

LOCAL PLAN SUB-COMMITTEE – 26 JANUARY 2023

PART I – NOT DELEGATED

5. 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 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 and representations received to the Regulation 18 consultation.
- 2.3 Any proposed changes to the wording of the policies in the appendices are in red text. Any text proposed to be removed is struck through. The remaining wording remains the same as approved by the Council prior to the Regulation 18 Part 1 Preferred Policy Options Document going out to consultation.
- 2.4 Key policy changes proposed in response to changes to national planning policy, the Environmental Act (November 2021) and representations received to the Regulation 18 consultation were reported to the Local Plan Sub Committee meetings in 2022.
- 2.5 The Local Plan Sub Committee requested further work be undertaken by officers on the Carbon Dioxide Emissions & Onsite Renewable Energy Policy as well as the Housing Mix Policy and that these are reported back to the Local Plan Sub Committee. The report will also consider updates to the Green Belt Policy and Strategic Objectives.
- 2.6 Following consideration of the updated policy on Carbon Dioxide Emissions & On Site Renewable Energy officers will bring back all the policies relating to sustainability and climate change together to the February Local Plan Sub Committee so that Members can consider all of these policies together as a whole.
- 2.7 Officers are also seeking Members' views on the best approach to housing density and have set out three options for Members to consider.

Carbon Dioxide Emissions and On Site Renewable Energy

- 2.8 Changes to Part L (Conservation of fuel and power) of Building Regulations came into force on 15 June, 2022 in the form of two new Approved Documents - Volume 1: Dwellings and Volume 2: Buildings other than dwellings. There are now higher performance targets – CO2 emissions are to be reduced by 31% for dwellings and 27% for other buildings – and a new emphasis on low carbon heating systems.
- 2.9 The preferred policy option has been updated to explain how the new requirement should be applied now that these regulations have taken effect. Part L 2021 is a

stepping-stone towards the Future Homes Standard and Future Buildings Standard which the Government is expected to consult on in 2023 and introduce in 2025. The policy approach will be updated further once these standards are agreed.

- 2.10 Officers have considered whether it is possible to go beyond the targets set out in Building Regulations. Planning Practice Guidance clearly sets out the government's expectation that policies should not be used to set conditions on planning permissions with the requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes. The latest Building Regulations have now surpassed Level 4 of the Code, however it is officers' opinion that until the Planning Practice Guidance and/or the NPPF are updated to reflect a desire to go further than Building Regulations the Local Plan policy would be unsuccessful at examination should it attempt to do so.
- 2.11 The government's consultation on reforms to national planning policy refers to the benefits of ensuring future development is resilient to changes in climate, beyond the role of building regulations. This is not intended to mean going beyond the targets set out in the 2022 building regulations, rather considering alternative approaches such as climate adaptation through green infrastructure provision for example.
- 2.12 The changes made to the policy have been made to emphasise the Council's support for a reduction in carbon dioxide emissions and for zero carbon development.
- 2.13 Officers are considering bringing the sustainability/climate change policies into one so all the issues are clearly addressed together as a whole. This will be reported to the 28 February Local Plan Sub-Committee.
- 2.14 The revised Carbon Dioxide Emissions & On Site Renewable Energy Policy is in Appendix 1 and representations received relating to the proposed policy are in Appendix 2 to this report.

Housing Mix

- 2.15 At the 13 October Local Plan Sub-Committee Members requested officers to look into adjusting the Local Housing Needs Assessment's (LHNA, 2020) housing mix based on local circumstances. Members voiced concerns that the housing mix was skewed in favour of larger homes when there was in fact a need for a higher proportion of smaller homes across the District. The housing mix set out in the LHNA can be viewed in Table 1 below.

Table 1: LHNA Housing Mix

	1-bedroom	2-bedroom	3-bedroom	4+-bedroom
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

- 2.16 The LHNA does state that a trends based approach was used in determining the housing mix so the mix was based purely on what future needs were expected

however it did not take into account levels of existing stock. Officers have explored housing completions over the period 2001 to 2022 and compared these to the housing mix set out in the Core Strategy (2011). These can be viewed in Table 2 below. This demonstrated a clear over delivery of larger homes and under delivery of smaller homes against the Core Strategy housing mix. As such officers feel that it is appropriate to adjust our housing mix to take this into consideration.

Table 2 Residential Completions 2001 – 2022 and Core Strategy Housing Mix

	1-bedroom	2-bedroom	3-bedroom	4+-bedroom
Residential Completions 2001-2022	4.5%	18%	38%	39.5%
TRDC Core Strategy (2011) housing mix	30%	35%	34%	1%

- 2.17 Other factors such as the need for homes older persons to downsize to and extensions that have led to properties moving up a level in the mix have also been factored into these adjustments. The Social/Affordable Rented housing mix has also been adjusted to better reflect the District's needs for affordable housing. Officers' adjusted housing mix can be viewed in Table 3 below.

Table 3: Adjusted Housing Mix

	1-bedroom	2-bedroom	3-bedroom	4+-bedroom
Market Housing	25%	35%	25%	15%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	30%	30%	35%	5%

- 2.18 It should be noted that the five South West Hertfordshire authorities are in the process of agreeing a brief for an update to the LHNA. This will take into consideration more up to date data, trends and population projections and may result in changes to the housing mix when completed. The update to the LHNA will also update affordable housing needs, needs for older persons, needs for accessible and adaptable dwellings etc. The current LHNA covers the period to 2036, however all the South West Herts Local Plans' end dates will go beyond this point and Local Plan evidence is required to cover the whole plan period.
- 2.19 The revised Housing Mix Policy is in Appendix 3 and representations received relating to the proposed policy are in Appendix 4 to this report.

Green Belt

- 2.20 Amendments have been made to the policy based on representations received and to add clarity. Representations were also received regarding Appendix 2 of the

Regulation 18 Part 1 Preferred Policy Options Document 'Development in the Green Belt'. These representations were questioning whether the appendix is in accordance with the NPPF. Officers have reviewed the appendix and other than some minor updates to NPPF paragraph numbers feel that the appendix is in accordance with the NPPF. The role of the appendix is to clarify the Council's interpretation of the NPPF and to add detail and clarity to help assist development management officers when considering planning applications within the Green Belt. The 'Development in the Green Belt' is in Appendix 7 to this report.

- 2.21 Some representations received state that there there has been insufficient evidence provided supporting the plan meeting the exceptional circumstances for Green Belt release. Prior to considering Green Belt land to be released for development the Council has first focused development on suitable brownfield sites, optimised the density of development and discussed with neighbouring authorities opportunities for them to take on some of our housing need in accordance with NPPF paragraph 141. Additional supporting text has been added to the policy stating this and that the Council considers the exceptional circumstances required for altering Green belt boundaries have been met.
- 2.22 Reference to Major Developed Sites in the Green Belt have been removed as this status no longer exists in national policy. Likewise reference to the East of England Plan has been removed as this is now out of date.
- 2.23 Hertfordshire County Council have requested that the Waterdale Recycling Centre be removed from the Green Belt as its expansion would not be appropriate development in the Green Belt. They suggest the boundary could be extended beyond housing site CFS65 Land North of Bucknalls Lane so as to exclude the recycling centre as well the former bus depot to allow for expansion. The policy refers to amendments to the Green Belt boundary however, officers feel the potential removal of Waterdale Recycling Centre would be better addressed through the site allocation process rather than through the Green Belt policy itself.
- 2.24 Representations have been received stating that insufficient Green Belt land has been released to meet housing need. Again the Green Belt refers to the need for Green Belt boundaries to be amended to accommodate housing need, however whether the Local Plan meets housing need and what the level of need is, is not something the Green Belt policy should be addressing. This can be dealt with through the site allocation process and supporting evidence.
- 2.25 It was suggested that there should be a presumption in favour of only using temporary buildings to meet any agricultural or forestry needs and a requirement to demolish and remove any such buildings or structures when the original purpose expires. This would not be in accordance with the NPPF which sets out that buildings for agriculture and forestry are exceptions to inappropriate development in the Green belt. The 'Development in the Green Belt' appendix (Appendix 7 to this report) provides the detail on the qualifiers for this kind of development so as to avoid abuse of this 'loophole'.
- 2.26 There is strong local resistance to development in the Green Belt with many residents against any development in the Green Belt whatsoever. The majority of comments are relating to the proposed development in the Regulation 18 Part 2: Sites for Potential Allocation document. As stated in paragraph 2.21 of this report officers consider that exceptional circumstances for Green Belt release have been met. Whether specific sites justify alterations to Green Belt boundaries will be considered through the site allocation process rather than through the Green Belt policy itself.

- 2.27 It should be noted in the government's consultation on planning reform that they are proposing to add the following sentence to paragraph 142 of the NPPF:

"Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period."

- 2.28 It is expected that the updated NPPF will be released in the spring, and until then we are required to work towards the current version of the NPPF. However, Members have agreed to consult on a lower housing figure later this year so this will affect the amount of Green Belt being released and how Green Belt release is approached. Officers would caution against Members expecting that the government's proposed amendment to the NPPF may mean no Green Belt release is required whatsoever. Without Green Belt release we will receive very low levels of CIL and almost no onsite infrastructure provision. We would be unable to meet our affordable housing needs, needs for older persons, education requirements, and employment needs. Further work will be undertaken by officers and initial thoughts on the best approach to Green Belt release will be reported back to the Local Plan Sub-Committee on the 28 February. South West Herts officers are also discussing a common approach across the sub-region.
- 2.29 The revised Green Belt Policy is in Appendix 5 and representations received relating to the proposed policy are in Appendix 6 to this report. The 'Development in the Green Belt' appendix is in Appendix 7 to this report.

Strategic Objectives

- 2.30 The Strategic objectives provide a high level overview addressing the key policy areas in the Local Plan. The key issue raised in the representations was around the lack of focus on sustainable development and climate change. Changes have been made to the policy to add emphasis on sustainability, the climate emergency and good design principles.
- 2.31 The revised Strategic Objectives are in Appendix 8 and representations received relating to these objectives are in Appendix 9 to this report.

Housing Density

- 2.32 The housing density set out in the Regulation 18 Housing Density Policy was deliberately set at higher density levels than have been delivered by past development within the District. This was necessary to demonstrate the exceptional circumstances for Green Belt release. Higher housing densities of new development also help avoid further encroachment into Green Belt that would be necessary to meet the housing target at lower densities.
- 2.33 Representations received from statutory consultees were a mixture of support and objections to this approach. Objections were based around the need to match existing density patterns across the Districts settlements with higher densities only being appropriate in areas with good transport links and access to nearby services rather than taking a blanket minimum of 50 dwellings per hectare as set out in the Regulation 18 Housing Density Policy.
- 2.34 Representations from non-statutory consultees also provided a mixed response with some in support of the policy and others objecting to it.

2.35 The government's proposed amendments to the NPPF currently being consulted on has proposed additional text be added paragraph 11 regarding the presumption of sustainable development. Paragraph 11 states that objectively assessed needs should be provided for as a minimum unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The additional text is as follows:

“such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area.”

2.36 If these proposed changes are incorporated into the next iteration of the NPPF then there will be more of an emphasis on local character when determining appropriate housing densities.

2.37 Paragraph 141 of the NPPF remains unchanged but it should be noted that when referring to optimising densities to justify exceptional circumstances for Green Belt release it emphasises that a significant uplift in minimum density standards should be in town centres and other locations well served by public transport.

2.38 At this stage officers have not updated the Regulation 18 Housing Density Policy but seek Members' views to the preferred approach to tackling housing density requirements. As such officers are asking Members to consider the following three options:

Option 1: Keep the Housing Density Policy the same as the Regulation 18 version.

- This will help reduce the amount of land required for any Green Belt release but may lead to developments that are out of character with the local area.
- This could also be a temporary solution while we wait for the government to release the updated NPPF.

Option 2: Split the District into three housing density zones

- High housing density zone: development within the principal town and key centres and other areas well served by public transport.
- Medium housing density zone: development in secondary centres
- Low housing density zone: development within the rural/semi-rural areas of the District.
- This approach would still deliver a gentle uplift in densities but would take local character into consideration more than the blanket minimum density approach of the Regulation 18 Housing Density Policy.
- This approach would lead to us delivering less housing on our potential sites, as such it may be necessary to identify further land for Green Belt release to meet housing needs. However, this would very much be dependent on our approach to Green belt release and determining our local housing needs.

Option 3: Reduce the minimum density requirement in the Housing Density Policy

- This would be following the same approach as the Regulation 18 Housing Density Policy just with a lower minimum housing density figure than the 50 dwellings per hectare in the Regulation 18 version of the policy. As such, the

minimum density standard would be more suitable to the character of the District.

- This would be a simpler policy approach than Option 2 but would be less flexible.
- As with Option 2 this would result in lower housing numbers on potential sites with potentially more land needing to be released to meet housing requirements.

2.39 Officers' recommendation is Option 2 as it takes into consideration local character.

2.40 We don't need to update the policy immediately as the next round of Regulation 18 consultation will be focussed on housing numbers and the sites to meet our housing need. However, we will need to have agreed an approach to housing density and Green Belt release so as to be able to determine which sites can help meet our local housing need.

2.41 The Regulation 18 Housing Density Policy is in Appendix 10 and representations received relating to this policy are in Appendix 11 to this report.

3 Policy/Budget Reference and Implications

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

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

4.1 None specific.

5 Recommendation

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

- Carbon Dioxide & Onsite Renewable Energy (Appendix 1)
- Housing Mix (Appendix 3)
- Green Belt (Appendix 5)
- Strategic Objectives (Appendix 8)

5.2 That the Local Plan Sub-Committee agree an option for officers to pursue regarding housing density policy.

Background Papers

National Planning Policy Framework (2021)

Planning Practice Guidance (2022)

National Planning Policy Framework: draft text for consultation (2022)

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

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

Town and Country Planning (Use Classes) Order 1987 (as amended)

13 October Local Plan Sub Committee minutes

APPENDICES

Appendix 1 Carbon Dioxide & Onsite Renewable Energy Policy

Appendix 2 Representations received Carbon Dioxide & Onsite Renewable Energy Policy

Appendix 3 Housing Mix Policy

Appendix 4 Representations received on Housing Mix Policy

Appendix 5 Green Belt Policy

Appendix 6 Representations received on Green Belt Policy

Appendix 7 Development in the Green Belt appendix

Appendix 8 Strategic Objectives

Appendix 9 Representations received on Strategic Objectives

Appendix 10 Regulation 18 Housing Density Policy

Appendix 11 Representations received on Housing Density Policy