

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

### **Statement in Response to Main Issue: Legal Requirements**

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

##### **1.1 QUESTION L1**

#### **1.2 Has the LDD been prepared in accordance with the Three Rivers Local Development Scheme (December 2012)?**

1.3 Yes.

1.4 For reference, the Local Development Scheme is included as a Supporting Document at SD27. The LDS is a project plan which sets out the timescales for the Local Plan documents to be produced. It also identifies any risks to the process and how those risks might be mitigated.

1.5 The Council's first LDS was submitted in April 2005 and subsequently revised in March 2007, February 2010 and September 2011.

1.6 The most recent revision was approved by the Executive Committee in December 2012, which reflects the delays in the production of the Site Allocations Local Development Document (due to additional consultation being undertaken) and the subsequent delays in the production of the Development Management Policies LDD.

1.7 The progression of the LDD is a few weeks ahead of schedule with the Hearing dates taking place in March 2013 instead of April 2013 as set out in the LDS. As this is only a matter of weeks, we consider that the LDD has been prepared in accordance with the LDS (2012). Adoption is anticipated for September 2013.

##### **2.0 QUESTION L2**

#### **2.1 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 the statutory consultees provided with an appropriate opportunity to contribute to the preparation of the document?**

2.2 Yes.

2.3 The LDD has been prepared in compliance with the Three Rivers Statement of Community Involvement (2006), included as **DM CD10**, and satisfies the consultation requirements in the Regulations.

2.4 A key objective of the Planning and Compulsory Purchase Act 2004 was to strengthen community involvement in the planning process. The Council's Statement of Community Involvement, in addition to meeting the statutory requirements, sets out the importance of engaging with community and stakeholder groups to create an effective and meaningful planning process.

2.5 The SCI sets out the Council's principles for and types of community involvement and the stakeholder groups that will be consulted on planning documents. The Council has exceeded the minimum consultation requirements as set out in the legislation to ensure full and effective community engagement.

- 2.6 The Consultation Statement (July 2012) (**DM CD8**) sets out all the consultation stages of the Development Management Policies LDD providing details of the duration of the consultations, who was consulted, how they were consulted, how the issues raised have been addressed and reference the relevant regulations.
- 2.7 All statutory consultees were advised of the consultations and provided with the opportunity to contribute to the preparation of the document. The Development Management Policies LDD has been amended at several stages of production to incorporate changes suggested by consultees. Details of such changes are set out in the Consultation Statement (July 2012) (**DM CD8**) as well as being recorded in Council Committee Reports.

### **3.0 QUESTION L3**

#### **3.1 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?**

- 3.2 Yes.
- 3.3 The DM Policies LDD sets out the criteria against which all planning application within the District will be assessed. These policies will enable the delivery of the objectives and long term vision for Three Rivers set out in the Core Strategy. The Core Strategy sets out how the Council will address the priorities set out in the Community Strategy and the DM Policies provide additional policy and guidance to support these.
- 3.4 The priorities set out in the Three Rivers Community Strategy 2012-2018 (**SD29**) are;
- a) Children and Young People's Wellbeing
  - b) Health and Disability
  - c) Adult Skills and Employment
  - d) Affordable Housing
  - e) Crime and Anti-Social Behaviour
- 3.5 There is a coherent relationship between the priorities of the Community Strategy, the strategic policies and objectives of the Core Strategy. The Development Management Policies will enable the delivery of the objectives of the Core Strategy; therefore there is a link between the Community Strategy and the Development Management LDD.
- 3.6 Priority a) Children and Young People's Wellbeing and Priority b) Health & Disability
- 3.7 The needs of Children and Young People are the top priority for the District. The achievements of children and students across the District are affected by a number of different factors which are accounted for in the Community Strategy. It has been established that where children live in the District can have a significant effect on their achievements. Access to secondary schools remains a key challenge in several parts of the District, which limits the additional activities available to young people. The Core Strategy seeks to facilitate the provision of education services, sport, recreation and open space facilities.
- 3.8 Core Strategy Objective 6 seeks to facilitate the provision of services and infrastructure to meet the needs of existing development by working on cross-boundary issues with adjoining authorities, service providers and the development industry. Policy DM12 of the Development Management Policies LDD seeks to both protect existing facilities, including schools and other community, leisure and

cultural facilities from development pressures and to provide new or enhanced facilities wherever possible.

3.9 The Council appreciates the importance of open space, recreation and sports facilities and the role they play in maintaining and improving the health of residents and wellbeing of children and young people, and this is reflected in Policy DM11 of the Development Management Policies LDD which aims to protect existing open spaces, sport and recreation facilities and children's play spaces in order to provide opportunities for sports and recreation and health benefits.

#### 3.10 Priority c) Adult Skills and Employment

3.11 There are significant differences across the District in adult skills and employment. Providing opportunities in areas of greatest need for adults to access skills and training, in order to increase the opportunities for employment, is a key priority. The Spatial Vision of the Core Strategy aims to provide opportunities for local employment and maintain the vitality and viability of existing centres across the District. The Place-Shaping Policies of the Core Strategy set out how each of the settlements within the District is expected to contribute to the future of the District and Policy CP6 sets out that the Council will promote the skills and learning of the local workforce and improve the accessibility of employment and training opportunities.

3.12 Policy DM12 of the Development Management Policies LDD seeks to both protect existing facilities, including schools and other community, leisure and cultural facilities from development pressures and to provide new or enhanced facilities wherever possible thereby improving accessibility to learning facilities.

#### 3.13 Priority d) Affordable Housing

The provision of affordable housing is a priority of the Community Strategy and it is Policy CP4 of the Core Strategy that sets out the Council's approach to addressing local affordability issues and the provision of affordable housing.

#### 3.14 Priority e) Crime and Anti Social Behaviour

3.15 Promoting safety and security as a high priority in the design of new development in order to create attractive places in which to live, work and play, is a Community Strategy Priority which is delivered through the Core Strategy. The principle of design is contained with CP12 and the Council recognises that high quality residential design and layout is integral to meeting the objectives of the Core Strategy to address issues such as crime and anti-social behaviour. An Indicator of Crime/Burglaries per 1000 of the population is proposed as monitoring indicator for the effectiveness of DM1: Residential Design and Layout. DM1 expands on Strategic Objective 12 which partly aims to reduce crime and fear of crime.

### 4.0 QUESTION L4

**4.1 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?**

4.2 Yes.

4.3 The LDD has been subject to a Sustainability Appraisals (**DM CD5 and DM CD6**) at different stages of its production to identify the potential impacts of policies in terms of economic, social and environmental terms. The appraisals were also

consulted upon together with the LDD at the appropriate stages. Recommendations from the appraisals were carried through to the Development Management Policies LDD.

- 4.4 The baseline data provides an evidence base for identifying environmental issues in the District and the Baseline Review and Additional base Line Review is included as Appendix 2 and 2a respectively of **DM CD5**.
- 4.5 Table 2.1 of the Sustainability Appraisal (**DM CD5**) sets out the key sustainability issues and challenges for the District to be addressed. Table 6.1 of the Sustainability Appraisal (**DM CD5**) and paragraph 4.3 of the Sustainability Appraisal Addendum (**DM CD6**) details the assessment of the development management policies of the LDD against the key sustainability issues and challenges.

## **5.0 QUESTION L5**

### **5.1 Has the preparation of the LDD 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?**

- 5.2 Yes.
- 5.3 The preparation of the LDD has complied with the Town and Country Planning (Local Development) (England) Regulations 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 Regulations as appropriate.
- 5.4 The Consultation Statement (**DM CD8**) describes the consultation undertaken in accordance with the Regulations, outlines who were consulted, how they were consulted as well as a summary of the main issues raised and explains how they have been addressed by the Council. The Statement of Community Involvement (**DM CD10**) also sets out how we have consulted on the LDD.

## **6.0 QUESTION L6**

### **6.1 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?**

- 6.2 The Duty to Cooperate Statement November 2012 (**SD38**) has been prepared in order to demonstrate how the Council has fulfilled its duty to cooperate as set out under Section 110 of the Localism Act 2011 (and explanatory notes), Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) and Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.3 This document details the joint working undertaken and lists the jointly prepared evidence base studies and details of meetings that have informed the content of the LDD.