

<h1>CABINET</h1> <h2>29 SEPTEMBER 2015</h2>

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 7
----------------------------------	--

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:
- Luton and Central Bedfordshire progress on Local Plans;
 - Hertfordshire Minerals Local Plan: Initial Consultation Document;
 - Government Announcements;
 - North Hertfordshire Local Plan; and
 - New Settlement Work.

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

Luton and Central Bedfordshire progress on Local Plans

- 8.1 As reported to the Cabinet meeting on 28 July 2015, Luton Borough and Central Bedfordshire Councils are still in the process of completing their own updated Strategic Housing Market Assessment (SHMA), the outcome of which will help frame the discussions as to how the needs of Luton may be best addressed. Separately the study commissioned by Luton, Bedford, Central Bedfordshire, Milton Keynes, Aylesbury Vale, Stevenage and North Hertfordshire councils to re-examine the housing market areas which function across this area is nearing completion. (The study also looks beyond the area of the commissioning authorities.) Any changes to the extent or influence of housing market areas will need to be taken into account in the ongoing work on our own Local Plan and with discussions under the duty to co-operate. Any update on progress regarding these studies will be reported at the Cabinet meeting.

Hertfordshire Minerals Local Plan: Initial Consultation Document

- 8.2 Hertfordshire County Council (HCC) is currently consulting on the Minerals Local Plan Initial Consultation Document as part of the early stages of reviewing current Minerals Local Plan (adopted March 2007). The Initial consultation document sets out the issues and potential options for minerals planning within the county. This initial consultation document does not include potential sites for mineral extraction. HCC will run a call for sites consultation in winter 2015-16.
- 8.3 The initial consultation period runs until 16 October 2015. A response will be prepared and submitted under the delegated powers of the Portfolio Holder for Planning and Enterprise. A copy of the response will be appended to the November Cabinet Strategic Planning Report.

Government Announcements

- 8.4 Following consultation last year, DCLG have made changes to the national guidance in planning policy for traveller sites. These changes include amending the planning definition of travellers to limit it to those who have a nomadic habit of life, meaning that where someone has given up travelling permanently they should be treated no different from the settled population. The new document also restricts circumstances in which temporary permission for gypsy sites may be given in the green belt.
- 8.5 It updates policy so that a lack of an up-to-date five-year supply of deliverable traveller sites is not a significant material consideration in planning decisions involving the grant of temporary planning permission in sensitive areas, such as land designated as green belt.

The document is available at: <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

- 8.6 A High Court ruling issued in July 2015 after a judicial review lodged by two Berkshire councils has resulted in the immediate removal of paragraphs from the national planning practice guidance (PPG) exempting small development sites from affordable housing obligations. This will affect any scheme of fewer than 10 dwellings. As a result, the affordable housing policy in the emerging Local Plan will need to be reviewed to accord with these amendments.
- 8.7 For development management decisions in the interim the High Court ruling and changes to the PPG will not change the approach. In terms of affordable housing, the Council currently relies on the District Local Plan adopted in April 1996 as the saved development plan document. Policy 29A of that document requires affordable housing at 25% for schemes of 20 units or more. Until such time as a new Local Plan is

published for North Hertfordshire decisions relating to affordable housing will rely heavily on the saved Local Plan policy.

North Hertfordshire Local Plan

- 8.8 The representations, (in excess of 8,500) made to the Local Plan Preferred Options Consultation are now available to view on the Council's website. Some of these representations have proposed further parcels of land for consideration. Information on how to access the representations and view any attachments is also available on the website.

These can be viewed on the following link:

<http://www.north-herts.gov.uk/planning/planning-policy/local-plan-emerging-policy/draft-local-plan-2011-2031/local-plan-preferred>

- 8.9 Officers are in the process of analysing the representations and reviewing the Local Plan evidence base. This work includes assessing the additional sites submitted as part of the representations, updating the Council's Strategic Housing Land Availability Assessment and giving consideration to the increased housing needs number of 14,400 homes as set out in the updated Strategic Housing Market Assessment Study, jointly commissioned by North Hertfordshire District Council and Stevenage Borough Council (previously reported to Cabinet meetings on 16 June and 28 July 2015).
- 8.10 As a result of this on-going work, as well as taking into consideration the findings emerging from the Luton and Central Bedfordshire HMA assessment work and changes in government guidance in relation to the NPPF, the timetable for the preparation of the Local Plan will need to be reviewed as the Council works towards its submission draft. The North Hertfordshire District Council Local Development Scheme (LDS) previously approved by Full Council on 4 September 2014, will be reviewed and submitted to Cabinet and Full Council in November 2015. This will be reviewed in accordance with the July Government announcement that Local Plans need to be produced by early 2017. In a ministerial statement, the Minister of State for Housing and Planning stated that where no Local Plan has been produced by this time, the government will intervene and arrange for the Plan to be written, in consultation with local people, to accelerate the production of the Local Plan.

New Settlement Work

- 8.11 Reference is made to the Council motion of 12 February 2015 regarding a potential new settlement as part of the work on the emerging Local Plan, where following debate it was

RESOLVED: *That Council notes the suggestion from the Members of Parliament for North Hertfordshire and others that a new Garden City should be considered to meet the long term housing needs of North Hertfordshire.*

That Council instructs officers to continue to explore the long term housing needs of North Hertfordshire with other Local Authorities, the DCLG, and other relevant bodies, and the extent to which there may be reasonable options for new settlements for the future in North Hertfordshire together with the required infrastructure and funding.

That Council asks that the Members of Parliament for North Hertfordshire positively endorse and assist North Hertfordshire District Council with any approach it may make to further such alternatives to the Secretary of State, the relevant Ministers and the Department of Communities and Local Government.

8.12 Officers are in the process of seeking advice and guidance regarding the preparing of a scoping paper outlining what will be involved in exploring a new settlement option in North Hertfordshire as a means of addressing our longer term housing needs post 2031. This will include amongst others:

- i) Obtaining an understanding of what scale of development is required in order to make different ranges of facilities and infrastructure deliverable. It is noted that no new settlements in excess of 10,000 dwellings is currently under construction.
- ii) Understanding the timescales and costs involved in planning and delivering a new settlement and possible barriers to delivery. It is noted that such settlements can take 15 to 20 years before commencement, and possibly longer depending on any compulsory purchase, having to seek available funding arrangements as well as having to address plan making, infrastructure and land assembly issues and requirements.
- iii) Understanding possible impacts on existing settlements in the District.
- iv) Understanding the relationships of a possible new settlement to the jobs market, in particular London and how to strike a balance between a commuter settlement and one which is more self contained.
- v) Taking into consideration examples from other parts of the Country where new settlements are being planned and/or delivered.

8.13 Officers have met and are arranging to receive further advice from ATLAS (Advisory Service for Large Applications) which is part of the Homes and Communities Agency, through ATLAS a meeting with DCLG is being sought. Following these meetings a scoping document will be presented to Cabinet.

9. LEGAL IMPLICATIONS

9.1 Under the Terms of Reference for Cabinet Paragraph 5.6.18 of the Constitution states that the Cabinet 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. Final approval of Local Plan documents shall be a matter for Full Council.

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. The latest national guidance on traveller sites, and specifically defining those who retain a 'nomadic' lifestyle, must also be considered alongside the protections afforded to some travellers by virtue of their ethnicity under the Equality Act 2010.

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

Report author

- 15.1 Louise Symes, Strategic Planning & Projects Manager
01462 474359 louise.symes@north-herts.gov.uk

Contributors

- 15.2 Ian Fullstone, Head of Planning and Building Control
01462 474480 ian.fullstone@north-herts.gov.uk
- 15.3 David Hill, Senior Planning Officer
01462 474453 david.hill@north-herts.gov.uk
- 15.4 Clare Skeels, Senior Planning Officer
01462 474424 clare.skeels@north-herts.gov.uk
- 15.5 Liz Green, Head of Policy and Community Services
01462 474230 liz.green@north-herts.gov.uk
- 15.6 Nurainatta Katevu, Property & Planning Lawyer
01462 474364 nurainatta.katevu@north-herts.gov.uk

16. APPENDICES

None.