

CABINET

30 MARCH 2016

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

7

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 Housing Market Area Growth Study;
- Responses to neighbouring authorities local plans
- Government announcements and consultation responses;
- North Hertfordshire Local Plan.

1.2 It also asks Members to establish appropriate delegations for the agreement of formal Memoranda of Understanding (or equivalent) between North Hertfordshire District Council and other prescribed bodies under the Duty to Co-operate.

2. RECOMMENDATIONS

2.1 That the report on strategic planning matters be noted.

2.2 That Cabinet authorise the Head of Planning and Building Control, in consultation with the Executive Member for Planning and Enterprise to enter into formal Memoranda of Understanding (or equivalent) between North Hertfordshire District Council and other prescribed bodies under the Duty to Co-operate.

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.

3.2 To establish effective arrangements for agreements under the Duty to Co-operate.

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

Luton Housing Market Area Growth Study

- 8.1 Following the completion of the work in defining the Luton and Central Bedfordshire Housing Market Area (HMA), North Herts together with Aylesbury Vale District Council have agreed to sign up as commissioning bodies alongside Luton and Central Bedfordshire in undertaking a growth area study of the Luton HMA.
- 8.2 The purpose of the study is to identify growth locations within the Luton HMA to meet housing needs arising from within the area.
- 8.3 In the event that identified needs for the HMA cannot be fully accommodated, a further stage may be required to consider and recommend suitable options for meeting any outstanding shortfall. This would be a 'Stage 2' study which would seek to identify appropriate sustainable options beyond the Luton HMA.
- 8.4 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.

Responses to other neighbouring local authorities' local plans

- 8.5 As previously reported, both Stevenage Borough and St. Albans District councils have recently consulted on the pre-submission versions of their local plans. A response has been prepared to both these plans in consultation with the Executive Member for Strategic Planning. North Hertfordshire has not raised significant objections to either plan but has raised concerns regarding specific issues.
- 8.6 In terms of the Stevenage Plan issues of concern are mainly in relation to land use proposals at the north-west of the Borough adjacent or close to North Hertfordshire's administrative area 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;
 - A new site for permanent Gypsy and Traveller accommodation to the north of Stevenage adjacent to the administrative / Graveley Parish boundary; and
 - Land for additional healthcare facilities to the east of Junction 8 of the A1(M);
- 8.7 Stevenage need to satisfy themselves that they have a robust evidence base to justify such proposals and that their implementation will not prejudice North Hertfordshire's own local plan.

- 8.8 In terms of the St. Albans Strategic Local Plan comments include that St Albans satisfy themselves that the plan:
- Makes appropriate provision for housing having regard to the most appropriate and up-to-date evidence;
 - Has considered Green Belt in a manner consistent with the (emerging) plans of nearby authorities, both in terms of the methodology underpinning relevant evidence and the expression of *exceptional circumstances*; and
 - Contains the necessary flexibility to respond to changes in circumstances, most notably with regards to any unmet needs that might arise from within the Luton Housing Market Area.

Copies of the Responses are attached at Appendices A and B to this report.

- 8.9 Officers are continuing to meet with both authorities and with Luton Borough under the Duty to Co-operate in regard to the preparation of Memorandum of Understanding/Statements of Common Ground relating to those matters of joint strategic interest.

Government Announcements and Responses to Consultations

- 8.10 The Housing and Planning Bill is still passing through the House of Lords. The government has recently released a Technical Consultation Document on the Housing and Planning Bill. There is a suggestion that government intervention in local plan preparation could extend further than previously outlined. It is proposing that authorities 'which have not kept the policies in their local plans up-to-date will be high priority for intervention'.
- 8.11 The consultation document also proposes that the government will prioritise intervention in a number of circumstances, including where there is an under-delivery of housing in areas of high housing pressure. It does however state that in reaching a decision on prioritising intervention the government will take factors into account including how local authorities are working cooperatively to get their plans in place as well as the potential impact that not having a local plan has on neighbourhood planning activity. Hence the need for North Hertfordshire to progress with its Local Plan, which must be in accordance with the requirements of the National Planning Policy Framework. The technical consultation document can be viewed at the following link.

<https://www.gov.uk/government/consultations/implementation-of-planning-changes-technical-consultation>

Any further updates on the Bill will be verbally reported at the Cabinet meeting.

- 8.12 A joint response on behalf of all Hertfordshire authorities to the consultation on proposed changes to National Planning Policy was prepared under the Hertfordshire Infrastructure & Planning Partnership (HIPP). This consultation was seeking views on specific changes to support delivery of new homes, including low cost homes for first time buyers. A copy of the HIPP response is attached to this report at Appendix C.
- 8.13 Both Finance and Planning services have drafted a joint response on behalf of North Hertfordshire to the consultation on options for changes to the New Homes Bonus. A copy of the response is attached to this report at Appendix D.

- 8.14 As previously advised, 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.
- 8.15 DCLG has recently issued draft Planning Guidance on how councils should meet their responsibilities under The Self-Build and Custom Housing Act 2015. The Act requires relevant authorities in England to keep a register of individuals and associations seeking to acquire serviced plots of land for self-build homes. Planning are working together with Legal and Property services in preparing such a register which is required to come into effect from 1st April 2016.

North Hertfordshire Local Plan

- 8.16 Officers are continuing with progressing work on the Local Plan. The Local Plan Project Board has been set up and will meet monthly to provide the necessary strategic guidance and direction for the production of the Local Plan within this plan period and the next Local plan period. The Board will oversee and monitor the delivery of the Local Plan in accordance with the agreed LDS and ensure that the Plan is prepared in accordance with the NPPF, legal and procedural requirements as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Board will also advise on Member engagement as appropriate.

Duty to Co-operate

- 8.17 The 2011 Localism Act established a statutory Duty to Co-operate. This required authorities and prescribed bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of plan-making activities in relation to strategic matters, namely, the development or use of land that would have a significant impact on at least two planning areas.
- 8.18 Paragraphs 178-181 of the NPPF provide further advice on implementing this Duty. This sets out the Governments expectation that “joint working on areas of common interest be diligently undertaken for the benefit of neighbouring authorities”.
- 8.19 It further establishes that
- “Local planning authorities will be expected to demonstrate evidence of have effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as point of a joint committee, a memorandum of understanding or a joint prepared strategy which is presented as evidence of an agreed position”.*
- 8.20 A number of nearby authorities, notably Luton, Stevenage and St Albans, are moving towards the submission of their local plans for examination. It is at this point that any Memoranda of Understanding would be expected to be agreed and signed.
- 8.21 The District Council is likely to receive requests from these authorities (and potentially others) to enter into Memoranda of Understanding at short notice and / or outside the normal committee cycle. As North Hertfordshire’s own plan progresses, the District Council may seek to initiate similar agreements with local authorities and / or prescribed bodies.

- 8.22 It is considered that the most effective mechanism is to delegate responsibility for entering in the Memoranda of Understanding. Cabinet will of course be updated in the strategic planning reports that Cabinet receives at each 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 (by amendment to the Planning & Compulsory Purchase Act 2004) 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 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 with 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

Contributors

- 15.2 Ian Fullstone, Head of Planning and Building Control
01462 474480 ian.fullstone@north-herts.gov.uk
- 15.3 Nigel Smith, Principal Strategic Planning Officer
01462 474847 nigel.smith@north-herts.gov.uk
- 15.4 Liz Green, Head of Policy and Community Services
01462 474230 liz.green@north-herts.gov.uk
- 15.5 Nurainatta Katevu, Property & Planning Lawyer
01462 474364 nurainatta.katevu@north-herts.gov.uk
- 15.6 Fiona Timms, Performance & Risk Manager
01462 474251 fiona.timms@north-herts.gov.uk
- 15.7 Kerry Shorrocks, Corporate Human Resources Manager
01462 474224 kerry.shorrocks@north-herts.gov.uk
- 15.8 Jodie Penfold, Group Accountant
01462 474332 jodie.penfold@north-herts.gov.uk

16. APPENDICES

- Appendix A: NHDC Response to Stevenage Borough Council Local Plan Pre-submission draft.
- Appendix B: NHDC Response to St. Albans Council Local Plan Pre-submission draft.
- Appendix C: HIPP response to Consultation on Proposed Changes to National Planning Policy.
- Appendix D: NHDC response to Consultation on Options for Changes to The New Homes Bonus .