

CABINET

21 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

7

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE HEAD OF DEVELOPMENT AND BUILDING CONTROL

EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT

COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

1.1. The purpose of this report is to inform 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
- On going policy work

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. RELEVANT CONSIDERATIONS

8.1 Duty to Co-operate with neighbouring authorities

- 8.1.1 Under delegated authority to the Head of Planning and Building Control, in consultation with the executive member for Planning and Enterprise¹ a Statement of Common Ground has been signed with Aylesbury Vale District Council. This can be viewed together with other examination documents on the Council's website at <https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/examination-documents>
- 8.1.2 Any further updates under the duty to co-operate will be reported to Cabinet at the meeting and on an on-going basis through these reports.

8.2 Other Plans and Examinations

- 8.2.1 **Central Bedfordshire Council** - The Regulation 18 consultation on their draft Local Plan closed on Tuesday 29 August 2017. CBC are now processing the representations from the consultation to inform the next iteration of their Local Plan (pre-submission plan) due to be out for consultation in December 2017/January 2018.
- 8.2.2 **Luton Borough Council** – On the 22 August 2017 Luton published the final report of the Planning Inspector who subject to main modifications found their Local Plan to be 'sound'. A report to their Full Council on 07 November 2017 recommended that the Luton Local Plan (2011-31) together with the Policies Map and Town Centre Inset Map, be adopted incorporating the Inspectors Main Modifications.
- 8.2.3 **East Hertfordshire District Council** - The Inspector is currently preparing for the Part 2 hearing sessions which will take place from the 07 to 10 November 2017.
- 8.2.4 **Welwyn Hatfield Borough Council** – The Stage 2 hearing sessions were completed on 26 October 2017. The Inspector then met with the Council on Friday 27 October 2017 to discuss the next steps.
- 8.2.5 **Stevenage Borough Council** – The Inspector has now published their report and the Plan has been found sound subject to the inclusion of the Inspectors main modifications. Stevenage has now commenced its committee processes leading to adoption. A report goes to their Executive on 07 November 2017, papers and the inspectors report can be viewed at <http://www.stevenage.gov.uk/have-your-say/council-meetings/182244/190538/>

¹ The Cabinet at its meeting in March 2016, 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 Statement of Common Ground (SoCG) between North Hertfordshire District Council and other prescribed bodies under the Duty to Co-operate.

8.3 North Hertfordshire Local Plan

- 8.3.1 Full Council agreed the submission of the Local Plan to the Secretary of State (SoS) for independent examination at their meeting on 11 April 2017. The Plan together with the submission documents were submitted to the SoS' Planning Inspectorate on 9 June 2017.
- 8.3.2 The submission documents, which include the Plan along with the supporting evidence base, is available to view on the Council's website at:
<https://www.north-herts.gov.uk/home/planning/planning-policy/local-plan/local-plan-examination>
The Stevenage Inspector's Report has been added to our examination library to aid our Inspector's understanding of cross-border issues and shared evidence.
- 8.3.3 As previously reported, the Planning Inspectorate has appointed Simon Berkeley to carry out an independent examination of our Local Plan. Louise St. John Howe has been appointed as the Programme Officer for the duration of the examination.
- 8.3.4 The Inspector's timetable and questions for the hearing sessions were published on 25 September 2017. Following comments to the Programme Officer that not enough time had been set aside in the hearing sessions, the Inspector has revised the programme and the deadlines for hearing statements. The revised programme can be viewed on the Council's website:
<https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/hearing-sessions>
As a result of the revised timetable all sessions relating to site allocations and settlements will now be held in February 2018.

8.4 Neighbourhood Plans

- 8.4.1 Nothing further to report at this point in time.

8.5 Government Announcements

- 8.5.1 Officers are preparing a response to Government's 'Planning for the right homes in the right places' consultation.

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 and running the examination are covered in existing approved revenue budgets for and 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 Act will be formally identified and assessed.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their 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.

- 12.2 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, although the planning service is carrying a number of vacancies as reported previously, in October a further vacancy has arisen as a result of maternity leave. Recruitment to these posts has been unsuccessful; however two agency staff of the right experience and competencies have been employed to assist the team through the initial phase of the Local Plan examination. Given the current extended timescales for the examination it is not envisaged that permanent recruitment can now be made to these posts in time to support existing officers.

- 14.2 As the dates of the examination have been published and questions are received from the Inspector, Plan Policy officers are focusing full time on the Local Plan. Given the heavy and complex workload that the examination process generates and the staff shortages currently within the service, it is not envisaged at this time that officers will be

available or able to undertake work on any other projects. The Head of Development and Building Control and relevant service managers are meeting regularly to review workloads and will be keeping the relevant Executive Members up to date with regard the impact upon other projects and day to day workload.

15. APPENDICES

15.1 None.

16. CONTACT OFFICERS

16.1 Louise Symes, Strategic Planning & Projects Manager
01462 474359 louise.symes@north-herts.gov.uk

16.2 Nigel Smith, Principal Strategic Planning Officer
01462 474847 nigel.smith@north-herts.gov.uk

Contributors

16.3 Ian Fullstone, Head of Development and Building Control
01462 474480 ian.fullstone@north-herts.gov.uk

16.4 Clare Skeels, Senior Planning Officer
01462 474424 clare.skeels@north-herts.gov.uk

16.5 Nurainatta Katevu, Property & Planning Lawyer
01462 474364 nurainatta.katevu@north-herts.gov.uk

16.6 Ian Couper, Head of Financial Services and Risk Management
01462 474243 ian.couper@north-herts.gov.uk

16.7 Kerry Shorrocks, Corporate Human Resources Manager
01462 474224 kerry.shorrocks@north-herts.gov.uk

16.8 Reuben Ayavoo, Senior Policy Officer
01462 474212 reuben.ayavoo@north-herts.gov.uk

17. BACKGROUND PAPERS

17.1 None.