

THREE RIVERS SITE ALLOCATIONS DPD EXAMINATION

On behalf of Transport for London, Commercial
Development Directorate

Respondent Number: 6018 2/300 48/SA

Issue 2

30 September 2013

Issue 2

ISSUE 2: WHETHER THE SALDD ADDRESSES NECESSARY CHANGES TO THE GREEN BELT BOUNDARY IN AN APPROPRIATE FASHION?

- 1.1 CBRE Limited (CBRE) is instructed by Transport for London Commercial Development Directorate, Property (TfL Property). Representations to the Proposed Submission SALDD were submitted by TfL Property in December 2012.
- 1.2 This Statement responds to the Inspector's Questions 2.1, 2.2, 2.3 and 2.5.

Q2.1 : Whether the Council's signalled intentions to now remove most allocated edge of settlement sites from the Green Belt, having regard to the need to deliver housing and other forms of development, are sufficient to accord with the intentions of the Core Strategy in that respect.

- 1.3 TRDC has signalled its intention, subject to ratification by Full Council on 22nd October 2013, to propose main modifications to the SALDD to remove those sites allocated for housing from the Green Belt¹. However, TRDC² has stated that it does not propose to remove the proposed school sites from the Green Belt at this stage but intends to discuss the merits of this at the Examination hearings.
- 1.4 Firstly, in terms of the housing sites, the principle of the approach to remove those sites from the Green Belt which are situated contiguous with the existing Green Belt boundary and main settlements is considered appropriate.
- 1.5 However, TRDC's proposed approach to remove those sites from the Green Belt which are not contiguous with the existing Green Belt boundary and main settlements is not considered to be an appropriate approach³. This approach would result in small isolated development pockets within the Green Belt. This is not the intention of the NPPF (the Framework) which provides for limited infilling in villages⁴. Site H1 would, for example, be capable of being brought forward under this provision and as such should not be removed from the Green Belt.
- 1.6 A review of the Green Belt housing allocations has been undertaken by CBRE. It is our view that 4 of the allocated housing sites identified for removal from the Green Belt are not developable⁵, namely H2, H6, H17 and H28. Our evidence to support this is set out in our Issue 6 Statement. Consequently, our evidence concludes that these sites should not have been considered for allocation and should not therefore be removed from the Green Belt.
- 1.7 Secondly, should additional and/or alternative housing sites be identified for allocation or safeguarding, these should be removed from the Green Belt.
- 1.8 Thirdly, in terms of allocated school sites, including a reserve school sites, these should be removed from the Green Belt as set out in our response to the Inspector's Question 2.5.

¹ TRDC Letter 31 July 2013 and TRDC Letter 8 August 2013

² TRDC Letter 31 July 2013

³ TRDC Letter 8 August 2013

⁴ Framework paragraph 89

⁵ Framework paragraph 47

Issue 2

Q2.2 : Whether the SALDD is too tentative in its approach to altering the Green Belt boundary, as has been suggested, or whether the circumstances of Three Rivers justify a cautious approach focused primarily on the plan period itself.

- 1.9 The Core Strategy⁶ has explicitly identified the need for Green Belt release to meet the needs of the District within the plan period. The Framework⁷ is clear that when authorities consider Green Belt boundaries they should have regard to their intended permanence in the long term, so that they are capable of enduring beyond the plan period.
- 1.10 There is no justification for the Green Belt boundary review taken by TRDC in the SALDD to depart from the Framework requirements and focus purely on the plan period itself.

Q2.3 : Whether, bearing in mind the context of the Framework, it is necessary to provide for 'safeguarded land' by removing additional land from the Green Belt and, if so, where and how much?

- 1.11 It is recognised that the Green Belt boundary in Three Rivers is tightly drawn, and therefore the Core Strategy⁸ has established the need to identify sites on the edge of settlements to accommodate the development needs up to 2026. TRDC⁹ note they recognise that the Green Belt boundary will need to be reviewed to accommodate growth for the planning period 2026-2041. In the same letter TRDC indicate that some allocated sites 'may not be needed'.
- 1.12 TRDC¹⁰ has only very recently, and after the Submission of the SALDD, suggested that the Green Belt boundary is capable of enduring beyond the end of the plan period, through reliance upon allocated Green Belt sites not being released due to increased delivery from urban sites. TRDC has suggested that four of the allocated Green Belt sites H13, H28, H37 and H38 could therefore provide for development needs beyond the plan period. TRDC does not however propose to amend the status of these sites to 'safeguarded' land, but instead proposes that they remain allocated for housing development, and are removed from the Green Belt subject to a phasing policy.
- 1.13 TRDC, by identifying these four sites as potential safeguarded land, has accepted the principle of the need for safeguarding through the SALDD.
- 1.14 Whilst the changes proposed by TRDC suggest some potential for safeguarding of sites, this depends on uncertain outcomes and therefore whilst going some way, it is not considered to go far enough to be considered 'sound' in the context of the Framework requirements.
- 1.15 It is our understanding that the urban sites referred to by TRDC¹¹ in correspondence with the Inspector have yet to progress through the planning application process. There is no evidence before the Inspector in relation to the planning status of these sites. The acceptability and capacity of these sites for housing is therefore currently unknown and their

⁶ Core Strategy Spatial Strategy bullet 4, page 17

⁷ Framework paragraph 83

⁸ Core Strategy Spatial Strategy bullet 4, page 17

⁹ TRDC Letter 8 August 2013

¹⁰ TRDC Letter 8 August 2013

¹¹ TRDC Letter 31 July 2013

Issue 2

deliverability consequently uncertain. This ad hoc approach to Green Belt boundary review is not considered to be justified or based upon a credible evidence base as required by the Framework.

- 1.16 Should the assumptions now being made by TRDC regarding housing delivery from additional urban sites not come forward, this would result in the allocated sites being needed for development during this plan period as previously anticipated. As a consequence, this would result in there being no safeguarded provision for the next plan period, contrary to the intentions of the Framework.
- 1.17 TRDC has not presented sufficient evidence and cannot therefore, confidently satisfy themselves or the Inspector that the boundaries of the Green Belt will not need to be altered at the end of the plan period. In order that the SALDD is consistent with the Framework, and can be found sound, it is necessary to provide for safeguarded land by removing additional land from the Green Belt.
- 1.18 We would highlight that TRDC¹² appear to have misunderstood the meaning of safeguarded land. TRDC suggest that land in Three Rivers is either urban or Green Belt, and there is no land in Three Rivers which is in between which they could identify as safeguarded. This interpretation is clearly wrong. It is for TRDC to identify and allocate land currently designated Green Belt as safeguarded land through the SALDD. The Framework¹³ is clear that safeguarded land is not allocated for development at the present time, and permission for development should only be granted following a Local Plan review which proposes the development.
- 1.19 For the reasons set out above it is considered necessary for additional sites to be identified as safeguarded land within the SALDD, in order to ensure the Green Belt boundary is capable of enduring beyond the end of the plan period, and that the SALDD accords with the intentions of the Framework.
- 1.20 The location of safeguarded sites should accord with the intentions of the Core Strategy and the Framework, and be located in the most sustainable locations adjacent to the main settlements as identified in the Core Strategy settlement hierarchy¹⁴.
- 1.21 In terms of the quantum of housing which should be identified as safeguarded, it is noted that the Framework does not provide specific guidance, beyond the need to meet longer-term development needs stretching well beyond the plan period. In determining what that long term development need is and the quantum of land that should be safeguarded, we would refer to the Framework¹⁵ which notes that to significantly boost the supply of housing local authorities should identify supply for 15 years.
- 1.22 The Core Strategy plan period runs up to 2026, 12 years from the proposed date of adoption of the SALDD in 2014. Taking a conservative approach, it is considered that a further 3 years of supply should be safeguarded to ensure a 15 year period is planned for. The Core Strategy housing target identifies the need to deliver 180 dwellings per annum¹⁶,

¹² TRDC Letter 8 August 2013

¹³ Framework paragraph 85

¹⁴ Core Strategy Figure 4, page 16

¹⁵ Framework paragraph 47

¹⁶ Core Strategy Policy CP2

Issue 2

and the District Council has provided for a windfall allowance of 38 dwellings per annum¹⁷ from urban sites for the last five years of the plan period. Therefore, if an allowance of 142 units per annum is planned for over a 3 year period, land should be safeguarded for the delivery of a minimum of 426 units. However, a more robust approach which plans positively and meets the longer term development needs well beyond the plan period, would be to plan for the provision of a rolling 5 year housing supply. Again based upon the assumption of a need to deliver 180 dwellings per annum and incorporating a windfall allowance of 38 dwellings per annum, to meet the 5 year housing supply, land capable of accommodating 710 units would need to be safeguarded.

- 1.23 Should the four sites referred to by TRDC (H13, H28, H37 and H38) which TRDC consider have a combined capacity of 150 dwellings not be required to meet the housing needs of this plan period, this would provide for only 1 year of supply beyond the plan period. This is not considered to meet the intentions of the Framework¹⁸ which states that safeguarded land should meet longer-term development needs stretching well beyond the plan period. Our evidence as set out in our Issue 6 Statement, notes that it is our view that Site H28 should not be allocated for development, and the development capacity for H37 and H38 is overdevelopment.

Q2.5 : Whether it would be necessary and appropriate to remove the indicative build area of the proposed school sites from the Green Belt, bearing in mind the matters referred to under Issue 4 and those recently referred to by the Council.

- 1.24 It is considered that it is both necessary and appropriate to remove the proposed built form area of the school sites from the Green Belt where they are identified as being required to meet the education needs of the District, including where a site is allocated as a reserve site as proposed in our Issue 4 Statement.
- 1.25 The development and expansion of new schools in the Green Belt would constitute ‘inappropriate’ development in the Green Belt as defined by the Framework and it would be necessary to demonstrate ‘very special circumstances’¹⁹. The Framework states²⁰ that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan and having regard to their intended permanence. TRDC’s approach to retain the development sites within the Green Belt would result in the need to demonstrate very special circumstances on a site by site basis, creating uncertainty, which would fail to meet the intention of the Framework to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency²¹.
- 1.26 We do not consider TRDC’s concerns²² provide sufficient justification to retain the secondary school development sites within the Green Belt. We set out below our response to each of the concerns raised by TRDC:

¹⁷ SALDD paragraph 4.5

¹⁸ Framework paragraph 85

¹⁹ Framework paragraphs 88, 89 and 90

²⁰ Framework paragraph 83

²¹ Framework paragraph 17

²² TRDC Letter 31 July 2013

Issue 2

1. TRDC’s allocation of three secondary school sites is more than is required to meet identified education need and is therefore not considered a sound approach. As set out in our Issue 4 Statement, only sites identified as being required to meet the identified education needs or reserved in case need is demonstrated during the plan period, be allocated and released from the Green Belt.
 2. The Framework identifies that when defining Green Belt boundaries, local planning authorities should use physical features that are readily recognisable and likely to be permanent²³. It is considered that, based upon the information available, it is possible to define the Green Belt boundaries of the proposed school sites such that sufficient flexibility is afforded for a variety of built forms whilst being based upon clear defensible boundaries which can reasonably be identified.
 3. TRDC’s statement that they are using the SALDD to suppress the land value of the school sites in order to aid CPO is not a planning consideration and should not be used as a basis for identifying sites for allocation. This is not a justifiable reason to retain the proposed education sites in the Green Belt.
 4. TRDC state that the Green Belt designation of existing schools located in the Green Belt has not prevented historic development at these schools. Existing school sites have been identified by HCC as being appropriate for small scale expansion to meet identified needs. HCC has set out in the Statement of Common Ground²⁴ that St Clement Danes School and Parmiter’s School should be identified in the SALDD as sites where expansion is acceptable and specific reference should be made to the educational need which constitutes ‘very special circumstances’. The requirement to demonstrate ‘very special circumstances’ relies on the absence of alternatives, and does not provide certainty of delivery. This approach could put delivery at these sites at risk and as such is inconsistent with the intentions of the Framework²⁵.
- 1.27 The SALDD should allocate secondary school sites to meet identifiable needs and the Green Belt boundary should be amended, taking the proposed built area of the sites necessary to meet the educational need out of the Green Belt. For the reasons set out above, it is not appropriate for the identified school sites to remain in the Green Belt and be required to demonstrate ‘very special circumstances’. This approach fails to accord with the intentions of the Framework to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

CONCLUDING STATEMENT

- 1.28 TRDC has suggested amendments which will remove allocated housing sites from the Green Belt. This approach is considered sound and consistent with the Framework except where sites are not situated contiguous to the existing Green Belt boundary and urban edge. If additional and/or alternative housing sites are identified for allocation or safeguarding, these sites should also be removed from the Green Belt.
- 1.29 The SALDD is considered unsound as it does not provide for safeguarded land. TRDC’s suggested approach²⁶ to safeguarded land and reliance upon a phasing policy to ensure

²³ Framework paragraph 85

²⁴ Statement of Common between TRDC and HCC September 2013

²⁵ Framework paragraph 17

²⁶ TRDC letter 8 August 2013

Issue 2

the Green Belt boundary is capable of enduring beyond the plan period is also considered unsound. This is not consistent with national policy set out within the Framework.

- 1.30 The SALDD is considered unsound as currently drafted, as the approach to the retention of education sites in the Green Belt is not effective in identifying deliverable sites to meet the District's education needs over the plan period; this is not consistent with national policy set out within the Framework.
- 1.31 The SALDD could be made sound through the following amendments:
 - Additional housing sites should be specifically identified, safeguarded and removed from the Green Belt to meet housing needs well beyond the plan period.
 - Land capable of delivering 710 dwellings in the most sustainable locations in the District should be identified as safeguarded land.
 - The built area of the allocated and reserve education sites identified as being necessary to meet education needs should be removed from the Green Belt.
- 1.32 Our recommendation for alternative policy wording is set out under Issue 4.