

CABINET

19 JUNE 2018

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

7

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE SERVICE DIRECTOR – REGULATORY SERVICES
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
- Chilterns AONB

2. RECOMMENDATIONS

- 2.1 That the report on strategic planning matters be noted.
- 2.2 That the submissions in appendix A and B are noted and endorsed by Cabinet.

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.
- 3.2 In March 2016 Cabinet agreed to authorise the Head of Planning and Building Control, in consultation with the Executive Member for Planning and Enterprise to enter into formal Memoranda of Understanding (or equivalent) between North Hertfordshire District Council and other prescribed bodies under the Duty to Co-operate.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Planning, Enterprise and Transport 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** – submitted their Local Plan to the Secretary of State on 30 April for independent examination. Inspector Mike Hayden has been appointed to undertake the examination. On early reading of the Plan, the Inspector has asked Central Bedfordshire to undertake further work in relation to the environmental assessment of their plan. The hearings timetable will not be issued until this requirement is addressed.

- 8.1.2 **East Hertfordshire District Council** – undertook a six week main modification consultation on their Local Plan between the 15 February and 29 March 2018. Officers prepared a representation in consultation with the Executive Member; see copy attached as Appendix A.

As previously advised, 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** – The Stage 4, site allocations hearing sessions are due to take place the week commencing 25 June. These sessions will consider policies in their Plan on Welwyn Garden City and Hatfield including proposed housing allocations. Welwyn Hatfield is in the process of completing 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** – are in the process of preparing their draft Regulation 19 Local Plan for approval by their Cabinet in June for public consultation. St. Albans have requested a duty to co-operate meeting with NHDC to discuss their draft Plan. This will take place in the next couple of months.

8.2 North Hertfordshire Local Plan

- 8.2.1 Following the closing of the Examination in Public officers have been in the process of completing the actions and additional information as 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>

- 8.2.2 Additional information and a proposed schedule of draft modifications were submitted to the Inspector at the beginning of June for his consideration. The Inspector will then take

a view on whether he will require any further information on any of the matters examined at the hearing sessions. It will be for the Inspector to advise the Council on the timetable for the next steps, including the issuing of the proposed main modifications, which would then be subject to Member approval to carry out a six week consultation period.

8.3 Neighbourhood Plans

8.3.1 Following the successful outcome of the referendum on the Pirton Neighbourhood Plan in March 2018, the Council has now “made” the Plan through delegated powers. The decision (as published in MIS) was taken by the Executive Member for Planning and Enterprise and the Head of Development and Planning and was formally published on 27 April 2018.

8.3.2 Officers are working with Wymondley Parish Council to select an Examiner for the examination of their neighbourhood plan. The Council identifies a choice of Examiners for the Parish Council to consider, then based upon the Parish Councils recommendation the Council procures and appoints the Examiner.

8.3.3 Preston Parish Council formally submitted their neighbourhood plan in April 2018, 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.

8.3.4 Delegated officer approval to undertake public consultation on the Preston Neighbourhood Plan proposed submission document has been sought. The consultation commenced on 27 May and will run for 6 weeks until 5 July 2018. This does not preclude the Council from making its own representation to the plan during the consultation. The consultation documents can be found at:

<https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/approved-neighbourhood-areas-preston>

8.3.5 Any verbal updates on neighbourhood planning issues will be reported at the meeting.

8.4 Government Announcements

8.4.1 National Planning Policy Framework (NPPF) – As previously advised 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*.

8.4.2 Alongside the revised draft NPPF, the Government also consulted 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.

8.4.3 Officers prepared a response to the above documents in consultation with the Executive Member; see copy attached as Appendix B(1) and B(2).

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.
- 8.5.2 The approach of the South West Hertfordshire authorities is in line with emerging advice in the revised draft NPPF which encourages closer joint working on strategic plan-making matters, building on the existing requirements of the Duty to Co-operate.
- 8.5.3 Arrangements for joint working in the north-east of the County are currently more informal. The Council completes projects and agreements with surrounding authorities on an ad-hoc / as required basis. NHDC recently secured an allocation from the Ministry of Housing and Local Government's Planning Delivery Fund jointly with East Hertfordshire, Stevenage and Welwyn Hatfield Councils. Consultants have been appointed to carry forward this work. This will include looking at future options for the consideration and governance of strategic planning matters between the four authorities.

8.6 Chilterns Area of Outstanding Natural Beauty

- 8.6.1 North Hertfordshire together with Hertfordshire County Council, Dacorum Borough Council and Three Rivers District Council, along with the other local authorities that fall within the Chilterns AONB boundary and the Chilterns Conservation Board have received a letter from MP Rt Hon Dame Cheryl Gillan seeking our opinion regarding the merits of exploring the opportunity of the Chilterns AONB becoming a National Park. HCC are in the process of preparing a report on behalf of the Hertfordshire authorities and are currently seeking the views of the relevant authorities. (See copy of the MP Letter attached at [Appendix C](#))
- 8.6.2 It is the officers' initial view that NHDC should support exploring the initiative in principle, whilst making the following points:
- The part of the Chilterns AONB east of Luton that falls within the NHDC boundary is physically detached and relatively small in comparison to the main part of the Chilterns AONB which is located to the west of Luton (See copy of map attached at [Appendix D](#)).
 - If the whole of the Chilterns AONB were to be designated as a National Park, it would be in North Herts interests to expect any future National Park to be physically contiguous to ensure it was a practical and workable organisation in administrative terms. This would include resolution of the application for a potential extension of the AONB into land between Luton and Hitchin which has been held in abeyance for a number of years since it was submitted to Natural England for consideration.
- 8.6.3 It is to be noted that National Park status represents a step-up in powers and responsibilities and have wider ranging functions, powers and responsibilities than AONBs. They have their own independent National Park authorities with full planning powers running them. This would mean that NHDC would have to relinquish its planning powers for that part of the Chilterns AONB that falls within North Herts.

8.6.4 It therefore may be preferable to suggest that that any future National Park would be better focused to the west of Luton. Officers in consultation with the Executive Member will be preparing a separate response to the MP letter.

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 this additional further work. Future costs such as that associated with any modifications to the Plan cannot be quantified at this time.

10.2 Following the setting of the referendum for the Pirton Neighbourhood Plan, the Council has been successful in its application for £20k funding from the Ministry of Housing, Communities and Local Government (MHCLG) to cover its costs and support other Plans coming forward. The MHCLG has now confirmed that financial support will be available in 2018/19 for local planning authorities once a date has been set for a referendum following a successful examination. 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. The planning service has been carrying a number of vacancies. 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. Three new, permanent members of staff have now been appointed across the Planning service and will all take up their duties by the middle of June.
- 14.2 As the Examination timetable has been extended and there has been on-going work required as a result of the hearing sessions, Planning Policy officers have been 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, officers have not been available or able to undertake work on any other projects. A new Planning Policy Officer has been successfully recruited to start with the Strategic Planning team in mid June. The Director of Regulatory Services 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 East Hertfordshire Proposed Main modifications consultation.
- 15.2 Appendix B(1): Response to NPPF Consultation.
- 15.3 Appendix B(2): Response to Developer Contributions Consultation.
- 15.3 Appendix C: Copy of Chilterns AONB MP letter.
- 15.4 Appendix D: Map showing extent of Chilterns AONB.

16. CONTACT OFFICERS

16.1 Ian Fullstone, Service Director of Regulatory
01462 474480 ian.fullstone@north-herts.gov.uk

Contributors

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

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

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

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

16.6 Ian Couper, Head of Finance, Performance and Asset Management
01462 474243 ian.couper@north-herts.gov.uk

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

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

17. BACKGROUND PAPERS

17.1 None.