

<b>CABINET</b> <b>26 JANUARY 2016</b>
--

<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>  <b>7</b>
----------------------------------	--

**TITLE OF REPORT: STRATEGIC PLANNING MATTERS**

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

**1. SUMMARY**

1.1 This report informs Members of the current positions regarding:

- Luton and Central Bedfordshire progress on Local Plans;
- Stevenage Local Plan
- St. Albans Local Plan
- Government Announcements;
- 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 and progress on the North Hertfordshire 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 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

### ***Housing Market Areas in Bedfordshire and Surrounding Areas Report***

- 8.1 As previously reported, a study was 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. This was completed towards the end of last year and now forms part of the evidence base for the Luton Plan, the emerging Stevenage Plan and also for our own Local Plan. In terms of North Hertfordshire, there is no change in the eastern section of the district which falls within the Luton and Central Bedfordshire HMA. The remainder of the district is now shown to lie wholly within the Stevenage HMA. An extract from the report showing the agreed HMA boundaries for North Hertfordshire is appended at Appendix A. The outcome of this study 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. A full copy of the HMA Report 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>

### ***Luton Borough Local Plan***

- 8.2 As reported to Cabinet on 15 December 2015, Luton Borough consulted on their Local Plan Pre-submission draft from 26 October to 7 December 2015. The Council sought an extension of time. Our response focuses on housing as being one of the key strategic planning issues over which our councils have and continue to engage under the Duty to Co-operate and that Luton cannot meet its own Objectively Assessed Need. We have expressed our disappointment that the 'growth study' has not progressed. We have also questioned if Luton can satisfy itself that the provision of 18,000 jobs represents a robust and balanced strategy linked to the uncertainty over meeting their identified housing needs within their boundary. Comments have also been made in respect of green belt, retail and infrastructure requirements in terms of future development in and around Luton having appropriate regard to impacts upon the wider highway network in North Hertfordshire and resolving the issue of education provision within any development within North Hertfordshire to the east of Luton. Officers will continue to meet with Luton under the Duty to cooperate as we progress our local plans as a means to resolve the various issues raised in our response. (A copy of the NHDC response is attached at Appendix B).

### ***Stevenage Borough Council Local Plan***

- 8.3 Stevenage Borough Council (SBC) approved their Publication Draft Local Plan 2011-31 as the basis for public consultation at its Executive Committee on 15 December 2015. The consultation period began on 6 January and will run for 6 weeks to 16 February 2016.
- 8.4 The draft plan highlights a number of issues which will be of relevance to North Hertfordshire and to the development of our own Local Plan. These include:
- Acknowledging the presence of a shared Housing Market Area (as reported above) and also a shared Functional Economic Market Area (FEMA - as previously reported to Cabinet) between the two authorities and beyond;
  - A shortage of available employment land within SBC which will need to be resolved across the wider FEMA area. The draft plan expresses support for an employment land allocation at Baldock, shown in our Preferred Options consultation, in this regard;

- Substantial physical regeneration of Stevenage town centre to provide new homes, shops and offices;
- A target for 7,600 new homes meaning that SBC would be able to accommodate all of their own housing needs within the Borough boundary and would not require assistance from North Hertfordshire over the period to 2031;
- A review of the Green Belt around the town to release land for development; and
- Land use proposals for:
  - A new employment site to the north-west of Junction 8 of the A1(M) close to the administrative / Wymondley Parish boundary;
  - A new supermarket to the north of Stevenage adjacent to the administrative / Graveley Parish boundary;
  - Safeguarded access corridors to allow access to land west of Stevenage within North Hertfordshire;
  - New housing development on greenfield / Green Belt land to the west and north of Stevenage respectively. These sites will both abut the administrative boundary and would allow for further phases of development within North Hertfordshire. The plan expresses an intention to integrate any such development through joint masterplanning work. It is anticipated that the land to the west of Stevenage will come through towards the latter part of the plan period;
  - A new site for permanent Gypsy and Traveller accommodation to the north of Stevenage adjacent to the administrative / Graveley Parish boundary;
  - Land for additional healthcare facilities to the east of Junction 8 of the A1(M); and
  - The preservation of key open spaces and links, including connections to / through Great Ashby and into the wider countryside within North Hertfordshire

8.5 The Pre-submission document can be viewed at:

<http://www.stevenage.gov.uk/149690/planning-policy/90175>

8.6 An explanatory leaflet has been produced by SBC which will be delivered to all homes and businesses within Stevenage including the North Hertfordshire part of Great Ashby (although the Plan only covers the SBC administrative area).

8.7 A response to the draft plan will be prepared and agreed under the portfolio holder's delegated powers. A copy of the response will be appended to the March Strategic Planning Matters Cabinet report.

8.8 Under the Duty to Co-operate, officers are working on the preparation of a draft Memorandum of Understanding (MoU) referring to those matters of joint strategic interest to both authorities prior to anticipated submission of Stevenage's plan.

***St. Albans City & District Council – Strategic Local Plan***

8.9 As per Stevenage, St. Albans have also approved their Publication draft Local Plan 2011-31 as the basis for public consultation at an Extraordinary meeting of the Council on 2 December 2015. This consultation period began on 8 January 2016 and will run for 6 weeks.

- 8.10 The evidence does not presently show the same levels of connection between North Hertfordshire and St Albans as is the case with Stevenage. Notwithstanding this, there may be certain issues which have a bearing on the preparation of North Hertfordshire's own local plan (for example, in relation to housing, Green Belt, unmet needs from Luton etc.)
- 8.11 A response will also be prepared and agreed under the portfolio holder's delegated powers. A copy of the response will be appended to the March Strategic Planning Matters Cabinet report. The Pre-submission document can be viewed at:
- [http://stalbans-consult.limehouse.co.uk/portal/planning\\_policy/strategic\\_local\\_plan\\_2016/slp2016](http://stalbans-consult.limehouse.co.uk/portal/planning_policy/strategic_local_plan_2016/slp2016)

### **Government Announcements**

- 8.12 The Housing & Planning Bill concluded its journey through the Public Bill committee (PBC) on 10 December 2015. Part 1 of the Bill concerning Starter Homes and Self and Custom Homes was left unchanged. Part 6 Planning in England (Neighbourhood Planning, Local Plan intervention powers, permission in principal and local registers of land, nationally significant infrastructure projects, and urban development corporations) had only minor amendments. Part 7 Compulsory Purchase was amended to clarify rights of easements and compensation.

MPs debated the Report Stage (day one) of the Housing and Planning Bill in the House of Commons on Tuesday 5 January 2016. Key planning areas from the debate are:

- New amendments, in the name of three MP's, to require that the criteria for permission in principal and technical details consent should be subject to consultation with local authorities. Permission in principle should also reflect that it is important for communities to have their say on these decisions. It was also considered vital that the technical details content process is sufficient to deal with all relevant technical matters relating to the development of a site for housing before a decision is made;
- A new clause 31, in the name of the Secretary of State (SoS) Greg Clark MP, seeks to give the SoS powers to use regulations to impose restrictions or conditions on the enforceability of planning obligations relating to the provision of affordable housing. Also to give the power to impose restrictions or conditions on the enforcement of local planning obligations regarding affordable housing and to modify the definition of affordable homes include Starter Homes;
- New clauses 43, 44 and 46, in the name of the Secretary of State (SoS) Greg Clark MP, seeks to give Government the power through regulations to introduce competition in the processing of applications for planning permission;
- New clause 45, in the name of the Secretary of State (SoS) Greg Clark MP, for piloting an approach allowing local planning authorities (LPAs) to locally set planning fees;
- New clause 51, in the name of three MPs, which would allow LPAs to develop a planning fees schedule that would enable the full costs of processing planning applications to be recovered;
- New schedule 4, in the name of the Secretary of State (SoS) Greg Clark MP, to introduce a new dispute resolution procedure for section 106 planning obligations;

- New amendments, in the name of three MP's, which would allow councils to ensure that Starter Homes are available to local residents, that councils are consulted on any local variations to the price cap in the local areas, and that the discount remains in perpetuity;
- New amendment, in the name of three MP's, which would ensure LPAs carry out a duty to promote Starter Homes based on their local assessment of need and viability within the local area.

Report Stage (day two) was debated on 12 January, the Legislative Grand Committee and Third Reading will take place on a date to be announced.

Any update will be verbally reported at the Cabinet meeting.

8.13 The Government is currently consulting on the following documents:

8.13.1 Proposed changes to National Planning Policy until 22 February 2016 and is seeking views on specific changes to support delivery of new homes, including low cost homes for first time buyers. It covers the following areas:

- Broadening the definition of affordable housing, to expand the range of low cost housing opportunities;
- Increasing the density of development around commuter hubs, to make more efficient use of land in suitable locations;
- Supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing agreed in Local Plans;
- Supporting delivery of starter homes; and
- Transitional arrangements.

8.13.2 Consultation on options for changes to the New Homes Bonus to better reflect authorities provision of new housing. It also seeks views on reducing the number of years in which current and future payments are made. This consultation closes on 10 March 2016 and sets out a variety of options for increasing the focus of the New Homes Bonus on delivery of new homes and freeing up resources to be recycled within the local government settlement to support authorities with particular pressures, such as adult social care, following the outcome of the 2015 Spending Review. The options on which views are sought are:

- withholding the Bonus from areas where an authority does not have a Local Plan in place;
- abating the Bonus in circumstances where planning permission for a new development has only been granted on appeal; and
- adjusting the Bonus to reflect estimates of deadweight where bonus payments would be more focused on local authorities demonstrating a stronger than average commitment to growth.

The consultation also sets out proposals for reductions in the number of years for which the Bonus is paid from the current 6 years to 4 years. The consultation considers mechanisms by which the changes could be calculated and provides exemplifications to show how the changes would work in practice alongside indications of the total cost. The changes are only proposed for 2017-18 onwards.

8.14 All aspects of the Bill once it becomes a statutory document and any subsequent changes to the regulations as emerging from the above consultations on National

Planning Policy and New Homes Bonus will need to be implemented in terms of delivery by the local plan/ planning services.

### ***North Hertfordshire Local Plan***

- 8.15 Officers are continuing with progressing work on the Local Plan as outlined in the Next Steps report presented to Cabinet on 15 December 2015.

## **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 Sustainable Development of the District has a sub-risk that covers the risks arising from the duty to co-operate with neighbouring authorities. 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 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 There are no new human resource implications arising from the contents of this report. Temporary staff has been brought in to assist processing the representations on the Local Plan. Recruitment for the vacant Senior Planning Officer Post is underway.

### **15. CONTACT OFFICERS**

#### ***Report author***

- 15.1 Louise Symes, Strategic Planning & Projects Manager  
01462 474359 [louise.symes@north-herts.gov.uk](mailto: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](mailto:ian.fullstone@north-herts.gov.uk)
- 15.3 Nigel Smith, Principal Strategic Planning Officer  
01462 474847 [nigel.smith@north-herts.gov.uk](mailto:nigel.smith@north-herts.gov.uk)
- 15.4 Liz Green, Head of Policy and Community Services  
01462 474230 [liz.green@north-herts.gov.uk](mailto:liz.green@north-herts.gov.uk)
- 15.5 Nurainatta Katevu, Property & Planning Lawyer  
01462 474364 [nurainatta.katevu@north-herts.gov.uk](mailto:nurainatta.katevu@north-herts.gov.uk)
- 15.6 Fiona Timms, Performance & Risk Manager  
01462 474251 [fiona.timms@north-herts.gov.uk](mailto:fiona.timms@north-herts.gov.uk)
- 15.7 Kerry Shorrocks, Corporate Human Resources Manager  
01462 474224 [kerry.shorrocks@north-herts.gov.uk](mailto:kerry.shorrocks@north-herts.gov.uk)
- 15.8 Jodie Penfold, Group Accountant  
01462 474332 [jodie.penfold@north-herts.gov.uk](mailto:jodie.penfold@north-herts.gov.uk)

### **16. APPENDICES**

- Appendix A: Extract from the Housing Market Areas in Bedfordshire and Surrounding Areas Report showing Functional HMAs with Local Authority Boundaries.
- Appendix B: NHDC Response to Luton Borough Council Local Plan Pre-submission draft.