

CABINET
13 JUNE 2017

***PART 1 – PUBLIC DOCUMENT**

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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. 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

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

- 1.1.1 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 Statement of Common Ground (SoCG) 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. As the Council approaches the examination of its own plan (see 8.3 below), it is important to reach agreement with neighbouring authorities and other duty to Co-operate bodies. A number of MoUs or equivalent have been agreed or are under discussion and will be submitted to any appointed Inspector as part of the examination submission documents. These are listed in the Table1 below:
- 8.1.3 Table 1: List of existing and emerging agreements with relevant bodies

Authority/Organisation	Status
Central Bedfordshire District Council	MoU agreed
South Cambridgeshire District Council	SoCG agreed *
Uttlesford District Council	MoU agreed
East Hertfordshire District Council	MoU agreed
Stevenage Borough Council	MoU agreed *
Welwyn Hatfield Borough Council	MoU agreed
St. Albans City & District Council	MoU under consideration
Luton Borough Council	SoCG under consideration *
Aylesbury Vale District Council	MoU under consideration
Hertfordshire County Council – Environment	MoU in preparation
Hertfordshire County Council – Highways	MoU agreed
Hertfordshire County Council – Education	MoU to be prepared
Environment Agency	MoU agreed
Thames Water	MoU agreed
Anglian Water	MoU agreed
Natural England	MoU in preparation
Historic England	To be prepared
Highways England	To be prepared

Authority/Organisation	Status
Hertfordshire Local Enterprise Partnership	MoU agreed
Greater Cambridge, Greater Peterborough Local Enterprise Partnership	MoU under consideration

NOTES:

*Previous agreement (also) signed in relation to authority or organisation's own plan
 In preparation = agreement between bodies to prepare with detailed wording currently being negotiated;
 under consideration = NHDC has asked body to enter into an agreement and awaiting response;
 to be prepared = NHDC intend to (seek to) prepare an agreement

8.1.4 Any further updates 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 **East Hertfordshire** and **Welwyn Hatfield** Councils are progressing their plans to broadly similar timetables to North Hertfordshire and have both submitted their plans to the Secretary of State for examination. They are yet to be advised by PINS of their examination hearings.

8.2.3 In terms of **Luton's** local plan, an interim Inspector's report has been published together with some suggested 'proposed main modifications' to the pre-submission plan arising from their public examination hearings held July 2016 to January 2017. The 'proposed main modifications' were consulted on from 10 April to 26 May 2017. North Herts has prepared a response to the main modification in respect to transport matters. See copy of response attached at Appendix A. The consultation on the main modifications can be viewed on Luton's website at:

<http://www.luton.gov.uk/Environment/Planning/Regional%20and%20local%20planning/local-plan-exam/Pages/default.aspx>

8.2.4 As previously reported, the main hearing sessions into the examination of **Stevenage's** Local Plan have concluded. A consultation on the 'proposed main modifications' to the pre-submission plan is due to commence on Monday 12 June 2017 for a period of six weeks.

8.2.5 Officers will review the modifications to determine any implications for the District or for North Hertfordshire's own Local Plan. If required, a response will be prepared under the Executive Member's delegated powers and reported to Cabinet in due course.

8.2.6 As previously reported, **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.

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

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 report to Full Council identified that officers would make final preparations in consultation with the Executive Member for the submission of the Plan.
- 8.3.2 Officers are in the process of completing the final documentation on the Plan to be submitted to the SOS' Planning Inspectorate. The submission documents, which include the plan and all of the supporting evidence base, will be made available on the Council's website.
- 8.3.3 A verbal update regarding submission of the Plan will be provided at the meeting.
- 8.3.4 Dates and a venue for the examination will be announced in due course once the Inspector has been appointed and has completed an initial appraisal of the plan.
- 8.3.5 The Council has appointed a Programme Officer, Louise St. John Howe, for the duration of the examination. The Programme Officer works independently of the Council and acts as the administrative liaison between the Inspector, the Council and the respondents to the plan.
- 8.3.6 Ms St. John Howe has filled a similar role in the recent examinations of a number of nearby Local Plans including Luton and Stevenage. Contact details for the Programme Officer will be provided on the Council's website.

8.4 Neighbourhood Plans

- 8.4.1 As previously reported, consultation on the Pirton Neighbourhood Plan took place between 9 February and 23 March 2017. Some 205 representations were received. These have been collated and will be considered by an independent examiner before a referendum on the neighbourhood plan can be held. The Council, in consultation with Pirton Parish Council, is in the process of appointing an inspector.
- 8.4.2 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 and will be consulted on for four weeks from 9 June 2017. Outcomes from the consultation will be reported to Cabinet in July.
- 8.4.3 Wymondley Parish Council formally submitted their neighbourhood plan in March 2017, for public consultation. Officers have checked the documentation against the Neighbourhood Planning (General) Regulations 2012 (as amended) and are satisfied that these comply with the Regulations. The Regulations state that as soon as possible after receiving a plan proposal which includes each of the requisite documents, the local planning authority must undertake consultation on that plan.
- 8.4.4 Delegated officer approval to undertake public consultation on the Wymondley Neighbourhood Plan proposed submission document is being sought. The anticipated dates of the consultation will be verbally reported at the meeting. This does not preclude the Council from making its own representation to the plan during the consultation.
- 8.4.5 Any verbal updates on neighbourhood planning issues will be reported at the meeting.

8.5 Government Announcements

- 8.5.1 North Hertfordshire contributed to a joint response by all the Hertfordshire authorities to the consultation on the DCLG - **The Housing White Paper 'Fixing our Broken Housing Market'** published in February 2017. This paper sets out a number of proposed changes to the plan-making process and planning system more generally. The joint response is attached at [Appendix B](#).
- 8.5.2 The National Infrastructure Commission's (NIC's) have published a discussion paper on strategic planning and governance in the Cambridge/Milton Keynes/Oxford Corridor. North Herts, along with Stevenage and East Herts, was identified in the NIC interim report last year as falling within the geographical scope of this corridor. Although the current discussion paper doesn't provide a fixed geographical definition, it does talk of "c.30 authorities" which would correspond with this area (i.e. including NHDC).
- 8.5.3 The discussion paper makes reference to the idea of a non-statutory strategic plan for the period to 2050 along with suggestions about greater collaborative working amongst the various authorities. Being included within the geographical scope of the corridor could provide potential opportunities for North Herts, such as giving better access to, or leverage for, longer-term funding opportunities to pursue the new settlement programme and / or infrastructure improvements. The Head of Planning and Building Control is presently attending meetings chaired by Central Bedfordshire looking into collaborative working within the Corridor. Currently there have been no invitations to participate in the respective Corridor Leader and Chief Executive Groups, officers are seeking to resolve this omission.
- 8.5.4 The discussion document can be found on the following link.
<https://www.gov.uk/government/consultations/strategic-planning-and-governance-in-the-cambridge-milton-keynes-oxford-corridor>
- 8.5.5 The **Neighbourhood Planning Bill** received Royal Assent on 27 April 2017 and is now an Act. The publication of the Regulations is yet to be announced and will be reported on once received.

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 Previously, the local planning authority could 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. DCLG have advised that this funding will continue for 2017/2018 and will be making a further announcement on funding for neighbourhood planning after the end of March 2018. Any announcement is unlikely before February 2018. 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 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 the contents of this report. Any future individual schemes and potential impacts may be subject to review to ensure that their compliance with equality legislation. The duty to cooperate ensures that public bodies are to engage constructively to maximise the effectiveness of the Local Plan and therefore benefit the residents of their communities.
- 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. Permanent recruitment to a vacant graduate-entry post within the planning policy team is complete.

15. APPENDICES

- 15.1 Appendix A – Copy of NHDC response to Luton Borough Council on the 'proposed main modifications' to their Pre-submission Local Plan.
- 15.2 Appendix B – Hertfordshire Infrastructure & Planning Panel (HIPP) joint response to consultation on DCLG The Housing White Paper 'Fixing our broken Housing Market'.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 Strategic Planning Matters Reports to Cabinet on 26 July 2016, 27 September 2016, 22 November 2016, 20 December 2016, 24 January 2017 and 28 March 2017.
- 17.2 Full Council Report 11 April 2017 – North Hertfordshire Local Plan 2011-2031.