

<h1>CABINET</h1> <p>26 SEPTEMBER 2017</p>

*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
- Government announcements
- On going policy work

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 As previously reported 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 have been agreed and signed with the Greater Cambridge and Peterborough LEP, and St. Albans District Council under delegated responsibility to the Head of Planning and Building Control, in consultation with the executive member for Planning and Enterprise¹. Others that are in the process of being agreed and signed are with Aylesbury Vale District Council and Luton Borough Council. 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. MoU 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 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 The Regulation 18 consultation on the **Central Bedfordshire Council** draft Local Plan closed on Tuesday 29 August. The North Hertfordshire District Council response is included at Appendix A. Their draft Local Plan makes provision for 20,000-30,000 dwellings (in addition to the 23,000 homes that have planning permission or are already allocated over the plan period) within broad locations of growth. It also makes provision for 24,000-30,000 jobs over the plan period. The North Hertfordshire response outlines a number of key issues comprising:
- The level of provision towards Luton's unmet housing need;
 - The need to consider the cumulative impacts arising from potential residential growth in Area B (Biggleswade, Arlesey, Fairfield, Henlow and Stotfold) and Area D (Stondon and Langford) alongside growth in neighbouring authority areas, including North Hertfordshire;
 - The need to consider the cumulative impacts arising from potential employment growth at RAF Henlow, land west of the A1 Biggleswade, East of Biggleswade, West Sunderland Farm and Biggleswade South Roundabout on the A1;
 - Highways impacts on the A1 corridor, A505, A507/A600, Stotfold Road and Arlesey Road;
 - Impact on the rail network;
 - Support for securing investment in transport;

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.

- The need to produce an Infrastructure Delivery Plan to assess cross-boundary impacts and enable mechanisms for the capture of developer contributions.

8.2.2 **Uttlesford District Council** has recently undertaken their Regulation 18 stage consultation on their Local Plan, which closed on Monday 4 September. North Hertfordshire District Council has submitted a response to this consultation, which is included at Appendix B. Whilst the response acknowledges that there are no strategic cross boundary issues as a result of the North Hertfordshire Submission Local Plan (2016), the impact of the proposed allocations within Uttlesford on the strategic highways network has been raised. This includes the cumulative impacts on the A505 corridor when considered in conjunction with planned growth within our District and beyond.

8.2.3 The Inspector's report on the examination into the **Luton Borough Council** Local Plan 2011-2031 has now been published. The Inspector has concluded that with the recommended main modifications to the plan, the Luton Local Plan satisfies the requirements of Section 20(5) of the Planning & Compulsory Purchase Act 2004 and meets the criteria for soundness in the Framework, and has found the Plan to be sound. Luton Council will consider this report and adoption of the plan at a future meeting of their Full Council.

A copy of the inspector's report is available to view at:

<http://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/Local%20Plan/Luton-Local-Plan-final-Inspectors-report.pdf>

8.2.4 **East Hertfordshire District Council** submitted their Local Plan to the Secretary of State for examination on 31 March 2017. An Inspector, Christine Thorby, has been appointed. The hearing sessions have been set and will take place in two stages. Stage 1 will take place from 3 to 12 October 2017, and will cover General Matters, including the duty to co-operate and strategic issues. This will address the objectively assessed needs for housing, as well as the development strategy for employment, retail, green belt and strategic infrastructure delivery.

8.2.5 If after the Stage 1 hearing sessions, the Inspector considers that in relation to these issues the East Herts Plan is likely to be capable of being found legally compliant and sound, the Inspector will then move to Stage 2. Stage 2 will consider site allocations and development management policies relating to the Plan. The Stage 2 sessions are scheduled run from 7 to 10 November 2017. Given that North Herts have a signed MOU with East Herts with no significant strategic cross-boundary issues, Officers will only appear at the hearing sessions if there are particular issues raised that are relevant to North Herts.

8.2.6 **Welwyn Hatfield Borough Council** submitted their Local Plan to the Secretary of State for examination on 15 May 2017. Melvyn Middleton has been appointed as the Inspector, to carry out the examination. The Borough Council were required to respond to preliminary questions issued by the inspector on the duty to co-operate and housing and job provision. These have now been responded to and the hearing sessions have been set. Stage 1 will cover the legal soundness and duty to co-operate and will take place on 21 September (and 22 September if required) 2017.

8.2.7 If after the Stage 1 hearing sessions, the Inspector considers that in relation to these issues the Welwyn Hatfield Plan is likely to be capable of being found legally compliant, the Inspector will then move to Stage 2. Stage 2 will consider strategic matters in relation to the spatial vision and overarching strategy and will focus on housing and green belt matters. The Stage 2 sessions are scheduled run from 24 October to 3

November 2017. Officers will only appear at the hearing sessions if there are particular issues raised that are relevant to North Herts.

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 As previously reported, the Planning Inspectorate has appointed Simon Berkeley to carry out an independent examination of our Local Plan. Louise St. John Howe has been appointed as the Programme Officer for the duration of the examination.

8.3.4 Receipt of the inspector's timetable and questions for the hearing sessions is imminent and will either form an addendum to this report or be verbally reported at the meeting of Cabinet as these had not been issued at the time of writing this report. Details of the venue for the examination hearings will also be reported. Once released, the Programme Officer will inform all respondents to the Plan regarding the details of the hearing sessions. The details will also be made available on the Council's website.

8.3.5 The Council's appointed barrister, Suzanne Ornsby has provided Counsel advice to the Council throughout the preparation of the Local Plan, both to officers and at Full Council meetings and briefings. She will continue to provide support with written statements and during the hearing sessions to ensure that the Council has a robust and justified case in place to address the hearing sessions.

8.4 Neighbourhood Plans

8.4.1 The Council, in consultation with Pirton Parish Council, has appointed Ann Skippers as the independent examiner into the Pirton Neighbourhood Plan. The examination will be undertaken during October and is anticipated to be dealt with by written representation. The Council is in the process of providing all necessary documentation to the examiner. Information relating to the Neighbourhood Plan and the examination process is available to view on the Council's website at <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/approved-neighbourhood-areas-pirton>

8.4.2 As previously reported consultation on the Wymondley Neighbourhood Plan took place between 23 June and 4 August 2017. Responses were received from approximately 30 individuals and organisations. Officers are in the process of collating the representations received which will then be made available to view on the Council's website. Once collated, these will be considered by an independent examiner.

8.5 Government Announcements

8.5.1 Nothing further to report at this point in time.

CABINET (26.9.17)

8.6 On going policy work

- 8.6.1 Following submission of the Local Plan to the Secretary of State (SoS) on 9th June 2017 officers have undertaken further work on examining the possibility of a new settlement as an option for the next plan period and are currently looking to prepare a paper around the high-level estimates of future housing requirements for the District over the long term to 2051.
- 8.6.2 This will seek to include consideration of factors which may produce a range of requirements for the above, potentially including (but not necessarily limited to):
- a. Published long-range, national-level population projections;
 - b. Published subnational population and household projections which extend beyond the time horizon of the current local plan;
 - c. 'Rolling forward' methodological assumptions in existing assessments of objectively assessed housing needs for the current local plan;
 - d. Alternate scenarios influencing population and / or household formation such as Brexit or a major financial recession;
 - e. The proposed introduction of a standardised methodology for the calculation of local plan housing targets as referenced in the Housing White Paper to be introduced from March 2018.
- 8.6.3 Further topic papers are also proposed, currently envisaged being around possible delivery models, viability and infrastructure.

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 future applications 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. Recruitment to these posts has been unsuccessful and agency staff of the right experience and competencies are being sought to be put in place to assist the team through the Local Plan examination. Given the current anticipated timescales for the examination it is not envisaged that permanent recruitment can now be made to these posts in time to support existing officers.

- 14.2 Once the dates of the examination are published and questions are received from the Inspector, Plan Policy officers will be focused full time on the Local Plan. Given the heavy and complex workload that the examination process generates and the staff shortages currently within the service, it is not envisaged at this time that officers will be available or able to undertake work on any other projects. The Head of Development and Building Control 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 – Copy of NHDC Response to Central Bedfordshire Local Plan Reg 18 consultation
- 15.2 Appendix B – Copy of NHDC Response to Uttlesford Local Plan Reg 18 consultation.

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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, 13 June 2017 and 25 July 2017.
- 17.2 Full Council Report 11 April 2017 – North Hertfordshire Local Plan 2011-2031