

CABINET

10 NOVEMBER 2015

*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;
 - Uttlesford District Council – Local Plan – Issues and Options;
 - Government Announcements;
 - North Hertfordshire Local Plan.

2. RECOMMENDATIONS

- 2.1 That the report on strategic planning matters be noted.
- 2.2 That Cabinet acknowledges that the Objectively Assessed Need for housing for North Hertfordshire District is 14,400 dwellings for the period 2011 to 2031.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To keep Cabinet informed of recent developments on strategic planning matters and progress on the North Hertfordshire Local Plan.

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 Members will be aware that Central Bedfordshire were continuing to seek legal proceedings following the dismissal of their judicial review to the High Court of the Planning Inspectorate's decision concluding that their Development Strategy had failed to comply with the duty to co-operate with its neighbouring authorities and could not proceed with the examination.
- 8.2 Given that the local planning situation has moved on, particularly in terms of housing numbers and the work that is emerging from their revised joint Strategic Housing Market Assessment with Luton, and that they consider a number of their site allocations to be out of date, Central Bedfordshire are of the view that even if they were to be successful in pursuing their legal proceedings and the Examination hearings re-opened, they consider it highly unlikely that their Development Strategy would be found sound. Central Bedfordshire at their Executive Committee on 6 October 2015 have therefore agreed to recommend to their Full Council (19 November 2015) that their Development Strategy be withdrawn and to discontinue legal proceedings, and that work would begin immediately on the preparation of a new Local Plan. They will publish a new Local Development Scheme in due course.

Luton Borough Council approved their Pre-submission draft Local Plan 2011-31 as the basis for public consultation at its Executive Committee on 21 September 2015. The consultation period will run for the 6 weeks from 26 October to 7 December 2015. A response will be prepared and agreed under the portfolio holder's delegated powers. A copy of the response will be appended to the December Strategic Planning Matters Cabinet report. The Pre-submission document can be viewed at:

http://consult.luton.gov.uk/portal/lbc/environmentandplanning/policy/llp2031/presubmission_plan?pointId=3355889

- 8.3 As previously reported, Luton Borough and Central Bedfordshire Councils are about to finalise their updated Strategic Housing Market Assessment (SHMA). This will be published as background evidence alongside their Pre-submission draft Local Plan consultation. The latest draft figure for Luton is unchanged at 17 800, however the numbers for Central Bedfordshire have increased from 25 600 to 29 500 over the plan period 2011 to 2031. The outcome of the SHMA will help frame our discussions under the duty to co-operate with Luton and Central Bedfordshire 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 (HMAs) which function across this area is nearing completion. 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.
- 8.5 The Council has also been working with neighbouring authorities to understand the economic requirements within a wider geography as the economy does not only

operate within local authorities boundaries. Together with Central Bedfordshire and Stevenage Borough Council, the District Council has completed a Functional Economic Market Assessment (FEMA), which will be an important document for supporting the economy section of the Local Plan but also relating to the Duty to Cooperate. A copy of the joint FEMA is available to view on the Council's website at:

<http://www.north-herts.gov.uk/home/planning/planning-policy/local-plan-emerging-policy/evidence-base>

Hertfordshire Minerals Local Plan: Initial Consultation Document

- 8.6 As reported to Cabinet on 15 October 2015, Hertfordshire Minerals Local Plan Initial Consultation Document was consulted on between 3 August and 16 October 2015. (A copy of the NHDC response is attached at Appendix A for information). The consultation document asks questions about general issues and provides potential options on topics such as the vision, SEA criteria and the site selection process. The Council's response answers the consultation questions that had some potential relevance or impact on North Hertfordshire. In general the consultation was focussed more towards the minerals industry. It is predicted that there will be a call for sites during late 2015 /early 2016, with a draft plan scheduled for consultation in autumn 2016.

Uttlesford District Council – Local Plan – Issues and Options

- 8.7 Following withdrawal of their submission draft in 2014, Uttlesford District Council has started work on the preparation of a new Local Plan. They are currently consulting on their Issues and Options Local Plan. The consultation period runs from 22 October to 4 December 2015. As per the Luton Pre-submission Local Plan, a response will be prepared and agreed under the portfolio holder's delegated powers. A copy of the response will be appended to the December Strategic Planning Matters Cabinet report.

Government Announcements

- 8.8 The Planning and Housing Bill had its first reading in House of Commons on 13 October 2015. The Bill is intended to support the Government's aims to take forward proposals to build more homes that people can afford, give more people the chance to own their own home and ensure the way housing is managed is improved. The Bill seeks to achieve this by implementing reforms to ensure the planning system does not add any unnecessary obstacles to the delivery of new homes. Of relevance to Strategic Planning are references to:

- Providing a statutory framework for the delivery of starter homes.
- Requiring local authorities to meet demand for custom-built and self-built homes by granting permissions for suitable sites.
- Simplifying and speeding up the neighbourhood planning process to support communities that seek to meet local housing and other development needs through neighbourhood planning.
- Giving the Secretary of State further powers to intervene if local plans are not effectively delivered. This refers to the Government's recent statement that local plans need to be produced by early 2017. To date no further guidance has been provided on what is meant by 'produce.'
- Creating a duty for local authorities to hold a register of various types of land, with the intention of creating a register of brownfield land to facilitate unlocking land to

build new homes; and giving housing sites identified in the brownfield register, local and neighbourhood plans planning permission in principle, and providing an opportunity for applicants to obtain permission in principle for small scale housing sites.

- In terms of Planning permission etc., levelling up the power which enables conditions to be attached to development orders for physical works so that they are consistent with those for change of use; extending the planning performance regime to apply to smaller applications; and putting the economic benefits of proposals for development before local authority planning committees.
- Allowing developers who wish to include housing within major infrastructure projects to apply for consent under the nationally significant infrastructure planning regime.
- Creating a faster and more efficient process for creating Urban Development Areas and Corporations whilst ensuring that those with an interest locally are properly consulted at an early stage.

8.9 All of these aspects will need to be carefully considered and discussed with relevant services and the Portfolio Holder for Planning & Enterprise in terms of delivery of the Local Plan/ Planning Services.

The Bill is available to view at:

<http://services.parliament.uk/bills/2015-16/housingandplanning.html>

North Hertfordshire Local Plan

8.10 Since the time of the Preferred Options Local Plan consultation in early 2015, the Council has updated its Strategic Housing Market Assessment (SHMA), jointly with Stevenage Borough Council, in order to take account of market signals as is required by government guidance. This updated SHMA takes into consideration the latest Office of National Statistics projections which form the starting point for assessing housing need. Taken together these indicate a new Objectively Assessed Need (OAN) figure for North Hertfordshire of 14,400 dwellings. Officers are of the view that the updated SHMA undertaken by Opinion Research Services (ORS) meets the requirements of the NPPF and provides a robust evidence base to move the development plan forward. It is to be noted that this figure excludes the proposed 2,100 dwellings to be put forward as a reasonable allowance East of Luton for Luton's unmet housing need as proposed in the Preferred Options. When this is also taken into account the housing figure would be 16,500 dwellings. (This study was previously reported to Cabinet at its meetings on 16 June and 28 July 2015).

8.11 On the basis of the figures outlined in para 8.10, officers are continuing the process of analysing the representations made to the Preferred Options consultation and reviewing the Local Plan evidence base. This work includes:

- Reviewing all representations submitted to the sites allocations, and identifying issues that need to be resolved thereby ensuring that consideration is given to all options including alternatives in meeting the housing numbers.
- Assessing the additional sites submitted as part of the representations and updating the Councils Strategic Housing Land Availability Assessment.

- Reviewing and updating the infrastructure, employment, sustainability and viability requirements of the development plan in relation to the housing numbers.
- Identifying key issues that will need to be discussed and resolved with neighbouring authorities under the duty to cooperate.

8.12 In addition officers are considering any implications of the findings emerging from the joint Hertfordshire, Bedfordshire and Buckinghamshire authorities HMA assessment work. Officers also need to be mindful of changes in government guidance in relation to the NPPF, the Planning Regulations and announcements around the Planning & Housing Bill.

8.13 An indicative timetable outlining the work for the Local Plan is being prepared in consultation with the Portfolio Holder and will be provided as an addendum report prior to the Cabinet meeting.

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. The risks and opportunities arising from the Housing and Planning Bill will be formally identified and assessed.

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. A successful recruitment process has been completed with regard the vacant Principal Strategic Planning Officer post. Unfortunately a further resignation has been received from a Senior Planning Officer, recruitment for this post will commence shortly.

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 Chris Carter, Senior Planning Officer
01462 474477 chris.carter@north-herts.gov.uk
- 15.6 Liz Green, Head of Policy and Community Services
01462 474230 liz.green@north-herts.gov.uk
- 15.7 Nurainatta Katevu, Property & Planning Lawyer
01462 474364 nurainatta.katevu@north-herts.gov.uk
- 15.8 Fiona Timms, Performance & Risk Manager
01462 474251 fiona.timms@north-herts.gov.uk

16. APPENDICES

Appendix A: NHDC Response to Hertfordshire Minerals Local Plan: Initial Consultation Document.