

LOCAL PLAN SUB-COMMITTEE - 17 MARCH 2022

PART I – NOT DELGATED

7. LOCAL PLAN: CHANGES TO PREFERRED POLICY OPTIONS FOLLOWING REGULATION 18 CONSULTATION (DCES)

1 Summary

- 1.1 This report proposes changes to some of the preferred policy options contained in the Draft Local Plan Regulation 18 Part 1: Preferred Policy Options document in response to changes to national planning policy, changes to legislation and comments received to the Regulation 18 consultation.

2 Details

- 2.1 The Regulation 18 Part 1 Preferred Policy Options was approved for consultation by Full Council on 25 May 2021. The consultation ran from 11 June – 20 August 2021.
- 2.2 The policy changes in this report are proposed in response to changes to national planning policy, the Environmental Act (November 2021) and representations received to the Regulation 18 consultation.
- 2.3 Changes to other policies will be subject of reports to future meetings of the Local Plan Sub Committee.

2.4 National Planning Policy

2.5 First Homes

- 2.6 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 Statement¹ 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.
- 2.7 Planning Practice Guidance² states that local plans that have not been submitted for examination by 28 December 2021 will need to take account of the new First Homes requirements.
- 2.8 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 Homes has been accounted for, social rent should be delivered in the same percentage as set in the Local Plan.

¹ First Homes Policy Position Statement <https://www.threerivers.gov.uk/egcl-page/core-strategy>

² First Homes Transitional Arrangements <https://www.gov.uk/guidance/first-homes#plan--and-decision-making> Paragraph: 018 Reference ID: 70-018-20210524

- 2.9 As the Preferred Policy Option for Affordable Housing set out a tenure split of 80% of the affordable housing to be social rented and 20% as affordable rent, the changes to the PPG means that social rented remains the priority following the First Homes requirement. Therefore, the revised Preferred Policy for Affordable Housing seeks 25% of affordable housing to be First Homes and 75% to be social rented.
- 2.10 The revised Affordable Housing Policy (Appendix 1) is proposed to address the First Home requirement, and a new First Homes policy (Appendix 2) is proposed to set out the First Homes criteria.
- 2.11 **Environmental Act 2022**
- 2.12 Mandatory biodiversity net gain (BNG) as set out in the Environment Act applies in England and will come into law when the Town & Country Planning Act (TCPA) is amended in 2023. The Act sets out the following key components to mandatory BNG:
- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
 - Habitat secured for at least 30 years via obligations/ conservation covenant
 - Habitat can be delivered on-site, off-site or via statutory biodiversity credits
 - There will be a national register for net gain delivery sites
 - The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- 2.13 National planning policy³ also now requires that planning policies and decisions should ensure that new streets are tree lined unless there are clear, justifiable and compelling reasons why this would be inappropriate.
- 2.14 Additional wording has been added to 9) a) of the policy to ensure landscaping proposals submitted with planning applications consider the creation of tree line streets.
- 2.15 The Preferred Policy Option for Biodiversity, Trees and Woodlands has been amended to reflect the BNG and tree lined streets requirements. (Appendix 3).
- 2.16 **Military Establishments**
- 2.17 National planning policy⁴ requires planning policies to take into account defence requirements by recognising and supporting development required for operational defence and security purposes and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.
- 2.18 Following a representation from the Defence Infrastructure Organisation (MOD) on behalf of the Secretary of State for Defence a new policy is proposed in relation to the MOD Northwood Site which they identify as a significant defence asset where additional development is envisaged to support National Security needs.

³ NPPF (July 2021) paragraph 131

⁴ NPPF Paragraph 97 b)

2.19 Therefore, a new policy is proposed to meet national planning policy guidance, to support operational development of the site, to ensure that development proposals in proximity of the MOD Northwood site will not lead to the need for mitigation from MOD activities and also recognising the MOD's commitment to reduce its built estate in the future which may result in brownfield sites becoming available. The new policy for Northwood Headquarters (MOD) is set out in Appendix 4

2.20 **Flood Risk and Water Resources**

2.21 The supporting text of the Preferred Policy Option for Flood Risk and Water Resources recognises that many existing water mains and sewerage systems are increasingly becoming overloaded by successive development and that it is important that new development is served by an adequate means of water supply and sufficient foul and surface water drainage and adequate provision must be made for water supply and sewerage infrastructure.

2.22 Section 3 a) of the Preferred Policy Option for Flood Risk and Water Resources states that where appropriate, planning permission for development resulting in the need for off-site upgrades to wastewater infrastructure will be subject to conditions to ensure the occupation does not outpace the delivery of necessary infrastructure upgrades.

2.23 In their response to the Regulation 18 consultation, Thames Water has requested that additional text is added to the supporting text of the policy to advise developers to engage with them to discuss their wastewater infrastructure requirements at an early stage, prior to the submission of any planning application.

2.24 The paving of driveways with impermeable surfaces can add to issues of localised flooding. Planning permission is not required for a new or replacement driveway of any size if it uses a permeable or porous surfacing which allows water to drain through,(such as gravel, permeable concrete block paving or porous asphalt), or if the rainwater is directed to a lawn or border to drain naturally.

2.25 Planning permission is only needed if the surface to be covered is larger than 5sqm and impermeable surfacing is to be used. In order to reduce flood risk an additional policy requirement relating to driveways has been proposed to ensure that where planning permission is required, the hard surface should either be made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

2.26 The revised Flood Risk and Water Resources Policy is in Appendix 5.

2.27 The representations received relating to the proposed policy changes set out in this report are in Appendix 6 to this report.

3 **Options and Reasons for Recommendations**

3.1 The Council is required to prepare and regularly review the LDS under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). An up-to-date LDS is an essential tool for the Council to effectively manage document production and for monitoring to take place.

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, Communications & Website, Risk Management and Health & Safety Implications

5.1 None specific.

6 Recommendation

6.1 That the Local Plan Sub Committee note the contents of this report, and recommend to the Policy & Resources Committee:

- The Affordable Housing Policy (Appendix 1)
- First Homes Policy (Appendix 2)
- Biodiversity, Trees and Woodlands (Appendix 3)
- Military Establishments (Appendix 4)
- Flood Risk and Water Resources Policy (Appendix 5)

Background Papers

National Planning Policy Framework (2021)

Planning Practice Guidance

Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Regulation 18 Part 1: Preferred Policy Options

<https://www.threerivers.gov.uk/download?id=50024>

APPENDICES

Appendix 1 Affordable Housing Policy (Amended)

Appendix 2 First Homes Policy (New)

Appendix 3 Biodiversity, Trees and Woodlands (Amended)

Appendix 4 Northwood Headquarters (MOD) (New)

Appendix 5 Flood Risk and Water Resources Policy (Amended)

Appendix 6 Representations Received