

Robin Brooks BA (Hons) MRTPI  
Inspector for Three Rivers District Council's  
Development Management Policies LDD  
Examination  
c/o Ian Kemp, Programme Officer

**My Ref :** DCES/RM/CM  
**Your Ref :**  
**Date :** 14 May 2013  
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**Department :** Development Plans

Dear Mr Brooks

**Three Rivers Development Management Policies LDD Main Modifications Consultation  
Comments on the representations by Howard Sharp and Partners LLP on behalf of Gade  
Investments Ltd**

Please find below our thoughts on the representations made by Howard Sharp and Partners

**Summary of Representation on MM28**

The proposed new wording of MM28 imposes a standard Green Belt wording on a non-standard policy framework that would have the effect of making it extremely difficult to deliver development on some allocated sites. It is considered unsound to remove the sentence "Where sites are allocated for development in the Site Allocations LDD, this may represent very special circumstances" without any replacement text.

Suggested replacement text:

Policy DM2 should unequivocally state that *its policy tests do not apply to any part of the Green Belt allocated for development in the Sites Allocations LDD and Policy C2 of the Core Strategy will apply instead*

**TRDC Comments**

As stated in our letter of the 24 January 2013, this sentence was removed following the Inspector's concerns that it was misleading.

When this sentence was removed the Inspector stated that it effectively severs any direct link between that policy and the forthcoming Site Allocations LDD – as such it takes the question of how sites would be developed under that plan out with the scope of the examination. (Inspectors letter 21 March 2013).

The delivery of sites is a matter for the Site Allocations LDD.

The Council's view is that Policy DM2 is not intended to cover how sites in the Site Allocations LDD are developed and our approach to the treatment of sites in the Site Allocations LDD in regards to Green Belt Policy DM2 is set out in the Note for the Inspector and in our response to Mr Brook's letter of the 21 March 2013.

The Council's approach is to consider planning applications against policies within the Core Strategy, Policy DM2 of the Development Management Policies as well as other appropriate policies such as

those relating to design and the NPPF. In effect, applications for development of the Green Belt sites in the Site Allocations LDD will be considered on a case by case basis and 'Very special circumstances' will have to be considered as part of the consideration of any application for planning permission on these sites

It is our view that the suggested replacement wording is inappropriate as it suggests that Green Belt sites should not be assessed against Green Belt policy and contradicts the Councils approach set out in the Core Strategy and those of national policy.

#### Summary of Representation on MM34

The rewording of the policy is broadly supported but should be more flexible with respect to Zone 3b (functional floodplain). The PPS25 Practice Guide states that generally development should be directed away from zone 3b but it's not an absolute prohibition. Some functional floodplain is already developed and there should always be flexibility to alter it as part of a scheme to reduce flood risk: both public and privately funded schemes must be capable of being brought forward to reduce flood risk to existing properties and infrastructure. The Exceptions text referred to in paragraph 102 of the NPPF can justify development in higher probability flood zones if the following elements are met:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh the flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared
- a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and where possible will reduce flood risk overall.

Therefore part b) should state:

b) New development will not be permitted in Flood Zone 3b, as defined by the SFRA, unless the development forms part of a strategy to deliver reduced flood risk overall. Redevelopment of existing built development in that zone will only be permitted if the proposals are of a compatible use class and would not increase flood risk elsewhere.

#### TRDC Comments

Planning Policy Statement 25 was replaced by the NPPF and Paragraph 100 of the NPPF states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is *necessary*, making it safe without increasing flood risk elsewhere.'

Paragraph 5 of the Technical Guidance to the National Planning Policy Framework states that:

'The overall aim should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses (see table 2) and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required (see table 3). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.'

Paragraph 102 of the NPPF, that the respondent refers to, sets out both of the tests that need to be passed as part of the Exemptions Test but is not intended to mean that *new* development will be permitted if it 'forms part of a strategy to deliver reduced flood risk overall' as suggested.

However, the policy does allow for the redevelopment of existing buildings in Flood Zone 3b if the proposals are of a compatible use and would not increase the risk of flooding elsewhere.

We consider the wording of paragraph b) of Policy DM8 to accord with the NPPF.

I hope the above clarifies the Council's intentions, but if there is any further information required please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Claire May". The signature is written in a cursive, flowing style.

Claire May MSc MRTPI  
Principal Planning Officer