

**THREE RIVERS DISTRICT COUNCIL**

**DEVELOPMENT MANAGEMENT POLICIES LOCAL DEVELOPMENT DOCUMENT**

**PROGRAMME, ISSUES AND QUESTIONS FOR EXAMINATION**

INSPECTOR: Robin Brooks BA(Hons) MRTPI

PROGRAMME OFFICER: Ian Kemp

Tel: 01527 837920 or (mobile) 07723 009166; email [idkemp@sky.com](mailto:idkemp@sky.com);  
49 All Saints Place, Bromsgrove, Worcestershire B61 0AX

VENUE FOR HEARINGS: The Colne Room, Watersmeet Theatre, High Street, Rickmansworth, Hertfordshire WD3 1EH.

## INTRODUCTION

1. This schedule of Issues and Questions for Examination has been drawn up to guide and focus the discussion at the Hearing sessions of the Examination and the Inspector's consideration of written representations. It has been prepared using the Planning Inspectorate's *Examining Development Plan Documents: Procedure Guidance*, having regard to the representations made on the Local Development Document (LDD) and a preliminary reading of the plan by the Inspector.
2. The Schedule lists a series of questions on which the Inspector invites responses from the participants. The questions are numbered for ease of reference. Participants are not obliged to respond to the questions, but may rely on their original representations in relation to some or all. If participants wish to rely only on their original representations, this approach should be confirmed with the Programme Officer. The Issues and Questions are intended to be a framework, covering all the relevant matters on which the Inspector is seeking information on which to assess the soundness of the LDD. Those who have made representations are not obliged to answer all the relevant questions but the Council should endeavour to do so.
3. Details of the procedure have been published in the Information Notes, copies of which have been sent to all representors. Further copies are available from the Programme Officer and the Notes are also on the Council's website.
4. All further representations should address the Issues and Questions for Examination **so far as they relate to the matters raised in the original representations**. This is not an opportunity to raise new matters, but only to elaborate on matters already raised.
5. Submission of late material can seriously disrupt the Hearing sessions and could disadvantage other participants, including the Inspector. All material which participants wish to put before the Inspector, or refer to at the Hearings or in writing, should be submitted by the deadline given in the Information Notes.
6. Those who support the plan may also comment on issues related to their original representations, if they wish.
7. Participants are reminded that the Examination focuses on the tests of soundness set out in the National Planning Policy Framework (NPPF). Those opposing the LDD, or elements of it, should explain why it is unsound in terms of a specific soundness test and specify how the plan should be altered, with precise wording and clear evidence to support this course of action.
8. Please note that not all the issues and questions may be discussed at the Hearing sessions; this will partly depend on those who wish to have an oral hearing, and some matters will be dealt with by written representations only. Participants should let the Programme Officer know as soon as possible whether or not they wish to attend a particular session.
9. Participants may refer to information in representations made earlier in the plan preparation process, but please note that the Inspector  
  
only has copies of the representations made at publication stage. It is important that representations and responses include all the evidence and supporting material. Where this is contained in Core Documents, it is sufficient to give the appropriate reference and paragraph numbers.
10. Participants are asked to aim for brevity and succinctness in their responses and to adhere firmly to the limit of 3,000 words for statements set in the Information Notes. Single answers to multiple questions may be appropriate provided the questions being addressed are clearly identified.
11. In the light of the responses received to these Matters and Questions the Inspector will circulate detailed agendas for the individual Hearing sessions shortly before they take place. These may "fine tune" some of the matters raised here, and ask supplementary questions, but they will not introduce any significant new issues or questions.

12. Where Hearing sessions are held, they may not be structured strictly in relation to the policies of the LDD. They may instead address identified issues that may spread across a number of parts of the plan.

## **NPPF TESTS OF SOUNDNESS FOR LOCAL PLANS<sup>1</sup>**

To be "sound", a Plan should be **POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE and CONSISTENT WITH NATIONAL POLICY**

**POSITIVELY PREPARED** means that the plan must be:

- **based on a strategy that seeks to meet objectively assessed development requirements**

**JUSTIFIED** means that the plan must be:

- **the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.**

**EFFECTIVE** means that the plan must be:

- **deliverable over its period**
- **based on effective joint working on strategic matters.**

**CONSISTENT WITH NATIONAL POLICY** means that the plan must:

- **enable delivery of sustainable development in line with NPPF policies.**

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 make clear that for present purposes the terms *Local Development Document*, *Development Plan Document* and *Local Plan* are effectively coterminous.

**The Examination Programme is regularly updated. Please ensure you check the latest position if you wish to attend a particular hearing by contacting the Programme Officer or viewing it on the website at**

<http://www.threerivers.gov.uk/Default.aspx/Web/Development-Management-Policies-Examination>

<b>Date</b>	<b>Time</b>	<b>Session title</b>	<b>Main topics</b>	<b>Participants</b>
12 March	10.00	Legislative and procedural requirements	Council introduction to the LDD Accordance with LDS, Statement of Community Involvement and Community Strategy Sustainability Appraisal Compliance with regulations Discharge of Duty to Cooperate	Council
		The plan as a whole	Aims and approach The evidence base Consultations Relationship with national guidance Relationship with other plans The thrust of the policies Monitoring The role of SPDs Any other matters	Council
		Residential design	Design issues in Three Rivers District The policy approach Soundness of detailed guidance The role of SPD Any other matters	Council
	14.00	Green Belt	The Green Belt in Three Rivers District: importance, issues and current policy The policy approach Relationship with national policy Relationship with other plans Inappropriate and not inappropriate development Openness and amenity Agricultural workers dwellings Any other matters	Council Jonathan Harbottle Croxley Green Residents Assn. CPRE Hertfordshire
13 March	10.00	Climate change	Renewable energy and emissions policy aims and approach Relationship with emerging national policy Work to date in the County and District Balancing conservation and development Water conservation, drainage and rivers Any other matters	Council Jonathan Harbottle
		Green environment and recreation	The policy approach to conservation of natural history The impact tests Balancing conservation and development The policy approach to landscape conservation The policy approach to open space and recreation Funding for sport and recreation Open space standards The policy approach to canal moorings Any other matters	Council Herts and Middlesex Wildlife Trust
	14.00		Reserve session and closing remarks	Council

**TUESDAY 12<sup>TH</sup> MARCH 2013 10.00am**

## **LEGAL REQUIREMENTS & PROCEDURAL MATTERS**

Under the Planning and Compulsory Purchase Act 2004, [S20(5)(a)] the Inspector must first ensure that the plan has complied with legislation. This includes checking that it:

- has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement and Regulations;
- has been subject to Sustainability Appraisal;
- has regard to national policy; and
- has regard to any Sustainable Community Strategy for its area.

The Inspector must also be satisfied that the Duty to Cooperate under S33A has been satisfactorily discharged.

### **MAIN ISSUE**

**Whether the LDD has been prepared in accordance with the relevant legislative and procedural requirements and in itself meets those requirements.**

### **QUESTIONS<sup>2</sup>**

The following questions may be relevant to all or to parts of the Plan. If any representor wishes to make representations principally with respect to legal requirements, they should do so under this heading. It would be particularly helpful if any contention that LDD does **not** comply with legal or procedural requirements is supported by specific evidence of how and why it does not comply.

- L1 Has the LDD been prepared in accordance with the Three Rivers Local Development Scheme (December 2012)?
- L2 Has the LDD been prepared in compliance with the Three Rivers Statement of Community Involvement (2006) and met the minimum consultation requirements in the Regulations? In particular, were all statutory consultees provided with an appropriate opportunity to contribute to the preparation of the document?
- L3 Does the LDD properly reflect the priorities set out in the Three Rivers Community Strategy 2012-2018 and translate those priorities into appropriate spatial planning policies?
- L4 Has the LDD been subject to Sustainability Appraisal, which has identified the process carried out, the baseline information used and the outcomes of the process? Has the Sustainability Appraisal provided a strategic input into the preparation of the LDD and addressed the key sustainability issues and challenges in the plan area?
- L5 Has preparation of the LD complied with the 2004 and 2012 Regulations, as appropriate? Have the prescribed documents been properly advertised? Have the necessary consultations been fully and properly carried out?

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<sup>2</sup> Questions are prefaced with the following letters:

- |    |                                  |
|----|----------------------------------|
| L  | Legal requirements               |
| G  | General                          |
| R  | Residential design               |
| GB | Green Belt                       |
| CC | Climate change                   |
| GE | Green environment and recreation |

L6 Has the Duty to Cooperate been properly and effectively discharged? What issues addressed by the LDD can be considered strategic? What cooperative working has taken place on these? Has such working influenced the plan significantly and, if so, how?

## Participants

Three Rivers District Council

# THE LDD AS A WHOLE

## MAIN ISSUES

**Whether the LDD is a coherent set of policies covering all relevant matters, underpinned by a robust and credible evidence base, and demonstrably the most appropriate strategy, considered against alternatives.**

**Whether it is consistent with national policy, relates satisfactorily to other existing and proposed plans and policies, takes proper account of the intentions of other agencies, and provides sound planning guidance.**

**Whether it will help secure high quality, sustainable development over the plan period and whether it is sufficiently flexible to cope with changing circumstances, and capable of being effectively monitored and reviewed.**

## QUESTIONS

These are over-arching issues which apply to all or most of the policies of the LDD but may be repeated to some extent under individual topics, below. Those who have made representations are invited to address the following general questions where they have a particular bearing on matters raised in their representations.

- G1 How have the approach and scope of the plan been determined? To what extent have alternative policy approaches been considered and, if they have, why were they rejected?
- G2 What are the principal sources of evidence on which the plan is based?
- G3 To what extent have responses to consultations informed preparation of the policies? To what extent do they enjoy local consensus or support?
- G4 Does the plan adequately reflect guidance in the NPPF? Are there any intended exceptions or differences in emphasis and, if so, have they been properly justified?
- G5 Do the policies add value to national guidance? Are they locally distinctive in reflecting the particular planning issues and social, environmental and economic characteristics of the District?
- G6 How will the plan relate to the Core Strategy and to the Site Allocations LDD? Is the relationship between the three plans sufficiently clear and explicit?
- G7 How will the policies assist in securing high quality, sustainable development, including sustainable economic development, over the plan period? How do they relate together in their impact?
- G8 Does the plan strike a reasonable balance between being positive and being restrictive? Are the policies clearly expressed in terms of what will and will not be permitted? Is it clear that

development which is sustainable can be approved without delay? Do the policies demonstrate how the presumption in favour of such development will be applied locally<sup>3</sup>.

- G9 Do the policies strike an appropriate balance between promoting development and conservation that reflects both the NPPF and local circumstances?
- G10 Are the policies proportionate and do they take adequate account of development costs, constraints and viability?
- G11 Are the policies sufficiently flexible to respond to changing circumstances?
- G12 Are the policies couched in terms that can be readily monitored? Are the monitoring indicators appropriate and the targets realistic? Is the monitoring framework agreed and supported by the proposed partners?<sup>4</sup>
- G13 What role is foreseen for SPDs? Does it take proper account of the Local Planning Regulations 2012?
- G14 Are differences between the proposed insert, Presumption in Favour of Sustainable Development, and the model policy reasonable and justified?
- G15 Are the parking standards in Appendix 5 appropriate and soundly based? Where do they derive from? Where do the zones and related adjustments to parking standards derive from?

## Participants

Three Rivers District Council

## RESIDENTIAL DESIGN

### MAIN ISSUE

**Whether the policy and guidance are soundly based; address the relevant planning issues in the District; are properly justified; are likely to be effective in delivering high quality, sustainable development; are capable of being effectively monitored; and are consistent with national planning policy.**

### QUESTIONS

- R1 What are the principal residential design issues in the District that need to be addressed? How do Policy DM1 and Appendix 2 address them?
- R2 Given that Policy DM1 largely deals with particular forms of housing development, does it provide a sufficient basis for overall control of development?
- R3 Is the policy likely to be effective in securing high quality design? Does it strike an appropriate balance between screening out poor quality development and encouraging innovative design? Would it permit original, highly sustainable development that might be considered unconventional? How would it help develop a sense of place?

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<sup>3</sup> In terms of para. 15 of the NPPF.

<sup>4</sup> Questions on specific monitoring indicators are posed under succeeding sections. The purpose of the questions under G10 is to address the Monitoring Framework in Appendix 1 as a whole and also to include indicators not referred to elsewhere.

- R4 Is the relationship between Policy DM1 and Appendix 2 satisfactory? What does "satisfying" the design criteria in the latter mean in practice?
- R5 What are the principal sources of evidence for the Policy and Appendix? Are the design criteria in general, and the space and distance standards in particular, soundly based, justified and realistic? If they have been used in the past, have they found effective and has their continuing relevance been re-assessed?
- R6 How will the Policy and Appendix relate to the proposed SPD? What will the last named contain that the plan does not? Should guidance be given on designing out crime?
- R7 Are the proposed monitoring indicators sufficient, appropriate and likely to be effective?

### **Participants**

Three Rivers District Council

**TUESDAY 12<sup>TH</sup> MARCH 2013 2.00pm**

## **GREEN BELT**

### **MAIN ISSUE**

**Whether the policy is soundly based; addresses the relevant planning issues in the District; is properly justified; is likely to be effective in protecting the integrity of the Green Belt; is capable of being monitored; and are consistent with national planning policy.**

### **QUESTIONS**

- GB1 Does Policy DM2 provide adequate, clear guidance on the circumstances in which development might be permitted in the Green Belt? How does it compare with extant policy and how effective has that policy been in practice?
- GB2 Does the Policy derive directly from Green Belt purposes, as set out in the NPPF? Does it place sufficient emphasis on safeguarding the openness of the Green Belt?
- GB3 How does the Policy relate to the Core Structure and to the emerging Site Allocations LDD? Should it cover how sites allocated in the latter should be developed? If so, does it provide appropriate and clear guidance?
- GB4 Does it provide adequate and appropriate guidance on types of development that may not be inappropriate in the Green Belt, notably extensions and replacement of dwellings? Should the terms used under these categories be defined?
- GB5 Do ancillary buildings and extensions to curtilages justify specific policy consideration? If so, is the approach appropriate?
- GB6 Is the policy approach to agricultural workers dwellings in the Green Belt appropriate? Is the relationship between Policy DM2 and Appendix 3 sufficiently clear?
- GB7 Should specific reference be made to renewable energy developments in the Green Belt?

GB8 Are the proposed monitoring indicators sufficient, appropriate and likely to be effective?

## Participants

Three Rivers District Council  
Jonathan Harbottle  
**Croxley Green Residents Assn.**  
**CPRE Hertfordshire**

**WEDNESDAY 13th MARCH 2013 10.00am**

## CLIMATE CHANGE

### MAIN ISSUE

**Whether the policies on carbon dioxide emissions, renewable energy developments and water are soundly based and properly justified; clear in their intentions; adequately reflect emerging national policy; are likely to be effective; and are capable of being effectively monitored.**

### QUESTIONS

- CC1 Are the requirements and timescales of Policy DM4 clear, soundly based and properly justified? Is the policy approach consistent with national policy, current and emerging?
- CC2 Is the relationship between achieving on- and off-site compliance sufficiently clear? What is the basis for an emissions target 5% below Building Regulations Part L requirements?
- CC3 Does the Policy strike an appropriate balance between addressing climate change and enabling development to be viable?
- CC4 How will the Policy operate in practice? How will applicants demonstrate compliance with it?
- CC5 What stage has work on a Carbon Offset Fund reached? Is it sufficiently committed to justify reference in the plan? Are offset options an appropriate policy approach?
- CC6 Does Policy DM5 adequately reflect the balance to be struck between the benefits of renewable energy development and possible adverse impacts, as referred to in the reasoned justification and as set out in the NPPF?
- CC7 Does the Policy give sufficient guidance on matters to be taken into account in assessing impacts?
- CC8 Should reference be made to monitoring indicators for Policies DM4 and DM5? If so, what indicators might be appropriate?
- CC9 In an area of water stress, should the approach of Policy DM8 to protection of surface and groundwater resources and water conservation be more pro-active?
- CC10 Should the approach to SUDS be more pro-active?
- CC11 Does the proposed change to part (c) of Policy DM8 have any practical implications for development?

## Participants

Three Rivers District Council  
Jonathan Harbottle

# GREEN ENVIRONMENT AND RECREATION

## MAIN ISSUE

**Whether the policies on biodiversity and landscape character and open space, sport and recreation facilities are soundly based and properly justified; clear in their intentions; adequately reflect national policy; are likely to be effective; and are capable of being effectively monitored.**

## QUESTIONS

- GE1 Are the tests in Policy DM6 of adverse impact on protected sites and species consistent with relevant guidance in the NPPF?
- GE2 Is the requirement under the Policy that there should be no net loss of biodiversity to the District reasonable, measurable and within the scope of applicants for individual development proposals?
- GE3 Does the approach to protected sites appropriately reflect NPPF guidance on the hierarchy of such sites and ensuring that protection is commensurate with their status?
- GE4 Is the approach to conservation, enhancement and restoration of biodiversity sufficiently clear, measurable and specific?
- GE5 Are aspirational provisions of the Policy (e.g. (c) and (g)) soundly based, measurable and likely to be effective?
- GE5 Is the proposed monitoring indicator for Policy DM6 sufficient, appropriate and likely to be effective?
- GE6 Is the emphasis in Policy DM7 on proposals making a positive contribution to landscape character appropriate? How is "positive" to be defined?
- GE7 Does support for proposals likely to make a positive contribution give sufficient guidance on proposals that are not likely to be acceptable in the landscape?
- GE8 Should reference be made to monitoring indicators for Policy DM7? If so, what indicators might be appropriate?
- GE9 Is it appropriate for Policy DM11 to "require" developer contributions towards provision of sports facilities?
- GE10 Are the guidelines figures for open space soundly based and properly justified?
- GE11 What is the essential purpose of Policy GM15? Is it sufficiently focussed?

**Participants**

Three Rivers District Council  
Herts and Middlesex Wildlife Trust

*Robin Brooks*

**INSPECTOR**

17 January 2013