

CABINET 24 MARCH 2015

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 7
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TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING AND ENTERPRISE
PORTFOLIO HOLDER: COUNCILLOR DAVID LEVETT

1. SUMMARY

1.1 This report informs Members of the current positions regarding:

- Household projections;
- Central Bedfordshire examination;
- Welwyn Hatfield Local Plan;
- Government consultations;
- Economic Development Strategy; and
- North Hertfordshire Local Plan.

2. RECOMMENDATIONS

2.1 That the report on strategic planning matters be noted.

3. REASONS FOR RECOMMENDATIONS

3.1 To keep Cabinet informed of recent developments on strategic planning matters.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

5.1 The Portfolio Holder for Planning and Enterprise has been kept informed on the matters set out above.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

7.1 Members will be aware of, and familiar with, many of the issues surrounding the strategic planning matters referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these matters.

8. ISSUES

Household projections

- 8.1 The Department for Communities and Local Government has published new 2012-based household projections for England for the period 2012-2037. These projections are based on the sub-national population projections published in May 2014 by the Office for National Statistics.
- 8.2 The projections show that the number of households in England is projected to increase from 22.3 million in 2012 to 27.5 million in 2037. The average annual household growth is predicted to be 210,000 households per year over this period. Whilst the population of England is projected to grow by 16% over the period 2012-2037, the number of households is projected to increase by 24%. The difference in the growth rates is largely due to the declining number of people per household; the average household size is predicted to fall from 2.36 people per household in 2012 to 2.21 people per household in 2037.

District	CLG household projections (thousands) 2011-2031		Latest draft plan	
	2012-based	2011-based ¹		
North Hertfordshire	13.7	13.0	12.1 +2.1 allowance for Luton	Preferred Options, Dec 2014
Stevenage	7.6	4.4	5.3	Issues & Options, Jun 2013
East Hertfordshire	15.7	15.4	15.0	Preferred Options, Jan 2014
Welwyn Hatfield	10.9	17.4	10.2	Local Plan Consultation, Jan 2015
St Albans	12.7	10.6	9.0	Draft Strategic Local Plan, Oct 2014
Central Bedfordshire	31.7	31.7	31.0 (inc. 5.5 for Luton)	Development Strategy Submission Plan, Oct 2014 (failed at examination)
Luton	21.7	20.5	5.7	Consultation, Jun 2014
South Cambridgeshire	17.1	19.4	19.0	Local Plan Submission, Mar 2014
Uttlesford	10.1	9.5	10.5	Local Plan Submission, Jul 2014 (withdrawn)

¹ The 2011-based projections were interim and only covered the period to 2021. The figures quoted for 2011-2031 here are therefore double the published projection for 2011-2021. The interim figure for North Hertfordshire was originally published as 6,000 over ten years, therefore doubled to 12,000. It has now become clear that the ten year figure was rounded to the nearest thousand from 6,481, hence the doubled figure should have been 12,962, or 13,000 to the nearest hundred.

- 8.3 These projections will inform work to update the evidence on objectively assessed housing needs. This work is planned to be done jointly with Stevenage Borough Council in advance of the proposed submission draft of the Local Plan being published.
- 8.4 The Planning Practice Guidance has been updated to draw attention to the new projections.

Central Bedfordshire examination

- 8.5 Two days of hearing sessions into the Central Bedfordshire Development Strategy took place on 3 and 4 February. These were intended to be the first of a number of sessions. However, the Inspector adjourned the examination in order to report on the fundamental and strategic matters raised before proceeding to the later sessions. On 19 February the inspector wrote to Central Bedfordshire Council (CBC) advising them that he had concluded that the plan had failed the duty to co-operate. As the duty to co-operate is a statutory requirement, the plan must therefore fail. He also found that CBC had made procedural errors in how they made public comments available before the examination.
- 8.6 The main area where CBC failed the duty to co-operate was in the extent of its engagement with Luton and its willingness to consider a range of possibilities for how much of Luton's unmet need Central Bedfordshire may be able to accommodate. In particular, whilst CBC had assessed a range of options within their Sustainability Appraisal, they had not considered the possibility that Central Bedfordshire could accommodate all of Luton's unmet need. The inspector did not specify that this was the correct outcome, but the fact that it had not been considered as a reasonable alternative meant that the plan had not been correctly prepared.
- 8.7 The inspector also found that the outcomes of the duty to co-operate process seemed to have had little impact on the content of the final plan. Indeed, he said that the outcomes of the duty to co-operate had "hardly at all" changed CBC's plan.
- 8.8 CBC at its Council meeting on 26 February resolved to initiate a judicial review.

Welwyn Hatfield Local Plan Consultation

- 8.9 Welwyn Hatfield Borough Council has recently completed a consultation on its draft Local Plan. A response was prepared and submitted under the delegated powers of the Portfolio Holder for Planning and Enterprise, and is attached at Appendix A. The Council's main concern is that Welwyn Hatfield are failing to meet their objectively assessed need, which will increase pressure on surrounding districts. They do have other sites identified which could enable the borough to fully meet its need, but many of these sites appear to have been discounted perhaps too readily.

Government consultations

- 8.10 There are a couple of Government consultations currently underway in respect of the planning.
- 8.11 "Building more homes on brownfield land" is open at the time of writing, but will close on 11 March 2015. It proposes that local planning authorities should put in place Local Development Orders for housing on 90% of their brownfield land. Authorities which do not do so would be penalised through being automatically deemed not to have a five year land supply, or through other forms of special measures being imposed.
- 8.12 Officers believe that this proposal would be very ill-advised. It assumes that brownfield land is all suitable for housing, which it is not. It fails to recognise the very real tensions

that can occur when housing is introduced near certain employment uses. It fails to grasp that such housing can have the unintended consequence of limiting adjoining employment premises' ability to expand or continue functioning in the same way, with consequent negative effects on the local economy.

- 8.13 From the point of view of the local authorities charged with implementing such a scheme the proposal creates a potentially massive burden. As a Local Development Order effectively creates a planning permission it will be necessary to carry out sufficient work to establish that such a permission can be granted. The costs of doing that work may be considerable, especially if detailed assessments on matters such as noise, contamination or access are required. However, the authority carrying out such studies would have to fund them itself; the authority would gain no financial benefit from any uplift in value of the site. It is also not clear how an authority will be able to demonstrate that it has Local Development Orders in place on 90% of brownfield sites. This implies that there must be some objectively definable overall total of brownfield land against which the 90% can be measured, but defining the total will not be a straightforward exercise.
- 8.14 Separately, the Government is running a consultation on "Section 106 Planning Obligations – speeding up negotiations" which closes on 19 March. This proposes making negotiations on a Section 106 agreement part of the statutory period for determining planning applications. This fails to recognise that sometimes negotiations are complex on such legal matters and take longer than the time limits for a planning application. The consultation also proposes a separate dispute resolution mechanism.

Economic Development Strategy: Productive North Herts

- 8.15 The draft economic development strategy, Productive North Herts, approved by Cabinet on the 16 December 2014, was published for consultation on the 16 February 2015. The consultation runs for 6 weeks until the 30 March 2015.
- 8.16 The document is being publicised through the district's Business Improvement Districts, the Hertfordshire Chamber of Commerce, the Federation of Small Businesses, and on the Council's website. Articles have also appeared in the local papers following the publication of a press release.
- 8.17 An action plan will be developed once the consultation has finished, with the final version of the document and the action plan being taken to Cabinet in the summer.

North Hertfordshire Local Plan

- 8.18 Consultation on the Local Plan Preferred Options paper closed on 6 February. At the time of writing officers are still processing the responses received. It is too early to say how many people have responded as there is considerable duplication of representations submitted online, by email and by letter. However, in excess of 2,000 e-mails and over 2,000 letters were received, whilst nearly 2,000 comments were made online. A further 1,000 postcards were sent in, whilst a petition with over 3,000 signatories was received. A fuller analysis will be presented in due course.
- 8.19 As mentioned above work is underway to commission jointly with Stevenage an update to the evidence on objectively assessed housing need in light of the new projections.

9. LEGAL IMPLICATIONS

- 9.1 The Terms of Reference for Cabinet confirm that they should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to

the responsibility of the Council or delegated to the Strategic Director of Planning, Housing and Enterprise.

- 9.2 Section 110 of the Localism Act 2011 sets out the duty to co-operate between local planning authorities and other prescribed bodies, to maximise the effectiveness in the preparation of development plan and other local development plan documents, so far as they relate to a strategic nature. These bodies should consider if they are able to work together jointly on such matters and must have due regard to any guidance given by the Secretary of State.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications arising from this report.

11. RISK IMPLICATIONS

- 11.1 No direct risk implications from this report but Sustainable Development of the District and the Local Plan are both Cabinet Top Risks.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.3 There are not considered to be any direct equality issues arising from this report although individual schemes or considerations hereafter will be subject to appropriate review to ensure they comply with latest equality legislative need.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraph 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no new human resource implications arising from the contents of this report. Temporary staff have been brought in to assist processing the representations on the Local Plan.

15. CONTACT OFFICERS

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16. APPENDICES

Appendix A: Response to Welwyn Hatfield Local Plan Consultation.