

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING 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
- Other Local Plans and Examinations
- North Hertfordshire Local Plan and Community Infrastructure Levy
- Neighbourhood Plans
- Hertfordshire County Council Local Transport Plan
- Government announcements

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

Luton Housing Market Area Growth Study

- 8.1.1 Work on the Luton Housing Market Growth Study is near completion. The Growth Study will inform the Duty to Co-operate discussions between the four commissioning authorities on the possible distribution of the Objectively Assessed Housing Need within the Luton Housing Market Area (HMA). The draft report will be reported to and discussed at the Steering Group in early November.
- 8.1.2 The Steering Group comprising officers and Portfolio Holders, will agree the final report prior to its release, which will then feed into Duty to Cooperate discussions with the relevant authorities going forward. The objective of the study is to understand how identified housing needs might be distributed within the wider Luton HMA (subject to the need to comply with national planning policy on plan making with justification through technical evidence) between the commissioning authorities (Luton, Central Bedfordshire, Aylesbury Vale and North Herts). The study is expected to be completed by the end of November 2016.
- 8.1.3 Outputs from future meetings and progress updates will be reported as the study progresses towards completion.

Stevenage Memorandum of Understanding

- 8.1.4 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.
- 8.1.5 Officers remain in discussions with Stevenage in regard to the preparation of a Memorandum of Understanding on key strategic issues. This is nearing completion and will form part of the legal requirement under the duty to co-operate for their Local Plan Examination (EIP), see paragraph 8.3.1 below.

Other authorities

- 8.1.6 Welwyn Hatfield and East Herts Councils are pursuing broadly similar plan preparation timetables to NHDC and officers will continue to liaise under the duty to co-operate on relevant matters. An update on their respective plans is contained below.

8.2 Other Local Plans and Examinations

Central Bedfordshire

- 8.2.1 Following withdrawal of their submission draft in 2015, Central Bedfordshire District Council has started work on the preparation of a new Local Plan. Central Beds have recently consulted on a document 'Shaping Central Bedfordshire Consultation', which set out high level growth options across the authority area.
- 8.2.2 The North Hertfordshire response acknowledges the significant number of potential development sites identified within close proximity to the District resulting from the Call for Sites undertaken by Central Bedfordshire earlier this year. The response asks that cross-boundary impacts on infrastructure services, transport networks and the environment should be addressed when allocating sites.

- 8.2.3 The response states that the District Council continues to anticipate that Central Bedfordshire will meet the Duty to Cooperate in relation to the needs attributable to Luton.
- 8.2.4 The approach of basing growth around existing and planned transport corridors is generally supported, but the need to assess the impact on wider transport networks, taking into account transport modelling already undertaken, is reinforced. The consultation response outlines that North Hertfordshire District Council is firmly committed to meaningful cooperation through the Duty to Cooperate on further iterations of the plan in terms of strategic cross boundary issues.
- 8.2.5 A copy of the NHDC Officer response is attached at Appendix A.

Stevenage

- 8.2.6 Stevenage's local plan has been submitted to the Secretary of State for examination. An Inspector has been appointed. The hearing sessions are yet to be formally announced though Stevenage has indicated that they are likely to start in January 2017.

Welwyn Hatfield

- 8.2.7 As previously reported, Welwyn Hatfield approved their Proposed Submission Plan for public consultation in July 2016. The public consultation closed on the 24 October 2016. A response was submitted in consultation with the Executive Member for Strategic Planning. North Hertfordshire has not raised significant objections to the plan but has raised concerns regarding specific issues.
- 8.2.8 Issues of concern are mainly in relation to the geography of housing market area as the area identified by Welwyn Hatfield differs from that identified in our own strategic housing market assessment (SHMA). Welwyn Hatfield's plan does not appear to proposed meeting their objectively assessed need for housing in its entirety. This gives rise to the possibility of unmet need within the housing market area, which is currently unplanned.
- 8.2.9 A copy of the Response is attached at Appendix B.

East Hertfordshire

- 8.2.10 East Hertfordshire approved their Proposed Submission Plan for public consultation in September. The public consultation on the draft plan will take place between 3 November and 15 December 2016. A response will be prepared and agreed under the Executive Member's delegated powers. A copy of the response will be appended to the December Strategic Planning Matters Cabinet report. The proposed submission document can be viewed at: <http://www.eastherts.gov.uk/presubmissiondistrictplan>

Luton Examination

- 8.2.11 Luton submitted their Local Plan for examination in May 2016. The Stage 1 and 2 hearing sessions have taken place. Stage 1 covered the Duty to Co-operate, where on 28 July, the inspector advised Luton that the evidence before him indicated that the legal Duty to Co-operate has been met and the examination then moved forward to the second stage in September.
- 8.2.12 Stage 2 covered the test of soundness with regard to strategic issues in relation to housing, employment, retail, transport and green belt. Following this session Luton has

been asked to provide further evidence on various matters and submit proposed modifications to the plan for the inspector's consideration.

- 8.2.13 Following completion of Stage 2, the Inspector has announced dates for the third set of hearing sessions on the weeks commencing 6 December 2016 and 10 January 2017. These principally relate to detailed development allocations and policies.

St. Albans Examination

- 8.2.14 St Albans District Council submitted their Strategic Local Plan to the Secretary of State in August 2016 and some preliminary concerns raised by the inspector on whether the legal Duty to Co-operate has been met were explored at an initial hearing held on 26 October.
- 8.2.15 This session explored if cross boundary strategic priorities have been properly identified, what processes and procedures have been initiated to engender co-operation by St Albans with neighbouring authorities and other public bodies, whether the evidence of co-operation is robust and the how the outcomes of co-operation has influenced the content of the plan.
- 8.2.16 If, following the Stage 1 hearing, the Inspector concludes that the relevant legal duty has been met, the examination will move on to Stage 2. No timescales have been provided as to when the Inspector will inform St. Albans of his view or indeed of any further hearing sessions.

8.3 North Hertfordshire Local Plan and Progression of Community Infrastructure Levy

North Hertfordshire Local Plan

- 8.3.1 The North Hertfordshire District Council Proposed Submission Draft Local Plan and all associated supporting information was approved for public consultation at a special meeting of Cabinet on 26 September 2016. The statutory 6-week public consultation period commenced on 19 October and will run until 30 November 2016.

- 8.3.2 As part of the consultation process the Council has:

- Sent out over 13,000 letters and emails to local residents, landowners, organisations - including parish and town councils and to statutory consultees, informing them of the public consultation.
- Placed adverts publicising the consultation in local and neighbouring newspapers at the start of the consultation and a second advert will be published midway through the consultation period in local newspapers. A number of press releases have and will be published during the consultation period.
- Held sessions for elected Members and representatives from Parish Councils and interest groups advising on how to make effective representations, with the view that these guidelines can be cascaded to constituents, members of their organisations/interest groups and / or local residents. Guidance notes on how to complete the on-line representation form and make representations are available on the Council's website.
- Made copies of the Local Plan and the Proposal Maps available in the libraries across the district, as well as in the Stevenage and Central Luton libraries. Copies of the representation forms have also been made available in the district libraries.

- Published the Local Plan and all supporting documentation on the Council's website and made hard copies of the Local Plan, Proposal Maps and supporting documentation available in the Customer Services Centre at the Council Offices.

Community Infrastructure Levy

- 8.3.3 The Community Infrastructure Levy (CIL) was introduced by government in April 2010 as a means of capturing developer contributions towards the provision of infrastructure. North Hertfordshire currently uses Section 106 agreements (s106), pursuant to the Town and Country Planning Act 1990, to secure contributions for infrastructure and affordable housing.
- 8.3.4 The original aim of CIL was to create greater certainty about infrastructure contributions and to more effectively deliver strategic scale infrastructure. However, CIL is optional and there has been variable uptake and approaches across the country. It is worth noting that where a CIL charging schedule is introduced by a charging authority it does not replace, but instead operates in parallel to s106, which continue to be used for site-specific infrastructure and affordable housing only.
- 8.3.5 In 2013, North Hertfordshire District Council embarked on the production of a Preliminary Draft Charging Schedule. This was consulted on between February and March 2013. However, this was not proceeded with.
- 8.3.6 In April 2014 CIL Regulation 123 was amended, setting out that local authorities can no longer pool more than five separate S106 obligations to pay for a single infrastructure project or type of infrastructure. This has had implications for the securing of funding through s106, particularly for larger projects such as junction improvements or school expansions.
- 8.3.7 In November 2015, the Government launched a review into the operation of CIL, principally examining the extent to which CIL does or can provide an effective mechanism for funding infrastructure. The findings of the review are due in autumn 2016, and it is expected to include recommendations to improve the operation of CIL. This may have implications for the introduction of any CIL in North Hertfordshire. Certainly, there have been several amendments to the CIL Regulations and Guidance since the CIL Regulations 2010 came into force in May 2010. It can therefore be said that the operation of CIL is currently in a state of flux and uncertainty.
- 8.3.8 Viability testing has been undertaken as part of the evidence base to support the Council's Local Plan. The Local Plan Viability Assessment Update 2016 found that there are strong development values across the District, albeit variable based on geographical location. As part of the testing, an allowance for CIL was factored in should this be taken forward by the Council at a later date.
- 8.3.9 In due course, and following the publication of the CIL Review Panel report, Cabinet will be asked for an in principle decision as to whether North Hertfordshire should progress a CIL charging schedule. The introduction of CIL has corporate and political implications. Aside from technical decisions regarding the rates set, geographical coverage and land uses included, the Council will need to consider the resources required to prepare a CIL charging schedule (including submission to the Secretary of State for independent Examination), as well as the subsequent collection and spending of the funds received.

8.4 Neighbourhood Plans

- 8.4.1 At the time of writing this report the Council has been informed that Pirton Parish Council intend to submit their Neighbourhood Plan for public consultation. Once

submitted, the Council will have to consult on the neighbourhood plan for a minimum of six weeks. Any representations received will be collated and then be considered by an independent examiner before a referendum on the neighbourhood plan can be held.

8.5 Hertfordshire County Council Local Transport Plan

8.5.1 Hertfordshire County Council has begun consultation on the possible contents for the next Local Transport Plan (LTP) which will be adopted in 2017. This consultation runs until Wednesday 14 December 2016.

8.5.2 The LTP consultation document includes proposed transport objectives and principles based on the themes of people, place and prosperity. Six policy options are also presented; the first is the adoption of a transport user hierarchy, the second policy is a step change in cycling; the third is a commitment to shared mobility, the fourth policy is about supporting public transport, the fifth policy is about a priority traffic network system and the final policy considers new Growth and Transport Plans. Proposed major schemes have also been shortlisted. HCC are also seeking views on how the LTP can address modal shift and increased investment in sustainable transport provision.

8.5.3 HCC would like to encourage all Members to give their views on the consultation proposals, and to promote the consultation to their constituents. The LTP consultation submission document can be viewed at:

www.hertfordshire.gov.uk/transportvision2050

8.5.4 A response will be prepared and agreed under the Executive Member's delegated powers. A copy of the response will be appended to the December Strategic Planning Matters Cabinet report.

8.6 Government Announcements

8.6.1 As previously reported to Cabinet, the Neighbourhood Planning Bill had its second reading in the House of Commons in October and is presently being considered by the Public Bill Committee (PBC) that will scrutinise the bill line by line.

8.6.2 A number of proposed amendments have been tabled, including prospective powers for the Secretary of State to direct County Councils to take over the production of local plans where District Councils fail to do so.

8.6.3 Any update will be verbally reported at the Cabinet meeting.

8.6.4 Once enacted, all aspects of the Bill will need to be implemented in terms of delivery by the Local Plan/ Planning Services.

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 running the proposed consultation are covered in existing revenue budgets. Initial costs for the preparation of a Community Infrastructure Levy are included in the Local Plan reserve budget.

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 Neighbourhood 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. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at Paragraph 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no new human resource implications arising from the contents of this report. Temporary staff has been brought in to assist with the Local Plan.

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16. APPENDICES AND BACKGROUND PAPERS

16.1 Appendix A – Copy of Officer Response to Central Bedfordshire.

16.2 Appendix B – Copy of Response to Welwyn Hatfield Proposed Submission Draft Local Plan.