

POLICY AND RESOURCES COMMITTEE - 7 OCTOBER 2019

PART I - DELEGATED

4. UPDATE ON THE LOCAL PLAN (DCES)

1 Summary

1.1 This report provides an update on the progress on the Local Plan and advises Members that there are a number of technical studies that need to be completed before recommendations or decisions can be made about which land to allocate to meet the objectively assessed needs or the justification for a decision of not meeting the needs is made.

2 Details

2.1 The National Planning Policy Framework¹ (NPPF) and Planning Practice Guidance (PPG) requires that the **policies** and the **sites** allocated for development in Local Plans be based upon sound evidence. This evidence base will face detailed scrutiny from the Planning Inspector and other stakeholders during the independent examination process.

2.2 The evidence based studies provide the information required to draw up policies for the Local Plan as well as provide information that will assist in the assessment of potential housing sites.

2.3 In other words, the sites selected (or rejected) for allocation through the new Local Plan must be based on the evidence based studies. To base the selection of sites on subjective views would leave the Council open to challenge and to the Local Plan being found not 'sound' at the examination.

2.4 The evidence based studies that have been completed so far (or are near completion) are set out in Appendix 1 to this report. The draft policies that have been considered by the Local Plan Sub Committee are listed in Appendix 2 and are available on the Council's website at the following link: https://www.threerivers.gov.uk/listing/council-meetings?only_expired=1&tagid=994

2.5 Members are aware that Officers are preparing the Strategic Housing and Employment Land Availability Assessment Land Availability Assessment (SHELAA).

2.6 The SHELAA is an evidenced-based assessment which identifies sites and broad locations with potential for development. It assesses their development potential, suitability for development and the likelihood for development coming forward. The SHELAA together with the Sustainability Appraisal and evidence base studies will be the basis of which the Council makes its decisions on which sites to allocate for development in the new Local Plan.

2.7 The site assessments will assist us in determining whether the sites:

- Are broadly suitable for development – (considering issues such as flood risk, surface water flooding, contamination issues, Article 4 Directions, and other constraints)

¹ National Planning Policy Framework paragraph 31

- Will be available for development – (considering land ownership, for example issues with multiple owners/ransom strips and whether there is a history of unimplemented planning permissions)
 - Are achievable – (is there a demand for the proposed use? Is it viable?)
 - Have development potential – (look at what can realistically be achieved on site, for example number of dwellings/type of use etc.)
 - Can be delivered when taking all the above into consideration, determining the likely timescales for any potential development.
- 2.8 There are a number of technical studies that need to be completed before recommendations or decisions can be made about which land to allocate to meet the objectively assessed needs or the justification for a decision of not meeting the needs is made.
- 2.9 Having carried out an initial objective assessment of the sites (taking account of the evidence based studies undertaken so far, statutory consultees comments and the Sustainability Appraisal), Officers are of the opinion that it is likely that only 40-50% of the housing needs target, set by the Government's 'standard methodology'², can be accommodated within the urban areas of the District and in locations adjacent to the urban area³. It will now be necessary to look at whether there are any potential locations that could accommodate a new settlement or settlements.
- 2.10 National Planning Policy and Inspectors decisions make it clear that there is a stepped process. The priority is always to accommodate needs within the existing urban area and brownfield sites and then to look at sustainable locations at the edge of settlements and villages and then to look at meeting any shortfall in other ways such as new settlements as well as asking neighbouring authorities to meet any shortfall through the Duty to Cooperate.
- 2.11 The NPPF⁴ recognises that the supply of a large number of new homes can be best achieved through large scale development such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.
- 2.12 The NPPF sets out that plan making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:
- a. consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
 - b. ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the

² Paragraph 60 NPPF requires local housing needs should be calculated by using standard methodology set out in Planning Practice Guidance <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

³ Paragraph 138 requires that LPAs consider the consequences for sustainable development of channelling development towards urban areas (edge of settlements).

⁴ Paragraph 72 of the NPPF

development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;

- c. set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;
- d. make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and
- e. consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

2.13 The technical studies that need to be completed prior to the Draft Local Plan being approved for publication⁵ are set out below.

2.14 **Green Belt Review** – Undertaken in stages.

- Stage 1 is principally a strategic assessment of the whole of the Green Belt in terms of its contribution to the five purposes of the Green Belt, as set out in paragraph 134 of the National Planning Policy Framework⁶. This has been done.
- Stage 2 is a more specific analysis and considers the extent to which the release of different areas of land affects the contribution to the Green Belt purposes through both the loss of openness of the released land and the resulting impact that this could have on the adjacent Green Belt. This process involves an assessment of harm to the Green Belt purposes of releasing land to facilitate the expansion of existing settlements. This has been done.

2.15 Where it is likely that the quantum of development needed may not be accommodated on the edge of settlements a further assessment (Stage 3) is needed.

- Stage 3 is an assessment of Green Belt Land with regard to harm resulting from creation of a new settlement. It identifies land that may potentially be suitable for a new settlement location and assesses the variations in harm to the Green Belt associated with the release of land for development in the same way as Stage 2.⁷

2.16 It is not the purpose of a Stage 3 assessment to identify potential sites of suitability for housing development, rather to present the evidence in relation to Green Belt issues for the Council to consider alongside wider sustainability (such as sustainable transport connections) and viability factors as part of the preparation of the Local

⁵ Section 20(2) of the Planning and Compulsory Purchase Act specifically states that LPAs must not submit a plan unless they think it is ready for independent examination. The plan published at Regulation 19 stage, should, therefore, be the plan that the LPA intends to submit to the Planning Inspectorate for examination.

⁶ Paragraph 134 NPPF sets out the five purposes of the Green Belt as a) to check 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.

⁷ May include small settlements/small hamlets which are washed over by Green Belt.

Plan. The Stage 3 part of the Green Belt Review is being commissioned and should be completed by the end of the year.

- 2.17 **New Settlement Scoping:** An initial scoping exercise to determine whether the potential for the delivery of a new settlement exists in Three Rivers District. This will seek to:
- Identify the minimum population and size of a new settlement
 - to locate areas that are not restricted by absolute constraints (AONB, Flood Zone 3b, SSSI etc.)
 - to locate areas that have reasonable access to modes of transport
 - to locate areas where land is of sufficient size is available and suitable for a new settlement
 - meet the requirements of paragraph 72 of the NPPF as detailed at paragraph 2.11 of this report.
- 2.18 Depending on the outcome of the scoping exercise, further work will need to be undertaken which may require a review of the Local Development Scheme.⁸
- 2.19 Members should note that work continues on the South West Hertfordshire Joint Strategic Plan⁹ and a Strategic Growth Locations Study and a Multi-Modal Transport Study has recently been commissioned and this will also be able to inform any decisions going forward.
- 2.20 **Transport Modelling:** This is required to identify the potential scale of the impacts to the transport network in relation to both large scale strategic sites as well as the cumulative impact of proposed growth. It will identify the need for potential transport interventions which will be modelled and costed and included in the Infrastructure Delivery Plan (see paragraph 2.24)
- 2.21 Hertfordshire County Council (HCC), as the Local Highway Authority, runs the County Wide Transport Model (COMET) between September and November each year using the latest spatial planning proposals from the Local Planning Authorities. The potential sites will be included in this year's COMET run with the presentation of high level results expected in December 2019. HCC have advised that there may be a need to undertake further specific analysis on larger sites to identify if there are any 'show stoppers' and guide the need for potential transport interventions and if a new settlement is identified that would need separate transport modelling.
- 2.22 **Whole Plan Viability Assessment:** to assess and test the policies within the Draft Local Plan to consider whether those policies maintain the viability of development. Includes modelling of policy requirements likely to impact on viability, such as affordable housing, infrastructure (including Community Infrastructure Levy), environmental standards, open space requirements etc.

⁸ Local Development Scheme is the timetable for production of the Local Plan required by the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

⁹ Policy & Resources Committee 19 March 2018 https://www.threerivers.gov.uk/listing/council-meetings?only_expired=1&tagid=489

- 2.23 The NPPF states at paragraph 34 that plans should set out the contributions expected from development - the levels of affordable housing and other infrastructure such as needed for education, open space, health, transport etc. and that such policies should not undermine the deliverability of the Plan. Planning Practice Guidance sets out that the role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan.
- 2.24 **Infrastructure Delivery Plan (IDP)** – this seeks to establish what additional infrastructure is required to support the projected population growth and the planned increase in new homes and new jobs in the District to the end of the plan period. It will include a review of the 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). It will provide an analysis of the nature of future provision, and where known, where it will be provided, when it will be provided, how it will be funded and who will be responsible for the delivery. It essentially provides an assessment of the key infrastructure areas within the District and outlines the potential gaps in provision, what new infrastructure is being planned for and how the Local Plan could mitigate against some of the potential effects of the levels of development being proposed.
- 2.25 In addition to the above technical studies, there need to be formal discussions with neighbouring authorities to meet the Duty to Cooperate requirements and the completion of Statements of Common Ground.
- 2.26 The NPPF requires all local authorities to produce, maintain and keep up to date a Statement of Common Ground (SCG) to highlight agreement on cross boundary strategic issues with neighbouring authorities.
- 2.27 When the Council is in a position to detail the distribution of identified needs the SOCG will need to set out information on:
- a. the capacity to meet their own identified needs
 - b. the extent of any unmet need and
 - c. agreements (or disagreements) between authorities about the extent to which these unmet needs are capable of being redistributed within the wider area covered by the SCG

3 Options and Reasons for Recommendations

- 3.1 There are no reasonable alternatives to the recommendations.

4 Policy/Budget Reference and Implications

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

5 Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre

- 5.1 None specific.

6 Communications and Website Implications

6.1 The Council's website will be updated accordingly.

7 Risk and Health & Safety Implications

7.1 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.

7.2 The subject of this report is covered by the Economic and Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failure to explore the possibility of a new settlement and complete evidence based studies	Local Plan will be found not to be 'sound' at examination			Medium 6
Failure to meet the Duty to Co-operate requirements	Local Plan will be found not to be 'sound' at examination			Medium 6

7.3 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 --▶ Remote Likelihood -----	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

APPENDICES / ATTACHMENTS

Appendix 1 Evidence Based Studies Completed or Near Completion

Appendix 2 Draft Policies Considered by the Local Plan Sub Committee