

<h1>CABINET</h1> <h2>20 DECEMBER 2016</h2>
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 7
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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
- Other Local Plans and Examinations
- Neighbourhood Plans
- Transport matters
- 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.

5.2 In addition the Executive Member for Policy, Transport & Green Issues has been consulted with regard the transport matters and associated consultations.

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 As reported at the last Cabinet meeting, work on the Luton Housing Market Growth Study is near completion. The Steering Group met in November and the report is being finalised for sign off over the next month by the commissioning authorities, being Luton, Central Bedfordshire, Aylesbury Vale and North Hertfordshire prior to its release. The final report 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).

Stevenage Memorandum of Understanding

- 8.1.2 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 due to commence on 17 January 2017, see para 8.2.3 below.

Other authorities

- 8.1.3 Duty to Co-operate meetings are on-going with Welwyn Hatfield and East Hertfordshire Councils, who are pursuing broadly similar plan preparation timetables to NHDC.
- 8.1.4 The Cabinet will recall that at its meeting in March, it 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.

8.2 Other Local Plans and Examinations

East Hertfordshire Local Plan

- 8.2.1 As previously reported, East Hertfordshire approved their Proposed Submission Plan for public consultation in September. The public consultation on the draft plan will close on 15 December 2016. A response will be prepared and agreed under the Executive Member's delegated powers. Given that the closing date for the response is after the submission of the Cabinet papers, a copy of the response will be appended to the January Strategic Planning Matters Cabinet report.

Luton Examination

8.2.2 Luton submitted their Local Plan for examination in May 2016. The Stage 1 and 2 hearing sessions have taken place. The third set of hearing sessions will take place during the weeks commencing 6 December 2016 and 10 January 2017. These principally relate to detailed development allocations and policies. North Hertfordshire will be appearing at one of the hearing sessions in January in relation to Strategic Allocations at Luton Airport and Century Park.

Stevenage Examination

8.2.3 Stevenage's local plan has been submitted to the Secretary of State for examination. An Inspector has been appointed. The hearing sessions have been set and will take place in three stages. Stage 1 will take place from 17 to 20 January 2017, and will cover legal and strategic issues. This will address the duty to co-operate and objectively assessed needs for housing and employment land and strategic infrastructure delivery.

8.2.4 If after the Stage 1 hearing sessions, the Inspector considers that in relation to these issues the Stevenage Plan is likely to be capable of being found legally compliant and sound, the Inspector will then move to Stage 2. Stage 2 will consider development management policies relating to the Plan and finally the Stage 3 hearings will deal with site allocations. Officers are in the process of preparing written statements for the first hearing session and will take part in the session representing the Councils interests.

St. Albans Examination

8.2.5 St Albans District Council submitted their Strategic Local Plan to the Secretary of State in August 2016 and some preliminary concerns were raised by the Inspector on whether the legal Duty to Co-operate had been met. This was explored at an initial hearing held on 26 October.

8.2.6 The inspector wrote to St. Albans City & District Council (SACDC) on 28 November 2016 advising them that he had concluded that the legal requirements under the duty to co-operate had not been met. He advised that the evidence did not enable him to conclude that SACDC had given satisfactory consideration to identifying, addressing and seeking co-operation with regard to strategic cross-boundary matters and priorities prior to the submission of their Strategic Local Plan (SLP).

8.2.7 The inspector has advised that this leaves SACDC with two options;

- Firstly SACDC could decide to receive his Report, and given his findings he would have to recommend non-adoption of the SLP, or
- Alternatively SACDC may choose to withdraw the SLP under S22 of the Planning and Compulsory Purchase Act 2004 (as amended).

8.2.8 In any event the inspector has advised that SACDC *'undertake a more rigorous assessment of cross-boundary matters and priorities, particularly in conjunction with nearby LPAs and the County Council, draw justified conclusions and in so-doing ensure that it meets the requirements of the Duty to Co-operate. Any necessary consultation should be undertaken and a revised Plan re-submitted as soon As possible.'* [quote from the letter]

8.2.9 We are yet to hear how SACDC will respond to the Inspectors decision.

8.2.10 A copy of the Inspectors report is available to view on SACDC website at:

<http://www.stalbans.gov.uk/planning/Planningpolicy/SLPexam.aspx#news>

Titled: ID-7 CONCLUSIONS letter to the Council

8.3 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 ran from 19 October until 30 November 2016.
- 8.3.2 At the time of writing this report, officers are processing the responses received. It is too early to say how many people have responded as there is considerable duplication of representations submitted online, by email and by letter. Once the representations are processed they will then be published on line. At this point in time it is too early to provide timescales.
- 8.3.3 The January Strategic Planning Matters Cabinet Report will set out the next steps in the process and the anticipated timetable for submission of the Local Plan to Full Council and then to the Secretary of State subject to Full Council approval.

8.4 Neighbourhood Plans

- 8.4.1 Pirton Parish Council formally submitted their neighbourhood plan in November, for public consultation. Officers have checked the documentation against the Neighbourhood Planning (General) Regulations 2012 (as amended) and are satisfied that these comply with the Regulations. The Regulations state that as soon as possible after receiving a plan proposal which includes each of the requisite documents, the local planning authority must undertake consultation on that plan.
- 8.4.2 At the time of drafting this report, officers are in the process of seeking delegated officer approval to undertake public consultation on the Pirton Neighbourhood Plan proposed submission document prior to submitting the neighbourhood plan for examination by an independent examiner. This decision does not preclude the Council commenting upon the neighbourhood plan during the consultation period.
- 8.4.3 The Council will have to consult on the neighbourhood plan for a minimum of six weeks. It is anticipated that this will commence in late December and will be reported in MIS. Any representations received will be collated and then be considered by an independent examiner before a referendum on the neighbourhood plan can be held.
- 8.4.3 Wymondley Parish Council has also submitted their neighbourhood plan for public consultation. Officers are in the process of checking the documentation against the Regulations.

8.5 Transport Matters

Hertfordshire County Council Local Transport Plan

- 8.5.1 As previously reported Hertfordshire County Council consulted on the possible contents for the next Local Transport Plan (LTP) which will be adopted in 2017. This consultation ends on Wednesday 14 December 2016. A response has been prepared in consultation with the Executive Member for Policy, Transport & Green Issues.
- 8.5.2 The draft LTP is a high level document which sets a transport vision for Hertfordshire to 2050 seeks to move away from a “predict and provide” road building programme towards a move in policies that will encourage sustainable modes of travelling and less reliance on the private car. Overall the policies within the Vision document are

supported. However, there are a number of issues and concerns that have been mentioned within the consultation response.

8.5.3 The key issues of concern for North Herts are that the LTP sets a vision to 2050 and the document should give much greater consideration to how it will address the issues arising out of planned housing growth in North Hertfordshire's Proposed Submission Local Plan and northern Hertfordshire generally. Furthermore, recognition needs to be made to working in partnership with adjoining boroughs/districts in terms of addressing increasing growth pressures and associated transport impacts across boundaries. Disappointment is also expressed at the apparent lack of major road schemes for this plan period (the next 15 years) that is applied to North Hertfordshire. This is particularly given the context to our growth planned in the County.

8.5.4 A copy of the Response is attached at Appendix A.

Proposed Changes to Consultation GOVIA Thameslink (GTR) 2018 Timetable

8.5.5 As reported in 'Questions from Members' at Full Council on 24 November 2016, Officers together with the Executive Member for Policy, Transport & Green Issues have prepared and submitted a response to the GOVIA Thameslink consultation on the proposed changes to the 2018 timetable.

8.5.6 Phase 1 of the consultation focuses on changes to train services, proposed frequencies and calling patterns for services running between 0700-2200. Services outside these times will be considered in Phase 2 following work with Network Rail on a Maintenance Strategy.

8.5.7 The proposed new GTR timetable is overall positive and will benefit North Hertfordshire residents, with increased frequency of train services, new destinations from the Great Northern Mainline and the introduction of new rolling stock.

8.5.8 However, there are potential issues that need to be mentioned to which we have raised concern in our response. These are summarised below:

- (i) On the Great Northern service, currently this is the train service between London Kings Cross and Peterborough, Cambridge and Kings Lynn; and services running between Moorgate, Welwyn Garden City, Hertford North, Stevenage and LGC. As part of the proposed changes, North Hertfordshire residents will encounter the loss of off-peak semi-fast services in Baldock as trains will only run at peak times. Off-peak stopping services will be retained. The consultation response considers it imperative to see the inclusion of Baldock as a calling point on this service, in order that this town does not lose off-peak semi-fast services. From 2018 these current hourly semi-fast trains will transfer to the Thameslink Mainline Route (TL6) in the peak.
- (ii) Furthermore, Knebworth will also lose peak and off –peak semi fast services on the Great Northern Mainline Route (GN2) .Knebworth will only be served in the northbound evening peak on this service. However, Knebworth will be served by a stopping service on the Thameslink Mainline Route (TL7). The consultation response considers it imperative to see the inclusion of Knebworth as a calling point on this service, in order that this town does not lose off-peak semi-fast services.

- (iii) The Moorgate service will be withdrawn from Hitchin and Letchworth to enable increased capacity on the mainline. This will mean a loss of services between Letchworth and Stevenage.
- (iv) Passengers wishing to travel from stations between Potters Bar and Knebworth to Peterborough will now need to change trains at Stevenage as there will no longer be a direct service.
- (v) The consultation also proposes bus substitution between Stevenage and Watton at Stone until an additional platform is built at Stevenage. This will affect North Hertfordshire residents who wish to use the Hertford North line.

8.5.9 As part of our response, we have raised concerns regarding the potential loss of these services and we have also opposed in principle to the increase in overnight engineering works which would have an impact on train services particularly at rush hour.

8.5.10 A copy of the response is attached as Appendix B.

8.6 Government Announcements

8.6.1 As previously reported to Cabinet, the Neighbourhood Planning Bill is still passing through the House of Commons with and will have its third reading on 13 December 2016.

8.6.2 The Housing White Paper was expected to be published alongside the Autumn Statement in November. The Communities Secretary has since announced that it is due to be published in January. The white paper is likely to include the government's response to consultation proposals on planning fees, its response to a review of the Community Infrastructure Levy, to the recommendations of the Local Plans Expert Group and to housing density, as well as possibly looking at Green Belt matters.

8.6.3 Any update on these two documents will be verbally reported at the Cabinet meeting.

9. LEGAL IMPLICATIONS

9.1 Under the Terms of Reference for Cabinet Paragraph 5.6.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Strategic Director of Planning, Housing and Enterprise.

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.

9.4 The Localism Act 2011 provided a new statutory regime for neighbourhood planning. The Neighbourhood Planning (General) Regulations 2012 (as amended) make provisions in relation to that new regime. It does amongst other things set out the Council's responsibility (as the Local Planning Authority) in assisting communities in

the preparation of neighbourhood development areas, plans and order and to take plans through a process of examination and referendum.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications arising from this report. While the costs of preparing the Local Plan are covered in existing revenue budgets. The Head of Development and Building Control has submitted an investment bid as part of the 2017/18 budget proposals in order to ensure sufficient resources are available to the local authority to assist with the examination phase of the Local Plan.
- 10.2 The Department of Communities and Local Government (DCLG) has allocated funding until March 2017 to assist local planning authorities to meet the legislative duties in relation to neighbourhood plans. Currently, the local planning authority can claim £20,000 once a neighbourhood plan has gone through a successful examination process and a date has been set for a referendum. The costs of public consultation and any subsequent examination will have to be met before a claim can be made for financial assistance from DCLG. There are no indications that funding for neighbourhood planning will be continued after the end of March 2017.

This will be considered as a financial risk for 2017/18.

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 Response HCC Local Transport.
- 16.2 Appendix B – copy of Response to Proposed Changes in the GOVIA Thameslink (GTR) 2018 Timetable.