

LOCAL PLAN SUB-COMMITTEE
17 October 2024
PART I

Implications of NPPF Consultation and Transitional Arrangements on Local Plan Progress (DoF)

1 Summary

This report sets out the implications the Government's consultation on the new National Planning Policy Framework will have on the emerging Three Rivers Local Plan. Based on these implications Officers recommend to delay the Regulation 19 consultation and undertake further evidence work.

2 Details

2.1 The new Government has placed planning reform at the front and centre of their work programme with building new homes a key component of their approach to stimulating economic growth. The first steps in making these reforms have been undertaken swiftly and the Government has consulted on a new National Planning Policy Framework (NPPF). The Council has provided its response to the consultation following discussion at the 11 September Local Plan Sub-Committee.

2.2 This report will focus purely on the implications of the Government's consultation and proposed transitional arrangements on Local Plan preparation.

2.3 Following the consultation the Government has stated it will publish the new NPPF by the end of the year at the latest, so that policy changes can take effect as soon as possible.

Housing Need

2.4 The policy area that has the most impact on the emerging Local Plan is housing need. This is an issue the Council has been grappling with for some time now. In 2021 in the Local Plan Regulation 18 Part 2: Sites for Potential Allocation consultation the Council sought views on a draft plan that almost met Government's standard method for calculating housing need target, eventually falling 1,705 dwellings short of the standard method target of 12,624 dwellings across the plan period.

2.5 At Full Council in December 2022 Members **unanimously agreed** to add a further round of Regulation 18 consultation to the Local Development Scheme (Local Plan timetable). It was agreed that this further Regulation 18 consultation would be focused on lower housing numbers than had been consulted on in the previous round of Regulation 18 consultation.

2.6 Officers were tasked with considering the best approach to calculating an appropriate lower housing target. Officers did not feel that pursuing an alternative method to the standard method would be an appropriate course of action as it could lead to the plan being found unsound at examination. Having ruled out an alternative calculation to the standard method, Officers considered a constraints based approach to housing growth. Using the Stage 2 Green Belt Review evidence base document to demonstrate.

- 2.7 From 27 October to 10 December 2023 the Council consulted on a low housing growth option. This concluded its Regulation 18 stage consultations. The vast majority of public respondents agreed with the Council's proposed stance of not complying with the Government's Standard Method. In total, 789 (91.6%) respondents agreed with this approach whilst 72 (8.4%) did not. Similarly, the vast majority of public respondents agreed that the Council's preferred 'Low Growth and Green Belt Restraint' option is the best growth strategy for the district. 767 (90.3%) of respondents agreed with this approach whilst 82 (9.7%) did not. Members agreed to continue with the Green Belt constraint approach for Regulation 19 at the July Local Plan Sub-Committee and Officers have been preparing for Regulation 19 consultation to take place later this autumn.
- 2.8 The approach to the low housing growth option includes sites that were agreed for consultation in the 2021 Sites for Potential Allocation and 2023 Additional Sites for Potential Allocation consultations that are either urban brownfield sites or that fall into areas of low to moderate Green Belt harm as set out in the Council's Stage 2 Green belt Review. A summary of the low housing growth consultation was included in the July Local Plan Sub-Committee report.
- 2.9 As stated earlier, in 2021 we consulted on our Preferred Policy Options and Potential Site Allocations in the form of a full draft Local Plan. This round of Regulation 18 consultation aimed to meet the Government's standard method target, however did not quite meet the target in full. Officers consider this consultation to have been on our high growth option. A potential moderate growth option was considered at the 24 August 2023 Local Plan Sub-Committee meeting. This option included strategic sites, of circa 500 dwellings or more, that fall within areas of 'moderate-high' and 'high' Green Belt harm where the benefits of these sites in terms of sustainability, access to services and infrastructure provision potentially outweigh the harm to the Green Belt.
- 2.10 The additional benefits that can be provided by strategic sites may outweigh the harm to the Green Belt of removing that land for development. Details of specific strategic sites were reported to the 24 August 2023 Local Plan Sub-Committee meeting. The decision by Members at this meeting was to not include any sites (other than brownfield sites in the Green Belt) that fell within area of above 'moderate harm'.
- 2.11 Following consultation of an updated NPPF in December 2022 the Council pursued a Green Belt constraint led approach to growth which resulted in 4,852 homes being planned for in the Local Plan Regulation 18 Part 4 consultation undertaken in late 2023. This was less than half the standard method target.
- 2.12 Officers highlighted the risk that this approach was unlikely to be successful at examination as it was so far from meeting the development needs of the area in terms of quantum of housing, affordable housing provision and specialist accommodation needs. This was emphasised by Officers at the 16 July Local Plan Sub-Committee meeting where they set out that even a 'moderate growth' approach meeting around 70% of the Government's standard method target would be unlikely to be successful, and going below this would only increase the risk of the plan being found unsound at examination. At this meeting Members agreed to continue with the Green Belt constraint led approach (less than 50% of the standard method target) for the Regulation 19 Local Plan consultation.
- 2.13 Since the 16 July Local Plan Sub-Committee the Government has consulted on its proposed reforms to the NPPF and other changes to the planning system, and a letter from the Deputy Prime Minister and Secretary of State for Housing, Communities and

Local Government Angela Rayner sent to all local planning authorities set out the Government's intentions.

- 2.14 In terms of housing need the Secretary of State's letter set out that the Government will be reversing the changes to the NPPF which loosened the requirement for local authorities to plan for and meet their housing needs. They will now be mandating that the standard method is used as the basis for determining local authorities' housing requirements in all circumstances.
- 2.15 The consultation set out the new standard method figure for Three Rivers as 739 dwellings per annum, a 15% increase from the previous 640 dwellings per annum. The 270 dwellings per annum in the Green Belt constraint led approach equates to 36.5% on the new standard method target.
- 2.16 The NPPF consultation document states that local planning authorities will be expected to make all efforts to allocate land in line with their housing need as per the standard method. Authorities would be able to justify a lower housing requirement than the figure the standard method sets on the basis of local constraints on land and delivery, such as existing National Park, protected habitats and flood risk areas, but would (as now) have to evidence and justify their approach through local plan consultation and examination. All local planning authorities will need to demonstrate they have taken all possible steps, including optimising density, sharing need with neighbouring authorities, and reviewing Green Belt boundaries, before a lower housing requirement will be considered.
- 2.17 In the proposed updated wording to NPPF paragraph 142 it now states that exceptional circumstances for altering Green Belt boundaries will now include instances where a local authority cannot meet its identified need for housing. In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, **unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the plan area as a whole.**
- 2.18 It should be noted that the Stage 2 Green Belt Review used as evidence for the Green Belt constraint led approach was conducted on a more granular level considering the harm in removing parcels of land for development, rather than considering the impact on the Green Belt as a whole. **We would therefore need to undertake further evidence work if we are to demonstrate that the quantum of growth would be damaging to the Green Belt as a whole.**
- 2.19 This approach to housing need is underpinning the government's approach to the economy and as such this is extremely unlikely to change. We may see some tweaks to wording in the NPPF but officers do not expect changes to mandatory housing targets or significant changes to transitional arrangements.
- 2.20 Officers consider that Green Belt constraint led approach plans for levels of growth that undershoot the standard method target by far too much, and this would be found unsound at examination even if it were examined against the extant 2023 version of the NPPF. This will be discussed further in the following sections

Transitional Arrangements

- 2.21 Although the Government sets out that local authorities should continue to progress their plans without delay, they have set out transitional arrangements for moving

across to the new system. These transitional arrangements will have significant implications on our Local Plan progress.

2.22 The proposed transitional arrangements set out that;

***those plans at examination** will continue to be examined under the version of the NPPF they were submitted under (chapter 12, paragraph 5)*

***those plans that have reached Regulation 19 publication stage** but not yet been submitted for examination one month after the revised framework is published, **with a gap of no more than 200 dwellings per annum** between the local planning authority's revised LHN figure and its proposed housing requirement (as set out in the Publication version of the plan), should also progress to examination under the version of the NPPF it has used when preparing the plan thus far (chapter 12, paragraph 6)*

*those with a more significant gap of **over 200 dwellings per annum** between the local planning authority's revised LHN figure and the emerging housing requirement **will need to revise its plan in line with the revised NPPF** before **submitting the plan for examination no more than 18 months** after the publication of the revised NPPF (chapter 12, paragraph 7)*

*all plans at **earlier stages of preparation** - (i.e. plans that have not yet reached Regulation 19 stage one month after the revised NPPF is published) - should be **prepared against the revised version of the NPPF and progressed as quickly as possible***

Officers Note: The Green Belt Constraint approach is estimated to result in fewer than 270 dwellings per annum over an 18 year plan period. The revised Standard Method Figure would require 739 dwellings per annum. As such, there is a "significant gap" of over 200 dwellings per annum between the local planning authority's revised LHN figure and its proposed housing requirement.

2.23 The current Local Development Scheme (LDS) sets out that the emerging Local Plan is to be submitted for examination by the end of March 2025. The consultation document sets out that "*the Government will respond to this consultation and publish NPPF revisions before the end of the year, so that policy changes can take effect as soon as possible*". As such, given the wording of the proposed transitional arrangements (particularly in relation to the 200 dwelling per annum threshold), that the Government is aiming to publish the revised NPPF by the end of the year (and possibly sooner) and the current LDS timeframes, **Officers consider it extremely unlikely that the current version of the plan (Green Belt Constraint) will be examined under the current NPPF.**

2.24 In simple terms the transitional arrangements set out that if the local plan is reasonably close to where the Government wants the housing requirement to be, then carry on progressing the Local Plan. If not, then the housing requirement in the Local Plan will need to be revised before the plan can be adopted. Or at least any evidence justifying a lower housing requirement will need to be prepared taking the new NPPF into account.

2.25 The Government's stated goal is to reach universal local plan coverage that meets their growth agenda. There may be minor changes to the proposed transitional arrangements following the consultation, but it is likely these changes will be made with the aim of delivering the levels of growth the Government are pushing for. It is

extremely unlikely that plans that fall well below the standard method target will be successfully adopted as evidenced by the 200 dwellings threshold in relation to the standard method target.

- 2.26 If we carry on as currently timetabled, we would be at Regulation 19 Stage when the transitional arrangements come into effect (unless publication of the new NPPF is delayed). As our agreed housing target equates to around 270 dwellings per annum we are more than 200 dwellings per annum below the new 739 dwellings per annum standard method target.
- 2.27 Had we been planning for 539 dwellings per annum or at least close to that figure we could have carried on to examination with some chance of success. We do not have the option of going out for Regulation 19 on a higher figure as this would require additional work that would result in us missing the deadline set out in the transitional arrangements for reaching Regulation 19 stage. This includes feeding the additional sites into evidence base work such as the Sustainability Appraisal, Infrastructure Delivery Plan, Habitats Regulations Assessment, Viability Assessment and Transport Assessments. All of which require site specific information.
- 2.28 As such, if we carry on as currently timetabled, **we would therefore most likely need to revise the Local Plan so that it is in line with the revised NPPF and submit the plan no more than 18 months after the new NPPF is published.** This is effectively the fastest route to having to publish a new standard method compliant local plan. Officers would recommend avoiding this scenario if possible as it would be preferable to explore and robustly evidence the work towards a new NPPF compliant plan, especially in relation to Green Belt constraint. Submitting a plan within 18 months of publication of the new NPPF, which is very ambitious, will mean we will have to accelerate the process and may not be able to explore alternative approaches to growth in more depth. Officers believe that the best chance of having a plan adopted with a lower housing requirement than the new standard method target would be to go and take the time to add to our evidence supporting this case, so it is in line with the new NPPF.
- 2.29 The current draft NPPF text sets out that the new housing targets will be mandatory and that meeting housing need would be exceptional circumstances for altering green belt boundaries, however it goes on to say:
- “...unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole.”*
- 2.30 This gives us the opportunity to add to our Green Belt evidence considering the performance across the area of the plan as a whole. This additional evidence work will give us the opportunity to consider whether it is possible to meet the levels of growth required without impacting the function of the Green Belt across the area of the plan as a whole, and if not what level of growth would be appropriate. The Council will need to demonstrate that it has considered ‘Grey Belt’ sites (although there needs to be further clarification from Government on the definition) and that the level of growth required by the standard method would not fundamentally undermine the function of the Green Belt across the plan area as a whole. If we have robust evidence supporting this case, we can argue that a lower level of growth would avoid unacceptable harm to the Green Belt.
- 2.31 Were we to delay the Regulation 19 publication of the local plan we would then have to make sure the plan is ‘progressed as quickly as possible’ as set out in the

transitional arrangements. This wording gives us more flexibility and time to fully evidence our approach to growth as it doesn't provide a specific deadline. That said, it is likely that the Government would still expect to see clear progress.

- 2.32 Although the new NPPF and transitional arrangements have only been consulted on and the final version not yet published, we need to make a decision now on whether to proceed to Regulation 19. When the final version is published, we would most likely already be at Regulation 19 stage meaning we would have to submit an NPPF compliant plan within 18 months. In that case it would be too late to then go and complete the evidence to support an alternative approach to growth as we would be required to submit in a relatively short time frame and have lost time from our current starting point.

Examination

- 2.33 As stated in the previous section, Officers do not believe we will have the plan at examination in order to have it examined against the 2023 version of the NPPF (and even if we did it would be most likely found unsound). Officers' opinion is that the only chance of this happening would be if the publication of the NPPF was delayed until next year, and this is considered very unlikely. The Government has been using strong rhetoric regarding planning reforms and have committed to publishing the new NPPF by the end of the year.
- 2.34 The Minister of State, Matthew Pennycook, wrote to the Planning Inspectorate on 30 July 2024 advising that authorities should not submit deficient plans believing that Inspectors will use significant time and resource during examinations to 'fix' them. It also sets out the government's expectation that Inspectors will apply pragmatism to examinations only where it is likely that a plan is capable of being found sound with limited additional work, and that any pauses to an examination timetable should usually take no more than six months overall.
- 2.35 Following the Minister's letter, the Planning Inspectorate have written to local authorities stating that they will be taking this more 'pragmatic' approach to examination.
- 2.36 In this context, Officers consider that even in the very unlikely event that the Local Plan in its current form reached examination in time to be examined under the existing 2023 version of the NPPF it would almost certainly be unsuccessful. Plans that undershoot the standard method target tend to go through long drawn-out examinations which is exactly what the Planning Inspectorate are being asked to avoid.
- 2.37 At the examination of the Solihull Local Plan the Inspector recommended that the council withdraw its local plan from examination as it is not 'willing' to release green belt sites in order to meet the area's housing need, referring to the minister's letter to the Inspectorate requesting they avoid lengthy pauses to examinations. It should be noted that over 5,000 homes were planned on the Green Belt across the plan period.
- 2.38 The Inspector's letter stated that the council could withdraw the plan or ask the Inspector to continue with their report, which would "*inevitably recommend that the local plan is not adopted and would involve additional time and cost*".
- 2.39 The Inspector's interim findings at the Elmbridge Local Plan examination set out that the Council's approach, where they had declared there were no exceptional circumstances for Green Belt release, would be unsound. The key concern was the

failure to address affordable housing needs across the plan period (This is similar to the Three Rivers Local Plan as we are some distance away from meeting our affordable housing needs with our current approach).

- 2.40 The Inspector set out that “*The Council should revisit the Sustainability Appraisal, the options for meeting local housing need, the conclusions drawn in relation to the Green Belt work already completed and consideration of all alternative sites, including the potential release of Green Belt sites, to address the 6,300 housing shortfall*”.
- 2.41 In their interim findings the Inspector has noted the Minister’s letter and stated that should this additional work need to take more than 6 months the Plan should be withdrawn or the Inspector will prepare the necessary report which would find the plan unsound.
- 2.42 The work that would be required for the Three Rivers Plan to be found sound at examination would take longer than 6 months as there would need to be some updates to evidence base work (SA, IDP, Whole Plan viability etc.) in support of the plan. As such, the plan would likely be rejected early in the process.
- 2.43 It should be noted that the Inspector at the Bournemouth Local Plan examination has told the Council that they will need to consider the implications of the new NPPF in terms of the plan’s soundness as they are proposing to undershoot the standard method figure. This indicates that the new NPPF is already a material consideration at examination.
- 2.44 At the Labour party conference Matthew Pennycook, the Minister for Housing and Planning, warned that he will intervene if councils produce local plans with housing targets ‘way under’ their need. This shows the intent that the Government, despite aiming to achieve universal Local Plan coverage in this term, are unlikely to support plans that undershoot the housing targets by too much.
- 2.45 Another consideration for the Council is the cost of Local Plan examination. Costs can run into the hundreds of thousands of pounds. There are Inspector’s fees, their accommodation and subsistence costs, room hire if needed, and costs of legal representation and a programme officer. These are huge costs to incur on a plan that is extremely unlikely to be successful, where there would therefore need to be another examination and all these costs incurred again on a new Local Plan.

Further Considerations

- 2.46 Supporting low level of housing growth leaves us more susceptible to speculative planning appeals being successful at appeal. The Inspector referred to the Council agreeing its low growth approach during the hearings for the Sarratt appeal. Inspectors will see that the Council is not attempting to address its development needs and as such are more likely to decide in favour of developers.
- 2.47 This potentially leads development in the wrong places and come at a financial cost to the Council with major appeals costing in the region of £150,000 to defend. Continuing to an examination that where the plan is expected to be found unsound would only increase the time period where we would be susceptible to these appeals. Time would be spent on taking a plan to examination, costing hundreds of thousands of pounds, where it would most likely be found unsound so then a new plan would have to be prepared setting us back a year or two. This would mean additional costs

of fighting appeals for a longer time period potentially with the costs of two local plan examinations on top of that.

- 2.48 Publicity relating to the Local Plan has reached planning publications and blogs. This coverage has not been positive and there is risk of reputational damage. There is the danger that this would also bring Three Rivers approach to the Government's attention. Officers are concerned that continuing to Regulation 19 would increase the risk of the Government 'making an example' of Three Rivers and using its intervention powers.
- 2.49 There is a real threat of intervention for those authorities not seen to be progressing their plans or that have plans significantly undershooting their housing need. Officers believe committing to producing a plan in accordance with the new NPPF would be enough to demonstrate progress on the Local Plan, though we would be expected to move on to Regulation 19 and submission in good time.
- 2.50 Intervention would mean that Three Rivers loses control of where development goes. Even if the Council were required to meet a higher quantum of development it is still important that we can shape how that development looks and where it should be located. Having no control could result in negative outcomes for residents as developments may come forward in less desirable locations, and providing fewer benefits in terms of infrastructure provision.
- 2.51 The Part 4 Regulation 18 consultation planned for 270 dwellings per annum. It should be noted that as further work has been undertaken on sites the dwelling numbers have reduced further. We have reduced the developable area of the sites in order to allow for Biodiversity Net Gain on site. There have been sites that have been removed altogether. The site at Langleybury House has been removed by the promoter and is no longer available.
- 2.52 Site EOS12.4 in Maple Cross has had its capacity reduced from 850 dwellings to circa 500 dwellings following masterplanning discussions with the promoter. This is in order to allow for some on site infrastructure provision. It should be noted that its infrastructure offer has been significantly reduced on viability grounds too. The original infrastructure offer was in line with the larger 1,500 dwelling version of the site that included areas of higher Green Belt harm. The smaller number of dwellings means that the same level of infrastructure cannot be provided.
- 2.53 Two proposed sites are likely to have a significant effect on the Chiltern Beechwoods Special Area of Conservation, CFS6 (Land at Mansion House Equestrian Centre) and PCS21 (Land at Love Lane). Only CFS6 has an indicative dwelling capacity of over 100 dwellings, however, the two sites may come forward together, so the total dwelling capacity would well exceed 100 and the combined site would be subject to the requirements of the Chiltern Beechwoods SAC policy. Three Rivers does not currently have an authorised SANG site. Given the relatively small size of the CFS6 and PCS21 and the other planning requirements that development is required to provide (BNG, affordable housing etc), it is not considered feasible for the site developers to either provide a SANG on-site or pay for a new SANG site within the District. The planning and leisure team at TRDC have been in discussion with Natural England about upgrading Leavesden Country Park to a SANG site (which could be paid for by developer contributions). However, following a site visit, colleagues in the leisure team have strong concerns as to whether the Leavesden Country Park is capable of meeting Natural England's stringent eligibility criteria for SANG sites. As such, if a SANG site cannot be provided, there is concern that site CFS6 (or the

combined site of CFS6 and PCS21) may have to be omitted from the Local Plan, which would further reduce the overall housing numbers.

- 2.54 With the reduction in numbers we would be down to circa 205 dwellings per annum across the plan period. This is around a third of the current standard method figure. This further decreases the chance of success at examination.
- 2.55 The impacts of the proposed datacentre on the neighbouring housing sites will be addressed during the appeal and may need to be considered going forwards. This could potentially result in further reductions in dwelling numbers.
- 2.56 Initial data from the Gypsy and Traveller Accommodation Assessment update currently being undertaken suggests that there is an identified need for gypsy and traveller pitches in the District. As such further work would need to be undertaken to address these needs. This work needs to be completed prior to Regulation 19 stage as we must demonstrate we have considered all of our development needs including the needs of Gypsies, Travellers and Travelling Showpeople.

Proposed Timetable

- 2.57 Officers aim to avoid delays to the plan as much as possible, therefore reducing the time period we're susceptible to speculative planning applications being successful at appeal. Although it seems counterintuitive, delaying the Regulation 19 consultation is considered the fastest route to adopting a sound Local Plan that has fully taken into consideration the District's needs and constraints (such as Green Belt) whilst still being in accordance with the new NPPF.
- 2.58 Delaying the Regulation 19 consultation allows us to complete further Green Belt work and relook at our Urban Capacity study. It will allow us to update studies that are becoming outdated as such as the Open Space, Sport, and Recreation Study (2019) where Sport England, a statutory consultee, have raised concerns that the needs in the study are becoming out of date. This study on its own would take around a year to complete as needs are considered in different seasons. Updating this study will also give us the opportunity to look more closely at potential new open space allocations.
- 2.59 The Council would need to undertake a new call for sites exercise so we can demonstrate that we have considered all of the reasonable alternatives. Officers would need to update the Strategic Housing and Employment Land Availability Assessment and some of the policies may need tweaking based on changes in national policy or any updated evidence.
- 2.60 As the Council has completed multiple Regulation 18 consultations on differing levels of growth Officers believe that we would not be producing a growth strategy fundamentally different than that which has already been consulted on. As such we would recommend going straight to Regulation 19 publication following the completion of the additional work. This will speed up the process compared to undertaking another round of Regulation 18 consultation. Officers will seek legal advice on this matter.
- 2.61 The deadline for submitting local plans under the existing system is December 2026. This is an extension from the previous deadline of June 2025. The Levelling Up and Regeneration Act (LURA) sets out a new plan-making system, which the government intends to implement from summer or autumn 2025. Officers consider it imperative that the plan is submitted in advance of this deadline as otherwise there would be

significant additional work to undertake to bring the plan in line with the new system, causing further delays to the plan's adoption.

- 2.62 Officers propose to bring the Regulation 19 Publication version of the Local Plan to Full Council in February 2026. This allows the more lengthy evidence work to be completed with time for its findings to be incorporated into the plan with plenty of time to complete a full cycle of Local Plan Sub-Committee meetings and Policy and Resources Committee prior to the February Council.
- 2.63 The Submission version of the Plan can be brought to July 2026 Full Council or an extraordinary Full Council can be arranged for an earlier date.
- 2.64 Should legal advice come back stating that the Council would be required to complete another Regulation 18 consultation then the timetable would be updated to include a Regulation 18 consultation in mid 2025 and the Regulation 19 consultation delayed until summer 2026, allowing time for prior to the December 2026 deadline.
- 2.65 Officers propose to bring an updated Local Development Scheme to 11 November Policy and Resources Committee with the following Key dates:

February / March 2026 – Regulation 19 consultation

June / July 2026 – Submission of Local Plan to Planning Inspectorate for examination

November / December 2026 – Adoption

3 Options and Reasons for Recommendations

- 3.1 The Council has two options:
1. Progress to Regulation 19 consultation as set out in the Local Development Scheme (Appendix 1)
 2. Delay the Regulation 19 consultation and adopt a new Local Development Scheme (Updated LDS to be brought to future Policy & Resources Committee)
- 3.2 The most likely scenario if the Council continues to Regulation 19 as per Option 1 is that the new NPPF is published by the end of the year as expected and we are required to submit a new NPPF compliant Local Plan within 18 months which will not allow time for us to fully evidence our approach in accordance with the new NPPF.
- 3.3 The proposed timetable is the fastest Officers believe this can be achieved when taking into consideration updates to evidence that would need to be completed in order to have a sound plan. This work would commence immediately if it is agreed by Members that we delay the Regulation 19 consultation. If we continue with Regulation 19 as planned this would add at least three months to the timetable as we would only begin work on an update plan once we know where we fall in terms of transitional Arrangements. If following legal advice the Council is required to undertake another Regulation 18 consultation then there would be further delays.
- 3.4 In the unlikely event that the publication of the new NPPF is delayed and the Local Plan reaches examination, Officers consider it extremely unlikely that the current version of the plan would be found sound for the reasons set out in this report.

- 3.5 Officers therefore strongly recommend Option 2, delaying the Regulation 19 consultation as it is the fastest route to adopting a sound plan and would incur the least cost financially to the council.

4 Policy/Budget Reference and Implications

The recommendations in this report are within the Council's agreed policy and budgets.

5 Financial Implications

- 5.1 Costs of Local Plan examination can be hundreds of thousands of pounds. Taking a Local Plan through examination when it is extremely unlikely to be successful would result in these costs being incurred twice as the Council would most likely need to bring an updated plan through examination again.
- 5.2 Each major planning appeal costs the Council circa £150,000. The longer we do not have an adopted Local Plan in place the longer we will be susceptible to these appeals.
- 5.3 The implication of current plan being rejected and having to submit a new NPPF compliant plan within 18 months would require additional resources to meet that deadline.

6 Legal Implications

- 6.1 None specific, though officers are seeking Counsel advice on whether the Council could proceed to straight to Regulation 19 or would need to have to undertake a further Regulation 18 consultation.

7 Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

None specific.

8 Recommendation

That:

- The Local Plan Sub-Committee agrees the delay of the Regulation 19 publication of the Local Plan;
- Authorises Officers to undertake the further evidence work on Green Belt, Urban Capacity, Open Space, Sport and Recreation and Gypsy and Traveller needs;
- That Officers prepare an updated Local Development Scheme setting out an updated timetable for the Local Plan.

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Appendices

Appendix 1 – Three Rivers Local Development Scheme (March 2024)