

# CABINET

14 JUNE 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;
- Duty to Co-operate with neighbouring authorities;
- Government announcements and consultation responses;
- North Hertfordshire Local Plan;
- Neighbourhood Plans.

### 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

### ***Luton Housing Market Area Growth Study***

- 8.1 Members were previously advised (March 2016) that North Hertfordshire together with Aylesbury Vale, Luton and Central Bedfordshire had agreed to jointly commission a growth area study of the Luton Housing Market Area (HMA).
- 8.2 Land Use Partnership have now been commissioned to undertake this work. 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 The first meeting of the Officer Working Group and Member Steering Group took place on 26 May to agree the method statement and the work programme for the study. The methodology includes identifying and assessing a number of sites and alternative spatial options, to help meet housing need (and associated infrastructure) within the Luton HMA over the period 2015-2035.
- 8.4 As previously advised, 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.
- 8.5 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. The study is expected to be completed in October 2016.

### ***Duty to Co-operate With Neighbouring Authorities***

- 8.6 At its meeting in March, the Cabinet agreed to delegate responsibility to 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.
- 8.7 North Herts have now signed a Statement of Common Ground with Luton Borough Council. (See copy attached at Appendix A) The Statement of Common Ground focuses primarily on housing issues facing Luton's Local Plan.
- 8.8 Luton submitted their submission draft to the Secretary of State (SOS) on 29<sup>th</sup> April 2016. The SOS has appointed an Inspector to carry out the Independent Examination. Early notification has been received that the Inspector envisages carrying out hearing sessions in three stages: Stage 1 – duty to co-operate in July, Stage 2 to cover other legal compliance issues and strategic issues in relation to housing, employment, retail and transport anticipated in September and Stage 3 will cover all other matters including site allocations and development management policies, with no timescale.
- 8.9 North Herts will be required to have a presence at the Examination, which will need to be resourced from the Local Plans team. The Stage 1 hearings have now been scheduled for Tuesday 19 July and, if necessary, Wednesday 20 July. Any implications for the approval of North Hertfordshire's own draft local plan will be monitored and reported on an on-going basis.
- 8.10 Officers remain in on-going discussion with Stevenage, who are moving towards the submission of their own local plan for examination, in the preparation of a Memorandum of Understanding.
- 8.11 North Herts also shares common market areas with parts of Welwyn Hatfield and East Herts Councils. These authorities are pursuing broadly similar plan preparation timetables to NHDC and officers continue to liaise on relevant matters.

### ***Government Announcements and Responses to Consultations***

- 8.12 The Housing and Planning Bill received Royal Assent on 12 May 2016 and is now an Act of Parliament. Once the regulations are published these need to be carefully considered and discussed with relevant services and the Executive Member for Planning & Enterprise in terms of delivery of the local plan/ planning services.
- 8.13 The planning team prepared a response on behalf of North Hertfordshire on the Technical Consultation Document on the Housing and Planning Bill. A copy of the response is attached to this report at Appendix B.

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

- 8.14 Officers are continuing with progressing work on the Local Plan. The Local Plan Project Board has met three times to discuss issues and provide the necessary strategic guidance and direction for the production of the Local Plan in accordance with the Local Development Scheme.
- 8.15 The Board will oversee and monitor the delivery of the Local Plan in accordance with the agreed Local Development Scheme approved by Council in January 2016.
- 8.16 Member briefings have been set up to inform Members on process and to discuss the emerging policies and spatial implications of the plan. The first meeting being held on 25 May 2016.
- 8.17 At present the Local Plans team is working in preparing the necessary evidence base to support the proposed strategic policies and site allocations in time for presenting a report to Full Council in July for endorsement. The final proposed submission documents will then be presented for formal Cabinet approval in September.
- 8.18 It will be important for the Council to demonstrate a clear and transparent Development Strategy as well as ensuring that the policies are NPPF compliant and are supported by an up to date evidence base. The proposed submission version of the Local Plan must meet the Regulations and the tests of soundness otherwise it will fail at Examination.

### ***Neighbourhood Plans***

- 8.19 To date, nine neighbourhood planning areas have been designated for Pirton, Kimpton, Ashwell, Codicote, Barkway and Nuthampstead, Ickleford, St Ippolyts, St. Pauls Walden and Wymondley. A further two neighbourhood planning area designations have been consulted on for Preston and Knebworth, which are the subject of a separate report to Cabinet (see Agenda Item 11)
- 8.20 Both the Pirton and Wymondley Neighbourhood Plan Steering Groups have submitted a pre-submission consultation plan for their areas. Members were informed on these consultations via Members Information Service in early April and officers have submitted comments on both plans. Work is also progressing towards a pre-submission consultation plan for Ashwell and for Barkway and Nuthampstead Neighbourhood Plans. Officers will continue to meet and offer guidance to the neighbourhood planning steering groups during the preparation of their plans.

## **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.

- 9.2 The preparation of plans, up to and including the approval of the proposed submission documents, are Cabinet matters. Submission of the draft Local Plan to the Secretary of State for Examination and final adoption of Local Plan documents shall be a matter for Full Council.
- 9.3 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 Act will be formally identified and assessed.
- 11.2 The clash of dates with regard the Special Council meeting and the first Stage of Luton Examination is unhelpful and will place additional pressure on the Local Plans team at an already very busy time.

## **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 have been brought in to assist with the Local Plan. Recruitment for the vacant Senior Planning Officer Post is complete and the new officer is now in post.

**15. CONTACT OFFICERS**

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**16. APPENDICES**

- Appendix A: Copy of Statement of Common Ground with Luton Borough Council.
- Appendix B: NHDC Response to the Technical Consultation Document on the Housing and Planning Bill.