

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
- North Hertfordshire Local Plan
- Neighbourhood Plans
- 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

- 8.1.1 The Cabinet will recall that at its meeting in March 2016, 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.

Stevenage Borough Council

- 8.1.2 North Hertfordshire has now signed a Memorandum of Understanding (MOU) with Stevenage Borough Council. (Copy attached as Appendix A). The MOU covers matters that are agreed to be of joint strategic interest to both authorities in relation to the Stevenage Borough Local Plan, submission version, July 2016 such as housing, employment, Green Belt, Infrastructure, historic environment and development management in terms of major planning applications and agreeing to work to resolve any cross-boundary issues.

Luton Housing Market Area Growth Study

- 8.1.3 As reported at the last Cabinet meeting, work on the Luton Housing Market Growth Study is near completion. The final report will inform the Duty to Co-operate discussions between the four commissioning authorities (Luton, Central Bedfordshire, Aylesbury Vale and North Hertfordshire) on the possible distribution of the Objectively Assessed Housing Need within the Luton Housing Market Area (HMA).

Central Bedfordshire Local Plan

- 8.1.4 Central Bedfordshire has advised that they have delayed their Regulation 18 consultation on their Local Plan until the publication of the Government Housing White Paper in order to be able to factor any implications into their draft plan ahead of their consultation. (Reg 18 consultation is the consultation prior to their proposed submission draft). They state that this is only a pause in the process and remain confident that they will be able to deliver a draft plan in 2017. Central Beds anticipate that they will be taking their draft plan to their Executive meeting in April.

Other authorities

- 8.1.5 Duty to Co-operate meetings are on-going with Welwyn Hatfield and East Hertfordshire Councils. It has been agreed to prepare Draft MOUs with both authorities in relation to their respective plans and to our own Local Plan, given that these authorities are pursuing broadly similar plan preparation timetables to NHDC.
- 8.1.6 Meetings are also being set up with South Cambridgeshire and Luton in relation to our Plan to ensure that any cross-boundary strategic issues are addressed. Members will recall that a Statement of Common Ground was signed in May 2016 with Luton in relation to their plan going forward for Examination. North Herts will need to consider the preparation of a similar document in relation to our Local Plan.

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 closed on 15 December 2016. A response was submitted in consultation with the Executive Member for Strategic Planning. North Hertfordshire has not raised significant objections to the plan.
- 8.2.2 A copy of the response is attached at Appendix B.

Luton Examination

- 8.2.3 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 took place during the weeks commencing 6 December 2016 and 10 January 2017. These principally related 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.
- 8.2.4 A verbal update will be provided at the meeting of Cabinet on any known reports released by the inspector following completion of the hearing sessions.

Stevenage Examination

- 8.2.5 As previously reported, 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. North Hertfordshire will be appearing at these sessions and a verbal update will be provided at Cabinet.
- 8.2.6 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 is scheduled to take place in February 2017 and will consider development management policies relating to the Plan and finally the Stage 3 hearings will deal with site allocations.

St. Albans Examination

- 8.2.7 As previously reported, 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 on their Strategic Local Plan (SLP) had not been met. SACDC after taking external legal advice have applied to the High Court for permission to seek a judicial review of the inspector's decision. A judge will consider the application in the next few weeks. No date has been provided.

8.3 North Hertfordshire Local Plan

- 8.3.1 Officers are continuing with processing the responses received to the North Hertfordshire District Council Proposed Submission Draft Local Plan consultation. Officers hope to be in a position by the meeting to verbally inform Cabinet on the number of responses and / or representations received to the Local Plan consultation document.
- 8.3.2 Once the representations are processed they will then be published on the Council's website. At this point in time it is too early to provide timescales.
- 8.3.3 Following approval of the Proposed Submission Draft Local Plan in September 2016, Officers remain under instruction to report upon the consultation and proposed next steps by March 2017. These next steps may be influenced by matters referenced in this report including, but not necessarily limited to:
- Any findings or outcomes from the 'Stage 1' hearings on Stevenage's local plan (see paragraphs 8.2.5 and 8.2.6);
 - The Housing White Paper or any other relevant Government announcements (8.5.1 to 8.5.3); and
 - The detailed content of the representations received to the Local Plan consultation.

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 Delegated officer approval to undertake public consultation on the Pirton Neighbourhood Plan proposed submission document was sought and officers are in the process of uploading the document on the website for consultation to commence later this month. The consultation will be for six weeks. The dates of the consultation will be verbally reported at the meeting.
- 8.4.3 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 Government Announcements

- 8.5.1 The Neighbourhood Planning Bill is now passing through the House of Lords with its second reading due on 17 January 2017. Any updates will be verbally reported at the meeting.
- 8.5.2 The Housing White Paper is expected to be published in early January. Key headlines will be included in the final report if the paper is published before 13 January (agenda despatch), otherwise the Executive Member and officers will provide a verbal update at Cabinet. As previously reported, 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.
- 8.5.3 The New Homes Bonus settlement for 2017/18 was announced in December 2016. From a plan-making perspective, it is notable that the Government has decided not to

implement the proposal to withhold the New Homes Bonus for 2017/18 from local authorities who have not submitted a Local Plan as was previously consulted upon. However, the Government will revisit the case for withholding New Homes Bonus from areas not delivering on housing growth from 2018-19.

- 8.5.4 The financial implications of the New Homes Bonus settlement fall outside the remit of this report and have been reported upon separately.

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.

15. CONTACT OFFICERS

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16. APPENDICES AND BACKGROUND PAPERS

- 16.1 Appendix A – Copy of signed Memorandum of Understanding with Stevenage Borough Council, December 2016.
- 16.2 Appendix B – Copy of NHDC Response to East Hertfordshire District Council Proposed Submission Local Plan.