

**EXTRAORDINARY COUNCIL
8 OCTOBER 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: NORTH HERTFORDSHIRE DISTRICT SUBMISSION LOCAL PLAN

REPORT OF: IAN FULLSTONE, SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: CLLR PAUL CLARK, EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide Members with a precis as to the progress of the Local Plan since April 2017 when Full Council resolved to submit the Plan for examination by the Secretary of State. The report sets out the factual background to the Examination of the emerging Local Plan for North Hertfordshire, key issues relevant to the substantive motion being considered by this meeting and the potential implications of any decision.

2. RECOMMENDATIONS

- 2.1. That the contents of this report be noted ahead of debate on the substantive motion.
- 2.2. That the Council's current position on the matters of objectively assessed housing need and housing supply as submitted to the Examination in August 2020 and attached as Appendices A & B respectively, be noted.
- 2.3. That, should Members be minded to approve the substantive motion, officers are advised of the broad scope and scale of the modification(s) being sought and the planning justification(s) for these to forward to the Inspector.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure Members are in possession of relevant facts in advance of debate on the substantive motion.
- 3.2. To date, the Examination of the emerging North Hertfordshire Local Plan 2011-2031 ('Local Plan') has been conducted in accordance with the resolutions of Full Council of 11 April 2017. Any departure from, amendment to or replacement of those resolutions requires the consent of Full Council through a new decision.

- 3.3. This report has been written to address the matters raised in the substantive motion only (i.e. the housing need for North Hertfordshire and the proposed allocation of housing sites in the Local Plan to address this). This report does not address any other matters in the Plan and under consideration at the Examination. This includes, but is not necessarily limited to, the settlement hierarchy, employment, retail, Gypsy & Traveller accommodation, unmet development needs from other authorities, transport, environmental matters, heritage or detailed policy criteria.
- 3.4. Any amendments to the motion which broaden or alter its scope to cover such matters (or any other relevant matters) could raise new implications which are not covered by this report.
- 3.5. Should the substantive motion be approved, officers will need to appraise the Inspector of the broad scope and scale of the modifications proposed, as well as the planning reasons, to enable the Inspector to come to a decision with regard the next steps for the Examination.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None. This report has been prepared to inform an Extraordinary Meeting of Full Council called in accordance with the Council's Constitution.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. This Report has been produced by Officers at the request of the Chairman of the Council to inform the debate upon the substantive motion being considered by this extraordinary meeting.
- 5.2. Members, external organisations and the public have been consulted and kept informed throughout the Local Plan process:
 - The Local Plan 2011-2031 has been subject to a number of public consultations both prior to submission to the Secretary of State and during the Examination process;
 - Cabinet receives reports at each meeting on Strategic Planning Matters within which the Local Plan is a standing update on progress and issues. Both the Full Council decision of April 2017 and the Cabinet decision of December 2018 on the proposed Main Modifications requested that Members be kept informed on the progress of the Examination in this way.;
 - Cabinet has also approved a Housing Delivery Action Plan in each of the past two years within which the Local Plan is a key action;
 - A Local Plan Project Board was set up in February 2016 to provide the necessary strategic guidance and direction for the production of the Local Plan within the Council;
 - The Executive Member and Deputy are regularly kept up to date with regard the Local Plan at fortnightly briefings.
- 5.3. Further information on this is set out in Section 7 below.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Members will be aware that the Local Plan has been developed over a number of years. A timeline of key events and facts relevant to this meeting and the substantive motion is set out below but is not exhaustive. Previous reports to Council and Cabinet are listed as background papers and should be referred to for any additional information.
- 7.2. A significant quantity of written material has been submitted to the examination. The two papers considered most relevant to the substantive motion are attached to this report as appendices. These set out the Council's most recently submitted position to the Examination on the matters of housing need and supply. Other documents referenced in this report are available online. Relevant document references are provided. Documents with an "ED" prefix are those prepared since the Plan was submitted for examination and are available on the Examination Documents page of the Council website. Documents with other prefixes are generally those submitted alongside the Plan in 2017 and are available on the Examination Library page of the website. Links to the Examination Documents and Examination Library pages are provided at the end of this report.
- 7.3. Following several rounds of public consultation, the Local Plan was presented to Full Council on 11 April 2017 seeking approval to submit it to the Secretary of State for Examination. The accompanying report provided an overview of key issues relevant to the Plan. This included, but was not limited to:
- Officers' opinion that the development sites in the Local Plan had been appropriately identified, were justified by the evidence and represented an appropriate strategy for future development (Paragraph 8.12 of the April 2017 report);
 - That it was appropriate to proceed on the basis of the identified housing target of 14,000 homes to meet North Hertfordshire's own housing needs (Paragraph 8.18);
 - That the Council would need to produce additional documentation throughout the examination process likely to include answers to preliminary questions, statements and the drafting of Main Modifications on specific issues where the Inspector identified that a change to the plan is required (Paragraph 9.7);
 - That the starting point of any examination is that the local planning authority has submitted a plan which it considers 'sound' and capable of adoption (Paragraph 9.9);
 - That, legally, the Council must submit a plan it considers ready for independent examination (Paragraph 10.3);
 - That any decision on the Local Plan must be made on its planning merits but there are potentially significant financial risks attached to not having a plan in place (Paragraph 11.2); and
 - That Sustainable Development of the District and the Local Plan were both corporate 'Top Risks' (Paragraph 13.1).

- 7.4. At that meeting it was resolved following extensive debate (inter alia):
- That Full Council approve the submission of the new Local Plan...for examination by the Secretary of State (recommendation 2.2); and
 - That delegated powers be granted to the Head of Planning and Enterprise in consultation with the Executive Member for Strategic Planning & Enterprise to produce such additional documentation as is required (including documentation requested by the appointed Inspector and the proposing of main modifications) before and during the examination of the Local Plan (recommendation 2.4).
- 7.5. The Local Plan was submitted to the Secretary of State – through the Planning Inspectorate (PINS) in June 2017. The Secretary of State appointed Mr Simon Berkeley BA MA MRTPI to conduct the examination. Examination hearing sessions were held between November 2017 and March 2018 over a total of 25 hearing days.
- 7.6. As anticipated, the Council were requested to provide a range of additional material to the examination. This included statements on specific Matters, Issues and Questions issued by the Inspector in advance of the hearing sessions. Following the hearing sessions, the Council submitted a wide range of additional papers and draft proposed Main Modifications addressing issues raised through the hearing sessions and identified as requiring further work by Mr Berkeley. These papers were prepared by officers and submitted in accordance with the delegation granted by Full Council in April 2017.
- 7.7. In June 2018, following a restructure of the Council's senior management, the post of Head of Planning & Enterprise was deleted and replaced by the Service Director – Regulatory. The new Service Director post inherited a range of relevant delegations from the former Head of Planning & Enterprise post, including that granted in relation to the Local Plan by full Council in April 2017.
- 7.8. In November 2018, the proposed Main Modifications to the Plan were published. Main Modifications are the mechanism by which the Inspector can fix or 'make sound' those parts of the Local Plan which he considers were not fit for purpose. These were reported to Cabinet on 10 December 2018 and approved for public consultation. As part of this report, Cabinet also resolved to endorse the range of additional documentation produced to that point (i.e. between 11 April 2017 and 10 December 2018) under the delegated power identified in Paragraph 7.4 of this report.
- 7.9. Consultation on the proposed Main Modifications took place between January and April 2018. The responses to the consultation were then returned to the Inspector for his consideration.
- 7.10. In May 2018, following the local Government elections there was a change of control at the Council from Conservative to a joint Labour / Liberal Democrat administration. Appointments were made to Cabinet reflecting the make-up of the new administration. This also included the appointment of deputy portfolio holders entitled to attend Cabinet, participate in debates and ask questions but not to vote. The new Executive Member for Planning & Transport inherited the relevant responsibilities of the delegation granted by Full Council in April 2017.

- 7.11. Following these appointments, the membership of the Local Plan Project Board was also updated to include the leaders of all three political parties (who also hold the positions of Leader, Deputy Leader & Executive Member for Planning & Transport and Chair of Overview and Scrutiny Committee) and the deputy Executive Member for Planning & Transport.
- 7.12. The Local Plan Project Board is advisory and has no decision-making powers. It meets on an informal basis providing the opportunity to discuss key planning issues and inform the Service Director – Regulatory and Executive Member for Planning & Transport in their exercising of the Full Council delegation. It provides a forum from which the group leaders disseminate relevant information to their members and report any feedback as considered appropriate.
- 7.13. In June 2019, the newly appointed Cabinet approved the Council's Housing Delivery Test Action Plan. The Housing Delivery Test (HDT) was a new requirement introduced in the revised National Planning Policy Framework first published in 2018 ('NPPF2'). The HDT is a backward-looking measure based on housing delivery in the preceding three-year period. NPPF2 requires that where delivery has fallen below 95% of the requirement an action plan should be prepared to increase delivery in future years.
- 7.14. The approved Action Plan identified several key constraints to increase housing delivery in North Hertfordshire. Principal amongst these were the tightly drawn development boundaries around the main towns and villages in and adjoining the District. The Action Plan recognised that this could only be remedied through adoption of a new Local Plan and identified progression of the examination as a key priority.
- 7.15. In July 2019, the Inspector wrote to the Council identifying a series of 'issues and reservations' with the Plan. This included a request for further information on the Government's 2016-based population and household projections which had been released shortly before the issuing of the Main Modifications. The Inspector wrote a further letter to the Council in August 2019 setting out a range of additional questions. These letters were reported to Cabinet through the Strategic Planning Matters reports of 30 July and 24 September 2019 respectively.
- 7.16. Responses to the Inspector's letters were prepared in consultation with the Local Plan Project Board and submitted to the Inspector for consideration under the delegated power granted by Full Council in late 2019 (ED171 to ED177 inclusive). A further paper providing the up-to-date position on housing supply was submitted in the new year (ED178).
- 7.17. In January 2020, the Executive Member updated Cabinet members through the Strategic Planning Matters report that the Inspector had advised that further Hearing Sessions would be held and that the housing supply figures had been reduced to approximately 14,000 dwellings although the number of sites would not be reduced.

- 7.18. In the same month, the Council undertook a 'Corporate Peer Challenge'. This is a process organised by the Local Government Association and involves senior managers and Councillors from other authorities visiting the Council to assess relevant processes and approaches and provide recommendations for future improvement. A feedback report was prepared for consideration by Cabinet in March 2020 and approval given for an action plan to be developed and reported back to Cabinet.
- 7.19. On 13 February 2020, the Government released its latest HDT results. These showed that North Hertfordshire had delivered just 44% of the homes required by this measure, placing the District amongst the ten lowest performing authorities in England, out of a total of more than 300.
- 7.20. In the meantime, the Local Plan Hearing Sessions had been scheduled to take place between 16 March to 26 March and 7 to 8 April 2020. However, with the changing situation around coronavirus in March, the Inspector in close consultation with the Council decided that the Hearing Sessions should be postponed until they could continue safely and that a new timetable would be issued (ED184).
- 7.21. The Strategic Planning Matters report prepared for the March 2020 Cabinet meeting updated Members about the submission of the Council's statements for the March Hearing Sessions, the postponement of the Hearing Sessions and outlined the uncertainty of any re-arrangements of the Hearing Sessions. This report was circulated to Members though was ultimately approved by the (then) Chief Executive under Urgency Powers following cancellation of the Cabinet meeting due to the coronavirus 'lockdown'.
- 7.22. On 24 March 2020, new 2018-based local authority-level population projections were released by the Office for National Statistics (ONS). The population projections are a key input into ONS household projections which generally follow a few months later. The population projections showed significantly lower future growth in North Hertfordshire than previous iterations.
- 7.23. The Planning Inspectorate issued updated guidance for local plan examinations in May 2020, setting out an expectation that moving to digital events and processes would be used to drive the planning system forward. The local plan examination for South Oxfordshire acted as a pilot for virtual hearing sessions. The Inspector asked whether the Council would be willing to explore the possibility of holding virtual hearings. This was reported to Cabinet through the Strategic Planning Matters report in June 2020. Separately, the Executive Member for Planning and Transport wrote to the Secretary of State for Housing, Communities and Local Government seeking reassurances that the conclusion of the North Hertfordshire Local Plan examination would be seen as an equally high priority as the pilot hearings for South Oxfordshire.
- 7.24. In June 2020, Cabinet also considered a report on the Housing Delivery Test Action Plan 2020, responding to the figures published in February. The Action Plan provided an update on that approved in June 2019 and focussed on three key themes: The Local Plan; ensuring corporate readiness to deliver major local plan schemes; and facilitating development and economic recovery following COVID-19. It was resolved that the Housing Delivery Test Action Plan should be approved and that key actions should be incorporated as appropriate actions and measures in the Corporate Peer Challenge Action Plan.

- 7.25. The Corporate Peer Challenge Action Plan was considered and approved by Cabinet at the same meeting. The Peer Challenge report recommended that the Council's focus on place shaping should be broadened and the action plan identified that there needed to be political support for the delivery of key projects, including the Local Plan.
- 7.26. The ONS published new household projections for England on 29 June 2020. As anticipated following release of the population projections (see above), ONS' 'principal projection' for North Hertfordshire was significantly lower than earlier figures that had informed the examination, showing a projected increase of 6,400 households over the period 2011-2031.
- 7.27. On 8 July 2020, the Inspectors for the Central Bedfordshire and North Hertfordshire local plan examinations wrote to both local authorities asking for additional information following the publication of the household projections (ED190). This included asking whether the new household projections identified for North Hertfordshire represented a 'meaningful change' and, in turn, whether this had implications for the housing requirement identified in the Plan.
- 7.28. At the meeting of Cabinet on 21 July 2020, the Executive Member was able to update Members that provisional dates for the resumption of the local plan hearing sessions in September had been arranged. The accompanying Strategic Planning Matters report provided information on the recently released household projections and the Inspectors' requests. The report explained that because of the scale of the changes, further work was being carried out to understand the potential implications for the local plan.
- 7.29. The draft responses to the joint Inspectors' letter were circulated to, and endorsed for submission to the Inspector by, the Local Plan Project Board. The responses were submitted to the Inspector in August 2020 (ED191A and ED191B, attached as Appendices A & B to this report) in accordance with the delegated authority granted by Full Council in April 2017.
- 7.30. In September 2020, the Strategic Planning Matters report updated Cabinet that the Council's response to the Inspectors letter of July 2020 had been submitted to the Inspector in August 2020 and provided a timetable for the hearing sessions.
- 7.31. All participants were informed of the resumption of the local plan hearing sessions in August 2020. These were scheduled to commence on 28 September 2020. The hearings were postponed on Friday 25 September 2020 following the calling of this meeting (ED200).

8. RELEVANT CONSIDERATIONS

The Council's present position as submitted to the Examination

- 8.1. The Council has produced a clear and robust evidence base regarding its housing strategy as set out in the Submitted Local Plan, currently under Examination. As explained above, the Council's most recent position on this matter was submitted to the examination in August 2020 in two papers:
- ED191A relates to the Objectively Assessed Need and is attached as Appendix A to this report;
 - ED191B relates to housing supply and delivery and is attached as Appendix B to this report;

- 8.2. Key points are summarised below, but the appendices should be referred to for full detail. Please note that, as per Paragraph 3.3, these papers are only referenced in this report insofar as it relates to the housing need and supply for North Hertfordshire.

The housing requirement

- 8.3. In 2017 the submitted Local Plan identified an Objectively Assessed Need (OAN) of 13,800 homes for North Hertfordshire's own needs, this comprised of 13,600 homes to be provided within that part of the District that falls within the Stevenage Housing Market Area (HMA), and around 200 homes within that part of the District that falls within the Luton HMA.
- 8.4. These figures were based on the 2014-based subnational household projections published by the (then) Department for Communities and Local Government (DCLG). The Council had appointed consultants Opinion Research Services (ORS) to undertake the necessary Strategic Housing Market Assessment (SHMA) work required to support the Plan and examination. The SHMA and methodology undertaken by ORS was the subject of the original Matter 3 hearing session in November 2017 and is set out in the Evidence Paper HOU3 (Updating the Overall Housing Need) submitted to the examination.
- 8.5. Following the release of the 2016-based household projections in September 2018, the Inspector requested that the Council provide further information to the Examination regarding their impact. The Council's initial response is contained in paper ED159 and then, following a request for further clarification in the Inspector's July 2019 letter (see Paragraph 7.15 above), in ED171 submitted as evidence to the then scheduled March 2020 Hearings, (which were placed on hold due to the COVID 19 pandemic).
- 8.6. ORS carried out the necessary assessments to inform ED171 and identified an OAN of 12,900 homes based on the 2016-based projections for North Hertfordshire. This represented a reduction of 900 dwellings on the 2014-based figure. The Council concluded that this latest OAN figure representing a reduction of only 6.3% did not represent a meaningful change from the OAN underpinning the submitted Local Plan housing requirement.

- 8.7. Following release of new household projections in June 2020, the Inspector again requested that the Council provide information (see Paragraphs 7.26 and 7.27 above). Further work was carried out by ORS and the findings are presented in the Council's response at Appendix A.
- 8.8. The findings from this latest assessment identify that the latest OAN figure of 11,500 homes over the period 2011-2031 represents a reduction of 17% against figures previously examined in HOU3, (13,800 dwellings) and a reduction of 11% against the 2016-based figures provided in ED171 (12,900 dwellings).
- 8.9. It is to be noted that there has been no suggestion in any correspondence from the Inspector during the period of the examination that the overall methodology used by ORS in carrying out the SHMA as set out in HOU3 is unsound or that he is dissatisfied with any of the constituent parts of that methodology as outlined in the original Matter 3 hearing. The need to consider the revised figures arises solely from the extended passage of time since the first hearing and the release of the Govt based projections in September 2018 and in June 2020.
- 8.10. As set out in its paper ED191A to the examination, and as discussed with the Members of the Local Plan Project Board, the Council considered that these latest figures represented a meaningful change and that the housing requirement for North Hertfordshire should be reduced from 13,800 to 11,600 homes¹. Approximately 11,450 of this requirement arises within the Stevenage HMA and 150 homes within the Luton HMA. This is a matter for discussion in the current Local Plan hearing Session under Matter 21. Therefore, whether this reduction is sound or not is before the examination and the Inspector will have to reach a view on it.

The housing supply to meet the requirement

- 8.11. The Council has also prepared a further paper to the Examination, ED191B – housing delivery and five-year housing land supply at 1 April 2020, which sets out the Council's revised trajectory for potential housing delivery over the plan period to meet the requirement. This is attached as Appendix B to this report. This revised trajectory suggests approx. 13,250 homes would be delivered within the plan period to address North Hertfordshire's own housing needs. This would represent a buffer of approx. 14% (1,650 dwellings) over the revised housing requirement of 11,600 homes for North Hertfordshire's own needs as opposed to a buffer of approximately 8% considered at the original hearing sessions against the previously higher housing figures.
- 8.12. It can be seen in ED191B, that the only scenario in which the Council can realistically demonstrate a five-year supply, is where the backlog is annualised over the whole plan period rather than frontloaded into the first five year period and where the housing requirement is stepped so that the requirement is not annualised over the whole period but reduced until 2024. This is because there is inadequate supply to make up any higher requirement, notwithstanding the preference in Government guidance that any shortfalls should be addressed as soon as possible.

¹ The proposed housing requirement of 11,600 is 100 homes higher than the OAN of 11,500. This is to reflect the way in which older persons housing requirements are calculated. This is explained in ED191A.

- 8.13. The current position where the housing requirement goes down but the supply of sites stays the same provides a stronger buffer, but it is still only equivalent to approximately one and a half years' supply when measured against requirements over the coming years. This is still not a substantial amount given the uncertainties that surround bringing development forward.
- 8.14. Moreover, this is predicated upon the current suite of proposed allocations in the Local Plan being retained in full and being found sound through the Examination. The currently proposed buffer of 13% or 1,650 dwellings allows for flexibility under the current economic circumstances and also provides a reasonable level of surety that the Plan will continue to demonstrate a five-year housing land supply over its lifetime. This is further explained in paragraphs 8.40 to 8.45 below.

Interpretation and consideration of the substantive motion in relation to the Local Plan

- 8.15. Although the motion is not expressed in these precise terms, officers consider that – in the language of the Local Plan examination and the original, 2012 version of the National Planning Policy Framework (NPPF) against which it is assessed – it might reasonably be viewed as a request that the Council reconsiders its position on:
- The objectively assessed need for housing;
 - The housing requirement in the Plan; and / or
 - The 'buffer' of proposed additional delivery over and above the housing requirement
- 8.16. Officers contacted the proposer and seconder of the motion to determine if this interpretation could be clarified in order to inform or refine the following analyses, but no response was provided prior to this report being finalised. In line with recommendation 2.3 above, it is requested that, in the event the motion is approved, Members clearly articulate what precisely it is that they want to review and their reasoning and justification for doing so in any such approval so that this might be accurately conveyed to the Inspector so that he may consider how best to respond to the request.
- 8.17. The Council's present position to the examination on these matters is summarised above and set out in Appendices A & B. These positions reflect officers' professional opinion and recommendations on these issues endorsed at the time of their submission by the Local Plan Project Board. The relevant considerations and / or potential implications of seeking to alter the Council's grounds are set out in turn below based upon the reading of the motion in paragraph 8.15 above. This is followed by consideration of potential courses of action that might follow should the Council proceed to approve the motion and convey this position to the Inspector.
- 8.18. The matters of housing need and housing supply are among those upon which the Inspector has requested additional hearings to be held. The matters discussed below are subject to further examination by the Inspector in any event, providing the opportunity for participants to raise any concerns over the Council's approach and for these to be considered. Should the Inspector conclude that any element of the Council's proposed approach on these (or any other) matters are unsound, he can direct that the Plan is modified and / or that additional work is undertaken.

Objectively Assessed Need for Housing

- 8.19. The NPPF requires that local planning authorities should have a clear understanding of housing needs in their area. Government guidance is clear that this should be an 'unfettered' consideration of need based on facts and unbiased evidence. It should not be influenced by potential constraints, historic under performance or viability considerations.
- 8.20. Officers consider the most recent assessment to be a robust evidential study which reflects ORS' expert opinion and satisfies the requirements of Government guidance. Importantly it is consistent with the approach of previous studies on this matter submitted to the examination and the evidence provided in the original hearing sessions in November 2017. It is generally based upon longer-term (10-year) trends as these are considered most appropriate for long-term planning. It takes account of any factors which might have historically suppressed household formation. It reacts to 'market signals' which includes considering the affordability of housing in the area; the most recent Government data used to inform housing requirements shows that house prices in North Hertfordshire are more than 10x incomes.
- 8.21. As stated in Paragraph 8.9 above, the Inspector did not raise any concerns in relation to the methodology of the housing needs assessment following the original hearing session. Any changes in the objectively assessed need have arisen as a consequence of more recent Government population and household figures being released in the intervening period.
- 8.22. It is recognised that this approach produces an assessed need for North Hertfordshire (11,500 homes) that is substantively higher than the principal household projection released by the Office for National Statistics in June 2020 (approximately 6,400). However, it is considered that the 'transition' between these two figures is comprehensively explained and justified.
- 8.23. ORS have supported the Council throughout the preparation of the Plan and the examination process. They have prepared numerous similar studies across the country and are widely used by local planning authorities on this matter. ORS are, or have been, similarly employed by several of North Hertfordshire's neighbouring authorities including Central Bedfordshire, East Hertfordshire, Stevenage and Luton.
- 8.24. Any motion to reassess the objectively assessed need would require a new study to be commissioned and prepared by alternate consultants. There is no guarantee that such a study would result in a different, or lower, assessment of need as it would need to reflect the authors' independent professional judgement. The existing ORS studies would remain in the public domain as they already form part of the submitted examination library.

Housing requirement

- 8.25. As set out above, the assessment of need is independent from consideration of potential constraints which might inhibit the meeting of that need; the question of 'how much do we need?' is separated from the question of 'what are we going to do about it?'

- 8.26. The NPPF states that Local Plans should meet objectively assessed needs unless the impacts would significantly and demonstrably outweigh the benefits or specific policies indicate that development should be restricted.
- 8.27. The report to Full Council in April 2017 set out Officers' view that the development strategy in the Plan was justified, notwithstanding the recognition that this required the release of land from the Green Belt and that development of the proposed allocations would lead to some planning harms. This position has been reinforced through significant quantities of verbal and written evidence provided to the examination. The Council has repeatedly stated its view that the District can accommodate its development needs in full and that this approach is consistent with the aims of the NPPF when read as a whole.
- 8.28. The spatial development strategy in the Plan seeks to address the District's housing needs from a variety of sites and sources across the District. 2,800 homes have been built in North Hertfordshire since 2011 while a further 2,000 homes are anticipated from sites that already benefit from planning permission. This includes three large sites of around 300 homes each on the edge of Royston that are identified in the submitted Plan but have been granted permission in advance of the Examination's conclusion.
- 8.29. Central to the plan's future strategy for North Hertfordshire's own housing needs are five 'Strategic Housing Sites' (of at least 500 homes). These proposed urban extensions are located on the edge of some of the main towns in and adjoining the District at Baldock, Hitchin, Letchworth Garden City and Stevenage and are projected to deliver more than 4,000 homes by 2031, with several sites anticipated to continue delivery beyond that time providing long-term surety of housing supply for future plan reviews. All of the Strategic Housing Sites are proposed for release from the Green Belt.
- 8.30. Recognising that these complex sites will take time to deliver, the Plan further identifies a range of small, medium and large 'local housing allocations'. These typically do not require the same level of up-front infrastructure investment and form an important component of supply across the remainder of the plan period, but particularly over the next five years. The sites range in size from less than 10 to more than 300 homes and contribute more than 3,500 homes by 2031. They include sites within existing towns and villages, on land presently in the Rural Area beyond the Green Belt and land to be released from the Green Belt.
- 8.31. Around 750 homes will come from other sources. This includes 'windfall' sites that come forward for development without being identified in the Plan. This can include small, infill sites in towns or villages or the re-use or redevelopment of sites that unexpectedly become available. The Council has already proposed that the Plan is subject to an early review, in part recognising that implementing such a diverse development strategy and accelerating delivery well beyond rates achieved over the last decade will undoubtedly be challenging.

- 8.32. Each of the individual sites and sources of supply are supported and justified by a wide range of evidence that has been submitted to and considered by the examination. This includes housing assessments, environmental appraisal, consideration of key impacts (such as upon landscape, Green Belt [see *below*] or heritage assets). The overall strategy has been drawn together and articulated through technical papers and statements and verbal evidence provided to the Inspector at the Hearing Sessions. Relevant papers can be viewed through the Examination Library and Examination Documents.
- 8.33. The information provided to the examination in November 2019 (see paragraph 7.16 above) reiterated the Council's view that a number of proposed housing sites currently in the Green Belt should be retained in the Plan notwithstanding their significant contribution to Green Belt purposes (ED172). The same paper noted that a rigidly sequential approach to the identification and proposed release of sites would be antithetical to good and proper planning. It identified that some of the most harmful sites, in Green Belt terms, also provided some of the most sustainable options for development and the best opportunities to plan at scale for urban extensions in line with national policy.
- 8.34. If Members are of the view that it is no longer appropriate, as a matter of principle, to meet the District's identified needs in full, this would need to be properly articulated giving sound planning reasons.
- 8.35. Should the Council resolve to put forward changes to the Plan which resulted in a housing requirement lower than the objectively assessed need for housing, it would need to determine what action it would take in relation to the residual 'unmet need'.
- 8.36. The provision of housing and other needs across authority boundaries is a key matter that is considered under the Duty to Co-operate, as seen in the Plan's proposals to contribute towards unmet housing and employment needs from Luton and Stevenage respectively. The tests of soundness for the examination of Plans include that they are positively prepared, including accommodating unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 8.37. A decision by North Hertfordshire to significantly 'undershoot' on its housing need would likely necessitate a new round of negotiation with authorities in shared housing market areas and possibly beyond. This would need to determine which, if any, authorities might be able to assist in meeting our unmet needs through their own plans. This would represent a fundamental change to the submitted plan which has cross-boundary implications for neighbouring authorities and which should be addressed under the Duty to Co-operate prior to submission of the plan not in a change of position post plan submission. The Duty to Co-operate no longer applies post plan submission and such an approach is likely to lead to the Inspector requesting that the Council withdraws the plan and starts again. This may be hard to resist.
- 8.38. The Council has considered this issue already in preparing the Plan and determining whether the necessary *exceptional circumstances* exist to amend the District's Green Belt boundaries. The information submitted to the examination to date has concluded there is no reasonable prospect of other authorities being in a position to assist (see, for example, HOU1). This, in summary, is due to factors including:

- Nearby authorities facing similarly challenging housing requirements for their own needs;
- Nearby authorities also being similarly constrained in their options and relying on the release of Green Belt to meet those requirements; and
- That North Hertfordshire could potentially have to adopt an illogical position of seeking to protect its own Green Belt (or other assets) whilst asking neighbouring authorities to accommodate our development needs on sites that are equally constrained.

8.39. National policy places an emphasis on ‘boosting significantly’ the supply of housing. A number of legal challenges have failed to overturn Plans which release land from the Green Belt to meet housing needs or (have been asked to) pursue higher housing figures. Where such cases have been successful, they have generally turned on procedural failings or a failure to give adequate reasoning rather than on grounds of planning principle.

The ‘buffer’ of additional sites

- 8.40. The Council’s latest position to the examination identifies an overall housing requirement of 11,600 homes for North Hertfordshire’s own needs for the period 2011-2031. Against this is identified a total anticipated supply of 13,250 homes for the District’s own housing needs. This represents a buffer of 1,650 homes or 14%. This represents about a year and half’s supply of land (see paragraph 8.13). It is not a significant buffer but stronger than previously given that the requirement figures against which it is assessed have now gone down.
- 8.41. The NPPF states that Local Plans should contain “sufficient flexibility to adapt to rapid change”. It is also necessary for the Local Plan to demonstrate a current five-year supply of housing land through its examination and a reasonable prospect of that five-year supply being maintained over the lifetime of the Plan – insofar as it is possible to accurately make justified predictions about future housing delivery.
- 8.42. Once any Plan is adopted, its targets and requirements are then used to (re-)calculate the Council’s five-year housing land supply and Housing Delivery Test results on at least an annual basis. These exercises would be conducted in accordance with the advice in ‘NPPF2’ and associated guidance. The Council’s five-year supply can be subject to detailed scrutiny at any planning appeal and can lead to Planning Inspectors concluding that some sites cannot be relied upon and removing them from the five-year supply.
- 8.43. These calculations all have their own assumptions and requirements which make some form of buffer over and above the housing requirement essential. No plan will be found sound without one; If the housing requirement for North Hertfordshire is maintained at 11,600 homes it is not considered possible to identify sites for just 11,600 homes and for the plan to be ‘sound’.

- 8.44. Unlike other housing measurements which can be tightly prescribed, there is no precise method or science to the buffer. It is ultimately a matter of planning judgement. However, it is logical to conclude that the greater the buffer the more security there is in achieving the requirement and maintaining a five-year supply. Given the ever-growing backlog of under delivery since 2011, currently standing at 3,036 houses, officers cannot guarantee that a lower buffer of, say, 7-8% (which the Council has presented at earlier stages of the examination in relation to the District's own housing needs) could now be said to satisfy the various requirements relating to land supply and flexibility. In fact, the buffer (1,650) only represents just over half the backlog of houses that should have been built since 2011.
- 8.45. For the reasons provided above and in Appendix B, officers remain of the view that the buffer of 14% is not only wholly reasonable but required. It is well within the limits of buffers found sound at other Local Plan examinations. It provides additional flexibility in current economic circumstances. It also ensures a modest level of headroom in the anticipated future calculations of five-year supply (which are estimated to hold at between 5.2 and 5.6 years over the period to 2024) such that some delays in delivery or challenge to the Council's calculations (e.g. at a planning appeal) could be accommodated without rendering the Plan's policies out of date.

Potential next steps

- 8.46. Should the motion succeed, the motion asks that the Council informs the Local Plan Inspector as soon as possible that it is now of the view that the proposed housing sites in the Local Plan should be reduced to reflect the reduced need and to carry out any review work that the Inspector considers this gives rise to. In order to implement this motion Full Council will also need to inform officers of the level of housing need that it considers the Local Plan should provide for and the level of supply that should be identified to meet that need including any buffer.
- 8.47. None of the below seeks to prejudge the Local Plan Inspector's response to any such request or that of any other relevant parties. However, Members should be mindful that a request from the Inspector to carry out any review work is not necessarily a foregone conclusion and they should be aware of a potentially wide array of responses in debating the motion. The jurisdiction over the local plan passes from the Council to the examining Inspector once it is submitted and after that time the Inspector decides whether the plan is sound and legally compliant and what changes if any need to be made to it.
- 8.48. In light of the above the Inspector may choose not to accept the Council's request that the housing need should be reduced further or that sites should be removed from the plan or that a delay should be granted to the Council to enable a review to be carried out to achieve that. Any change to the Plan or additional work in relation to it at this stage can only be required by the Inspector on soundness or legal compliance grounds. That is to say that the Inspector must first be satisfied that the current need or level of allocations are in his view unsound and that, if they are, more work is required to resolve that. These matters are already before him and he has to date not requested that such work should be undertaken. The Planning Inspectorate's Procedural Guidance states that:

...a LPA's change of preferred approach to a policy (including a site allocation) could not be accommodated unless the policy / site as submitted is, in the Inspector's view, unsound or not legally compliant and the proposed change initiated by the LPA (or any other party) would make the plan sound / compliant.

- 8.49. The Council will have to explain to the Inspector why a position it originally considered to be sound and legally compliant is no longer so in order to justify a delay to the plan to enable more work to be carried out in order to alter the plan.
- 8.50. The Inspector has asked the Council if there are any implications arising from the publication of the new Government household projections. He has also requested up-to-date information on housing delivery and five-year supply. An answer to these questions has already been submitted under the delegated power granted by Full Council in April 2017. If the Council wishes to alter its position on these matters it will need to explain why to the Inspector.
- 8.51. To date, the Inspector has not requested any further information on (e.g.) Green Belt matters or the planning impacts of the proposed housing allocations since the run up to the postponed March 2020 hearings.
- 8.52. As Members will be aware, the examination has been ongoing for over three years, since June 2017. As such, the Inspector, even if he is minded to accede to the Council's request, might consider that the scope of the requested changes, or the further potential delay arising from the evidencing and examination of those changes, places the examination in an untenable position such that he instead advises withdrawal of the Plan. The Council would then have to consider whether it continues with the plan as currently proposed or withdraws it as the Inspector cannot force a withdrawal of the plan.
- 8.53. Should the Plan be withdrawn, it would be necessary to start over on a replacement. The current Plan has been examined under the provisions of the original NPPF published in 2012. However, any new Plan would presently be prepared under the requirements of the revised 'NPPF2' first published in 2018. Although the general thrust of NPPF2 is comparable to the NPPF, there are some important differences. Most importantly in this context is the requirement that local planning authorities make use of the Government's own 'standard method' for calculating their housing requirements unless there are exceptional circumstances for not doing so. In the absence of an up-to-date and adopted Local Plan, the Council's five-year land supply figures for decision-making purposes (see Development Management implications below) are based upon the Standard Method. This presently gives an annual housing requirement for North Hertfordshire in the region of 970 homes per year, significantly above the annual average 580 homes per year currently proposed by the Council in response to the Inspector's queries. In short presently a new plan would produce substantially higher housing figures to meet and would require the consideration of more allocations not less.
- 8.54. The Government is currently consulting on proposed changes to the Standard Method in advance of progressing the wider reforms to the planning system proposed in their white paper. Analyses by national consultancies and the professional press suggest a revised Standard Method figure for North Hertfordshire of in the region of 625 homes per year. It is not yet known if / when these changes would be implemented or how they might look in their final form. However, these figures are also higher than those currently planned and would give rise to the need to consider more not less allocations.

- 8.55. Any new Plan for North Hertfordshire would need to be drawn up over an appropriate time horizon, probably looking to at least 2040 (i.e. at least nine years beyond the currently proposed end point). It would be necessary to identify and seek to meet development needs over this longer time horizon and to also consider any requests for assistance from authorities who might seek the District's help. This might include further requests from neighbours such as Luton or Stevenage and / or new requests from other authorities, potentially including London boroughs. By the same token, it may be possible to reduce or remove any 'backlog' of under-delivery accrued from 2011 to the start date of any new Plan.
- 8.56. The Secretary of State has powers under the relevant legislation to intervene in the planning process where a local planning authority is "failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision, or adoption of a development plan document". North Hertfordshire has one of the oldest current Local Plans in the country. The District Plan Second Review with Alterations was adopted in 1996. However, the last iteration of the Plan to proactively allocate sites for development was adopted in 1993, twenty-seven years ago. Only St Albans (adopted 1994) and York (who have never adopted a plan) are comparable local authorities in this regard. The Secretary of State has intervened – most notably at South Oxfordshire – or threatened to do so in a number of instances where it is considered insufficient progress is being made. There is a significant risk that any action which is perceived as unduly delaying progress of the Local Plan may invite an intervention from the Secretary of State who could then either make various directions or take full control of the plan process.
- 8.57. Notwithstanding the above, the Inspector may equally grant the Council time to prepare the additional evidence it considers necessary to support its revised position. Depending on the nature and scale of the changes sought this will have both time and cost implications. Based on the matters above, it is possible that some or all of the following documentation could require review and / or updating:
- Housing needs assessment(s)
 - Housing site assessment(s)
 - Housing delivery analysis
 - Infrastructure Delivery Plan including modelling of key assumptions (e.g. highways, education, utilities)
 - Sustainability Appraisal
 - Agreements reached under the Duty to Co-operate
 - Supporting explanatory technical papers
 - Examination statements
- 8.58. The above list is not necessarily exhaustive. Additional hearing sessions could incur venue costs (subject to their timing, format and any Covid-19 restrictions in place at the time) as well as costs for attendance and support from legal representatives and consultants. It is not possible to give a cost estimate at this stage given that the precise direction remains unknown. However, the financial implications section of this report sets out the costs incurred by the Council since the Plan was submitted for examination in April 2017.

- 8.59. In pursuing Members' direction, Officers and consultants or other representatives would remain bound by their relevant, professional codes of conduct. Officers would objectively explore any matters which Members request are revisited but cannot guarantee that they would ultimately be able to present any recommendations that might match with Members' desires.
- 8.60. Finally, there can be no guarantee that any particular approach presented to the Inspector (including the current position of the Council) will be found sound. Ultimately, any strategy would remain subject to examination against the legal and soundness tests set out in legislation and national policy. Through that process it is for the Inspector alone to determine whether the position(s) put forward by the Council are acceptable and to direct such additional work or modifications he considers necessary to ensure the Plan can be adopted and is sound.
- 8.61. Should the motion not succeed, officers would liaise with the Inspector to recommence the hearing sessions at the earliest opportunity. It is anticipated that these hearings would cover the same matters as set out by the Inspector prior to the postponement. The Inspector's guidance note for the current round of hearings (ED193) explains his intention that, following the hearing sessions, there would be a final, focussed consultation on any further proposed Main Modifications to the Plan and any other documentation that representors have not had opportunity to comment upon. As in December 2018, any proposed Main Modifications will be presented to Cabinet and approval sought to carry out any consultation exercise. Following that consultation, responses would be returned to the Inspector who would then seek to finalise his report. Once any Inspector's report is received it would be presented to Full Council to make a decision upon his recommendations.

Development Management

- 8.62. The commentary above relates to the Council's plan-making responsibilities. However, as local planning authority, the Council also exercises decision-making responsibilities and would continue to do so during any hiatus in the Local Plan examination.
- 8.63. As outlined above, the Local Plan was submitted for examination more than three years ago and this has already had implications for the Development Management Team and their duties in decision making and making recommendations to Planning Committee, which would be exacerbated should the motion be passed. If the motion were passed, this would clearly result in further significant delays with regard to the adoption of the Local Plan.
- 8.64. As Members will be aware, the Council's position with regard to the five-year housing land supply (5YHLS) and the historic undersupply of housing invariably impacts on the decision-making process with regard to planning applications. This is outlined under paragraph 11 of 'NPPF2' in terms of the tilted balance and the weight afforded to the supply of future housing.

- 8.65. The Council's current Housing Land Supply for decision-making purposes sits at 2.2 years as of April 2020, substantially below the minimum requirement of 5 years. The Council's historic undersupply of housing, as measured through the Housing Delivery Test, is also one of the worst in the country. With regard to the Council's current housing land supply, it is noted that since 2011, housing completions have been on average 313 dwellings per year. Against the current figures presented to the examination, the overall presently accrued backlog is 3,036 dwellings. These are dwellings that are needed and should have been provided between 2011 and 2020 but were not. Until the Local Plan is adopted, the Council's 5YHLS for decision-making purposes and Housing Delivery Test results are based on the premise that between 700-1,000 dwellings should be provided per year.
- 8.66. The 2.2 years' supply that had been identified is already predicated on the delivery of some of the sites allocated in the Local Plan within the next two years or so and therefore any further delay to the examination will only worsen this situation, with the 2.2 years likely to drop even lower. The Council is required to deliver housing to meet the identified need and also to address the significant historic undersupply – this requirement would remain, even if the motion is passed by members.
- 8.67. Given the inevitable worsening of the 5YHLS and the delay this motion would cause to the adoption of the Local Plan, the Local Plan could not be relied upon in order to address the significant housing shortfall in the district. Accordingly, the weight afforded to the Local Plan and the policies it contains would be reduced.
- 8.68. As such, the weight afforded to the substantial lack of supply of housing would be significantly increased, in favour of any future proposals. This would apply to both non-allocated sites (including so-called 'hostile' applications) and sites proposed to be allocated in the Local Plan. For sites currently within the Green Belt, the increased weight to be given to any 'Very Special Circumstances' case would need to be considered on a case-by-case basis.
- 8.69. The likely implication would be an increase in the submission of 'hostile' planning applications, for proposed housing on non-allocated sites around the district. As noted above, the weight afforded to the lack of supply of housing through any future proposals (hostile applications or otherwise) would be significantly increased, in favour of those proposals. In some instances, difficult decisions or recommendations would need to be made whereby the weight afforded to the lack of supply of housing may be considered to outweigh potential harm (harm to landscape and/ or heritage assets etc). Subsequently, the Council could be in a position whereby there would be increased pressure to approve such applications. For example, more applications which may otherwise/ currently be considered unacceptable, may have to be considered for approval. In addition, officers would be in a weaker position in terms of being able to negotiate on applications, for example on the quality of design or in securing the appropriate amount of affordable housing as these issues may be 'outweighed/ overruled' by the pressing need to supply housing.

- 8.70. In the latter half of 2018 the Council was able to successfully defend four planning appeals, relating to hostile applications for medium-sized housing proposals - firstly for a site in Offley and decisions followed this relating to sites in Pirton, Ashwell and Barkway. Whilst it was acknowledged in these appeals that the Council could not demonstrate a 5YHLS, Inspectors gave weight to the fact that this was anticipated to be addressed in the short term through the adoption of the new Local Plan. However, these decisions were made some two years ago, and the Local Plan is still yet to be adopted with the prospect of further delay if the motion is carried. Therefore, it is officer opinion that this argument would significantly weaken and may no longer carry any significant weight in any decision-making process. As such, it is anticipated that applications for these and other sites may be resubmitted, should the motion be passed.
- 8.71. Any loss of the ability to reject hostile applications would also undermine the primacy of the Plan-led system and the allocation of housing through the Local Plan process. The Council would likely lose much of the control it currently has over where housing is built in this district.
- 8.72. Furthermore, the Development Management team is currently in receipt of a number of applications for proposals relating to sites allocated within the Local Plan. These vary in scale from medium sized housing sites up to large scale strategic sites. To date, applicants have generally been willing to extend statutory deadlines to progress their application broadly in line with the Local Plan examination. There is a risk that an appeal against a non-determination would become more attractive to applicants. The factors outlined above would put the Council in a much weaker position in terms of being able to defend any appeals – be these against decisions of refusal or against non-determination of applications already with the Development Management team. Furthermore, the likely increase of hostile applications and appeals, would in turn have a significant impact on the resources of the Development Management team, particular with regard to potential Public Inquiries and the need to appoint legal representatives and consultants etc.

9. LEGAL IMPLICATIONS

- 9.1 The legal framework for the preparation, submission, examination and adoption of Development Plan Documents is set out in the Planning & Compulsory Purchase Act 2004 (as amended). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 9.2 The powers of the Inspector to recommend modifications at the request of the Local Planning authority are established in Section 20 of the Planning & Compulsory Purchase Act 2004 (as amended). The Council requested that the appointed Inspector exercise these powers when the Plan was submitted in June 2017.
- 9.3 To date, the Examination of the emerging Local Plan has been conducted in accordance with the resolutions of Full Council of 11 April 2017. Any departure from, amendment to or replacement of those resolutions requires the consent of Full Council through a new decision.
- 9.4 Further information is provided within the accompanying Part 2 report.

10. FINANCIAL IMPLICATIONS

- 10.1. The costs of submitting and examining the Local Plan and associated work are covered in existing revenue budgets for 2020/21. These budgets are supplemented by an accrued reserve. Since the Full Council decision in April 2017 the total expenditure to date on the Local Plan has been £709k excluding officer time. Currently the budgets do not include funding for additional work with regard the strategic direction of the Plan. It is very difficult to estimate the costs of developing revised proposals and undertaking the examination process, but it is thought that they would be in excess of £100k.
- 10.2. Any decision on the Local Plan must be made on its planning merits but there are potentially significant financial risks attached to not having a plan in place.
- 10.3. Without an up to date Local Plan the Council is increasingly vulnerable to planning applications in areas where it may wish to resist development. The cost of trying to resist developments is generally far higher than the cost of negotiating developments by an up to date Local Plan.
- 10.4. Without an up-to-date Local Plan, the Council is unable to introduce a Community Infrastructure Levy (CIL) (Cabinet has instructed officers to consider a CIL for all applicable development types), thus limiting future options for how the Council may wish to secure financial contributions from development.
- 10.5. The Council Tax income from a new property exceeds the direct costs of providing services (e.g. waste collection) to that property. The net additional available funding could be estimated at over 50% of the Council Tax income, which can be used to improve the sustainability of the Council and invest in services. The Local Plan identifies 12,560 new homes that could be built on new sites (strategic and local allocations). Assuming that on average these were a band D, at current Council Tax rates that would equate to additional Council Tax income of almost £3m (NHDC element). The Council previously received New Homes Bonus for growth in housing numbers. This Bonus is being removed but it has been detailed that it will be replaced. Whilst there are no details of what this would be, any funding would be on top of the growth in Council Tax income. However, it has previously been indicated that any Bonus (or equivalent) may be withheld where there was no Local Plan in place, or where permission was only granted on appeal.
- 10.6. Further information is provided within the accompanying Part 2 report.

11. RISK IMPLICATIONS

- 11.1. The Council's new risk Management Framework specifies that we will now actively manage and monitor risks scoring 4 or higher on the risk matrix. As of the 31 March 2020, the Local Plan is assessed as one of the highest risks that the Council currently faces with a risk score of 9. The identified consequences on the Local Plan risk include:
 - Failure to have sound Development Policy Documents;
 - Failure to have a 5-year land supply;
 - Failure to recognise the long term needs for Town Centres;
 - Failure to meet the requirements under Duty to Cooperate.

- 11.2. These risks then are identified as leading to:
- Increased uncertainty of planning policy base;
 - Intervention by the Secretary of State;
 - Legal challenge to the Local Plan;
 - Detrimental effect of economic situation on New Homes Bonus.
- 11.3. Should the Motion succeed more work would be required to be carried out resulting in both substantial delay and additional costs. This could leave the Council at a high risk of intervention or sanction by the Secretary of State.
- 11.4. Given the Council cannot demonstrate a 5-year land supply and further delays would reduce the land supply the Council can demonstrate and could leave it open to hostile applications and 'planning by appeal'.
- 11.5. Further information is provided within the accompanying Part 2 report.

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. An Equality Impact Assessment has been produced assessing the plan's compliance with relevant legislation and requirements. The Planning Inspectorate specifically requested that this document accompanied submission of the local plan.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. The Local Plan is subject to extensive, statutory environmental assessments which consider the social, economic and environmental implications of proposed policies and allocations. Any changes to the spatial strategy already submitted and considered by the examination would require further assessment(s). Any proposed Main Modifications will be 'screened' to determine if they are likely to have significant effects and if necessary, will be subject to full appraisal.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. There are no new human resource implications as a direct result of this report. The Planning Policy team is not fully staffed although a new starter is expected shortly for one of the two vacant posts (Principal), the other post (Policy Officer) has not been filled despite previous attempts to recruit no suitable candidates have applied to progress through to interview. Temporary staff and/or consultants were brought in to progress the Local Plan to its current point. Dependent upon the outcome of the vote on the substantive motion further recruitment or use of temporary staff/consultants will be required.

16. APPENDICES

- 16.1 Appendix A – Examination Document ED191A – NHDC Response to Inspector's letter ED190
- 16.2 Appendix B – Examination Document ED191B – NHDC 5-year Housing Supply at 1 April 2020

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18. BACKGROUND PAPERS

- 18.1 [Report to Full Council 11 April 2017 - Submission of the Local Plan](#)
- 18.2 [Report to Cabinet 10 December 2018 - Main Modifications Consultation](#)
- 18.3 [North Hertfordshire Local Plan Examination Library](#)
- 18.4 [North Hertfordshire Local Plan Examination Documents](#)
- 18.5 [National Planning Policy Framework 2012](#)
- 18.6 [National Planning Policy Framework 2019](#)

- 18.7. [Planning Practice Guidance on Housing and Economic Development Needs Assessments](#) [*version used for purposes of Local Plan examination*]
- 18.8. [Planning Practice Guidance on Housing Supply and Delivery](#) [*version used for decision-making purposes*]
- 18.9. [Planning Inspectorate Procedure Guide for Local Plan Examinations](#)
- 18.10. Strategic Planning Matters reports to Cabinet:
- [11 June 2019](#)
 - [30 July 2019](#)
 - [24 September 2019](#)
 - [31 October 2019](#)
 - [17 December 2019](#)
 - [28 January 2020](#)
 - [24 March 2020 \(Cancelled\)](#)
 - [23 June 2020](#)
 - [21 July 2020](#)
 - [15 September 2020](#)
- 18.11. [MHCLG Housing Delivery Test 2018 Results](#)
- 18.12. [MHCLG Housing Delivery Test 2019 Results](#)
- 18.13. [Report to Cabinet 11 June 2019 - Housing Delivery Test Action Plan](#)
- 18.14. [Report to Cabinet 23 June 2020 - Housing Delivery Test Action Plan](#)
- 18.15. [North Hertfordshire Housing Delivery Test Action Plan November 2018 - October 2019](#)
- 18.16. [North Hertfordshire Housing Delivery Test Action Plan February 2020 – February 2021](#)
- 18.17. [Report to Cabinet 24 March 2020 - Corporate Peer Challenge Report](#)
- 18.18. [Report to Cabinet 24 March 2020 – Corporate Peer Challenge Report Appendix A - Corporate Peer Challenge Feedback Report](#)
- 18.19. [Report to Cabinet 23 June 2020 - Corporate Peer Challenge Action Plan](#)
- 18.20. [Report to Cabinet 23 June 2020 - Corporate Peer Challenge Action Plan Appendix A Draft Corporate Peer Challenge Action Plan](#)