

BIDWELLS

Three Rivers Sites Allocations LDD Issue 1 – Written Statement

On behalf of The Wellcome Trust
1 October 2013





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1 Introduction

- 1.1 This Hearing Statement has been prepared by Andrew Holloway MRTPI, Planning Associate in the Planning Division of Bidwells.
- 1.2 The following written statement is provided in advance of Bidwells attendance, on behalf of The Wellcome Trust, at the scheduled Examination into the Three Rivers Sites Allocations LDD. The statement has been prepared having regard to the guidance provided to respondents on the submission of statements and addresses only those Key Issues for Examination raised by the Inspector.
- 1.3 It is acknowledged that there is no need for participants in the Examination to prepare hearing statements where relevant points are already covered in the original representations.
- 1.4 Bidwells on behalf of The Wellcome Trust have participated fully in the preparation of the LDD however the issues raised by the Inspector give rise to the requirement for comment as contained in this Statement.
- 1.5 Specifically, this statement supports and further elaborates upon the comments submitted by Bidwells, on behalf of Wellcome Trust, to the Pre-Submission Consultation, dated 20 December 2012.

2 Response to Issue Q1.3

Whether the strategy for allocating sites is adequately justified as the most appropriate, when considered against reasonable alternatives in the context of the Core Strategy and the more recent publication of the Framework.

- 2.1 The representations submitted on behalf of The Wellcome Trust at pre-submission stage raise a number of concerns over the deliverability of the proposed strategy for allocating sites. A number of sites are proposed for allocation which raise questions over technical suitability (flood risk, access etc) and availability. By contrast, sites such as 'Land West of 10 Toms Lane' have been omitted despite being demonstrably deliverable.
- 2.2 The Spatial Strategy established at Page 17 of the adopted Core Strategy confirms that development will, in the first instance, be directed to the principal urban areas following which the boundaries of the Green Belt will be reviewed. Although the Spatial Strategy seeks to prioritise previously developed sites within the Green Belt, it also confirms that these will be identified in the most sustainable locations on the edge of principal towns, key centres and secondary centres. It would however appear that the prioritisation of previously developed land has been afforded far more weight than the need to identify the most sustainable, edge of settlement locations. Indeed there are a number of proposed allocations which are previously developed but are also entirely isolated from existing settlements, these include:
- H(6) – Leavesdon Pumping Station
 - H(10) – Langleybury House School
 - H(13) – Killingdown Farm
- 2.3 The strategy for allocating sites would therefore appear to conflict with the wider sustainability objectives of the adopted Spatial Strategy. An entirely reasonable alternative would be to allocate land such as 'Land West of 10 Toms Lane' which, although greenfield, is well related to Key Centre of Abbots Langley and Secondary Centre of Kings Langley and would therefore deliver a more sustainable pattern of growth.
- 2.4 Although the NPPF does encourage the effective use of previously developed land, it does not support a sequential, brownfield first, approach for the purposes of plan making.

3 Response to Issue Q1.4

Whether the SALDD can be confidently expected to effectively deliver the planned development on the allocated sites over the years to 2026.

- 3.1 The representations submitted on behalf of The Wellcome Trust at pre-submission stage raises concerns over whether sufficient land has been identified to satisfy adopted targets. These concerns will not be further rehearsed, however it is pertinent to emphasise a change in published guidance which does clarify a point of interpretation in respect of the NPPF.
- 3.2 On 28 August 2013, the Department for Communities and Local Government (DCLG) launched for testing and comment the Draft National Planning Practice Guidance web-based resource (NPPG). The NPPG provides best practice guidance to sit alongside the policies of the NPPF. In the section titled 'Testing Land Availability' the NPPG advises that *"plan makers should not need to rely on windfall allowance in years 6-15. This is because local planning authorities have the ability to identify broad locations in years 6-15, allowing a degree of flexibility to meet development needs where specific sites cannot be identified"*.
- 3.3 Although the NPPG is currently in draft form, it clearly establishes the Government's intended interpretation of Paragraph 48 of the NPPF. In the Council's response to the previously submitted representations¹ it is stated that the NPPF *"does not rule out inclusion of windfall sites in considering longer term housing supply"*. The NPPG does however advise against this approach. There is also a clear distinction to be made between an approach which is consistent with the NPPF and an approach which is not ruled out by the NPPF.
- 3.4 On this basis is not considered appropriate to include a windfall allowance in the last five years of the plan period and therefore either additional specific sites or broad location must be identified to accommodate a further 190 dwellings².
- 3.5 'Land West of 10 Toms Lane' is technically deliverable and available to contribute towards redressing the deficit emerging from the removal of windfall sites from the housing trajectory.
- 3.6 Furthermore the SALDD assumes that all sites proposed for allocation will come forward for development as and when they are needed and will deliver the anticipated number of dwellings.

¹ Schedule of Representations, 60120/3003/1/SA/2

² 190 (derived from windfall allowance of 38dpa x 5 years)

Previous representations have suggested that a lapse rate should be applied to the proposed allocations in order to anticipate the slow or non-delivery of an element of the proposed allocations and therefore provide greater flexibility within the trajectory. The Council argues³ that a lapse rate is not necessary because windfall development would redress any shortfall in delivery. The concerns discussed above confirm however that it is contrary to the NPPF to rely on windfall development beyond years 1-5 and in any event it cannot be said with any certainty that such an approach would be sufficient to respond to a shortfall in supply.

- 3.7 It would be more flexible to apply an appropriately cautious lapse rate and identify additional deliverable sites, such as 'Land West of 10 Toms Lane', to redress the resultant shortfall in supply. This approach would provide flexibility in the Council's housing trajectory to consume lapses in delivery from allocated sites and in doing so help the Council to maintain a 5 year rolling supply of housing land. There is the possibility that this approach may allow for adopted targets to be exceeded, if all allocated sites deliver the anticipated level of development. The Core Strategy housing target should not however be seen as a ceiling to growth, indeed, in pursuit of the Government's objective to boost significantly the supply of housing⁴, opportunities to maximise housing delivery should be encouraged.

³ Schedule of Representations, 60120/3003/1/SA/2

⁴ NPPF, Paragraph 47

5 **Response to Issue Q1.7**

Whether the SALDD is complementary to and consistent with the Core Strategy and the Development Management Policies Local development Document (DMPLDD).

- 5.1 Concerns have previously been expressed over the conflicting nature of securing sustainable patterns of growth and identifying isolated previously developed Green Belt land for allocation.
- 5.2 It is also noted that the proposed allocations would direct significantly less housing to the Secondary Centres⁵ than is anticipated by Policy PSP3 of the Core Strategy. Indeed there is almost a 50% reduction on the level of growth anticipated by the Core Strategy⁶. The adopted Spatial Strategy, at Point 2, acknowledges that some growth is needed within Secondary Centre to sustain the vitality and viability of these Settlements. This is particularly true of Kings Langley which is currently able to offer a wider range of local facilities, amenities, employment opportunities and public transport services (including a mainline railway station). It reasonable to assume therefore that some level of logic has been applied in order to arrive at the proportional growth figures identified in the Core Strategy. It is also therefore reasonable to assume that a 50% reduction in that growth figure will have a bearing on vitality and viability of Secondary Centres.
- 5.3 In order to be in general conformity with the Core Strategy, further development must therefore be directed to Secondary Centres through the allocation of sites, either in addition to or in lieu of existing proposed allocations. 'Land West of 10 Toms Lane' is located within an existing established residential area, within easy walking distance of local shops, public transport and schools. The site therefore represents an obvious location for growth.

⁵ Kings Langley, Carpenters Park, Eastbury, Oxhey Hall, Maple Cross and Moor Park

⁶ Core Strategy seeks to direct 24% of all new housing development to Secondary Centres whilst the SALDD would deliver only 13%

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