

Dacorum Environmental Forum's response to the LA3 (West Hemel) planning application 15/2/19

Preamble:

Dacorum Environmental Forum has actively participated in preliminary and consultative rounds of the LA3 Master Plan, including:

- A meeting hosted by Dacorum Borough Council on August 6th 2014 which was attended by Mike Penning MP and the then DBC Portfolio Holder for Planning and Regeneration, senior DBC planning officers and members of DEF and of the West Hemel Action Group.
- The Public Consultation on the draft Master Plan in September 2014
- The Forum's quarterly meeting on May 11th 2017, when our members' views were put to representatives from the developers' side. This was attended by DBC councillors and the then Case Officer for LA3.

Our response to the 2014 consultation was supplemented by a document "DEF Strategies for achieving a Flagship Development in Hemel Hempstead" that was distributed widely to Councillors and Planning Officers. We have examined the current application in respect of the sustainability requirements that we called for in 2014, and our objection now is largely based on the extent to which the planning application falls short of each of these requirements, and the extent to which it conflicts with the council's own policies.

Since it is not possible or ideal to include them here, Figure and correspondence Letter numbers in our objection refer to files on a page of the DEF Website, for which the link is: <http://dacenvforum.org.uk/external-links/def-objection/> . The text from the two letters is also appended below.

Executive Summary

1. The DEF has consistently opposed the removal of Green Belt status from LA3 area for many reasons, including that the case for the 'very special circumstances' test that the National Planning Policy Framework requires for such redesignation had not been made. However, as this issue is now outside the realm of debate, DEF has proposed that the estate should be designed as a "flagship development" enhancing the image of DBC as a leading Local Authority in the field of conservation of wildlife and biodiversity and combating climate change.
2. DEF welcomes a number features in the recently released planning application, namely:
 1. The retention of most of the existing hedgerows and trees;
 2. A relatively high proportion of land not occupied by built infrastructure, and proposals for chalk grassland and other wildlife friendly features.

3. Proposals for the Sustainable Urban Drainage System (SUDS) designed to mitigate the changes to the water cycle which are inevitable as a consequence of changing the land use from farmland to urban.
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- However, DEF opposes granting planning permission unless the ideals of a Flagship Development can be achieved; detailed proposals for this are included under the headings below. DEF is strongly of the opinion that this ideal will not be reached unless the following points are addressed:
 1. The planning documents do not adequately distinguish between Public Open Space, and areas reserved for wildlife, such as Wildlife Corridors, or grassland sown with chalk grassland flower seeds.
 2. It has been DBC's policy for many years, backed up by Martin Hicks (HCC environment advisor) that the best wildlife corridor to link Shrubhill Common LNR to the wider countryside is the line of the Chiltern Way public footpath. While the other retained hedgerows in the estate will have a conservation value, the Chiltern Way (effectively a double hedgerow) needs to be enhanced as a wildlife corridor by including a strip of land to the west of this footpath.
 3. There needs to be binding agreement concerning management plans for wildlife areas, in particular the Wildlife Corridor for Shrubhill Common LNR.
 4. Many opportunities to encourage wildlife in suburban landscapes at very little cost have not been included in the plans, and these should be implemented in line with the Letter 1 - see appended text, and the link in the Preamble - which DEF has already sent to Barratts.
 5. There do not appear to be any proposals for housing to be "sustainable" or "zero carbon" in the true meaning of these words. Buildings should be built to the code 6 level, rather than minimum requirements.
 6. As thermal insulation does not prevent all heat loss, to be "Zero Carbon" buildings must include active energy generation. Solar power (PV) generation is able to partly offset these losses, and is a tried and tested technology. All SW, S and SE facing buildings should be equipped with solar panels. The extra cost of this (and 5 above) could be borne by the purchaser, but in the light of the Government's policy to phase in electric cars we consider that this is a price that most purchasers would be willing to pay.
 7. DEF notes that changes to the road layouts affected by LA3 are planned, but is concerned that despite the proposed increase in junction capacities the extra road traffic will cause considerable congestion at pinch points throughout Hemel Hempstead. This issue is being pursued more actively by the West Hemel Action Group.
 8. There are no details of any bus services to the estate, except the current routes 3 and 4 that are of inadequate frequency.
 9. The Application must demonstrate that throughflow and groundwater flow to the Shrubhill Common LNR will not be reduced.
 10. The Application must demonstrate that water can be supplied to the proposed development without detriment to the flows in either the Gade or Bulbourne Valleys.

Analysis of planning proposals in the light DEF's previous submissions.

References:

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|-----------------|--|--------------|
| PS | Planning statement | 44829424.pdf |
| D&AS | LA3 design and Access statement | 44828024.pdf |
| E&BS | EIS Ecology and Biodiversity statement | 44827590.pdf |
| T&A | EIS Transport and Access | 44827592.pdf |
| IGIS | Illustrative Green Infrastructure Strategy | 44827682.pdf |
| <i>Italics</i> | <i>Relevant extract from DBC Core Strategy</i> | |

Proposals from DEF for a “Flagship Development” not satisfied by the LA3 planning application:

1) Wildlife Corridor

- Reserve a substantial wildlife corridor (at least 100m wide) between Shrubhill Common Nature Reserve and the wider countryside. The strip of fields currently to the West of The Chiltern Way already serves this function.

Comments:

- The planning documents are contradictory. **D&AS p66/67** designate "Green Corridors" including: 1) The hedgerow roughly 100m to the West of the Chiltern Way; 2) The West –East strip of existing hedgerow, which is also designated as a cycleway 3) North of the gas pipeline, while **IGIS** just lists the E-W hedgerow as a "Green Connection to Shrubhill Common". Neither document designates the Chilterns Way (or apparently any other Green Network route) as a "Wildlife Corridor". Cross-section diagrams cc' and gg' of the E-W route on pages 77 and 81 respectively of the **D&AS** label the grassed sections of these "Green Corridors" as "Public Open Space", not as Wildlife Corridors. In contrast to these documents, the Planning Statement 44829424.pdf, Para. 6.48 promises to “Protect a Wildlife Corridor along the eastern side of the development adjoining Fields End.” This is the Chiltern Way route that we support.
- The proposed E-W wildlife corridor route is unsatisfactory because:
 1. Public Open Space does not constitute a Wildlife Corridor because of legitimate activities such as games (organised or otherwise), dog walkers, grass mowing, etc.
 2. The construction of the Long Chaulden Site exit roundabout and removal of the adjacent wood acts as a narrowing of the corridor
 3. It Passes too close to the "Ps/Comm" hub
 4. There are too many road leisure trail crossings and direct access from housing - these are apparent on comparison with the Application document "Road Hierarchy", 44829042.pdf
 5. Designation as a cycleway is a further detraction from any value as a Wildlife Corridor.

- Dacorum Environmental Forum, and before that Friends of Shrubhill Common at the Borough Plan Examination in Public in 2000 have consistently argued for the Chiltern Way Wildlife Corridor to be a whole field width, which would be in accordance with Dacorum's Borough Council's 1996 Borough Plan Pre-deposit Consultation proposals by leaving a strip some hundred yards wide between the new development and the existing Fields End estate (Area B in Figure 1 - see the link in the Preamble). which was described in the "Development Requirements" for the site as a "Substantial open space link between Shrub Hill Common and countryside"
- Martin Hicks, Senior Ecology Officer at Hertfordshire Ecology has also consistently supported the Chiltern's Way including the whole field width to the West as a wildlife corridor, saying that there is "a strong argument strategically and in landscape terms keeping the thrust of the open ground going one way and radially out from Hemel". This is in line with Hemel Hempstead's original Master Plan. A criterion for an absolute minimum width for the Chiltern Way Green Corridor for Shrubhill Common could be derived from where the LNR is currently linked to open countryside at its thinnest points, i.e. essentially both sides of the Long Chaulden Adventure Playground. DEF's measurements of these two openings, measuring between the red pointers marked on the photographs in Figures 2 and 3 (see the link in the Preamble) are 22.5 metres and 32 metres respectively for the Paddock Way and Lucks Hill sides, making a total of 54.5 metres.
- Both the "whole field" ideal and the "existing gap" estimate contrast starkly with the meagreness of the current offering, which appears to be only around 15 metres in places, starting from the site boundary. Even this is over-optimistic - the measurement should start from the base of the existing "left hand" hedge (proceeding towards Field End Farm) because it is only after that that it starts to become an ecologically valuable woodland margin.
- Unless the "whole field width" corridor is provided, in order properly to protect the Wildlife Corridor from parking and other urban edge abuse, a new hedge should be created, parallel to the and to the West of the Chiltern Way, at the same time retaining the existing double hedgerow. This would accord with the Design and Access Statement's objective to "further supplement and reinforce these networks with new planting." (Under "Landscape Strategy, Page 74)
- Roughly estimating for instance from the Illustrative Master Plan , 44827676.pdf, the removal of a few dozen houses from the Eastern edge of the plan would provide a much more adequate corridor. For the sake of the survival of the LNR, this part of proposed increase of 200 compared with the (initial) Core Strategy provision for 900 homes should be rejected.

2) **Green Infrastructure and Biodiversity**

- Use the opportunity during the construction of roadworks, to link other wildlife habitats with pipes / culverts etc so that wildlife can freely migrate from one area to another.
- Put Swift bricks in every building (manufactured by Manthorpe)
- Make small holes in the bottom of fences to make easy access for hedgehogs, frogs and newts.

- Inspire new residents about these nature friendly measures by using a show home and garden
- Install water butts in all gardens.
- Co-operate with local landowners to provide mitigation strategies for bird nesting opportunities, for example Skylark plots in arable fields

Comments:

- Please refer to Letter 1 from DEF to Barratts - see appended text, and the link in the Preamble - which should be considered to form part of this objection.
- On the LA3 site there have been a considerable number of sightings of birds whose conservation is a Sustainability issue, and these have been recorded, see **E&BS Para. 7.4.60 et seq.** The applicant should demonstrate that in line with their stated mitigation principles they are co-operating with local landowners to provide mitigation strategies for these species (e.g. skylark plots in sown fields). Costs for such projects should be recouped from Section 106, here quoting from the Planning Statement: "6.26. It is confirmed within the Site Allocations DPD, that the site lies within Zone 4 of the CIL Charging Schedule which means that there is no charge for residential development. Therefore, required contributions will be secured through a Section 106 agreement."

3) Water Conservation.

- Return surface water drainage to the ground by constructing new infiltration areas and using the existing drainage depression above Shrubhill Common.

Comments:

- The 2014 Master Plan for LA3 stated (Para 5.33) "The Environment Agency is likely to require that run-off rates (are) no more than the site presently generates in its greenfield state." Also the Core Strategy (Para. 18.32 commits to "retain water in the catchment area". A significant part of the current catchment area is the dry valley above Shrubhill Common. the application's Planning Statement, 44829424.pdf, Table 3, "Hydrology Summary of Residual Effects", is less reassuring, saying merely: "On-site infiltration or attenuation of surface water and discharge into the local sewer at a restricted rate not exceeding the existing runoff rate." The applicant must be required to demonstrate that the plan will not result in any reduction of the rate at which water currently feeds into the aquifers of the dry valley above the LNR, as such a reduction would have a detrimental impact on its ecosystem, particularly during sequences of dry months or years.
- In any case, SUDS should be designed to discharge excess water to the sewer only in situations of extreme and severe rainfall.

4) Eco Housing and building.

- Build each house to Sustainable Home Code 6;
-arrange the orientation of houses and the roof lines so that solar PV panels can be installed on the roofs with maximum effectiveness, the panels to be fitted by the developers to avoid the extra costs of retro-fitting.
- Install charging points for electric cars at all houses with parking spaces.
- Where possible use locally sourced and low carbon materials during the construction.

Incorporate District Heating, Combined Heating and Power, or Heat pumps in homes and community buildings, in line with the most efficient technology available at the time of construction. Renewable heat incentive can provide some of the finance for this.

Comments:

- **D&AS p66/77** is too vague “Therefore, the development will comprise energy efficient buildings throughout, with *good insulation* and energy efficiency, encouraging energy monitoring systems so that future users are acutely aware and able to control energy use. A high number of the houses will have at least one south facing main elevation, facilitating *passive solar gain*, taking advantage of *solar technologies* and reducing energy costs.” **There is nothing here that specifies the codes or technologies that will be adhered to.**
- Please refer to Letter 2 regarding installing solar panels. - see appended text, and the link in the Preamble - which DEF is sending to Barratts. (This letter should be considered to form part of this objection)
- The need for solar panels and car charging points at all properties is supported by Govt policy that now requires cars to be all-electric by 2040
- **The following quotations from DBC Core Strategy indicate where the Application is out of line with the DBC policy:**
 - 18.1 Local planning policies can help shape and design places with lower carbon emissions and **renewable energy technologies**, which are ‘**future-proofed**’ from the effects of climate change.*
 - 18.2 The benefits of reducing carbon emissions, adapting the built environment and mitigating the effects of climate change include: reduced heating and electricity bills due to better insulation and more efficient appliances; **less reliance on fossil fuels**;*
 - 18.4 National mandatory standards, such as those provided for dwellings by the **Code for Sustainable Homes**, will apply to all building types.*
 - 18.5 The Council will aim to locate and design new development so as to **optimise its carbon performance and to support the supply of decentralised, renewable and low carbon energy sources.***
 - 18.7 The energy performance of the borough has shown that, despite progress on the reduction of domestic energy consumption, there is a need to make improvements to domestic energy consumption, the existing housing stock, new development and **renewable and decentralised energy** for the built environment. 18.12 There are opportunities in Dacorum to **exceed the minimum** pace of change, particularly for larger developments and where heat and energy demands will be relatively high*
 - 18.3 Key legislative and statutory directives aim to **reduce carbon dioxide (CO2) emissions globally by at least 50% by 2050**. In the UK, the Climate Change Act (2008) has committed the Government to reducing CO2 emissions by 26% by 2020 and all greenhouse gas emissions by 80% by 2050 (both from a 1990 baseline). (DEF note: **NB Scientifically, if the homes are heated by gas, zero carbon homes cannot be achieved without active energy generation, for which solar PV is a tried and tested technology**)*
 - 18.16.....Micro-generation technologies, particularly **solar water heating, photovoltaics and heat pumps** will also help reduce carbon emissions*
 - 8.23 Allowable solutions to deliver zero carbon and carbon neutral development may include: **zero carbon technologies or on-site generation**;*

5) Transport links

- Require that the developers sponsor a frequent and reliable bus service linking LA3 to the train station as well as the rest of Hemel Hempstead, and that the developers contribute to the improvement of bus services throughout Hemel Hempstead.
- Incorporate walking and safe cycling routes in the area, particularly to the train station and town centre.
- Developers to work with British Waterways Trust to pave and light the towpath for rail commuters between Old Fishery Lane and Fishery Lane, as part of a larger plan to build a cycle route linking Apsley, Hemel Hempstead, Berkhamsted and Tring.

Comments:

- Mention is made in **T&A 9.4.28** of existing bus routes, but no proposal for extra routes.
- **D&AS p50** Cycle routes are planned within the development, but no proposals to improve those in Chaulden, Warner's End or Gadebridge, or to the rail station, or to improve the canal towpath.
- **D&AS p53** So far no references have been found to justify the following statement: "The scheme has been designed to minimise car travel and optimise walking, cycling and public transport use. Linkages to employment and retail uses off-site are also strong. The scheme embodies a high level of transport sustainability". **There does not appear to be any evidence of this in the plans.**
- It is expected that **West Hemel Action Group** will have a significant input on this matter.

Additional Matters

Works Schedule

Regarding the avoidance of disturbance to breeding birds, the importance of minimising bird disturbance is highlighted **E&BS** "7.5.45 Removal of the broadleaved plantation, coniferous plantation, small section of semi-natural woodland and sections of hedgerow to accommodate the built development and for road/ pedestrian links, could disturb/displace breeding dunnock, yellowhammer, house sparrow, linnet, song thrush, starling, willow warbler and bullfinch as well as a variety of other common birds. This habitat removal would result in a loss of potential nesting habitat. 7.5.46 In addition, it is anticipated that seven pairs of breeding skylark will be permanently displaced as a result of clearance of the semi-improved grassland, cereal crop and fallow arable land." In anticipation of this, the Draft Master Plan of 2014 (Para. 3.12) had "All habitats on the land are suitable for use by breeding birds, with further detailed studies recommended. Site clearance should be undertaken outside the breeding season and **mitigation should be considered through the detailed design process.**" However, apparently without comment or justification, a loophole in this requirement has been created for the present application's " Summary of mitigation and residual effects 44827597" (Para. 14.4.3 Table) by changing the wording to "Any clearance of potential nesting habitat will be undertaken outside of the bird nesting season or immediately following confirmation by a suitably qualified ecologist that no active nests are present." This is a far weaker restriction. There is no stipulation as to when or on what basis a "suitably qualified ecologist" might be called in, and it allows potential nesting sites to be destroyed if they are not yet "active" for the year in question. The restriction should therefore revert to be as per the 2014 Draft.

Landscape

Table 6.23 of the **Environmental Impact Landscape Character and Visual Amenity statement, 44827589.pdf** contains a couple of dozen sites from which "Moderate Adverse" effects would result. Some clarity for the term "Moderate Adverse" is provided at Para. 6.9.3 which couples it with the adjective "Significant." Elsewhere in the application are maps showing in shaded blue the surrounding areas which will be affected. These appear to be based on a computer simulation that includes proposed building heights, and refer to numbers in groups of buildings that would be visible, in some cases quite small numbers. In line with stated policies in the Core Strategy and elsewhere within the application, the visual impact should be further minimised by removing these buildings from the plan. This can be accommodated by a reduction of the 200 extra homes that the plan proposes in excess of the original Core Strategy figure.

Appendix: Text from letters

Both letters are addressed:

(To.) Barratt Developments PLC
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The first, though undated was posted on Jan. 29th, the second on Feb. 15th

Letter 1 (Wildlife)

Dear Mr Zanre,

Many thanks once more for attending and speaking at the Dacorum Environmental Forum meeting that took place in Hemel Hempstead on May 11th 2017. The topic was the Master Plan for LA3 at West Hemel, for which the Master Plan is now with the Dacorum Council and open for a brief period for objections from the public. We plan to respond to this.

At the meeting as you will recall, those present raised their concerns over a number of environmental matters, so we were encouraged to believe that some of this had been taken on board when we read an article in the Summer 2018 edition of the RSPB magazine 'Nature's Home'* that Barratt Developments was leading the field in a partnership with the RSPB to 'breathe wildlife into new housing' in the Kingsbrook development to the east of Aylesbury, and we still hope that it is not too late for some of these excellent measures to be incorporated into the local development LA3 in West Hemel Hempstead, in which you are partners. As the article in 'Nature's Home' was published after the DEF meeting that you attended we were unable to refer to it on that occasion.

In the article, The RSPB's Kingsbrook project manager commented that "We were clear from the start that wildlife-friendly features at Kingsbrook needed to be achievable in almost any development."

Measures included:

- Putting Swift bricks in every building (manufactured by Manthorpe)
- Planting hundreds of native trees, including a community orchard.
- Lining roads with new hedging, whilst preserving ancient hedges.
- Planting grass verges with native wildflowers
- Making small holes in the bottom of fences to make easy access for hedgehogs, frogs and newts.
- Planting the pools and channels of the planned sustainable drainage system with native vegetation.
- Installing wildlife corridors under main roads, bat friendly street lighting and amphibian friendly kerbing and.
- Inspiring new residents about these nature friendly measures by using a show home and garden

Another idea proposed by DEF, and similarly low cost, is to enhance water conservation by providing water butts in gardens.

As the innovations for the above measures have already been completed in preparation for the Kingsbrook development, it should be relatively easy to incorporate these inexpensively into any new Hemel developments. We were pleased to read that Ian Sadler, quoted in the article as managing director for the North Thames branch of Barratt, said of the Kingswood development. "This is absolutely the right thing to be doing. What has surprised us is many of the ideas have so much benefit at little or no extra cost."

Incorporating such ideas is particularly important in the case of the LA3 estate, as it is next to Shrubhill Common Nature reserve, so the development will need to provide a link between the reserve and the wider countryside. The current Planning Statement does say "Protect a wildlife corridor along the eastern side of the development adjoining Fields End." However, in the plans this wildlife corridor is not clearly indicated, and much narrower than expected. Dacorum Council's Borough Plan proposals in 1996 for it were much more generous, and ever since then there have been discussions between DBC, DEF and potential Developers concerning its width. Martin Hicks, the Senior Ecology officer at Herts County Council, has consistently advocated this "Chiltern Way" route along the eastern side of the development and has recently stated firmly that it should be at least 20 metres wide. The current plan does not appear to come near to complying with this. Of the other

aspirations under the heading "Green Infrastructure Principles" none, quite rightly have been described as "Wildlife Corridor" since their main purpose would be recreational space, as we pointed out at our meeting in 2017.

We hope to work with you constructively on the proposed plans in the immediate future as they develop.

Yours sincerely,

Gruff Edwards

Chair, Dacorum Environmental Forum

* RSPB magazine 'Nature's Home' Summer 2018: article 'Neighbourhoods for Nature' p28-33

Letter 2 (Flagship Development)

ccs by E-mail to DBC leader Andrew Williams and DBC Case Officer Ross Herbert

Dear Mr Zanre,

Further to my (undated) letter of around 29th January on the subject of mitigation measures in order to protect wildlife, I am writing again to urge you to support Dacorum Environmental Forum's long-stated more general call for LA3 to become a "Flagship Development" in terms of Sustainability.

At the Dacorum Environmental Forum meeting in Hemel Hempstead on May 11th 2017 that you kindly attended and spoke at DEF said that LA3 should be built as a "Flagship Development" in order:

- to mitigate and compensate for the loss of Green Belt, and
- to enhance the reputation of Dacorum as a forward thinking Local Authority, and of Barratts and the other developers as a builders of the highest possible Sustainability standards.

In its report last October the International Panel on Climate Change raised the threat level of uncontrollable climate change by carbon emissions, saying that limiting global warming to 1.5°C would require “rapid and far-reaching” transitions in land, energy, industry, buildings, transport, and cities, and that net CO₂ emissions would need to fall by about 45 percent from 2010 levels by 2030. In the UK, the Rt. Hon. Michael Gove has made radical policy decisions regarding the electrification of road transport. The suggestions made by DEF at our May 2017 meeting now have added urgency, and we feel that two in particular need special consideration in this respect.

- We suggested that all the houses and buildings with suitable S, SW, or SE facing roofs should be equipped with solar panels or solar tiles. At the meeting the response to this was that it was not a selling point for the properties. According to a typical estimate found online a Model 3 Tesla goes 4.4 miles per kWh, so such panels (typically a 4kW array)¹ would be an attractive selling point, and the cost to the developer would be recovered at the time of sale. All residents would benefit from the energy produced, while car-owners would effectively have a free vehicle fuel pump in the house. (We note that the Government has recently opened up consultation regarding a new Feed-in Tariff for solar energy)².
- Considerable CO₂ emissions reductions, with consequently smaller household heating bills can be achieved by using insulation of the highest standard, and we suggest that "Code 6" is adhered to throughout, whether or not it is currently superseded by less stringent standards. Proportionally it is a small cost to the purchaser, and would be recoverable by the developer at the point of sale. Discerning purchasers would factor this into their budgets, particularly if it was demonstrated in show homes.

We hope that, given the prominence and size of this new estate, DBC and the developers will take a lead which other local authorities will follow. There is now a growing very strong body of supportive opinion that this is indeed the direction that the country should be moving in.

Yours sincerely,

Gruff Edwards

Chair, Dacorum Environmental Forum

1 Evidence of energy yield based on DEF member's own installation.

2 “Solar panel households to be paid for surplus power under new scheme” (Future Build, Industry Insider, no. 95 Jan 14th 2019)

