

THIS REPORT WAS PRESENTED TO COUNCIL ON 20 JULY 2016

**TITLE OF REPORT: NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031**

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING AND ENTERPRISE

PORTFOLIO HOLDER: COUNCILLOR DAVID LEVETT

**1. SUMMARY**

- 1.1 This report updates Full Council on the progress in preparing a new Local Plan for North Hertfordshire. It sets out the background to the main strategic decisions which the Local Plan needs to take and the process for the next stages of the Local Plan.
- 1.2 This report summarises the key findings of the Preferred Options consultation and evidence studies. It then proceeds to identify the likely key implications arising from a new Local Plan for North Hertfordshire in relation to strategic policies and targets as well as development sites.
- 1.3 This report seeks the endorsement of these key matters as the basis for the final draft 'Publication' version of the Local Plan. This will subsequently be approved by Cabinet for formal public consultation prior to submission of the draft plan to the Secretary of State for Examination. This will occur in line with the timetable set out in the agreed Local Development Scheme approved by Council in January 2016.

**2. RECOMMENDATIONS**

- 2.1 That the context for the preparation of a new Local Plan for North Hertfordshire, including the legislative and evidential context is noted.
- 2.2 That the results of the Preferred Options consultation, as set out in the Consultation Report attached as Appendix 1, and other relevant consultations on the preparation of the new Local Plan be recorded.
- 2.3 That 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, as set out in Appendices 2 and 3, are endorsed.
- 2.4 That officers be instructed to finalise the proposed submission documents for formal approval by Cabinet.

***Note:** Due to their size, Appendix 3 (A0 maps detailing key proposed policy allocations have not been circulated as part of the agenda pack. A reduced (A3 size) version of Appendix 3 is included in the committee bundle for information. The full-size maps are available electronically on the committee pages of the Council's website and in hard copy in the Members' Room.*

**3. REASONS FOR RECOMMENDATIONS**

To ensure that North Hertfordshire can meet the Government's deadline to produce a Local Plan that it considers to be legally compliant and 'sound'.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council has a statutory duty to keep its Local Plan under review. Failing to prepare a Local Plan carries significant risks. Delaying or omitting the preparation of the Local Plan would carry similar risks, limiting the Council's ability to properly manage development. Options as to what the plan could contain are discussed later in the report under Section 8).

#### **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.
- 5.2 The Local Plan Project Board has met on a number of occasions to discuss relevant issues and provide the necessary strategic guidance and direction for the production of the Local Plan in accordance with the Local Development Scheme.
- 5.3 Cabinet have been kept informed of key developments through Strategic Planning Matters reports which are a standing item on the agenda. The Local Plan was discussed at the meeting of the Overview and Scrutiny Committee in September 2015.
- 5.4 All members have been offered the opportunity to be briefed on the emerging contents of the draft plan.

#### **6. FORWARD PLAN**

- 6.1 This report contains recommendations relating to a key decision that was first notified to the public in the Forward Plan on 16 February 2015.

#### **7. BACKGROUND**

- 7.1 As the Local Planning authority, North Hertfordshire District Council has to prepare a Local Plan and keep it under review. The Local Plan has to set out the Council's plans for the area, including allocating sites for development, identifying areas to be protected from development and setting the policies to be used when determining planning applications.
- 7.2 A new Local Plan must proceed through four key stages:
- Preparation of the new plan
  - Publication of a final draft
  - Examination; and
  - Adoption
- 7.3 The production of Local Plans is guided by an extensive framework of legislation, regulations and guidance. This has been further interpreted through the examination of other authorities' Local Plans and by the courts. This provides a complex array of requirements and precedents which this Council must adhere to in the preparation of its own plan. Some of the key messages are outlined in this report.

##### ***Plan production in North Hertfordshire***

- 7.4 North Hertfordshire's Local Plan No.1 was adopted in 1984. Local Plan No.2 followed in 1992 and Local Plan No.2 with Alterations in 1996. The 1996 plan was a partial review of the 1992 plan, and did not allocate any new areas of land for development. It is therefore well over 20 years since this Council adopted a plan which identified development sites.

- 7.5 Since 1996 work has been ongoing towards preparing a new plan, but this has never come to fruition due to changes in Government legislation and processes.
- 7.6 Draft Local Plan No.3 in 2000 was withdrawn after a change in Government policy required significant additional evidence to be prepared.
- 7.7 Under new legislation in 2004 the Local Plan process was renamed the 'Local Development Framework' (LDF). The contents of the LDF were guided by regional plans, formally known as Regional Spatial Strategies (RSS). These set out development targets and strategic policies for the Local Planning authorities in their area. North Hertfordshire was located within the East of England region and an RSS for this area was adopted in 2008.
- 7.8 The Council published several consultation papers between 2005-2009 to conform to the emerging and adopted proposals of the RSS, including:
- Core Strategy and Development Policies Issues & Options (2005);
  - Core Strategy Preferred Options (2007);
  - Development Policies Preferred Options (2007);
  - Stevenage & North Herts Action Plan Issues and Options (2007, jointly with Stevenage Borough Council);
  - Land Allocations Issues & Options (2008); and
  - Land Allocations Additional Suggested Sites Issues & Options (2009)
- 7.9 Following the formation of the Coalition Government in 2010, further substantial changes were made to the planning system. This included the revocation of RSS, the dismantling of the regional planning system and what was effectively a reversion from LDFs to the previous Local Plan system. Within this period, an additional Core Strategy consultation was carried out in early 2012 anticipating (in hindsight, incorrectly) how the future planning system might operate.
- 7.10 The publication of the National Planning Policy Framework (NPPF) in March 2012, followed by the eventual revocation of the East of England Plan in January 2013 effectively 'reset the clock' for North Hertfordshire's Local Plan. As a consequence of these events, the Council became responsible for determining strategic planning matters formerly set out in the RSS, such as the setting of housing targets for the area. The NPPF, however, set out strong expectations as to how these new responsibilities would be exercised.
- 7.11 Although the Council has never formally withdrawn, or otherwise resolved to cease work upon, those documents produced under the LDF system, it is clearly the plan-making activities undertaken since the publication of the NPPF which are of most relevance to the current proposals.
- 7.12 Since March 2012, the Council has carried out three public consultations on a new Local Plan for North Hertfordshire:
- Housing Options Growth Levels and Locations 2011-2031 (February 2013)
  - Housing Additional Local Options (July 2013); and
  - Preferred Options (December 2014)

These consultations have all been carried out under the earliest 'preparation' stage (the first bullet point in paragraph 7.2 above), albeit that the Preferred Options consultation of December 2014 contained significantly more detailed proposals than the preceding two documents.

- 7.13 This stage of plan preparation is used to test different ideas and options and, where appropriate, use consultations to 'flush out' the position of relevant landowners and stakeholders. The proposals contained within these documents therefore do not require the same level of certainty as for later stages in the process.
- 7.14 Work on the Local Plan is now moving forward to the 'publication' stage. This marks the point at which the Council should issue a draft plan that it considers ready for examination. This means the draft plan should satisfy the relevant legal requirements and, in the Council's opinion, be capable of being approved by a Government-appointed Inspector for adoption. These requirements are expanded upon below.

### ***Requirements for progressing the Plan***

- 7.15 Since the last consultation, which was approved by Council in November 2014, the need to progress a new Local Plan for North Hertfordshire has been given further added impetus on two key planning grounds:
- Firstly, the lack of an up-to-date plan and adequate supply of new housing land is significantly hampering the Councils ability to give clear planning advice and make effective decisions; whilst
  - The Government has set a deadline of March 2017 for all authorities to produce a Local Plan. Authorities who do not submit their plan for examination by this point could face interventions or sanctions. Powers to employ these sanctions are set out in the Housing and Planning Act 2016 which recently received Royal Assent.
- 7.16 Following completion of the Preferred Options consultation in February 2015, and the subsequent identification of key issues raised through the consultation process, significant additional work has been undertaken to ensure that the Council can progress a new plan that satisfactorily addresses these various requirements.
- 7.17 In recognition of this, Full Council approved a new Local Development Scheme (LDS) in January 2016. This sets out the detailed timetable for production of the plan including the following key milestones:
- August – October 2016: the period within which the statutory, six-week 'publication' consultation upon the proposed submission Local Plan will take place
  - March 2017: Submission of North Hertfordshire's Local Plan for examination
  - Summer 2017: Examination
  - March 2018: Adoption of the new Local Plan
- 7.18 It is important to make clear that the proposed submission Local Plan is the version of the plan that the Council wishes to see adopted.
- 7.19 Representations made during the statutory publication consultation will be submitted alongside the draft plan to the Secretary of State for consideration by the Planning Inspectorate at Examination. There is no scope within the relevant legislation for the Council to make further substantive amendments to the plan in response to the representations prior to submission.

The only exception to this would be in the event that significant new issues or evidence are raised through the forthcoming consultation. In this scenario, the only other option available to Council in March 2017 would be to withdraw the draft plan in its entirety and start over on a replacement.

- 7.20 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 LDS.
- 7.21 However, it is considered appropriate to seek Full Council's endorsement of the key content and principles underpinning the plan now for the following, interlinked reasons:
- The importance of the Local Plan for the future of the whole of North Hertfordshire and the district-wide issues it raises;
  - The emerging draft plan and associated evidence base have now reached a stage where it is possible to identify, with a large degree of certainty, the nature of the strategic policies and site allocations that Cabinet will be asked to approve in the publication consultation;
  - Based upon previous consultations, these two areas of the plan (strategic policies and site allocations) are likely to account for the significant majority of public interest and responses; more than 90% of representations to the Preferred Options consultation focussed upon these matters;
  - Subsequent stages of the Local Plan process, namely the submission of the plan to Government for examination and the adoption of the plan are matters that will constitutionally require the support of, and appropriate resolutions from, Full Council; while
  - As set in paragraphs 7.19-7.21 above, unless significant new issues or evidence are raised through the forthcoming consultation, the draft plan approved for publication consultation will be the version that Council are asked to submit in March 2017.

## **8. ISSUES**

### ***'Brexit' - June 2016 Referendum supporting UK leave the European Union***

- 8.1 The results of the recent referendum may well have longer term effects upon the planning system and Local Plans. However, it is considered that there are no immediate implications that require either the timetable for, or the content, of the draft Local Plan to be re-considered.
- 8.2 In terms of plan process, certain requirements originate in European law, particular in relation to environmental assessment procedures. However, these have also been transcribed into national legislation. It is considered that these requirements will not be repealed or changed until such time as any exit from the European Union has been formalised.
- 8.3 In terms of plan content, and particularly the emerging housing strategy, migration from other countries within the EU is not a significant contributor to housing requirements in North Hertfordshire. It will take a number of years for any population changes that might arise to feed through the system.
- 8.4 Any implications arising from 'Brexit' will be an issue for the Planning Inspector to contemplate at the time of the Local Plan examination and / or for North Hertfordshire to consider in any subsequent review of this plan moving forward.

### ***Legislation, guidance and Evidence***

- 8.5 *This section of the report primarily relates to Recommendation 2.1.*
- 8.6 As established above, the preparation of a new Local Plan is directed by a range of legislation, regulations, guidance and precedents. All of these must be taken into account in developing a new plan for North Hertfordshire.

8.7 The interrelationship between these issues means that successfully taking a new Local Plan through the system to adoption has become increasingly challenging. In recent years, a significant proportion of Local Plans submitted for examination have either:

- Failed legal requirements or been successfully challenged in the courts;
- Been found unsound, or withdrawn on the advice of the Planning Inspectorate; or
- Had to undertake significant additional work to ensure the requirements of legislation and the NPPF are met.

#### Legal requirements

8.8 The legal framework for the preparation of Local Plans is established through various acts of Parliament and their associated regulations. Importantly, these:

- Set out the process that new Local Plans must follow and the detailed requirements to be followed in relation to publicity and public consultation;
- Identify relevant European legal requirements that must be discharged. These notably relate to undertaking environmental assessments to understand the likely effects of plans; and
- Establish a statutory 'Duty to Co-operate' between local authorities and other bodies to work together in a pro-active manner to address strategic planning matters.

8.9 The Duty to Co-operate, in particular, has been a fundamental matter in a number of Local Plan examinations, including at neighbouring Central Bedfordshire (in 2015) and Luton (ongoing). A rigorous approach is taken to ensure compliance with the requirements of the duty with an expectation that authorities will leave 'no stone unturned' where cross-border issues are identified.

8.10 At examination, the test of legal requirements regarding the Duty to Co-operate is absolute. It is not a matter which the Inspector can remedy or request the Council to 'make good'. If the Local Plan is not legally compliant regarding the Duty to Co-operate it will fail.

#### Government guidance

8.11 The National Planning Policy Framework (NPPF) was published in 2012 and sets out the Government's planning policies for England and how these are expected to apply. It covers a wide range of issues in relation to both plan-making and decision taking (the determination of planning applications). The NPPF is supplemented by detailed Planning Practice Guidance (PPG), released in 2014, which provides additional detail on certain topics. Local Plans must be consistent with national planning policy to pass examination. In relation to Local Plans, matters covered by the NPPF include (but are not limited to) requirements to:

- Properly assess the need for new development (known as objectively assessed needs) and planning to meet these insofar as is consistent with the framework;
- Where appropriate, carry out these assessments with regard to market areas which may cross administrative boundaries and ensuring that development needs across these wider areas are also met;
- Protect existing Green Belt and only alter it in exceptional circumstances;
- Identify what infrastructure will be required to support planned development;
- Address issues such as climate change and ensure a positive approach to the conservation and enhancement of natural and historic environments; and

- Where potential harm to relevant natural or historic assets may occur, consider this against the public benefits that may arise from any proposed development.

8.12 The NPPF also sets out the 'tests of soundness' that a planning inspector will apply once a plan reaches examination. These require that the plan is

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies of the Framework (NPPF, paragraph 182)

8.13 Unlike the compliance with the Duty to Co-operate, the Inspector does have powers to make changes to the plan at examination to ensure it meets other requirements and the tests of soundness. This provides opportunity to respond to new evidence or changes in circumstances. However, there are limits to the scale of changes that an Inspector will countenance before determining that the plan as submitted is fundamentally flawed and should be withdrawn.

8.14 Various examinations and court cases have established further precedents, requirements and / or guidance on a number of these legal and soundness issues. Planning officers monitor the outcomes of these on an on-going basis and key messages are being appropriately taken into account in developing the next iteration of the Local Plan.

Local Plan evidence base

8.15 It can be seen above that ensuring Local Plans are based on robust and proportionate evidence is a key requirement of the planning system. A wide-ranging evidence base has been gathered to support the new Local Plan. Many of these have already been made public on the Council's website to support previous iterations of the plan or have been reported to Cabinet within Strategic Planning Matters reports since the completion of the Preferred Options consultation.

8.16 Several further studies are currently being finalised, for example to ensure that scenarios are tested using the latest modelling software, in order to support the formal approval of the Publication consultation in September but have progressed to a stage where the draft findings can be used to support the contents of this report.

8.17 Some of the key messages from that evidence are summarised below. The current evidence base documents are listed at Appendix 5 and are available to view on the Council's website.

Economy and Town Centres:

- 8.18 The District Council prepared an *Employment Land Review* in 2013, which provides a number of options for potential jobs targets and land demand figures as well as assessing the current situation with regards to land provision quality and location.
- 8.19 In 2015 The Council, together with Stevenage Borough and Central Bedfordshire Council's, undertook a *Functional Economic Market Area (FEMA) Study* to accord with NPPG's requirement to assess economic need based on a geography wider area than just district level.
- 8.20 This identified that North Hertfordshire, along with Stevenage and the eastern half of Central Bedfordshire could reasonably be considered as a Functional Economic Market Area.
- 8.21 An *Employment Background Paper* is being finalised to draw evidence together, supporting the proposed jobs target and the quantum of employment land included in the plan.
- 8.22 The District Council has reviewed the *Town Centre and Retail Study* regularly to support the emerging plan. The latest iteration of this study suggests that around 38,000m<sup>2</sup> of additional retail floorspace will be needed in North Hertfordshire over the period to 2031 and identifies potential strategies and locations to accommodate this.
- 8.23 A *Retail Background Paper* is being finalised to support and explain the updated floorspace and retail strategy taken forward.

#### Countryside and Green Belt:

- 8.24 The Council's *Green Belt Review* provides the justification for the new Green Belt boundary in the Local Plan. The review provides an assessment against the principles of Green Belt for four key issues, specifically:
- The existing extent of adopted Green Belt
  - Proposed sites located in the Green Belt
  - Villages for potential inseting in the Green Belt
  - The extent of potential new Green Belt
- 8.25 The review has been updated from the Preferred Options to reflect representations received and to justify the inclusion of additional sites submitted to the Council during and since the Preferred Options. It identifies the contribution that parcels of land within the District make towards the purposes of Green Belt, including the land broadly between Offley and Whitwell that is presently outside of the Green Belt.
- 8.26 It reviews the role of certain villages to help determine whether these should be excluded from (inset), or included within (washed over) the future Green Belt designation.

#### Transport:

- 8.27 Transport modelling, which tests the likely effects of planned development on the highway network, is being finalised.
- 8.28 The *North Hertfordshire Local Plan Model Testing* report examines impacts within that part of the district covered by the 'WHaSH' transport model. This is a newly designed model which covers a large area than previous models: the whole of the Welwyn and Hatfield area, Stevenage Borough and a large part of North Hertfordshire District around Hitchin, Letchworth, Baldock, Knebworth and Codicote.



- 8.29 This identifies certain areas where mitigation will be required to accommodate future growth. However, with these mitigation schemes, the proposed Local Plan strategy set out below can be supported in highway terms.
- 8.30 The *East of Luton Urban Extension Stage 2* report examines the impact of proposed development at the west of the district upon the highway network in and around Luton. This concludes proposed development will lead to some increase in junction delay. Expert peer review of the report commissioned by the Council concludes that the impacts are within the parameters identified by the NPPF.
- 8.31 These detailed reports are supplemented by Hertfordshire County Council's new 'COMET' model which analyses the impact of planned growth upon traffic flows across the County, including those parts of North Hertfordshire District not covered by the models above.

#### Infrastructure:

- 8.32 An *Infrastructure Delivery Plan* is being prepared to set out the services and schemes that will be required to support growth over the plan period. This will be available to support formal approval of the plan in September but ongoing results, including feedback from service providers, has been used to inform the proposals set out in this report.
- 8.33 In 2014, the Council commissioned the production of the *Whole Plan Viability Assessment – North Hertfordshire Local Plan Emerging Preferred Options Draft*. This broadly concluded that new development could afford to deliver the policy requirements, including requirements for affordable housing.
- 8.34 This evidence is being updated to support the publication draft of the plan, though results to date suggest there have been no substantive changes that are likely to adversely impact upon the previous findings.

#### Housing and Development:

- 8.35 The District Council worked collaboratively with six other authorities to identify *Housing Market Areas in Bedfordshire and surrounding areas*. This identifies that the substantial majority of North Hertfordshire lies in a housing market area stretching from Welwyn Garden City, through and across the district to the Cambridgeshire borders and into Bedfordshire. A small area to the west of the District, including Hexton, Lilley and Breachwood Green, lies within a different housing market area centred on Luton. An extract from the report detailing the Housing Market Areas that affect North Hertfordshire is attached as Appendix 4 to this report.
- 8.36 The *Strategic Housing Market Assessment (SHMA) Update* concludes that the objectively assessed need for housing in the District, calculated in accordance with the Government's requirements, is 14,400 homes over the period 2011-2031.

The *North Hertfordshire Strategic Housing Market Assessment 2012: Part 2* identifies that between 45%-55% of new homes would need to be built as Affordable Housing in order to meet local needs and also provides data on the likely size and type of homes required. This evidence is currently being updated to take into account the latest information and will be available to support the formal approval of the publication draft plan in September.

- 8.37 Once the need for new housing has been identified, it is necessary to consider the potential sites and land which might be used to meet this requirement. A *Strategic Land Availability Assessment (SLAA)* was completed each year from 2008 to 2014 and informed previous consultations on the plan. This has now been updated to take into account the new sites promoted in response to the Preferred Options and to set out the latest position. It concludes that, if all identified sites were to be fully utilised for housing, up to 19,146 new homes could be provided in North Hertfordshire between 2011 and 2031.
- 8.38 Full Council resolved in February 2015 to explore options for a new settlement within North Hertfordshire. The *North Hertfordshire New Settlement Study* represents the first stage of this process. Importantly for this Local Plan, it recognises that any such settlement would likely be at least a decade in the making. It would therefore be unrealistic to expect a substantive contribution from any new settlement in the current plan period to 2031.
- 8.39 The *North Hertfordshire District Council Gypsy and Travellers Accommodation Assessment* identifies current provision and the requirement for Gypsy and Traveller provision over the Plan period in consultation with the existing Gypsy and Traveller community.
- 8.40 In response to this document an assessment has been prepared to qualify the capacity of the District's existing Gypsy and Traveller site and the allocation in the Plan.
- 8.41 A *Housing and Green Belt Technical Paper* will explain the transition from the results of the SHMA and SHLAA to the proposed allocations in the plan. It demonstrates how Green Belt issues, and other constraints, have been taken into account.
- 8.42 This is additionally supported by a focussed the *Luton HMA and Site Selection Assessment Report* which assesses the approach taken and the capacity available within that part of North Hertfordshire lying within the Luton Housing Market Area. North Hertfordshire are currently engaged in a wider growth study commissioned jointly with Luton, Central Bedfordshire and Aylesbury Vale councils under the Duty to Co-operate. North Hertfordshire's own study will now feed into the results of this work.

Natural and Historic Environment:

- 8.43 The *North Hertfordshire District Green Infrastructure Plan* was published in 2009. This document establishes the policy context for all green infrastructure, provides a green infrastructure deficiency analysis and makes recommendations for the proposed green infrastructure network. In 2011, the *Hertfordshire Strategic Green Infrastructure Plan* was published. This document provides an overview of existing green infrastructure assets within the County as well as opportunities for enhancement and creation of green infrastructure.
- 8.44 The 2009 *Green Space Study* continues to provide a useful baseline against which policies and proposals can be tested.
- 8.45 An on-going audit will be finalised prior to consultation on the Local Plan to identify any substantive changes in open space provision (including play space) since the publication of these studies. This evidence will be used to inform the detailed policies of the plan and will be available to support the formal approval of the publication draft plan in September.

- 8.46 The *Indoor and Outdoor Sports Facilities Study* under preparation considers existing levels of formal sports provision in the district and whether there is a surplus or deficit against different typologies.
- 8.47 A series of *landscape studies* and *heritage assessments* have helped to qualify the potential impact of new development upon these assets. This includes additional work undertaken in response to issues raised during the Preferred Options consultation. Their findings have informed the selection of sites and the site-specific criteria that the plan will set to guide development.

***Previous consultations on the Local Plan***

- 8.48 *This section of the report primarily relates to Recommendation 2.2.*
- 8.49 As set out in the preceding section, it is considered that the three public consultations conducted since publication of the NPPF should be viewed as the formal 'preparation' stage of the Local Plan.
- 8.50 The results of the two consultations conducted in 2013 have previously been collated and reported to Council (along with other consultations conducted under the 'old' LDF process).
- 8.51 Consultation on the Local Plan Preferred Options ran from 18 December 2014 to 6 February 2015. More than 8,600 representations were received from over 4,500 landowners, developers, community organisations, business interests and individual members of the public. From the representations received, more than 7,400 representations were made in respect of Chapter 12 which included the Local Plan Preferred Options sites. The remainder (more than 1,100 representations) were made in respect of the policy chapters. A summary of all the representations submitted in response to this consultation has been prepared is attached as Appendix 1 to this report.
- 8.52 The vast majority of the representations set out detailed reasons why sites were not considered to be appropriate for residential development. In terms of the planning policies the main issues raised in the representations included:
- the lack of a clear vision statement for the District in the Preferred Options plan;
  - in terms of the settlement hierarchy, the representations suggested that both Category A and Category B villages should be given village boundaries;
  - that some of the village boundaries were drawn too tightly – thus restricting all development in the future;
  - business should be encouraged;
  - an employment site in Baldock should be allocated for release over the plan period;
  - there should be more recognition of Royston's contribution to the Cambridge sub-region;
  - there was insufficient detail in the Preferred Options of the regeneration opportunities within the town centres for retail, leisure and commercial activities;
  - there should be more recognition in the Plan of the distinctive characteristics of each of the towns;
  - there was some support for the recognition that future development needs do provide the exceptional circumstances required in the NPPF to review the green belt boundaries;
  - the plan should include a definition of sustainable transport;
  - concern that the Local Plan should look at the impact of development on the local infrastructure, in particular the transport network; and

- work identified as being delegated to masterplans should be addressed before the Local Plan is finalised.
- 8.53 This information will be consolidated into a formal Statement of Consultation to be presented in September. This is a document that the Council is legally required to produce as one of the proposed submission documents. It will summarise the main issues raised through consultation and how they have been dealt with.
- 8.54 Notwithstanding this point, it can already be said that a wide range of actions have been taken in response to the issues raised through the consultation in 2014/15. These include, but are not limited to:
- A critical review of all sites proposed for the development. This has included reviewing the number of new homes that might realistically be delivered on each site and a pro-active search for additional sites on previously developed land within the District's main settlements;
  - Investing in new IT software that will make it easier for the public to read the next Local Plan consultation on-line and submit their responses;
  - Additional ecology and heritage studies to understand the likely effects of certain proposed sites;
  - Additional transport modelling to understand the likely impacts of development on the road network and mitigation measures that may be required;
  - Providing more information against each proposed development site to give a better understanding of what the Council will require should the site be developed. This includes requirements relating to schools, shops, landscaping and other mitigation measures;
  - Initiating work to explore new settlement options within North Hertfordshire; and
  - Ensuring the Council's understanding of housing requirements is based upon robust and up-to-date evidence.

### ***Content of the draft Local Plan***

- 8.55 *This section of the report primarily relates to Recommendation 2.3.*
- 8.56 In writing the new Local Plan, it is necessary to make a series of balanced planning judgements that consider all of the issues outlined above. These collectively inform the strategy and sites that are then set out.
- 8.57 As previously established, the 'publication' stage marks the point at which the Council should issue a draft plan that it considers ready for examination. This means the draft plan should satisfy the relevant legal requirements and, in the Council's opinion, be capable of being approved by a Government-appointed Inspector for adoption.
- 8.58 The full publication version of the plan will be divided into five distinct sections:
- **Introduction and context** – will provide explanatory and factual information on the planning system, North Hertfordshire and the wider area. It will identify the administrative and market geographies that the plan needs to address and place the district in this wider context.
  - **Strategic policies** – These will set out the overarching aims and targets of the plan and provide the 'hook' for the more detailed policies which follow. Many of the issues covered by the strategic policies were previously present in the Preferred Options but have been collated into a single chapter. This will provide greater clarity for neighbourhood planning groups whose plans will need to conform with these policies. A separate policy has also been prepared for each of the Strategic Housing Sites (defined as sites of 500 or

more homes) which will make a substantial contribution towards housing requirements over the plan period.

- **Detailed development management policies** – These will set out the detailed requirements that new development must meet to be granted planning permission. It will include issues such as open space, design and car parking.
- **Communities** – This section broadly aligns with Chapter 12 of the Preferred Options consultation. It will provide information on a parish / town basis to enable local residents to easily identify those proposals which are most likely to affect them. It will list the site allocations on an area-by-area basis.
- **Implementation, monitoring and review** – This part of the plan will set out how the proposals in the plan will be delivered. It identifies key supporting infrastructure and the partners that will help to deliver it. It sets out a monitoring framework that will be used to ensure the plan is having the desired effect and sets out an approach to future review of the plan.

8.59 Through this report, Full Council are asked to endorse the likely contents of the Strategic Policies and Communities sections of the plan. A working draft version of these sections is attached as Appendix 2 setting out the proposed policies, criteria and supporting text. The likely spatial implications of key policies – including the housing allocations and Green Belt - are shown on the map attached as Appendix 3.

8.60 Some of the key elements of these sections of the proposed plan, and the reasoning behind them, are set out below.

#### Economy and Town Centres:

##### Employment

8.61 The draft plan will allocate more than 40 hectares of additional employment land for the plan period. The amount of additional employment land allocated in the draft plan has increased from the Preferred Options as a result of a number of reasons, namely:

- An increased housing figure and associated increased labour supply;
- More positive job figures in recent East of England Forecasting Model (EEFM) projections;
- Identified shortfall of employment land elsewhere within the 'FEMA' in Stevenage; and
- Identification of some peripheral locations within existing employment areas for residential development.

8.62 The additional proposed allocations are located in Royston (10.9ha), Baldock (19.6ha) and Letchworth (1.5ha) and seek to deliver the most sustainable patterns of development.

8.63 The site at Baldock provides the opportunity to help meet the identified employment shortfall of Stevenage Borough Council. This is an issue which has been jointly identified by both authorities under the statutory Duty to Co-operate. Allocating this additional land may also have a potential benefit: Stevenage's high employment requirements are driven in part by the significant number of North Hertfordshire residents who commute outside of the district to work.

8.64 A modest increase in the amount of employment land over and above our own needs is considered to be a sustainable approach and one that will have a positive impact on our economy in the long term.

##### Town Centres

- 8.65 The draft plan will identify a strategy to deliver the additional retail floorspace identified in the evidence base. In the short term, much of this can be met by filling existing vacant shops in combination with existing permissions granted for additional floorspace. In the medium and longer term additional mixed use allocations are required to meet the identified need as well as new centres within the largest housing sites.
- 8.66 Mixed use allocations are identified in Hitchin, Letchworth and Royston. National guidance requires a 'sequential approach' which looks for town centre sites first. All sites are located within the proposed town centre boundaries.
- 8.67 Most convenience (food) retail need can be met through existing permissions and the creation of new facilities in the largest housing sites. There appears to be no over-riding need to identify sites for large food stores in Hitchin or Letchworth, rather additional capacity can be delivered through store extensions or mezzanine floors (intensification).

#### Countryside and Green Belt

- 8.68 The draft strategic policies set out the Council's approach to the Green Belt and Rural Area Beyond the Green Belt. Within those areas to be covered by these designations, a policy of restraint will remain. The type and amount of development that will be granted planning permission will be restricted.
- 8.69 However, in order to accommodate the proposals of the plan, it will also be necessary to comprehensively review the designations made in the 1992 Local Plan No. 2.
- 8.70 Both the Green Belt and Rural Area boundaries within the District will be reviewed to meet the development requirements identified within the District and to make positive contributions to needs from neighbouring authorities under the Duty to Co-operate.

#### Transport and Infrastructure

- 8.71 It is recognised that additional growth will place new demands on existing infrastructure within the District.
- 8.72 The strategic policies on these matters will ensure that new development makes appropriate provision for the demands they create. This will include physical provision of facilities – such as schools and open spaces – within developments. It will also include contributions towards schemes that take place in the wider area. This might include improvements to road junctions.
- 8.73 The draft policies are clear that new development which does not make reasonable contributions will not be granted planning permission.

#### Housing and Development:

- 8.74 The housing elements of the plan can be broken down into two interrelated elements: the setting of overall development targets and the sites which will then be used to meet them.

#### *Housing and Development: development targets*

- 8.75 The draft plan will set a target to provide at least 14,600 new homes for North Hertfordshire's own needs. This has been a balanced judgement taking into account (but not necessarily limited to):
- The objectively assessed need (OAN) for 14,400 new homes in the District between 2011 and 2031 established through the evidence base;

- The range of sites and options that have been proposed to the Council which might be used to meet these needs;
  - The implications arising from the potential use of those sites, including upon infrastructure;
  - Relevant guidance, precedents and case law that relate to the balance which must be struck between meeting development needs and the potential restriction of development, including consideration of Green Belt;
  - The emerging plans of other authorities within shared Housing Market Areas and the likelihood of them being able to assist in meeting unmet needs should North Hertfordshire determine it was not appropriate to meet its housing need in full; and
  - The requirement to consider affordable housing requirements and the housing needs of specific groups in translating OAN into a Local Plan housing target.
- 8.76 The housing target will meet the objectively assessed needs identified in the evidence base and adds a small uplift (200 homes) to take into account, in particular, the likely housing requirements of older residents. This target will be split, on a pro-rata basis, between the two housing market areas within the district identified in the evidence base.
- 8.77 The justification to this approach will be set out within the draft strategic policies and across the evidence base but, in short, it is not considered that North Hertfordshire could realistically sustain at examination a Local Plan which did not seek to meet its own housing needs in full.
- 8.78 In addition to meeting North Hertfordshire's own needs, it is also necessary for the plan to consider the wider needs of the housing market areas identified in the evidence base. As set out above, the significant majority of the district lies in a single housing market area.
- 8.79 Of the other authorities in this area, Stevenage's draft plan was issued in January 2016. It stated that the Borough Council can meet identified housing needs in full. As a consequence, there would be no requirement for North Hertfordshire to make housing provision to meet Stevenage's needs over the period to 2031. Stevenage's draft Local Plan is due to be considered for submission by its Executive on July 12<sup>th</sup> and Council on July 21<sup>st</sup>.
- 8.80 Welwyn Hatfield's proposed submission plan is due to be considered by its Cabinet on July 12<sup>th</sup> whilst the plans of East Hertfordshire and Central Bedfordshire are at an earlier stage. No requests have been received from these authorities seeking North Hertfordshire's assistance.
- 8.81 The eastern edge of the District adjoins Luton and the identified need for development in this area is significant. Luton will not be able to accommodate all needs arising from within its area through its own Local Plan.
- 8.82 Luton's plan and associated evidence base identifies a requirement for approximately 18,000 homes in the Borough but capacity for just 7,000. The issue of unmet needs from Luton is therefore a significant matter to be considered under the Duty to Co-operate.
- 8.83 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 need.
- 8.84 North Hertfordshire are currently engaged with Luton, Central Bedfordshire and Aylesbury Vale to explore long-term growth options for the housing market as a whole. The findings of this work will be available to support the proposed

submission of North Hertfordshire's own Local Plan in 2017. However, the Council's own evidence base establishes with sufficient certainty for this stage of the plan that, firstly, there are sites within North Hertfordshire which could contribute towards these needs, and secondly (and in order to satisfy the Duty to Co-operate), the approach proposed for our own plan will maximise the amount of housing that can reasonably be accommodated within this part of the District.

- 8.85 The draft Local Plan will therefore include a supplementary target for an additional land 1,950 homes as a contribution towards the unmet needs for housing arising from Luton. In the circumstances, it is not considered a tenable position for North Hertfordshire's Local Plan to make no contribution towards housing requirements from Luton. It is considered that such a position would likely result in a legal failing of the plan under the Duty to-Cooperate.
- 8.86 Taken together, the plan will therefore set out a requirement for 16,550 homes to be built within North Hertfordshire over the period 2011-2031.

*Housing and Development: development sites*

- 8.87 There has already been progress made towards these targets. More than 2,600 of these homes had already been completed or received planning permission.
- 8.88 Further allowances will be made for windfalls (those sites which will continue to come forward for development outside of the Local Plan process) as well as broad locations. These are areas or sources where it is reasonable to assume development might occur in the later years of the plan, but where a precise location cannot currently be identified. These allowances will account for around 1,650 new homes.
- 8.89 This includes a modest allowance for the outcomes of the new settlement work. Policy mechanisms for the monitoring and review of the plan to take this, and other relevant issues, into account will be set out in the full draft plan presented in September
- 8.90 Plainly, this still leaves a significant requirement for new sites to be identified. It is currently anticipated that the draft plan will identify 71 separate sites for housing development across the district. These sites are anticipated to range in size from as few as 8 new homes to as many as 2,800 homes on the largest allocation.
- 8.91 The majority of new homes from this source will be derived from six Strategic Housing Sites (defined as sites that will provide 500 or more new homes). In descending order of size these are:
- North of Baldock for 2,800 new homes (2,500 of which to be delivered by 2031);
  - East of Luton for 2,100 new homes (incorporating the allowance of 1,950 homes that will be made towards unmet needs from Luton);
  - North of Letchworth for 900 new homes;
  - North of Stevenage in Graveley parish for 900 new homes;
  - East of Hitchin for 700 new homes; and
  - North-east of Great Ashby in Weston parish for 600 new homes.
- 8.92 The remaining 65 sites will be described as Local Housing Allocations and are distributed across the district's towns and villages. 16 of these sites were not included at the Preferred Options stage<sup>1</sup>.

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<sup>1</sup> For completeness, 16 sites that were included in the Preferred Options will not be included in the next version of the plan. 11 of these have gained planning permission in the intervening period  
CABINET (26.9.16)



- 8.93 In selecting the proposed housing sites, consideration has also been given to the role of different settlements in the district. This will be reflected within the plan by a proposed settlement hierarchy which distinguishes between:
- Towns where the majority of new development will be located;
  - Category A villages with a range of local facilities available to residents, including a primary school. New development will be permitted within a defined settlement boundary. Most Category A villages will have at least one Local Housing Allocation within or adjoining them. Examples of Category A villages include Barkway, Codicote and Ickleford
  - Category B villages with lower levels of local facilities. A more restrictive approach will be followed in these locations with no Local Housing Allocations and only limited infilling allowed. Category B settlements will not have defined settlement boundaries and will generally be included within the general policy designation (either Green Belt or Rural Area Beyond the Green Belt) that affects the surrounding countryside. Examples of Category B villages include Great Wymondley, Lilley and Wallington; and
  - Category C settlements where development will be on a 'rural exceptions' basis only. These are the settlements which give their name to a parish with no higher order settlements or whose open character is of particular importance. Examples of Category C settlements include Bygrave, Nuthampstead and Peters Green.
- 8.94 All six of the proposed Strategic Housing Sites and 26 of the proposed Local Housing Allocations will utilise land that is currently designated as Green Belt. In proposing sites currently in the Green Belt, regard has been had to principles set out in case law and other relevant guidance. In summary, it is considered that the pressures facing both the District and the wider area mean that the necessary *exceptional circumstances* that are required to review Green Belt boundaries to accommodate future development do exist. Justification is set out in the draft technical papers accompanying this report and will form part of the evidence base to support the formal approval of the publication draft plan in September.
- 8.95 It is recognised that, in addition to Green Belt, the proposed sites will collectively result in development upon, or close to, other features or assets. These include higher quality agricultural land, heritage assets and nationally and locally designated sites of importance for biodiversity. Specific additional assessments have been carried out where necessary to inform the decision-making process and these form part of the background papers and evidence base. And although it is fully accepted that the release of certain sites will result in some harms, it is considered that these are
- i. below the thresholds at which the NPPF advises an outright restriction on development or at which a planning inspector might support a policy of restraint;
  - ii. capable of appropriate mitigation where relevant and necessary; and
  - iii. outweighed in the planning balance by the pressing need for additional homes (and the onus placed upon this in other relevant examinations) and the lack of likely plausible alternatives should the Council determine not to meet its housing requirements.
- 8.96 Each proposed site allocation will be accompanied by a set of criteria which will need to be taken into account by any development proposals. These are set out in the draft Communities section of the Local Plan appended to this report at Appendix

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whilst five are no longer considered to meet one or more of the necessary tests for sites to be allocated.

2. These criteria will apply over and above the general requirements – in relation to issues such as design, car parking and housing types – that will be placed on all proposals by the detailed development management policies of the plan.

- 8.97 In total, the allocated sites, completions, permissions and allowances sum to a slightly higher total than the overall housing target. This is standard practise for Local Plans. It reflects the requirement in the NPPF that plans be ‘flexible’ and capable of responding to change if, for example, some sites do not come forward for development as anticipated.
- 8.98 In addition to overall targets and sites, the Local Plan will contain information on the types of new home that should be provided. In particular, the draft plan will set an overall target for one in every three new homes to be provided as affordable housing for local needs. Allowances will also be made for self build development (reflecting recent changes to legislation), Gypsies and Travellers and specialist supported accommodation to meet the needs of those who cannot live in their own home.

### Other matters

- 8.99 Further draft strategic policies will set out guidance on matters including design, sustainability and green infrastructure.
- 8.100 There will also be policies relating to landscape and the historic environment. North Hertfordshire has a rich and varied range of heritage assets including Conservation Areas, listed buildings, historic parks and gardens and scheduled monuments. To the west of the district, land to the north of the A505 forms part of the Chilterns Area of Outstanding Natural Beauty.
- 8.101 All of these designations enjoy their own statutory protections. However, it is important for the Local Plan to reflect these and set out the approach that will be taken at a local level to conserve and enhance these assets wherever possible.
- 8.102 The proposed submission documents will include a formal Sustainability Appraisal. This is a legally required document which assesses the likely social, economic and environmental impacts of the plan and identifies potential mitigation measures where less beneficial impacts are identified.
- 8.103 The results of the Sustainability Appraisal to date are reflected in the draft policies presented to Council. In particular, they have helped to inform the site-specific measures identified for the proposed housing sites in the Communities section of the plan.

## **9. NEXT STEPS**

- 9.1 *This section of the report primarily relates to Recommendation 2.4.*
- 9.2 Subject to Full Council accepting the recommendations of this report, officers will undertake the final steps necessary to bring the draft Local Plan to Cabinet for formal approval in September.
- 9.3 This will include, but is not necessarily limited to:
- Finalisation of the detailed policy wording and supporting text of the draft plan including the introductory sections and detailed development management policies which have not been presented to Council;
  - Finalisation of evidence studies currently presented in draft form, or which are currently ongoing but not considered critical to the recommendations set out in this report;

- Completion of the remaining formal 'proposed submission documents' including the Statement of Consultation and a submission policies map detailing proposed allocations and protected sites;
  - Further details of the proposed consultation activities.
- 9.4 With regards the last point, the legal regulations state that the draft plan must be subject to a consultation period of six-weeks. The Council has no powers to lengthen (or shorten) the consultation period.
- 9.5 However, it is also recognised that this is a short period of time for interested parties to formulate responses given the complexity of the issues raised by a draft Local Plan. It is therefore considered that the early consideration of the key principles behind the plan by this Full Council meeting serves a wider purpose by enabling the early release of relevant information into the public domain.
- 9.6 It is currently envisaged that the formal consultation period will commence in the second half of September, thereby meeting the approved timetable set out in the adopted LDS.
- 9.7 Consultation activities will be guided by the Council's Statement of Community Involvement (SCI) which sets out how the District Council will involve the public in planning matters.
- 9.8 A precise timetable, and details of the consultation measures proposed, will be set out in the September Cabinet report having regard to the date of that meeting and any other relevant committee cycles, call-in periods etc.
- 9.9 Following the close of the consultation, officers will process and analyse all valid representations which have been submitted. Subject to the consultation not raising any substantive new issues that have not previously been considered, Full Council will be asked to submit the Local Plan to the Secretary of State for examination in March 2017.

## **10. LEGAL IMPLICATIONS**

- 10.1 The Planning and Housing Act 2016 (and associated regulations) provide the legal basis for the Secretary of State to intervene on the Local Authority's behalf and at the Local Authority's expense if Local Development Plans are not in place by March 2017.
- 10.2 By virtue of regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, adoption of the final Development Plan documents must be by Full Council. This is reflected in paragraphs 4.2.1(d) and 4.4.1(a) of the Council's Constitution.
- 10.3 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.
- 10.4 Under the Terms of Reference for Cabinet, paragraph 5.6.33 of the Constitution states that the Cabinet may by way of recommendation advise the Council in the formulation of those policies within the Council's terms of reference.
- 10.5 Submission of draft Development Plan Documents to the Secretary of State, and their final adoption are a matter for Full Council under the Regulations and the Terms of Reference for Full Council Paragraph 4.4.1(a) of the Constitution
- 10.6 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by 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. It will be important for the Council to demonstrate that it has complied with the Duty to Co-operate and will have the necessary supporting evidence in place, including Memorandum of Understanding or Statements of Common Ground with neighbouring authorities at the time it submits its Local Plan to the Secretary of State.

- 10.7 The legal framework for the preparation, submission, examination and adoption of Development Plan Documents is set out in the Planning & Compulsory Purchase Act 2004 (as amended). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012.

## 11. FINANCIAL IMPLICATIONS

- 11.1 The costs of preparing the Local Plan and associated evidence base, and running the proposed consultation are covered in existing revenue budgets for 2016/17. The revenue budget for 2017/18 factors in the likely costs associated with an examination of the Local Plan. These budgets are supplemented by an accrued reserve.
- 11.2 Any decision on the Local Plan must be made on its planning merits but there are potentially significant financial risks attached to not having a plan in place and these are set out below.
- 11.3 Without an up to date Local Plan the Council is increasingly vulnerable to planning applications in areas where it may wish to resist development. The cost of trying to resist developments is generally far higher than the cost of negotiating developments supported by an up to date Local Plan.
- 11.4 The cost of preparing a Local Plan is significant. A Local Plan which has to undertake, update or otherwise redo significant work at the examination stage will incur considerable costs that may be avoided if the plan takes the appropriate decisions from the start.
- 11.5 Failure to have an up to date Local Plan has a number of potential financial risks. Without an up to date Local Plan, the Council is unable to introduce a Community Infrastructure Levy (CIL), thus limiting future options for how the Council may wish to secure financial contributions from development. Options for the Council in relation to CIL and other mechanisms for securing developer contributions will be subject of a separate report to Cabinet later in 2016.
- 11.6 Central Government's consultation on New Homes Bonus proposed that from 2017/18, local authorities that do not have a Local Plan would stop getting any new 'New Homes Bonus' payments. This is currently a significant funding stream to the Authority (around £2m per year). The expectation is that this proposal will be adopted, and therefore it is estimated that this could lead to the following reductions in the funding received. This funding reduction would equate to additional efficiencies or income generation that would need to be found.

Year	Estimated funding reduction for that year
2017/18	£666k
2018/19	£1,216k
2019/20	£1,733k
2020/21 (onwards)	£1,964k

*Based on the 2016/17 Medium Term Financial Forecast (subject to some change as part of the 2017/18 forecast)*

11.7 The numbers above assume that the Local Plan is not adopted at all over that period. If it were adopted during the period then the Council would start to receive New Homes Bonus again, but would not receive the elements that related to any year that the Local Plan was not in place. For example, if the Plan was not in place for 2017/18 we would lose the £666k that relates to 2017/18 in that year and the next three years (up to 2020/21). This would mean that the total lost funding would be £2,664k. There may be some dispensation (e.g. 50%) for a period where the Local Plan has been published but has not yet been submitted to the Secretary of State.

## **12. RISK IMPLICATIONS**

12.1 Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. The Sustainable Development of the District risk has two sub risks; National & Regional Planning issues and Neighbouring Authorities. Failure to make timely progress on the Local Plan would increase the likelihood of these risks occurring.

12.2 The Local Plan is assessed as one of the highest risks that NHDC currently faces. The identified consequences on the Local Plan risk include

- Development not sustainable;
- Development harms the environment;
- Needs for housing and other development fail to be properly met;
- Hostile planning applications if Local Plan found unsound or delayed;
- Hostile planning applications for development due to lack of five year land supply; and
- Costs of challenge.

12.3 Agreeing the recommendations in this report will enable the Council to progress with the Local Plan. It is accepted that the publication of a draft Local Plan is likely to be controversial in certain quarters and will generate a considerable amount of response to the consultation.

12.4 The draft plan will seek to reflect work undertaken with other authorities on strategic matters. In particular it will make an allowance for growth from the Luton housing market area, and safeguard land for the longer term for growth in the Stevenage area.

12.5 Discussion and negotiation with these, and other, Councils is ongoing. North Hertfordshire District Council has signed, or is in the process of negotiating, Memoranda of Understanding (or equivalent) with Luton and Stevenage Councils under powers delegated to the Executive Member by Cabinet in March 2016. These agreements relate to those authorities plans and it is recognised that future (updates to these) agreements will be required upon submission of North Hertfordshire's own Local Plan in March 2017.

12.6 Endorsing the broad principles that will underpin the draft plan and instructing officers to finalise the proposed submission documents for formal approval will demonstrate the Council's continued willingness to seriously engage on such matters and allow constructive talks to continue in the period up to submission.

## **13. QUALITIES IMPLICATIONS**

13.1 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.

- 13.2 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.
- 13.3 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 (through a formal Equality Impact Assessment) to ensure they comply with latest equality legislative need. The latest national guidance on gypsy and 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.

#### **14. SOCIAL VALUE IMPLICATIONS**

- 14.1 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.

#### **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 There are no new human resource implications arising from the contents of this report. Temporary staff or consultants have been brought in to assist with preparation of the Local Plan in order to cover vacancies and long term absences. This approach will continue given the anticipated large number of responses expected to be received from any future consultation.

#### **16. APPENDICES**

Appendix 1 – Consultation Report on Local Plan Preferred Options (**circulated as a separate volume with this agenda**).

Appendix 2 - Draft *Strategic Policies* and *Communities* sections of North Hertfordshire Local Plan 2011-2031.

Appendix 3 – Map detailing emerging Local Plan proposals.

Appendix 4 – Map detailing Housing Market Areas.

Appendix 5 – List of supporting and emerging background Evidence.

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## **18. BACKGROUND PAPERS**

- 18.1 Full Council Report 27 November 2014 – North Hertfordshire Local Plan – Preferred Options
- 18.2 Full Council Report 3 September 2015 – North Hertfordshire Revised Statement of Community Involvement
- 18.3 Overview & Scrutiny 22 September 2015 - Presentation By The Executive Member For Planning And Enterprise
- 18.4 Full Council Report 21 January 2016 – Updated Local Development Scheme
- 18.5 Strategic Planning Matters Reports to Cabinet on 27 January 2015, 24 March 2015, 16 June 2015, 28 July 2015, 29 September 2015, 10 November 2015, 15 December 2015, 26 January 2016, 30 March 2016 and 14 June 2016.
- 18.6 Local Plan evidence base – as set out in Appendix 5