

LOCAL PLAN SUB-COMMITTEE

MINUTES

Of a Virtual meeting held on Tuesday 16 June 2020 at 7pm to 8.15pm

Councillors present:

Sara Bedford (Chairman)
Sarah Nelmes (for Cllr Matthew Bedford)
Chris Lloyd
Steve Drury
Reena Ranger
Alison Wall (for part of the meeting)
Phil Williams
Stephen Cox

Also in attendance: Councillors Alex Michaels, Paula Hiscocks, John Tankard and Alex Hayward (for the Part II business only)

Officers Present: Geof Muggerridge, Director of Community and Environmental Services
Claire May, Head of Planning Policy and Projects, Marko Kalik, Senior Planning Officer, Lauren McCullagh, Planning & Conservation Officer, Sarah Haythorpe, Principal Committee Manager, Jo Welton Committee Manager

LPSC01/20 APPOINTMENT OF THE CHAIR OF THE SUB-COMMITTEE

Councillor Sarah Nelmes proposed, seconded by Councillor Chris Lloyd that Councillor Sara Bedford be appointed Chair of the sub-committee for the Local Government Year 2020/21.

RESOLVED:

That Councillor Sara Bedford be appointed Chair of the sub-committee.

Councillor Sara Bedford in the Chair

LPSC02/20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Matthew Bedford and Stephen Giles-Medhurst with Sarah Nelmes being appointed as the Substitute Member for Cllr M Bedford.

LPSC03/20 MINUTES

The Minutes of the Local Plan Sub-Committee meeting held on 22 January 2020 were confirmed as a correct record and were signed by the Chair.

LPSC04/20 NOTICE OF OTHER BUSINESS

The Chair ruled that the following item of business had not been available 5 clear working days before the meeting but were of sufficient urgency for the following reasons:

Item 6 Appendices 3, 4 and 6

Item 7 Appendix 1

Item 8 Appendix 1

So that progress of the local plan can be made.

LPSC05/20 DECLARATION OF INTERESTS

None received.

LPSC06/20 LOCAL PLAN: REVISED DRAFT POLICIES

This report set out the changes which had been made to the draft policies (as detailed in Paragraph 2.3 of the report) that had previously been considered by the Local Plan Sub Committee for recommendation to the Policy & Resources Committee for inclusion in the new Local Plan. The report provided details of a recent MHCLG consultation on changes to the Building Regulations which may require a review of the Carbon Dioxide Emissions and Renewable Onsite Energy policy at a future date.

The Head of Planning Policy and Projects highlighted and went through the changes to the Policies.

Members welcomed the changes, particularly regarding broadband and that an enhanced service would be provided for new developments. With regard to development on commons in the District being restricted the Head of Planning Policy and Projects said that it would depend on the individual site circumstances.

Officers confirmed that adult gyms were included in the parks.

A Member said that the report did not mention demolitions in Conservation Areas and impact on the adjacent buildings. The Head of Planning Policy and Projects advised that this was covered on Page 5 of Appendix 5 but additional wording could be added on the impact on adjacent heritage properties/assets, which could be included as background text. All Members were asked to send any additional wording to officers to look at.

On being put to the Committee the recommendations were declared CARRIED by the Chair the voting being unanimous.

RECOMMENDED:

Noted the contents of the report and recommend to the Policy and Resources Committee the revised Draft Policies as set out in Appendices 1 - 6 be taken forward in the Local Plan.

That delegated authority be granted to the Head of Planning Policy & Projects and the Director of Communities and Environmental Services in consultation with the Lead Member to make changes to all draft policies.

LPSC07/20 LOCAL PLAN – TOPIC PAPER: FLOOD RISK & WATER RESOURCES

This report set out the issues which the new Local Plan would need to address in relation to flood risk and water resources and proposed policy wording to be contained within the new Local Plan.

The Planning & Conservation Officer advised that this was a newly drafted policy and addressed the issues of flood risk, water quality, water supply and wastewater. The draft policy had been reviewed by the Environment Agency and it should be noted from the outset that the policy was in relation to the consideration of future planning applications rather than site allocations.

Flood Risk:

The Flood Risk section of the Policy set out the national requirement to apply a Sequential Test to planning applications. The Sequential Test is designed to ensure that development is directed to areas at the lowest risk of flooding. Areas of flood risk are based on Flood Zones, which were devised by the Environment Agency and then refined through the Strategic Flood Risk Assessment. Any refinements to the Flood Zones are based on an objective assessment of flood risk through the evidence base study and in consultation with the Environment Agency.

The second 'test' set out in the policy was the Exception Test and this was required in certain circumstances, depending on the land use that it was proposed for and the particular flood zone which the development was located in. If the development failed the Sequential Test or the Exception Test, then planning permission should not be granted. This was set out in national policy and was reflected in the draft policy.

The report and policy also set out what would be required in site-specific flood risk assessments, which would be required for certain planning applications.

The policy also requires Sustainable Urban Drainage Systems to be incorporated into developments. SuDS were designed to control surface water run-off close to where it falls – they increase permeable surfaces which surface water can then seep into, rather than running into rivers and sewers, also reducing the impact of water pollution. SuDS also provides multi-functional benefits for green infrastructure, water quality and amenity space.

Water Resources:

The Water Resources section of the Policy intends to ensure that development protects and enhances water quality, by controlling water pollution and protecting and enhancing groundwater and surface water resources.

The policy sets out that development adjacent to watercourses must take account of the requirements of the Water Framework Directive and the Environment Agency's Thames River Basin Management Plan. If development is anticipated to have a significant adverse impact on water quality and if changes to design or mitigation measures cannot prevent harm, then the application should be refused.

Water supply is a key issue which the Water Resources section of the policy addresses – as highlighted in the report. Three Rivers is in an area of serious water stress and therefore it's important that the policy requires the efficient use of water resources and a reduction in water consumption.

To reduce water consumption in new developments, the policy requires the lower water efficiency standard of 110 litres per person per day. This optional standard was introduced through the Building Regulations in 2015 and can be applied in areas where there's evidence of a need and in areas of water stress.

This would help to address future water shortfalls and was supported by the Environment Agency and Affinity Water.

Waste Water and Sewage:

In relation to wastewater, the policy sets out the requirement for the necessary wastewater infrastructure to be in place before development was occupied. This was advised by Thames Water in order to ensure occupation does not outpace the delivery of wastewater infrastructure.

Members asked about SUDS and how close to the water could a development be built, what would happen with regards to water pressure and how can it be measured. Concern was also raised regarding noise nuisance from water pumps. The Planning & Conservation Officer said that Hertfordshire County Council (HCC) is the Flood Risk Authority and are responsible for SUDS. Applicants would be required to liaise with them to finalise details of SUDS. With regards to water pressure the 8m distance from water courses for development was required by the Environment Agency. The Strategic Flood Risk Assessment is an evidence base study and was not publicly consulted on during its preparation. The Environment Agency were consulted during its preparation. The Strategic Flood Risk Assessment includes information from the Environment Agency's and Hertfordshire County Council's records of historic flood incidents and these are included the Strategic Flood Risk Assessment's site assessments for sites at risk of flooding.

A Member said that Herts Sustainability Forum had congratulated the Council on its policy and getting information to residents.

On being put to the Committee the recommendation was declared CARRIED by the Chair the voting being unanimous.

RECOMMEND:

Noted the contents of this report and recommend to the Policy and Resources Committee that the Draft Flood Risk and Water Resources Policy as set out in Appendix 1 is included in the new Local Plan.

LPSC08/20 LOCAL PLAN - TOPIC PAPER: BIODIVERSITY, TREES, WOODLAND AND LANDSCAPING

This report set out the issues which the new Local Plan would need to address in relation to conserving and enhancing the natural environment in relation to biodiversity, trees, woodland and landscaping and proposed policy wording to be contained within the new Local Plan.

The National Planning Policy Framework (NPPF) states that development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible. The onus was now on the development resulting in a net gain in biodiversity. This was supported by the Environment Bill (emerging) which was still making its way through parliament. The Department of Environment and Rural Affairs (DEFRA) and Natural England were producing the updated Defra Biodiversity Metric which will be used to calculate the net gain (or loss) in biodiversity the net gain was expected to follow a hierarchy in terms of delivery.

The net gain should be delivered on site where possible. If it is demonstrated that it is not possible, then local projects in the immediate vicinity should be

prioritised and finally, an offsetting approach can be used where monies can be paid into projects at a national level, but this is the least desired option.

It would be up to the developer to demonstrate why they could not provide a net gain on site. In the case of potential strategic site allocations in the Local Plan we would expect developers to commit to an on-site biodiversity net gain. The DEFRA Biodiversity Metric was set to be published later this year, however, with our Local Plan expected to be submitted for examination next year we need to include the Metric in our emerging policy now.

The policy also referred to provision of roosting, nesting and feeding opportunities for rare and protected species. The Council are unable to go into more detail in the policy itself as this would be too prescriptive, however, we could add reference to bat boxes, integrated bird boxes or pond life in the supporting text as guidance for applicants. Similarly we could add wording requiring wild areas to be included on site, although again this would be in the supporting text rather than the policy itself.

The Senior Planning Officer said they would be happy to make these changes if supported by the sub-committee. The comments were made prior to the meeting. The NPPF required local planning authorities to safeguard local wildlife-rich habitats and wider ecological networks and promote conservation, restoration and enhancement of priority habitats. Three Rivers had a number of designated wildlife sites.

The Council sought to conserve and where possible enhance these sites as well as protected species such as trees and ancient woodlands and geological and physiological features. The policy also contained a requirement for developers to submit landscape proposals which retain trees and other important landscape and nature conservation features. These proposals should also include new trees and planting where possible.

The Chair said that we should increase the habitats we provide on-site for increasing Bio-diversity and particularly where bats and birds fly over the land we should provide Bat and bird boxes.

Members raised the following points:

If actively tackling tree disease could be included in the report.

We could require a balance of tree species and tree replacements to be semi-mature trees.

Whether there could be a requirement that when trees were removed due to a development they could be replaced by two trees.

Does this Biodiversity strategy feed into the HCC strategy? How do we stop no build sites not being a fragmented site?

Could we have a net gain from having development on brownfield sites which did not have any trees on them?

If a tree had a TPO and it was removed would the new tree have a TPO?

The Senior Planning Officer replied to the questions as follows:

Tree disease - this was not a matter for the Local Plan but would be considered through the Trees and Landscape Strategy which would be coming to the Policy and Resources Committee.

Balance of trees species - this would be an overly prescriptive requirement for this policy. The types of trees planted would be managed through the Trees and Landscape Strategy.

Replanting of trees - this was too specific for this policy. The policy already stated that landscape proposals should demonstrate that trees will be replaced and new trees planted where possible. We cannot specify the exact numbers as the details of each case will be different.

On the biodiversity strategy Members were referred to HCCs Biodiversity Action Plan and that this would link to the Green Infrastructure Policy for green corridors development to be taken into consideration.

If a tree with a TPO was removed the tree which replaced would have a TPO placed on it if it meet the requirements. This was not a local plan issue.

The Head of Planning Policy and Projects said on brownfield sites it would be down to the net gain as defined by DEFRA, and if there was no Bio-diversity on the site then it would be easy to make a net gain even if it was a wild flower bed.

The Chair said it would be dealt with site by site.

On being put to the Committee the recommendation was declared CARRIED by the Chair the voting being unanimous.

RECOMMEND:

Noted the contents of this report and recommend to the Policy and Resources Committee the Draft Landscape Policy as set out in Appendix 1

LPSC09/20 LOCAL PLAN – TOPIC PAPER: LANDSCAPE CHARACTER

This paper set out the issues which the new Local Plan would need to address in relation to landscape and proposes policy wording to be contained within the new Local Plan.

The Head of Planning Policy and Projects summarised the report highlighting the Areas of Outstanding Natural Beauty (AONB) and the effect on the environment, and how it applied to the Chiltern AONB. As there would be increasing pressure for development across the District, it was important that all landscape, including the Chilterns AONB was conserved and enhanced. The preferred policy approach ensured that the design of development proposals was sensitive enough to ensure that schemes made a positive contribution to the landscape. AONBs 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.

On being put to the Committee the recommendation was declared CARRIED by the Chair the voting being unanimous.

RECOMMEND:

Noted the contents of this report and recommend to the Policy and Resources Committee the Draft Landscape Policy as set out in Appendix 1

LPSC10/20 LOCAL PLAN GYPSY, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITES - SAFEGUARDING POLICY

The Head of Planning Policy and Projects said this report sets out previous reports that had been considered by the sub-committee, and sets out that the allocation of the existing sites would meet the need and that there was room on some of the existing sites to accommodate more pitches/plots to meet any 'unknown' household needs. The sites should be safeguarded to ensure that use as a traveller site was not lost through the grant of any subsequent planning permission whilst the need exists for traveller accommodation within the District.

On being put to the Committee the recommendation was declared CARRIED by the Chair the voting being unanimous.

RECOMMEND:

To the Policy & Resources Committee the Draft Allocations for Gypsy and Travellers and Travelling Show people Policy as set out in Appendix 1 for inclusion in the new Local Plan.

LPSC11/20 LOCAL PLAN – TOPIC PAPER: HEALTH AND WELLBEING

The Head of Planning Policy and Projects said that this report sets out the Health and wellbeing of residents, policies such as Open space, Infrastructure, Sustainable transport, cycling and walking routes.

A Member pointed out that the report mentioned that Officers are liaising with Herts Clinical Commissioning Group and NHS England in relation to health infrastructure as part of the preparation of the Local Plan and wondered if we were talking with other Authority's in conjunction with the NHS. The Head of Planning Policy and Projects said the Council were talking with the NHS and were in regular contact with other Authority's.

The Chair said that health facilities and Public health in general falls under the County Council but planning structures to encourage and improve health and wellbeing across the District falls under Three Rivers.

A Member asked if the resident's mental health is included. The Head of Planning Policy and Projects replied it was not specifically mentioned but mental health falls under health and wellbeing.

The Chair proposed an amendment that the thresholds for when developments need to submit an HIA in relation to residential and non-residential development be reduced from 100 or more residential units to 50. This amendment was supported by Councillors Reena Ranger and Sarah Nelmes.

The Head of Planning Policy and Projects said this amendment could be made.

On being put to the Committee the recommendation was declared CARRIED by the Chair the voting being unanimous with the amendment that the thresholds for when developments need to submit an HIA in relation to residential and non-residential development be reduced from 100 or more residential units to 50.

RECOMMEND:

Noted the contents of this report and recommend to the Policy and Resources Committee the Draft Health and Wellbeing Policy as set out in Appendix 2, with the amendment that the thresholds for when developments need to submit an HIA in relation to residential and non-residential development be reduced from 100 or more residential units to 50.

LPSC12/20 EXCLUSION OF PRESS AND PUBLIC

The Chair moved, duly seconded, the following motion:

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraph (3) of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

The sub-committee moved into Part II business.

LPSC13/20 LOCAL PLAN ISSUES

To consider safeguarding of sites.

On being put to the Committee the recommendation was declared CARRIED by the Chair the voting being unanimous.

RECOMMEND:

That the public access to the decision and report be denied until the publication of the Draft Local Plan.

CHAIRMAN