

Three Rivers District Council

Policy & Resources Committee Report

Date: 5 October 2023

POLICY AND RESOURCES COMMITTEE

PART I

LOCAL PLAN: REGULATION 18 LOW HOUSING GROWTH CONSULTATION (EIP)

Summary

- 1.1 This report seeks Members' approval of the Local Plan Regulation 18 Part Four: Three Rivers' Preferred Local Plan Lower Housing Growth Option – Protecting more Green Belt land.

Background

- 2.1 The initial Local Plan Regulation 18 document was consulted on from 11 June – 20 August 2021. The document was in two parts:
 - Part One set out the preferred development strategy and preferred policy options for Three Rivers over the next 10-15 years; and
 - Part Two included potential sites that could be allocated for residential, employment or other uses in the Local Plan.
- 2.2 The sites in the consultation document were the sites identified as having potential for allocation for the following land uses: housing, gypsy and traveller and travelling showpeople accommodation, employment (including Warner Bros Studios), town centre and retail development, open space and education. Also included in the document were the proposed sites for allocation at Langleybury and The Grove and Maple Lodge Wastewater Treatment Works, both of which are existing allocations in the current Site Allocations LDD (adopted 2014). The proposed inseting of Bedmond was also included in the document.
- 2.3 The potential site allocations for housing and employment were subject to a technical assessment in the Strategic Housing and Employment Land Availability Assessment (SHELAA) and are the sites which have been assessed as suitable, available and achievable to meet the identified housing and employment needs and took account of the relevant national policy and officers' consideration of harm to the Green Belt.
- 2.4 The housing target, at that time, as calculated by the Government's standard method over the Regulation 18 plan period of 2018 – 2038 was 630 dwellings per annum giving a total target of 12,624 net dwellings. Once completions, commitments (unimplemented planning permissions) and a windfall allowance was taken into consideration the residual housing target was 10,678 dwellings. The Regulation 18 Potential Sites for Allocation document identified sites to deliver 8,973 dwellings. This was 1,705 dwellings short of the residual housing target.
- 2.5 In December 2022 an additional regulation 18 consultation was agreed by Full Council. This was consulted on from the 27 January to 30 March 2023. The document was set out as Part Three of the Regulation 18 consultation and asked for views on six additional sites to be considered in conjunction with the sites already consulted on in Part Two, 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 different levels of growth.

- 2.6 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.
- 2.7 Following this the Government consulted on planning reform reiterating that the standard method calculation would remain unchanged at least until they have reviewed the implications on the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024.
- 2.8 The ability for local authorities to use an alternative approach to the standard method where there are exceptional circumstances that can be justified was proposed to be retained. It was however proposed that it would be made clearer in the NPPF that the outcome of the standard method is an advisory starting point to inform plan-making, a guide that is not mandatory. They propose to give more explicit indications in planning guidance of local characteristics that may justify an alternative method. To date no such guidance has been produced. The examples given in the consultation were islands with a high percentage of elderly residents or university towns with an above-average proportion of students, neither of which apply to Three Rivers.
- 2.9 It should be noted that this was just a consultation and that neither the consultation nor the letter from the Secretary of State constitutes a statement of national planning policy. The National Planning Policy Framework and Planning Practice Guidance remain unchanged, and it is to this framework we are required to work.
- 2.10 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.

Details

Standard Method

- 3.1 In considering a lower housing figure officers initially considered whether using an alternative method to the Government's standard method for calculating housing need would be in accordance with national policy and guidance.
- 3.2 The standard method housing need is currently 637 dwellings per annum. This should be the starting point for deciding the housing target in the Local Plan. It should be noted that the Planning Practice Guidance states that the standard method identifies a minimum annual housing need figure. As such the expectation is to go higher than the standard method rather than lower.
- 3.3 The guidance also sets out that an alternative method can be used in exceptional circumstances but this will be closely scrutinised at examination. We

would need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth.

- 3.4 Importantly the guidance states that any method that relies on using household projections more recently published than the 2014-based household projections will not be considered to be following the standard method. Therefore, simply using more recent household projections, for example the 2018 projections (which would have resulted in a housing need of 305 dwellings per annum), in the standard method calculation would not be considered an appropriate alternative method.
- 3.5 In the absence of further guidance on how to calculate an alternative method using more up to date household projections and what would be considered exceptional circumstances, officers do 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.
- 3.6 The Government stated that the purpose of proposed changes in their consultation on planning reform to calculating housing need was to give more certainty that authorities can propose a plan with a housing requirement below the standard method housing need figure where it is clearly evidenced and all other reasonable options to meet housing need have been considered. This is contradictory to the current guidance that states the housing need figure being a minimum, however officers feel this could be considered a signal of intent from Government. As such, officers believe a constraints based approach to producing a housing requirement below the standard method figure would be most advisable.

Plan start date

- 3.7 The previous rounds of Regulation 18 consultation (2021-2023) used a plan period of 2018-2038. It is now officers' opinion that we do not need to back date the plan start date as the standard method using the 2014 household projections accounts for past under delivery. The standard method requires us to start from the current year so for the consultation this will be 2023. In reality the final plan start date will be the year in which the plan is submitted for examination, currently expected in 2025 so the figures will be updated as we get to the next stage in the plan making process.
- 3.8 We are required to plan for 15 years post adoption (expected in 2026) so the plan period would now be 2023-2041. The standard method housing need would therefore equate to 637 dwellings multiplied by the 18 year plan period giving a total of 11,466 dwellings. This is a reduction of 1,158 dwellings when compared to the previous Regulation 18 consultation. When factoring in commitments (planning permissions) and a windfall allowance we would get a residual housing target of approximately 9,700 dwellings which is nearly 1,000 dwellings fewer than the residual target we have been working to. The sites in the Regulation 18 Part Two: Sites for Potential Allocation together with the sites in the Regulation 18 Part Three: Additional Sites for Potential Allocation consultation still don't meet this reduced target.

Green Belt as a constraint

- 3.9 All the policy, physical, and environmental constraints relating to potential sites have been considered through the Strategic Housing and Employment Land Availability Assessment (SHELAA). As has Green Belt, however a particular approach to Green Belt release was adopted in order to try and meet the

standard method housing target. Although it was not explicitly set out in national policy that Green Belt release was required to meet the standard method housing target it was expected at Local Plan examination. No Local Plan has yet been successful at examination in arguing a lower housing target based purely on Green Belt release.

- 3.10 The National Planning Policy Framework (NPPF) sets out that Green Belt boundaries can be altered through the plan making process in exceptional circumstances, where justified by robust evidence. Prior to the Government's consultation on planning reform, meeting overall housing need was considered to constitute exceptional circumstances. This is evident from the approach taken by Inspectors at Local Plan examinations where authorities have been asked to go away and find more sites in the Green Belt so as to meet the standard method housing target.
- 3.11 The Secretary of State's Letter and Government's consultation set out the Government's intentions regarding Green Belt and housing need. By stating that Green Belt release is not a requirement in order to meet housing need they aim to remove ambiguity about whether authorities are expected to review the Green Belt. In making this statement officers believe the Government may have already removed this ambiguity to an extent. For this reason, officers believe that the District's Green Belt constraint can now potentially be used as an argument for lower housing numbers. However, it should be noted that this approach has not been tried and tested at examination and could still be thrown out by the independent Inspector. Ultimately the Inspector will consider any submitted plan against the policies and legislation at the time.
- 3.12 Officers consider other needs such as the chronic lack of affordable housing, accommodation for the elderly and the delivery of much needed infrastructure constitute exceptional circumstances and as such some Green Belt release is required to meet the development needs for the area.
- 3.13 The Council has undertaken Green Belt Reviews as part of its evidence work for the Local Plan. The Green Belt Review does not in itself draw conclusions as to where land should be released to accommodate development, but identifies the relative variations in the harm to the Green Belt and that planning judgement is required to establish whether the sustainability benefits of Green Belt release and the associated development outweigh the harm to the Green Belt.
- 3.14 At the 13 June 2023 Local Plan Sub-Committee Members agreed the approach to housing need and Green Belt where only sites in areas of moderate Green Belt harm or less, as set out in the Stage 2 Green Belt Review, are considered acceptable for residential development (subject to other considerations) unless the site is considered strategic and the benefits of the site are considered to outweigh the harm caused by its release from the Green Belt.
- 3.15 At the 3 August 2023 Local Plan Sub-Committee the sites falling within the urban area and low to moderate harm Green Belt sites were agreed to be recommended to the Policy & Resources Committee for inclusion in a further round of Regulation 18 consultation.
- 3.16 At the 24 August 2023 Local Plan Sub-Committee officers recommended a number of strategic sites in areas of higher Green Belt harm to be included in the Regulation 18 consultation on the basis that the benefits in terms of sustainability and infrastructure provision outweighed the harm of removing those sites from the Green Belt for development. Table 1 below shows the sites included in the officer recommendation.

Table 1: Sites recommended by officers for Regulation 18 consultation

Site Ref.	Site Name	Dwellings
CFS26c	West of the Kings Langley Estate (station side)	893
CFS8d	Notley Farm, Abbots Langley	450
OSPF22	Batchworth Golf Course	618
EOS12.2	Land to the west and south of Maple Cross (full site)	1500
EOS7.0	Land to the south of Shepherds Lane and east of M25	550
CFS59	Land on London Road	40
CFS18c	Hill Farm, Stag Lane	38
NSS23	Chorleywood Telephone Exchange	15
	Brownfield sites (agreed 3 August meeting)	973
	Low to moderate harm sites (agreed 3 August meeting)	907
	Commitments (active planning permissions)	1089
	Windfall allowance	390
	Total	7,463

- 3.17 The 7,363 dwelling total equates to 415 dwellings per annum across the plan period which is 65% of the standard method target of 637 dwellings per annum. This total was reached using a constraints based approach and does not reflect the level of housing need for the area. In other words, we cannot meet our housing need as calculated by the standard method due to the District's constraints, especially Green Belt.
- 3.18 Officers set out the risks of following this recommendation to the Sub-Committee as this approach has not been successful at examination in the past. These risks included potential delays to the Local Plan as the examiner could pause the examination and ask the Council to find additional Green Belt sites, or even the Plan could be considered unsound and the Council would have to start again from the beginning of the process. There could also be a risk that neighbouring authorities may object on the basis of the 'Duty to Co-operate' as they are required by national policy to consider unmet needs from their neighbours. Issues around the 'Duty to Co-operate' have derailed Local Plan examinations in the past. Delays to the Local Plan and a growth strategy that fails to meet the standard method target could result in an increase in speculative planning applications going to appeal costing the Council time and money.
- 3.19 At the 24 August 2023 Local Plan Sub-Committee meeting the Chair proposed an alternative recommendation to that proposed by officers. This recommendation further reduced the number of dwellings to be included in the Regulation 18 consultation. Table 2 below sets out the Chair's recommendation:

Table 2: Sites recommended by Chair for Regulation 18 consultation

Site Ref.	Site Name	Dwellings
EOS12.4	Land to the west and south of Maple Cross (full site)	850
EOS7.0	Land to the south of Shepherds Lane and east of M25	550
CFS59	Land on London Road	40
CFS18c	Hill Farm, Stag Lane	38
NSS23	Chorleywood Telephone Exchange	15
	Brownfield sites (agreed 3 August meeting)	973
	Low to moderate harm sites (agreed 3 August meeting)	907
	Commitments (active planning permissions)	1089
	Windfall allowance	390
	Total	4,852

3.20 The 4,852 dwelling total equates to 270 dwellings per annum or 42% of the standard method target of 637 dwellings per annum. Officers highlighted concerns that this would exacerbate the risk of the plan being found unsound to Members of the Sub-Committee.

3.21 The Chair's recommendation in Table 2 above was agreed by the Local Plan Sub-Committee and therefore those sites together with those recommended to Policy and Resources Committee at the 3 August Local Plan Sub-Committee have been included in the Regulation 18 consultation document in Appendix 1.

Regulation 18 Part Four: Three Rivers' Preferred Low Housing Growth Option

3.22 The Regulation 18 consultation document in Appendix 1 focuses on our approach to housing growth and sets out the potential sites that could meet our preferred low growth approach. This means we are only consulting on residential sites and associated infrastructure that could come about as a result of the proposed development. At the 24 August Local Plan Sub-Committee meeting this approach received support from the Three Rivers Joint Residents' Association representing 22 residents groups across Three Rivers.

3.23 It should be noted that this is an additional Regulation 18 consultation, so we are still at the information gathering stage. These are not the final proposals for the Local Plan, the feedback from this consultation together with relevant feedback from previous consultations will be considered as we move on to the Regulation 19 stage which is the preparation of the final draft to be submitted for examination.

3.24 The Regulation 18 document begins by setting out some back ground to the Local Plan and evidence base before moving on to discuss housing numbers and our approach to Green Belt as a constraint as set out in this report.

3.25 Different growth options are considered prior to the Council setting out its preferred 'Low Growth' option. The Council consulted on growth options as part of its Issues and Options consultation in 2017. This used the Objectively Assessed Need figure (prior to the introduction of the standard method) of 514

dwellings per annum. The Issues and Options 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).

- 3.26 The standard method target of 637 dwellings per annum is considered to be the 'High Growth' option and this more or less aligns with the 'High Growth' option consulted on in the Issues and Options. Officers also considered whether a higher growth option that goes beyond the standard method would be appropriate, however as we were unable to meet the standard method target in full through the Regulation 18 Part Two and Part Three consultations this option was not pursued.
- 3.27 The approach set out in this consultation is considered the 'Low Growth' option and results in 270 dwellings per annum across the 18 year plan period. This 'Low Growth' option has been reached by using the Green Belt constraint led approach set out in this report where the most valuable areas of Green Belt remain protected but some lower harm areas of Green Belt are proposed to be released in order to help meet the development needs of the area as much as possible.
- 3.28 The officer recommended 415 dwellings per annum is considered the 'Moderate Growth' approach and is midway between the standard method 'High Growth' option and the Council's preferred 'Low Growth' option. As already stated, this is the preferred growth option as it will result in protecting the most valuable areas of Green Belt from development. Whereas the Moderate and High Growth options were considered to result in unacceptable harm to the Green Belt.
- 3.29 The remainder of the Regulation 18 document sets out the potential sites for allocation to meet the Low Growth option. The majority of the questions in the consultation will relate to the sites. The exception to this are the first two questions which will be asking about whether deviance from the standard method is supported and whether the Low Growth option is supported. Two questions have been added to the end of the document. One asking on comments on any of the sites not taken forward, in other words sites that had been included in previous Regulation 18 consultations and now removed or newly submitted sites that have not been rejected.
- 3.30 The Local Plan Regulation 18 Part Four consultation document will also be accompanied by a Sustainability Appraisal Working Note (Appendix 3) on which we will also be inviting comments on. There is also a question asking for comments on the SA Working note included in the consultation (Appendix 1). The evidence based studies that have informed the Local Plan will also be made available for reference only.¹ The majority of these were published alongside the Regulation 18 Part One and Part Two consultation in 2021 and as such are already on the Council's website. Any new or updated documents will be published on the same web page: <https://www.threerivers.gov.uk/services/planning/planning-policy/new-local-plan#Evidence%20base>

Next steps

- 3.31 The consultation on the Local Plan Regulation 18 Part Four: Three Rivers' Preferred Low Housing Growth Option is planned for the end of October 2023

¹ Evidence based studies are technical documents made available for reference only and not subject to consultation.

for a period of 6 weeks following approval by Full Council on the 17 October 2023, as set out in the Local Development Scheme (2022).

- 3.32 The consultation will be done in line with the Council's Statement of Community Involvement which can be found on the Council website at: <https://www.threerivers.gov.uk/services/planning/planning-policy/new-local-plan#Statement%20of%20Community%20Involvement>
- 3.33 The consultation will be conducted through the Council's Engagement HQ consultation platform in order to make reporting and analysis more efficient. People will be encouraged to respond through the portal online, however there will be physical copies of the consultation available at reception in Three Rivers House, at Parish Council offices and at libraries across the District.
- 3.34 Following the consultation, the representations received will be considered and amendments made to the potential sites for allocation as appropriate, for inclusion in the Publication version (Regulation 19) of the Local Plan. This will include a consultation statement on all four parts of the Regulation 18 consultation.

Options and Reasons for Recommendations

- 4.1 The preparation of the Local Plan must be undertaken in accordance with the relevant regulations. This includes statutory consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policy/Budget Reference and Implications

- 5.1 The recommendations in this report are within the Council's agreed policy and budgets. The relevant policy is entitled Local Plan.

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

None specific.

Financial Implications

- 6.1 None specific. The costs associated with preparing, publishing and consulting on the Local Plan are included in existing budgets.

Legal Implications

- 7.1 The legal requirements for the preparation and consultation of Local Plans are set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). A failure to comply with the statutory requirements may result in the Local Plan being found unsound at the examination in public.

Staffing Implications

- 8.1 None specific.

Equal Opportunities Implications

- 9.1 The decision made on this report will have no direct effect on equality and diversity. The requirement to undertake formal Equalities Impact Assessment (EqIA) of development plans was introduced in the Equality Act 2010 but was abolished in 2012. Despite this, authorities are still required to have regard to the provisions of the Equality Act, namely the Public Sector Duty which requires public authorities to have due regard for equalities considerations when exercising their functions. As a result, the sustainability appraisal objectives set out in the Sustainability Appraisal Scoping Report address equality issues.

Climate Change and Sustainability Implications

- 10.1 The Local Plan promotes the Council's priority to maintain a high quality local environment and reduce the carbon footprint of the District. The Local Plan must be tested by a sustainability appraisal process so that any environmental impacts of policies can be minimised. A Sustainability Appraisal document in relation to the Local Plan Regulation 18: Part 4: Three Rivers' Preferred Low Housing Growth Option will be part of the consultation process.

Community Safety Implications

- 11.1 None specific.

Public Health implications

- 12.1 None specific

Customer Services Centre Implications

- 13.1 The CSC will be briefed to respond to requests for information on the Local Plan and the consultation.

Communications and Website Implications

- 14.1 The consultation will be online as far as possible, however there will be hard copies available to view at Council offices, Parish Council offices and at libraries across the District. A dedicated email will be set up for the consultation and a leaflet to all residents explaining progress on the Local Plan and how they can respond is to be sent. The Council's web site and consultation portal will be updated regularly.

Risk and Health & Safety Implications

- 15.1 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.
- 15.2 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)</i>

				and impact)
Failure/Delay in delivering Local Plan	May lead to uncertainty in the planning process and potential increase in planning appeals and risk of intervention of Local Plan		Treat	4
Changes in National Policy & regulations	May require a significant alteration to emerging Local Plan	Keep informed on Government's changes	Tolerate	4

15.3 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 Low -----> Unacceptable			

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%))

- 15.4 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.

Recommendation

16.1 That the Policy & Resources Committee:

- Approves and recommends to Full Council the Local Plan Regulation 18: Part Four: Three Rivers' Preferred Local Plan Lower Housing Growth Option – Protecting More Green Belt Land document as set out in Appendix 1 for public consultation in accordance with the regulations and the Local Development Scheme.
- That delegated authority be granted to the Head of Planning Policy & Conservation in consultation with the Lead Member for the Local Plan to make any minor changes that are required before the documents are published for consultation.
- That public access to the report be immediate.
- That public access to the decision be immediate.

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

Background Papers

- National Planning Policy Framework (2023)
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Planning Practise Guidance
- Local Plan Regulation 18 Part One: Preferred Policy Options (2021)
- Local Plan Regulation 18 Part Two: Sites for Potential Allocation (2021)
- Local Plan Regulation 18 Part Three: Additional Sites for Potential Allocation (2023)
- Local Plan Sub-Committee Meeting 13 June 2023
- Local Plan Sub-Committee Meeting 10 July 2023
- Local Plan Sub-Committee Meeting 3 August 2023
- Local Plan Sub-Committee Meeting 24 August 2023
- Statement of Community Involvement (2020)
- Interim Sustainability Appraisal Report (2021)
- Sustainability Appraisal Working Note (2023)
- Strategic Housing & Employment Land Availability Assessment (SHELAA) Report (2020)
- Strategic Housing & Employment Land Availability Assessment (SHELAA) Addendum (2023)
- South West Herts Local Housing Needs Assessment (2020)
- Three Rivers District Council & Watford Borough Council Green Belt Review Strategic Analysis (Stage 1) (2017)
- Stage 2 Green Belt Assessment for Three Rivers and Watford Borough (2019)

- Urban Capacity Study (2020)

APPENDICES / ATTACHMENTS

Appendix 1: Draft Local Plan: Regulation 18: Part Four: Three Rivers' Preferred Local Plan Lower Housing Growth Option – Protecting More Green Belt Land

Appendix 2: Sites Not Proposed for Development by TRDC

Appendix 3: Sustainability Appraisal Working Note (October 2023)

Appendix 4: Updated SHELAA Assessments – Sites for potential allocation

Appendix 5: Updated SHELAA Assessments – Sites not proposed for development

Appendix 6: South East Area Map

Appendix 7: South West Area Map

Appendix 8: North East Area Map

Appendix 9: North West Area Map

