

CABINET

27 MARCH 2018

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

7

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING AND ENTERPRISE
EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT
COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

1.1. The purpose of this report is to inform Members of the current positions regarding:

- Other Local Plans and Examinations
- North Hertfordshire Local Plan
- Neighbourhood Plans
- Government announcements
- Strategic Planning

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 Other Plans and Examinations

8.1.1 **Central Bedfordshire Council** – The pre-submission version of their Local Plan was published for consultation from 10 January to 21 February 2018. Officers prepared a representation in consultation with the Executive Member, attached as Appendix A.

8.1.2 **East Hertfordshire District Council** – is undertaking a six week main modification consultation between the 15 February and 29 March 2018. The schedule of main modifications can be viewed <https://www.eastherts.gov.uk/mainmodifications>. Officers, in consultation with the Executive Member will review the proposed modifications and, if necessary, prepare a response to the consultation. Any response will be attached to a future report.

The main modifications include an increase in housing need from 16,390 to 18,458, 839 new homes per year and a target for the creation of new jobs of 10,800 over the Plan period (2011- 2033).

8.1.3 **Welwyn Hatfield Borough Council** – Stage 3 of their examination concentrated on strategic policies and ran from 20 February until 22 February 2018. Details of Stage 4, Site allocations, have yet to be released. Welwyn Hatfield are currently carrying out additional work on Green Belt, infrastructure and housing at the request of the Inspector.

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

8.1.5 **St. Albans City & District Council** – following a Draft Issues and Options Consultation (Regulation 18) and 'Call for' new housing and employment sites from the 9 January to 21 February 2018, St. Albans Local Plan timetable is as follows:

- March – April 2018: review of consultation responses;
- May to June 2018: Preparation of Draft Local Plan;
- June – July 2018: Approval of Draft Local Plan; followed by
- Draft Local Plan consultation (Regulation 19), review of consultation responses and submission of Local Plan.

8.2 North Hertfordshire Local Plan

8.2.1 Officers are working on week 8 of the hearing sessions, the conclusion of the site allocations. Week 8 has been moved by a week and sessions will sit on Monday 26 March and Tuesday 27 March 2018. The hearing timetable can be found at <https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/hearings-timetable>

Following the closing of the Examination in Public officers will be completing the actions requested by the Inspector; these actions can be seen at: <https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/examination-actions>

8.3 Neighbourhood Plans

8.3.1 The Pirton neighbourhood plan 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. Following Cabinet's resolution on 23 January 2018, the Referendum Poll took place on Thursday 08 March 2018 to decide the question:

'Do you want North Hertfordshire District Council to use the neighbourhood development plan for Pirton to help it decide planning applications in the neighbourhood area?'

520 votes were cast for 'yes' and 18 for 'no'.

8.3.2 Officers are working with Wymondley Parish Council to select an Examiner for their neighbourhood plan.

8.3.3 Officers prepared a response, in consultation with the Executive Member, to the draft Preston Parish Neighbourhood Plan that was out for consultation from 08 January to 18 February 2018, attached at Appendix B.

8.4 Government Announcements

8.4.1 National Planning Policy Framework (NPPF) – The Ministry of Housing, Communities & Local Government published its consultation on a revised NPPF on Monday 05 March with the consultation running until Thursday 10 May 2018. The text of the NPPF has been revised to implement policy changes previously consulted upon in the Housing White Paper (February 2017), *Fixing our Broken Housing Market*, and the September 2017 consultation, *Planning for the right homes in the right places*.

Alongside the revised draft NPPF, the Government are also consulting on proposed changes to the ways in which developer contributions can be sought through the planning system using Section 106 agreements and / or Community Infrastructure Levy. The outcomes of this process will help inform a decision on the best approach to developer contributions in North Hertfordshire later in 2018.

Officers will review the proposed changes and in consultation with the Executive Member prepare a response for circulation and/or inclusion in a future report.

8.4.2 In the Governments *Planning for the right homes in the right places* consultation last September they set out that the proposed new standardised method for calculating housing need should be used unless a Local Plan will be submitted for examination on or before 31 March 2018, or before the revised Framework is published (whichever is later). In light of the timetable for the NPPF consultation these transitional arrangements will now apply to any plans submitted before the final revised Framework is published.

8.4.3 Consultation on pre-commencement regulations - A consultation in February sought views on proposed regulations (Draft Town and Country Planning (Pre-commencement Conditions) Regulations 2018). Which if brought into force would prohibit the imposition of a pre-commencement condition on a grant of planning permission without the written agreement of the applicant. The proposed regulations would exempt local planning authorities from the requirement to obtain the written agreement of an applicant before imposing a pre-commencement condition on a grant of planning permission in the following circumstances:

- the local planning authority (or Secretary of State) has given notice in writing to the applicant that if planning permission is granted they intend to impose the pre-commencement condition specified in the notice, and
- the applicant does not provide a substantive response to the notice by the date specified in the notice

Officers have responded to the consultation which can be summarised as follows:

- That the need to secure an applicants agreement before imposing such conditions may result in unintended consequences such as:
 - a refusal of permission on the basis of lack of information; or
 - a change in the trigger point of a conditions, such as requesting the submission of details prior to occupation or within one month of commencement.

It must also be acknowledged that regular contact and co-operation with applicants is a requirement of the planning system at present without this proposed change to regulations.

8.4.4 Planning Delivery Fund – North Herts on behalf on Stevenage, East Herts and Welwyn Hatfield Councils submitted an Expression of Interest (Eoi) under the Joint Working Fund. The joint working bid focused on putting in place strong processes to consider:

- Long term housing & economic needs: To inform potential longer-term planning requirements including relationships to wider growth initiatives such as the Oxford to Cambridge Arc & London Stansted Corridor;
- Approaches to a new settlement/s: as a potential key strategic requirement of planning for the future, with a view to better defining the potential scope, scale, and purpose that a new settlement/s could play going forward. This will include joint consideration of:
 - Scale & typologies: to consider applicability of new settlement concepts to the area's context;
 - Strategic infrastructure implications: to better understand the relationships between settlement scale and infrastructure needs;
 - Viability: to better understand the viability implications of a new settlement/s in the area, including reference to local markets, values, and potential development costs, and related scope for land value capture.
- Growth Delivery Models: To further evolve the thinking on the potential role that the Councils could take in delivery.

The Eoi sought £250k of funding through to the end of 2018/19 and was successful; officers are currently working on the next steps.

8.5 Strategic Planning

8.5.1 The Local Planning Authorities in South West Hertfordshire (Dacorum, Hertsmere, Three Rivers, Watford and St. Albans) have been discussing the ways in which they can respond to the challenges of future growth demands by examining the options for strategic planning. This approach was confirmed at a meeting of relevant Leaders, Executive Members and officers on 23 January 2018 and work is underway with regard a Memorandum of Understanding (MoU). Both the County Council and the Local Enterprise Partnership will be invited to be signatories to the MoU.

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 Following the setting of the referendum for the Pirton Neighbourhood Plan, the Council can apply for £20k of funding to cover its costs and support other Plans coming forward. It is not known whether this grant will be available in 2018/19. A financial risk has been included for 2018/19 for any further work on Neighbourhood Planning that is not covered by the current reserve or future grants.

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 (interviews planned for March 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 as a result 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 Appendix A: Response to Central Bedfordshire pre-submission Local Plan consultation.
- 15.2 Appendix B: Response to Preston draft Neighbourhood Plan consultation.

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17. BACKGROUND PAPERS

- 17.1 None.