

Hearing Statement

Three Rivers District Council

Examination of Site Allocations Local Development Document

Supplementary Hearing Session: Wednesday 16th July 2014

Introduction

1. These representations are prepared on behalf of Mr S Lyne and responds to the Inspector's Supplementary Hearing Sessions into the Site Allocations Local Development Document (SALDD). This follows the Council's consultation on its Site Allocations Modifications Consultation March 2014. Mr S Lyne is the owner of Fairways Farm, north of Bucknalls Lane, Abbots Langley. The land is to be removed from the Green Belt (GB) for delivery of 100 dwellings, however, it is proposed to phase the delivery of the dwellings to post 2026. Whilst the landowner fully supports the identification of the site for removal from the GB and its allocation for housing the timing/phasing of its delivery is not sound and an objection to the phasing of the site is submitted as set out in detail below.
2. The objection relates to document reference MM56 in respect of Site Ref H(40).
3. These representations consider the 'soundness' of the proposed Modifications Consultation. It is our submissions that the changes as drafted are 'unsound'. The substance of our representations is set out below and we detail the changes we consider necessary to make the document sound.

Representation

4. We object to the phasing of the Site Ref H(40) – Fairways Farm, Bucknalls Lane – (document reference MM56) which is proposed for delivery post 2026. We fully support the proposed removal of the land from the GB and its allocation for 100 residential dwellings. Our objection is that the proposed phasing policy for this site renders the document unsound as that approach would not be "justified", "effective" or "consistent with national policy".
5. As context, the Inspector in his letter dated the 28th November 2013 identified that the Site Allocations Local Development Document (SALDD) as submitted cannot be considered sound, but with appropriate modifications it can be made so. The Inspector identified that the Council's close matching of housing allocations to the Core Strategy delivery requirements introduced an unduly constraining rigidity to anticipated housing land supply which would render the SALDD vulnerable to unexpected non-delivery of sites or unexpected delays in reviewing the Local Plan. This lack of flexibility was identified as inconsistent with the intentions of the NPPF and tests of soundness.
6. Accordingly, the Inspector determined that there was a need for a small margin of contingency

and recommended that further allocations capable of delivering one additional year of housing land supply (180 dwellings) be added. Further, the Inspector determined that some of the suggested housing allocations in the SALDD were not justified in the context of the Core Strategy or the NPPF for a variety of reasons and he therefore recommended the deletion those housing sites and their replacement with alternative sustainable and deliverable sites. The Fairways Farm site was identified by the Inspector as one such site for inclusion in the SALDD for 100 dwellings.

7. The Council determined at its Executive Committee of the 27th January 2014 to accept the Inspector's recommendations and undertake consultation on its Proposed Modifications, however the Council has made the decision to phase the Fairways Farm site post 2026, which is not consistent with the Inspector's findings, recommendations or current evidence on deliverability. It is therefore submitted that the Fairways Farm site should not be phased post 2026.
8. The Fairways Farm site is required for delivery prior to 2026 for the Council to deliver its Core Strategy minimum housing requirement by 2026. The Core Strategy sets a target of 4500 dwellings between 2001 and 2026. 2442 dwellings have been delivered 2001 – 2013 and it is projected that 210 will be delivered 2013/14. This leaves a residual target of 1848 dwellings to be provided through the allocation of sites within the SALDD.
9. The Council had sought to identify sites capable of delivering 1848 dwellings in the SALDD however the Inspector in his letter dated 28th November 2013 identified the requirement to delete sites and reduce site capacity of some sites for a variety of reasons resulting in the loss of 245 dwellings from the SALDD supply. The Inspector stated that: "the loss of 245 units of capacity would need to be compensated for directly and a further year supply is need for flexibility." The further years supply would amount to 180 extra dwellings. This would require a further 425 dwellings to be identified however the Inspector made provision for an additional 40 dwellings at South Oxhey Town Centre. Therefore subtracting the extra 40 units gained at South Oxhey Town Centre from the 245 units of lost capacity and adding the extra year's supply of 180 units for flexibility ($245 - 40 + 180 = 385$) would require the Council to identify additional sites capable of delivering 385 dwellings by 2026.
10. The Inspector identified sites he considered complaint with the Core Strategy and NPPF which would provide the 385 dwellings and the Council has put forward 3 of these sites for inclusion with the SALDD capable of delivering 380 dwellings as follows: Site H(13) Killingdown Farm Buildings 140-180; H(39) Woodside Road 100 dwellings and H(40) Fairways Farm 100 dwellings.
11. The identification of these sites for housing, specifically Fairways Farm is supported and considered sound. However, the Council is only proposing to include Woodside Road within the housing supply for delivery prior to 2026 and proposes to phase H(13) Killingdown Farm and H(40) Fairways Farm to post 2026 "with a view to bringing it forward if needed or retaining it as undeveloped if appropriate to the next plan period and that the Green Belt designation is removed."
12. By taking this approach the Council has not followed the Inspector's recommendation to

“directly compensate the 245 dwellings lost with new supply” as highlighted in paragraph 8 above. The Council has removed 245 dwellings from its supply up to 2026 and only added 100 dwellings at Woodside Road for delivery before 2026 (1703 dwellings in supply) resulting in a shortfall and a requirement for further land to deliver 145 dwellings required to meet the residual target of 1848 dwellings to be delivered prior to 2026. It is therefore submitted that the Fairways Farm site (100 dwellings) should not be phased post 2026 as the Council has not identified enough land to deliver the Core Strategy minimum housing requirement of 1848 residual dwellings in this plan period without it.

13. We would agree with the Council that the buffer of 1 year’s additional land supply to provide the flexibility could be phased to post 2026 and brought forward early if required. The additional one year supply (180 dwellings) above the Core Strategy requirement would match exactly the capacity of site H(13) Killingdown Farm (180). It is considered appropriate to phase this site. There are existing uses on site that will need to be relocated. Conversely the Fairways Farm site is under a single control, without constraint, greenfield and is available now for development and delivery early in the plan period.
14. To make the SALDD sound will require the delivery of the Fairways Farm site prior 2026 to ensure the minimum housing targets of the Core Strategy are delivered and that the Plan does not fall short of the National Planning Policy Framework (NPPF) requirements to boost significantly the supply of housing land. Further, there is still a need for contingency in the current strategy to allow for unexpected delays associated with unexpended non delivery of sites and a further review of the Local Plan, adopting its replacement and delivering new homes. In addition the delivery of these 1848 homes by 2026 must be treated as the absolute minimum target to be exceeded because this level of supply is significantly below that required to meet the district’s Objectively Assessed Needs s submitted throughout the Examination process.
15. Finally, the reliance on South Oxhey Town Centre to deliver at least additional 280 units net and possibly as many as 360 represents a significant risk in the strategy. There is still no firm evidence that the higher figure now being put forward by the Council will achieve planning permission, let alone funding, and therefore, in the interests of flexibility and responsiveness, we feel that it remains unlikely that the site will be delivered in the plan period. There is further concern with the approach to Kings Langley. The Council’s approach will not bring forward a comprehensive mixed use development that will deliver the competing commercial and residential uses sought. Both sites were discussed fully at the Examination.
16. The foregoing therefore sets out a compelling need for the delivery of the Fairways Farm site prior to 2026. It is a greenfield site without constraint and can contribute towards delivery early in the plan period and reduce the threat of uncoordinated Green Belt release through early planning applications. It is submitted that the site should be identified for delivery in the 5 year period 2016-2021.

Proposed Amendments

17. In order to address the above points, and to provide the appropriate level of certainty required

by this Plan it is necessary to amend the phasing policy for the H(40) Fairways Farm site to the period 2016-2021.

18. It is considered appropriate to phase the H(13) Killingdown Farm (180) to 2026 to provide the Council with a buffer of 1 year's additional land supply as sought by the Inspector.
19. These changes are required to make the SALDD sound as it is currently not justified (not the most appropriate strategy) and effective (deliverable over its plan period) and is consequently unsound without these changes.
20. The above changes would ensure delivery of a year on year supply of housing land and negate the need for an early further review of the Local Plan.