

CABINET 25 JULY 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 7
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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:

- Duty to Co-operate with neighbouring authorities;
- Other Local Plans and Examinations;
- North Hertfordshire Local Plan;
- Neighbourhood Plans; and
- 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 A list of existing and emerging agreements with relevant bodies was included in the Strategic Planning Matters Report to Cabinet on 13 June 2017. Since June Memoranda of Understanding are in the process of being agreed and signed with Aylesbury Vale District Council and the Greater Cambridge and Peterborough LEP under delegated responsibility to the Head of Planning and Building Control, in consultation with the executive member for Planning and Enterprise¹. These will be posted on the Council's website once agreed. The other agreements as previously listed in the June Report are in progress and under discussion. MoUs or equivalent that continue to be agreed will be submitted to the inspector as part of the examination submission documents. (See paragraph 8.3).

- 8.1.2 The Council along with Central Beds, Luton and Aylesbury Vale have formally signed off the Luton Housing Growth Study. The outputs from this study will continue to inform on-going discussions between the four commissioning authorities on the possible distribution of the Objectively Assessed Housing Need within the Luton Housing Market Area (HMA). A copy of the study forms part of the evidence base for the NHDC Local Plan and can be viewed on our website under the Local Plan Examination Library, (document referenced as HOU7).

<https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/examination-library>

- 8.1.3 Any further updates under the duty to co-operate 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 As previously reported, **Luton** have consulted on their 'proposed main modifications' to their Local Plan. The responses to the proposed main modifications have been forwarded to the Inspector for his consideration prior to issuing his final report to the Borough Council.

¹ The Cabinet at its meeting in March 2016, 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.

- 8.2.4 **Stevenage** Borough Council is consulting on 'proposed main modifications' to their pre-submission Local Plan from 12 June to 24 July. Officers are in the process of reviewing 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 at the meeting, given that the closing date for the response is after the submission of the Cabinet papers. The consultation on the main modifications can be viewed on Stevenage's website at: <http://www.stevenage.gov.uk/149690/planning-policy/183422/>
- 8.2.5 Members will be aware of the application to the High Court by **St. Albans** 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 took place on 22 June and St Albans were granted permission to apply for Judicial Review, which followed immediately and the judge has reserved his final judgment for a later date.
- 8.2.6 At its meeting on 20 June **Central Bedfordshire** Executive Committee agreed to publish the Central Beds Draft Local Plan for public consultation for 8 weeks commencing on 4 July. This document is not their final plan, but represents their initial approach to planning for growth. The consultation is seeking views on the growth location options and policies in the document. There are no specific sites identified in the Plan. Their draft Plan covers the period 2015 to 2035 and seeks to:
- Build on Central Beds existing and emerging economic strengths in key sectors and deliver a minimum of 24,000-30,000 new jobs.
 - Deliver between 20,000 and 30,000 homes through new villages, moderate extensions to existing towns and villages and a new market town in line with the provision of new infrastructure and to meet identified housing need close to key transport corridors (East-west, A1/East Coast Mainline and M1/Thameslink).
 - Balance the delivery of significant sustainable infrastructure and growth with the enhancement and protection of existing communities, landscape, heritage and countryside and actively prevent the coalescence of settlements across the area. This will include investigating options for the creation of new Green Belt where appropriate.
 - Maximise opportunities for the intensification and redevelopment of land e.g. at Tempsford Airfield and RAF Henlow and the regeneration of urban areas at Biggleswade, Dunstable, Houghton Regis, Flitwick, Leighton Linlade and Sandy through town centre frameworks or masterplans.
 - Identify and deliver spatial options and strategic opportunities that could provide for longer term economic and housing growth at Tempsford, Biggleswade and in the Marston Vale. It is documented that such growth will support and must be supported by new strategic infrastructure particularly the Oxford – Cambridge Expressway, A1 improvements and new rail stations/transport interchanges along the East West Rail route at Ridgmont, Wixams and north of Sandy.
 - Deliver housing need identified for the Luton HMA and some unmet need from Luton close to where it arises but crucially, where there is capacity to do so sustainably. This will be either through strategic extensions close to Luton's urban edge or through moderate extensions to existing villages and towns with good connectivity and access to services. This will mean releasing some Green Belt land where exceptional circumstances can be demonstrated.
- 8.2.7 Officers will review the draft plan to determine any implications for the District or for North Hertfordshire's own Local Plan. A response from the Council on the Central Beds draft Plan will be prepared and agreed under the Executive Member's delegated

powers. A copy of the response will be appended to the September Cabinet report. The consultation can be viewed on:

<http://www.centralbedfordshire.gov.uk/planning/policy/local-plan/local-plan.aspx>

8.2.8 Any further verbal updates to the above 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 Plan together with the submission documents were submitted to the SoS' Planning Inspectorate on 9 June 2017.

8.3.2 The submission documents, which include the Plan and along with the supporting evidence base, is available to view on the Council's website at:
<https://www.north-herts.gov.uk/home/planning/planning-policy/local-plan/local-plan-examination>

8.3.3 The Planning Inspectorate has appointed Simon Berkeley BA MA MRTPI to carry out an independent examination of our Local Plan. The inspector's task is to consider the soundness of our submitted Plan, based on the criteria set out in paragraph 182 of the National Planning Policy Framework.

Our plan should be:

- Positively prepared: it should be based on a strategy that looks at meeting objectively assessed development and infrastructure requirements. This includes; where reasonable to do so; those unmet by our neighbours. It should also be consistent with achieving sustainable development
- Justified: it should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence
- Effective: it should be deliverable and based on effective joint working with partners and neighbours; and
- Consistent with national policy: it should enable the delivery of sustainable development set out by national policy.

8.3.4 Dates and a venue for the examination will be announced in due course once the Inspector has completed an initial appraisal of the Plan.

8.3.5 As previously advised, the Council has appointed a Programme Officer, Louise St. John Howe, for the duration of the examination. The Programme Officer has written to all Members and all respondents to the consultation on the Proposed Submission Plan outlining her role and contact details. Her contact details are also provided on the Council's website.

8.4 Neighbourhood Plans

8.4.1 The Council, in consultation with Pirton Parish Council, is in the process of appointing an examiner into their Neighbourhood Plan. The appointment of an examiner is imminent and any further update will be provided at the meeting.

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 took place from

9 June until 7 July 2017. Outcomes from the consultation are the subject of a separate report to Cabinet (see Agenda Item 11).

- 8.4.3 Consultation on the Wymondley Neighbourhood Plan began on 23 June 2017 and will close on 4 August 2017. Comments from the Council on the plan will be prepared and agreed under the Executive Member's delegated powers. The consultation documents can be viewed on the Council's website at:

<https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/neighbourhood-plans-current-consultations>

- 8.4.4 Following the close of the consultation, any representations received will be collated and then be considered by an independent examiner before a referendum on the neighbourhood plan can be held.

8.5 Government Announcements

- 8.5.1 As previously reported, The Housing White Paper 'Fixing our Broken Housing Market' was published in February 2017 and sets out a number of proposed changes to the plan-making process and planning system more generally. One such proposal included introducing a standardised approach to assessing housing requirements for Local Plans and five-year supply. DCLG has announced that a consultation to set out options for introducing a standardised approach is expected to take place later this month. The final outcomes will not be introduced into relevant policy or legislation until after the close of the consultation and it would be for the Inspector at the examination to our Local Plan to determine if any changes to the plan would be required to take these issues into account. Any further details on the abovementioned consultation will be reported at the meeting.

- 8.5.2 No further announcements have been made on the publication of the Regulation to the Neighbourhood Planning Act.

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 and 2017/18.
- 10.2 Local authorities are under a duty to provide advice and assistance to qualifying bodies preparing neighbourhood plans and in organising the neighbourhood plan examination and any subsequent referendum. Previously, the Council was able to claim £5,000 for each neighbourhood planning area designated in recognition of officer time supporting and advising a community in taking neighbourhood planning forward. This support has now been withdrawn, meaning there will be no immediate additional funding for the Bygrave Parish Council application should this proceed and will need to be funded from within approved revenue budgets.
- 10.3 Further financial support of £20,000 is available from the Department of Communities and Local Government (DCLG) once the local authority has set a date for the a referendum following the successful examination of a neighbourhood plan. This financial support is in place for 2017/18 and is to cover some of the costs incurred by the Council in getting to this stage. DCLG have advised that this funding will continue for 2017/2018 but any further announcement on funding for neighbourhood planning after the end of March 2018 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 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.
- 14.2 Permanent recruitment to a vacant graduate-entry post within the planning policy team is complete and the successful candidate is in post. The planning policy team is also currently out to recruitment to cover the vacant senior planning officer (transport) post, the recent resignation of the senior planning officer (economic development) and maternity cover for a further senior planning officer.
- 14.3 The development management team is also looking to recruit to the vacant strategic sites planning officer post following submission of the Local Plan and to cover the recent resignation of a senior planning officer.

15. APPENDICES

- 15.1 None.

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, 28 March 2017 and 13 June 2017.
- 17.2 Full Council Report 11 April 2017 – North Hertfordshire Local Plan 2011-2031.