

Three Rivers District Council

Sub Committee Report

4 February 2025

LOCAL PLAN SUB COMMITTEE – 4 February 2025

PART I

LOCAL PLAN – Progress Report (DoF)

1 Summary

- 1.1 This report sets out the next steps and work required on the Local Plan in preparation for the Regulation 19 consultation in November 2025.

2 Introduction

- 2.1 At the Extraordinary Meeting of Full Council in January it was agreed that officers would now work towards a timescale so that the Council might be in a position to have a Regulation 19 for public consultation in early November. It was also agreed that further evidence work was required in support of the Local Plan to help ensure it being found sound at examination.
- 2.2 This report provides background on Local Plan work completed to date, then sets out the remaining evidence work required for the plan to be ready for Regulation 19 publication in November.

3 Background

Regulation 18: Issues and Options (2017)

- 3.1 The first pieces of evidence work completed for the emerging Local Plan were the South West Hertfordshire Strategic Housing Market Assessment (SHMA, 2016) and South West Hertfordshire Economic Study (2016).
- 3.2 The SHMA set out the Objectively Assessed Need (OAN) for the area. This predated the Government's standard method for calculating housing need and was a locally devised methodology following the guidance at the time.
- 3.3 The SHMA concluded that the OAN for housing in Three Rivers for the period of 2013-2036 was 514 dwellings per annum. This was a significant increase to the Council's existing target of 180 dwellings per annum set out in the Core Strategy (2011).
- 3.4 Recognising that the OAN is the starting point when seeking to establish an appropriate housing requirement for the area, officers contemplated wider policy objectives where relevant. Such considerations included the delivery of affordable housing, the potential to enable growth of the local economy and strategic constraints such as Green Belt.
- 3.5 The Economic Study defined the Functional Economic Market Area (FEMA) as covering the South West Herts authorities of Three Rivers, Watford, Dacorum, St Albans and Hertsmere. This was based on analysis of a range of data on travel to work, leisure and retail, migration and market linkages reports.
- 3.6 The study considered different growth scenarios and set out the preferred growth scenario as an employment-led scenario. The study did not undertake a comprehensive analysis of all employment land in the FEMA but focused on existing employment sites. These were found to be trading well with high levels

of occupancy. As such, it was concluded that existing employment allocations should be protected.

- 3.7 This work fed into our first round of Regulation 18 consultation known as Issues & Options (2017). In terms of housing need the consultation considered three growth options. These were 'Low Growth' of 411 dwellings per annum (20% below OAN), 'Moderate Growth' of 514 dwellings per annum (OAN) and 'High Growth' of 617 dwellings per annum (20% above OAN). 18% of respondents supported the low growth option, 41% supported moderate growth and 41% supported high growth. It should be noted that there was a low response rate to this consultation, which is common at this stage in plan-making.
- 3.8 The Issues and Options consultation also sought feedback on the Local Plan vision and objectives, affordable housing, transport and sustainability and climate change. Further evidence work was commenced to support these key policy areas.
- 3.9 An initial Sustainability Appraisal Working Note (2017) was consulted on in support of the Issues and Options Consultation. This followed on from the Sustainability Appraisal Scoping Report (2017) which identified the scope and level of detail of the information to be included in the final SA. The Working Note assessed the likely environmental, social and economic effects of the various options being considered through Issues and Options.
- 3.10 Alongside the Issues and Options consultation, we undertook a call for sites asking landowners and site promoters to put forward potential development sites. Following initial high-level site assessments, we undertook a potential sites consultation in 2018 in order to gather as much information as possible to assist with the more detailed site assessments.

Regulation 18: Preferred Policy Options and Sites for Potential Allocation (2021) and Additional Potential Sites for Allocation (2023)

- 3.11 Following the Issues and Options and Potential Sites consultation a large amount of evidence work was undertaken in order to inform site assessments and policy formulation.
- 3.12 In 2018 the Government introduced the standard method for calculating housing need, taking away the power for local authorities to calculate their own housing need. The standard method identifies a minimum annual housing need figure. This produced a housing need of 615 dwellings per annum for Three Rivers (at the time). In other words, we were being forced into the 'High Growth' option considered through the Issues and Options.
- 3.13 The Local Housing Needs Assessment (2020), an updated version of the 2016 SHMA, applied the standard method in the study with the minimum housing need figure now at 630 dwellings per annum. The study concluded that there were no exceptional circumstances that justified using an alternative method for calculating housing need.
- 3.14 In terms of affordable housing requirements, the study concluded that the scale of affordable housing need was such that the Council should seek to deliver as much affordable housing for rent as viability allows. It also set out that a maximum of 10% of affordable housing should be for affordable home ownership.

- 3.15 The study also provided a suggested housing mix and set out needs for other forms of specialist housing such as housing for the elderly.
- 3.16 In 2019 an update to the Economic study was completed. Similarly to the previous study it confirmed the Functional Economic Market Area as covering the 5 South West Herts authorities. The study set out a requirement for 30,100 sqm of office space and 28,800 sqm of industrial space across the District. It should be noted that much of the need for office space was to be met by existing commitments (planning permissions).
- 3.17 The Retail and Leisure Study (2018) considered retail and leisure needs, along with retail and leisure provision and possible strategic responses across South West Herts and assessed the vitality and viability of the District's town and district retail centres.
- 3.18 The Gypsy and Traveller Accommodation Assessment was produced in 2017, analysing current and future need for Gypsy, Traveller and Travelling Showpeople accommodation. The assessment concluded that needs could be met by existing commitments.
- 3.19 South West Hertfordshire Strategic Flood Risk Assessment Level 1 (SFRA, 2019) assessed all potential sources of flooding, including, main river, ordinary watercourse, surface water, groundwater and sewer flooding. It also reviewed historic flooding incidents and mapped the location and extent of the functional floodplain.
- 3.20 The 2019 SFRA was followed by a draft Level 2 SFRA in 2021. Level 2 considers sites at risk of flooding that may be carried forward in the local plan and whether it is safe to develop these sites. This remains in draft form as there will need to be further site assessments undertaken once we have a final agreed list of sites.
- 3.21 A Heritage Impact Study was prepared in 2019 with addendums in 2020 and 2022. These assessments assessed the impact of potential development sites on the historic environment. Similarly, Landscape Sensitivity Assessments were produced in 2019, 2020 and 2022, evaluating the impact of potential development sites on landscape character.
- 3.22 The Open Space, Sport and Recreation Study was completed in 2019. This is a wide ranging study that assesses open space provision, its condition, distribution and overall quality. Open spaces include parks and gardens, natural and semi-natural green spaces, amenity green space, provision for children and young people, allotments and cemeteries. There was also a Playing Pitch Strategy and Leisure Facilities and Indoor Leisure Facilities Strategies produced covering all the sporting and leisure requirements across the district.
- 3.23 Edge of Settlement/New Settlement Scoping Study (2020) was conducted to identify potential locations at the edge of existing settlements. The study also sought to identify potential locations away from existing settlements that could accommodate a new settlement should insufficient urban, edge of settlement sites be identified.
- 3.24 Three stages of Green Belt Review were completed between 2017 and 2020. The Stage 1 Green Belt Review reviewed 83 strategic parcels against the Green Belt purposes set out in the NPPF. It also considered the character and role of villages in the Green Belt to assess the suitability of continued inseting of villages in the Green Belt, as required by the NPPF.

- 3.25 The Stage 2 Review worked on a more granular level considering the potential harm of releasing Green Belt land for development. Stage 3 was a New Settlement Analysis of variations to harm to the Green Belt purposes that could result from the creation of a new inset settlement, distinct from any existing inset areas.
- 3.26 The Strategic Housing and Employment Land Availability Assessment (SHELAA) was completed in 2020 with addendums in January and October 2023. It assessed the land supply in the district to help ensure that sufficient land is identified for new housing and employment uses across the plan period. The study included detailed assessment of all sites. This is one of the key pieces of evidence informing decisions on which sites should be allocated in the Local Plan. The SHELAA takes into consideration findings from other technical evidence studies such as the SFRA.
- 3.27 The Urban Capacity Study assessed urban settlements to identify urban brownfield sites. Sites assessed as suitable through a preliminary assessment were included in more detailed site assessments in the SHELAA.
- 3.28 These evidence base documents were used in preparation of the draft Local Plan, the Regulation 18 Preferred Policy Options and Sites for Potential Allocation.
- 3.29 In 2021 the Council consulted on this draft Local Plan. The document considered preferred policy options and set out the sites that could potentially be allocated for development in the Local Plan.
- 3.30 In calculating housing need, a plan period of 2018 to 2038 was used resulting in a total requirement of 12,624 dwellings. Completions, commitments (approved planning permissions) and a windfall allowance were taken off this total leaving a residual target of 10,678. The draft Regulation 18 plan failed to meet this target and planned for 8,973 dwellings, 1,705 dwellings short.
- 3.31 As a result of this consultation a further 18 sites were submitted for the Council's consideration and a further three sites were re-submitted with updated proposals. These sites were assessed and six sites were considered appropriate for potential allocation.
- 3.32 The six sites were consulted on in 2022/23 in the Additional Sites for Potential Allocation document. Adding 825 dwellings to the total. In the meantime, a number of sites were removed or had dwelling capacities altered leaving the deficit to the residual housing target at 1,318 dwellings. This concluded this round of Regulation 18 consultation and the Council needed to then decide whether to press ahead with the Regulation 19 stage or whether to go out on further Regulation 18 consultation considering an alternative growth strategy.

Regulation 18: Three Rivers' Preferred Local Plan Lower Housing Growth Option – Protecting More Green Belt Land

- 3.33 In December 2022 the Secretary of State for Levelling Up, Housing and Communities wrote to MPs about proposed reform to the planning system. A key message set out in the letter was that whilst the standard method for calculating housing need would be retained it should be an advisory starting point, a guide that is not mandatory. They also emphasised that local planning authorities are not expected to review the Green Belt to deliver housing.

- 3.34 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 focussed on lower housing numbers than had been consulted on in the previous round of Regulation 18 consultation.
- 3.35 In December 2023 the government published an updated NPPF. This gave greater flexibility in assessing local housing need. New text was added at paragraph 60 clarifying that the overall aim of authorities in the context of delivering homes, should be to “meet as much of an area’s identifies housing need as possible”.
- 3.36 Under paragraph 61, the revised NPPF (2023) also stated that the standard method for calculating housing need, to establish the number of homes required, was now considered as an “an advisory starting point”. New paragraph 145 of the revised NPPF (2023) provided that local authorities may choose to (but are not required to) review and alter Green Belt boundaries (in the event that they consider that they cannot meet housing need) during the plan-making process, where exceptional circumstances are fully evidenced and justified. The changes did not explicitly describe how Green Belt boundaries were expected to interface with housing supply and did not represent a substantive change to the policy position.
- 3.37 From 27 October to 10 December 2023 the Council consulted on a low housing growth option. This concluded its Regulation 18 stage consultations. This Green Belt constraint led approach to growth resulted in 4,852 homes being planned for in the Local Plan Regulation 18 Part 4 consultation. This was less than half the standard method target.
- 3.38 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.
- 3.39 It should be noted that 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.

Regulation 19

- 3.40 At the July 2024 Local Plan Sub-Committee officers 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.
- 3.41 Following 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, with an updated NPPF being published in December 2024.

- 3.42 In July, the Minister of State wrote a letter to the Planning Inspectorate 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.
- 3.43 Having considered the implications of the draft NPPF and the Minister's letter, Officers advised against continuing with the low growth option for Regulation 19 as they felt it would be found unsound when it reached examination.
- 3.44 It was agreed at the October Local Plan Sub Committee, that the Local Plan should be paused in order for further evidence work to be completed. An updated Local Development Scheme setting out the new Local Plan timetable was adopted at Full Council in December. Following an Extraordinary Full Council in January it was agreed that Officers would endeavour to prepare the Regulation 19 publication of the Local Plan for consultation in early November 2025.

4 Details

- 4.1 A new NPPF was published in December 2024. The Regulation 19 Local Plan to be consulted on in November will be prepared against this new 2024 NPPF. The following paragraphs sets out the work that needs to be completed prior to publication of the Regulation 19 plan.
- 4.2 An Update to the Local Housing Needs Assessment (LHNA) was completed in 2024, a detailed analysis of the LHNA will be provided in the Housing Topic Paper in a separate report to this Local Plan Sub-Committee.
- 4.3 An Update to the Economic Study was also completed in 2024, a detailed analysis of this study will be provided in the Employment Topic Paper in a separate report to this Local Plan Sub-Committee.

Plan start date

- 4.4 The standard method requires us to start from the current year, as it accounts for past under delivery, so for the Regulation 19 consultation this will be 2025.
- 4.5 We are required to plan for 15 years post adoption (expected in 2026) so the plan period would now be 2025-2041. The new standard method housing need would therefore equate to 832 dwellings multiplied by the 16 year plan period giving a total of 13,312 dwellings. This is an increased requirement of 1,846 dwellings over the plan period when compared to the previous Regulation 18 consultation. When factoring in existing commitments (planning permissions) and a windfall allowance we would get a residual housing target of approximately 11,500 dwellings. Were some large speculative applications to be approved in the meantime, these could potentially reduce the residual housing target further.

Green Belt Review

- 4.6 The new NPPF has put more emphasis on the need for local authorities to update and review Green Belt boundaries where they cannot meet their identified need for homes, commercial or other developments without Green Belt release.

- 4.7 The new NPPF has introduced 'grey belt', which is defined as: "land in the Green Belt comprising previously developed land and/or any other land which, in either case, does not strongly contribute to the following Green belt purposes:
- a) To check the unrestricted sprawl of large built up areas;
 - b) To prevent neighbouring towns merging into one another;
 - d) To preserve the setting and special character of historic towns."
- 4.8 It is interesting to note purpose c) 'safeguarding the countryside from encroachment' is not included. The government's NPPF consultation response states that this purpose would result in too much ambiguity in the assessment of grey belt.
- 4.9 Paragraph 146 in the new NPPF sets out that exceptional circumstances for Green Belt release include instances where an authority cannot meet its identified development needs through other means. If that is the case, authorities should review Green Belt boundaries to meet those needs in full, unless doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.
- 4.10 Given that our housing needs cannot be met in full without releasing Green Belt land, we have to undertake a Green Belt Review to assess whether altering Green Belt boundaries would fundamentally undermine the purposes of the remaining Green Belt, when considered across the area of the plan. If it is considered that Green Belt land should be released, this would be undertaken using a sequential approach. The NPPF sets out that plans should give first consideration to previously developed land, then consider grey belt land which is not already previously developed and then consider other Green Belt locations. As such, if need can still not be met on previously developed land and grey belt locations, other more sustainable sites in the Green Belt may have to be considered.
- 4.11 The Government has stated that it will release updated Planning Practice Guidance (PPG) relating to Green Belt reviews in January 2025 and that Green Belt reviews will be informed by this (at the time of writing no such guidance has been released). Until this guidance is published, it is difficult to confidently set out the methodology of the Green Belt review. However, officers initial view is that given the phrase "remaining greenbelt across the area of the plan", we need to formulate a list of suitable sites that are then fed into the Green Belt review, as only then would we know the impact of these sites on the remaining Green Belt. We would then remove the sites that undermine the remaining Green Belt. In this case we will need to do an additional call for sites and come up with a draft list of sites before we can complete the Green Belt review. Once the PPG on Green Belt reviews is published we can finalise the tender brief for the review.
- 4.12 Officers have submitted an Expression of Interest on behalf of the Council for government funding to pay for the Green Belt Review. Councils will be informed whether their application was successful on the 10th February, and payment is expected on the 19th February.
- 4.13 The Council has already undertaken Green Belt Reviews as part of its evidence work for the Local Plan and as such the new Green Belt review will be expected to build on work previously undertaken rather than starting from scratch. This should help reduce the time to complete the review.

Call for Sites & Strategic Housing & Employment Land Availability Assessment

- 4.14 The Council has undertaken multiple 'call for sites' as part of Local Plan preparation. The first being in 2017 and the latest being a brownfield call for sites last year. In order to demonstrate we have considered all options available, we are currently undertaking an additional call for sites. This asks landowners and developers to come forward with potential sites that we have not yet considered.
- 4.15 Any sites received will have detailed site assessments completed through the SHELAA. These will then be compared against existing sites when compiling a draft list of suitable sites. Once the assessments are completed an updated SHELAA report will be produced covering all the sites assessed throughout the whole process.
- 4.16 The call for sites is due to close on Wednesday 19 February.

Heritage Impact Assessments and Landscape Sensitivity Assessments

- 4.17 New sites may require Heritage Impact Assessments and Landscape Sensitivity Assessments. These will help inform the sites' suitability in the SHELAA.

Urban Capacity Study Update

- 4.18 Brownfield sites in the urban area are the priority for the Council. We will be updating the urban capacity work to make sure that all potential brownfield sites have been considered. The original study was an extensive piece of work and it is not anticipated that a large number of brownfield sites will be uncovered. However, it is important to identify any additional brownfield options as we want to make sure that we minimise development in the Green Belt where possible.

Gypsy and Traveller Accommodation Assessment Update (GTAA)

- 4.19 The final draft GTAA update was completed late last year and supersedes the 2017 GTAA. The update was commissioned following changes to the definition of Gypsies and Travellers in December 2023.
- 4.20 Currently the study is being finalised, with drafts being exchanged between the policy team and the consultants. We hope to be able to formally publish the study in the next couple of months. It must be noted that in December 2024, the planning definition of a traveller expanded to include all other persons with a cultural tradition of nomadism or living in a caravan.
- 4.21 Initial findings from the GTAA in update in November identified a need for 47 pitches across the District (for gypsies, travellers and travelling show people). Officers are now working on how to best accommodate that need. This will most likely be achieved through expanding existing sites, finding new sites and a windfall allowance.

Open Space, Sport and Recreation Study

- 4.22 The previous study is from 2019 and Sport England, a statutory consultee, have raised concerns that the needs identified in the study are becoming out of date. As such we will be commissioning a new study to ensure that up to date needs are addressed through the Local Plan.
- 4.23 Initial research indicates that these studies take 6 months to 12 months. Consultants are being commissioned to undertake the work to ensure its timely completion, and the tender brief is currently being finalised.

Retail and Leisure Study

- 4.24 The original study dates back to 2018 so needs updating. Similarly to the Open Space, Sport and Recreation Study above should this study not be completed in time we could consider an SPD following adoption of the Local Plan.

Infrastructure Delivery Plan (IDP)

- 4.25 A draft IDP was produced in 2024 based on the low growth option consulted on at Regulation 18 stage. The aim of the IDP is to ensure that the Local Plan reflects an understanding of baseline infrastructure capacity and needs within Three Rivers, and that the implications of future growth upon infrastructure are understood. It also provides a general summary of the basis on which different types of future infrastructure investment within the District will be planned. Further, the IDP sets out the infrastructure implications of the development sites chosen within the preferred growth strategy proposed for inclusion within the Local Plan, alongside details on infrastructure costings, delivery mechanisms and prioritisation.
- 4.26 The IDP will need to be updated to reflect any changes to growth strategy and the development sites therein as these will have knock on effects on infrastructure needs across the District. We can only proceed to update the IDP once we have agreed the growth strategy and sites we want to take forward.

Integrated Impact Assessment (including HRA and EIA)

- 4.27 The Integrated Impact Assessment (IIA) has been partially completed. Progress was paused following agreement at committee to delay the plan in order to undertake further evidence work. This was to avoid abortive work assessing the plan on a low growth strategy that would then have to be redone to take account of changes to growth strategy, sites and policies.
- 4.28 The Integrated Impact Assessment incorporates both the Habitats Regulations Assessment (HRA), Equalities Impact Assessment (EIA) and Health Impact Assessment (HIA).
- 4.29 We can only continue with the IIA work once we have agreed sites and policies to feed into the study.

Whole Plan Viability Assessment

- 4.30 This is another assessment that is reliant on specific site information and policies. As with the IIA work, work had been paused on this study as new site information and updated policies will need to be considered through the assessment.
- 4.31 The final assessment will assess whether the development sites in the plan are deliverable, assess the policies in the plan in terms of viability and specifically assess a range of affordable housing policy options.

Transport Assessment

- 4.32 This assesses the transport implications of the proposed growth in the Local Plan. It should identify opportunities for encouraging a shift to more sustainable transport usage and highlight the infrastructure requirements.

- 4.33 The assessment needs a full list of sites with dwelling capacities as will need to assess access and the impact on road safety. The assessment takes place at both the micro and macro levels.

Strategic Flood Risk Assessment

- 4.34 The EA has produced new flood mapping, so some additional work on the SFRA may be required. In addition the detailed site assessments and sequential testing needs to be completed once we have a final draft list of sites.

Suitable Natural Green Space (SANG)

- 4.35 Dacorum Borough Council commissioned visitor surveys at the Chiltern Beechwoods Special Area of Conservation (SAC) as part of their Local Plan preparation. The footprint Ecology Report found that the site is being heavily damaged by visitor pressure and identified concerns around the cumulative impact of residential development.

- 4.36 The report identified a 12.6km Zone of Influence (ZOI). As a result, large developments in the ZOI will be required to produce a Habitat Regulations Assessment and may be required to provide mitigation measures.

- 4.37 Although part of Three Rivers falls within the ZOI (map included in appendix 1) it was not included in the 'strategic solution' by Natural England as less than 2% of visitors to the SAC were from Three Rivers.

- 4.38 Natural England responded to our Regulation 18 Additional Sites for Potential Allocation consultation. They have identified four sites with over 100 dwellings that would require a Habitats Regulations Assessment and potential mitigation measures.

- 4.39 A key mitigation measure would be the provision of Suitable Alternative Natural Greenspace (SANG). Any SANG would need to be sufficient size/quality to divert visitors away from the Chiltern Beechwoods and create a semi-natural experience. SANGs must have the following:

- Adequate parking for visitors, unless the site is intended for local use (within 400m walk of developments linked to it).
- Possible to complete a circular walk of 2.3 to 2.5km around the SANG.
- SANG must be designed so that they are perceived as safe by users; they must not have tree and scrub cover along parts of the walking routes.
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid an urban feel.
- SANG must be semi-natural spaces with little intrusion of artificial structures.

- 4.40 The provision of a SANG site would be considered as compensatory improvement to the remaining Green Belt. As such, this may make a potential site providing SANG acceptable in a higher area of Green Belt harm.

- 4.41 Any larger strategic sites that fall within the zone of influence would be expected to provide SANG onsite whereas smaller sites would need to contribute to SANG

provision. We would need to demonstrate a potentially available SANG site for these sites to come forward.

- 4.42 It should be noted that requirement for SANG provision is not a reason to reject a site, unless it can be demonstrated that there is no suitable SANG available.

Sustainability Appraisal

- 4.43 The Sustainability Appraisal (SA) is prepared alongside each stage of the Local Plan. This began with the SA Scoping Report in 2017 followed by multiple SA working notes as we worked through the various Regulation 18 consultations. Each consultation is supported by an SA that informs the decisions on sites and policies to be included at each stage.

- 4.44 The SA assesses the potential social, economic and environmental impacts of the Local Plan, ensuring the plan aligns with sustainable development objectives by identifying potential positive and negative effects and proposing mitigation. It should be integral to Local Plan preparation, providing the framework to test and develop options. Whether we can demonstrate consideration of reasonable alternative options will be scrutinised at examination.

- 4.45 A final SA will be prepared alongside the Regulation 19 Publication version of the Local Plan. This must be used to help inform decisions on the Local Plan. The SA can only be finalised once we have a final list of sites and policies to be tested through the SA framework.

Final Site Selection

- 4.46 Once all the evidence work is completed Members will need to agree the sites proposed for allocation in the Local Plan. The decision will be informed by a wide range of evidence starting with the SHELAA and including the Green belt Review, SFRA and SA (and several other studies listed in this report).

Final Policies

- 4.47 The draft policies have been considered at Local Plan Sub-Committee meetings and officers have made the agreed changes following those meetings. There will be further tweaks to the policies following the publication of the new NPPF. The evidence work will also feed back into the policies, so the final policies will need to be agreed by Members in the light of this new information.

Regulation 19 Consultation

- 4.48 The Regulation 19 publication of the Local Plan is where the Council puts forward the version of the plan it is proposing to submit for examination. This must be supported and justified by robust evidence and meet the legal requirements.

- 4.49 The consultation will focus on the Local Plan's 'soundness'. The tests of soundness are that the Local Plan is:

Positively Prepared – Provides a strategy which seeks to meet objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.

Justified – An appropriate strategy, taking into account the reasonable alternatives, and based on robust evidence.

Effective – Deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by a statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

- 4.50 Responses to the Regulation 19 consultation should refer to whether the plan is sound or unsound. Any objections will need to state on what basis the plan is considered unsound. Statements against development without linking to the soundness of the plan will have no weight. Rather, they would need to demonstrate that a section of the plan is not in accordance with national policy, or that reasonable alternatives have not been sufficiently considered, or the plan is failing to address the area's development needs etc.

Conclusion

- 4.51 Officers are working towards November Publication of the Regulation 19 plan. To achieve this the draft plan will need to be brought to 8 October Local Plan Sub-Committee allowing time for any changes prior to Full Council on 21 October. An extraordinary meeting of Policy & Resources Committee will be required prior to Full Council to agree the recommendations from the Local Plan Sub-Committee.
- 4.52 It should be noted that this timeline is tight and reliant on all the evidence work being completed without delay. Any slippages will make a November consultation difficult to achieve. Officers will be overlapping evidence work where possible, however some studies are reliant on others being completed prior to their commencement.

5 Policy/Budget Reference and Implications

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

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

None specific.

7 Financial Implications

£200,000 has been added to the budget to ensure that all the evidence work is budgeted for and can be completed on time. There is also a further £200,000 set aside in reserves for planning.

8 Legal Implications

- 8.1 None specific.

9 Risk and Health & Safety Implications

- 9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties

under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Planning Policy and Conservation service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failure/Delay in delivering Local Plan	Increase in speculative planning applications	Local Development Scheme	tolerate	6
Local Plan found 'unsound' at examination	Main modifications may be required which will result in an extended examination and costs and/or the Plan may have to be withdrawn.	Ensure that the Local Plan is evidenced based and justified	tolerate	6

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely Likelihood Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact			

Impact Score

4 (Catastrophic)
 3 (Critical)
 2 (Significant)
 1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))
 3 (Likely (21-79%))
 2 (Unlikely (6-20%))
 1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Recommendation

10.1 That the Local Plan Sub Committee:

- Note the contents of this report

Report prepared by: Marko Kalik, Head of Planning Policy and Conservation

Background Papers

National Planning Policy Framework (2021, 2023 and 2024)
 Planning Practice Guidance
 Core Strategy (2011)
 Green Belt Review Strategic Analysis (Stage 1) (2017)
 Stage 2 Green Belt Assessment (2019)
 Regulation 18 Part 1: Preferred Policy Options (2021)
 Regulation 18 Part 2: Sites for Potential Allocation (2021)
 Regulation 18 Part 3: Additional Sites for Potential Allocation (2023)
 Regulation 18 Part 4: Lower Housing Growth Option (2023)
 Potential Sites consultation (2018)
 Regulation 18 Issues & Options consultation (2017)
 Levelling-up and Regeneration Bill: reforms to national planning policy (2022)
 Strategic Housing & Employment Land Availability Assessment (2020)
 Strategic Housing & Employment Land Availability Assessment Addendum (2023)
 Urban Capacity Study (2020)
 South West Hertfordshire Local Housing Needs Assessment (2020)
 South West Hertfordshire Local Housing Needs Assessment Update (2024)
 South West Hertfordshire Economic Study (2019)
 South West Hertfordshire Economic Study Update (2024)
 South West Hertfordshire Retail & Leisure Study (2018)
 Gypsy and Traveller Accommodation Assessment (2017)
 Draft Gypsy and Traveller Accommodation Assessment Update (2024)
 South West Hertfordshire Level 1 Strategic Flood Risk Assessment (2019)
 Open Space Sport & Recreation Study (2019)

