

Examination of Three Rivers Site Allocations Local Development Document

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10th July 2013

Dear Ms May,

Examination of Site Allocations Local Development Document (SALDD)

As you know, I have been appointed to examine the above element of the local plan for your district, the Core Strategy for which was adopted in October 2011.

I have commenced my examination and I am currently working on a draft programme for the hearings which I hope will take place in October of this year, as you will by now have been advised by the appointed Programme Officer, Ian Kemp.

I anticipate that the programme will be organised on fairly conventional lines with sessions on both major topics and individual sites, the latter probably organised on an area basis. I also anticipate hearing representations on the various alternative/additional sites identified by objectors and, amongst other things, I shall be focusing, within the policy context set by the NPPF ('the Framework'), on whether the SALDD would realistically facilitate the delivery of the Core Strategy's intentions in terms of market and affordable housing.

On a practical point in this connection, I consider it would be particularly helpful to the progress of the examination and the understanding of all participants if a spreadsheet (ideally in simple Excel format) of the allocated housing sites to include in each case the developable area of the site, the assumed density and the consequential yield. The proportion (and hence number) of affordable dwellings anticipated in each case should also be included in each case and the spreadsheet should be organised so as to facilitate a ready reckoning of the proportion of the proposed housing falling as a consequence within each of the three main areas identified by the Core Strategy Place-shaping policies PSP1, PSP2 and PSP3, namely Rickmansworth (target 15% approx.), the Key Centres (target 60% approx.) and the Secondary Centres (target 24% approx.).

I appreciate that this information could probably be gleaned by a trawl of the evidence base, but to bring it together in this way and in this format would help all participants by providing a common basis for understanding the numerical and spatial outturn of the housing land allocation strategy, so that

the debate can be fully informed as to the implications of any changed or challenged assumptions in respect of individual sites.

Moreover, it would be especially helpful also if the various alternative/additional housing sites could be added, albeit separately sub-totalled, to the spreadsheet, so that their implications (if any) for the delivery of the Core Strategy in terms of houses developed over the plan period may be readily appreciated.

The advantage of the approach I have outlined is that individual sites can be discussed on a basis which renders it simple to understand the implications of their loss or potential addition to the stock of allocated land. Mooted changes to the range of sites or their individual capacities can readily be taken on board and calculated through by simply changing the values in the spreadsheet as appropriate.

Clearly, it would be wrong to ascribe any spurious degree of accuracy to the model I advocate, but it would be a useful means of testing the overall robustness of the proposed allocations and suggested potential allocations relative to the Core Strategy, on a basis that may readily be understood by all. It would also help with the process of focusing on areas of disagreement as to the assumed capacity of individual sites.

I note that there is a small sites contribution of 38 dwellings per annum anticipated in the final years of the plan period. Is there any intelligence, on the basis of the evidence that informs the assumption, as to how this might be distributed in the context of the spatial strategy?

I would welcome early further clarification (ideally including more detailed plans) on the likely balance and distribution of employment and housing anticipated on the Kings Langley mixed use site referenced H(3) and E(e). Concerns have been raised in representations and it will be important to fully understand the Council's thinking on this.

Secondary schools sites are identified in the alternative. Has there been any progress with resolving disagreement so as to opt for one certain site?

Last, but by no means least at this stage, as this is potentially a matter which goes directly to soundness, I am writing to seek clarification and elucidation of the manner in which you propose to alter the Green Belt boundary. There are two aspects to this – the actual mechanics of the proposed changes and the longevity of the altered boundary.

Paragraph 83 of the NPPF is very clear that, exceptionally, Green Belt boundaries may be altered through the preparation or review of the Local Plan. The Spatial Vision (priority j) set out in your Core Strategy clearly anticipates limited change to the Green Belt to accommodate some growth involving sustainable development. The Spatial Strategy itself (point 4) recognises that it will be necessary to review the Green Belt at the edge of existing settlements to which priority is to be given so far as the release of land currently in the Green Belt land is concerned. Policy C11 of the Core Strategy is very clear that, although the general extent of the Green Belt will be maintained, it will be necessary to make minor revisions (through the SALDD) to the detailed Green Belt boundary. The policy is explained in

paragraphs 5.101 – 5.106 and it is very clear (5.104) that... **“Detailed changes to the established Green Belt boundary will be made through the allocation of land for development by the Site Allocations Development Plan Document....”** Amongst other things, the policy states that the major developed sites status of Leavesden Aerodrome will be reviewed **“having regard to the important contribution the site is expected to make to meeting needs for housing and employment”**.

I note that there is a site here with outline planning permission for 425 dwellings and I assume for present purposes that this has not been “double-counted” with the current five year land supply claimed, as one objector intimates. Given the existence of the planning permission and the inclusion of the site as H(8) in the SALDD, the logic of changing the Green Belt boundary here through GB(1) but retaining the housing site within the Green Belt is far from clear. The reason for change indicates that... **“retaining Green Belt designation on the rest of the Studios site provides control over future development of this significant site”**.

GB(1) appears to be the only change to the boundary of the Green Belt proposed in the SALDD, but it would leave the largest single housing allocation firmly within it. The same approach is applied to the scatter of smaller sites currently within the Green Belt but proposed to be allocated for housing (whether contiguous with the main settlements or standing a little apart, for example within villages currently “washed over” by Green Belt).

I note from the representations document SA CD5 that the Council’s response is frequently (E.g. Ref 60268/30058/H13/2 from Taylor Wimpey and 60162/30042/H37/2 from CPRE) along the lines that... **“the need for housing within the district and the absence of alternative deliverable non-Green Belt sites may constitute very special circumstances which would be required for development to take place in the Green Belt”**.

On the face of it, it appears that, rather than reviewing the Green Belt boundary to accommodate the phased release of sites for housing (whether greenfield or previously-developed), the Council proposes that developers of allocated housing sites currently in the Green Belt would have to rely on demonstrating “very special circumstances” notwithstanding the fact of that allocation, if the SALDD were to be adopted in its current form.

Some further clues as to the Council’s intended approach are contained in the following explanatory paragraphs of the submitted SALDD:

“11.2 Reviewing the Green Belt boundaries around some sites should ensure that there are sensible and defensible Green Belt boundaries in future, however many proposed development sites are in sensitive locations and retaining Green Belt status will enable the Council to maintain greater control over future development on these sites.

11.3 Therefore, the Green Belt designation on allocated sites will be reviewed once development has been completed. One change to the Green Belt boundary is proposed through this Site Allocations document to recognise development that has previously taken place in the Green Belt at Leavesden. (my emphasis)

I have major concerns about this approach. Certainty for all is a fundamental aim of the plan-led system. One of the core planning principles in the Framework includes the intention that plans should... "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and certainty". A SALDD that fails to resolve the uncertainty inherent in demonstrating very special circumstances would very arguably fail to accord with the core strategy or national policy. It seems to me that regardless of, for example, phasing intentions to prioritise the use of previously-developed land, owners and prospective developers of allocated housing sites need to be sure that, all other things being equal, they should expect to receive planning permission for housing uninhibited by the constraints of Green Belt designation. Inappropriate development, including housing, is by definition harmful to the Green Belt, the status of which would be badly compromised by routine departure from its constraints to meet identified housing need which, in itself, is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt.¹ I appreciate that the Council refers also to the absence of alternatives contributing to very special circumstances, but it would in my view negate the intentions of the plan-led system to require applicants to demonstrate those in respect of sites expressly allocated to address housing need that cannot be accommodated on land within the existing built-up areas of the District.

The same principles of engendering certainty and avoiding compromise of the Green Belt would apply to schools sites, certainly the main building footprint anticipated, and employment allocations; and in the latter context I would seek clarification of the situation at the site referenced E(d) at Maple Cross/Maple Lodge).

It very much appears that the Green Belt in Three Rivers is to generally remain unaltered pending development for housing (i.e. boundary review after the event) rather than being formally altered in anticipation of and to accommodate housing need. In view of the considerations outlined above, I foresee that this approach would be very problematic, not least because it would be inconsistent with the stated intentions of the Council's own Core Strategy, let alone the Framework. Urgent clarification of what the Council really intends is therefore sought and I would urge you to alter your approach so as to formally exclude the allocated housing sites from the Green Belt by alteration of its boundaries, an action that is well within the competence of the SALDD. The matter is so fundamental to the soundness of the SALDD that I propose an Exploratory Meeting at an early date in August to address this concern if a cogent justification of the Council's apparent intention to leave the Green Belt boundary unchanged by housing allocations is not forthcoming by the end of this month.

I would also ask the Council to consider at the same time the compatibility of its approach with the intention of paragraph 83 of the Framework that altered Green Belt boundaries should be considered having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period. Paragraph 85 indicates a number of practical considerations germane to this intention and it is very clear from the Framework that the alteration of Green Belt boundaries is to be the exception

¹ Ministerial Statement of 1 July 2013: *Planning and travellers*

rather than the rule but when it does occur, the principles underlying those considerations should be applied.

It is also clear that the Green Belt in Three Rivers is tightly drawn, this being the very reason it is necessary to alter its boundaries to accommodate development needs to 2026. What evidence is there to suggest that needs beyond that date can be accommodated within the existing built-up areas not constrained by the designation? If it is not clear from the evidence that the Green Belt boundaries will not need to be altered at the next review of the local plan or in the foreseeable future beyond 2026, I am unlikely to conclude that the SALDD is consistent with national policy. Paragraph 85 of the Framework is explicit in stating that when defining (Green Belt) boundaries, local planning authorities should, where necessary, identify in their plans areas of 'safeguarded' land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. On the basis of the evidence before me, I am not satisfied at this juncture that the Green Belt boundaries that would result simply from the exclusion of the allocated housing sites would be capable of enduring beyond the plan period. I would therefore urge the Council to review its approach in the light of the above considerations, so as to satisfy itself that it can demonstrate that a revised boundary to the Green Belt will not again need to be altered at the end of the plan period.

I look forward to your response on all the substantive points I have raised, but in particular my concerns regarding the Green Belt should be addressed most urgently if the anticipated timescale for the examination is to be adhered to.

Yours sincerely

Keith Manning

Inspector