

BIDWELLS

Three Rivers Sites Allocations LDD Issue 6 – 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 Q6.1**

Whether housing sites should be chosen by ‘sustainability score’ and ‘ranking’ or on the basis of their specific ‘merits’

- 2.1 It is not unusual for local planning authorities to apply sustainability scoring in order to identify and rank potential development sites. In many ways this approach provides the simplest and most effective way to assess all sites on a level playing field and in doing so remove political bias and personal preference from the decision making process. This is important given that the ultimate objective must be to secure the most sustainable pattern of growth.
- 2.2 Although the Council has detailed criteria in order to identify the most sustainably located and deliverable housing sites, it is stated at Appendix 2 of the Core Strategy that in coming to a final decision the Council will consider each site on its merits and take into account site specific circumstances. Given that the criteria against which each site has been considered extend to 48 separate issues, it is difficult to fully understand what other site specific circumstances might arise which have not already been considered, however it is relevant to note that many of the assessed sites have been omitted from the SALDD because they have now been granted permission. It is therefore accepted that if the Council are able to present genuine evidence to demonstrate that a particular site, due to availability, technical constraints or even strong local objection, should not be delivered there may be grounds to discount the site selection criteria. Otherwise it is entirely reasonable and appropriate for the best performing sites (when considered against the Council's own criteria) to be allocated for housing.
- 2.3 Nonetheless, the previous representations submitted on behalf of The Wellcome Trust confirm that, in the case of 'Land West of 10 Toms Lane' there are a number of sites which perform less well against the Council's own sustainability criteria, the site is demonstrably available and technical evidence has been submitted to confirm that it is deliverable. The site has however been omitted from the SALDD on grounds of Green Belt harm and highway impact. At pre-submission stage, evidence was requested to explain the Council's objections and counter the technical highway and landscape information submitted on behalf of The Wellcome Trust and in doing so substantiate the particular site specific circumstances upon which the site has been omitted. No such evidence has been provided.
- 2.4 In the absence of any new evidence to indicate a change in circumstances, it is difficult to understand how the omission of 'Land West of 10 Toms Lane' is justified based on grounds that have already been considered in the round during the site scoring process.

3 Response to Q6.4, Q6.5 and Q6.7

Q6.4 - Whether the allocated sites are broadly in the right locations.

Q6.5 - Whether the allocated sites are, in practical terms, accessible.

Q6.7 - Whether, having regard to the above matters, the likely distribution of the planned housing will be sufficiently in accordance with the intentions of the Core Strategy to produce a spatial outcome that may be considered sustainable as the strategy intends.

- 3.1 The proposed allocations would direct significantly less housing to the Secondary Centres 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 Strategy. 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 wide 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.
- 3.2 One of the fundamental elements of sustainability is accessibility to local services and amenities in order to reduce reliance on the car. 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

- 3.3 In addition to the above, the SALDD also proposes to allocate a site for 10 dwellings in Loudwater¹. Although Loudwater could be viewed as an outer suburb of Rickmansworth (a Key Centre) it is a distinct settlement, characterised by large detached houses, which does not benefit from wide range of services and amenities. The site in question is located 2.4km by road from the edge of Rickmansworth Town Centre. The site is therefore neither within nor on the edge of a principal town, key centre and secondary centre.
- 3.4 The strategy for allocating sites would therefore appear to conflict with the wider sustainability objectives of the adopted Spatial Strategy and indeed the overriding objectives of the NPPF. These include both the need to provide opportunities for future residents to travel by means other than the car and the need to provide housing in locations which will foster linkages with existing communities. The development of isolated pocket of new homes in Green Belt will not contribute to realising these objectives and will not therefore achieve a sustainable pattern of growth.
- 3.5 An entirely reasonable alternative would be to allocate land such as 'Land West of 10 Toms Lane' which, although greenfield, is well related to the Key Centre of Abbots Langley and Secondary Centre of Kings Langley and would therefore deliver a more sustainable pattern of growth.

¹ Site Ref: H(17)

4 Response to Q6.8

Whether, having regard to the above matters, the temporal outcome will serve to sustain a housing trajectory that will provide for the minimum requirements of the Framework in respect of ongoing housing land availability.

- 4.1 The representations submitted on behalf of The Wellcome Trust at pre-submission stage raise 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.
- 4.2 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*".
- 4.3 Although the NPPG is currently in draft form, it nonetheless clearly establishes the Government's intended interpretation of Paragraph 48 of the NPPF. In the Council's response to the previously submitted representations² 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.
- 4.4 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 locations must be identified to accommodate a further 190 dwellings .
- 4.5 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. Previous representations have suggested that a lapse rate should be applied to the proposed allocations in order anticipate the slow or non-delivery of an element of sites and therefore provide greater flexibility within the trajectory. The Council argues that a lapse rate is not necessary because windfall development would redress any shortfall in delivery. The concerns discussed

² Representation Ref: 60120/3003/1/SA/2

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.

- 4.6 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 housing, opportunities maximise housing delivery should be encouraged.

5 Response to Q6.9

Whether the intended phasing of the allocated sites over the plan period is sufficiently clear and robust to be effective and whether it will, in practical terms, serve Core Strategy and Framework intentions to promote sustainable development.

- 5.1 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"*.
- 5.2 Although the NPPG is currently in draft form, it nonetheless clearly establishes the Government's intended interpretation of Paragraph 48 of the NPPF. In the Council's response to the previously submitted representations³ 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.
- 5.3 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 dwellings .

³ Representation Ref: 60120/3003/1/SA/2

6 Response to Q6.13

Whether, having regard to the above matters, alternative and/or additional housing sites should be allocated for release during the plan period, so as to meet the requirements and intentions of the Core Strategy and the Framework.

- 6.1 The comments provided in respect of Q6.1, 4, 5, 7 and 8, along with the previous representations submitted on behalf of The Wellcome Trust raise significant concerns of the soundness of the SALDD.
- 6.2 Contrary to the NPPF, the proposed housing trajectory relies on a significant contribution from windfall sites, and is not sufficiently flexible to respond to lapses in delivery over the plan period.
- 6.3 The proposed spatial distribution of housing development is not consistent with that envisaged by the adopted Core Strategy. It would fail to effectively deliver the required amount of growth in Secondary Centres and would result in a number of isolated pockets of residential development within the Green Belt, contrary to the sustainability objectives of the NPPF.
- 6.4 Accordingly, in order for the plan to be made sound, additional sites must be identified to redress the deficit in supply resulting from the removal of windfall sites, respond to potential under-delivery in a positive and plan led manner and ensure that sufficient growth is directed to Secondary Centres to support their vitality and viability.

7 Response to Q6.14

7.1 The previous representations submitted on behalf of The Wellcome Trust provide detailed evidence to justify the allocation of 'Land West of 10 Toms Lane'. The site was identified as a potential housing allocation within the Core Strategy Preferred Options (2009), Core Strategy Further Preferred Options (2009) and Site Allocations Preferred Options (2012). It has been acknowledged that the site performs well against the housing site selection criteria when compared to other Green Belt sites and a detailed package of technical assessment work has been provided which collectively demonstrates that the site deliverable without harm to matters of acknowledged importance. For the avoidance of doubt, a copy of this information was submitted at pre-submission stage and should therefore be available for the Inspectors consideration. The conclusions of each technical assessment are also reproduced below.

- **Archaeology** - Development within the site is unlikely to impact on surviving buried archaeological remains. The archaeological potential of the site is considered to be so low that it is considered that no further archaeological work should be required in advance of or during the site's development.
- **Ecology** - The majority of the site provides no ecological constraints for residential development. The tree belt has limited nature conservation interest with the large oak tree providing something of a feature. Subject to the detailed proposals in the vicinity of the tree further survey work may be required to confirm usage by bat. Any requirement for tree works within the tree belt should take into consideration its potential use for nesting birds. The tree belt could however provide a buffer to residential development with opportunities for the establishment of a headland feature alongside with benefits from the chalky nature of the soils to establish a more diverse flora.
- **Flood Risk and Drainage** - Overall it is considered that Flood Risk and Drainage are not a constraint to development of this site. Surface Water drainage will be dealt with by the utilisation of an infiltration basin in the western corner of the site which will take all surface water runoff from the development including access roads, car parking and dwellings. The exact requirements for surface water drainage will be determined through the design of a scheme in due course however it has been determined that there is no constraint to development. Foul Water will connect into the existing public sewer in Toms Lane via the construction of a new sewer from the site and a new manhole connection into the existing public sewer.
- **Ground Investigation** - The findings of this environmental risk assessment have identified limited potential on-site sources of contamination. Based on these findings, it is likely that

any contamination as a result of these sources will be localised and limited to the shallow soils, particularly within the top 0.5m. There was no evidence of bulk material storage (such as hydrocarbons or chemicals) at the site or recorded pollution incidents relating to the site, generally reflecting the nature of the site as open agricultural land.

- **Noise** - With the necessary improvements constructed into the dwellings, the noise levels that may be experienced by the dwellings on the development can be reduced sufficiently to mitigate against excessive noise from the railway line. Thus there is no reason why this development should be refused by the planning authority on noise grounds providing the building envelopes incorporate the recommendations included in this report.
- **Services and Utilities** - Responses from the Statutory Undertakers show there are no major limits to development of the site at the current time. Provisional costs estimates have been provided by the various statutory undertakers and these do not impinge on the viability of the proposed development. It is considered there are no infrastructure or service constraints to bringing forward the site for development.
- **Highways and Transport** - The site has good public transport linkages and is located close to a number of local amenities and facilities, including a convenience store and employment area. There are no existing footways of Toms Lane but there are footways on Station Road and Water Lane that extend west from the site providing access to all local amenities and facilities in Kings Langley. It is unlikely that the proposed number of dwellings would have a significant impact on the number of pedestrian and vehicular trips on Toms Lane.
- **Trees** - The majority of the trees were located on a steep sided bank to the road with trees overhanging the road. The main species were ash, oak and sycamore with some field maple and hawthorn at the eastern end of the bank. Cherries, weeping willow, walnut and apple were associated with the north eastern part of the site in the vicinity of residential properties. The trees along the bank have been subject to little recent management although those nearer the railway bridge at the western end may have been subject to coppicing at some stage in the past. Alongside the field certain of the trees had been subject to cutting back as part of 'hedge maintenance type operations. There was a dense cover of ivy on many of the trees and the form of many was suppressed by the dense growth of trees on the bank. In some of the very steep locations trees have compensated their form by developing a curved 'j' shaped trunk. The bank trees included some dead trees and some with dead wood which forms a serious hazard to traffic using the road. Oak

tree 39 in overhanging the field in the central part of the northern boundary was the only graded as 'High quality' grade A, with 7 graded moderate quality B (Drawing 589/02).

- **Landscape** - The findings of the assessment on landscape quality and the potential significance of development indicates that a number of locations within the Kings Langley Estate (within the ownership of Wellcome Trust) are of lower quality and the potential impacts of development are less. This includes 'Land West of 10 Toms Lane' which is considered to be contiguous to existing development. The rationale follows that this is an area where potential for development has been identified.

- 7.2 It should be noted in respect of the above that The Wellcome Trust, as landowner of the site and the remainder of the Kings Langley Estate, have agreed to identify a corridor of land within their ownership along the eastern side of the rail line which will form a permissive path connecting the homes along Toms Lane with Kings Langley rail station and employment area. This permissive path will be more direct and hence it will improve accessibility to the train station and employment area for existing and future local residents and would therefore provide a significant benefit to the local population. This is significant benefit which is unique to the site and would otherwise not be deliverable. At present there is no pedestrian footway under the railway bridge on Toms Lane and therefore the provision of a new footpath would significantly improve the pedestrian environment in this part of Kings Langley.
- 7.3 In addition to the above technical information, a Contextual Analysis and Options Study has been submitted which identifies the preferred development option for the site of 20 detached and semi-detached houses to comprise a yet to be determined mix of 2-bedrooms through to 5-bedrooms. This shows strategic landscaping to the southern boundary of the site, planting reinforcement along the north and west boundaries, a balancing pond which will be managed as an ecological feature and new vehicular and pedestrian access.
- 7.4 Accordingly, the site is demonstrably deliverable and it would also bring public benefits in respect of new and improved pedestrian routes.
- 7.5 The site has previously been the subject of public consultation, indeed the Site Allocations Supporting Information Report confirms that during the previous consultation phases, the site received significant local support (Core Strategy Preferred Options = 61% in favour / Site Allocations Preferred Options = 71% in favour).
- 7.6 The site has also undergone sustainability appraisal at every stage of the plan making process and therefore may be allocated without further assessment in this respect.

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