

**TITLE OF REPORT: NORTH HERTFORDSHIRE LOCAL PLAN – THE NEXT STEPS AND REVISED LOCAL DEVELOPMENT SCHEME**

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING AND ENTERPRISE  
EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT

**1. SUMMARY**

- 1.1 This report sets out the next steps in the preparation of the Local Plan and seeks Cabinet endorsement of a draft timetable (the Local Development Scheme) for the preparation of the Local Plan, which needs approval by Full Council to take effect.

**2. RECOMMENDATIONS**

- 2.1 That the report be noted.
- 2.2 That Cabinet recommends to Full Council that the updated draft Local Development Scheme attached as Appendix A be approved and take effect from 21 January 2016.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To keep Cabinet informed of the proposed work for the Local Plan.
- 3.2 To publish an up to date timetable for the preparation of the Local Plan.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

**5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 The Executive Member for Planning and Enterprise has been kept informed on the matters set out above.

**6. FORWARD PLAN**

- 6.1 This report contains recommendations on a key decision that was first notified in the Forward Plan on 15 September 2015.

**7. BACKGROUND**

- 7.1 Members will be aware of, and be familiar with, many of the issues surrounding the Local Plan. This report is intended to provide Members with the current positions on these matters.
- 7.2 Preparation of the Local Plan is a Key Project to support the delivery of the current Priority of Sustainable Development.

## 8. ISSUES

### *North Hertfordshire Local Plan – The Way Forward*

- 8.1 As reported to Cabinet in October, on-going work on the Local Plan includes continuing with the detailed analysis of the representations received to the Preferred Options consultation document and reviewing the supporting evidence base in light of the representations.
- 8.2 As a result of that analysis and the revised Objectively Assessed Need for the District (as detailed within the November Cabinet report) officers have identified that a number of studies are required to support the proposed submission Local Plan. This work includes:
- Assessing the additional sites submitted as part of the representations;
  - Identifying additional sites to enable the Council to meet the revised objectively assessed housing need figure of 14,400 dwellings for the District;
  - Commissioning a Heritage Study to inform the heritage policies in the Plan;
  - Updating policies and their supporting text in light of the representations;
  - Commissioning ecological work for the Blackhorse Farm strategic housing allocation;
  - Undertaking an update of the Town centre and Retail Study to ensure that the evidence is current and reflects recent retailing trends;
  - Reviewing the village boundaries and the Green Belt Review in light of the representations received and the need to allocate additional sites as described above;
  - Reviewing and updating where appropriate the evidence documents including the Strategic Housing Land Availability Assessment, the Housing Background Paper, the Green Infrastructure Plan, the Site Selection matrix, and the Sustainability Appraisal;
  - Commissioning consultants to undertake the Whole Plan Viability Study;
  - Undertaking a complete review of the Infrastructure Delivery Plan which was last updated in 2013;
  - Considering the findings emerging from the Luton and Central Bedfordshire Housing Market Assessment work;
  - Identifying issues that will need to be discussed and resolved with neighbouring authorities under duty to cooperate; and
  - Taking into consideration changes in government guidance in relation to the NPPF, the Planning Regulations and announcements around the Housing & Planning Bill.
- 8.3 All of this work needs to be completed before the proposed submission Local Plan can be approved by Full Council for the purposes of public consultation. Cabinet at its meeting on 10 November 2015 resolved that 'a proposed submission draft of the Local Plan be presented to Full Council in July 2016'.
- 8.4 These are pieces of work that have been identified in the course of analysing the representations. Without the completion of all of this work and ensuring that the Local Plan is supported by a justified and robust evidence base, there is a high degree of risk that the Council will be challenged and be in receipt of a significant volume of

representations during the proposed submission consultation which could delay the later stages of plan preparation identified in the Local Development Scheme (LDS).

- 8.5 In parallel with this work is the requirement to address cross-boundary issues with neighbouring authorities under the duty to cooperate. Officer discussions and portfolio holder meetings have and will be on-going with neighbouring authorities. As previously reported, of significance is the wider issue of Luton's unmet housing need and how best to address this issue as the plan progresses. Legal advice is currently being sought and will be verbally reported at the meeting.
- 8.6 A Project Board is to be set up which will oversee and monitor the delivery of the Local Plan in accordance with the LDS. It will ensure that effective project management and revenue resources are in place to deliver the Local Plan. It will consider and ensure mechanisms are in place to address risks associated with the delivery of the Local Plan and changing political priorities. It will ensure that the Local Plan is prepared in accordance with the duty to cooperate, legal and procedural requirements as set out in the Regulations.
- 8.7 The composition of the Local Plan Project Board is yet to be agreed. The Project Board will provide progress reports where appropriate to Members via MIS, Strategic Planning Matters Reports to Cabinet and on the Council's website.

### ***Local Development Scheme***

- 8.8 The Local Development Scheme (LDS) sets out the timetable for the preparation of the Local Plan. It is updated periodically. There is a need to review the current Local Development Scheme (September 2014).
- 8.9 A number of risks are identified in the Local Development Scheme as factors which may impact on the ability of the Council to adhere to the timetable. The first of these risks is the potential for proposals in the Local Plan to attract significant public comment. As Members are already aware, 8,500 representations were received in respect of the Local Plan Preferred Options consultation and it is anticipated that a similar volume of representations might be made in respect of the proposed submission consultation. Any representations received must be logged, published and analysed and a report prepared for the Inspector on how the Council has considered the representations.
- 8.10 Resourcing and staffing matters for the production of the Local Plan are also covered in the LDS and in sections 10 and 14 of this report. The draft revised Local Development Scheme is therefore included as Appendix A to this report and is referred to in the recommendation set out in paragraph 2.2.

## **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 The cost for this work is to be fully funded from the Local Plan reserve budget. There is currently £194,647 left in the reserve, and an investment bid for £165,000 was approved as part of the Council's budget setting process for 2015/16, so total budget available is £359,647.

## **11. RISK IMPLICATIONS**

- 11.1 There are a number of risks to the preparation of the Local Plan and these have been identified in 8.4 and 8.9. There is a Cabinet Top Risk relating to the Local Plan .

## **12. EQUALITIES IMPLICATIONS**

- 12.1 The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5<sup>th</sup> 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 With the scale of work required within a short time frame, the key point is having the right resources including temporary staff and consultants where required. At present 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. Recruitment for the vacant Senior Planning Officer post is underway.

## **15. CONTACT OFFICERS**

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## **16. APPENDICES**

Appendix A: Draft NHDC Local Development Scheme December 2015.