

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: STRATEGIC PLANNING MATTERS**

REPORT OF: SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER : EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY : ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

**1. EXECUTIVE SUMMARY**

1.1 This report identifies the latest position on key planning issues affecting the District

**2. Recommendations**

2.1 That the report on strategic planning matters be noted.

2.2 That the submission(s) in Appendices A to C be noted and endorsed by Cabinet.

**3. REASONS FOR RECOMMENDATIONS**

3.1 To keep Cabinet informed of recent development 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 Transport has been briefed 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** – Hearings into the new Local Plan began on Tuesday 21 May. As with many examinations, the hearing sessions have been split over a number of weeks. The first week of the hearings focussed upon the Duty to Co-operate, the need for new homes (including unmet needs from Luton) and the overall Growth Strategy.
- 8.1.2 Officers represented the District Council at the hearing sessions, to expand upon the points raised at the proposed submission consultation stage, the agreed Memorandum of Understanding with Central Bedfordshire (October 2018, reported to Cabinet December 2018) and to outline, where relevant, the latest progress upon our own Plan.
- 8.1.3 The main concerns raised by this Council, and addressed through the MoU, relate to the potential transport implications of proposed site allocations close to the administrative boundary including at Biggleswade, Arlesey and RAF Henlow. Further hearings are to be held during June 2019 which will examine proposed allocations in the Plan.
- 8.1.4 **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.
- 8.1.5 **Uttlesford** – The Uttlesford Local Plan was submitted to the Secretary of State for public examination earlier in the year. Examination hearing sessions will begin in July 2019. NHDC submitted written representations prior to the plan’s submission (reported to Cabinet September 2018). The main issue raised was the potential transport impacts of a proposed new garden village in the north of Uttlesford upon the A505 corridor to / from Royston.
- 8.1.6 **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.
- 8.1.7 **Stevenage** – The holding direction on Stevenage’s new Local Plan was lifted on 25 March 2019, having been in place since November 2017. The Council formally adopted the Plan on 22 May 2019. Stevenage’s plan includes a housing allocation to the north of the town which is required for the adjoining proposed allocation in North Hertfordshire’s own plan to be able to proceed.
- 8.1.8 Consultation on Stevenage’s draft charging schedule for a Community Infrastructure Levy occurred between 18 April and 17 May. This follows earlier consultation in September and October 2018 (reported to Cabinet December 2018).
- 8.1.9 A response to the latest consultation was prepared and submitted in consultation with the then Executive Member and is attached as Appendix A. This reiterates points previously raised around cross-border infrastructure requirements.
- 8.1.10 **Welwyn Hatfield** – The Inspector examining the Plan has asked the council to investigate if there is any scope for additional housing sites to be identified as the Draft Plan does not meet the objectively assessed need for housing. The council carried out a Call for Sites in January and February 2019. Over 140 sites were promoted for housing, employment, mixed use or other forms of development. A consultation on the submitted sites is taking place, ending on Tuesday 18th June 2019.

- 8.1.11 A number of the sites are located close to the shared administrative boundary with North Hertfordshire, including at Welwyn and adjoining Knebworth. Any response will be prepared in consultation with the Executive Member and reported to a future meeting.
- 8.1.12 **St. Albans** – St Albans new Plan was submitted for Examination in March 2019. The appointed Inspectors (who are also conducting the examination of Uttlesford's Local Plan) have issued them with a number of initial questions.
- 8.1.13 Officers will continue to monitor progress to determine whether it is necessary to appear at the examination to expand upon the issues raised by this Council at the proposed submission consultation stage (reported to Cabinet December 2018). The principle issue raised was that the Plan does not specifically identify all of the sites which will be used to meet St Albans' housing needs.
- 8.1.14 **Luton** – Luton's Local Plan was adopted in November 2017. It identifies, among other matters, a need for continued work with surrounding authorities under the Duty to Co-operate to assist with the delivery of 9,300 additional homes which cannot be accommodated within the Borough. Following its examination, the Plan also includes a requirement to commence a review by the end of 2019.
- 8.1.15 Officers have requested an initial meeting with their counterparts at Luton to understand the Borough's timetable for bringing forward a revised plan and the likely cross-border issues that will need to be addressed.
- 8.1.16 **Hertfordshire County Council (waste & minerals)** – Consultation on the proposed submission Minerals Local Plan closed on 22 March 2019. A response was prepared in consultation with the then Executive Member and submitted online via the County Council's consultation software. A copy of the submitted representations is attached as Appendix B to this report. The main point raised is ensuring that the proposed Minerals Plan does not preclude future opportunities for sustainable development within the district, particularly on brownfield sites surrounding the District's stations.

## **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 closed on Thursday 11 April 2019. Around 220 responses were received. These have been collated and forwarded to the Inspector. As outlined in the report to Cabinet of December 2018, this consultation was administered by the Council on the Inspector's behalf. It is for him to determine what steps should be taken in response to the issues raised.
- 8.2.2 The consultation responses will be published in full on the Council's website once the Inspector has had the opportunity to review them and advise that he is happy for us to do so.
- 8.2.3 Whilst the consultation was ongoing, initial work began on detailed Supplementary Planning Documents which will support the new Plan. This follows decisions made by Cabinet in July 2017 and December 2018. It is currently intended to bring a draft of the first of these, the Developer Contributions SPD, to the Cabinet in July.

### **8.3 Neighbourhood Plans**

- 8.3.1 The Wymondley Neighbourhood Plan is subject to a separate report to this meeting.
- 8.3.2 Consultation on a revised Submission Draft of Preston Parish Council's neighbourhood plan took place between Tuesday 12 March and Thursday 25 April 2019. As the close of this consultation fell within the pre-election period, officer comments were submitted. This response is attached as Appendix C to this report.
- 8.3.3 Consultation on the draft Baldock, Bygrave and Clothall Neighbourhood Plan began on Tuesday 7 May and runs until Tuesday 18 June 2019. The Plan has been produced to inform and guide future development within the plan area, which includes the proposed allocations around the town in the Council's new local plan. A response will be prepared and submitted and reported to a future meeting of the Cabinet.

### **8.4 Government Announcements**

- 8.4.1 The Council's response to the first results of the new Housing Delivery Test is subject of a separate report to this meeting.
- 8.4.2 Following consultation, the Government has announced that it will not be extending permitted development rights allowing the conversion of certain storage (Use Class B8) units to residential use. These rights will now expire on 10 June 2019.
- 8.4.3 In January 2019, Cabinet agreed in principle to the making of an Article 4 Direction that would remove the benefit of various permitted development rights to convert commercial premises in the District's main employment areas. The draft direction will be amended to reflect the changes above prior to being consulted upon and implemented.
- 8.4.4 Officers continue to monitor 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. Officers are meeting regularly with the LLAL together with the other affected authorities.
- 8.5.2 Consultation on the scope of the Environmental Statement, which can be viewed at: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/expansion-of-london-luton-airport/?ipcsection=overview> took place in April 2019. The scoping report from LLAL includes proposed highway mitigations, including works to the A505 and A602 in Hitchin, primarily around introducing signalised junctions for existing roundabouts and junctions.
- 8.5.3 A joint response was submitted to the Planning Inspectorate by the host authorities – North Hertfordshire, Luton, Central Bedfordshire and Hertfordshire County councils. The Inspectorate has since published their Scoping Opinion which includes the host authorities' response. This can be viewed together with other consultation responses at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020001/TR020001-000043-LUTN%20-%20Scoping%20Opinion.pdf>

- 8.5.4 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. Officers have secured funding from the applicant to obtain specialist external legal advice with regard the PPA. Current timescales envisage the submission of a DCO application in spring 2020.
- 8.5.5 A Statement of Community Consultation (SoCC) is being prepared which will set out how consultation will take place for the Development Consent Order. It will include details of where public consultation events will take place, where the documentation can be inspected and how those events will be publicised. Consultation on the draft SoCC will take place in June and July 2019 and it is anticipated that the final SoCC will be published in September.

## **8.6 Other transport, planning 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 have agreed to proceed with Stage 2 of the study. This will examine existing and future pressures on the transport network.
- 8.6.2 **Strategic planning in north-east Hertfordshire** – Work continues with the other authorities in the area (Broxbourne, East Hertfordshire, Hertfordshire County, Stevenage and Welwyn Hatfield) to explore the potential for joint approaches to the future strategic planning of the area beyond the current round of local plans. This is part-funded by a £250k Government grant received in February 2018.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under the Terms of Reference for Cabinet, the Constitution states that it 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 There are no new legal implications arising from this report. The preparation of statutory plans is guided by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. All local planning authorities are bound by a statutory Duty to Co-operate on cross-border planner matters.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no new financial implications arising from this report. 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.
- 10.2 The general costs of preparing Supplementary Planning Documents, responding to consultations on neighbouring authorities' Plans, neighbourhood plans and Government consultations and the other activities identified in this report are met through existing revenue budgets or benefit from external funding or other arrangements to recover costs.

- 10.3 The financial risks associated with planning were reviewed and updated as part of the budget-setting cycle for 2019/20. Risks are identified in relation to potential additional costs associated with progressing the Plan or any future challenge to it.
- 10.4 In advance of a PPA with regard the DCO application for Luton Airport, officers are securing funding for some work streams directly with the applicant.

## **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.

## **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 The Social Value Act and “go local” policy do not apply to this report.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 There are no new human resource implications arising from the contents of this report. A number of appointments have been made within the planning service since the implementation of the directorate restructure in 2018. Workload and vacancies are monitored on an on-going basis. There are currently two vacancies within the Strategic Planning & Enterprise team.

## **15. APPENDICES**

- 15.1 Appendix A Response to Stevenage Community Infrastructure Levy Draft Charging Schedule consultation
- 15.2 Appendix B Response to HCC Minerals Local Plan consultation
- 15.3 Appendix C Response to Preston Neighbourhood Plan Revised Submission Draft consultation

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## **17. BACKGROUND PAPERS**

None