through the process of altering the plan. We are willing to discuss alternative wordings for these policies if the authority believe they are unacceptable in their current form.

### **3.2. The Precautionary Principle, Risk and Public Perception**

The precautionary principle is an essential part of sustainable development - as reinforced by Principle 10 of the Rio Declaration - and the plan should have made a policy to implement it (3f). The complementary requirement to the consideration of the precautionary principle is the assessment of risk - as made clear in recent government publication on risk assessment<sup>25</sup>. Additionally, it is important to realise that an important aspect of the planning system is the regulation of development in the public interest. The 'public interest' has, in greater part, much to do with the public's perception of hazards and risks from development. For this reason, and in light of the recent High Court decisions<sup>26</sup>, the plan should also assess public perception.

#### **Our suggested wording for a policy on the precautionary principle is:**

*The planning authority will apply the precautionary principle to proposals for new development, or the intensification of existing development, wherever there is uncertainty about the social, cultural and environmental impacts of the development on present and future generations.*

#### **Our suggested wording for a policy on risk and public perception is:**

*The planning authority will resist development that has the potential for causing harm to people or damage to property or the natural environment, or which have the potential for causing serious environmental pollution by virtue of the materials stored, processed or manufactured. Public concern regarding the development, processes or emanations from a development, where relevant evidence is presented to support the public's objection, is considered a material reason for refusal. In such cases the submission of further evidence to justify the grant of planning permission will be required or planning permission will be refused.*

We are prepared to consider amendments to these proposed clauses. If the planning authority wishes, we would also consider introducing these amendments as additional policies in the plan.

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<sup>25</sup> 'A Guide to Risk Assessment and Risk Management for Environmental Protection', Department of the Environment 1995.

<sup>26</sup> *Newport Borough Council v. secretary of State for Wales and Browning Ferris* [1998] (JPL. 377-387) and *West Midlands Probation Committee v. Secretary of State for the Environment and Walsall Metropolitan Borough Council* [1997] (JPL. 388-398). See also 'Public Concern – The Decision Maker's Dilemma', Neil Stanley. JPL [1988] 919-934

### **3.3. Assessing Urban Capacity and Development Needs**

In order to meet local development needs it is necessary to identify those needs. Although it could be argued that the planning authority have sought to provide sites for development, there is no evidence to demonstrate that these sites are suitable, that they are sites the public support, or that the selection of sites was carried out with a view to creating a more sustainable pattern of development.

Policy 3 of the structure plan encourages the development of comprehensive settlement appraisals. Such studies would provide the capacity-based information on the needs and limits to development, as well as providing a focus for public involvement in formulating the development strategy for the major towns. We believe that the planning authority should have undertaken such appraisals to inform the development strategy for the plan.

We require that the planning authority:

- Conduct comprehensive settlement appraisals (CSAs) for Berkhamsted, Hemel Hempstead and Tring, to identify the public's priorities for development and to identify the changes necessary to create more sustainable patterns of development;
- That baseline data be collected as part of these studies in order that progress towards achieving sustainability objectives can be measured;
- That the policies of the draft plan are amended to take account of the development needs indicated by the CSAs.

## **4. Plan Objectives**

*4a. Validity of regional objectives; sec.. 1, p.2/19*

*4b. Relevance of structure plan objectives; sec.. 2, p.2/21*

*4c. Validity of local plan objectives; sec.. 3, p.2/24*

We object to the inclusion of the three 'regional objectives' (**4a**) since they are clearly out of date, and do not accord to the weight placed on sustainable development in the recent draft regional guidance. Likewise we object to the emphasis on the objectives of the structure plan (**4b**) since, as part of the 'explanatory memorandum' they do not form part of the structure plan's policies (although they can be considered as 'background' material in informing the development of the plan<sup>27</sup>). Instead of reproducing other people's objectives, the planning authority should indicate how the content of other policy documents has been considered in the development of their on development strategy/development objectives.

While the local plan's objectives could be considered valid in themselves, in our view they do not form part of a reasoned case to explain how the requirements of national and local policy objectives have been translated into local policy (**4c**). But more significantly there is no explanation as to the strategy that the planning authority are intending to pursue to attain the core objectives - primarily sustainable development, meeting housing and employment needs, and catering for other local needs. Given that the plan must tread a line between being passive (regulating development) and proactive (encouraging development), it is important to state how other aspects of policy operate to fulfil or check these objectives. For example, objective (b) encourages the enhancement of townscapes, but how will the objective be achieved as part of the operation of the core objectives?

**The 'objectives' section of the plan must be revised to identify:**

- A clear development strategy, defined by reasoned objectives that are clear, measurable and

<sup>27</sup> This was clarified in the recent case *Holden v. Secretary of State for the Environment* [1994] J.P.L. 131

achievable;

- How the requirements of national, regional and local policy guidelines are considered or implemented through this strategy and set of objectives;
- How particular policies of the plan seek to implement particular objectives of the strategy.

## **5. Conformity with the Structure Plan**

### ***5. Meaning of 'general conformity'; sec.. 1, p.3/27***

The first sentence of section 1 of part 3 is in error. There is no requirement in law that local plans "must" provide for the development required by the structure plan. Section 46 of the Town and Country Planning Act 1990 requires the local plans be in 'general conformity'. Where the structure planning authority consider that the local plan does not accord with the structure plan they can issue a notice of non-conformity. However this notice does not require modification of the local plan. It is considered as an objection along with all other objections to the plan.

Accordingly, the Inspector at the local plan inquiry can determine that the local planning authority have 'general conformity' with the structure plan, and do not therefore need to make any modification. In the last instance, the structure planning authority would have to ask the Secretary of State to intervene to prevent the adoption of the local plan, and to make the necessary modifications sought, in order to enforce a modification to the local plan.

Therefore there is nothing in law to prevent a local planning authority to reinterpret the requirements of the structure plan where there are good legal or policy grounds for doing so. This is not the situation outlined in section 1 of part 3. We wish the text to be modified in order to give the correct interpretation of the law.

## **6. Locations for Development**

### ***6a. Selection of towns for development and assessing capacity criteria; Policy 1, p.3/30***

### ***6b. Selection of Tring as a 'town for development'.; Policy 1, p.3/30***

### ***6c. Selection of 'large villages' and assessing capacity criteria; Policy 2, p.3/30***

We object to the blanket designation of the three towns as the main location for development (**6a**). While we support the directing of development to the larger urban areas, it is necessary to conduct a capacity appraisal, through some form of comprehensive settlement appraisal (CSA), in order to determine the level and form that this development should take. We specifically object to the selection of Tring (**6b**) in that the only caveat on development in this policy is that the town is '*the smallest and most constrained*'. The planning authority should have conducted a CSA first before identifying Tring as a location for development in order to assess the extent that development could take place, and what 'critical assets' needed protecting in the town. CSAs should be produced to support Policy 1, and provide directions and limits to development (see objection 3g).

Finally, we object to the construction of Policy 2 (**6c**) since at no point has the type of development that, '*is compatible with the existing character of these settlements*', been defined. For the sake of clarity and certainty, the reasoned justification of this policy must provide more detailed appraisals of the nature of these villages, and the features that the policy is seeking to protect.

## **7. The Green Belt**

**7a. Construction of the green belts policy and the application of PPG2/structure plan policies; Policy 3, p.3/31**

**7b. Exclusions from the green belt; Policy 3, p.3/35**

**7c. Small villages and green belt objectives; Policy 4, p.3/47**

**7d. Conflict between PPG2, 'major development', and Policy 32 on employment in the green belt; Policy 32, p.3/144**

The Forum objects to Policy 3 (**7a**) as it does not provide evidence to demonstrate that the changes to the green belt are part of a strategy to contribute towards more sustainable patterns of development. The rationale for taking land out of the green belt is that it is needed for development. That is not in itself a 'sustainability' justification. The approach of the local plan is not consistent with Policy 3 of the structure plan (*'Boundary Reviews linked to Policies 6 and 7'*), nor PPG2:

*2.10. When drawing Green Belt boundaries in development plans local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development (for example in terms of the effects on car travel) of channelling development towards urban areas inside the inner Green Belt boundary, towards towns and villages inset within the Green Belt, or towards locations beyond the outer Green Belt boundary.*

It would have to be demonstrated that the land is the only land available having assessed all other options (i.e., a sequential approach) and that these were found not to be possible. In our view options such as planned regeneration of Hemel Hempstead or the management of density in order to reduce the land-take of development have not been explored. Therefore there can be no justification for green belt releases.

We also object to the revision of the green belt boundaries presented in the plan (**7b**) as they do not represent 'defensible' boundaries:

- The change at the Egerton-Rothsay School does not constitute a simple 'rounding off' of the boundary, and it would set a precedent for the exclusion of land to the north and south of the school. It should not be permitted.
- There is no clear justification for excluding land off Argyll/Ninian Road, Hemel Hempstead. It should not be permitted.
- There is no justification for such a large release of land north-east of Hemel Hempstead as has been no assessment of the options for planned regeneration and managing density in the town. However the envisaged release of land itself is not reasonable as it does not provide an defensible boundary - the selection of a hedgerow a short distance from a road is not reliable in the long term. Evidence must be presented that there are no alternative schemes to the release of some or all of this land. However if the land is released then the boundary should be set along the lowest point of the valley (roughly the end of the development at Middlehill to the north end of block H34). Additionally the service road for this development should be kept well within the development (to the east of the hedgerow that marks the edge of block H34).

We object to Policy 4 because the extent of infilling is vague (**7c**). This issue is highlighted in PPG2 (*'existing villages'* box):

*If infilling only is proposed, the village should either be "washed over" and listed in the development plan or should be inset (that is, excluded from the Green Belt). The local plan should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned. If the village is washed over, the local plan may need to define infill boundaries to avoid dispute over whether particular sites are covered by infill policies.*

Policy 4 should be accompanied by maps, or at least field parcel numbers, to indicate the areas that will be acceptable for infilling.

Finally, Policy 32 essentially reiterates the advice given in paragraphs C3 and C4 of PPG2. However it omits one important clause from paragraph C4 - that the redevelopment of the sites should be part of an agreed development brief. Clause (f) of Policy 32 is not strong enough to enforce such a requirement (**7d**), and we would wish the clause to be deleted and a new sentence added to the end of the policy as follows:

*Prior to any infilling or redevelopment, a development brief must be agreed with the planning authority to provide a comprehensive redevelopment plan for the site. Additionally planning obligations may be sought to ensure that the environmental objectives of the redevelopment scheme are secured.*

## **8. Zoning of Land**

**8a. Land use and employment uses; Policy 7, p.3/51**

**8b. Land use and 'open' areas; Policy 7, p.3/52**

The Forum objects to the general wording of Policy 7 in relation to employment uses (**8a**). In our view the plan should seek to restrict particular areas of land to particular types of development in order to protect local amenity. In particular land near to residential areas or schools should be limited class B1. We would also wish to see a restriction on the availability of land for B8 uses in order that the release of employment land can provide the greatest number of jobs.

Regarding 'open areas', we do not agree with clauses (iii) or (v) (**8b**). In our view an area of open water cannot classify as an 'open' area since it acts as an obstruction to movement, and the presence of a body of water can attract birds (with the accompanying disamenity), and cause change to the local climate (for example, increased fogging). Clause (iii) should be deleted. Regarding clause (v), it is not enough to consider the availability of alternative sites. The availability of other technological options to service the need for the utility should be considered. We suggest that the words '*or technical option*' are inserted after the word '*location*'.

## **9. Optimising Land Use**

**9. Optimising land use and timescales; Policy 8, p.3/54**

An important aspect of optimising the use of land is the timescale within which the operation takes place. Policy 8 does not consider this. We suggest that an additional clause is added to the first list:

*(d) The proposed timescale for full development or utilisation of the land should ensure that the planning permission is commenced and completed within a reasonable period. Conditions will be used to prevent the excessive dereliction or sterilisation of land through the failure to commence or complete development.*

## **10. Building in Sustainability Through Conditions**

**10. Conditions, agreements and sustainability criteria; Policy 11, p.3/60**

The forum object to Policy 11 as it does not provide the appropriate control of development to deliver sustainability objectives. We the addition of a clauses to deliver the essential structural requirements

for sustainability. Planning conditions and agreements are a tool in sustainability planning. They are vital to improve the quality of development beyond what can be done by the refusal of damaging development. Moreover, they can be used to compensate local populations for the impacts of development that should go ahead.

The authority should include a standard list of appropriate topics for planning obligations or agreements in the plan. We believe that the following should be included:

- the provision of recycling facilities, particularly at retail developments;
- the minimisation of the quantities of waste arising;
- provision of area-wide traffic calming and traffic reduction measures, particularly in residential development;
- provision or improvement of public transport facilities; and
- improvement of the surrounding pedestrian environment.

Inter alia, planning standards should aim to:

- ensure design and orientation for energy conservation;
- ensure durability and long life to minimise resource consumption;
- avoid use of air-conditioning, except passive systems, so as to reduce energy consumption and the need for use of refrigerants which are greenhouse gases or ozone-depletants;
- provide for separated storage and recycling of recyclable waste for door-to-door collection;
- provide adequate cycle parking;
- prevent pollution breaching environmental quality standards;
- reduce water use;
- ensure restoration of contamination of land; and
- limit traffic speed on highways within the development.

Agreements and standards can help protect critical natural capital, internalise environmental or social costs, compensate losers, support environmental quality standards or ensure implementation of shadow projects. Some of the above overlap, in part, with other objections on transport, waste, etc., but these proposals should be considered as an essential part of the 'general' policies applied to all planning applications, no matter which particular category they fall into.

We leave the wording of such a policy to the local planning authority. However we would suggest that the bullet points above are added to Policy 11 as a new clause on '*sustainable development considerations*'.

## **11. Inclusion of Enforcement Policies**

### ***11. Relevance of enforcement policy; Policy 12, p.3/62***

In our view Policy 12 is not a land-use policy. The taking of enforcement action is a legal obligation on planning authorities - as outlined in PPG18 and the recent '*Good Practice Guide*<sup>28</sup>. The policy in Part 5 is also too simplistic, and does not properly examine the required processes outlined in DoE Circular 10/97 and the '*Good Practice Guide*' - as such it could obstruct certain actions by the planning authority. The policy is inaccurate, superfluous, and should be deleted.

<sup>28</sup> '*Enforcing Planning Control: Good Practice Guide for Local Planning Authorities*', Department of the Environment July 1997.

## **12. Supplementary Planning Guidance**

### ***12. Construction of policy on SPG; Policy 13, p.3/63***

We object to this policy as it is too general, and could be used to develop policy in isolation from the development plan. As noted in objection 2d above, if the plan is not complete or parts of it are deficient, then the plan should not have been circulated to public consultation. The introduction of new policy as 'supplementary guidance' degrades the policies of the adopted plans, circumvents the concept of the plan-led system, and encourages the sort of 'bottom drawer' approach to developing policy that PPG12 specifically advises against<sup>29</sup>.

To resolve this objection, the plan should clearly identify the areas where the planning authority will produce supplementary guidance to augment the policies of the plan. Policy 13 should be deleted, and as part of each policy in the plan where supplementary guidance would be desired the purpose and extent of this guidance should be specifically identified.

## **13. Special Planning Zones**

### ***13. Need for policy on SPZ's; Policy 14, p.3/63***

It is ludicrous to consider that a special planning zone (SPZ) would be required for any development in Dacorum. Just because national guidance exists on SPZs there is no need to have a policy on it. The requirement to review the area for SPZs<sup>30</sup> is of little concern for Dacorum since the area does not contain the sort of derelict or deprived areas SPZ can assist the redevelopment of, or any large areas of land identified for regional infrastructure development.

The policy is superfluous, and should be deleted.

## **14. Housing Development**

### ***14a. Housing strategy and location; Policy 15, p.3/65***

### ***14b. Calculation of housing need figures; Policy 17, p.3/69***

### ***14c. Control over land supply; Policy 18, p.3/75***

### ***14d. Control over type of dwellings provided; Policy 19, p.3/77***

### ***14e. Validity of including detailed proposals. Schedule of housing proposals, p.3/97***

### ***14f. Validity of restricting building heights; Policy 107, p.3/261***

In our view the 'need' for housing, and the quantity and form of that need has not been proven (**14a**). Since the Hertfordshire Structure Plan EIP there has been a marked change in Government policy away from the 'predict and provide' approach. In particular the emphasis has shifted from mere provision towards the planned regeneration of urban areas - a very important theme in the draft regional guidance (the '*urban renaissance*'). For this reason we believe that the housing requirement for Dacorum should be recalculated and proven (**14b**). For these same reasons we object to the adoption of the figures from the Hertfordshire Structure Plan in Policy 17. For example, what proportion of the figures in the Policy 17 are accounted for by lapsed permissions, or permissions that will lapse during the period of the plan? How are possible changes to vacancy rates considered?

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<sup>29</sup> Paragraph 3.20, PPG12.

<sup>30</sup> Paragraph 5, PPG5

We object to the allocation of the sites in Policy 17/sites schedule since this has not been done on the basis of any clear 'sustainable' process (14e). For example do the services in these areas have the capacity to serve the extra development.

We object to Policy 18 because it is ill-defined (14c). It seeks to provide land after the plan period - which is not a policy requirement (other than the maintenance of the 5 year supply towards the end of the plan period). The term 'substantial oversupply' is not defined. We also object to the principle that unidentified sites would normally be released for development - in our view the release of unidentified sites should be the exception in order to ensure that development is planned and that housing is not crammed.

We object to the construction of Policy 19 (14d), although we agree with its principles. We believe that Policy 19 should be redrafted to require the provision of certain types of residential development, based on the demographics of the borough. Therefore policy 19 should seek to ensure that adequate provision is made for single people, couples, families and the retired.

Finally, we object to Policy 107 (14f) since it is an unreasonable requirement not supported by national policy, and it operates contrary to the options for managing the density of development in order to restrict land-take. It should be deleted, and the design of any building considered on its merits.

We do not believe that it would be appropriate to specify any detailed series of amendments at this time since this clearly requires some more meaningful accommodation with the planning authority. **We therefore request that the planning authority seek to address the following areas:**

- Proving the need for housing in Dacorum, taking into account the latest Government advice;
- Provide a breakdown of the status of permitted and unpermitted sites in order that the 5 year land supply can be assessed and proven, and that there is a constant supply of land over the plan period.
- Undertake a re-survey of the sites listed in the plan in order to assess the sustainability of each proposal - in particularly with regard to existing capacity (e.g., transport, amenity, education provision, etc.);
- Developing a locational policy based on sustainability criteria in order to provide a hierarchy of sites to provide the housing needed of the life of the plan;
- Assessing the 'need' for different types of housing development based upon the demographic profile of the area, and allocating proportions of the total to each of the major development sites.

We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **15. Controlling the Use of Housing Land**

### ***15. Validity of policy on loss of housing land; Policy 16, p.3/68***

We consider this policy to be flawed. Mixed development should be encouraged in the urban centres in order to maintain the population. Where other uses are required in the urban centres it is usually not difficult to find unused or underused retail premises. We believe that clauses (a) to (d) of the policy should be deleted, and the following words insert after the word 'except':

*where part of a mixed-use redevelopment scheme where the number of dwelling are maintained or increased, or where overriding planning advantages would result.*

## **16. Housing Conversions**

### ***16. Validity of policy on conversions; Policy 20, p.3/78***

We consider it unreasonable to place a limit on the number of conversions in any single road. The physical limits for housing conversion are:

- Where population density would create excessive strain on utilities/services;
- Where the increase in conversions would cause transport or parking problems (unless controlled by conditions/obligations).

The conversion of properties provides a sustainable alternative to new build, and provides small, affordable accommodation. As a means of providing dwellings it should be positively managed rather than restricted. We therefore believe that the first clause (a) of Policy 20 should be deleted. Sufficient protection for amenity is provided by the other clauses in the policy.

## **17. Affordable Housing**

### ***17. Construction of the policy on affordable housing, need and exceptions; Policy 21, p.3/81***

The Forum considers that this policy creates unnecessary barriers to the development of affordable housing. The reasoned justification for this policy is also excessively detailed, and the majority of it should be deleted. We consider that:

- The limits on plot sizes in the policy restrict the ability of the planning authority to negotiate a proportion of affordable housing. We suggest that instead of specifying the size of plot above which the planning authority will seek affordable housing, the text is deleted and replaced with a commitment to secure a '*reasonable level of provision*' as part of all housing development. This leaves the way open for developers with small sites to offer affordable housing as compensation for other losses.
- The policy notes that commuted payments '*may*' be accepted. We would argue that this should be more positively written. Commuted payments need not necessarily be used by social landlords for new build. Using these funds to renovate existing properties can be a more effective use since it need not be concentrated on one site, and renovation provides a greater number of suitable units than new build for the same price. Therefore commuted payments should be encouraged, and the offer of commuted payments for affordable housing should be considered as a significant consideration in any development proposals.
- Finally, it is a fact that the poorest in society have less access to services and transport. Therefore the emphasis should be on providing affordable housing sites as close as possible to urban centres where they can have good access to services and public transport. The policy should therefore seek to limit the use of town centre sites to affordable housing, and ensure that these developments have good access to shops and other services by foot and cycle.

We leave the wording of the amendments to meet these objections to the local planning authority, but if no accommodation is made before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **18. Managing Housing Density**

### ***18. Construction of the policy on dwelling density, achieving planned densities in urban areas, and encouraging car-free development; Policy 22, p.3/87***

The plan should address the issue of housing density in a positive manner - Policy 22 is essentially restrictive. Rather than just allocating an arbitrary density figure for housing sites, the Authority should undertake some limited studies to ascertain what is achievable on each site. Only in this way will we make the best use of land.

The plan should seek to address how sites are developed - in particular the use higher density designs such as of multiple occupation/low-rise housing developments in order to provide the required housing need with the minimum land take as possible. For example if a 3 bedroom dwellings are constructed as 3 stories instead of 2, or if flats/maisonettes are constructed a 4 story low-rise, the land taken up by new residential development is significantly reduced.

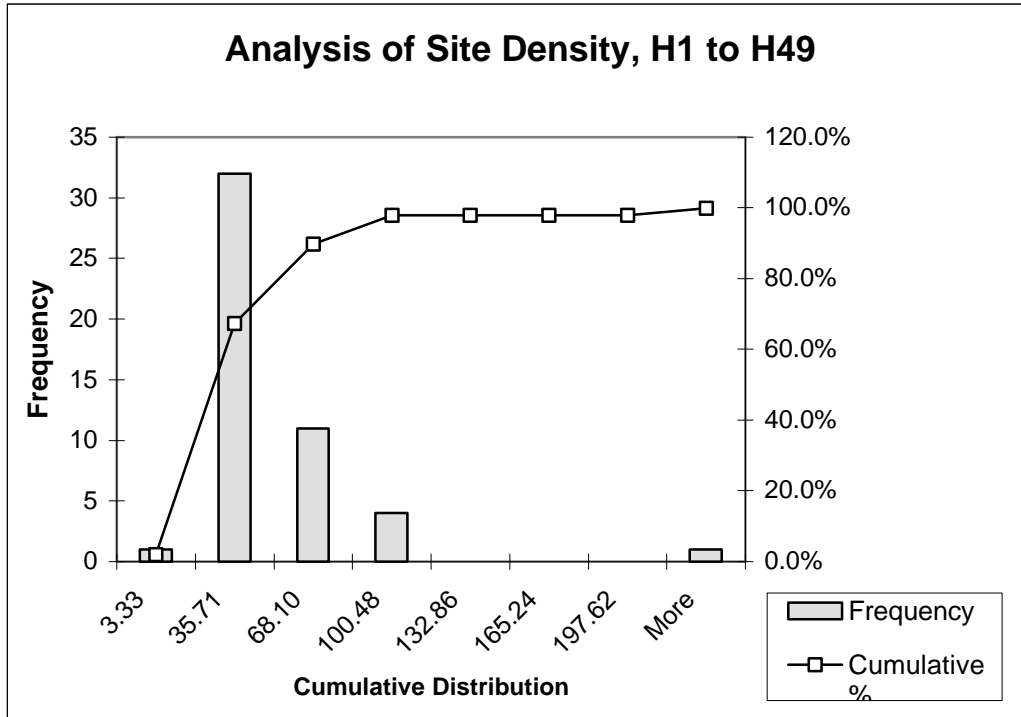
Currently, housing density in Dacorum is low (see table below). An average can be calculated by summing the areas and units for all the development sites H1 to H49. This produces a density of 21.4 dwellings per hectare. Also if we look at the distribution of housing densities for the sites H1 to H49, the majority fall below 35 dwellings per hectare (see graph below). However if the average density were to increase to 31 dwellings per hectare - a reasonable achievable density even for ordinary semi-detached development - it would be possible to eliminate the requirement for greenfield development.

There are other options than simply change the design of the development in order to achieve higher densities. For example in ordinary estate layouts around 15 - 20% of the space is taken up by access roads, garages, etc. If we encourage the use of car-free development in the urban centres it is possible to achieve quite high densities while retaining more traditional designs of dwelling. In towns such as Hemel Hempstead or Berkhamsted where the population commute such options are feasible.

Policy 22 should be redrafted to put greater emphasis on site layout, the design and form of the dwelling, and the use of innovative development options such as car-free developments, in order to increase the density of housing in the urban areas. The policy should specifically seek an average density development in the urban areas of around 25 to 30 dwellings per hectare, and seek commitments on a number of sites to exceed this figure where the services exist to cope with the increase in population (e.g., access to public transport, leisure facilities, etc.). We leave the wording the amendments to meet these objections to the local planning authority, but if no accommodation is made before the local plan inquiry we will provide a wording as part of our case to the inquiry.

#### **Calculating increase in density to eliminate greenfield sites:**

14 year structure plan requirement	4,842
Average housing density, H1 - H49	21.4
Proportion of new build in urban areas (from table 2)	65.0%
Proportion of greenfield sites	30.0%
Area of urban land for development, ha.	147.1
Area of greenfield land for development, ha.	67.9
Total greenfield plus urban, ha.	215.0
<b>Density required to provide all 'plan period' (Part I housing sites) in urban areas:</b>	<b>31.3</b>



## 19. Agricultural Dwellings

### *19. Construction of policy on agricultural uses; Policy 25, p.3/91*

The Forum object to the requirement in clause (a) that there be a '*clearly established and existing*' need for agricultural dwellings. If the form of agriculture changes significantly over the next ten years, to encourage more organic farming, then the numbers working on the land will have to increase - this is catered for by this policy. However a shift away from intensive farming may also result in smaller agricultural units, and hence the development of new agricultural units. Therefore clause (a) should be amended to encompass established, existing or new agricultural units.

## 20. Rural Affordable Housing

### *20. Rural affordable housing and security of tenure; Policy 26, p.3/93*

We believe that clause (b) of this policy need a greater level of explanation. It is not just a matter of 'managing' the property. It is important to ensure that the tenure of the property remains with the trust or social landlord, and that the dwelling is not sold on the open market. This must be enforced by a planning agreement.

Clause (b) should be amended to make it clear that a planning agreement will be sought with the developer to ensure that the dwelling remains available for social housing, where possible for local people, and is not sold on the open market. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **21. Caravans and Moorings**

### ***21. Construction and validity of policies on caravans and moorings; Policy 27, p.3/95***

We consider that the construction of this policy is unreasonable since it seeks to treat caravans and mooring as if they were buildings. This is not a logical argument since the physical impacts of permanent buildings and caravans/moorings are very different. Also it is an unacceptable double-standard to treat tourism related development as being distinct from permanent development when in actuality the impact from tourism sites is much greater than from the usual permanent caravan or mooring. The policy is also in conflict with PPG3:

*30. Proposals for residential mobile homes will, like all planning applications, need to be considered on their own planning merits, taking into account their visual and other effects on the surrounding area. Where authorities consider that there is no fundamental planning objection to park homes, the use of planning conditions, together with the site licence system, backed up by the Department's model standards, can in appropriate cases provide an effective way of minimising the impact of a site on its surroundings and controlling conditions on the site itself.*

*31. Planning authorities should also bear in mind the special needs of houseboat dwellers.*

The policy should be amended to provide a more balanced approach to caravans and mooring, considering applications on their merits. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **22. Business Development**

### ***22a. Employment strategy, and development of a more locally based economic development model. Policies 28-37, p.3/123-155***

### ***22b Validity of 'full employment' policy; Policy 28, p.3/123***

### ***22c. Need for policy; Policy 29, p.3/128***

### ***22d. Validity of floorspace allocations; Policy 30, p.3/129***

The Forum object to the business chapter because it does not set a framework for the development of sustainable business development over the period of the plan (**22a**). We are concerned that the sustainability objectives of the plan are compromised by the more 'traditional' policies that set the context for the business chapter. These do not promote a sustainable approach to business development. In summary:

- There has been no attempt to phrase the 'need' for business development as part of a strategy for sustainable development;
- More emphasis is placed on developing sites for large companies rather than favouring the development of a localised economy;
- Too much emphasis is placed on warehousing and long-distance transport which provides fewer jobs and creates greater traffic volumes.

To have a successful economy there are two key elements to developing local industry:

- Business which 'adds value' to goods should be encouraged - for example manufacturing industry. The growth of service and warehouse/distribution industry does not bring wealth since they do not add value to goods, they are a cost which business will dispose of at the first opportunity;

- Wherever possible the ownership of the businesses should be based in the area so that the wealth generated by trade is kept in the area. Where the companies operating outside the area take up large amounts of land, particularly multinationals, they not only take wealth out of the local economy, but they can relocate outside the area whenever they choose. In short, businesses owned by outsiders do not have the same commitment to the local economy.

A *sustainable economy* – in environmental and social terms - is more important than just attracting business in order to realise, probably, short-term economic benefits. For example, if global warming means that transport emissions must be radically cut back, then the warehousing and distribution sector will be heavily hit. Likewise over reliance on unsustainable industries such as armaments or the 'old style' chemical industries, where changing global relations or increasing environmental regulation will hit business, is also unsustainable.

The pursuit of economic development at any cost, particularly where that is related to road developments that by their nature are used by businesses outside the area, will not produce sustainable patterns of development. Likewise the pursuit of 'wealth creation' often means that other parts of the country or the world, for example the developing world, end up paying for our progress. The globalisation of trade not only 'exports' jobs from the area - it also exports pollution.

The type of changes we can bring forward to implement these points are limited, because we must keep within the restrictions presented by the planning system. What this means in practice is trying to implement policies that make the type of development we want easier, while at the same time deterring unsustainable development patterns. The employment policies of the plan do not do this. We believe that the employment section of the plan should be redrafted taking into account:

- The guidance from the UK sustainable Development Strategy;
- The recent '*Opportunities for Change*' consultation paper on 'sustainable business';
- The recent white paper on integrated transport and SACTRA's interim evidence on 'roads and prosperity'.;
- The comments made at the beginning of this report regarding sustainable development and environmental capacity.

We object to Policy 28 since 'full employment' is not practically achievable in the context of Dacorum - it is a regional issue (**22b**). In any case the measure necessary to achieve this objective would cause overheating of the economy and drive up demand for housing and other service development. There is no requirement in planning guidance to enact policies to create full employment - only to have regard to the economic situation.

We object to Policy 29 (**22c**) because it achieves no useful purpose other than linking a number of policies in the chapter. Also, the provision of employment land is linked to the notion of 'full employment' levels of land use. This makes no sense. Likewise we object to Policy 30 (**22d**) since it allocates land at a rate reflecting 'high' employment growth, and contains provisions which allow this limit to be exceeded. The allocation of land for employment uses should reflect local demand for employment land to meet the needs for local expansion and relocation. To do otherwise could create an excess of land provision, which in turn could lead to the relocation of businesses from other areas with the consequent excess demands on housing and other services.

The planning authority should, as part of the comprehensive settlement appraisals (CSA) sought by the structure plan, have identified the needs of local business. This obviously has not taken place in Tring where the policies of the plan seek to relocate businesses from the Silk Mill and Akeman Street industrial estates to the edge of town without any clear indication of the strategy for this change. What the plan should set out to do is provide for local employment development at the 'conventional' level. The allocation of sites and types of floorspace should then take place within the context of a sustainable business strategy which seek to meet social and environmental needs as well as economic ones. **To achieve this we suggest that:**

- As part of the CSA process, the planning authority should ask the business community to outline

their realistic development needs over the plan period.

- Policy 28 should be redrafted, removing the emphasis on 'full employment', and instead outlining a sustainable business development strategy for the borough.
- Policy 29 should be deleted.
- Policy 30 should be redrafted to provide for a level of development proven on the basis of recent economic studies, and the results of the CSA process. The policy should provide for the development of local business as a priority, but this should not create an over-provision of floorspace.
- Within the above there should be an emphasis on allowing local businesses to redevelop their sites to enable new investment in more sustainable manufacturing technologies, or the refurbishment of buildings to reduce energy demand. The refurbishment or renewal of existing sites should be promoted as a priority within the development of the sustainable business strategy.
- Through all of the above, a positive move in the strategy of the employment section to favour 'sustainable' local industries over unsustainable ones.

We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **23. Business Development and Use Class**

*23. Construction and scope of employment areas policy; Policy 31, p.3/137*

We object to the construction of the general employment areas policy since it sets vague criteria to direct certain types of business to certain locations. We would prefer that this policy to identify location for certain classes of business development at certain locations based on capacity criteria, and the potential effects of the development on local amenity. We request that this policy, and the accompanying tables, are amended to identify different sites for different use classes.

## **24. Change of Use on Employment Land**

*24. Construction and validity of policy on changing employment land to other uses; Policy 33, p.3/146*

We object to this policy as there is no reasonable justification for its inclusion. The removal of certain types of development from one area to another cannot be arbitrarily carried out. In this case the argument that the sites can be used for housing has no relationship to the reason for reallocating the site - it is merely a fact. There must be clear planning grounds the reallocation of land change based on the effects current uses have - for example on local amenity. This is in fact a distinction correct made in Policy 34 (i.e., established uses will not be relocated unless they cause problems). The need for relocation has not been stated for the sites identified in this policy. We particularly object to the sites listed in Tring.

We suggest that the tables in this policy are deleted, and that the policy is redraft to permit the reallocation of employment sites for other uses where there are particular planning grounds for doing

so, or where market forces render a site unsuitable for continued employment use. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **25. Established Uses**

### ***25. Meaning of 'established use'; Policy 34, p.3/148***

We consider this policy to be confused. There is a very clear difference between 'established use' as the result of a planning permission, and 'established use' as defined in section 191 of the Town and Country Planning Act. While it is possible not to approve applications for 'lawful use' under section 191 of the Town and Country Planning Act, if the site has a valid planning permission, or granted certificate of lawful use, no action can be taken to move the site. The only option would be to seek an order to revoke the permission, which would involve the payment of compensation.

If a site with a valid planning permission is causing problems then the only recourse a local authority has it to take action for statutory nuisance. However this is not a planning matter, and therefore not something that can be considered in a local plan. In any case, the procedures for considering applications for certificates of lawful use are clearly stated in law. There is little to be gained from the inclusion of this policy since aspects of it are covered by the ordinary development, business, or environmental policies of the plan.

This policy should be redrafted to clearly outline the procedures for assessing applications for established uses under Part VII of the Town and Country Planning Act. It should not be confused with the issue of pollution or amenity problems emanating from sites with valid planning permissions. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **26. Controlling Storage and Distribution Development**

### ***26. Permitting of storage and distribution development; Policy 36, p.3/151***

We are concerned about the inclusion of small 'storage and distribution' uses in urban centres. General storage and distribution (B8) uses can be problematic in urban centres for two reasons:

- Firstly, they do not provide an 'intensive' use of land. Intensive employment uses can be usefully sited in urban centres because they assist the vitality and use of both retail and public transport systems. B8 uses merely take up space and provide few jobs per unit area.
- Secondly, B8 uses can create higher traffic impacts than other uses.

We request that the policy is amended to discourage storage and distribution uses in the urban centres unless there are clear planning grounds for accepting it. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **27. Controlling Land Use in Town Centres**

### ***27. Land use in town centres; Policy 38, p.3/157***

The Forum is concerned that Policy 38 does not give clear encouragement for mixed retail and residential uses in town centres.

The last sentence of the main text of the policy makes it clear that other land uses can be permitted in town centres. However we believe that there should be a requirement to consider the potential to residential development as part of any development/redevelopment of town centres. There are sound reasons for this. Providing housing in town centres displaces the need to provide it elsewhere. But also if we can repopulate the town centres we can revitalise the areas outside of normal business hours, improving trade in the town centre, and possibly having an effect on crime levels.

We suggest that a new sentence is added to the end of this policy:

*The potential for residential development, either as part of the retail business or separately as part of a mixed use redevelopment, should be considered as part of any development proposals in town centres. Proposals for mixed retail-residential uses will be positively considered where they fulfil the objectives of both the retail and housing policies of the plan.*

## **28. Location of Retail Development**

### ***28a. Location, the sequential approach, and out-of-town development; Policy 40, p.3/159***

### ***28b. Shopping proposals and the 'vitality and viability' of existing retail developments; Policy 41, p.3/160***

The Forum object to Policy 40 because it does not specifically require a sequential test of retail proposals (**28a**). The text of the policy should be amended to specifically require the sequential test in order to ensure that retail development is properly directed to the town centres.

We object to Policy 41 because it does not require the '*vitality and viability*' test required under PPG6. We request that clause (i) and references to the 'trade capacity impact study' are broadened to provide more detailed guidelines on how the planning authority will assess the '*vitality and viability*' case for development. Currently it does not reflect the scope of issues considered in paragraph 2.8 of PPG6 (that is, the PPG considered the character and amenity of the area, not just the economic assessment).

We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **29. Transport Strategy and Integrating Land Use and Transport**

### ***29. Validity of transport strategy, and association of major development sites with the primary roads network; Policy 50-67, p.3/173-208***

#### **Introduction**

The Forum object to the failure of the planning authority to provide policies to implement a sustainable transport strategy that seeks to integrate transport and land use. At the moment the plan still favours car based transport systems. While in the more remote rural areas there may be an argument for the use of private cars, in urban and the near-urban areas different strategies can be adopted. Dacorum, being so close to Greater London, has much greater potential for the development of more sustainable transport modes because of the large commuter population. Also, when considering rural areas, greater emphasis on the development of local economies, in line with the White Paper on Rural England, can contribute to a decrease in the need to travel by car-based transport.

This initial objection relates primarily to the underlying strategy of the transport section, and the amendments that are needed to create a sustainable integrated land use and transport strategy.

Our main requirements for the transport chapter are:

- The provision of an extensive cycleway network in urban areas, and further links between the urban areas and major rural settlements;
- Restrictions on car parking in the urban areas and, at the same time, encouragement for the creation of 'residents parking' around the centre of the town to prevent cars spilling into residential areas;
- Greater provision for pedestrians, in particular more pedestrianisation of town centres and 'pedestrian priority' at road junctions - even major roads;
- Greater support for public transport, both through encouraging the provision of bus/train facilities, and through traffic management measures such as bus priority or bus lanes to improve existing routes;
- Through all of the above measures, restrictions on the use of the private car within the major towns of the area.

'Integration', as we see it, is more than simply making provision for certain modes of transport in the local plan. We see integration as:

- The bringing together of various modes of transport so as to provide mobility to meet the needs of the everyday life of the citizens of the district, with the least environmental and resource impact;
- Giving 'choice' to local people as to the mode of transport they use - we do not have such options at the moment;
- Protecting and enhancing the local environment through the promotion of 'least impact' modes of transport, and implementing demand management measures to limit those modes which cause damage to the local and global environment.

The point about 'choice' is an important one. At the moment we do not have the option of using a variety of modes of transport because of the limitations put upon us by the current system. The restrictions can be:

- *Financial cost* - the person cannot afford other modes of transport;
- *Personal safety* - the choice of other modes involves increased risk to the person;
- *Accessibility* - the choice simply does not exist.

In the urban or near-urban areas, we would argue that the population density makes non-car transport options viable. In practice we believe that the use of one transport mode to the detriment of all others - the car - can be managed by encouraging a '*modal switch*' to the other options available - walking, cycling, buses and trains. But even in rural areas, greater provision for the needs of public transport, the provision of cycleways extending 8 to 10 miles from the urban areas to nearby communities, and encouraging the use of 'dial-a-ride' style community transport facilities for the old and disabled, can all reduce the need to use private cars.

### **Current Policy**

The practical effect of UK transport policy (practical, in that it's what is actually done rather than what is said in policy), even with the recent 'amendments', can be paraphrased as follows - '*meeting projected demand through the provision of a greater road network*'. Such a policy could be sustained in the 1960s when demand was small, but the levels of demand envisaged by the Government today simply cannot be met. The policy reflected in the transport chapter, even while tacitly accepting the need for an integrated transport strategy, still places emphasis on improvements to the primary roads network. Such an approach is simply unsustainable since the very act of increasing road capacity, as shown by SACTRA, simply induces more traffic onto the roads. As a policy, meeting the projected 'need' for road capacity is unachievable, and in practice it is fundamentally unsustainable. There is also little evidence to support the notion that more road-based development brings greater prosperity.

The effects of traffic growth in Hertfordshire as a whole could be even greater. The growth predicted by the Government is only a national average. The effect in areas experiencing rapid growth as the urban areas 'decentralise' - people and industry relocating to more rural areas - could be even greater. Work by the Countryside Commission predicts that in inter-urban areas, traffic may rise by as much as 200% to 400% in general, and higher in other areas - a rise which obviously could not be accommodated on the existing roads in the area. Effects in Hertfordshire are obviously disproportionate because of the effects of through traffic on the east-west and north-south routes.

What the transport section of the plan must promote is an integrated approach that concentrates on three key themes:

- general principles of how transport will be managed;
- influencing people's travelling habits, and hence modal split, to reduce dependence upon the car, by providing the appropriate alternatives and blocking unsustainable patterns of transport;
- with the acceptance that car-borne transport will still be dominant over the plan period, a key policy area must be traffic management.

Given that the problems we see with the transport chapter affect the whole of its text and policy content, it is difficult to suggest worded changes as this will just rewrite the entire chapter. Instead, we believe it will be simpler to suggest general areas where existing policy should be amended. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

**We suggest that the existing transport chapter be amended in the following ways:**

#### **A. General Objectives**

- ⊗ *A Private Motor Traffic Reduction Target should underpin the whole of the Transport chapter; for the sake of energy, resources, pollution, fitness, accidents, noise, children's independent*

*mobility and urban space.*

- ⊗ *Modal Hierarchy - this should underlie all decision making; pedestrians first, then cyclists, then public transport users, then the mobility-impaired private transport user, then freight, then the private car.*

The plan needs to be very explicit that safety on our roads can not be measured solely in terms of numbers of fatal and serious injuries per head or per kilometre. The key improvement sought is that there be a reduction in the proportion of accesses that are frustrated or diminished in quality because of a fear of injury. Another consideration is the way the access-frustrations are distributed. If some people feel so safe that they make lots of extra journeys, but others feel so insecure that they cut their journeys down to the bare minimum, there is something wrong.

Driving children to school stops them being run over, but it does not make the roads safer; it makes them more dangerous. All references to road safety must make this distinction clear. We would suggest targeting an increase in vulnerable-mode journeys as an indicator of improving road safety. We would also suggest targeting an increase in the number of journeys made by vulnerable users without escort. There should be targets for reductions in deaths and serious injuries, but these should be seen as subsidiary; at the very least reductions in death rates for vulnerable groups should be given priority.

## **B. Influencing people**

### Pedestrians

- ⊗ *Pedestrian priority means introducing pedestrian phases on traffic lights, even where this reduces the junction capacity for all other modes.*

### Cycling

First and foremost, we must state that cycleways are not a recreational measure, or a 'sleeping pill' for the environmentalists - they are a road safety measure which seeks to protect the interests of a legitimate group of road users.

- ⊗ *What we seek is a large-scale cycleway network - not just in urban areas, but extending to villages around the fringe of the urban areas. Also, the routes need to reflect the most direct travel route - many cycleways meander around urban areas, increasing journey times, and consequently they are not used. The network should also include long distance routes through the area for tourists on a larger scale than that currently proposed.*

### *Developer Contributions towards Cycling*

- ⊗ *It should be clear that planning authorities will be expected to seek developer contributions towards the surrounding cycle network.*

### *Urban Cycle Networks*

- ⊗ *Cyclists are not uniform, and it is useful to think in terms of developing two, almost independent networks (the Twin Network Approach). This provides for the regular commuter by building cycle facilities 'on road', and developing 'off-road' dedicated or shared use routes for the safety-conscious separately.*

Provision needs to be made to encourage regular cycling (such as to work/school/college). This requires a high quality surface, and direct routes. This is achieved by installing cycle facilities on the carriageway of all urban classified roads (cycle lanes and advanced stop lines).

Provision also needs to be made to encourage new cyclists. This requires safe back-street or off-road routes. A complete network of these routes, linking schools and shopping areas needs to be created.

Off-road routes can normally be shared with pedestrians; cyclists should be encouraged to go slowly and use their bells. Back-street routes can normally be shared with access traffic; provision should be made to prevent dangerous speeds. The pavements of urban main roads make poor cycle tracks; the surface is too poor, there are too many pedestrians and too many side turnings, they are unsafe and unpleasant. They should only be used as a last resort.

#### *Ex-Urban Network:*

The planning authority should seek to promote leisure cycle routes, as a prime means of improving the confidence of irregular users. Particular attention should be given to the routes into and out of towns, especially where a bypass has to be crossed.

#### Public Transport

- ⊗ *The key inter-urban links need to be planned/developed as a distinct policy. Public transport within urban areas has a completely different set of needs and priorities, and this needs to be reflected in policy.*

The planning authority should analyse the service provided from the major towns to principal employment and transport centres (Watford, London, Aylesbury, Luton, Milton Keynes, etc.), with a view to lobbying for improved links and marketing, where appropriate.

The county should seek to preserve and promote opportunities for interchange between bus services and with modes of transport in the major towns in the county.

- ⊗ *There is no consideration of the possibilities for the urban centres of Dacorum. There should be an assessment of the potential for park and ride systems for Hemel Hempstead, and possible at a later date Tring and Berkhamsted, allied to other development in traffic and parking management.*

#### Rail

There is no clear policy on rail development related to capacity - an important issue given the current operating difficulties, and the difficulties that will be created during the upgrading of the West Coast Main Line.

- ⊗ *All proposals for rail improvement schemes should not only be identified on the proposals map, but there should be a detailed description of what each scheme proposes. This is not only for the sake of certainty, but also so that development can be directed to the interchange sites for these schemes, rather than at locations away from proposed transport projects. There should be close liaison with Railtrack regarding the opportunities for improvement as part of the improvements to the West Coast Main Line*

#### Car Parking

- ⊗ *Every major employer in the area, as part of planning applications or redevelopment proposals, should be encouraged to consider the impacts of their employee's journeys to work, and to work with the county to mitigate those effects.*

This may include advice on car-pooling, providing bus services, or starting up a Bicycle User Groups (BUG). The planning authority should allow building on car-parks in exchange for substantial reductions in car-commuting.

The planning authority should investigate its powers to restrict access to the car-parks of major traffic generators, through banning vehicles from certain key sections of public highway and then allowing limited access. This is best achieved by allocating the employer(s) a limited number of permits, based on current parking standards and highways considerations, and allowing them to be distributed internally.

- ⊗ *The planning authority should set parking standards to reflect the unconstrained demand that the development would be expected to cause. However they should also give advice as to the proportion of this standard that is likely to prove acceptable under plan policies (particularly highways considerations), given the location and size of the proposed development. The remainder must either be proven to be unnecessary, or alternative provision made as the result of developer contributions.*
- ⊗ *As well as seeking controls on town centre car parking provision, tight controls should be enforced on parking provision for any retailing, leisure or employment development in edge-of-town or out-of-town locations.*

## **C. Traffic Management**

### Highways

#### *Capacity:*

- ⊗ *Over time, capacity of major roads (in particular their junctions) should be reduced, as part of the traffic reduction strategy. This is so as to maintain levels of congestion for car-users at something like current levels, to maintain their incentive to seek alternative means of transport;*
- ⊗ *Road development proposals must be presented as a total strategy, not a piecemeal programme (especially when treated as individual road segments or junction improvements).*

#### *Improvements:*

In particular, the borough's towns need coherent transport planning if they are to stand a chance of coping with their expansion. We could envisage a TPP 'package bid' in co-operation with other districts and the County Council, since they face similar problems.

#### *Urban Improvements:*

- ⊗ *As part of the plan, and as a special part of the overall sustainability strategy, each town should have a sustainable transport plan, based on coping with the expansion it has been allocated, and on achieving a certain level of modal switch.*

### Public Transport

- ⊗ *Wherever buses experience congested conditions, and there is road space that can be dedicated to them, it should be done. Where space is constrained, opportunities for bus advance lights should also be considered.*

Where buses lose significantly and avoidably by having to divert off a main road to serve a town or village, consideration should be given to improving the situation.

## **In conclusion**

The transport sections of the plan have tried to consider the more sustainable modes of transport, but in general the overwhelming support that car-borne transport has received in the past has been continued in this plan. The changes we have noted above will go some way to redressing this balance, but car transport will still be dominant, if only because the national guidance still strongly favours the car over other forms of transport.

The purpose of this objection is to outline the general 'theory' that should form the basis of the transport strategy. All other transport-related policies in the plan should flow from this strategy.

In the subsequent stages of the review of the local plan we will strongly contest any changes that seek to weaken the existing policies in the plan, and we will continue to press our amendments in order to make the overall strategy sustainable.

### **30. Highway Schemes**

#### ***30. Highway schemes and blight; Policy 51, p.3/174***

We object to the blanket safeguarding of schemes in the TPP. We request that Policy 51 is amended so that only those schemes within the TPP with a realistic chance of development in the foreseeable future are safeguarded.

### **31. Developing a Capacity Based Transport Policy**

#### ***31. Construction of policy, and the need to assess transport capacity and modal shift; Policy 52, p.3/176***

We object to current form of Policy 52 because it does not consider transport in terms of a capacity approach. The policy should identify current trends, and the movement capacity or lack of capacity that exists, and then plan for the changes that must take place in order to meet sustainability objectives.

The specific parts of the policy we object to are:

- The only discussion of capacity is in relation to roads. This must be changed to consider the capacity of different modes, and the options for switching capacity between them.
- There must be a clear commitment in the policy to developing modal switch away from the car by restricting the improvement of roads to serve car-based congestion, and seeking infrastructure provision to assist the growth of non-car modes. Where possible this should be funded as part of the developers transport infrastructure contributions.
- There must be a clear requirement for developers to consider all modes of transport in their transport impact studies. These studies should also seek to identify the means by which the stated transport objectives of the plan - in terms of improving road safety, developing traffic management systems and creating modal switch - will be achieved through the development.

The form of amendment we suggest is outlines in this objection, and in objection 29. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **32. Roads Development**

*32a. Construction of policy, and the consideration of lower road standards; Policy 54, p.3/182*

*32b. Need fund 'transport' rather than 'road' improvements.; Policy 55, p.3/183*

*32c. Construction of policies on traffic management and restraint, and reallocating road space; Policy 56, p.3/184*

The Forum objects to the proposals for the maintenance and the upgrading of the roads network (**32a**). We believe that this is contrary to a sustainable land-use and transport strategy. As part of any management system it will be necessary to seek the reduction of highways standards. This will either be due to measures such as traffic calming, the lowering of standards to reduce speeds, or the reallocation of road space to other modes (e.g., cyclists).

Likewise, in Policy 55, the emphasis should be on lowering road standards in order to reduce speed and make the route safer for non-car modes of transport (particularly pedestrians and cyclists) (**32b**).

Finally, Policy 56 on traffic management should be extended to form the main basis of policy on road development (**32c**). All improvements to road facilities must be carried out in a manner that reallocates road space to support the overall policy of creating modal switch away from the car. There should also be an emphasis on improving the infrastructure for those modes we wish to encourage through the use of new traffic controlled measures, junction improvements, improve signage and road layouts, and the development of reliable routes for walking, cycling and buses.

The form of amendment we suggest is outlined in this objection, and in objection 29. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **33. Parking**

*33a. Need to manage parking in urban centres; Policy 58, p.3/186*

*33b. Need to manage private parking; Policy 59, p.3/188*

*33c. Managing off-street parking; Policy 60, p.3/190*

*33d. Parking and 'quality development'; Policy 9, p.3/57*

*33e. Parking and housing conversions; Policy 20, p.3/78*

*33f. Parking standards. Parking standards, p.5/18 - 31*

The Forum do not consider that the parking policies of the plan are realistic. Increasing parking provision will not benefit the town centres - it simply increases the number of vehicles trying to fit into the town centres. Parking is the major factor in determining road congestion - providing more spaces will simply make things worse. The whole provision of parking spaces should be reviewed, and alternatives considered - for example seasonal park and ride facilities for tourists, and improving rail and bus services to give people mobility without the need for a car.

Policy 58 must set maximum levels of off-street and on-street car parking provision, both as individual car parking developments and as car parking standards for new developments (**33a**). At every opportunity consideration must be given to the acceptance of 'commuted payments' in place of car parking provision in new developments, and these payments must be used to fund the improvements planned as part of the integrated transport and land-use strategy. Proposals should also be made for managing car park demand through tariff structures. These changes should be enforced through modification of the parking standards (**33f**). Additionally parking standards should also be set for

cycles.

Policy 59 does not provide an adequate framework for managing private parking. Private parking should be managed by restricting the allocation of parking spaces with new development, and requiring the excess transport need to be taken up by other transport modes (**33b**). Additionally existing private parking spaces should be release for other uses where additional capacity is provided through other modes.

Policy 60 should be amended to require that the least possible level of off-street parking is provided as part of any development (**33c**). Excessive requests for off-street parking should also be resisted where this would significantly breach the maximum car parking limit for the settlement.

Clause (h) of Policy 9 must be amended to seek the lowest possible provision of parking spaces, and seek the provision of any excess need as commuted payments, or as cycle parking (**33d**). Likewise clause (Vi) of Policy 20 must be amended to require the lowest possible level of off-street parking (**33e**). Where the site is conveniently located to public transport or cycle/pedestrian routes conversions should also be permitted to have no parking provision (provided this requirement is enforce as part of the tenancy).

The form of amendment we suggest is outlines in this objection, and in objection 29. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **34. Walking**

### ***34. Pedestrians and planning; Policy 62, p.3/192***

The Forum object to Policy 62 as it contains insufficient detail.

Policy 62 should identify, as part of the plan, a strategic pedestrian network in the urban centres. The reason for doing this is so that funds for path improvement - particularly modifications to kerbs for the disabled - can be targeted to develop an integrated network of paths. The plan should protect these routes from encroachment by development – including other transport modes - and ensure that new development makes appropriate provision for the maintenance and expansion of this network. Also the planning authority would demand higher standards of maintenance from statutory undertakers.

The main pedestrian network should also be identified on the proposals map.

The policy should also require that as part of traffic management schemes, or the development of new roads, pedestrians should be given priority over other road users through the use of light controlled junctions, or through the design of road layouts to restrict road space in order to lower speeds.

The form of amendment we suggest is outlines in this objection, and in objection 29. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **35. Cycling**

### ***35. Improving cycling facilities; Policy 63, p.3/192***

The forum object to Policy 63 as it does not create an adequate cycleway network, nor does it seek the provision of cycle facilities in urban areas and at workplaces, schools and other buildings used by the public.

The policy must enable the creation of an adequate cycleway network linking the important urban areas – for example safe cycle to school routes, and routes to major employment centres and to shopping centres. Additionally, policy should identify certain parts of the cycleway infrastructure to be provided by particular development. An important priority in the development of the cycleway network must be the development of 'safe' routes from residential areas to schools. The development of safe routes and a network of cycle routes linking strategic parts of the urban areas should take priority over the funding of leisure routes.

The policy must also include measure for cycle priority at junctions, and in town centres. This is an essential part of encouraging greater use of the bicycle in urban areas. It should also seek 'advanced stop' lines at light-controlled junctions to provide safety for cyclists.

Finally, to encourage greater use of cycles to access employment and retail centres, there should be policies in the plan to allow for the development of secure, manned, cycle stores. These are operated as a commercial venture in a number of cities, and usually incorporate cycle repair shops and other services.

The form of amendment we suggest is outlines in this objection, and in objection 29. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **36. Public Transport**

### ***36. Passenger transport facilities; Policy 65, p.3/193***

The Forum object to Policy 65 because it lacks detail. In order to deliver a sustainable transport system it will be necessary to change the current systems for supporting public transport - private hire taxis as well as buses - in order to allow then to accept a greater proportion of the current demand for movement. This requires specific - proactive - proposals to be considered in order that the required capacity can be released in a planned manner. The current policy is unacceptable as it passively allows everything without providing any strategy for improving services and seeking integration with other modes.

The form of amendment we suggest is outlines in this objection, and in objection 29. We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **37. Need for Policy 68**

### ***37. Relevance of policy; Policy 68, p.3/209***

The Forum object to Policy 68 because it provides for development without any consideration of sustainability or capacity issues. The schedule referred to in the policy is, in the same manner as the

schedules for housing, much too detailed, and some of the sites noted already have permission and are strictly no longer the concern of the development plan. In effect the policy enables a whole range of development without examining the needs or impacts on the assumption that all these development are good.

We request that this policy is deleted and that policies are created in its place to address the planning issues involved in each of the sites in the schedule that require planning permission. Alternately we request that the whole policy is redrafted to provide a framework for assessing any leisure development on the context of sustainable development objectives.

## **38. Allotments**

### ***38. Need to protect and enhance allotments; Policy 78, p.3/222***

The Forum object to Policy 78 because it does not seek the provision of new sites, only the protection of existing sites. We believe that an additional clause should be added at the end of the policy:

*The planning authority will seek to establish new allotment sites where there is excess demand, or where there is a shortfall of allotment provision below guideline levels.*

Also, in framing future policy on allotments in the borough, the planning authority should have regard to the views expressed by the House of Commons Environment, transport and Regional Affairs Committee in their Fifth Report, 'The Future for Allotments'<sup>31</sup>.

## **39. Golf Courses**

### ***39. Management of golf course impacts; Policy 79, p.3/222***

The Forum object to the current form of Policy 79. We request that the following text is added to the final paragraph:

*The developer should draw up a biodiversity management plan to ensure the protection and enhancement of the ecological interest of the site prior to development. As far as is possible, measures should be identified to store water on site in order to lessen the demand for water during the Summer months.*

The purpose of the first sentence is to ensure that the protection of ecological interests takes place in a structured way, and that the areas of interest identified at the beginning of the project are protected and enhanced during the construction phase and subsequent management. The purpose of the second sentence is to ensure that golf courses take steps to provide as much of the water they use for irrigation during the Summer months as possible in order to reduce the impact of drought.

<sup>31</sup> House of Commons Environment, Transport and Regional Affairs Committee. Fifth Report (1997-8 Session), 'The Future for Allotments'. HC560, June 1998.

## **40. Equestrian Development**

### ***40. Equestrian facilities and the capacity of the bridleway network; Policy 82, p.3/224***

We object to Policy 82 as it does not take account of the need to control equestrian developments in order to prevent the over-use and damage to the bridleway network. We suggest that the following is added to clause (d):

*, and the development should not create excessive use of the local bridleway network*

## **41. Leisure and Educational Facilities**

### ***41. Dual use and educational facilities; Policy 88, p.3/229***

The Forum object to Policy 88 as we do not consider that the text of the policy goes far enough to encourage the dual use of educational facilities for leisure. We suggest that a clearer set of proposals or guidelines is created in order to assist the development of dual use facilities, particularly in relation to public-private partnership opportunities between the education authority and the private sector.

## **42. Tourism**

### ***42. Tourism, environmental capacity and sustainable development; Policy 89, p.3/230***

The Forum object to the current wording of Policy 89 since it does not take any account of sustainability and transport issues. Also, there should be some form of capacity assessment for all 'major' tourism developments. Currently the policy is too general, and too focussed on enabling development rather than establishing 'needs' and 'capacity'.

There should be a general requirement for all tourist facilities to, wherever possible, be served by public transport, and in the case of large developments cycleways, bus stops and bus priority should be provided. Where the development is near to a railway station, consideration should be given to funding improvements to the station and links to it. All tourist developments should cater for cyclists.

The local planning authority should also draw up a '*code of practice*' for sustainable tourism, to be applied as part of planning conditions, covering things such as septic waste disposal, waste disposal and recycling, landscaping and design. This code of practice should also include consideration of sustainable development issues, perhaps as part of the wider Local Agenda 21 consultation process, with the local tourist industry.

We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **43. Camping Facilities**

### ***43. Need to consider small scale and seasonal camping facilities; Policy 94, p.3/233***

We object to the current construction of Policy 94 because it provides too much emphasis on permanent sites. We request that, in order to encourage the diversification of local farming businesses, consideration is given the development of short term and seasonal camping facilities. We leave the wording of the amendment to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **44. Protecting Agricultural Land**

### ***44. Protection of high quality agricultural land; Policy 99, p.3/247***

In terms of the effect of Policy 99 the Forum wholly support the need to conserve agricultural land since it is an essential resource. The protection of agricultural land is also one of the key aims of Agenda 21. However, the land classification system used by MAFF is entirely biased towards the level of production that the land is capable of achieving, and this normally entails the use of non-renewable resource based fertilizers and pesticides. In addition, by practical application of this policy, it is better to build on species rich Grade 3B agricultural land since it is less productive than say Grade 2 land.

We request that the policy is redrafted without reference to the land classification system so that the policy protects all 'undeveloped' land rather than just 'agricultural' land. It should then be up to the developer to show that the land selected has no agricultural or ecological value, and that no suitable development sites **of any type** (including sites within identified communities) exist.

We leave the wording of amendment to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **45. Trees and Hedgerows**

### ***45. Preservation of trees, hedgerows and woodlands; Policy 100, p.3/248***

The Forum object to Policy 100 because it does not provide for the management of trees and hedgerows within development as part of the development process.

Firstly, unless there is great care given to the protection of trees and hedgerows during the development process it is our experience that damage will be caused to them which will affect their long term viability. Clause (c) is not sufficient. In general, there is also too much emphasis on tree preservation orders and not enough on protecting trees in general. For example, if development restricts water infiltration this can cause stress to trees (the way around this is to engineer leakage into surface water collection systems). The policy must be amended to ensure greater care of trees and hedgerows during the development process.

Secondly, the planning authority have not given enough attention to the requirements of the Hedgerow Regulations. The policy must outline the basis of the criteria (botanical and historical) for the protection of important hedgerows, and make the planning authority's policy on the application of

the regulations clear.

We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **46. Telecommunications**

### ***46. Considering the need to restrict telecommunications development; Policy 109, p.3/264***

The Forum objects to the wording of Policy 109 because it does not provide a strong enough framework to control telecommunications towers. We wish to see some reference in the policy to the use of Article 4 directions to restrict telecommunications development where this would be a disamenity or where it was adversely affect the landscape. We suggest that an additional clause is added at the end of the policy:

*Where the development of telecommunications apparatus is considered detrimental to local amenity the planning authority will resist development. Where necessary Article 4 directions will be sought to protect sensitive locations from inappropriate development.*

## **47. Archaeology**

### ***47a. Development affecting archaeological remains; Policy 114, p.3/284***

### ***47b. Development affecting listed buildings, and the reclamation of 'traditional' materials; Policy 115, p.3/287***

While we are in general agreement with the policies on archaeology, but we oppose the idea that archaeological remains can be preserved in-situ (**47a**). In our view in-situ preservation is a last and desperate resort. There is no evidence that in-situ preservation is an acceptable way of 'protecting' remains. Also, it is questionable that the preservation of the remains is a sufficiently risk free method of preserving remains for 'future generations' to dig up in the hope they have better technology. In our view archaeological remains should only be preserved in-situ where their safety can be guaranteed - for example within the fabric of a building. Where the remains are within the or under the foundations of a new development we do not believe that the remains can be protected without damage.

We request that Policy 114 is amended to make it clear that preservation is the important factor for archaeological sites, and that this should be achieved through proper excavation and recording or redesigning the development in order to avoid causing harm to the remains. In-situ preservation will only be considered where the remains are to be incorporated into the fabric of the building, and will not be subjected to excessive stress, vibration or temperature fluctuations.

The Forum generally support Policy 115 on the protection of listed buildings. But in order to strengthen the policies on listed buildings, and also Policy 114 on archaeology we believe that three additional matters must be addressed (**47b**):

- Clauses must be included requiring the saving, reuse or sale of traditional materials from listed buildings so that other similar buildings may be repaired - this may be achieved through demolition control and planning agreements. The reason for this is to protect and ensure the reclamation of usable traditions local materials in order that other old buildings can be restored

and maintained. In environmental and architectural terms the restoration with materials in keeping with the historical or vernacular tradition is preferable to the use of modern materials.

- We wish to add clauses to require, where there is sufficient architectural or historical interest for doing so, the recording or logging of the construction, design and other features exposed during the demolition or restoration of listed buildings. The reason for this is that archaeology is often limited to those artefacts below the ground surface. It is important that we appreciate the value of those ancient artefacts that exist above the surface of the ground – old buildings.
- Finally - for both Policies 114 and 115 - as part of the contribution towards the archaeological recording or excavation, funds must be provided in order that any finds can be properly conserved by the appropriate museum or public body. Also, some funding should be provided so that the findings of the archaeological studies produced by those undertaking the recording or excavation work can be published and circulated.

We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **48. Development on Minerals and Waste Sites**

### ***48. Development on old mineral working and waste sites; Policy 120, p.3/295***

We object to Policy 120 since it does not provide sufficient safeguards to protect against the two common hazards on filled sites - instability and landfill gas. The policy should be amended to reflect current government guidance on the stability problems of filled sites in PPG14. With regard to landfill gas the policy should provide the precautionary measures suggested in PPG23 and Waste Management Paper No.27, 'Landfill Gas'.

We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **49. Species Protection**

### ***49. Need for policy on species protection. (new proposal)***

We object to the current form of the nature conservation policies in the plan as they do not provide protection for species - only sites. We suggest that a policy is created, or an existing policy amended, in order to highlight the legal protection for certain wildlife irrespective of its location. We suggest the following wording:

*All development proposals should demonstrate if direct or indirect harm will be caused to nature conservation. Where the effects of development upon nature conservation are unclear or uncertain, development will not be permitted. Development affecting protected species will not be permitted except where it is necessary for over-riding reasons of public interest. In these circumstances the scheme for development should seek to create the least level of direct or indirect impact on the species of concern."*

## **50. Ecological Buffer Zones**

### ***50. Need for policy on ecological buffer zones. (new proposal)***

The Forum do not consider that the nature conservation policies of the plan are sufficient to encourage the improvement of the natural environment. Most of the policies in the plan relating to nature conservation are restrictive rather than proactive. We request that a policy is inserted into the plan to require the provision of 'ecological buffer zones' as part of developments across the area. Under the EU Habitats Directive<sup>32</sup>, Member States are required to designate areas sufficient in number and kind, "to maintain or restore, at a favourable status", those natural habitat types and populations of species of wild fauna and flora that are held to be of Community interest. As a body with nature conservation responsibilities, the local authority has a duty under this Directive to protect, maintain and enhance the diversity of the natural flora and fauna within its area. This requirement is further defined in the Biodiversity Convention, as explained in the Government's conservation strategy, 'Biodiversity - The UK Action Plan'<sup>33</sup>.

As a general obligation on developers, we suggest that consideration be given to the provision of wide belts of 'green space', either as hedgerows, scrub or meadow (but not formally maintained gardens) to encourage the movement of wildlife. This is especially important:

- Alongside large rivers and streams. The present a physical barrier to the passage of wildlife, and so buffer zones should always be provided between large developments/urban area, and large watercourses or lakes;
- On the edge of urban areas, where growth outwards may restrict the movement of wildlife. In such situations, where new developments are built on the edge of town or in the open countryside, measures should be taken to protect migration routes along hedgerows or through dense ground cover/woodland;
- In parks and river corridors through urban areas. Unless sufficient space is maintained along river corridors, and unless there is sufficient green space between urban parks and the countryside, wildlife will not move into urban green spaces where the public can enjoy them.

What we seek is a policy to encourage the creation of wildlife corridors, and 'buffer zones' for wildlife, around large developments of at least 25 metres to 50 metres, dependant upon the scale of the development. Where a development is going to damage an area of ecological interest, provision should be made for:

- Wildlife corridors around the site so that species populations are not prevented from moving around. For example, where a system of hedgerows is being destroyed, new hedgerows should be planted to ensure that local wildlife can still move freely; and
- That ecological buffer zones be required as part of any large development. By retaining areas of undisturbed land in or around the perimeter of a large development, a seedbank containing a mix of the natural local flora will be preserved. We see this as being more favourable than later 'restoration' of the site with wild species since these restoration works do not always reflect the local mix of shrubs and flora.

We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

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<sup>32</sup> EC Council Directive on the Conservation of Natural Habitats and Wild Flora and Fauna. Directive 92/43/EEC

<sup>33</sup> 'Biodiversity: The UK Action Plan', Cm 2428, HMSO 1994

## **51. Water Protection**

### ***51. Need for a policy on groundwater protection and non-point source pollution. (new proposal)***

This various references to water pollution in the plan are vague, and are inadequate as they do not specifically address the water pollution aspects of development. We request that a policy is inserted in the plan to deal with the two main development related aspects of water pollution:

- The plan must seek to protect groundwater. The plan should make reference to the Environment Agency's guidelines on the protection of groundwater<sup>34</sup>. We also suggest that the following policy is inserted somewhere in the plan:

*Where development would be contrary is likely to pose a risk to groundwater quality, flow or volume, or is contrary to the Groundwater Directive or the Water Resources Act, development will be resisted.*

We are willing to consider amendments to the above text.

- While the plan briefly addresses the issue of drainage, it does not consider the management and quality of pollutants in that water. This issue is not generally dealt with by the Environment Agency as it does not require a discharge consent. The Forum wish to see the creation of a policy on diffuse or 'non-point source' pollution from urban runoff. The wording we suggest is:

*It should be demonstrated that the drainage systems which serve the development:*

- Will not produce water runoff which, by virtue of the material within it, will adversely affect surface or ground water.*
- Have sufficient capacity to accept, and where necessary treat, water runoff.*
- Provide sufficient measures to segregate and control runoff in areas where polluting matter is stored.*
- Have a system to maintain and service any pollution control measures where such systems are constructed as part of the development.*

We are willing to consider amendments to the above policy.

## **52. Flood Plains**

### ***52. Need for a policy on development in flood plains. (new proposal)***

While welcoming some references to flooding in the plan, in our view the policy is rather vague on the issue of flood plains. We believe that the policy should be more closely related to the guidance given by the Environment Agency in their report, 'Policy and Practice for the Protection of Floodplains'. We therefore request that a policy is specifically added to deal with flood plains, and that the seasonal and 10 year flood plains are marked on the proposals map.

The policy should give clear guidance under what circumstances development on or near the flood plain will be permitted or refused. Also, in relation to what we actually call 'the flood plain', we have to give some indicative guidance on the level of protection we expect - for example, do we prevent development in the annual flood plain, the 10 year flood plain, or the 100 year flood plain? There must be some map or guide to the general extent of flood plains in the borough.

We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

<sup>34</sup> 'Policy and Practice for the Protection of Groundwater', Environment Agency, Second Edition 1998.

## **53. Water Resources**

### ***53. Need for a policy on water resources and water storage. (new proposal)***

The Forum object to the lack of a policy on water storage - particularly for agricultural and industrial use. The effects of climate change are likely to increase the unseasonability of the UK climate. This will probably lead to drier Summers, but it will also mean that the periods of rain could be restricted to the Winter months. For this reason it important that water is stored in periods of wet weather in order to augment water supplies over the drier months. This is especially important for large, seasonal users of water; an important factor for agriculture, but industry and outdoor recreational facilities (e.g., golf courses) should also consider developing water storage facilities.

We wish to add a policy to assist the development of non-public water supply water storage facilities. The policies should set general criteria for how water users should plan such facilities, and what restrictive criteria, if any, should apply. The initial emphasis should be developing water storage facilities for agricultural use. We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **54. Waste**

### ***54. Need for a policy on waste management. (new proposal)***

The Forum object to the lack clear policies on waste management. The plan must promote an integrated system for resources conservation and recovery. As it currently stands the plan is contrary to UK and European guidance since it seeks to continue a disposal led approach to waste management, consistent with the approach taken in the past, above all other waste management options.

Although section 36(5)(b) of the Town and Country Planning Act 1990 prohibits policies in a local plan, "*in respect of the depositing of refuse or waste materials*", the development of waste reclamation policies in a plan is permitted since it does not involve the deposit of waste. The reclamation of waste involves the accumulation, storage, transport and processing - not the deposit. The plan should therefore implement a set of policies that encourage waste elimination, minimisation and reclamation in the widest sense. This should supplement the more disposal oriented and site specific parts of the Hertfordshire Waste Local Plan. Government policy is to move waste management systems higher up the waste hierarchy. The plan should begin by considering precisely what 'waste' is, and then how local planning policies can help achieve the goals set in national and European law/guidance.

'Waste' is term with precise legal meaning, and for the purposes of the planning we must reconcile the policies of the plan with the actual meaning of 'waste' within the EC Framework Directive on Waste. The Framework Directive has introduced a new meaning of the term '*directive waste*'. Schedule 22 of the Environmental Protection Act 1995 repeals section 75(2) of the Environmental Protection Act 1990 that defined the term 'waste'. Instead the definition of waste taken in Regulations 1(3), 24(8), and paragraph 9 of Schedule 4 of the Waste Management Licensing Regulations<sup>35</sup> now

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<sup>35</sup> Waste Management Licensing Regulations 1994, SI. 1994/1056.

defines what is and is not waste. Paragraph 2.54 of DoE Circular 11/94<sup>36</sup> outlines the definition of waste as follows:

*“Waste appears to be prescribed in the Directive as posing a threat to human health or the environment which is different from the threat posed by substances or objects which are not waste. The threat arises from the particular propensity of waste to be disposed of or recovered in ways which are potentially harmful to human health or the environment and from the fact that the producers of the substances or objects may no longer have the self interest necessary to ensure the provision of appropriate safeguards.”*

This concept is completely different to the past definition of controlled waste that assumed that certain objects or substances fitted neatly into definitions of origins (industrial, household, etc.). The Directive approach considers that any object or substances that is discarded, or which is disposed of via recovery operations should be handled in a way which meets the ‘*relevant objectives*’<sup>37</sup>. That puts a positive burden of local planning authorities to make policies to deal with waste issues. In particular where any handling, storage or treatment of waste materials does not require a waste license, for example storage on a premises prior to collection, there should be policies to consider and include appropriate safeguards to protect the environment and human health, and foster better resource management.

**There are four particular ‘problem areas’ which the plan must address itself to if it is truly to begin developing a sustainable waste strategy:**

- *The storage of waste prior to collection.* This is not just in the sense of industrial or commercial land uses, but also with regard to domestic, agricultural and mineral wastes;
- *The facilities for the collection of waste materials should be controlled to ensure that the relevant objectives are met.* This ‘problem’ is probably the most broadly based since it could be interpreted as anything from the location of domestic dustbins or the maintenance of oil interceptors, through to the collection of bulk materials from manufacturing processes which might give rise to dust, odour or spillage of materials;
- *The use of waste materials as part of development, for example the reclamation or re-grading of a site or as part of the construction process, even where this takes place within the same site.* There must be safeguards on the importation, storage and use of this material, and its composition, the prevent environmental damage;
- *The use of waste materials as part of the operations carried out on site, even where the waste materials arise and are used within the same site.* The most obvious land use here is the reprocessing or recycling of waste materials, but other land uses such as animal feed manufacture, agriculture, and some industrial processes rely on the importation of materials which are the ‘waste’ of another process.

If these operations are not considered within the plan then the requirements of the Directive, as far as the obligations on the planning system are concerned, will not be met.

The local plan should concentrate on allowing the development of systems for the collection, processing and reclamation of all types of waste. That means that all developments - both domestic, commercial and industrial premises - should make provision in their design and layout for the storage and easy collection of waste materials. There should be greater emphasis on the provision of community recycling facilities such as bring banks, both within the community and at major community facilities such as shops, schools and the main industrial areas. If bring facilities cannot be adequately located within the community where they can be accessed without using private transport, then they should be located at major centres such as superstores, transport hubs such as bus or rail stations, and major employment sites. This is because the delivery of the recyclable materials by

<sup>36</sup> DoE Circular 11/94, “*Waste Management Licensing, The Framework Directive on Waste*”, 19<sup>th</sup> April, 1994.

<sup>37</sup> The ‘*Relevant objectives*’ of the Directive are defined in paragraph 4, schedule 4 of the Waste Management Licensing Regulations.

private transport will be incidental to the energy balance (that is, the journey would have been made anyway) and will not actually encourage the use of energy to deliver recyclable materials to bring banks.

In the first instance the important contribution land use planning can make to sustainable waste management is to facilitate the easy storage and centralised or bulk collection of materials. The recycling of industrial waste should, first and foremost, be carried out within the plant itself. For example, if an injection moulding company separates, chips and remoulds its waste plastic as part of normal production then that process will use less energy and cause less pollution. Where waste cannot be reused on site, then facilities should be made, as part of the overall layout of the plant, for the bulk storage of that material in order that it can be collected more economically. Planning policy should make this option easier for local businesses.

The recycling of construction wastes is, in our opinion, a priority. This is because construction waste arises in large quantities, and there are very few applications that it can be put to usefully. MPG6 sets a target for the production of secondary aggregates. The local plan should assist the production of secondary materials by setting a framework for the recovery of such material as part of redevelopment (although the permitting of such operations will itself be a '*County matter*' where the reuse of waste does not take place within the same site).

**In order to redress the imbalance within the plan the planning authority must develop policies that:**

- Undertake a search to find a sites within each district where transfer stations can be located for the reception and bulking up of segregated municipal, commercial and industrial waste. The purpose of such transfer stations will be to bulk up waste for shipment to processing facilities so reducing transport impacts. These should then be considered, with Hertfordshire County Council, as potential sites for meeting the need for recovery sites.
- Policies that encourage the highest level of recycling by the identification of a network of recycling banks across the plan area;
- Policies that facilitate the easy working of kerbside collection of waste materials from residential areas by designing homes with storage areas, or alternately domestic or community composting facilities;
- The planning authority should seek to identify, with Hertfordshire county Council, a site for the location of a central waste processing facility. The purpose of this is to provide the capacity to carry out as much of the processing as can be achieved in order to 'add value' to the recycled materials, and ensure that jobs and wealth are generated within the area.
- Policies must be developed with respect to the handling and use of materials in demolition and construction, both within sites and for materials that are taken off sites, ensuring that as much material as possible is reclaimed.
- As local planning authorities must have regard to the production, collection and reprocessing of waste, the plan should require a statement from developers on the precise proposals for how waste will be handled on the site, how it will be recovered or managed, and where it will be disposed of.
- As part of the overall strategy there should be a positive policy to encourage the regeneration and renewal of industrial sites in order that local industry can develop cleaner production systems.

We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **55. Renewable Energy**

### ***55. Need for a policy on renewable energy. (new proposal)***

We object to the lack of a clear policy on renewable energy developments. In its current form the plan does not presume against the development of renewable energy projects (because all applications are assessed on their merits). However, because of the problems renewable energy installations can present (for example landscape impacts) it would be better to consider the location of these projects now, so giving sufficient guidance and certainty to those wishing to develop such projects. Also, while not seeking to control the selection or design of the technology involved, setting a framework now ensures that the development will have a minimal environmental impact because conditions can be applied at the time of the planning application to meet the requirements of the development plan.

We would like to see policies in the local plan which address the location/design of:

- wind turbines (large and small);
- micro-hydro power projects;
- digestion of organic wastes to produce gas;
- mounting of photovoltaic cells or thermal solar panels on buildings;
- passive thermal design of buildings;
- utilisation of low-grade heat using 'heat-pumps'.

This policy need only reflect location/design issues in general terms, and the precautionary measures to be taken in certain areas of the borough, since the detailed material on technical issues is supplied in the appendices added to PPG22. We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **56. Energy Conservation**

### ***56. Need for a policy on energy conservation. (new proposal)***

We object to the lack of a policy on energy conservation. PPG12 notes that plans should include guidance on energy conservation and minimising global warming. In particular paragraph 6.16 highlights the role of plans in assisting energy efficiency and energy conservation.

We request that a policy is inserted into the plan to highlight the importance of energy conservation in contributing towards sustainable development. The policy should provide positive guidance on the use of more sustainable forms of building design such as passive heating and lighting, the use of 'super-windows' to reduce heat losses, and the use of smarter air conditioning and heating systems to manage thermal losses as part of heating and cooling systems. The policy should stress the need to take Part L of the Building Regulations as a minimum standard, and where possible higher standards should be used.

We leave the wording of such a policy to the local planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **57. Presentation of the Plan for the Layperson**

### ***57. Need for a section to explain general planning procedure for the layperson. (new proposal)***

The Forum consider that the plan does not provide enough information to enable the layperson to understand the function of the local plan, and how the policies of the local plan relate to other aspects of the planning system. For example, the role of the other development plans, planning applications, permitted development, and the how the content of the wide range of government guidance and other information is considered along side these.

We request that a short section is included at the beginning of the plan to address these issues in brief, and to direct people to other government publications that explain the operations of the planning system in more detail.

## **58. Farmers Markets**

### ***58. Need for a policy on farmers markets. (new proposal)***

The Forum wish to see the policy created in the plan to allow the setting up of 'farmers markets' on a temporary or permanent basis. Such an extension could assist the development of a market for locally grown agricultural produce and the diversification of local farming businesses. We believe that the inclusion of farmers markets in this policy could provide a valuable boost to local agriculture, and help reduce the dependence on imported food and the long-distance transport of food, with the consequent decrease in transport and fossil fuel impacts.

We leave the wording of the amendments to the local planning authority, but if no accommodation is made for this amendment before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **59. Monitoring and Sustainability Indicators**

### ***59. Need for information on implementation and monitoring, and for sustainability indicators. (new proposal)***

'*Development Plans - a good practice guide*'<sup>38</sup> set out specific guidelines on how monitoring of plans should be carried out, and this specifically identifies (paragraph 5.12 and shaded box on page 105) that policies should include performance measures. In terms of monitoring, this cannot meaningfully take place unless performance indicators, targets and objectives are set. The monitoring framework set out in the plan is insufficient.

The monitoring requirements for the local plan is the perfect place to set '*sustainability indicators*', alongside the standard set of criteria used to monitor local plans. These indicators could be taken directly from documents produced by bodies such as the Local Government Management Board or the recent government reports on indicators.

To remedy this objection we request that the objectives and indicators set in the plan have a more detailed monitoring framework, and that a key part of the monitoring of the plan should be the creation and tracking of '*sustainability indicators*'. We leave the wording of such a policy to the local

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<sup>38</sup> Dept. of the Environment, '*Development Plans - a good practice guide*', HMSO 1992.

planning authority, but if no accommodation is made for this policy before the local plan inquiry we will provide a wording as part of our case to the inquiry.

## **60. Contaminated Land**

### ***60. Need for a policy on contaminated land. (new proposal)***

We object to the plan because it does not contain a meaningful policy for the identification, monitoring and cleanup of contaminated land.

There should not be a presumption that all contaminated land must be cleaned up prior to development. Where a risk assessment demonstrates that the contaminated material is not mobile - for example where the underlying strata are clay or silt sediments – then it is better in terms of a 'global' environmental view to leave it where it is rather than move it to a landfill site where it will be subject to leaching. This of course may mean that the site is still unsuitable for development, and planning permission should be refused. Alternative uses could then be sought for the site – public open space for example.

Where a survey of the site identifies mobile contaminants then the site should be properly cleaned up regardless of the type of development – this will almost certainly involve excavation.

We suggest that the policy is worded as follows:

*The planning authority will expect developers to disclose information regarding possible historic contamination of a site and, where appropriate, to carry out soil sampling and take any remedial action as necessary before development/redevelopment commences. Where, on the basis of a site survey and risk assessment, pollutants are demonstrated to be mobile then the site should be thoroughly remediated. Where on-site pollution is not demonstrated to be mobile, the developer should submit proposals for the safe redevelopment of the site, and the maintenance of pollution prevention measures over the lifetime of the development. Where the remediation or maintenance cannot be satisfactorily be guaranteed to have no adverse effects permission will not be granted.*

**END**