

CABINET

28 MARCH 2017

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

7

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 (MoU) (or equivalent) between North Hertfordshire District Council and other prescribed bodies under the Duty to Co-operate.
- 8.1.2 Memoranda have previously been agreed with other authorities in relation to their own plans and reported to Cabinet. These include the MoU's agreed with Luton and Stevenage Councils.
- 8.1.3 As the Council approaches the examination of its own plan (see 8.3 below), it is important to reach agreement with authorities on the contents of our own plan. Discussions are currently ongoing with a number of parties to reach agreements that can be submitted to any appointed Inspector.
- 8.1.4 As part of the process, agreement has recently been reached with East Hertfordshire District Council. This is attached as Appendix A.
- 8.1.5 Further agreements are currently being drafted in consultation with officer counterparts at a range of authorities and organisations. This includes Stevenage, Welwyn Hatfield, Luton and Central Bedfordshire Councils and Hertfordshire County Council and statutory bodies including Natural England and the Hertfordshire Local Enterprise Partnership.
- 8.1.6 These will be reported to Cabinet on an on-going basis through these reports.

8.2 Other Plans and Examinations

- 8.2.1 **East Hertfordshire** and **Welwyn Hatfield** Councils are progressing their plans to broadly similar timetables to North Hertfordshire. It is anticipated that both authorities will submit their plans for examination by April 2017. In this respect, the MoUs with these authorities will cover matters in both North Hertfordshire's and their own local plans.
- 8.2.3 As previously reported, the hearing sessions into the examination of **Luton's** Local Plan have concluded. An interim Inspector's report is awaited. A consultation on 'main modifications' to the plan is expected to follow.
- 8.2.4 The examination of **Stevenage's** plan remains ongoing. North Hertfordshire were represented at the 'Stage 2' hearings during February and will again be present at the 'Stage 3' hearings on detailed highways and employment issues. These are to be held on 28 and 30 March respectively.
- 8.2.5 **St Albans** have been advised that the High Court will hold a 'rolled up hearing' upon their application to judicially review the Inspector's conclusion that their strategic local plan failed to meet the legal requirements under the duty to co-operate on their Strategic Local Plan. The hearing is expected as soon as possible after 06 June 2017 with a time estimate of 2 days. If permission to apply for Judicial Review is granted at that hearing, the Court will proceed immediately to determine the substantive claim.
- 8.2.6 North Hertfordshire contributed to and signed a joint response by all the Hertfordshire authorities to a consultation on **London's** proposed approach to assessing housing

sites. At present, it is not proposed to include any Green Belt land within this assessment. The joint response highlighted that many Hertfordshire authorities need to review their own Green Belt boundaries in order to meet housing needs and that it is unreasonable to constrain the assessment of London's capacity in this way. The joint response is attached at Appendix B.

8.2.6 Any verbal updates will be provided at the meeting of the Cabinet.

8.3 North Hertfordshire Local Plan

8.3.1 Full Council will consider the Local Plan at their scheduled meeting on 11 April 2017 where they will be asked to approve the submission of the plan to Government for examination.

8.3.2 The processing of responses to the North Hertfordshire District Council Proposed Submission Draft Local Plan consultation is nearing completion. More than 2,500 responses to the consultation were received. At the time of writing, more than 5,000 individual representations have been identified. These will all be published to coincide with the release of the papers for the above Council meeting on Friday 31 March 2017.

8.3.3 The Full Council meeting will be held in the Spirella Ballroom in Letchworth Garden City and is a public meeting.

8.4 Neighbourhood Plans

8.4.1 Consultation on the Pirton Neighbourhood Plan began on 9 February 2017 and will close on 23 March 2017.

8.4.2 Following the close of the consultation, 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 An application by Bygrave Parish Council to designate Bygrave Parish, Clothall Parish and the unparished area of Baldock as a neighbourhood planning area has been received. The application is currently being checked. Subject to this not raising any issues, a four-week consultation will be held on the designation of this area for neighbourhood planning purposes. This will be followed by a report to Cabinet.

8.4.4 Any verbal updates on neighbourhood planning issues will be reported at the meeting.

8.5 Government Announcements

8.5.1 The Housing White Paper 'Fixing our Broken Housing Market' was published in February 2017 and sets out a number of proposed changes to the plan-making process and planning system more generally. A number of these build on existing policies and / previous announcements:

- A requirement to review Local Plans at least once every five years;
- A standardised approach to assessing housing requirements for Local Plans and five-year supply. This could mean that by April 2018, the new methodology would apply;
- The opportunity for councils to have their housing land supply agreed on an annual basis, and fixed for a one-year period;

- Green Belt boundaries to be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their identified housing requirements. Where land is removed from Green Belt, offsetting through compensatory measures would be required;
- Housing sites to deliver a minimum of 10% affordable housing;
- Allowing more brownfield land to be released for developments with a higher proportion of starter homes;
- Legislation to allow locally accountable New Town Development Corporations to deliver new communities;
- Additional funding and support for neighbourhood planning groups and up-to-date neighbourhood plans;
- Considering the potential for planning permissions to be reduced to two years (currently three years) but with a new housing delivery test proposed for Councils;
- Allowing local authorities to increase planning fees by up to 40% with £25m of funding set aside for ambitious local authorities in areas of high housing need to plan for new homes and infrastructure;
- Introducing a fee for planning appeals, refundable if the appeal succeeds;
- Simplifying the approach to Community Infrastructure Levy and Section 106 developer contributions, with the detail to be announced in the Autumn Budget 2017.

8.5.2 A consultation on these (potential) measures has been launched and runs until May 2. A response will be prepared under the Portfolio Holders delegated authority and / or in conjunction with the other Hertfordshire authorities through the relevant joint planning groups.

8.5.3 Although the proposals touch on a number of areas of policy, it is considered there are no immediate implications for the prospective submission of North Hertfordshire's own Local Plan (see 8.3 above). The final outcomes will not be introduced into relevant policy or legislation until after the close of the consultation.

8.5.4 It would be for the Inspector at any future examination to determine if any changes to the plan were then required to take these issues into account.

8.5.5 The Neighbourhood Planning Bill has now passed through the committee and reporting stages in the House of Lords and is scheduled for a third reading in the upper house on 15 March 2017.

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 The costs of preparing the Local Plan are covered in existing approved revenue budgets for 2016/17 and 2017/18
- 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.
- 10.3 Previously, the Council had been able to claim financial assistance upon designation of a neighbourhood planning area or neighbourhood forum. However, this funding was limited to the first ten designations. This threshold has been exceeded in North Hertfordshire and there will be no immediate additional funding should the Bygrave Parish Council application proceed.
- 10.4 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. At the time of writing, there has been no announcement on funding for neighbourhood planning after the end of March 2017. As a result of this uncertainty a financial risk has been established for Neighbourhood Planning.

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 have been brought in to assist with the Local Plan. Permanent recruitment to a vacant graduate-entry post within the planning policy team is ongoing.

15. CONTACT OFFICERS

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16. APPENDICES AND BACKGROUND PAPERS

- 16.1 Appendix A – Copy of signed Memorandum of Understanding with East Hertfordshire District Council, February 2017
- 16.2 Appendix B – Hertfordshire Infrastructure & Planning Panel (HIPP) joint response to consultation on London's Strategic Housing Land Availability methodology