

**Three Rivers District Council Development Management Policies LDD**

**Statement in Response to Main Issues: LDD as a Whole, General**

**1.0 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.**

**1.1 QUESTION G1**

**1.2 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?**

1.3 The LDD has been shaped by a number of factors including the long-term priorities set out in the Community Strategy, public consultations, the evidence base, national planning policy requirements and the Government's objective to achieve sustainable development.

1.4 The Development Management Policies were originally part of the Core Strategy which was first issued for consultation in June 2006. This initial consultation paper outlined a number of key issues for the future planning of the District and identified a number of options for stakeholders to comment on.

1.5 Further consultations and refinement of the policy approaches were carried out in 2007, 2009 and 2012. The Consultation Statement (**DM CD8**) sets out each of these consultation stages with the options considered and taken forward together with the consultation responses which show support for the chosen approaches. There were no alternative policy approaches identified.

1.6 The policies have been formulated through the consultation processes and the responses have helped develop the approach and scope of the LDD.

**2.0 Question G2**

**2.1 What are the principal sources of evidence on which the plan is based?**

2.2 The principal sources of evidence on which the plan is based is contained as supporting documents in the form of Proposed Submission Documents, Supporting Documents and the Evidence Base Documents, all of which are relevant to the Development Management Policies LDD.

**3.0 Question G3**

**3.1 To what extent have responses to consultations informed preparation of the policies? To what extent do they enjoy local consensus or support?**

- 3.2 The responses to consultations, from both residents and key stakeholders, have greatly informed the preparation of policies. The Consultation Statement July 2012 (**DM CD8**) describes the consultation undertaken during the stages of the development of the LDD, outlining who was consulted and how they were consulted. The Consultation Statement also presents a summary of the main issues raised and explains how they have been addressed by the Council.
- 3.3 Appendices 2, 4, 6 and 7 of the Consultation Statement considers the responses to each consultation in turn in a clear and comprehensive way. The numbers of supporting comments for the various options are set out, with the most popular clearly identified. This format clearly demonstrates where local consensus is enjoyed, whilst also providing a summary of all the responses received for purposes of consistency and clarity. A summary of what the initial Sustainability Appraisal said about the Options is then provided, and then more detailed comments are provided.
- 3.4 As part of the consultation process, responses were received and are included as part of the Evidence Base. The Schedule of Changes to the Proposed Submission is included as **DM CD2**.

#### **4.0 Question G4**

##### **4.1 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?**

- 4.2 Submission Document **DM CD11** is a self assessment of the compatibility of the LDD with the NPPF, which shows that the LDD is consistent with the NPPF.
- 4.3 The NPPF sets out the Government's planning policies and how these are expected to be applied. We have added a paragraph 'Presumption in Favour of Sustainable Development' which reflects that of the model policy suggested by the Planning Inspectorate. Although not repeated word for word, we consider the proposed wording does not deviate from national guidance and complies with Paragraph 15 of the NPPF which states that policies in Local Plans should follow the approach of the presumption in favour of sustainable development.

#### **5.0 Question G5**

##### **5.1 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?**

- 5.2 Yes.
- 5.3 The Development Management Policies are distinctive to Three Rivers. The Policies have been informed by the detailed Evidence Base Documents and consultation responses.
- 5.4 The spatial portrait illustrates the main attributes of the District in terms of geography, economy, environment, social and cultural characteristics and patterns of movement. The overarching policies of the Core Strategy respond to these social, environmental and economic characteristics and these objectives have subsequently been taken forward through the Development Management Policies LDD together with the key sustainability issues and challenges identified in the Sustainability Appraisals. For example:
- 5.5 Water resources

- 5.6 A particular local issue for the District is that of flood risk. There are areas within the District that are at risk of river or surface water flooding and it is likely that these risks will increase as a result of the impact of climate change. The District has a high level of surface water resources including the Rivers Colne, Gade and Chess, the Grand Union Canal, several lakes and numerous ponds. Policy DM8 responds to these locally distinctive characteristics and builds upon Core Strategic Objective 3, which partly seeks to take into account climate change through the design of development.
- 5.7 Green Belt
- 5.8 77% of the District is within the Metropolitan Green Belt and is a key characteristic of the area. The importance of this asset to the residents of the District has been demonstrated through the consultation responses to the Core Strategy and the Development Management Policies LDD where the majority of responses refer to the protection of the Green Belt.
- 5.9 Maintaining the Green Belt is set out in Policy DM2 which links directly to Core Strategic Objective 1, the goal of which is to ensure that development in Three Rivers recognises and safeguards the District's distinctive character of small towns and villages interspersed with attractive countryside and Green Belt, through sustainable patterns of development.
- 5.10 Historic Environment
- 5.11 Three Rivers has a rich historic environment, containing 22 Conservation Areas which contribute to the diverse historic character of the District. These include settlements around ancient commons such as Croxley green, Chorleywood and Sarratt; the historic cores of the settlements of Rickmansworth and Abbots Langley; and distinctive areas of 19<sup>th</sup> and 20<sup>th</sup> Century housing such as Loudwater, Moor Park and the first Chartist settlement, Heronsgate. Furthermore, the District is also home to a variety of:
- Statutorily Listed Buildings
  - Locally Important Buildings
  - Ancient Monuments
  - Historic Parks and Gardens
  - Sites of Archaeological Interest
- 5.12 The NPPF states that local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. The DM Policies build on this national guidance and are locally distinctive to the District, in that the policies can be applied to heritage assets on a case-by-case basis.
- 5.13 Policy DM3 builds on Strategic Objective 10 of the Core Strategy and contains specific policies for the range of historic assets that are found in the District which respond to the distinctive character and make-up of the District.
- 5.14 Core Strategic Objective 10 seeks to conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings and to ensure that new development respects the unique character and identity of the towns and villages in the District.
- 5.15 The LDD takes forward the principles set out in the NPPF and, taking into account the specific social, economic and environmental characteristics of the District, sets out a series of locally distinctive policies to deliver the overarching vision of the Core Strategy.

## 6.0 QUESTION G6

### 6.1 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?

6.2 The relationship between the three plans is clear and explicit, as set out in the Introduction to the LDD. Each policy within the Development Management Policies LDD is referenced to policies and objectives contained in the Core Strategy. It is demonstrated in the Policy Links table for each DM Policy, how the content relates to Core Strategy Strategic Objectives and Core Strategy Policies. This provides a consistent assessment of the relationship between the Core Strategy and Site Allocations and the Development Management LDD.

6.3 It is the role of the Site Allocations LDD to allocate sites for development, and the DM Policies will provide the policy basis for the assessment of proposals for development. The three documents will collectively form the Local Plan for Three Rivers.

## 6.4 QUESTION G7

### 6.5 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?

The Development Management Policies build on the overarching policies of the Core Strategy which together will assist in securing sustainable development, including sustainable economic development and high quality design.

The Spatial Vision, as set out in the Core Strategy, looks to ensure that the District will remain a prosperous, safe and healthy place in a sustainable way. One priority is to provide the growth required to support local communities and provide for their needs in the most sustainable way possible. Another priority is to locate growth in the most sustainable locations in terms of access to services and transport networks and impact on the environment.

Policy CP6 of the adopted Core Strategy sets out our approach to maintaining and improving the economic performance of the District and recognises the importance of providing for future employment and economic development alongside housing growth and protection of the environment. This Policy also sets out how the different settlements of the District are expected to support the sustainable growth of the Three Rivers economy. It is through the emerging Site Allocations LDD that additional employment land will be identified.

Policy CP1 of the Core Strategy is the Overarching Policy on Sustainable Development, of which a particular priority is to achieve a high quality environment.

Policy CP12 sets out the requirements for the design of development and further guidance on design is provided in Policy DM1 and Appendix 2 of the Development Management Policies LDD.

The Development Management Policies LDD has been subject to a Sustainability Appraisal (**DM CD5 and DM CD6**) which identified the sustainability issues and challenges to be addressed in the document. The policies within the Development Management Policies address these issues and include policies on the Green Belt, Historic Environment, Climate Change, biodiversity, flood risk and water resources etc.

We are of the opinion that the policies within the Core Strategy together with those of the Development Management Policies LDD will assist in securing sustainable development, including sustainable economic development and high quality design.

## 8.0 QUESTION G8

**8.1 Does the plan strike a reasonable balance between being positive and being restrictive? Are the policies clearly expressed in terms of what will and what 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 today?**

8.2 Yes.

8.3 We consider that the development Management Policies LDD strikes a reasonable balance between positive and being restrictive. Concern about whether some of the policies clearly expressed what development will and will not be permitted was raised by the Inspector in his letter of the 15 January 2013 in response to which we have already proposed the following additional modifications which are set out in the Schedule of Changes:

- PC1e
- PC17
- PC2e
- PC18
- PC7a
- PC8a
- PC9a
- PC10a
- PC12a

8.4 Paragraph 2.2 of the DM Policies has been inserted to set out the presumption in favour of sustainable development and clearly demonstrates that development which is sustainable can be approved without delay.

8.5 Paragraph 2.2 also demonstrates how the presumption in favour of sustainable development will be applied today, stating that:

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted*

## 9.0 QUESTION G9

**9.1 Do the policies strike an appropriate balance between promoting development and conservation that reflects both the NPPF and local circumstances?**

9.2 Yes.

- 9.3 The adopted Core Strategy sets out the amount, type and location of development for the area over the plan period and steers development to the most sustainable locations in the District.
- 9.4 The Development Management Policies, building on the overarching goals of the Core Strategy, seek to protect the assets of the District that contribute to its character, appearance and distinctiveness.
- 9.4 As stated in our response to question G5 the Development Management Policies LDD reflect the District's local circumstances. The District is 77% Green Belt, is made up of small towns and villages, and has 22 Conservation Areas, many historic buildings and designated wildlife sites.
- 9.5 The Development Management Policies LDD contains policies to guide development proposals to conserve, and where appropriate enhance, these areas and are clear as to what development proposals will and will not be acceptable.

## **10.0 QUESTION G10**

### **10.1 Are the policies proportionate and do they take adequate account of development costs, constraints and viability?**

- 10.2 Yes. The policies proportionate and, where necessary, they do take adequate account of development costs, constraints and viability. The policies within the LDD provide further guidance on the overarching policies of the Core Strategy, are informed by the evidence base studies and stakeholders, are locally distinctive and reflect national guidance, standards and requirements.
- 10.3 Policies DM4 and DM11 are the only policies that may require additional costs to the developer and can be affected by site constraints. In both cases there is a proviso in the policy that states that the requirements are subject to viability and site constraints.
- 10.4 The Government has a set timescale for new housing and commercial development to be 'zero carbon'. These timescales are reflected in Policy DM4 and these targets will continue to be monitored through CPLAN which assesses feasibility and viability.
- 10.5 Given the site specific nature of sustainability measures our approach to climate change is to expect all development to meet the highest feasible environmental standards, without specifying specific solutions. The policy does not prescribe how the requirements should be met, rather it is the choice of the applicant how they go about meeting the requirements and this presents the opportunity to the applicant to research cost-effective solutions.
- 10.6 The proposed energy hierarchy set out in the supporting text enables development to include the most appropriate measures for the particular development given the location usage, size and proximity to other energy users or suppliers. Energy efficiency measures are the most viable and cost effective way to minimise carbon emissions from new development. This is reflected in the Government's proposed measures for new development to achieve 'zero carbon'. The policy requires a small reduction of carbon emissions of those that will be required by the Building Regulations 2013 and so any additional costs are considered to be minimal.
- 10.7 The policy states that the carbon emission reductions should have regard to feasibility and viability.

- 10.8 It was not considered appropriate to carry out specific viability study to support our approach as it is not considered possible to assess the large number of potential sustainability solutions possible for development and the specific attributes of a site such as orientation, whether the site is overshadowed and whether it is listed or in a conservation area. In addition, monitoring information from CPLAN shows that different schemes have produced different levels of carbon emission reductions by using different technological solutions including energy efficiency measures, photovoltaics, ground source heat pumps etc.
- 10.9 Policy DM11 aims to protect existing open spaces, sport and recreation facilities and children's play spaces in order to maintain the character of the settlements, the quality of environment and provide opportunities for recreation. It will also ensure the new development is adequately served by open space and children's play space. Further guidance is set out in the Open Space, Amenity and Children's Playspace SPD, which details the established formula and also sets out the Council's position in respect of viability. The Council acknowledges that a scheme may not be viable for a developer to make such contributions and, where this is the case, the developer will be expected to substantiate any such claims.

### **11.0 QUESTION G11**

#### **11.1 Are the policies sufficiently flexible to respond to changing circumstances?**

11.2 Yes.

11.3 The Council recognises the importance of flexibility in responding to changing circumstances including changes to the economy and housing type requirements.

11.4 With regards to changes in the economy we recognise that policy requirements of DM4 and DM11 (see our response to Question G10 above) may not be viable but we provide flexibility by stating that the requirements are subject to viability.

11.5 We also recognise that housing type requirements may change in the future. Policy CP12 of the Core Strategy requires buildings to be capable of adapting to other uses and functions where practical. This helps to ensure the uses and functions of buildings are flexible to ensure their long-life. This is of particular importance in times of changing economic circumstances, in that flexible, effective design can allow for buildings to be easily converted for alternative uses.

11.6 DM12 builds on Policy CP12 as it allows proposals for redevelopment and changes of use of community facilities under certain conditions. Policy DM12 is sufficiently flexible, therefore, to allow the Council to respond to changing circumstances.

### **12.0 QUESTION G12**

#### **12.1 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?**

12.2 Yes.

12.3 We are of the opinion that the policies are couched in terms that can be readily monitored. Many of the indicators in Appendix 1 are the same as those currently being monitored in-house for the Core Strategy such as the monitoring of planning applications for housing, business, leisure and telecommunications, policy usage and effectiveness and appeal decisions.

- 12.4 The Council works jointly with Hertfordshire County Council to provide monitoring information for housing, business, policy usage and effectiveness and appeal decisions. The Spatial and Land Use Planning Unit at Hertfordshire County Council assists with further monitoring.
- 12.5 Further collaborative monitoring makes use of information from the Environment Agency, Hertfordshire Biological Records Centre and other published data.
- 12.6 Monitoring is based on a key set of indicators, as identified in the Core Strategy. Some indicators describe the wider social, environmental and economic background to the development of policies and some indicators measure the direct impact of planning policies.
- 12.7 The Council will, as part of the annual monitoring process, continue to review the policies to assess the effectiveness of policies to ensure that the Council is meeting its objectives.

### 13.0 QUESTION G13

#### 13.1 What role is foreseen for SPDs? Does it take proper account of the Local Planning Regulations 2012?

- 13.2 The Council, in accordance with the Local Development Scheme, will produce a number of SPDs, including Affordable Housing, Infrastructure and Obligations, Carbon Off Setting, Design, Parking Standards and Green Infrastructure and Landscape.
- 13.3 This concern was raised by the Inspector in his letter of 15 January 2013. The Council is satisfied that the intended content of the Supplementary Planning Documents referred to in the Development Management Policies LDD reflect what is permissible in the 2012 Local Plans Regulations.
- 13.4 The Local Development Scheme (SD27) sets out the timetable for the production of these documents and they are summarised in the table below for information:

<b>Proposed SPDs</b>	<b>DM Policy</b>	<b>Intended Content</b>	<b>Public Participation Date</b>
Carbon Off Setting	DM4	To provide details of where contributions to a Carbon Off Setting fund will be spent. Contributions are anticipated to be made under the Governments 'Allowable Solutions' initiative. The Allowable Solution approach will be used where sufficient reductions in carbon emissions cannot be delivered on site.	Anticipated in August-September 2013.
Design	DM1 DM2 DM7 DM13	To provide design guidance relating to a number of subjects including extensions, layout of parking areas, development in the Green Belt, conservation issues and sustainability. Will provide guidance and good practice on improving the design of all new development within the District covering residential and commercial development.	January-February 2014

Parking Standards	DM13	Will provide revised parking standards for new development. Also updating of zonal map of District relating to accessibility.	January-February 2014
Green Infrastructure and Landscape	DM6 DM7	Will assess requirements and provision of Green Infrastructure to cover networks of protected sites, nature reserves, green spaces, waterways and green linkages. Also provide an updated landscape strategy for district in conjunction with regional designations and typologies.	March-April 2014

#### 14.0 QUESTION G14

##### 14.1 Are differences between the proposed insert, Presumption in Favour of Sustainable Development, and the model policy reasonable and justified?

14.2 The NPPF sets out the Government's planning policies and how these are expected to be applied. The Council proposes the insert, Presumption in Favour of Sustainable Development, reflects the guidance of Paragraph 15 of the NPPF which recommends that policies in Local Plans should follow the approach of the presumption in favour of sustainable development.

14.3 This policy is only suggested as a model policy and the proposed insert by the Council largely reflects that of the model policy recommended for repetition by the Planning Inspectorate. Although the Council does not fully repeat this guidance, it is considered that the proposed wording does not deviate from national guidance.

#### 15.0 QUESTION G15

##### 15.1 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?

15.2 Yes.

15.3 The Parking Standards derive from the adopted Local Plan (1996-2011) and Supplementary Planning Guidance on parking at new developments. The Local Plan car parking standards were formulated by the Herts Technical Chief Officers' Association (HTCOA), modified in respect of requirements for accessible locations in Three Rivers. These standards were based on full, unrestricted car parking demand and were finalised after consultation involving Hertfordshire Local Authorities, statutory bodies and other bodies.

15.4 The zones and related adjustments to parking standards are established in SPG2 (adopted March 2002), the content of which was informed by Hertfordshire County Council. These standards will be reviewed as part of the Parking Standards SPD the preliminary work on which is anticipated in November 2013 in line with the Local Development Scheme.