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THREE RIVERS DISTRICT COUNCIL

At an Extraordinary meeting of the Full Council held in the Penn Chamber, Three Rivers House, Rickmansworth, on Tuesday, 7 January 2025 from 7.30 - 9.40 pm

Present: Councillors Councillor Raj Khiroya, Councillor Tony Humphreys, Christopher Alley, Oliver Cooper, Stephen Cox, Steve Drury, Vicky Edwards, Andrea Fraser, Stephen Giles-Medhurst, Elinor Gazzard, Philip Hearn, Lisa Hudson, Stephen King, Chris Lloyd, David Major, Keith Martin, Abbas Merali, Debbie Morris, Chris Mitchell, Louise Price, Kevin Raeburn, Reena Ranger, Ciaran Reed, Andrew Scarth, Narinder Sian, Mike Sims, Tom Smith, Jonathon Solomons, Cheryl Stungo, Jon Tankard and Anne Winter

Officers in Attendance:

Leah Mickleborough, Interim Committees and Elections Manager
Stephen Rix, Associate Director, Legal and Democratic Services (Monitoring Officer)
Joanne Wagstaffe, Chief Executive

External in Attendance:

6 members of the public

42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sara Bedford, Harry Davies, Rue Grewal, Khalid Hussain, Joan King, Ian Morris, Sarah Nelmes, Kevin Raeburn and Chris Whatley-Smith.

Councillor Tom Smith had given apologies that he would be arriving late to the meeting.

The Chair noted that Councillor Sarah Nelmes had suffered an accident and asked Council to join him in wishing her well in her recovery.

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

Following this item, Councillor Stephen Giles-Medhurst proposed a motion without notice, seeking to suspend Council procedure rules 11(6) and 16(6) which would, in his view, allow full and extensive debate on agenda item 3 which otherwise would not be debated.

The Chair asked Council whether this could be agreed by consent, to which Councillor Oliver Cooper confirmed that whilst his group would not object to the suspension of rule 11(6), they could not support the suspension of rule 16(6) and he was seeking for a separate vote on each suspension.

Given that the matter could not be resolved by general assent, the motion was seconded by Councillor Chris Lloyd who requested it be taken straight to the vote. As the motion was yet to be debated, the Chair called on Councillor Oliver Cooper who indicated his desire to speak.

Councillor Cooper re-confirmed his support for the suspension of rule 11(6) but felt the suspension of rule 16(6) was undemocratic. He reminded Council that rule 16(6) was common to many Council constitutions, and in his view, an integral part of Council procedure; that if members disagreed with a motion, then they should vote against it.

With no further members wishing to speak, the motion without notice was put to the vote and **CARRIED** with 18 votes in favour and 11 against.

44 MOTIONS

The Chair called on Councillor Oliver Cooper to present his motion.

Councillor Cooper felt his motion was the most important decision to be made in the history of the Council. In his view it provided a choice between protecting the green belt, through submitting a local plan based on the low growth option pursued by the council, or a local plan that was based on the housing targets set by the government.

He reminded Council of how the emerging National Planning Policy Framework (NPPF) had established higher housing targets, which particularly impacted the Three Rivers area, and made it more challenging to use provisions in the NPPF allowing Councils to protect green belts. He identified several development sites that the Council had both included in the draft local plan, and considered for inclusion, and informed Council that these sites would not be sufficient to meet the government's housing targets.

He reminded Council that since it met on 12 December to agree the Local Development Scheme, the final version of the NPPF had been published. This provides Councils the opportunity to submit plans based on the previous NPPF until 12 March, rather than January, as had been anticipated. He felt that the amendments to the Council's decision in December, which had been rejected, could have provided the Council with a way to submit the local plan in March had they been taken forward.

In conclusion, he emphasised that the years of work the Council had invested in the local plan should not be wasted and the Council put at the mercy of the government's policies and housing targets.

The Chair called on Councillor Vicky Edwards to second the motion. In doing so, Councillor Edwards emphasised the urgent need to submit the local plan under the previous NPPF and the potential impact of the new government housing targets, which she felt would have a terrible impact on the district. She explained the 5 criteria in the new NPPF that would have to be met to protect the green belt, which she felt was a high bar to achieve, and the only safe route for the Council was to submit the current draft local plan by 12 March.

Councillor Ciaran Reed indicated to the Chair that he wished to propose an amendment. With the general assent of Council, the Chair adjourned the meeting to allow for Councillor Reed's proposed amendment to be circulated to members for consideration.

The meeting adjourned from 7:54pm to 8:04pm

Councillor Reed explained that the amendment sought to remove the requirement to produce further documents that he felt would be unnecessary ahead of the local plan submission, most notably the Gypsy and Traveller Site Assessment. He referred to other councils which had submitted their local plans for examination with a commitment to submitting the Gypsy and Traveller Site Assessment at a later date. Agreement of the amendment would give the best chance to submit a local plan by 12 March, even if work needed to be undertaken at a later date.

Councillor Philip Hearn seconded the amendment and reserved his right to speak.

The Chair invited members to debate the motion.

Councillor Oliver Cooper spoke in support of the amendment. He cited the case of Maidstone Borough Council, as well as other Councils, who had submitted their local plans for examination without up to date Gypsy and Traveller policies. He believed there may also be other policy documents that were not necessary prior to submission, and the amendment delegated officers to make this determination.

Councillor Stephen Giles-Medhurst spoke against the amendment. He believed that the other authorities that had submitted plans without an up-to-date Gypsy and Traveller Site Assessment had done so in different circumstances. He reminded Council that since the low growth option had been brought forward, some sites had been withdrawn so a new sustainability assessment was required, and furthermore, the Council's officers had been clear that failure to submit a complete plan would mean that the Planning Inspector would automatically find it unsound. He drew Council's attention to the timeframes involved, and to achieve submission of the local plan by 12 March would require the regulation 19 consultation to start within 2 weeks.

Councillor Cooper requested his right of reply. The Chair considered that as Councillor Cooper had already spoken to the amendment, he would move to the vote.

With 11 votes in favour, and 18 against, the amendment **FELL**.

Councillor Stephen Giles-Medhurst indicated he wished to propose an amendment. With the general assent of the Council, the Chair adjourned the meeting to allow for Councillor Giles-Medhurst's proposed amendment to be circulated to members for consideration.

The meeting adjourned from 8:15pm to 8:25pm. Councillor Tom Smith joined the meeting at 8:30pm.

Councillor Stephen Giles-Medhurst introduced his motion. He started by referring to the 15,000 homes that had been mentioned previously in the meeting as the new growth target, and indicated that this was an 18 year target, whereas the local plan was over a 16 year period and plan preparation would be taken into account.

Councillor Giles-Medhurst confirmed his belief the Council had received clear legal and professional expertise that if the plan was submitted in March, it would be immediately rejected as it was deficient. He referenced organisations he had spoken to that accepted the plan was inadequate at present, and he believed that the best way to protect the green belt was to obtain further evidence to demonstrate the exceptional circumstances as had been agreed by Council in December.

The motion was seconded by Councillor Chris Mitchell, who reserved his right to speak.

The Chair invited members to debate the motion.

Several members raised concerns over the timeframe that the existing plan had taken to be developed, and that it had not been submitted ahead of the new NPPF being produced. They referenced previous statements made by the Council and Councillors about wanting to protect the green belt and timeframes put forward for the local plan which had not been achieved.

In response, it was highlighted that the Council had to respond to changing national planning policy as the local plan was developed, and listen and respond to comments made in feedback.

Reference was made to sites within the green belt that Councillors were concerned would come forwards, particularly if the Council did not have an agreed local plan which could lead to speculative proposals being submitted by developers. On the other hand, it was argued,

obtaining further evidence to support the green belt under the new NPPF rather than submitting a defective plan at this stage could help the Council more in the long-term. Whilst there were clear divisions as to how the Council could best protect the green belt, there was consensus of the need to work together to do so.

Councillor Chris Mitchell, exercising his right to speak, noted that he wished the motion was the way forwards, but that for him the best way to protect the green belt was to proceed with the decision from December. The programme of work had to be accelerated and closely monitored in order to submit a robust local plan.

Councillor Oliver Cooper responded to the amendment. Whilst he did not support it, he recognised the importance of clear timeframes and monitoring of these if the amendment was passed. He emphasised that whilst officers can advise Councillors on the way forward, ultimately it is for Councillors to determine and his view, the Council's leadership had not delivered.

The amendment was put to the vote and with 18 votes in favour and 11 votes against, was **CARRIED**

The debate returned to the substantive motion, as amended.

Concern was raised that the new timeline within the amended motion would lead to the council committing to the housing targets within the new NPPF. This was disputed, in that the intention was to obtain further evidence to enable the council to submit a plan based on the low growth model. Funding would be included within the Council's forthcoming budget to support the work required, and the Council may be eligible for grant funding.

Councillor Ciaran Reed left the meeting from 9:25pm to 9:26pm

Concern remained amongst Councillors as to whether the new timelines would be achieved, and how residents, whom the Councillors were representing, would feel about the situation and the level of Councillor responsibility for it. Arguments were made as to whether the green belt would be more likely to be protected through a plan being submitted in March, or through obtaining further evidence and submitting a plan on revised timelines.

During debate, Councillor Stephen Giles-Medhurst raised a point of personal explanation to clarify that some members were in receipt of special responsibility allowances, and not salaries. Councillor Oliver Cooper raised a point of order that a personal explanation must relate to something that Councillor has previously said. The Chair requested for Council to resume debate.

In his right of reply, Councillor Oliver Cooper reminded Council that the current local plan was adopted in 2013, and the Council has consistently failed to achieve a 5 year land supply which placed it at risk from speculative development. He felt had his proposals in October to accelerate the timetable for submitting the local plan be adopted, it might now have been possible to do so. In concluding, he re-iterated the importance of the green belt and committed to working to support policies to protect it.

The Chair put the motion, as amended, to the vote and with 19 votes in favour and 11 against, it was **CARRIED**

The meeting closed at 9:40pm

CHAIRMAN

Addendum 1: Amendment proposed by Councillor Ciaran Reed, seconded by Councillor Philip Hearn:

After the third bullet, add a new paragraph that reads: “This Council also notes the approach taken by Maidstone (which passed Examination), Harrow (which is due for Submission), and other councils to separate parts of the plan that had yet to be completed into a separate Development Plan Document. This allows them to be completed later, provided they are then subject to a further Regulation 19.”

In the numbered list, add a new first point that reads: “1) Separate from the Low Growth Option of the draft Local Plan the Gypsy & Traveller site allocations and any other works that in the opinion of officers cannot be completed in time for Regulation 19 or submission; to begin work on separate Development Plan Document or separate Development Plan Documents including those elements; and to make any such amendments to the Low Growth Option that are required to refer to that separate Development Plan Document or those separate Development Plan Documents;”

As a result, the amended motion would read:

Three Rivers District Council notes that the new National Planning Policy Framework (NPPF) has unprecedented consequences for Three Rivers’ Green Belt.

Most importantly, the new NPPF requires councils to revise Green Belt boundaries and makes housebuilding targets mandatory for Local Plans submitted under it.

By contrast, under the previous NPPF (dated 20th December 2023), there was no requirement to review the Green Belt boundary and housebuilding targets were not mandatory. This allowed councils to propose significantly less building on the Green Belt than implied by the Standard Method: as Three Rivers proposed until 10th December.

The new NPPF, published on 12th December 2024, differs from the previous draft dated 30th July 2024 in several crucial ways. **These requires and allows a change of approach by Three Rivers.**

- The new Standard Method has been increased to 839 dwellings a year. That is 1,750 dwellings higher than the July draft NPPF over the 18-year plan period and 3,600 higher than the previous Standard Method over the plan period. It is three times as high as the Low Growth Option, requiring over 10,000 more homes over the Local Plan period than had been proposed.
- Paragraph 146 of the new NPPF makes it more difficult than the July 2024 draft did for councils to argue that they should not review Green Belt boundaries. It now says that the Green Belt must be considered for allocation unless it would (new words emphasised) “fundamentally undermine the purposes (*taken together*) of the *remaining* Green Belt”. As a result, fundamentally undermining only one purpose is not sufficient to exempt sites, as Three Rivers had presumed.
- Paragraph 234(b) of the new NPPF allows councils to opt to have Local Plans examined under the previous NPPF provided they are submitted for Examination before 12th March 2025, not 12th January 2025 as Three Rivers had presumed.

This Council also notes the approach taken by Maidstone (which passed Examination), Harrow (which is due for Submission), and other councils to separate parts of the plan that had yet to be completed into a separate Development Plan Document. This allows them to be completed later, provided they are then subject to a further Regulation 19.

In light of this, Three Rivers both must and can change its approach to avoid the new Local Plan being examined under the revised NPPF.

Three Rivers District Council therefore resolves to:

1. Separate from the Low Growth Option of the draft Local Plan the Gypsy & Traveller site allocations and any other works that in the opinion of officers cannot be completed in time for Regulation 19 or submission; to begin work on separate Development Plan Document or separate Development Plan Documents including those elements; and to make any such amendments to the Low Growth Option that are required to refer to that separate Development Plan Document or those separate Development Plan Documents;
2. Conduct a Regulation 19 consultation on the Low Growth Option draft Local Plan over a period of six weeks to close before 28th February 2025, and to delegate to officers authority to decide the details including dates for which that opens, but in any event to open at the earliest date practicable;
3. Instruct and delegate authority to officers to conduct all works necessary to:
 - a. conduct the Regulation 19 consultation above; and
 - b. submit the Local Plan to examination by 12th March 2025 and to comply with paragraph 234(b) of the National Planning Policy Framework, so that it is examined under the previous National Planning Policy Framework dated 20th December 2023;
4. Amend the Local Development Scheme to reflect the above, namely to conduct a Regulation 19 consultation in January-February 2025 and submit to examination by 12th March 2025;
5. Instruct and delegate authority to officers to complete compilation of the evidence base and any further work required for the Low Growth Option to be examined;
6. Delegate to officers authority to procure external advice or other work to complete the above; and
7. Approve a supplement to the budget of a maximum of £250,000 in the financial year 2024-25 to complete the above, to be removed from unearmarked reserves, and for all unspent monies to be returned to unearmarked reserves.

Addendum 2: Amendment Proposed by Councillor Stephen Giles-Medhurst, seconded by Councillor Chris Mitchell:

(Wording to be removed shown as struck through; new wording to be added in bold font)

Three Rivers District Council notes that the new National Planning Policy Framework (NPPF) **as did the previous NPPF** has ~~unprecedented~~ consequences for Three Rivers' Green Belt. ~~Most importantly, the new NPPF requires councils to revise Green Belt boundaries and makes housebuilding targets mandatory for Local Plans submitted under it. By contrast, under the previous NPPF (dated 20th December 2023), there was no requirement to review the Green Belt boundary and housebuilding targets were not mandatory. This allowed councils to propose significantly less building on the Green Belt than implied by the Standard Method: as Three Rivers proposed until 10th December. The new NPPF, published on 12th December 2024, differs from the previous draft dated 30th July 2024 in several crucial ways. These requires and allows a change of approach by Three Rivers.~~

· The new Standard Method has been increased to 839 dwellings a year **from 739**. That is **13,312** ~~1,750~~ dwellings higher than the July draft NPPF over the ~~18~~ **16**-year plan period and ~~3,600~~ higher than the previous Standard Method over the plan period. It is three times as high

as the Low Growth Option, requiring ~~over around 10,000~~ **9,000** more homes over the Local Plan period than had been proposed.

- Paragraph 146 of the new NPPF **says** ~~makes it more difficult than the July 2024 draft did for~~ councils to argue that they should not review Green Belt boundaries. It now says that the Green Belt must be considered for allocation unless it would (new words emphasised) clear ~~“fundamentally undermine the purposes (taken together) of the remaining Green Belt”~~. As a result, ~~fundamentally undermining only one purpose is not sufficient to exempt sites, as Three Rivers had presumed.~~ **“Exceptional circumstances in this context include, but are not limited to, instances where an authority cannot meet its identified need for homes, commercial or other development through other means. If that is the case, authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.”** Officers have confirmed that this will require more evidence work to be more robust than the previous review but consider this remains still the best way to protect our Green Belt by looking at suitable sites that are then fed into the green belt review as only then would we know the impact on the remaining green belt thus enabling the removal of sites that undermine the remaining green belt.

- Whilst Paragraph 234(b) of the new NPPF allows councils to opt to have Local Plans examined under the previous NPPF provided they are submitted for Examination before 12th March 2025, not 12th January 2025 ~~as Three Rivers had presumed.~~ In light of this, Three Rivers both must and can change its approach to avoid the new Local Plan being examined under the revised NPPF. **However, the clear officer and legal advice in light of the NPPF changes a proposal to submit by the 12th March is not feasible and unachievable and would incur unbudgeted expenditure.** The proposed Low Growth option has now, due to changes to site requirements to meet planning policies and the withdrawal of sites with reduced numbers, means the number proposed would be circa 4,000. In addition, the new requirement to find 41 gypsy pitches and 6 for travelling show people, would mean that a Regulation 19 submission with all the legally required paperwork would not be able to be submitted, along with the 6 weeks statutory consultation, and to be a legally sound plan as required under the Planning and Compulsory Purchase Act 2004. That would mean that the plan would be found as ‘unsound’ at examination making the Council liable for additional costs and HM Government intervention and a likely requirement to produce a plan within 18 months fully meeting the new NPPF.

- Council also notes that the Three Rivers Joint Residents’ Association and the Can’t Replace Green Space group both support the Council’s current position and that it is impractical to now submit the low growth Regulation 19 and that the agreed way forward at the Council meeting on 10th December as detailed below is best approach to protecting our Green Belt.

Three Rivers District Council therefore resolves to:

1. ~~Conduct a Regulation 19 consultation on the Low Growth Option draft Local Plan over a period of six weeks to close before 28th February 2025, and to delegate to officers’ authority to decide the details including dates for which that opens, but in any event to open at the earliest date practicable;~~ **Confirm the decision of the December 10th Council Meeting.**
2. Instruct and delegate authority to officers to conduct all works necessary to:
 - a. ~~Conduct the Regulation 19 consultation above;~~ and b. ~~submit the Local Plan to examination by 12th March 2025 and to comply with paragraph 234(b) of the National Planning Policy Framework, so that it is examined under the previous National Planning Policy Framework dated 20th December 2023;~~ **work on the best way to protect Three Rivers Green Belt, and thus produce a plan with a lower number than required under the new NPPF, and to undertake the following updated work , and any other, work in support of that namely :**
 - Green Belt review

- Suitable Alternative Natural Greenspace (SANG) work
- Sustainability assessment
- Habitats Regulations Assessment (HRA)
- Whole Plan Viability Assessment
- Transport Assessment
- Open Space, Sport and Recreation Study update
- Infrastructure Delivery Plan
- Urban Capacity Study Update
- New call for sites
- Gypsy and Traveller sites

3. ~~Amend the Local Development Scheme to reflect the above, namely to conduct a Regulation 19 consultation in January-February 2025 and submit to examination by 12th March 2025;~~ **Confirm the current Local Development Scheme but that officers now work towards a timescale to amend this so that the Council might be in a position to have a Regulation 19 for public consultation no later than 7th November 2025 so to avoid the Christmas break.**

4. Instruct and delegate authority to officers to complete compilation of the evidence base and any further work required; ~~for the Low Growth Option to be examined~~

5. Delegate to officers' authority to procure external advice or other work to complete the above; and

6. ~~Approve a supplement to the budget of a maximum of £250,000 in the financial year 2024-25 to complete the above, to be removed from unearmarked reserves, and for all unspent monies to be returned to unearmarked reserves.~~ **Note that the administration provided an additional £200,000 in the current year's budget for the extra Local Plan work and will budget for a similar or larger figure in next year's budget in February, as required, as well as bidding for the £70,000 towards its Green Belt review for which it is eligible under the agreed Local Development Scheme but would not be if a regulation 19 was submitted.**

7. **As soon as possible, set a target growth figure that can be justified by the draft evidence and have a reasonable chance of being adopted.**

8. **To establish a detailed programme for delivery of this important work.**

- **Establish clear deadlines for individual studies to ensure they are ready before November 2025**
- **Develop and publish a detailed timeline for completing each step of the plan.**
- **Set up a series of Local plan sub committees to review and monitor the programme, and set dates for agreement at P&R and Full council meetings**

So that the motion now reads:

Three Rivers District Council notes that the new National Planning Policy Framework (NPPF) as did the previous NPPF has consequences for Three Rivers' Green Belt.

- The new Standard Method has been increased to 839 dwellings a year from 739. That is 13,312 over the 16-year plan period. It is three times as high as the Low Growth Option, requiring around 9,000 more homes over the Local Plan period than had been proposed.
- Paragraph 146 of the new NPPF says “Exceptional circumstances in this context include, but are not limited to, instances where an authority cannot meet its identified need for homes, commercial or other development through other means. If that is the case, authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.” Officers have confirmed that this will require more evidence work to be more robust than the previous review but consider this remains still the best way to protect our Green Belt by looking at suitable sites that are then fed into the green belt review as only then would we know the impact on the remaining green belt thus enabling the removal of sites that undermine the remaining green belt.
- Whilst Paragraph 234(b) of the new NPPF allows councils to opt to have Local Plans examined under the previous NPPF provided they are submitted for Examination before 12th March 2025, not 12th January 2025. However, the clear officer and legal advice in light of the NPPF changes a proposal to submit by the 12th March is not feasible and unachievable and would incur unbudgeted expenditure. The proposed Low Growth option has now, due to changes to site requirements to meet planning policies and the withdrawal of sites with reduced numbers, means the number proposed would be circa 4,000. In addition, the new requirement to find 41 gypsy pitches and 6 for travelling show people, would mean that a Regulation 19 submission with all the legally required paperwork would not be able to be submitted, along with the 6 weeks statutory consultation, and to be a legally sound plan as required under the Planning and Compulsory Purchase Act 2004. That would mean that the plan would be found as ‘unsound’ at examination making the Council liable for additional costs and HM Government intervention and a likely requirement to produce a plan within 18 months fully meeting the new NPPF.
- Council also notes that the Three Rivers Joint Residents’ Association and the Can’t Replace Green Space group both support the Council’s current position and that its impractical to now submit the low growth Regulation 19 and that the agreed way forward at the Council meeting on 10th December as detailed below is best approach to protecting our Green Belt.

Three Rivers District Council therefore resolves to:

1. Confirm the decision of the December 10th Council Meeting.

2. Instruct and delegate authority to officers to conduct all works necessary to work on the best way to protect Three Rivers Green Belt, and thus produce a plan with a lower number than required under the new NPPF, and to undertake the following updated work, and any other, work in support of that namely :

- Green Belt review
- Suitable Alternative Natural Greenspace (SANG) work
- Sustainability assessment
- Habitats Regulations Assessment (HRA)
- Whole Plan Viability Assessment
- Transport Assessment
- Open Space, Sport and Recreation Study update
- Infrastructure Delivery Plan
- Urban Capacity Study Update
- New call for sites
- Gypsy and Traveller sites

3. Confirm the current Local Development Scheme but that officers now work towards a timescale to amend this so that the Council might be in a position to have a Regulation 19 for public consultation no later than 7th November 2025 so to avoid the Christmas break.

4. Instruct and delegate authority to officers to complete compilation of the evidence base and any further work required;

5. Delegate to officers' authority to procure external advice or other work to complete the above; and

6. Note that the administration provided an additional £200,000 in the current year's budget for the extra Local Plan work and will budget for a similar or larger figure in next year's budget in February, as required, as well as bidding for the £70,000 towards its Green Belt review for which it is eligible under the agreed Local Development Scheme but would not be if a regulation 19 was submitted.

7. As soon as possible, set a target growth figure that can be justified by the draft evidence and have a reasonable chance of being adopted.

8. To establish a detailed programme for delivery of this important work.

- Establish clear deadlines for individual studies to ensure they are ready before November 2025
- Develop and publish a detailed timeline for completing each step of the plan.

- Set up a series of Local plan sub committees to review and monitor the programme, and set dates for agreement at P&R and Full council meetings

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