

**CABINET  
25 SEPTEMBER 2018**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: STRATEGIC PLANNING MATTERS**

REPORT OF THE SERVICE DIRECTOR - REGULATORY

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.

2.2 That the submissions in Appendix A and Appendix C 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.

**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** – As previously reported, Central Bedfordshire's Local Plan has been submitted to the Secretary of State for independent examination.
- 8.1.2 Following an initial request from their Inspector, Central Bedfordshire completed and submitted additional work in relation to the environmental assessment of their plan.
- 8.1.3 Subsequent to this, the Inspector issued his Initial Questions to the Council in August 2018. This included questions relating to the efficacy of the transport modelling underpinning the plan and the extent to which the transport impacts on adjoining authorities have been assessed; this was one of the key issues raised by this Council in its response to the draft Plan in February 2018.
- 8.1.4 Central Bedfordshire have submitted their response to these questions. These documents are all publically available on Central Bedfordshire's website, <http://www.centralbedfordshire.gov.uk/planning/policy/local-plan/examination.aspx>. No timetable for hearing sessions has been issued.
- 8.1.5 Officers continue to discuss a potential Memorandum of Understanding with their counterparts at Central Bedfordshire. This will be informed, in part, by the questions and responses referred to above. Any agreement would be subject to delegated approval and reported in a future Strategic Planning Matters report.

- 8.1.6 **South Cambridgeshire** – Following a protracted examination lasting almost four and a half years, South Cambridgeshire’s Local Plan has been found sound. The Plan does not contain significant allocations in those areas closest to North Hertfordshire. However, the Plan does require a near immediate review, through the preparation of a joint plan with Cambridge to commence before the end of 2019.
- 8.1.7 **Uttlesford District Council** - Consultation on the Council’s Proposed Submission Local Plan ran between June and August 2018. A response was prepared under the Service Director and Executive Member’s delegated powers and is attached to this report at Appendix A.
- 8.1.8 The response seeks to ensure that Uttlesford’s Plan and, in particular, the proposals for a new settlement at the eastern end of the A505 do not have any significant detrimental impact on the operation of this road, and the highway network in general, around Royston.
- 8.1.9 **East Hertfordshire District Council** – As previously reported, the Inspector’s report finding the new District Plan ‘sound’ was issued in July 2018. The Council was due to adopt the new Plan at an Extraordinary meeting on September 11 2018. However, following requests by Stephen McPartland MP and others the Secretary of State issued a holding direction dated 11 September 2018 preventing any further step in connection with the adoption of the Plan. A copy of the letter is attached as Appendix B.
- 8.1.10 **Stevenage Borough Council** – There is no further update on the holding direction by The Secretary of State which was issued on 13 November 2017.
- 8.1.11 A consultation on the introduction of a Community Infrastructure Levy for the Borough was launched on 12 September 2018 and will run for a period of six weeks to 24 October 2018. Officers are currently reviewing the consultation to identify any implications for North Hertfordshire. Any response will be prepared and approved under delegated powers and reported to a future meeting.
- 8.1.12 **Welwyn Hatfield Borough Council** – An updated Green Belt study was published in August 2018. Further hearing sessions have been arranged for November and December 2018. The November sessions will discuss the new Green Belt work. The dates and programme for the December sessions will be announced after.
- 8.1.13 **St. Albans City & District Council** – Consultation on the Proposed Submission Local Plan commenced on 4 September 2018 and will run for a period of six weeks to 17 October 2018.
- 8.1.14 Officers are currently reviewing the Plan to identify any implications for North Hertfordshire. Any response will be prepared and approved under delegated powers and reported to a future meeting.

## **8.2 North Hertfordshire Local Plan**

8.2.1 No further announcements have been made following the District Council's submission of additional information requested by the Inspector at the hearing sessions. As previously reported, it will be for the Inspector to advise the Council on the timetable for the next steps, including any further work required and / or the issuing of the proposed main modifications, which would then be subject to Member approval to carry out a six week consultation period.

8.2.2 Any change to the above will be reported verbally at the meeting.

## **8.3 Neighbourhood Plans**

8.3.1 In conjunction with Wymondley Parish Council, Officers have appointed Deborah McCann to undertake the examination of the Wymondley Neighbourhood Plan. It is anticipated that the examination will have commenced but a verbal update will be provided.

8.3.2 Ashwell Parish Council have published a draft Neighbourhood Plan for consultation, the first step in the preparation of a neighbourhood plan. The consultation period started on 1 September and will last until 13 October 2018. The document includes draft policies on housing development, design, business and the economy, sport, leisure and recreation, health and well being, education, the natural and historic environment and traffic. This is the first neighbourhood plan in the District which considers the possibility of allocating sites for housing development. Officers will prepare a response to the consultation document.

## **8.4 Government Announcements**

8.4.1 The revised National Planning Policy Framework (NPPF) was published in July 2018. This document has immediate effect for Development Management decisions. However, the transitional arrangements mean that the previous (March 2012) version of the NPPF will continue to be used for the purposes of the ongoing Local Plan Examination.

8.4.2 Training for Planning Committee Members will be arranged in the Autumn. This will provide an update on the content of the new NPPF as well as the status of the new Local Plan.

8.4.3 The Government has still to respond to its consultation on the future of developer contributions held earlier in the year. Once the outcomes are released, they will inform a decision by Cabinet as to the most appropriate future approach to this matter for the District.

## **8.5 London Luton Airport**

8.5.1 Members will be aware that London Luton Airport Ltd recently held a consultation on increasing the capacity of the airport from its currently permitted maximum of 18 million passengers per annum (mppa) to its maximum potential capacity of 36-38mppa.

- 8.5.2 This consultation was the pre-cursor to a formal application to the National Infrastructure Commission (NIC), who determine schemes of this nature and scale. The NIC submission is anticipated in 2019.
- 8.5.3 A response to the consultation was prepared and submitted as per Cabinet's resolution in July and is attached to this report as Appendix C. The consultation response made clear this Council's extreme dissatisfaction at the absence of any prior consultation by the airport operators, given that the emerging preferred option would necessitate development within North Hertfordshire's administrative area.
- 8.5.4 The response also outlined that significant additional information was required on a number of factors, including (but not limited to) air quality, noise, transport and landscape matters, before a fully informed view could be expressed.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under the Terms of Reference for Cabinet Paragraph 5.6.18 of the Constitution states that the Cabinet may exercise the Council's functions as Local Planning Authority and receive reports on: consultation/referendums revocations (or recommend revocation of) neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 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 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.

## **15. APPENDICES**

- 15.1 Appendix A – Uttlesford Local Plan consultation response.
- 15.2 Appendix B – Letter from the Secretary of State regarding East Herts Local Plan
- 15.3 Appendix C – London Luton Airport consultation response

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## **17. BACKGROUND PAPERS**

- 17.1 None.