

CABINET

23 JANUARY 2018

*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

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 There is nothing further to update from the December Cabinet report.

8.2 Other Plans and Examinations

8.2.1 **Central Bedfordshire Council** – The pre-submission version of their Local Plan is to be published for consultation from 10 January to 21 February 2018. Officers will prepare a representation in consultation with the Executive Member and attach a copy to a future report.

8.2.2 **East Hertfordshire District Council** – The Inspector at the end of November issued a post hearing note which set out:

- The way forward for Objectively Assessed Need (OAN) and housing land supply: at the start of the hearings the Inspector questioned the East Herts OAN as it was based on the 2012 household projections not the up to date recent figures of 2014. As a result further work was undertaken by East Herts resulting in an uplift to their OAN. The Inspector's note considers that this additional work means that the Council now has set out a reasonable basis for OAN which should form a Main Modification. However for ease the Inspector wishes the Council to include a minor adjustment to make the uplift 14%, circa 18,600 homes. Following on from the modified OAN the Inspector believes there should be a further Main Modification setting out the expected housing supply across the plan period and identifying a 5 year supply of housing land starting from 01 April 2017;
- Advice on and a draft timetable for Main Modifications:
Draft Main Modifications – to the Inspector by December 2017;
Consultation on Main Modifications – February to March 2018;
Likely date of Inspectors report – end of April 2018.

8.2.3 **Welwyn Hatfield Borough Council** – A revised draft timetable has been published for Stage 3 of their examination. This stage will concentrate on strategic policies and will run from 20 February until 22 February 2018. Details of Stage 4, Site allocations, have yet to be released.

A joint hearing session involving East Herts and Welwyn Hatfield Inspectors is proposed to take place on 30 January 2018 to discuss the proposed allocation known as Birchall Garden Suburb. A new community of circa 2,500 homes within the boundaries of both authorities.

8.2.4 **Stevenage Borough Council** – There is no further update on the holding direction by The Secretary of State which was issued on 13 November 2017.

8.2.5 **St. Albans City & District Council** – At their meeting of 23 November 2017, St. Albans Cabinet resolved to undertake a Local Plan Issues and Options public consultation. The consultation is proposed to take place between January and February 2018 and include a 'call for' new housing and employment sites.

8.3 North Hertfordshire Local Plan

8.3.1 Officers are working on the Hearing Statements for weeks 6 and 7 of the hearing sessions, site allocations, due for submission by Friday 12 January 2018.

8.4 Neighbourhood Plans

8.4.1 The examination of the Pirton neighbourhood plan took place during November 2017 and was conducted by written representation, rather than a public hearing. During the examination, the examiner asked for some additional information which was provided by both the District and Parish Councils. The examiners report was issued on 19 December 2017, with the following recommendation: *I am therefore pleased to recommend to North Hertfordshire District Council that, subject to the modifications proposed in this report, the Pirton Neighbourhood Development Plan can proceed to a referendum.* This is covered in detail by a separate report later on in the meeting agenda.

8.4.2 Following a public consultation Wymondley Parish Council have requested that their neighbourhood plan is submitted for examination.

8.4.3 The draft Preston Parish Neighbourhood Plan is currently out for consultation from 08 January to 18 February 2018. The consultation can be found at <http://www.preston-np.org.uk/>

8.5 Government Announcements

8.5.1 Brownfield Register – Local planning authorities in England are required by Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 to prepare, maintain and publish registers of previously developed ('brownfield') land by 31 December 2017. The purpose of the Brownfield Land Register is to provide up-to-date and consistent publicly available information on sites that local authorities consider to be appropriate for residential development. Local planning authorities are required to review their registers at least once a year.

The register is compiled in two parts:

- Part 1 is a comprehensive list of identified brownfield sites which is published on the Council's website:
<https://www.north-herts.gov.uk/home/planning/planning-policy/brownfield-land-register>
- Part 2 is a list of sites the Council considers appropriate to grant 'Permission in Principle' and is optional and the Council currently does not have a Part 2 register.

8.5.2 The New Towns Act 1981 (Local Authority Oversight) Regulations consultation was published on 04 December 2017. The consultation paper proposes that the designation of New Town Development Corporations is potentially an effective mechanism to drive forward the delivery of modern Garden Towns and Villages.

The Neighbourhood Planning Act 2017 enables the oversight of designated New Town Corporations to rest with one or more local authorities, rather than the Secretary of State as in the current New Towns Act. The 2017 Act also allows regulations to come forward to detail how that oversight role would work and these draft regulations are the subject of

this consultation paper.

The principle is that locally led New Towns will only be created where **“this has the express support of and is requested by all the local authorities, including in two tier areas the county council, covering the area to be designated for the new town.”** The actual designation will still be subject of parliamentary approval and Secretary of State consultation.

Certain functions are proposed to remain with the Secretary of State, notably the power to confirm CPO's; to amend designation boundaries; and to wind up New Towns.

The draft regulations propose that a development corporation may borrow with the consent of the oversight authority up to a £100million after which amount Treasury consent is required.

8.5.3 Planning Delivery Fund - The Government set out in the housing White Paper its strategy for 'fixing the broken housing market'. Subsequent measures set out in detail in 'Planning for the right homes in the right places' consultation, and announced at Budget 2018, are proposed to take forward the implementation of this strategy.

The £25 million of resource funding announced in the housing White Paper, is available for the financial years 2017/18 to 2019/20. The December 2017 Planning Delivery Fund prospectus identifies £11 million of funding, equally split over the financial years 2017/18 to 2018/19, to be administered under three dedicated funding streams: a Joint Working Fund, a Design Quality Fund, and an Innovation Fund. The government expects to issue a further prospectus for the remainder of the fund in due course. The current prospectus invites expressions of interest (EoI) by 11 January 2018.

An update will be given at the meeting with regard any EoI submitted by the Council.

8.5.4 Planning fee increases – the new fee regulations were made on 20 December 2017 and come into force on 17 January 2018. Primarily the regulations provide for an increase of approximately 20% for all existing application fees. This increase was offered by Government to all local planning authorities if they agreed that the additional money would be re-invested within their planning department, all local planning authorities accepted the offer.

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 2017/18 and 18/19. Officers are monitoring the impact of the extended Examination and the subsequent increase in costs. A financial risk has also been included for 2018/19 for any further work, such as that associated with any modifications to the Plan that cannot be quantified at this time.
- 10.2 At its meeting of 19 December 2017, Cabinet identified a significant future risk in relation to planning policy and the emerging strategies and plans that are likely to have a significant impact on North Hertfordshire. It was determined that the Council should be able to respond to these and attempt to protect the interests of the District. In setting the budget for next year, the minimum General Fund balance is affected by an assessment of known risks. The relevant planning risk has been broadened in scope and value (to £250k) and the likelihood increased to high. As at the end of November, it is forecast that planning income will exceed the current budget by £137k (excluding the impact of the 20% increase in planning fees). It is proposed that this is put in to a reserve to provide the funding (e.g. additional officer resource, consultants) to be able to respond to and influence the plans, policies, strategies and proposals that impact the District.
- 10.3 As referenced in 8.5.4, the new fee regulations came in to force from 17 January. It is not yet known what the impact of this will be on planning fee income. However the regulations do state that the additional income should be reinvested in the planning department. Given the late announcement of this being in place and the uncertainty over the amounts involved, the scope for investing the additional income this year is very limited. It is therefore proposed that any additional 20% income received this year will be transferred into reserve so that a more planned use of it can be made in 2018/19. It is not yet clear whether there will be any further expectations from Central Government as to how the additional income can be used, monitored or reported.

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.

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. Initial recruitment to these posts has been unsuccessful; however agency staff of the right experience and competencies have been employed where available to assist the team through the Examination stage of the Local Plan examination. Given the current and proposed extended timescales for the examination it is not envisaged that permanent recruitment, anticipated to commence in January 2018, can now be made to these posts in time to support existing officers.

14.2 As the Examination timetable has been extended and there is on-going work required before and out of each hearing day, Planning Policy officers are focusing full time on the Local Plan. Given this heavy and complex on-going 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.

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17. BACKGROUND PAPERS

- 17.1 None.