

Standing up for Hertfordshire's countryside

CPRE Hertfordshire Representations

Watford Borough Council Core Strategy - Pre- Submission (Publication) Consultation July 2011

Extracts from Part B of Consultation Questionnaire

Comments refer to : The Document as a whole

4.(a) Do you consider the DPD is legally compliant: NO

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

The Council has failed to meet the requirements of Regulation 25 of the The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 by not giving adequate opportunity for public participation in the preparation of the Core Strategy an the appropriate stage. This lack of opportunity is also contrary to the national commitment stated at paragraph 4.19 of PPS12 which requires participation in plan preparation in the context of 'having provide the necessary information to the public'. The Council confirmed in a formal response by the Planning Policy Manager to CPRE Hertfordshire dated 23 September 2008 that the evidence base for the Preferred Options stage was inadequate with several important studies incomplete, and indicated that a further informal consultation stage was likely before the Core Strategy was prepared. CPRE Hertfordshire was not kept informed of Watford's consequent actions as promised in the 2008 letter, and no further consultation stage was undertaken to enable the necessary participation to take place.

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Further public consultation on Core Strategy options prior to preparation of a Pre-submission document in the light of the those consultations.

Comments refer to : Chapter 13 - Green Infrastructure

4.(b) Do you consider the DPD is sound : NO

5. Do you consider the Core Strategy is unsound because it is not:

a) Justified ✓

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

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There is no policy for protection of the Green Belt in the Core Strategy (CS). This is considered to be an important omission, given that (as stated in the CS) 20 per cent of the Borough lies within the Green Belt, and the essential role of Watford's Green Belt in preventing urban sprawl and coalescence of settlements. A policy stating that the Council will protect the Green Belt from inappropriate development through development plan preparation and decisions on individual planning proposals, is therefore necessary. Without such a policy, the CS is also considered to be inconsistent with national policy as set out in PPG2.

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

A policy for the protection of the Green Belt should be included in the Core Strategy, either in Chapter 13, Green Infrastructure, where green belt is referred to at the top of page 92, or in Chapter 4 on Spatial Strategy. Policy SS1 could then also explain the importance of the protection of the Green Belt to the Core Strategy.

Comments refer to : Policy HS1

4.(b) Do you consider the DPD is sound : NO

5. Do you consider the Core Strategy is unsound because it is not:

a) Justified ✓

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Policy HS1 should include location in the Green Belt as one of the factors listed in the policy (there are five at present) that will count against the allocation of land for residential development. Without such a criterion the policy fails to provide guidance for potential developers and for the preparation of future development plan documents that is consistent with national planning policy for the Green Belt.

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Inclusion of an additional bullet point criterion in Policy HS1 under subheading 'Factors that will go against residential allocation will include', of:- 'Location of the land within the Green Belt'.

Comments refer to : Policy HS4

4.(b) Do you consider the DPD is sound : NO

5. Do you consider the Core Strategy is unsound because it is not:

c) Consistent with national policy ✓

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Policy HS4 is unsound because it does not include a criterion stating that Green Belt locations will not normally be acceptable for Gypsy and Travellers sites. To be acceptable very special circumstances would have to be demonstrated that outweigh the presumption against such development and the harm that would result. Without such a criterion the policy is contrary to national Green Belt policy as set out in PPG2 and the Ministerial Statement on Government policy of 13 April 2011 in respect of Gypsy and Traveller sites

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

A new numbered criterion should be included, preferably first in the list, in Policy HS4, to state that the site should 'Not be located within the Green Belt'.
The text of the Core Strategy at paragraph 8.4.2 could include a statement to explain that very special circumstances would need to be demonstrated to overcome the presumption against development in the Green Belt.

Comments refer to : Policy EMP 2

4.(b) Do you consider the DPD is sound : NO

5. Do you consider the Core Strategy is unsound because it is not:

a) Justified ✓

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6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Policy EMP 2 omits reference to a previously undeveloped green belt location being one of the relevant criteria when determining the merits of sites in the allocation of land for employment use. The Policy also fails to state that the criteria in the Policy will also be relevant when determining planning applications. The Policy is not justified in the absence of such a criterion, and may also be contrary to national Green Belt policy.

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The listed factors in Policy EMP2 should include 'Whether the site is located within the Green Belt'.

The Policy should include an additional statement that these factors will also be taken into account when planning applications for employment uses are being determined.

LB 15.07.11.