

**LOCAL PLAN SUB-COMMITTEE**  
**29 August 2024**  
**PART I**

**LOCAL PLAN: Updated Draft Policies for Regulation 19  
(DCES)**

**1 Summary**

This report seeks member agreement of the updates to the draft Local Plan policies from the Draft Local Plan Regulation 18 Part 1: Preferred Policy Options document in response to changes to national planning policy, comments received to the Regulation 18 consultation and consideration at Local Plan Sub-Committee meetings in 2022 and 2023.

**2 Details**

2.1 The Regulation 18 Part 1 Preferred Policy Options was consulted on from 11 June – 20 August 2021.

2.2 Following this round of Regulation 18 consultation the Local Plan Sub-Committee considered updates to the draft Local Plan policies in 2022 and 2023. At these Local Plan Sub-Committee meetings, Members were informed of any changes to national policy and considered representations made on the policies through the consultation.

2.3 These policies have now been further updated to include Member comments from these meetings and are proposed by officers for inclusion in the Regulation 19 Publication version of the Local Plan. It should be noted that any changes are fairly minor and in essence these policies have already been agreed by Members at previous Local Plan Sub-Committees.

2.4 This report will set out some background on each policy, the draft policies can be viewed in the appendices to the report.

Green Belt

2.5 As set out in national policy, the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, and Green Belts serve five purposes:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.6 Great importance is attached to the Green Belt in Three Rivers, and as highlighted by the National planning Policy Framework (NPPF), established Green Belt boundaries should be altered only in exceptional circumstances and only when a Local Plan is being prepared or reviewed.

- 2.7 The main focus for development is making as much use as possible of suitable brownfield sites and underutilised land, and an exhaustive search of potential sites to accommodate development needs has been carried out as part of the Strategic Housing and Employment Land Availability Assessment. The policies of the new Local Plan also promote a significant uplift in the density of development in the District, and in all cases, proposals will need to make efficient and effective use of land.
- 2.8 However, even with these actions, there is insufficient capacity to meet needs for growth within the District's existing urban area. The Council has also been in discussion with neighbouring authorities to establish whether some of the identified need for development could be accommodated within these areas. However, all of Three Rivers' neighbours are also Green Belt authorities and are unable to meet their own needs without developing in the Green Belt. As such, there are no neighbouring authorities who are able to accommodate any of Three Rivers identified need.
- 2.9 While the Council, and communities, attach significant weight to the Green Belt in the District, given the level of need for housing and the acute requirement for affordable housing in the area, the impacts for sustainable development of not planning to meet needs in the District are such that there are exceptional circumstances justifying alterations to the established Green Belt boundaries.
- 2.10 Detailed changes to the Green Belt boundary will be made in association with the allocations of sites in the new Local Plan to help provide for the needs of our communities and provide wider community benefit.
- 2.11 However, notwithstanding these changes which will be necessary, the remaining Green Belt in the District will continue to fulfil the purposes set out in the NPPF and will therefore need to be protected for the long term.
- 2.12 Paragraph 154 of the (NPPF) advises that the construction of new buildings is regarded as inappropriate in the Green Belt, although exceptions to this are:
- a) Buildings for agriculture and forestry;
  - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) Limited infilling in villages;
  - f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would

- Not have a greater impact on the openness of the Green Belt than existing development; or
  - Not cause substantial harm to the openness of the Green Belt where development would re-use previously developed and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 2.13 The policy has been shortened to remove most of the examples of exceptions to inappropriate development in the Green Belt. It has been made clear in the policy that further details of possible exceptions are now located within the Development in the Green Belt appendix. We have also removed sections where we were simply repeating what is already stated in the NPPF.
- 2.14 The Draft Green Belt Policy (Appendix 1) and more detailed criteria for certain development that may be considered an exception to inappropriate Development in the Green Belt (Appendix 2) are proposed for inclusion in the Local Plan. This has been expanded compared to previous versions to include more detail.

#### Housing Density

- 2.15 The NPPF advises that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These should seek a significant uplift in density in these areas unless there are strong reasons why this would be inappropriate. Minimum density standards should also be considered for other parts of the plan area.
- 2.16 Given the constrained supply of available land to meet needs for growth in Three Rivers, it is particularly important that all new housing comes forward at a density which makes efficient use of land, and that the Local Plan secures an uplift in the average density of residential density where appropriate and in accordance with other policies in the Local Plan.
- 2.17 Monitoring data shows that past housing completions in Three Rivers have been delivered at a range of densities. Average densities have varied year to year depending on the nature of the schemes which have come forward within that year, with some years showing a high proportion of completions at less than 30 dwellings per hectare and other years showing a higher proportion of completions per hectare.
- 2.18 The existing built up areas of the District have a varied character, including as a consequence of the density of development. For example, within Rickmansworth Town Centre, residential densities are approximately 52 dwellings per hectare, while in Chorleywood densities are approximately 18 dwellings per hectare.
- 2.19 Members have previously agreed a minimum housing density of 50 dwellings per hectare to be set for the District with higher densities expected from areas well served by public transport, services and facilities. It is considered that this strikes an appropriate balance for the District between optimising the use of land and securing an uplift in appropriate locations while ensuring due regard for the character and amenities of the District and the quality of life of residents.
- 2.20 Whilst it is important to make more efficient use of land, particularly to reduce pressure on greenfield and/or Green Belt sites, this should not compromise the

quality of the environment and existing residential areas in Three Rivers, some of which may fall within areas of special historic or landscape value. The draft policy therefore states that where lower densities are proposed on the basis of the character or amenities of an area, the reasons for this should be explained as part of any application.

- 2.21 The proposed Draft Housing Density Policy (Appendix 3) sets out the minimum density standards. No changes have been made to this policy, and it remains as previously agreed by Members.

#### Design Criteria

- 2.22 The report to the 8 August Local Plan Sub-Committee included the policy on Residential Design and Layout. We have now updated the accompanying appendix on Design Criteria which sets out additional detail on design criteria.
- 2.23 We will prepare a design guide following adoption of the Local Plan, but these criteria will help bridge the gap between local plan adoption and completion of the design guide.
- 2.24 Here we have updated the diagrams from the existing Design Criteria showing boundary distances and the 45 degree rule. The paragraph on privacy has been rewritten for clarity. In the residential amenity space section, reference to the size of balconies and mitigation have been added. Other minor changes to wording and grammar have been made for clarity.
- 2.25 The Design Criteria are in Appendix 4 to this report.

#### Affordable Housing

- 2.26 Average house prices in Three Rivers are some of the highest in the country outside London. Housing affordability within the District continues to be a major concern for many residents, and many local people have difficulty in accessing housing on the open market. This particularly affects the young and those on lower incomes who are entering the housing market.
- 2.27 The updated Local Housing Needs Assessment (LHNA, 2024) is clear that there is a notable need for affordable housing in Three Rivers and across South West Hertfordshire. Improving the supply and standard of affordable housing is therefore one of the biggest priorities for the Council to address the needs of our community.
- 2.28 The National Planning Policy Framework (NPPF, 2023) sets out at paragraph 64 that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 2.29 The LHNA demonstrates that the average house price in Three Rivers during 2022 was £560,000. This is above the Hertfordshire average of £512,940 and the England and Wales average of £328,000 during the same period. Monthly rents across all sizes of accommodation are similarly above Hertfordshire and England averages within Three Rivers.

- 2.30 Affordability ratios in Three Rivers and across the South West Hertfordshire area have deteriorated significantly since 1997 and lower quartile house prices in the District were 12.85 times higher than lower quartile incomes at February 2022. The affordability of housing therefore remains a critical issue in Three Rivers, and will continue to be so for the foreseeable future.
- 2.31 The LHNA considered needs for affordable housing in accordance with the methodology set out within the National Planning Practice Guidance (NPPG). This identifies an annual net need for affordable housing for rent in Three Rivers over the period 2024-2040 of 364 homes per year.
- 2.32 This in itself is above the overall housing figure of 270 dwellings per annum consulted on in Regulation 18 Part 4, and on this basis we should be seeking 100% affordable housing. Obviously, this would not be viable or achievable.
- 2.33 The need for affordable housing for rent is equivalent to 57% of the District's total housing requirement under the standard methodology, and given the significant and growing need for affordable housing the draft LHNA confirms that seeking the maximum amount of affordable housing for rent as is viably possible is justified.
- 2.34 The percentages sought in the draft policy will be subject to a Whole Plan Viability Assessment which the NPPF requires to test the policies within the Draft Local Plan to consider whether those policies maintain the viability of development. The assessment will include modelling of all policy requirements likely to impact on viability, such as affordable housing, carbon reduction requirements, environmental standards, space standards, open space requirements, Community Infrastructure Levy etc.
- 2.35 The Whole Plan Viability Assessment has not yet been completed. Should the Viability Assessment result in changes to the draft policy provided in Appendix 1, the Draft Affordable Housing Policy will be amended and brought back to this sub-committee for further consideration.
- 2.36 With the Government's introduction of First Homes to national planning policy the Council is required to provide 25% of affordable housing as First Homes. More detail on First Homes will be provided in the First Homes Policy section to this report.
- 2.37 With regard to the tenure of affordable housing for rent that is required, the greatest need in the District is for Social Rented housing, followed by Affordable Rent. Based purely on an analysis of affordability the LHNA recommends that we secure as much social rented housing as viably possible. The policy therefore seeks 70% social rented housing together with 25% First Homes. This allows the remaining 5% for affordable rented housing.
- 2.38 The Council acknowledge that requiring a higher proportion of affordable homes for rent, will impact on the overall level of affordable housing that may be delivered. However, these are the most urgent and pressing needs for housing in the District and the Council will therefore prioritise the delivery of a greater proportion of affordable housing for rent rather than a higher total level of affordable housing delivery through, for example, a higher proportion of affordable home ownership. A tenure mix in accordance with the LHNA will therefore be sought. This will be set out in the Housing Mix Policy.
- 2.39 On the basis of the types of housing that would best meet needs for housing, and

- 2.40 Paragraph 65 of the NPPF advises that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas where policies may set a lower threshold of five units or fewer.
- 2.41 However, the local circumstances in Three Rivers are considered to justify an alternative approach to require all developments resulting in a net gain of housing to contribute to affordable housing provision. This is on the basis of the acute need for affordable housing in the District demonstrated by the LHNA, and the crucial role that smaller sites delivering fewer than 10 dwellings has played in delivering housing historically which is expected to continue in future.
- 2.42 These factors are considered to outweigh the guidance within the NPPF and justify the approach within the Affordable Housing Policy to require all sites resulting in a net gain of dwellings to contribute to affordable housing provision in the District, and this approach has been supported in recent appeal decisions in the District.
- 2.43 There are fewer opportunities to build new homes in the District's smaller villages surrounded by, or designated as Green Belt due to more restrictive policies on housing in countryside and particularly in the Green Belt.
- 2.44 However, an element of new development can help to support these communities and paragraph 154 of the NPPF therefore enables provision of limited affordable housing for local community needs under policies set out in the development plan, including policies for rural exception sites.
- 2.45 In line with this potential exception, proposals for rural exception sites delivering 100% affordable housing<sup>1</sup> within and immediately adjacent to the village core areas of Bedmond and Sarratt<sup>2</sup> may be supported in the Green Belt where these are evidenced to provide affordable housing which would meet identified local community needs. The type and size of affordable housing provided on such sites must address identified needs in the individual village or the area it serves which is defined as the village or parish in which it is located.
- 2.46 Limited affordable housing provided on rural exception sites will be subject to a requirement to provide for people with a need to live in the locality. Any such schemes will therefore be subject to eligibility criteria limiting occupancy to people with a local connection (through past residence, employment or close family connection).
- 2.47 Affordable housing will generally be required to be provided on site as this will make the greatest contribution to meeting needs in the short term. However, for small sites delivering one to nine dwellings the Council will consider the use of commuted payments, in lieu of on-site provision where requested on the basis that it is unfeasible to make provision onsite. Commuted payments will be broadly equivalent in value to the on-site provision, taking into account the additional market housing that would be provided due to there being no on-site affordable units and further guidance will be provided through an update to the Council's Affordable Housing Supplementary Planning Document.
- 2.48 Commuted payments for small sites and the trigger point for payment of the contribution will be secured through a legal agreement under Section 106 of the Town and Country Planning Act, 1990 which site owners will be required to enter into before

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<sup>1</sup> A minor degree of market housing to support the delivery of the affordable housing may be acceptable

<sup>2</sup> Subject to the villages of Bedmond and Sarratt remaining washed over by Green Belt

planning permission is issued. The contribution will generally be payable on commencement of the development.

- 2.49 Where affordable housing is to be provided on site, the timing of this is a key issue in securing mixed and balanced communities at all stages. Wherever possible, affordable housing should be delivered in tandem with the provision of market housing and planning conditions or legal agreements will be used to ensure that affordable housing is built out alongside, and proportionately, to the amount of market housing at any one time. The precise amount and timing of the affordable housing units required will be set out in the relevant condition or legal agreement. To create mixed and inclusive communities it is also vital that there is no distinction between the design and quality of market and affordable homes, and that affordable homes address all relevant objectives and design policies of the Local Plan. Affordable homes should also be distributed throughout developments within clusters appropriate to the scale and nature of the development to enable effective management while providing a balance of housing across the site.
- 2.50 The affordable housing requirements will be supported by detailed viability evidence demonstrating that these levels are viable and will not preclude development from coming forward. Given that viability assessment is undertaken in preparation of the Local Plan, the impact of policies on development viability will have been considered and will be regarded as realistic. The need for a viability assessment at planning application stage will therefore need clear justification by the applicant in line with paragraph 58 of the NPPF.
- 2.51 It is however recognised that on a limited number of sites, there may be genuine exceptional circumstances which necessitate provision of site-specific viability information to support an alternative approach. The council will consider this on a case-by-case basis but in line with national guidance, site specific factors such as the price paid for land are not exceptional reasons to justify provision of site-specific viability assessment.
- 2.52 Where viability evidence is provided, this should be undertaken in accordance with the recommended approach set out in national planning guidance, including standardised inputs and explanation of what factor(s) have changed since the viability assessment underpinning this Local Plan. Submitted viability evidence will be made publicly available and the council reserves the right to have any viability assessment independently assessed, the cost of which must be borne by the applicant.
- 2.53 Exceptional circumstances justifying deviation from the required level and mix of affordable housing will only exist where this is fully justified through a policy compliant viability assessment. In these situations, with regard to the evidence of housing need in the District and the priority to deliver rented affordable housing, the Council will seek to secure the preferred tenure split as a priority over a potentially higher percentage of affordable housing overall through the provision of more intermediate tenure dwellings for affordable home ownership which would not be consistent with meeting priority needs. Flexibility may be appropriate to move away from the preferred tenure of social rent to affordable rent, although it would need to be demonstrated that these homes would be affordable to those in need in the District.
- 2.54 Where it is accepted that there are exceptional circumstances to justify departure from the policy requirement for affordable housing, any permission will be subject to requirements for detailed review mechanisms to consider viability through the lifetime of development up to full completion to ensure policy compliance and optimal public

benefits through economic cycles and that the maximum reasonable level of affordable housing is provided in line with the Draft Affordable Housing Policy.

- 2.55 Review mechanisms are an important tool to seek compliance with relevant policies and will be provided through the legal agreement accompanying a permission. These will provide for review of viability to determine whether a development is capable of providing additional affordable housing (or meeting other unmet policy requirements) deemed unviable at application stage. Any additional obligations will be capped based on policies of the Local Plan with the aim of securing provision of policy requirements previously deemed not to be deliverable.
- 2.56 Viability reviews carried out at an early stage of a development or prior to the implementation of later phases have the benefit of increasing the likelihood that additional affordable housing can be provided on site, while viability reviews undertaken towards the end of a development will be based on up to date and accurate viability evidence and allow robust, up to date values and costs to be taken into account.
- 2.57 In general, viability reviews will therefore be required at an advanced stage of development for all schemes to ensure that viability is accurately assessed and up to date. This will generally be at a point of sale of 75% of market units to assist in meeting the Council's key priority of delivering genuinely affordable housing.
- 2.58 The updated Affordable Housing Policy takes account of updates from the updated Local Housing Needs Assessment. The thrust of the policy has not changed but information on the median housing price and affordability ration have been updated in the reasoned justification.
- 2.59 Minor wording has been added to criteria 5 of the policy "housing register" and para 4.49 "capped at local housing need allowance" as requested from the Housing Strategy Team.
- 2.60 The revised Affordable Housing Policy is in Appendix 5 to this report.

#### First Homes

- 2.61 On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and now forms a material consideration in decision making. A Policy Position Statement<sup>3</sup> was published on the Council's web site that sets out the key information for First Homes and how it relates to the implementation of the existing Core Strategy Policy CP4 Affordable Housing.
- 2.62 The 2023 NPPF states that Written Ministerial Statements including the Written Ministerial Statement on Affordable Homes Update containing policy on First Homes are material when making plans.
- 2.63 The introduction of the First Homes policy means that 25% of affordable housing provision should be for First Homes, with 75% remaining for other tenures. The WMS and Planning Practice Guidance (PPG) state that once a minimum of 25% First

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<sup>3</sup> First Homes Policy Position Statement <https://www.threerivers.gov.uk/egcl-page/core-strategy>



Homes has been accounted for, social rent should be delivered in the same percentage as set in the Local Plan.

- 2.64 The First Homes policy remains unchanged except for minor editorial changes from the version that was approved.
- 2.65 It should be noted that the First Homes requirement is proposed to be deleted from the NPPF in the Government's current consultation.
- 2.66 The revised Affordable Housing Policy (Appendix 5) addresses the First Homes requirement, and the First Homes policy (Appendix 6) sets out the First Homes criteria.

#### Employment and Economic Development

- 2.67 In addition to providing a significant increase in the quantum of new housing delivered, the economic development of the District needs to be considered. This includes meeting the projected need for a range of employment uses including office uses, industry and warehousing uses, public and community uses, leisure and tourism uses and main town centre uses.
- 2.68 Three Rivers has a thriving economy which has been growing at a strong rate supported by falling levels unemployment. It has a strong creative industries sector (at Warner Brothers Studios and Langleybury) and a high concentration of knowledge-based industries, growth of these sectors should be encouraged.
- 2.69 The policy emphasises the need to retain the existing employment site allocations to counter the loss of employment land to residential use through permitted development rights. The Article 4 Directions protecting the allocated employment sites from conversion to residential use remain in place.
- 2.70 The South West Herts Economic Study (2019) identified a need of 30,100 sqm office floorspace, however this is being met by existing commitments at Croxley Park which will deliver 36,363 sqm so there will in fact be an oversupply of 6,263 sqm. The Economic Study update that is currently being finalised sets out that future demand for office space may be different to that of the conclusions of the 2019 South West Herts Economy Study. However, the report confirms that a significant proportion of demand could be met through the existing supply, meaning additional land would not be required.
- 2.71 Notwithstanding this, the South West Herts Economic Study recommends that any loss of employment space be resisted due to low vacancy rates and increasing labour supply.
- 2.72 It identifies a need for 211,800 sqm of industrial and warehousing floorspace need across SW Herts for the period up to 2040 equating to 59.5 ha of employment land. There are no specific local need figures identified for the individual authorities but the study concludes that there is a shortfall of roughly 9 ha land across SW Herts.
- 2.73 The policy includes support for proposals relating to creative industries and for expansion of Warner Brothers Studios, however a separate policy that has already been reported to the Local Plan Sub-Committee goes into more detail regarding the studios specifically.
- 2.74 The Draft Employment and Economic Development Policy is attached in Appendix 7.

### Provision for Gypsies, Travellers and Travelling Showpeople

- 2.75 Gypsies, Travellers and Travelling Showpeople have particular accommodation needs that require additional consideration. To ensure that members of these communities are able to access decent and appropriate housing with access to services including health and education, the Council must make provision for accommodation to meet identified needs.
- 2.76 The Council will seek to meet identified needs on suitable sites in sustainable locations and to maintain a five year supply of deliverable pitches/plots, taking into account the findings of the Council's Gypsy and Traveller Accommodation Assessment (2024) and any subsequent updates. All the identified Gypsy, Traveller and Travelling Showpeople Sites within the District will be 'safeguarded' to ensure that the permitted use as a traveller site is not lost through the grant of any subsequent planning permission whilst there remains a need for sites.
- 2.77 Work on the Council's Gypsy and Traveller Accommodation Assessment (2024) is ongoing and needs in terms of site allocations will be considered as part of this work. The evidence work is not expected to make any difference to policy wording.
- 2.78 The reasoned justification has been temporarily removed from the policy as this will need to be updated in line with the Gypsy and Traveller Accommodation Assessment which is in the process of being updated. We do not expect any fundamental changes to the policy wording itself.
- 2.79 The proposed Gypsies, Travellers and Travelling Show People policy is in Appendix 8.

### Retail and Leisure

- 2.80 The evidence base document underpinning the Retail and Leisure policy is the South West Hertfordshire Retail & Leisure Study (2018). It identifies key issues which the new Local Plan needs to address and proposes policy wording and site allocations to be contained within the draft Local Plan.
- 2.81 The study shows that Three Rivers has a relatively low market share across the South West Herts area. This reflects the findings of the previous studies undertaken in 2009 and 2012.
- 2.82 Three Rivers has a 5.7% market share of convenience<sup>4</sup> goods and a 1.3% share of comparison<sup>5</sup> goods. This is in contrast to Hemel Hempstead, Watford and St Albans which have more dominant market shares, reflective of centres in these areas being higher in the retail hierarchy. There is a high amount of leakage out of the District for convenience and comparison goods shopping, with leakage predominantly being directed to Watford. The study considers that the position is unlikely to change significantly and that existing market shares are likely to prevail.

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<sup>4</sup> Convenience goods - Food, alcoholic drink, tobacco products, newspapers and periodicals, non-durable household goods.

<sup>5</sup> Comparison goods - Clothing and footwear; household textiles and soft furnishings; Furniture and floor coverings; household appliances; audio visual equipment; hardware, DIY goods, decorating supplies, tools and garden products; chemist and medical goods, cosmetics and beauty products; books, jewellery, watches, china, glassware and kitchen utensils, recreational, personal and luxury goods.

- 2.83 The Study provides recommendations on the provision for new retail floorspace over the Local Plan period to 2036, based on the growth population scenario<sup>6</sup> of an additional 630 dwellings per year. The study identifies that there is likely to be a relatively small undersupply of convenience and comparison goods floorspace. With the lower growth approach now being taken by the Council it is unlikely that there would be any undersupply. The policy therefore focuses on safeguarding existing retail uses.
- 2.84 Reasoned justification added with details of 2018 Retail and Leisure Study. Policy criteria 2) has been reworded to provide clearer guidance to what should be allowed. Floorspace targets have been added to the reasoned justification. The policy has been changed to be more in line with the updated Use Class order and town centre uses. The policy focuses more on frontages at floor level – it is acceptable to have shops at ground floor level and accommodation above.
- 2.85 The proposed Retail and Leisure Policy is set out Appendix 9 to this report.

#### Open Space, Sport & Recreation

- 2.86 Under paragraph 102 of the NPPF, it sets out that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Specific needs and quantitative and qualitative deficiencies and surpluses in local areas should also be identified. This information should be used to inform what provision is required in an area.
- 2.87 The Open Space, Sport & Recreation Study (OSSR) was commissioned as a joint study with Dacorum, Hertsmere and St Albans. The OSSR determines the provision and quality of existing facilities, identifies any surplus or deficiencies of provision, establishes the likely future needs and assists with the setting of new provision standards in the new Local Plan.
- 2.88 The OSSR consists of:
- Open Space Assessment – provides detail with regards to what open space provision<sup>7</sup> exists in the area, its condition, distribution and overall quality. It also considers the future requirements for provision and direction on future provision of accessible and high-quality provision for open spaces
  - Indoor Leisure Facilities Needs Assessment – an assessment of need for sports halls, health and fitness and specialist facilities and looks at all indoor and built facilities<sup>8</sup> for sport and physical activities including community centres and village Halls. It identifies any deficiencies and/or surpluses of provision and identifies opportunities for new, enhanced and rationalised provision.

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<sup>6</sup> Forecasts are based on a scenario of an additional 630 dwellings in the District per year

<sup>7</sup> Open Space includes parks and gardens, natural and semi-natural greenspaces, amenity green space, provision for children and young people and allotments.

<sup>8</sup> Indoor Sports facilities include sports halls (including school sports halls), swimming pools, health and fitness suites, dance studios, gymnastics provision, indoor bowls, squash courts, village/community halls.

- Playing Pitch Strategy Assessment – is a supply and demand assessment of playing pitches and other outdoor sports facilities<sup>9</sup> in accordance with Sport England's Playing Pitch Strategy Guidance and Assessing Needs and Opportunities Guidance.

- 2.89 These studies and accompanying strategies and action plans recommend numerous priority projects for Three Rivers that the Leisure Team will consider and will be subject of future reports to the Leisure Committee. Specific projects will be identified in the Infrastructure Delivery Plan that will accompany the Local Plan.
- 2.90 The Infrastructure Delivery Plan (IDP) will set out the additional infrastructure required to support growth within the District up to 2041. It will include a review of existing provision for social infrastructure, (such as health and education facilities), physical infrastructure, (such as transport and utilities) and green infrastructure, (such as parks and open spaces).
- 2.91 The words “in exceptional circumstances” have been added to criteria 1) as requested by Members. Specific mention of allotment space added to criteria 4). Clarification for criteria 4)ii) that Developments should seek to explore opportunities to enhance/expand equipment range at existing sites to raise quality standards where there is suitable space to do so. Play space provision standards have been updated. Open space provided on site will be expected to be accessible to all added to criteria 7). As per comments from the Leisure Team, wording stating that elderly housing can be excluded from provision of open space has been removed. Following comments from Sport England, wording in criteria 1 has been changed to be more in line with the NPPF.
- 2.92 It is important that the current levels of provision are protected, maintained and enhanced to secure provision now and in the future. The proposed Draft Open Space, Sport and Recreation Facilities and Children's Play Space is set out in Appendix 10 to this report.

#### Health and Wellbeing

- 2.93 The NPPF requires planners to consider health in a range of different ways. The framework's presumption in favour of sustainable development highlights the importance of achieving social, economic and environmental objectives (health and wellbeing encompasses all three).
- 2.94 The way that we plan and design places has a significant influence over whether communities are able to live healthy lives. This is reflected in the National Planning Policy Framework paragraphs 96 and 109, consequently local plan policies should support population health by using public health evidence to inform policies to ensure that new development proposals support improvements to the health of the population.
- 2.95 Three Rivers incorporates 546 hectares of the Chilterns National Landscape consisting largely of chalk stream, river, valley and adjacent hillsides and woods. As there will be increasing pressure for development across the District, it is important that all landscape, including the Chilterns National Landscape, is conserved and enhanced. The policy ensures that the design of development proposals is sensitive

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<sup>9</sup> Outdoor sports facilities include football, rugby union, rugby league, hockey, cricket, bowls, tennis, athletics (including road running), netball, golf, water sports facilities, archery, cycling

enough to ensure that schemes make a positive contribution to the landscape. National Landscapes are designated for the purpose of conserving and enhancing the natural beauty of the area, which includes its flora, fauna, and geological and natural physical features.

- 2.96 The Draft Local Plan policies already considered/ to be considered by the Local Plan Sub Committee (for example, Residential Design & Layout and Accessible & Adaptable Buildings, Open Space, Sport and Recreation, Social and Community Facilities, Employment and Economic Development, Green Infrastructure Network, Sustainable Transport and Travel) encapsulate the requirements set out in paragraph 96 of the NPPF and the Hertfordshire County Councils Health and Wellbeing Strategy and therefore do not need to be repeated in a separate Health and Wellbeing policy. However, it will be important to ensure that the principles of health and wellbeing are considered by developers at an early stage.
- 2.97 In order to ensure that major development proposals consider health and wellbeing as part of the design process the Draft Health and Wellbeing Policy requires that proposals for developments of 100 dwellings or more will need to submit a Health Impact Assessment with the planning application and proposals for non-residential development will need to undertake a screening exercise in consultation with Herts Public Health to determine the HIA requirements.
- 2.98 Officers have been consulting with statutory bodies in relation to the preparation of the Local Plan to consider the likely health infrastructure needed in relation to the planned growth. Details of the health infrastructure requirements will be set out in the Infrastructure Delivery Plan which will state what is needed, when it will be delivered and who is responsible for delivery and associated costs.
- 2.99 The Draft Health and Wellbeing Policy (Appendix 11) provides additional requirements relating to the sustainable location of new health facilities.

#### Green and Blue Infrastructure

- 2.100 Green Infrastructure is defined in the National Planning Policy Framework (NPPF) as a “network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”. Green infrastructure includes a range of spaces and assets including, but not limited to, parks and gardens, playing fields, woodlands, wildlife habitats, street trees, amenity greenspace and other open spaces. Green infrastructure networks also include ‘blue infrastructure’ features, such as ponds, rivers, canals and other water bodies<sup>10</sup>. Although ‘blue infrastructure’ is included in the definition of Green Infrastructure, we have added reference to ‘blue infrastructure’ in the policy as Officers feel this adds emphasis to an important side of Green Infrastructure for the District.
- 2.101 Green Infrastructure provides for multi-functional uses, including: the promotion of health and wellbeing through opportunities for recreation, exercise and social interaction; mitigation against climate change and flooding through the migration of species to more suitable habitats, the protection of water quality and the provision of sustainable drainage systems; the conservation and enhancement of biodiversity through better ecological connectivity and the facilitation of biodiversity net gain and

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<sup>10</sup> NPPG Natural Environment, Paragraph 004 Reference ID: 8-004-20190721

the enhancement of local landscape character and economic growth through the creation high-quality environments.

- 2.102 The NPPF requires that plans take a strategic approach to maintaining and enhancing Green Infrastructure. Paragraph 20 of the NPPF sets out that strategic policies should make sufficient provision for conservation and enhancement of the natural environment, including green infrastructure. The NPPF goes on to recognise the role of green infrastructure in enabling and supporting healthy lifestyles and requires that planning policies ensure this, also stating that green infrastructure should be safe and accessible (Paragraph 96). Green Infrastructure also has role in planning for climate change and the NPPF states that new development should be planned for in ways that avoids the increased vulnerability to the range of impacts arising from climate change, including through the planning of Green Infrastructure (Paragraph 159).
- 2.103 The key Green Infrastructure assets in Three Rivers include:
- the corridors of the Rivers Chess, Colne and Gade and the Grand Union Canal;
  - the Chilterns National Landscape;
  - the District's Sites of Special Scientific Interest, Local Nature Reserves, Wildlife Sites, key biodiversity areas<sup>11</sup> and priority habitats and species identified by the Hertfordshire Biodiversity Action Plan; and
  - the Colne Valley Park.
- 2.104 Whilst these are particularly important assets to be conserved and enhanced, they also connect to adjoining spaces within the Green Infrastructure network which should also be conserved and enhanced. New areas of open space may be provided through new housing allocations which will form part of the District's Green and Blue Infrastructure in the future.
- 2.105 Given the level of growth identified for Three Rivers and the surrounding area, and the multi-functional benefits which the networks provide, there is a strong need to conserve and enhance green infrastructure. In order to provide for green infrastructure for Three Rivers in the future, a net gain in the quality and quantity of green infrastructure in the District should be sought through the protection and enhancement of assets and provision of new green spaces.
- 2.106 In order to ensure that Green and Blue Infrastructure in the District is extended and enhanced, the Draft Green and Blue Infrastructure Policy requires that development makes provision for green infrastructure which is accessible and safe and prevents the fragmentation of and damage to the network as a result of development. The Draft Policy also seeks to maximise the social and environmental benefits of Green Infrastructure through the protection and improvement of walking and cycling routes between spaces in the Green Infrastructure network.
- 2.107 Specific projects to enhance of Green and Blue Infrastructure in the District will be identified in the Infrastructure Delivery Plan.

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<sup>11</sup> The three key biodiversity areas are: the Mid-Colne Valley (wetlands and grasslands), Whippendell Woods and surrounds (woodlands, grassland and wetlands) and the River Chess Valley (wetlands, grasslands, woodland and heath).

- 2.108 Reference to Blue Infrastructure has been added back into the policy. Officers feel this helps emphasise the importance of our watercourses in Three Rivers. We have also updated the text to reflect the latest NPPF definition of Green Infrastructure. The reference to the 20m buffer for public rights of way has been added back in to the policy as requested by Members. Reference to Hertfordshire County Council's Local Nature Recovery Strategy has been added.
- 2.109 Appendix 12 contains the Draft Green and Blue Infrastructure Policy which aims to support the conservation and enhancement of the District's Green Infrastructure.

#### Trees, Woodlands and Landscaping

- 2.110 The Biodiversity, Trees and Woodland policy has been separated into two separate policies for clarity. The biodiversity policy will come to a future Local Plan Sub-Committee meeting as there have been some proposed amendments received from Herts Ecology. So, this policy is focusing on the Trees, Woodlands and Landscaping elements of the previous policy only.
- 2.111 Woodlands, trees and hedgerows are important contributors to biodiversity and may be protected by wildlife or conservation designations, Tree Preservation Orders or the Hedgerow Regulations. It is important that those not covered by designations are retained, protected and wherever possible, added to, since pressure for development will increasingly threaten trees, woodlands, hedgerows and their surrounding habitat.
- 2.112 Landscaping of new development should be considered as an integral part of the design process. Landscaping refers to both soft landscaping (planting and/or retention of trees, shrubs and other plants and earth contouring) and hard landscaping (paths, walls, seats, planters, kerbing etc.).
- 2.113 The Draft Trees, Woodlands and Landscaping Policy is attached in Appendix 13.

#### Waterways

- 2.114 Waterways are important to both the natural environment and human activities. The three rivers that give the District its name (the Rivers Colne, Gade and Chess) and The Grand Union Canal are important resources for the District in terms of landscape, biodiversity and access to open space and form the basis of the District's Green Infrastructure network.
- 2.115 The Grand Union Canal runs the length of the District and provides a significant Green Infrastructure resource and supports transport, biodiversity, recreation, drainage, water supply and in managing flood risk. It is also an important visual amenity and there are a number of heritage assets on or associated with the Canal.
- 2.116 As well as these functions, the Canal is used by many houseboats and leisure craft. Concentrations of houseboats exist at Batchworth Lock, Rickmansworth and to a lesser extent at Cassiobury in Croxley Green.
- 2.117 It is essential that the Canal is protected as an important resource for the District providing multiple benefits and that these benefits are recognised and enhanced.
- 2.118 Houseboats are a lifestyle choice for some residents, and they contribute to increasing diversity of homes within the District.

- 2.119 A residential mooring<sup>12</sup> is a long-term mooring which may need planning permission for the moored boat to be used as the occupant's sole or primary residence. Such moorings require planning permission as they may constitute a material change of use. Residential moorings are therefore treated by local planning authorities as residential development and are subject to national and local planning policy.
- 2.120 Residential moorings are offered around the country by a mix of private operators and navigation authorities and are becoming increasingly popular.
- 2.121 Officers have added in the definition of waterways to the introductory text for clarification. We have added reference to Green Belt and the need to demonstrate Very Special Circumstances if proposals for moorings and marinas fall within the Green Belt.
- 2.122 The proposed Draft Waterways Policy (Appendix 14) aims to ensure that potential residents of houseboats benefit from the same level of access to services and facilities as those living in traditional housing as well as encouraging the provision of new moorings and facilities for water-based leisure and recreation as part of development proposals.

#### Broadband and Electronic Communications

- 2.123 Access to broadband is vital for growing a sustainable local economy, for education and home working and is now widely accepted as an essential utility, important to homes and businesses alike. At a local level, the availability, reliability and speed of broadband provision is now a key consideration for house buyers and a key concern for the business sector.
- 2.124 People are increasingly accessing a wide range of online services (catch-up TV, video on demand, streaming, social media services, podcasts, audio streaming) through different smart devices – such as smart TVs and mobile phones. In addition, web-based messaging through platforms like Facebook and WhatsApp is also increasing.
- 2.125 The NPPF makes it clear that planning policies should support the expansion of electronic communications networks and full fibre broadband connections.
- 2.126 In order to ensure that future residents and businesses within Three Rivers are able to access superfast broadband and mobile technology the new Local Plan will need to contain a policy which support the expansion of electronic communications network and full fibre connections for all new development.
- 2.127 Electronic communications includes items such as antennae for mobile phone signals, masts, cabinets, cables, ducts, telegraph poles, satellite dishes etc.
- 2.128 Most forms of development by or on behalf of an electronic communications operator for the purpose of the operator's electronic communications network are 'permitted development' and only subject to 'prior approval'.<sup>13</sup> The prior approval procedure

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<sup>12</sup> A residential mooring is generally an official mooring provided by a marina or landowner with the approval of the local authority for continuous occupation of the boat whilst on the mooring.

<sup>13</sup> Schedule 2, part 16 of The Town & Country Planning (General Permitted Development) (England) order 2015 (As amended)



means that the principle of development is not an issue. The local planning authority can only consider the siting and appearance of the proposal.

- 2.129 It will be important for all new residential, employment and commercial developments to provide the means to enable connection to be made to fibre optic broadband infrastructure as the main technology for delivering superfast connections. This should be designed and installed as an integral part of development to avoid the visual impact and future disturbance caused by retrofitting. It is recognised that the availability of broadband infrastructure will vary across the District.
- 2.130 The expectation is that where such infrastructure is not readily available nearby, provision is made for ducting and cabinets to enable easy connection at a later date.
- 2.131 The aim of the draft policy is also to ensure that electronic communication apparatus is kept to a minimum through encouraging the sharing of equipment where this is technically possible. The impact of electronic communications can be minimised through careful design, colouring and landscaping to minimise visual intrusion which can help protect the character and appearance of an area.
- 2.132 We have added reference to 'full-fibre' as per comments from HCC Growth and Infrastructure. We have also updated reference to the government's minimum superfast broadband speed.
- 2.133 The proposed Draft Broadband and Electronic Communications Policy is in Appendix 15 to this report.

#### Sustainable Transport and Travel

- 2.134 Car usage within the District is high and is forecast to grow a further 15.6% by 2031. Increased congestion and car use could undermine the economic growth of the District and harm the quality of the environment and social well-being. Promoting sustainable transport modes will help re-balance the focus to those modes that have lower emissions and contribute to creating a higher quality environment across the District.
- 2.135 The NPPF requires that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Sustainable modes of travel are defined within the NPPF as any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.
- 2.136 The Council will work with Hertfordshire County Council, the Highways Agency and other transport providers to provide a co-ordinated and enhanced transport system which improves connectivity and transport services.
- 2.137 Hertfordshire County Council have produced a Growth and Transport Plan (GTP) for South West Hertfordshire, which aims to identify the transport interventions that will be needed to support and help facilitate sustainable development within the South West Hertfordshire area, including in Three Rivers.
- 2.138 The Council's Infrastructure Delivery Plan will identify specific transport schemes that will contribute to meeting transport needs and the sustainability of the District, including transport infrastructure necessary to deliver the levels of growth required in the District.

- 2.139 There is a need for all individual proposals for development to maximise opportunities to support and integrate sustainable travel and to manage and mitigate transport impacts to ensure that safe and suitable access will be provided for all users and that significant impacts of development will be limited.
- 2.140 New development proposals should incorporate the Transport User Hierarchy as set out in Hertfordshire County Council's Local Transport Plan into the design of any scheme. The development of any transport strategy should consider in the following order:
- Opportunities to reduce travel demand and the need to travel
  - Vulnerable road user needs (such as pedestrians and cyclists)
  - Passenger transport user needs
  - Powered two wheeler (mopeds and motorbikes) user needs
  - Other motor vehicle user needs
- 2.141 Supporting a safe and pleasant walking environment requires prioritisation of pedestrians at the top of the road user hierarchy and improvements to pedestrian safety in existing areas. Developments must incorporate high quality pedestrian routes that promote walking as an attractive, convenient, safe and pleasant mode of transport and that connect in networks and to the surrounding area taking into account existing and likely desire lines.
- 2.142 Cycling is also an essential component of sustainability and the support of healthy lifestyles, as well as providing an affordable means of access to local destinations and opportunity for leisure and recreation. To encourage and support cycling, developments should connect to, and further develop and enhance the existing network of cycle routes of different types (on-road and off-road), including improvements to crossing facilities as well as the routes themselves.
- 2.143 New development must make provision for public transport where this is appropriate taking into account of the scale and nature of a development, including for example through layouts which enable access for buses and provision of covered waiting facilities.
- 2.144 In addition to supporting sustainable modes of travel, where new development comes forward, it must ensure that access arrangements are safe and do not result in danger or inconvenience to other users of the highway, including as a consequence of traffic generation on both the local road network and the Strategic Road Network.
- 2.145 Some changes have been made following comments from the County Council, including adding point 1 to require that new development should be located in areas where there is realistic opportunity for sustainable transport modes, adding point 5(b) to include reference to reducing private motor vehicle journeys and maximising use of more sustainable modes of transport, and other minor changes to wording in point 5 to strengthen the policy. Comments from Development Management have also been taken into account, but only minor adjustments have been made. Reference to '20 minute neighbourhoods' has been added to point 12.14 following comments at the LPSC on 07/12/2022.

2.146 The proposed Draft Sustainable Transport and Travel Policy is in Appendix 16 to this report.

- **Policy/Budget Reference and Implications**

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

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

None specific.

- **Recommendation**

That the Local Plan Sub-Committee note the contents of this report, and recommend to the Policy & Resources Committee the following policy updates:

- Green Belt Policy (Appendix 1)
- Development in the Green Belt Appendix (Appendix 2)
- Housing Density Policy (Appendix 3)
- Design Criteria (Appendix 4)
- Affordable Housing Policy (Appendix 5)
- First Homes Policy (Appendix 6)
- Employment and Economic Development Policy (Appendix 7)
- Gypsies, Travellers and Travelling Showpeople Policy (Appendix 8)
- Retail and Leisure Policy (Appendix 9)
- Open Space, Play Space, Sport and Recreation Policy (Appendix 10)
- Health and Wellbeing Policy (Appendix 11)
- Green and Blue Infrastructure Policy (Appendix 12)
- Trees, Woodlands and Landscaping Policy (Appendix 13)
- Waterways Policy (Appendix 14)
- Broadband and Electronic Communications Policy (Appendix 15)
- Sustainable Transport and Travel Policy (Appendix 16)

- **Background Papers**

National Planning Policy Framework (2023)

Planning Practice Guidance (2023)  
Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)  
Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)  
Strategic Housing and Employment Land Availability Assessment (2020,2023)  
South West Hertfordshire Local Housing Needs Assessment (2020, 2023)  
South West Herts Economic Study (2019)  
South West Hertfordshire Retail & Leisure Study (2018)  
Gypsy and Traveller Accommodation Assessment (2017)  
Open Space Sport & Recreation Study (2019)

## **APPENDICES**

Appendix 1 Green Belt Policy  
Appendix 2 Development in the Green Belt Appendix  
Appendix 3 Housing Density Policy  
Appendix 4 Design Criteria  
Appendix 5 Affordable Housing Policy  
Appendix 6 First Homes Policy  
Appendix 7 Employment and Economic Development Policy  
Appendix 8 Gypsies, Travellers and Travelling Showpeople Policy  
Appendix 9 Retail and Leisure Policy  
Appendix 10 Open Space, Play Space, Sport and Recreation Policy  
Appendix 11 Health and Wellbeing Policy  
Appendix 12 Green and Blue Infrastructure Policy  
Appendix 13 Trees, Woodlands and Landscaping Policy  
Appendix 14 Waterways Policy  
Appendix 15 Broadband and Electronic Communications Policy  
Appendix 16 Sustainable Transport and Travel Policy