

THREE RIVERS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT POLICIES LOCAL DEVELOPMENT DOCUMENT

PROPOSED MAIN MODIFICATIONS CONSULTATION 28 MARCH 2013

Representation by Howard Sharp and Partners LLP on behalf of Gade Investments Ltd

Reference: MM28

Section: Policy DM2 Green Belt

Gade Investments Ltd owns a previously developed site in the Green Belt that the Proposed Submission Version of the Site Allocations LDD proposes to allocate as a housing (Policy H3) site.

The proposed new wording of MM28 imposes a standard Green Belt wording on a non-standard policy framework that would have the effect of making it extremely difficult to deliver development on some allocated sites. It is considered unsound to remove the sentence “Where sites are allocated for development in the Site Allocations LDD, this may represent very special circumstances” without any replacement text. The Inspector’s Statement of 15 January 2013 understandably seeks to avoid confusing an operational Green Belt policy with a policy governing the circumstances of site release. Nevertheless, some form of additional wording is needed to provide appropriate and clear guidance as to how sites allocated in the Site Allocations LDD, but also in the Green Belt, are to overcome the severe restrictions of standard Green Belt policy. Such wording should have been suggested as a main modification.

The reason why the proposed modification is unsound is that Three Rivers Council has developed a non-standard policy framework for reconciling Green Belt and development over the Plan Period contained in Policy C2 of the Core Strategy. The approach for some suitable sites currently in the Green Belt is to have them brought forward for development *whilst still designated as Green Belt*. The Development Management Policies need to facilitate this non-standard process in order to avoid harming the timely delivery of sustainable development, which would be contrary to national policy. Without appropriate wording the Plan will not be deliverable over its period and thus fail the test of effectiveness. In the circumstances, the Development Management Policies DPD needs to contain appropriate wording to allow for the development of allocations in the Green Belt according to the criteria in Policy C2 of the Core Strategy.

Policy CP11 of the Core Strategy allows for minor revisions to the detailed Green Belt boundaries through the Site Allocations LDD. However, the Spatial Strategy (p17) also refers to the identification in the Site Allocations LDD of development sites within the Green Belt whose release will be informed by regular monitoring. Paragraph 5.15 (page 30) confirms that the rolling five year land supply is intended

to determine if and when Green Belt housing sites are released. The full criteria for site release are set out in Policy C2 of the Core Strategy (p 32 and 33). This is clearly a Development Management issue.

The view of Gade Investments Ltd is that it would be preferable to have all identified development sites entirely removed from the Green Belt by the Site Allocations LDD and their release for development over the Plan period controlled through appropriate phasing. However, the reality of the situation is that Three Rivers Council has an adopted Core Strategy that allows for some development sites to initially remain as Green Belt but if certain criteria are met, they can be developed in ways that would otherwise be inappropriate in terms of Green Belt policy. The emerging Sites Allocations LDD duly has some parts of the Green Belt overlain by one or more development allocation. Paragraphs 11.2 and 11.3 of the Proposed Submission Version state that retaining Green Belt status for many proposed development sites is intended to enable the Council to maintain greater control over future development on these sites and that the Green Belt designation on allocated sites will be reviewed once development has been completed.

Inspector's Question GB3 asked how Policy DM2 related to the Core Strategy and to the emerging Site Allocations LDD and whether it provided appropriate clear guidance on how sites allocated in the Site Allocations LDD should be developed. The Council's 'Statement in Response to Main Issue: Green Belt' does not mention Policy C2 of the Core Strategy, which provides the strategic framework for monitoring and managing Green Belt allocations so that they are brought forward for development without having to first delete the Green Belt designation. The Council's Statement just reiterates the standard strict tests for development in Green Belt and fails to articulate how Policy DM2 can be reconciled with Policy C2 of the Core Strategy. Although paragraph 3.3 of the Council's Statement indicates that the Development Management Policies LDD is not intended to cover how sites in the Sites Allocations LDD are developed, it inevitably will in practice unless there is specific policy wording to the contrary. As it stands, identified sites would remain covered by the Green Belt designation and proposals for their development will necessarily be judged against Green Belt policy, under which it would be necessary to show that harm to the Green Belt, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances.

The Inspector's letter of 21 March 2013 'Treatment of Sites in the Site Allocations LDD in Regards to Green Belt Policy DM2' asks various questions about the proposed approach, including how to justify the very special circumstances on a case by case basis. The 'Council's Response to Inspector's Letter 21 March 2013' sets out the correct Core Strategy approach, but does explain how the policy tests in Policy DM2 can be reconciled. Therefore Policy DM2 should unequivocally state that *its policy tests do not apply to any part of the Green Belt allocated for development in the Sites Allocations LDD and Policy C2 of the Core Strategy will apply instead.*

Howard Sharp and Partners LLP on behalf of Gade Investments Ltd

10.05.13

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PROPOSED MAIN MODIFICATIONS CONSULTATION 28 MARCH 2013

Representation by Howard Sharp and Partners LLP on behalf of Gade Investments Ltd

Reference: MM34

Section: Policy DM8 Flood Risk and Water Resources

Gade Investments Ltd owns a site affected by flood risk that the Proposed Submission Version of the Site Allocations LDD proposes to allocate as a housing (Policy H3) site.

The rewording of the policy is broadly supported but should be more flexible with respect to zone 3b (functional floodplain). The PPS25 Practice Guide (4.87 – 4.95) states that generally development should be directed away from zone 3b, but it is not an absolute prohibition. Some functional floodplain is already developed and there should always be flexibility to alter it as part of a scheme to reduce flood risk; both public and privately funded schemes must be capable of being brought forward to reduce flood risk to existing properties and infrastructure. The Exceptions Test referred to in paragraph 102 of the NPPF can justify development in higher probability flood zones if the following elements are met:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Therefore, part b) should state:

b) New development will not be permitted in Flood Zone 3b, as defined by the SFRA, unless the development forms part of a strategy to deliver reduced flood risk overall. Redevelopment of existing built development in that Zone will only be permitted if the proposals are of a compatible use class and would not increase flood risk elsewhere.

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