

<b>CABINET</b> <b>26 JULY 2016</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>  <b>7</b>
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**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:
- Duty to Co-operate with neighbouring authorities and Local Plans;
  - Luton Examination; and
  - 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**

### **8.1 *Duty to Co-operate with neighbouring authorities and Local Plans***

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

- 8.1.1 Work is continuing on the Luton Housing Market Growth Study. Comments from the commissioning bodies, i.e. Luton, Central Bedfordshire, Aylesbury Vale and North Herts on the method statement and work programme have been provided to the consultants commissioned to undertake the study. Comments are also being sought from other neighbouring authorities, such as Bedford, Milton Keynes and Dacorum Borough Councils and St. Albans District Council. The Terms of Reference for the Officer Working Group and Member Steering Group have been agreed and signed by North Herts. Future dates for meetings are yet to be set up. Outputs from future meetings and progress updates will be reported as the study progresses.
- 8.1.2 As previously reported, 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 wider housing needs of Luton may be best addressed. The study is expected to be completed in October 2016.

#### *Stevenage and Other Local Plans*

- 8.1.3 Officers remain in discussions with Stevenage in regard to the preparation of a Memorandum of Understanding on key strategic issues as they move towards the submission of their Local Plan to the Secretary of State.
- 8.1.4 Stevenage conducted public consultation on their proposed submission Local Plan in February 2016. They will seek approval and agreement from their Executive Committee on 12 July to present their Plan to Full Council on 20 July to authorise submission to the Secretary of State for independent examination.
- 8.1.5 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 North Herts and officers continue to liaise on relevant matters.
- 8.1.6 Welwyn Hatfield will present their Proposed Submission Local Plan to their Cabinet Housing and Planning Panel on 20 July requesting a recommendation that Cabinet publish the documents for public consultation.

### **8.2 *Luton Examination***

- 8.2.1 Luton submitted their Local Plan for examination in May 2016. The appointed Inspector has arranged an initial examination session to be held on Tuesday 19 July, with a reserve day of Wednesday 20 July if needed. This first stage will cover duty to co-operate issues. If the inspector is satisfied that Luton have met the test of legal requirements regarding the duty to co-operate the examination will then move forward to the second stage programmed for September. Stage 2 will cover other legal compliance issues and strategic issues in relation to housing, employment, retail and transport. North Hertfordshire has a place at the examination on 19 and 20 July and officers will provide a verbal update at the meeting of Cabinet

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

- 8.3.1 A report is going before an Extraordinary Meeting of Full Council on 20 July seeking endorsement of the likely strategic policy and spatial implications of a new Local Plan for North Hertfordshire that would comply with the requirements of the NPPF and relevant legislation. Full Council is also being asked to agree that officers be instructed to finalise the proposed submission documents for formal approval by Cabinet.
- 8.3.2 Formal approval of the publication version of the plan is, constitutionally, a Cabinet matter. It is intended to present the full draft plan and all associated supporting information (known collectively as the 'proposed submission documents') for formal approval by Cabinet in September 2016. This will allow a statutory 6-week consultation to take place from late September in line with the approved Local Development Scheme.
- 8.3.3 A verbal update on the next steps of the Local Plan will be presented at the meeting of Cabinet following the outcome of the Full Council meeting on 20 July.

## **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. The costs of preparing the Local Plan and associated evidence base, and running the proposed consultation are covered in existing revenue budgets.

## **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.

## **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 in addition to the previous successful recruitment of a Senior Planning Officer.

### **15. CONTACT OFFICERS**

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### **16. APPENDICES AND BACKGROUND PAPERS**

- 16.1 None.