

CABINET

26 March 2019

***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 submission in Appendix A be 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 relate to an item on the Council's 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. Only those issues where there has been change since the last report are included.

8. RELEVANT CONSIDERATIONS

8.1 Other Plans and Examinations

- 8.1.1 **Central Bedfordshire** – The Secretary of State has appointed two new joint Inspectors after the original Inspector stepped down. The hearings are now expected to commence in May 2019. A draft timetable and guidance will be published by the Inspectors alongside their initial questions in due course.
- 8.1.2 **South Cambridgeshire** – Initial work has begun on a joint Local Plan with Cambridge City. An initial ‘issues and options’ consultation is anticipated in Autumn 2019. To inform this, the Councils are conducting a call for potential development sites which ends on 25 March.
- 8.1.3 **Uttlesford District Council** – The Uttlesford Local Plan was submitted to the Secretary of State for public examination, on 18 January 2019. Two Inspectors have been appointed. They sent initial questions to the Council which were responded to at the end of February.
- 8.1.4 **East Hertfordshire** – Following adoption of their new Local Plan, East Hertfordshire have begun work on a suite of Supplementary Planning Documents. Consultation was held on the first of these, affordable housing, in January and February 2019.
- 8.1.5 **Stevenage** – A Holding Direction has been in place upon Stevenage’s new Local Plan since November 2017. The Council have initiated Judicial Review proceedings in an attempt to break the impasse. Any further update will be reported verbally at the meeting.
- 8.1.6 **Welwyn Hatfield Borough Council** – The Inspector has written to the Council asking them to clarify the anticipated timetable for the remainder of the Examination. His aim is to establish a programme that would lead to the earliest adoption time.
- 8.1.7 **St. Albans City & District Council** – St Albans previously stated their intention to submit their plan for examination in March 2019. The Planning Policy Committee is due to meet on 13 March 2019 with a recommendation that the Council should now proceed to formal Submission of the draft Local Plan. This will require a further resolution from the authority’s Cabinet. The next scheduled Cabinet meeting is on 25 April.
- 8.1.8 **Hertfordshire County Council (waste & minerals)** – Consultation on the proposed submission Minerals Local Plan runs until 22 March 2019. A response is being prepared but was not available at the time final reports for this Cabinet were prepared. It will be reported to a future meeting of the Cabinet.

8.2 North Hertfordshire Local Plan

- 8.2.1 The consultation period for the Main Modifications and additional evidence submitted to the Examination of the North Hertfordshire Local Plan 2011 – 2031 has been extended. The consultation period will now run until Thursday 11 April 2019.
- 8.2.2 The consultation has been extended as it was considered appropriate to clarify that responses can also be made to the new written evidence produced or submitted by the Council following the submission of the Plan for Examination in June 2017. This includes, but is not limited to, the ‘homework’ that was submitted following the close of the hearing sessions.
- 8.2.3 Updated notifications have been sent to all consultees on the Council’s Local Plan database. The Council’s website and social media feeds have announced the revised closing date. Adverts will be placed in local media outlets next week.
- 8.2.4 Whilst the consultation is ongoing, initial work on detailed Supplementary Planning Documents which will support the Plan has commenced. This follows decisions made by Cabinet in July 2017 and December 2018. A draft of the first of these, the Developer Contributions SPD, will be brought to Cabinet in the summer.

8.3 Neighbourhood Plans

- 8.3.1 An exploratory meeting to consider the Wymondley Neighbourhood Plan was held by the examiner, Deborah McCann, on Wednesday 30 January. Following this meeting, Ms McCann wrote to the Council suspending the examination of the Neighbourhood Plan for one month. This was to allow time for certain supporting documents to be reviewed and updated and additional information provided on the proposed Local Green Space designations. The District Council has provided updated information on matters relating to environmental assessment.
- 8.3.2 Preston Parish Council has produced a second Submission Draft of its neighbourhood plan. Consultation on a previous iteration of the Plan took place during 2018. The latest version takes into account the comments received, including from the District Council expressing concern over the relationship of the proposed Neighbourhood Plan with the emerging Local Plan.
- 8.3.3 A decision was taken under delegated authority (published in MIS on 01 March 2019) to authorise the consultation on 28 February 2019. Authority for the Director of Regulatory Services to approve for consultation a proposed submission neighbourhood plan where all necessary documentation has been received was resolved by Cabinet on 31 July 2018.

8.3.4 It is anticipated that the consultation will begin on Tuesday 12 March 2019 running for a period of six weeks until Thursday 25 April 2019. This allows for two additional working days in lieu of Good Friday and Easter Monday.

8.4 Government Announcements

8.4.1 An updated version of the National Planning Policy Framework (NPPF) was published in February 2019. This is largely as per the revised NPPF published in July 2018 with some minor clarifications relating to environmental assessment and the definitions of 'local housing need' and the circumstances in which development sites can be considered 'deliverable'.

8.4.2 Complementary updates have also been issued to Planning Practice Guidance. This is the Government's detailed technical guidance which sits alongside the NPPF.

8.4.3 As part of the Government's measures to boost housing supply, the July 2018 NPPF introduced a new Housing Delivery Test (HDT). First results were due to be published in November 2018 but were eventually released last month. The NPPF contains a series of measures which local authorities must take in response to the HDT where their performance is below certain thresholds.

8.4.4 As a consequence of the new HDT results, North Hertfordshire must produce an Action Plan detailing what steps are being taken to improve performance. The Council must also apply the most generous 20% buffer to its calculations when working out land supply.

8.4.5 The Council has already been using a 20% buffer in its land calculations for a number of years. The assessment of land supply for the current Local Plan Examination has been carried out in this way.

8.4.6 An Action Plan is currently being prepared and will be reported to a future meeting. The main measure likely to be included in the Plan is to continue to progress the new Local Plan to adoption. At this point, the Council's performance against the HDT will improve significantly.

8.4.7 The National Audit Office has released a report on how effectively the Ministry of Housing, Communities and Local Government (MHCLG) supports the planning system. It identifies a number of weaknesses and recommendations to Government relating to support for local authorities and making more effective use of developer contributions for new infrastructure. It identifies that MHCLG holds local authorities to account for the delivery of new homes when this is a matter not fully within their control. This is an issue that the District Council has previously raised in consultation responses to MHCLG.

8.4.8 Officers continue to monitor various opportunities to bid for Government funding through the various housing, planning, infrastructure and other funds which are periodically announced.

8.5 London Luton Airport

- 8.5.1 London Luton Airport Limited (LLAL) are continuing to work towards a submission to the Planning Inspectorate of a Development Consent Order (DCO) for the proposed expansion of the airport.
- 8.5.2 LLAL have announced their preferred option following their non-statutory consultation undertaken between June and August 2018 on their Vision for Sustainable Growth, 2020-2050. Their preferred option includes using the capacity within the existing runway and targeting expansion of the airport to 32 million passengers per annum (MPPA). This is less than the previously proposed 36-38 mppa, The preferred option proposes a second terminal to the north of the runway and replacement parkland (for the Wigmore Valley Park) within North Hertfordshire. A plan showing the preferred option can be found at: <https://futureluton.llal.org.uk/>
- 8.5.3 Officers are meeting regularly with the LLAL together with the other affected authorities. Work is on-going in seeking to secure a Planning Performance Agreement (PPA) so that costs associated with the Council's representations on the scheme can be reimbursed in total or part. Current timescales envisage that a preferred masterplan option will be published mid 2019 with submission of a DCO application spring 2020.

8.6 Other transport and infrastructure matters

- 8.6.1 **A505 Transport Corridor Joint Study** – Following completion of the Stage 1 evidence gathering, officers from North Hertfordshire together with Luton, Central Bedfordshire and Hertfordshire County Council are working together to agree the scope of the second stage of this study.
- 8.6.2 **Heathrow Airspace Change Consultation** – officers have been liaising with other Hertfordshire districts and boroughs and the County Council in their response to the consultation. The response includes support for design envelopes (the geographic area within which flight paths will be chosen) that will protect communities from adverse health and quality of life impacts from aircraft noise, including the cumulative impacts of the overall airspace change process currently underway. The response also identifies that routes must be designed so as not to cause low level constraints on routes to and from London Luton and other airports as these would result in adverse noise implications for a range of communities in Hertfordshire.
- 8.6.3 **East-West Rail** – A consultation was launched on route options for the central section of East-West Rail between Bedford and Cambridge on 28 January 2019. The consultation is being run by the East West Rail Company, set up by the Secretary of State for Transport to deliver the link between Oxford and Cambridge.
- 8.6.4 Five different route options are presented. These consist of different combinations of route corridors to the east and west of the East Coast Mainline (ECML). The options to the west of the ECML, between Bedford and Sandy, are all located well to the north of the District boundary.

- 8.6.5 To the east of the East Coast Mainline, two route corridors are being consulted upon. A northern corridor via Cambourne would direct East-West Rail (and the associated potential positive and negative impacts) away from North Hertfordshire. The northern corridor is shown in two of the five route options.
- 8.6.6 The proposed southern corridor would route close to the northern boundary of the District. It would divert from the East Coast Mainline to the south of Sandy / north of Biggleswade and run due east past the northern tip of the District, close to Guilden Morden (South Cambridgeshire), to Bassingbourn. A proposed station area is shown at Bassingbourn, to the north of Royston. This corridor would join the existing Hitchin to Cambridge branch line broadly between Melbourn and Shepreth.
- 8.6.7 Separate studies for the National Infrastructure Commission, to inform policy on the Oxford-Cambridge Arc, have previously identified Bassingbourn as a possible location for a substantive new settlement, potentially utilising the existing barracks.
- 8.6.8 The consultation finished on 11 March 2019. A response was submitted which is attached as Appendix A to this report.
- 8.6.9 **Hertfordshire Infrastructure Planning Prospectus** – Hertfordshire County Council, in consultation with the Hertfordshire Planning Group (HPG) and Hertfordshire Infrastructure and Planning Partnership (HIPP) have produce a new study examining the cumulative infrastructure implications of the new development being proposed in the current round of Local Plans.
- 8.6.10 The Prospectus was endorsed by HIPP on Thursday 22nd November 2018 and has now been finalised and published on the County Council website. It identifies an estimated infrastructure cost of £5.7bn. The majority of this is concentrated in transport and education provision.

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: strategic planning matters, applications for, approval/designation, 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 reviewed on a regular basis, and are reported through the quarterly revenue monitoring reports to Cabinet. The Quarter 3 report appears as a separate item on this meeting's agenda.
- 10.2 The general costs of preparing Supplementary Planning Documents and responding to consultations on neighbouring authorities' Plans, neighbourhood plans and Government consultations are met through existing revenue budgets. 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 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.
- 11.2 The Council's recently approved Budget identifies a financial risk associated with a potential challenge to the Local Plan. The consultation extension is a means of managing this potential risk. The extension is not considered likely to impact upon the overall timetable for the Examination.

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 – Response to East-West Rail consultation

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17. BACKGROUND PAPERS

17.1 None