

## **Examination of Three Rivers Site Allocations Local Development Document**

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Claire May  
Principal Planning Officer  
Development Plans  
Three Rivers District Council  
Three Rivers House  
Northway  
Rickmansworth  
Herts  
WD3 1RL

**Inspector: Keith Manning**  
**BSc (Hons) BTP MRTPI**

**Programme Officer: Ian Kemp**  
**49 All Saints Place**  
**Bromsgrove**  
**Worcestershire**  
**B61 0AX**

Tel: 01527 837920  
Mobile: 07723 009166  
E mail: idkemp@icloud.com

30<sup>th</sup> July 2013

Dear Ms May,

### **Examination of Site Allocations Local Development Document (SALDD) Further clarification of approach to Green Belt**

I write further to my letter of 10 July 2013, as a result of which you have requested, through the Programme Officer, a meeting outside of the normal framework of formal meetings that the established procedures provide for. In particular you indicated that you expected to gain from such a meeting:

1. Whether all the sites that are proposed for allocation should be removed from the Green Belt regardless of their size, phasing and whether they're currently 'washed over' and
2. Whether a Green Belt Review is required.

Fundamentally, these are matters for the Council, my role being to determine whether or not the plan meets the relevant criteria including soundness, and whether it is necessary to recommend main modifications requested by the Council to address any shortcomings in that respect.

That said, I believe it is incumbent on me to be as constructive as possible within the parameters I have to work within, with a view to facilitating as rapid progress as can be achieved towards a sound adopted document. With that in mind I have given very considerable thought to your request.

Having done so, I am ultimately driven to the conclusion that while, in principle, an 'informal' meeting of this nature might be considered a worthwhile and economic means of expediting progress, such an approach would not be appropriate in this particular case. There are two reasons for this, the first being that I consider I can address the points more expeditiously in correspondence than through engagement in discussions of any kind, even though these may be regarded in some respects as 'technical' or for clarification of my stated concerns.

More importantly, however, I have concluded that it would not be appropriate for such a meeting to address issues that are so central to the plan's purpose and of critical concern to interested parties. While a record of any such meeting could no doubt be publicised, I consider it would be contrary to the principle of openness, even though the presence of the Programme Officer would be

testament to impartiality. A perception of unfairness to other parties with an interest in the process and its outcome, should that arise, would be in nobody's interests.

I therefore intend to address your questions through the medium of this open letter in the hope that this will help the Council to see a way forward at this early stage of the examination and hence maintain progress towards an adopted SALDD.

My position on the two questions is as follows:-

### **1. Proposed allocations**

This is in many respects a much more straightforward matter than that of potential Green Belt Review referred to in your second question and may be answered relatively briefly.

As I see it, the plan currently relies on a form of 'allocation' on the urban edge and beyond that, for the most part, leaves sites identified for development over the plan period within the Green Belt, notwithstanding the explicit intention of the Core Strategy to bring forward sites in sustainable locations on the urban edge by making minor revisions to the detailed Green Belt boundaries. Moreover, it is very clear from the Council's responses to representations, as recorded in SA CD5, that the Council anticipates that the absence of alternatives and the need for housing within the district may constitute the very special circumstances which would be required for development to take place in the Green Belt on the 'allocated' sites.

In short, a good number of the Council's preferred sites 'allocated' for development to meet its identified needs would remain in the Green Belt pending a very special circumstances justification based on those very needs.

I am very clear that this approach is wholly contrary to the spirit and purpose of the plan-led system and to the great importance accorded nationally to the efficacy and integrity of Green belt policy. For the reasons I indicated in my letter of 10 July, it would in my view be invidious to require applicants for planning permission on sites purporting to be allocations for development to be required to demonstrate very special circumstances. In that sense, there are no shades of Green Belt policy. Land within a Green Belt and therefore protected from inappropriate development (as defined) in all but very special circumstances should be fully protected in that way. However, land intended for urban development, notably but not exclusively for general purpose housing, should be formally excluded from the Green Belt in the development plan. As I have previously mentioned, a core principle of planning 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 efficiency." The Three Rivers Site Allocations Document, as proposed, does not accord with that principle so far as proposed allocations for development on land currently protected by Green Belt designation are concerned and, for that reason, could not be considered sound.

In short, I would expect land allocated for housing and other forms of urban development defined in the National Planning Policy Framework ('the Framework') as inappropriate to be excluded from the Green Belt, whether intended for early development or at a later phase in the plan period. You should urgently consider,

therefore, how to proceed so as to rectify that deficiency in the plan as currently conceived.

I believe that matter should be relatively straightforward in the case of sites at the urban edge as anticipated in the Core Strategy. However, the question of sites standing apart from the urban edge in settlements currently "washed over" by the Green Belt designation also comes into play as the range of sites proposed to meet housing and other needs over the plan period includes some in locations of that type. The Framework effectively includes, at paragraph 84, reference to 'insetting' within the Green Belt and it seems to me that this technique should not therefore be excluded from your consideration in locations generally appropriate for inclusion within the Green Belt (bearing in mind its five stated purposes) where the Council intends limited development or settlement expansion to take place in specified locations.

I trust that the above exposition clarifies as necessary the first matter raised.

## **2. Green Belt Review**

This is a rather more complex and potentially strategic matter which arises, as I understand it, from the question I posed in my letter of 10 July regarding the longevity of any revision to the Green Belt boundary if allocations are primarily intended to satisfy the needs of the plan period, whereas the Framework clearly advocates a longer term view in those exceptional situations (such as this) where a green belt boundary is to be altered through the preparation or review of the Local Plan.

The Framework sets out the Government's planning policies for England, and how these are expected to be applied, in a concise and accessible manner. It provides a framework within which distinctive plans for localities appropriate to their needs and priorities may be produced.

The Council has prepared and adopted a Core Strategy, albeit in the context of the now revoked East of England Plan, which required no strategic review of the Green Belt in Three Rivers. Nevertheless, the Core Strategy is intended to deliver a spatial strategy which recognises that, in meeting development needs in a sustainable way, it will be necessary to review the boundaries of the Green Belt at the edge of existing settlements. Whether or not identified development needs over the plan period would in fact be met in an effective manner by the SALDD will of course be a central concern of this examination.

As a consequence of the Town and Country Planning (Local Planning) (England) Regulations 2012, however, the hierarchy of plans is a more flexible instrument than hitherto and it would be open to the Council to address the Green Belt boundaries in a manner not necessarily constrained by the detailed content of the Core Strategy as adopted. In this context the Council may now well be considering how its current approach should be reconciled with the likely requirements of the next review of its Local Plan, bearing in mind those elements of the Framework which refer to the frequency of Green Belt revision, and to which I referred in my earlier letter of 10 July.

Against that background concern it should nevertheless be borne in mind that the Council has invested substantial effort and has made considerable progress towards the achievement of a fully adopted local development framework as conceived of at the time of its core strategy preparation. (In this context I am conscious also of the recent report of my colleague concerning his examination of the Development Management Policies Local Development Document.) I well

understand and applaud the priority accorded to the preparation of the complementary SALDD.

It is in the circumstances necessary and appropriate for the Council to consider where the balance of advantage lies in determining the degree to which the alteration of the Green Belt boundary is altered in the short term as a contingency against medium to longer term development needs anticipated, bearing in mind the tools that are available to it and the Framework taken as a whole. Therefore, having set out my concern on the potential longevity of the Green Belt boundary in the penultimate paragraph of my previous letter, I would not wish to be unduly prescriptive as to the scale of boundary alteration required at this juncture, albeit consistency with local plan strategy is one of the requirements of paragraph 85 of the Framework. It seems to me that while there may be scope for some sensible accommodation of the approach advocated by the Framework within the broad parameters of the Core Strategy, a full-scale review of the Green Belt could raise cross-boundary strategic issues that might more appropriately be addressed through joint working in co-operation with neighbouring authorities at a future date when the strategic distribution of needed development beyond the present plan period can be more confidently predicted.

In short, it is for the Council to identify, and justify in the circumstances, the appropriate balance between the objective of sufficient change to the Green Belt boundary to accommodate known development requirements in the plan period and the exigencies of 'future-proofing' the resultant boundary with the objective of minimising the frequency of such change in mind.

That said, I think that there are some useful clarifications that the Council could provide now as an aid to the examination of the SALDD and bearing in mind also what I have said above in respect of the first matter.

Is it the Council's understanding that the reduction of the area of Green Belt by a maximum of 1%, as anticipated in the Core Strategy (paragraph 5.104), would be sufficient to accommodate the housing sites identified that are currently in the Green Belt? If so, to what extent might there be capacity, within that broad parameter, to accommodate some contingency of safeguarded land, bearing in mind paragraph 85 of the Framework as a whole and in this context the last bullet point in particular? I think it would be useful and informative if the total area of the development sites identified in the Green Belt (a subset of the spreadsheet I previously requested) could be set against the total area of Green Belt which has been calculated as 77% of the area of Three Rivers (Core Strategy paragraph 5.101). Are there sites that have been rejected as development allocations in the plan period that might nevertheless fit the criteria for safeguarding? If so, are such sites contiguous with the preferred sites identified or are they elsewhere? I think the statistical background would be informative for the examination and the site-specific queries could be relevant to scrutiny of the overall numerical and physical adequacy of the sites proposed and potential additions and alternatives which representors may wish to discuss.

Assuming my concerns in respect of the first matter can be addressed, a robust and defensible amended Green Belt boundary, certainly to the extent that its alteration is anticipated by the Core Strategy, will, it seems to me, be an important outcome of the SALDD upon which attention will necessarily be focused in the context of the proposed development allocations.

## **Next steps**

While my answer to the second question posed by the Council cannot, by its very nature, and for the reasons I have given, be definitive in the circumstances, I trust it is helpful nonetheless.

In the light of the potential shortcomings I have identified, the treatment of the 'allocated' sites identified within the Green Belt in particular, it would be helpful to provide an indication of how you will wish me to proceed. As you will be aware, in order for me to make modifications to the plan you will need to formally notify me whether you wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).

In the absence of such a request, my report will be confined to identifying any soundness or legal compliance failures and, if there are such failures, recommending non-adoption of the plan. An indication of the Council's position on main modifications at this stage will be advantageous to the efficiency of the examination process and the expectations of participants. Deferring a decision to request modifications until a late stage of the examination may lead to delay and additional examination.

In my previous letter I indicated that I was sufficiently concerned to instigate an Exploratory Meeting at an early date and it remains my intention to hold such a meeting in the absence of a clear explanation of the Council's position, albeit the timescale would now need to be reviewed to allow for adequate notice. However, given that the Council has posed the above questions in the way it has, it seems only reasonable to provide a little longer for its response, although it would be contrary to the interests of maintaining momentum if this were to be unduly delayed. I therefore consider a further week should be added to my original response timescale of the end of July, say Wednesday 7 August.

If (bearing in mind my observations on the difficulties associated with the second matter) as clear an indication as is practicable of how the Council intends to address the concerns I have raised could be with me by the end of that day, it would be most helpful to my consideration as to how to proceed.

Yours sincerely

*Keith Manning*

Inspector