

Compiled North Hertfordshire Full Council and Cabinet reports and minutes

Enclosed are the covering reports (excluding appendices) and minutes of the following Council meetings relating to the Proposed Submission consultation and the submission of the Local Plan for examination:

Date	Decision-making body	Principle purpose
20 July 2016	Full Council	To endorse the sites and strategic policies to be included in the Proposed Submission Plan.
26 September 2016	Cabinet	Approval of the Proposed Submission Plan for public consultation.
11 April 2017	Full Council	To approve the submission of the Plan for examination.

COUNCIL
20 JULY 2016

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

4

TITLE OF REPORT: NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING AND ENTERPRISE

PORTFOLIO HOLDER: COUNCILLOR DAVID LEVETT

1. SUMMARY

- 1.1 This report updates Full Council on the progress in preparing a new Local Plan for North Hertfordshire. It sets out the background to the main strategic decisions which the Local Plan needs to take and the process for the next stages of the Local Plan.
- 1.2 This report summarises the key findings of the Preferred Options consultation and evidence studies. It then proceeds to identify the likely key implications arising from a new Local Plan for North Hertfordshire in relation to strategic policies and targets as well as development sites.
- 1.3 This report seeks the endorsement of these key matters as the basis for the final draft 'Publication' version of the Local Plan. This will subsequently be approved by Cabinet for formal public consultation prior to submission of the draft plan to the Secretary of State for Examination. This will occur in line with the timetable set out in the agreed Local Development Scheme approved by Council in January 2016.

2. RECOMMENDATIONS

- 2.1 That the context for the preparation of a new Local Plan for North Hertfordshire, including the legislative and evidential context is noted.
- 2.2 That the results of the Preferred Options consultation, as set out in the Consultation Report attached as Appendix 1, and other relevant consultations on the preparation of the new Local Plan be recorded.
- 2.3 That the likely strategic policy and spatial implications of a new Local Plan for North Hertfordshire that would comply with the requirements of the NPPF and relevant legislation, as set out in Appendices 2 and 3, are endorsed.
- 2.4 That officers be instructed to finalise the proposed submission documents for formal approval by Cabinet.

Note: *Due to their size, Appendix 3 (A0 maps detailing key proposed policy allocations have not been circulated as part of the agenda pack. A reduced (A3 size) version of Appendix 3 is included in the committee bundle for information. The full-size maps are available electronically on the committee pages of the Council's website and in hard copy in the Members' Room.*

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that North Hertfordshire can meet the Government's deadline to produce a Local Plan that it considers to be legally compliant and 'sound'.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council has a statutory duty to keep its Local Plan under review. Failing to prepare a Local Plan carries significant risks. Delaying or omitting the preparation of the Local Plan would carry similar risks, limiting the Council's ability to properly manage development. Options as to what the plan could contain are discussed later in the report under Section 8).

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.
- 5.2 The Local Plan Project Board has met on a number of occasions to discuss relevant issues and provide the necessary strategic guidance and direction for the production of the Local Plan in accordance with the Local Development Scheme.
- 5.3 Cabinet have been kept informed of key developments through Strategic Planning Matters reports which are a standing item on the agenda. The Local Plan was discussed at the meeting of the Overview and Scrutiny Committee in September 2015.
- 5.4 All members have been offered the opportunity to be briefed on the emerging contents of the draft plan.

6. FORWARD PLAN

- 6.1 This report contains recommendations relating to a key decision that was first notified to the public in the Forward Plan on 16 February 2015.

7. BACKGROUND

- 7.1 As the Local Planning authority, North Hertfordshire District Council has to prepare a Local Plan and keep it under review. The Local Plan has to set out the Council's plans for the area, including allocating sites for development, identifying areas to be protected from development and setting the policies to be used when determining planning applications.
- 7.2 A new Local Plan must proceed through four key stages:
- Preparation of the new plan
 - Publication of a final draft
 - Examination; and
 - Adoption
- 7.3 The production of Local Plans is guided by an extensive framework of legislation, regulations and guidance. This has been further interpreted through the examination of other authorities' Local Plans and by the courts. This provides a complex array of requirements and precedents which this Council must adhere to in the preparation of its own plan. Some of the key messages are outlined in this report.

Plan production in North Hertfordshire

- 7.4 North Hertfordshire's Local Plan No.1 was adopted in 1984. Local Plan No.2 followed in 1992 and Local Plan No.2 with Alterations in 1996. The 1996 plan was a partial review of the 1992 plan, and did not allocate any new areas of land for development. It is therefore well over 20 years since this Council adopted a plan which identified development sites.
- 7.5 Since 1996 work has been ongoing towards preparing a new plan, but this has never come to fruition due to changes in Government legislation and processes.
- 7.6 Draft Local Plan No.3 in 2000 was withdrawn after a change in Government policy required significant additional evidence to be prepared.
- 7.7 Under new legislation in 2004 the Local Plan process was renamed the 'Local Development Framework' (LDF). The contents of the LDF were guided by regional plans, formally known as Regional Spatial Strategies (RSS). These set out development targets and strategic policies for the Local Planning authorities in their area. North Hertfordshire was located within the East of England region and an RSS for this area was adopted in 2008.
- 7.8 The Council published several consultation papers between 2005-2009 to conform to the emerging and adopted proposals of the RSS, including:
- Core Strategy and Development Policies Issues & Options (2005);
 - Core Strategy Preferred Options (2007);
 - Development Policies Preferred Options (2007);
 - Stevenage & North Herts Action Plan Issues and Options (2007, jointly with Stevenage Borough Council);
 - Land Allocations Issues & Options (2008); and
 - Land Allocations Additional Suggested Sites Issues & Options (2009)
- 7.9 Following the formation of the Coalition Government in 2010, further substantial changes were made to the planning system. This included the revocation of RSS, the dismantling of the regional planning system and what was effectively a reversion from LDFs to the previous Local Plan system. Within this period, an additional Core Strategy consultation was carried out in early 2012 anticipating (in hindsight, incorrectly) how the future planning system might operate.
- 7.10 The publication of the National Planning Policy Framework (NPPF) in March 2012, followed by the eventual revocation of the East of England Plan in January 2013 effectively 'reset the clock' for North Hertfordshire's Local Plan. As a consequence of these events, the Council became responsible for determining strategic planning matters formerly set out in the RSS, such as the setting of housing targets for the area. The NPPF, however, set out strong expectations as to how these new responsibilities would be exercised.
- 7.11 Although the Council has never formally withdrawn, or otherwise resolved to cease work upon, those documents produced under the LDF system, it is clearly the plan-making activities undertaken since the publication of the NPPF which are of most relevance to the current proposals.
- 7.12 Since March 2012, the Council has carried out three public consultations on a new Local Plan for North Hertfordshire:
- Housing Options Growth Levels and Locations 2011-2031 (February 2013)
 - Housing Additional Local Options (July 2013); and
 - Preferred Options (December 2014)

- 7.13 These consultations have all been carried out under the earliest 'preparation' stage (the first bullet point in paragraph 7.2 above), albeit that the Preferred Options consultation of December 2014 contained significantly more detailed proposals than the preceding two documents.
- 7.14 This stage of plan preparation is used to test different ideas and options and, where appropriate, use consultations to 'flush out' the position of relevant landowners and stakeholders. The proposals contained within these documents therefore do not require the same level of certainty as for later stages in the process.
- 7.15 Work on the Local Plan is now moving forward to the 'publication' stage. This marks the point at which the Council should issue a draft plan that it considers ready for examination. This means the draft plan should satisfy the relevant legal requirements and, in the Council's opinion, be capable of being approved by a Government-appointed Inspector for adoption. These requirements are expanded upon below.

Requirements for progressing the Plan

- 7.16 Since the last consultation, which was approved by Council in November 2014, the need to progress a new Local Plan for North Hertfordshire has been given further added impetus on two key planning grounds:
- Firstly, the lack of an up-to-date plan and adequate supply of new housing land is significantly hampering the Councils ability to give clear planning advice and make effective decisions; whilst
 - The Government has set a deadline of March 2017 for all authorities to produce a Local Plan. Authorities who do not submit their plan for examination by this point could face interventions or sanctions. Powers to employ these sanctions are set out in the Housing and Planning Act 2016 which recently received Royal Assent.
- 7.17 Following completion of the Preferred Options consultation in February 2015, and the subsequent identification of key issues raised through the consultation process, significant additional work has been undertaken to ensure that the Council can progress a new plan that satisfactorily addresses these various requirements.
- 7.18 In recognition of this, Full Council approved a new Local Development Scheme (LDS) in January 2016. This sets out the detailed timetable for production of the plan including the following key milestones:
- August – October 2016: the period within which the statutory, six-week 'publication' consultation upon the proposed submission Local Plan will take place
 - March 2017: Submission of North Hertfordshire's Local Plan for examination
 - Summer 2017: Examination
 - March 2018: Adoption of the new Local Plan
- 7.19 It is important to make clear that the proposed submission Local Plan is the version of the plan that the Council wishes to see adopted.
- 7.20 Representations made during the statutory publication consultation will be submitted alongside the draft plan to the Secretary of State for consideration by the Planning Inspectorate at Examination. There is no scope within the relevant legislation for the Council to make further substantive amendments to the plan in response to the representations prior to submission.
- 7.21 The only exception to this would be in the event that significant new issues or evidence are raised through the forthcoming consultation. In this scenario, the only

other option available to Council in March 2017 would be to withdraw the draft plan in its entirety and start over on a replacement.

7.22 Formal approval of the publication version of the plan is, constitutionally, a Cabinet matter. It is intended to present the full draft plan and all associated supporting information (known collectively as the 'proposed submission documents') for formal approval by Cabinet in September 2016. This will allow a statutory 6-week consultation to take place from late September in line with the approved LDS.

7.23 However, it is considered appropriate to seek Full Council's endorsement of the key content and principles underpinning the plan now for the following, interlinked reasons:

- The importance of the Local Plan for the future of the whole of North Hertfordshire and the district-wide issues it raises;
- The emerging draft plan and associated evidence base have now reached a stage where it is possible to identify, with a large degree of certainty, the nature of the strategic policies and site allocations that Cabinet will be asked to approve in the publication consultation;
- Based upon previous consultations, these two areas of the plan (strategic policies and site allocations) are likely to account for the significant majority of public interest and responses; more than 90% of representations to the Preferred Options consultation focussed upon these matters;
- Subsequent stages of the Local Plan process, namely the submission of the plan to Government for examination and the adoption of the plan are matters that will constitutionally require the support of, and appropriate resolutions from, Full Council; while
- As set in paragraphs 7.19-7.21 above, unless significant new issues or evidence are raised through the forthcoming consultation, the draft plan approved for publication consultation will be the version that Council are asked to submit in March 2017.

8. ISSUES

'Brexit' - June 2016 Referendum supporting UK leave the European Union

8.1 The results of the recent referendum may well have longer term effects upon the planning system and Local Plans. However, it is considered that there are no immediate implications that require either the timetable for, or the content, of the draft Local Plan to be re-considered.

8.2 In terms of plan process, certain requirements originate in European law, particular in relation to environmental assessment procedures. However, these have also been transcribed into national legislation. It is considered that these requirements will not be repealed or changed until such time as any exit from the European Union has been formalised.

8.3 In terms of plan content, and particularly the emerging housing strategy, migration from other countries within the EU is not a significant contributor to housing requirements in North Hertfordshire. It will take a number of years for any population changes that might arise to feed through the system.

8.4 Any implications arising from 'Brexit' will be an issue for the Planning Inspector to contemplate at the time of the Local Plan examination and / or for North Hertfordshire to consider in any subsequent review of this plan moving forward.

Legislation, guidance and Evidence

8.5 *This section of the report primarily relates to Recommendation 2.1.*

- 8.6 As established above, the preparation of a new Local Plan is directed by a range of legislation, regulations, guidance and precedents. All of these must be taken into account in developing a new plan for North Hertfordshire.
- 8.7 The interrelationship between these issues means that successfully taking a new Local Plan through the system to adoption has become increasingly challenging. In recent years, a significant proportion of Local Plans submitted for examination have either:
- Failed legal requirements or been successfully challenged in the courts;
 - Been found unsound, or withdrawn on the advice of the Planning Inspectorate; or
 - Had to undertake significant additional work to ensure the requirements of legislation and the NPPF are met.

Legal requirements

- 8.8 The legal framework for the preparation of Local Plans is established through various acts of Parliament and their associated regulations. Importantly, these:
- Set out the process that new Local Plans must follow and the detailed requirements to be followed in relation to publicity and public consultation;
 - Identify relevant European legal requirements that must be discharged. These notably relate to undertaking environmental assessments to understand the likely effects of plans; and
 - Establish a statutory 'Duty to Co-operate' between local authorities and other bodies to work together in a pro-active manner to address strategic planning matters.
- 8.9 The Duty to Co-operate, in particular, has been a fundamental matter in a number of Local Plan examinations, including at neighbouring Central Bedfordshire (in 2015) and Luton (ongoing). A rigorous approach is taken to ensure compliance with the requirements of the duty with an expectation that authorities will leave 'no stone unturned' where cross-border issues are identified.
- 8.10 At examination, the test of legal requirements regarding the Duty to Co-operate is absolute. It is not a matter which the Inspector can remedy or request the Council to 'make good'. If the Local Plan is not legally compliant regarding the Duty to Co-operate it will fail.

Government guidance

- 8.11 The National Planning Policy Framework (NPPF) was published in 2012 and sets out the Government's planning policies for England and how these are expected to apply. It covers a wide range of issues in relation to both plan-making and decision taking (the determination of planning applications). The NPPF is supplemented by detailed Planning Practice Guidance (PPG), released in 2014, which provides additional detail on certain topics. Local Plans must be consistent with national planning policy to pass examination. In relation to Local Plans, matters covered by the NPPF include (but are not limited to) requirements to:
- Properly assess the need for new development (known as objectively assessed needs) and planning to meet these insofar as is consistent with the framework;
 - Where appropriate, carry out these assessments with regard to market areas which may cross administrative boundaries and ensuring that development needs across these wider areas are also met;
 - Protect existing Green Belt and only alter it in exceptional circumstances;
 - Identify what infrastructure will be required to support planned development;

- Address issues such as climate change and ensure a positive approach to the conservation and enhancement of natural and historic environments; and
- Where potential harm to relevant natural or historic assets may occur, consider this against the public benefits that may arise from any proposed development.

8.12 The NPPF also sets out the ‘tests of soundness’ that a planning inspector will apply once a plan reaches examination. These require that the plan is

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies of the Framework (NPPF, paragraph 182)

8.13 Unlike the compliance with the Duty to Co-operate, the Inspector does have powers to make changes to the plan at examination to ensure it meets other requirements and the tests of soundness. This provides opportunity to respond to new evidence or changes in circumstances. However, there are limits to the scale of changes that an Inspector will countenance before determining that the plan as submitted is fundamentally flawed and should be withdrawn.

8.14 Various examinations and court cases have established further precedents, requirements and / or guidance on a number of these legal and soundness issues. Planning officers monitor the outcomes of these on an on-going basis and key messages are being appropriately taken into account in developing the next iteration of the Local Plan.

Local Plan evidence base

8.15 It can be seen above that ensuring Local Plans are based on robust and proportionate evidence is a key requirement of the planning system. A wide-ranging evidence base has been gathered to support the new Local Plan. Many of these have already been made public on the Council’s website to support previous iterations of the plan or have been reported to Cabinet within Strategic Planning Matters reports since the completion of the Preferred Options consultation.

8.16 Several further studies are currently being finalised, for example to ensure that scenarios are tested using the latest modelling software, in order to support the formal approval of the Publication consultation in September but have progressed to a stage where the draft findings can be used to support the contents of this report.

8.17 Some of the key messages from that evidence are summarised below. The current evidence base documents are listed at Appendix 5 and are available to view on the Council’s website.

Economy and Town Centres:

- 8.18 The District Council prepared an *Employment Land Review* in 2013, which provides a number of options for potential jobs targets and land demand figures as well as assessing the current situation with regards to land provision quality and location.
- 8.19 In 2015 The Council, together with Stevenage Borough and Central Bedfordshire Council's, undertook a *Functional Economic Market Area (FEMA) Study* to accord with NPPG's requirement to assess economic need based on a geography wider area than just district level.
- 8.20 This identified that North Hertfordshire, along with Stevenage and the eastern half of Central Bedfordshire could reasonably be considered as a Functional Economic Market Area.
- 8.21 An *Employment Background Paper* is being finalised to draw evidence together, supporting the proposed jobs target and the quantum of employment land included in the plan.
- 8.22 The District Council has reviewed the *Town Centre and Retail Study* regularly to support the emerging plan. The latest iteration of this study suggests that around 38,000m² of additional retail floorspace will be needed in North Hertfordshire over the period to 2031 and identifies potential strategies and locations to accommodate this.
- 8.23 A *Retail Background Paper* is being finalised to support and explain the updated floorspace and retail strategy taken forward.

Countryside and Green Belt:

- 8.24 The Council's *Green Belt Review* provides the justification for the new Green Belt boundary in the Local Plan. The review provides an assessment against the principles of Green Belt for four key issues, specifically:
- The existing extent of adopted Green Belt
 - Proposed sites located in the Green Belt
 - Villages for potential inseting in the Green Belt
 - The extent of potential new Green Belt
- 8.25 The review has been updated from the Preferred Options to reflect representations received and to justify the inclusion of additional sites submitted to the Council during and since the Preferred Options. It identifies the contribution that parcels of land within the District make towards the purposes of Green Belt, including the land broadly between Offley and Whitwell that is presently outside of the Green Belt.
- 8.26 It reviews the role of certain villages to help determine whether these should be excluded from (inset), or included within (washed over) the future Green Belt designation.

Transport:

- 8.27 Transport modelling, which tests the likely effects of planned development on the highway network, is being finalised.
- 8.28 The *North Hertfordshire Local Plan Model Testing* report examines impacts within that part of the district covered by the 'WHaSH' transport model. This is a newly designed model which covers a large area than previous models: the whole of the Welwyn and Hatfield area, Stevenage Borough and a large part of North Hertfordshire District around Hitchin, Letchworth, Baldock, Knebworth and Codicote.

- 8.29 This identifies certain areas where mitigation will be required to accommodate future growth. However, with these mitigation schemes, the proposed Local Plan strategy set out below can be supported in highway terms.
- 8.30 The *East of Luton Urban Extension Stage 2* report examines the impact of proposed development at the west of the district upon the highway network in and around Luton. This concludes proposed development will lead to some increase in junction delay. Expert peer review of the report commissioned by the Council concludes that the impacts are within the parameters identified by the NPPF.
- 8.31 These detailed reports are supplemented by Hertfordshire County Council's new 'COMET' model which analyses the impact of planned growth upon traffic flows across the County, including those parts of North Hertfordshire District not covered by the models above.

Infrastructure:

- 8.32 An *Infrastructure Delivery Plan* is being prepared to set out the services and schemes that will be required to support growth over the plan period. This will be available to support formal approval of the plan in September but ongoing results, including feedback from service providers, has been used to inform the proposals set out in this report.
- 8.33 In 2014, the Council commissioned the production of the *Whole Plan Viability Assessment – North Hertfordshire Local Plan Emerging Preferred Options Draft*. This broadly concluded that new development could afford to deliver the policy requirements, including requirements for affordable housing.
- 8.34 This evidence is being updated to support the publication draft of the plan, though results to date suggest there have been no substantive changes that are likely to adversely impact upon the previous findings.

Housing and Development:

- 8.35 The District Council worked collaboratively with six other authorities to identify *Housing Market Areas in Bedfordshire and surrounding areas*. This identifies that the substantial majority of North Hertfordshire lies in a housing market area stretching from Welwyn Garden City, through and across the district to the Cambridgeshire borders and into Bedfordshire. A small area to the west of the District, including Hexton, Lilley and Breachwood Green, lies within a different housing market area centred on Luton. An extract from the report detailing the Housing Market Areas that affect North Hertfordshire is attached as Appendix 4 to this report.
- 8.36 The *Strategic Housing Market Assessment (SHMA) Update* concludes that the objectively assessed need for housing in the District, calculated in accordance with the Government's requirements, is 14,400 homes over the period 2011-2031.
- 8.37 The *North Hertfordshire Strategic Housing Market Assessment 2012: Part 2* identifies that between 45%-55% of new homes would need to be built as Affordable Housing in order to meet local needs and also provides data on the likely size and type of homes required. This evidence is currently being updated to take into account the latest information and will be available to support the formal approval of the publication draft plan in September.
- 8.38 Once the need for new housing has been identified, it is necessary to consider the potential sites and land which might be used to meet this requirement. A *Strategic Land Availability Assessment (SLAA)* was completed each year from 2008 to 2014 and informed previous consultations on the plan. This has now been updated to take into account the new sites promoted in response to the Preferred Options and

to set out the latest position. It concludes that, if all identified sites were to be fully utilised for housing, up to 19,146 new homes could be provided in North Hertfordshire between 2011 and 2031.

- 8.39 Full Council resolved in February 2015 to explore options for a new settlement within North Hertfordshire. The *North Hertfordshire New Settlement Study* represents the first stage of this process. Importantly for this Local Plan, it recognises that any such settlement would likely be at least a decade in the making. It would therefore be unrealistic to expect a substantive contribution from any new settlement in the current plan period to 2031.
- 8.40 The *North Hertfordshire District Council Gypsy and Travellers Accommodation Assessment* identifies current provision and the requirement for Gypsy and Traveller provision over the Plan period in consultation with the existing Gypsy and Traveller community.
- 8.41 In response to this document an assessment has been prepared to qualify the capacity of the District's existing Gypsy and Traveller site and the allocation in the Plan.
- 8.42 A *Housing and Green Belt Technical Paper* will explain the transition from the results of the SHMA and SHLAA to the proposed allocations in the plan. It demonstrates how Green Belt issues, and other constraints, have been taken into account.
- 8.43 This is additionally supported by a focussed the *Luton HMA and Site Selection Assessment Report* which assesses the approach taken and the capacity available within that part of North Hertfordshire lying within the Luton Housing Market Area. North Hertfordshire are currently engaged in a wider growth study commissioned jointly with Luton, Central Bedfordshire and Aylesbury Vale councils under the Duty to Co-operate. North Hertfordshire's own study will now feed into the results of this work.

Natural and Historic Environment:

- 8.44 The *North Hertfordshire District Green Infrastructure Plan* was published in 2009. This document establishes the policy context for all green infrastructure, provides a green infrastructure deficiency analysis and makes recommendations for the proposed green infrastructure network. In 2011, the *Hertfordshire Strategic Green Infrastructure Plan* was published. This document provides an overview of existing green infrastructure assets within the County as well as opportunities for enhancement and creation of green infrastructure.
- 8.45 The 2009 *Green Space Study* continues to provide a useful baseline against which policies and proposals can be tested.
- 8.46 An on-going audit will be finalised prior to consultation on the Local Plan to identify any substantive changes in open space provision (including play space) since the publication of these studies. This evidence will be used to inform the detailed policies of the plan and will be available to support the formal approval of the publication draft plan in September.
- 8.47 The *Indoor and Outdoor Sports Facilities Study* under preparation considers existing levels of formal sports provision in the district and whether there is a surplus or deficit against different typologies.
- 8.48 A series of *landscape studies* and *heritage assessments* have helped to qualify the potential impact of new development upon these assets. This includes additional work undertaken in response to issues raised during the Preferred Options

consultation. Their findings have informed the selection of sites and the site-specific criteria that the plan will set to guide development.

Previous consultations on the Local Plan

8.49 *This section of the report primarily relates to Recommendation 2.2.*

8.50 As set out in the preceding section, it is considered that the three public consultations conducted since publication of the NPPF should be viewed as the formal 'preparation' stage of the Local Plan.

8.51 The results of the two consultations conducted in 2013 have previously been collated and reported to Council (along with other consultations conducted under the 'old' LDF process).

8.52 Consultation on the Local Plan Preferred Options ran from 18 December 2014 to 6 February 2015. More than 8,600 representations were received from over 4,500 landowners, developers, community organisations, business interests and individual members of the public. From the representations received, more than 7,400 representations were made in respect of Chapter 12 which included the Local Plan Preferred Options sites. The remainder (more than 1,100 representations) were made in respect of the policy chapters. A summary of all the representations submitted in response to this consultation has been prepared is attached as Appendix 1 to this report.

8.53 The vast majority of the representations set out detailed reasons why sites were not considered to be appropriate for residential development. In terms of the planning policies the main issues raised in the representations included:

- the lack of a clear vision statement for the District in the Preferred Options plan;
- in terms of the settlement hierarchy, the representations suggested that both Category A and Category B villages should be given village boundaries;
- that some of the village boundaries were drawn too tightly – thus restricting all development in the future;
- business should be encouraged;
- an employment site in Baldock should be allocated for release over the plan period;
- there should be more recognition of Royston's contribution to the Cambridge sub-region;
- there was insufficient detail in the Preferred Options of the regeneration opportunities within the town centres for retail, leisure and commercial activities;
- there should be more recognition in the Plan of the distinctive characteristics of each of the towns;
- there was some support for the recognition that future development needs do provide the exceptional circumstances required in the NPPF to review the green belt boundaries;
- the plan should include a definition of sustainable transport;
- concern that the Local Plan should look at the impact of development on the local infrastructure, in particular the transport network; and
- work identified as being delegated to masterplans should be addressed before the Local Plan is finalised.

8.54 This information will be consolidated into a formal Statement of Consultation to be presented in September. This is a document that the Council is legally required to produce as one of the proposed submission documents. It will summarise the main issues raised through consultation and how they have been dealt with.

8.55 Notwithstanding this point, it can already be said that a wide range of actions have been taken in response to the issues raised through the consultation in 2014/15. These include, but are not limited to:

- A critical review of all sites proposed for the development. This has included reviewing the number of new homes that might realistically be delivered on each site and a pro-active search for additional sites on previously developed land within the District's main settlements;
- Investing in new IT software that will make it easier for the public to read the next Local Plan consultation on-line and submit their responses;
- Additional ecology and heritage studies to understand the likely effects of certain proposed sites;
- Additional transport modelling to understand the likely impacts of development on the road network and mitigation measures that may be required;
- Providing more information against each proposed development site to give a better understanding of what the Council will require should the site be developed. This includes requirements relating to schools, shops, landscaping and other mitigation measures;
- Initiating work to explore new settlement options within North Hertfordshire; and
- Ensuring the Council's understanding of housing requirements is based upon robust and up-to-date evidence.

Content of the draft Local Plan

8.56 *This section of the report primarily relates to Recommendation 2.3.*

8.57 In writing the new Local Plan, it is necessary to make a series of balanced planning judgements that consider all of the issues outlined above. These collectively inform the strategy and sites that are then set out.

8.58 As previously established, the 'publication' stage marks the point at which the Council should issue a draft plan that it considers ready for examination. This means the draft plan should satisfy the relevant legal requirements and, in the Council's opinion, be capable of being approved by a Government-appointed Inspector for adoption.

8.59 The full publication version of the plan will be divided into five distinct sections:

- **Introduction and context** – will provide explanatory and factual information on the planning system, North Hertfordshire and the wider area. It will identify the administrative and market geographies that the plan needs to address and place the district in this wider context.
- **Strategic policies** – These will set out the overarching aims and targets of the plan and provide the 'hook' for the more detailed policies which follow. Many of the issues covered by the strategic policies were previously present in the Preferred Options but have been collated into a single chapter. This will provide greater clarity for neighbourhood planning groups whose plans will need to conform with these policies. A separate policy has also been prepared for each of the Strategic Housing Sites (defined as sites of 500 or more homes) which will make a substantial contribution towards housing requirements over the plan period.
- **Detailed development management policies** – These will set out the detailed requirements that new development must meet to be granted planning permission. It will include issues such as open space, design and car parking.
- **Communities** – This section broadly aligns with Chapter 12 of the Preferred Options consultation. It will provide information on a parish / town basis to

enable local residents to easily identify those proposals which are most likely to affect them. It will list the site allocations on an area-by-area basis.

- **Implementation, monitoring and review** – This part of the plan will set out how the proposals in the plan will be delivered. It identifies key supporting infrastructure and the partners that will help to deliver it. It sets out a monitoring framework that will be used to ensure the plan is having the desired effect and sets out an approach to future review of the plan.

8.60 Through this report, Full Council are asked to endorse the likely contents of the Strategic Policies and Communities sections of the plan. A working draft version of these sections is attached as Appendix 2 setting out the proposed policies, criteria and supporting text. The likely spatial implications of key policies – including the housing allocations and Green Belt - are shown on the map attached as Appendix 3.

8.61 Some of the key elements of these sections of the proposed plan, and the reasoning behind them, are set out below.

Economy and Town Centres:

Employment

8.62 The draft plan will allocate more than 40 hectares of additional employment land for the plan period. The amount of additional employment land allocated in the draft plan has increased from the Preferred Options as a result of a number of reasons, namely:

- An increased housing figure and associated increased labour supply;
- More positive job figures in recent East of England Forecasting Model (EEFM) projections;
- Identified shortfall of employment land elsewhere within the 'FEMA' in Stevenage; and
- Identification of some peripheral locations within existing employment areas for residential development.

8.63 The additional proposed allocations are located in Royston (10.9ha), Baldock (19.6ha) and Letchworth (1.5ha) and seek to deliver the most sustainable patterns of development.

8.64 The site at Baldock provides the opportunity to help meet the identified employment shortfall of Stevenage Borough Council. This is an issue which has been jointly identified by both authorities under the statutory Duty to Co-operate. Allocating this additional land may also have a potential benefit: Stevenage's high employment requirements are driven in part by the significant number of North Hertfordshire residents who commute outside of the district to work.

8.65 A modest increase in the amount of employment land over and above our own needs is considered to be a sustainable approach and one that will have a positive impact on our economy in the long term.

Town Centres

8.66 The draft plan will identify a strategy to deliver the additional retail floorspace identified in the evidence base. In the short term, much of this can be met by filling existing vacant shops in combination with existing permissions granted for additional floorspace. In the medium and longer term additional mixed use allocations are required to meet the identified need as well as new centres within the largest housing sites.

- 8.67 Mixed use allocations are identified in Hitchin, Letchworth and Royston. National guidance requires a 'sequential approach' which looks for town centre sites first. All sites are located within the proposed town centre boundaries.
- 8.68 Most convenience (food) retail need can be met through existing permissions and the creation of new facilities in the largest housing sites. There appears to be no over-riding need to identify sites for large foods stores in Hitchin or Letchworth, rather additional capacity can be delivered through store extensions or mezzanine floors (intensification).

Countryside and Green Belt

- 8.69 The draft strategic policies set out the Council's approach to the Green Belt and Rural Area Beyond the Green Belt. Within those areas to be covered by these designations, a policy of restraint will remain. The type and amount of development that will be granted planning permission will be restricted.
- 8.70 However, in order to accommodate the proposals of the plan, it will also be necessary to comprehensively review the designations made in the 1992 Local Plan No. 2.
- 8.71 Both the Green Belt and Rural Area boundaries within the District will be reviewed to meet the development requirements identified within the District and to make positive contributions to needs from neighbouring authorities under the Duty to Co-operate.

Transport and Infrastructure

- 8.72 It is recognised that additional growth will place new demands on existing infrastructure within the District.
- 8.73 The strategic policies on these matters will ensure that new development makes appropriate provision for the demands they create. This will include physical provision of facilities – such as schools and open spaces – within developments. It will also include contributions towards schemes that take place in the wider area. This might include improvements to road junctions.
- 8.74 The draft policies are clear that new development which does not make reasonable contributions will not be granted planning permission.

Housing and Development:

- 8.75 The housing elements of the plan can be broken down into two interrelated elements: the setting of overall development targets and the sites which will then be used to meet them.

Housing and Development: development targets

- 8.76 The draft plan will set a target to provide at least 14,600 new homes for North Hertfordshire's own needs. This has been a balanced judgement taking into account (but not necessarily limited to):
- The objectively assessed need (OAN) for 14,400 new homes in the District between 2011 and 2031 established through the evidence base;
 - The range of sites and options that have been proposed to the Council which might be used to meet these needs;
 - The implications arising from the potential use of those sites, including upon infrastructure;

- Relevant guidance, precedents and case law that relate to the balance which must be struck between meeting development needs and the potential restriction of development, including consideration of Green Belt;
 - The emerging plans of other authorities within shared Housing Market Areas and the likelihood of them being able to assist in meeting unmet needs should North Hertfordshire determine it was not appropriate to meet its housing need in full; and
 - The requirement to consider affordable housing requirements and the housing needs of specific groups in translating OAN into a Local Plan housing target.
- 8.77 The housing target will meet the objectively assessed needs identified in the evidence base and adds a small uplift (200 homes) to take into account, in particular, the likely housing requirements of older residents. This target will be split, on a pro-rata basis, between the two housing market areas within the district identified in the evidence base.
- 8.78 The justification to this approach will be set out within the draft strategic policies and across the evidence base but, in short, it is not considered that North Hertfordshire could realistically sustain at examination a Local Plan which did not seek to meet its own housing needs in full.
- 8.79 In addition to meeting North Hertfordshire's own needs, it is also necessary for the plan to consider the wider needs of the housing market areas identified in the evidence base. As set out above, the significant majority of the district lies in a single housing market area.
- 8.80 Of the other authorities in this area, Stevenage's draft plan was issued in January 2016. It stated that the Borough Council can meet identified housing needs in full. As a consequence, there would be no requirement for North Hertfordshire to make housing provision to meet Stevenage's needs over the period to 2031. Stevenage's draft Local Plan is due to be considered for submission by its Executive on July 12th and Council on July 21st.
- 8.81 Welwyn Hatfield's proposed submission plan is due to be considered by its Cabinet on July 12th whilst the plans of East Hertfordshire and Central Bedfordshire are at an earlier stage. No requests have been received from these authorities seeking North Hertfordshire's assistance.
- 8.82 The eastern edge of the District adjoins Luton and the identified need for development in this area is significant. Luton will not be able to accommodate all needs arising from within its area through its own Local Plan.
- 8.83 Luton's plan and associated evidence base identifies a requirement for approximately 18,000 homes in the Borough but capacity for just 7,000. The issue of unmet needs from Luton is therefore a significant matter to be considered under the Duty to Co-operate.
- 8.84 Luton submitted their Local Plan for examination in May 2016. The appointed Inspector has arranged an initial examination session to be held on Tuesday 19 July, with a reserve day of Wednesday 20 July if need.
- 8.85 North Hertfordshire are currently engaged with Luton, Central Bedfordshire and Aylesbury Vale to explore long-term growth options for the housing market as a whole. The findings of this work will be available to support the proposed submission of North Hertfordshire's own Local Plan in 2017. However, the Council's own evidence base establishes with sufficient certainty for this stage of the plan that, firstly, there are sites within North Hertfordshire which could contribute towards these needs, and secondly (and in order to satisfy the Duty to Co-operate), the

approach proposed for our own plan will maximise the amount of housing that can reasonably be accommodated within this part of the District.

- 8.86 The draft Local Plan will therefore include a supplementary target for an additional land 1,950 homes as a contribution towards the unmet needs for housing arising from Luton. In the circumstances, it is not considered a tenable position for North Hertfordshire's Local Plan to make no contribution towards housing requirements from Luton. It is considered that such a position would likely result in a legal failing of the plan under the Duty to-Cooperate.
- 8.87 Taken together, the plan will therefore set out a requirement for 16,550 homes to be built within North Hertfordshire over the period 2011-2031.

Housing and Development: development sites

- 8.88 There has already been progress made towards these targets. More than 2,600 of these homes had already been completed or received planning permission.
- 8.89 Further allowances will be made for windfalls (those sites which will continue to come forward for development outside of the Local Plan process) as well as broad locations. These are areas or sources where it is reasonable to assume development might occur in the later years of the plan, but where a precise location cannot currently be identified. These allowances will account for around 1,650 new homes.
- 8.90 This includes a modest allowance for the outcomes of the new settlement work. Policy mechanisms for the monitoring and review of the plan to take this, and other relevant issues, into account will be set out in the full draft plan presented in September
- 8.91 Plainly, this still leaves a significant requirement for new sites to be identified. It is currently anticipated that the draft plan will identify 71 separate sites for housing development across the district. These sites are anticipated to range in size from as few as 8 new homes to as many as 2,800 homes on the largest allocation.
- 8.92 The majority of new homes from this source will be derived from six Strategic Housing Sites (defined as sites that will provide 500 or more new homes). In descending order of size these are:
- North of Baldock for 2,800 new homes (2,500 of which to be delivered by 2031);
 - East of Luton for 2,100 new homes (incorporating the allowance of 1,950 homes that will be made towards unmet needs from Luton);
 - North of Letchworth for 900 new homes;
 - North of Stevenage in Graveley parish for 900 new homes;
 - East of Hitchin for 700 new homes; and
 - North-east of Great Ashby in Weston parish for 600 new homes.
- 8.93 The remaining 65 sites will be described as Local Housing Allocations and are distributed across the district's towns and villages. 16 of these sites were not included at the Preferred Options stage¹.

¹ For completeness, 16 sites that were included in the Preferred Options will not be included in the next version of the plan. 11 of these have gained planning permission in the intervening period whilst five are no longer considered to meet one or more of the necessary tests for sites to be allocated.

- 8.94 In selecting the proposed housing sites, consideration has also been given to the role of different settlements in the district. This will be reflected within the plan by a proposed settlement hierarchy which distinguishes between:
- Towns where the majority of new development will be located;
 - Category A villages with a range of local facilities available to residents, including a primary school. New development will be permitted within a defined settlement boundary. Most Category A villages will have at least one Local Housing Allocation within or adjoining them. Examples of Category A villages include Barkway, Codicote and Ickleford
 - Category B villages with lower levels of local facilities. A more restrictive approach will be followed in these locations with no Local Housing Allocations and only limited infilling allowed. Category B settlements will not have defined settlement boundaries and will generally be included within the general policy designation (either Green Belt or Rural Area Beyond the Green Belt) that affects the surrounding countryside. Examples of Category B villages include Great Wymondley, Lilley and Wallington; and
 - Category C settlements where development will be on a 'rural exceptions' basis only. These are the settlements which give their name to a parish with no higher order settlements or whose open character is of particular importance. Examples of Category C settlements include Bygrave, Nuthampstead and Peters Green.
- 8.95 All six of the proposed Strategic Housing Sites and 26 of the proposed Local Housing Allocations will utilise land that is currently designated as Green Belt. In proposing sites currently in the Green Belt, regard has been had to principles set out in case law and other relevant guidance. In summary, it is considered that the pressures facing both the District and the wider area mean that the necessary *exceptional circumstances* that are required to review Green Belt boundaries to accommodate future development do exist. Justification is set out in the draft technical papers accompanying this report and will form part of the evidence base to support the formal approval of the publication draft plan in September.
- 8.96 It is recognised that, in addition to Green Belt, the proposed sites will collectively result in development upon, or close to, other features or assets. These include higher quality agricultural land, heritage assets and nationally and locally designated sites of importance for biodiversity. Specific additional assessments have been carried out where necessary to inform the decision-making process and these form part of the background papers and evidence base. And although it is fully accepted that the release of certain sites will result in some harms, it is considered that these are
- i. below the thresholds at which the NPPF advises an outright restriction on development or at which a planning inspector might support a policy of restraint;
 - ii. capable of appropriate mitigation where relevant and necessary; and
 - iii. outweighed in the planning balance by the pressing need for additional homes (and the onus placed upon this in other relevant examinations) and the lack of likely plausible alternatives should the Council determine not to meet its housing requirements.
- 8.97 Each proposed site allocation will be accompanied by a set of criteria which will need to be taken into account by any development proposals. These are set out in the draft Communities section of the Local Plan appended to this report at Appendix 2. These criteria will apply over and above the general requirements – in relation to issues such as design, car parking and housing types – that will be placed on all proposals by the detailed development management policies of the plan.

- 8.98 In total, the allocated sites, completions, permissions and allowances sum to a slightly higher total than the overall housing target. This is standard practise for Local Plans. It reflects the requirement in the NPPF that plans be 'flexible' and capable of responding to change if, for example, some sites do not come forward for development as anticipated.
- 8.99 In addition to overall targets and sites, the Local Plan will contain information on the types of new home that should be provided. In particular, the draft plan will set an overall target for one in every three new homes to be provided as affordable housing for local needs. Allowances will also be made for self build development (reflecting recent changes to legislation), Gypsies and Travellers and specialist supported accommodation to meet the needs of those who cannot live in their own home.

Other matters

- 8.100 Further draft strategic policies will set out guidance on matters including design, sustainability and green infrastructure.
- 8.101 There will also be policies relating to landscape and the historic environment. North Hertfordshire has a rich and varied range of heritage assets including Conservation Areas, listed buildings, historic parks and gardens and scheduled monuments. To the west of the district, land to the north of the A505 forms part of the Chilterns Area of Outstanding Natural Beauty.
- 8.102 All of these designations enjoy their own statutory protections. However, it is important for the Local Plan to reflect these and set out the approach that will be taken at a local level to conserve and enhance these assets wherever possible.
- 8.103 The proposed submission documents will include a formal Sustainability Appraisal. This is a legally required document which assesses the likely social, economic and environmental impacts of the plan and identifies potential mitigation measures where less beneficial impacts are identified.
- 8.104 The results of the Sustainability Appraisal to date are reflected in the draft policies presented to Council. In particular, they have helped to inform the site-specific measures identified for the proposed housing sites in the Communities section of the plan.

9. NEXT STEPS

- 9.1 *This section of the report primarily relates to Recommendation 2.4.*
- 9.2 Subject to Full Council accepting the recommendations of this report, officers will undertake the final steps necessary to bring the draft Local Plan to Cabinet for formal approval in September.
- 9.3 This will include, but is not necessarily limited to:
- Finalisation of the detailed policy wording and supporting text of the draft plan including the introductory sections and detailed development management policies which have not been presented to Council;
 - Finalisation of evidence studies currently presented in draft form, or which are currently ongoing but not considered critical to the recommendations set out in this report;
 - Completion of the remaining formal 'proposed submission documents' including the Statement of Consultation and a submission policies map detailing proposed allocations and protected sites;
 - Further details of the proposed consultation activities.

- 9.4 With regards the last point, the legal regulations state that the draft plan must be subject to a consultation period of six-weeks. The Council has no powers to lengthen (or shorten) the consultation period.
- 9.5 However, it is also recognised that this is a short period of time for interested parties to formulate responses given the complexity of the issues raised by a draft Local Plan. It is therefore considered that the early consideration of the key principles behind the plan by this Full Council meeting serves a wider purpose by enabling the early release of relevant information into the public domain.
- 9.6 It is currently envisaged that the formal consultation period will commence in the second half of September, thereby meeting the approved timetable set out in the adopted LDS.
- 9.7 Consultation activities will be guided by the Council's Statement of Community Involvement (SCI) which sets out how the District Council will involve the public in planning matters.
- 9.8 A precise timetable, and details of the consultation measures proposed, will be set out in the September Cabinet report having regard to the date of that meeting and any other relevant committee cycles, call-in periods etc.
- 9.9 Following the close of the consultation, officers will process and analyse all valid representations which have been submitted. Subject to the consultation not raising any substantive new issues that have not previously been considered, Full Council will be asked to submit the Local Plan to the Secretary of State for examination in March 2017.

10. LEGAL IMPLICATIONS

- 10.1 The Planning and Housing Act 2016 (and associated regulations) provide the legal basis for the Secretary of State to intervene on the Local Authority's behalf and at the Local Authority's expense if Local Development Plans are not in place by March 2017.
- 10.2 By virtue of regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, adoption of the final Development Plan documents must be by Full Council. This is reflected in paragraphs 4.2.1(d) and 4.4.1(a) of the Council's Constitution.
- 10.3 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.
- 10.4 Under the Terms of Reference for Cabinet, paragraph 5.6.33 of the Constitution states that the Cabinet may by way of recommendation advise the Council in the formulation of those policies within the Council's terms of reference.
- 10.5 Submission of draft Development Plan Documents to the Secretary of State, and their final adoption are a matter for Full Council under the Regulations and the Terms of Reference for Full Council Paragraph 4.4.1(a) of the Constitution
- 10.6 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011) sets out 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. It will be important for the Council to demonstrate that it has complied with the Duty to Co-operate and will have the necessary supporting evidence in place, including Memorandum of

Understanding or Statements of Common Ground with neighbouring authorities at the time it submits its Local Plan to the Secretary of State.

- 10.7 The legal framework for the preparation, submission, examination and adoption of Development Plan Documents is set out in the Planning & Compulsory Purchase Act 2004 (as amended). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012.

11. FINANCIAL IMPLICATIONS

- 11.1 The costs of preparing the Local Plan and associated evidence base, and running the proposed consultation are covered in existing revenue budgets for 2016/17. The revenue budget for 2017/18 factors in the likely costs associated with an examination of the Local Plan. These budgets are supplemented by an accrued reserve.
- 11.2 Any decision on the Local Plan must be made on its planning merits but there are potentially significant financial risks attached to not having a plan in place and these are set out below.
- 11.3 Without an up to date Local Plan the Council is increasingly vulnerable to planning applications in areas where it may wish to resist development. The cost of trying to resist developments is generally far higher than the cost of negotiating developments supported by an up to date Local Plan.
- 11.4 The cost of preparing a Local Plan is significant. A Local Plan which has to undertake, update or otherwise redo significant work at the examination stage will incur considerable costs that may be avoided if the plan takes the appropriate decisions from the start.
- 11.5 Failure to have an up to date Local Plan has a number of potential financial risks. Without an up to date Local Plan, the Council is unable to introduce a Community Infrastructure Levy (CIL), thus limiting future options for how the Council may wish to secure financial contributions from development. Options for the Council in relation to CIL and other mechanisms for securing developer contributions will be subject of a separate report to Cabinet later in 2016.
- 11.6 Central Government's consultation on New Homes Bonus proposed that from 2017/18, local authorities that do not have a Local Plan would stop getting any new 'New Homes Bonus' payments. This is currently a significant funding stream to the Authority (around £2m per year). The expectation is that this proposal will be adopted, and therefore it is estimated that this could lead to the following reductions in the funding received. This funding reduction would equate to additional efficiencies or income generation that would need to be found.

Year	Estimated funding reduction for that year
2017/18	£666k
2018/19	£1,216k
2019/20	£1,733k
2020/21 (onwards)	£1,964k

Based on the 2016/17 Medium Term Financial Forecast (subject to some change as part of the 2017/18 forecast)

- 11.7 The numbers above assume that the Local Plan is not adopted at all over that period. If it were adopted during the period then the Council would start to receive New Homes Bonus again, but would not receive the elements that related to any year that the Local Plan was not in place. For example, if the Plan was not in place for 2017/18 we would lose the £666k that relates to 2017/18 in that year and the next three years (up to 2020/21). This would mean that the total lost funding would

be £2,664k. There may be some dispensation (e.g. 50%) for a period where the Local Plan has been published but has not yet been submitted to the Secretary of State.

12. RISK IMPLICATIONS

12.1 Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. The Sustainable Development of the District risk has two sub risks; National & Regional Planning issues and Neighbouring Authorities. Failure to make timely progress on the Local Plan would increase the likelihood of these risks occurring.

12.2 The Local Plan is assessed as one of the highest risks that NHDC currently faces. The identified consequences on the Local Plan risk include

- Development not sustainable;
- Development harms the environment;
- Needs for housing and other development fail to be properly met;
- Hostile planning applications if Local Plan found unsound or delayed;
- Hostile planning applications for development due to lack of five year land supply; and
- Costs of challenge.

12.3 Agreeing the recommendations in this report will enable the Council to progress with the Local Plan. It is accepted that the publication of a draft Local Plan is likely to be controversial in certain quarters and will generate a considerable amount of response to the consultation.

12.4 The draft plan will seek to reflect work undertaken with other authorities on strategic matters. In particular it will make an allowance for growth from the Luton housing market area, and safeguard land for the longer term for growth in the Stevenage area.

12.5 Discussion and negotiation with these, and other, Councils is ongoing. North Hertfordshire District Council has signed, or is in the process of negotiating, Memoranda of Understanding (or equivalent) with Luton and Stevenage Councils under powers delegated to the Executive Member by Cabinet in March 2016. These agreements relate to those authorities plans and it is recognised that future (updates to these) agreements will be required upon submission of North Hertfordshire's own Local Plan in March 2017.

12.6 Endorsing the broad principles that will underpin the draft plan and instructing officers to finalise the proposed submission documents for formal approval will demonstrate the Council's continued willingness to seriously engage on such matters and allow constructive talks to continue in the period up to submission.

13. QUALITIES IMPLICATIONS

13.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

13.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its 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.

13.3 There are not considered to be any direct equality issues arising from this report although individual schemes or considerations hereafter will be subject to

appropriate review (through a formal Equality Impact Assessment) to ensure they comply with latest equality legislative need. The latest national guidance on gypsy and traveller sites, and specifically defining those who retain a 'nomadic' lifestyle, must also be considered alongside the protections afforded to some travellers by virtue of their ethnicity under the Equality Act 2010.

14. SOCIAL VALUE IMPLICATIONS

- 14.1 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.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no new human resource implications arising from the contents of this report. Temporary staff or consultants have been brought in to assist with preparation of the Local Plan in order to cover vacancies and long term absences. This approach will continue given the anticipated large number of responses expected to be received from any future consultation.

16. APPENDICES

Appendix 1 – Consultation Report on Local Plan Preferred Options (**circulated as a separate volume with this agenda**).

Appendix 2 - Draft *Strategic Policies* and *Communities* sections of North Hertfordshire Local Plan 2011-2031.

Appendix 3 – Map detailing emerging Local Plan proposals.

Appendix 4 – Map detailing Housing Market Areas.

Appendix 5 – List of supporting and emerging background Evidence.

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18. BACKGROUND PAPERS

- 18.1 Full Council Report 27 November 2014 – North Hertfordshire Local Plan – Preferred Options
- 18.2 Full Council Report 3 September 2015 – North Hertfordshire Revised Statement of Community Involvement
- 18.3 Overview & Scrutiny 22 September 2015 - Presentation By The Executive Member For Planning And Enterprise
- 18.4 Full Council Report 21 January 2016 – Updated Local Development Scheme
- 18.5 Strategic Planning Matters Reports to Cabinet on 27 January 2015, 24 March 2015, 16 June 2015, 28 July 2015, 29 September 2015, 10 November 2015, 15 December 2015, 26 January 2016, 30 March 2016 and 14 June 2016.
- 18.6 Local Plan evidence base – as set out in Appendix 5

FULL COUNCIL**20 JULY 2016*****PART 1 – PUBLIC DOCUMENT****AGENDA ITEM No. 4****NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031- OFFICER
CLARIFICATIONS****1. SUMMARY**

- 1.1 Full Council are asked to note the following clarifications that officers are already aware of and, subject to the outcomes of tonight's meeting, intend to include in the Proposed Submission version of the Local Plan presented for consideration in September.

2. CLARIFICATIONS

- 2.1 Strategic Policies 'Policy SP17: Site HT1- Highover Farm' (p.61 of the committee bundle) and 'Policy SP18: Site GA2 – Land off Mendip Way' (p.62) to include as criterion a:

'A site masterplan to be approved prior to submission of any detailed matters'

with consequential renumbering of subsequent / existing policy criteria.

- 2.2 Under the Communities chapter at Hitchin (p.96), following the entry for site HT11 – 'Churchgate and its surrounding area' to include the following site-specific criteria for the retail allocation site at Paynes Park:

HT12	Paynes Park	Mixed use
<ul style="list-style-type: none"> • Redevelopment to provide approximately 4,000m² of gross additional main town centre use floorspace; • Preservation and enhancement of heritage assets including Hitchin Conservation Area and listed buildings, including: <ul style="list-style-type: none"> ○ Protection and enhancement of Paynes Park House and The Cock Public House which lie within the site boundary ○ Respect for the setting of the Green Hythe, Bank Flat and 3-4 High Street which are adjacent to the site; • Incorporate and maintain alignment of PROW along West Alley (Hitchin 090); • Environmental improvements to the area and frontage along Paynes Park; 		

2.3 Under the Communities Chapter at Royston, for housing site RY4 'Land north of Lindsay Close' (p.132), to amend the first site-specific criterion to read (*intended additions in **bold** text and deletions ~~struck through~~*):

- 'Access **connecting** from Old North Road in the west ~~and~~ **to** Burns Road **at** ~~from~~ the east'

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the North Hertfordshire Leisure Centre, Baldock Road, Letchworth on Wednesday, 20 July 2016 at 7.30pm

PRESENT: *Councillors John Booth (Chairman), Alan Millard (Vice-Chairman), Ian Albert, Mrs A.G. Ashley, D.J. Barnard, Clare Billing, Judi Billing, John Bishop, P.C.W. Burt, Julian Cunningham, Bill Davidson, Elizabeth Dennis, Faye S. Frost, Jane Gray, Jean Green, Nicola Harris, Simon Harwood, Steve Hemingway, Cathryn Henry, Fiona Hill, T.W. Hone, Tony Hunter, S.K. Jarvis, Lorna Kercher, David Levett, Ben Lewis, Bernard Lovewell, Sandra Lunn, Jim McNally, Ian Mantle, M.R.M Muir, Mrs L.A. Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Valentine Shanley, Adrian Smith, Harry Spencer-Smith, Mrs C.P.A. Strong, R.A.C. Thake, Terry Tyler, Simon Watson and Michael Weeks.*

IN ATTENDANCE: *Chief Executive, Strategic Director of Finance, Policy and Governance, Corporate Legal Manager, Democratic Services Manager and Committee and Member Services Manager.*

ALSO PRESENT: *Suzanne Ornsby QC
Approximately 270 members of the public.*

44. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Clark, Steve Deakin-Davies, Gary Grindal, Paul Marmont and Gerald Morris.

45. CHAIRMAN'S ANNOUNCEMENTS

(1) Declarations of Interest

The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

The Corporate Legal Manager and Monitoring Officer stated that the decision that Council was being asked to take was to endorse the likely strategic policy and spatial implications of a new Local Plan for North Hertfordshire that would comply with the requirements of the National Planning Policy Framework and relevant legislation. As stated at the Council meeting held on 27 November 2014, the question of interests would be considered at each stage of the Local Plan decision making process.

As with all reports that any committee received, the Corporate Legal Manager and Monitoring Officer commented that Members needed to consider three issues with regard to this evening's Council meeting:

1. Whether they had a Disclosable Pecuniary Interest, as defined by the regulations;
2. Whether they had a Declarable Interest, as defined by the Council's Members Code of Conduct; and
3. Whether they had committed themselves to a particular course of action in relation to the Local Plan decision they were being asked to

take and were therefore not able to approach the decision with a sufficiently open mind.

The Corporate Legal Manager and Monitoring Officer explained that, in some circumstances where they potentially had an interest, Members could request a dispensation from the Monitoring Officer which allowed them to take part in the debate and vote. A dispensation, if granted, was a permission for the Member concerned to take part in the debate and vote, notwithstanding the potential interest. The grounds for giving dispensations were set out in section 33 of the Localism Act and in section 8 of this Council's Code of Conduct for Members. Council delegated to the Monitoring Officer the authority to grant requests for dispensations, where it was considered appropriate.

The Corporate Legal Manager and Monitoring Officer advised that all Members were sent a series of questions, which sought information on the three potential issues highlighted. Each response was individually considered. A number of Members had potential interests, due to involvement with bodies such as housing associations, county council, heritage foundation or where they lived, which could be considered to be potentially affected by the decisions Council was making on the Local Plan. In total, a third of all Councillors identified some form of potential interest, which clearly had potential implications for the ability of residents to be represented in this process.

The Corporate Legal Manager and Monitoring Officer stated that the position of each Councillor was considered based on the information available to him. He decided that, in all the circumstances, including it being in the interests of persons living in the area, it was appropriate to grant a dispensation to the following Councillors:

Councillor Allison Ashley – Interest: Hertfordshire County Council
Councillor David Barnard – Interests: Hertfordshire County Council and North Herts Homes
Councillor Clare Billing – Interest: Aldwyck Housing Group
Councillor Judi Billing – Interest: Hertfordshire County Council
Councillor Bill Davidson – Interest: North Herts Homes
Councillor Faye Frost – Interest: D.H. Frost and Sons
Councillor Jane Gray – Interest: North Herts Homes
Councillor Jean Green – Interest: Property
Councillor Fiona Hill – Interests: Hertfordshire County Council and property
Councillor Terry Hone – Interests: Hertfordshire County Council and Letchworth Garden City Heritage Foundation
Councillor Tony Hunter – Interest: Hertfordshire County Council
Councillor Lorna Kercher – Interest: Hertfordshire County Council
Councillor Ian Mantle – Interest: Letchworth Garden City Heritage Foundation
Councillor Michael Muir – Interest: Hertfordshire County Council
Councillor Lynda Needham – Interest: Letchworth Garden City Heritage Foundation
Councillor Richard Thake – Interests: Hertfordshire County Council and property

For the avoidance of doubt, the Corporate Legal Manager and Monitoring Officer advised that a vote this evening on the district wide Local Plan would not restrict Members' role in respect of determination of any subsequent planning applications for an allocated site which was submitted to this authority. A vote in favour tonight would not prevent a Councillor speaking against, or voting against, a planning application in due course. The reverse, of course, also applied.

Councillor Allison Ashley clarified that the nature of her interest was that her husband (Derrick Ashley) was a Member of Hertfordshire County Council.

The Chairman invited Suzanne Ornsby QC to address the meeting. She advised that she was the barrister advising the Council on its emerging Local Plan. She reminded Members that the purpose of the meeting was to consider the key content and key principles underlying the emerging Plan. This would hopefully enable the Council to move on to its Proposed Submission Consultation Stage, which was the stage immediately prior to submission of the Plan to the Secretary of State ready for an examination by an Inspector appointed by the Secretary of State.

Suzanne Ornsby QC made the following key three points in order to inform and hopefully assist the debate:

- It was important to have a Local Plan in place – to avoid Government intervention and financial sanctions post-March 2017; to enable the Council to control the proper planning of the area in order to avoid ad hoc and piecemeal planning by appeal; and to enable the Council to have a Community Infrastructure Levy (CIL), which allowed the Council to raise funding from developers in a broader way, to use towards infrastructure improvements in the District;
- Any Local Plan had to be robustly and evidentially justified. NHDC officers had worked diligently to produce evidential documents in order to support the key policies and principles contained in the Local Plan document. So for the Plan to be evidentially robust it had to contain a housing requirement for about 16,600 houses, otherwise the likelihood would be that the Plan would fail at an Independent Examination; and
- The Council was under a legal obligation to discharge the “Duty to Co-operate”. If this duty was not discharged then the Plan would fail – there was no legal remedy to put that right. In essence, the Council had to assist, insofar as it was able, Luton to meet its own unmet housing need (1,950 houses had been allocated for this purpose in NHDC’s draft Plan).

The Chairman thanked Suzanne Ornsby QC for her comments.

(2) Tabled Paperwork – Officer Clarifications

The Chairman asked Members to check that they had in front of them a short tabled document outlining a number of Officer clarifications regarding the North Hertfordshire Local Plan 2011-2031 as a supplement to the issued reports.

46. PUBLIC PARTICIPATION

The Council was addressed by the following members of the public in respect of the North Hertfordshire Local Plan 2011-2031:

(i) Parish Councillor David Short (Ashwell Parish Council)

Parish Councillor Short stated that, as well as being a member of Ashwell Parish Council, he also chaired the Ashwell Neighbourhood Plan Working Group.

Parish Councillor Short advised that, in the NHDC Draft Local Plan, Ashwell had been allocated 95 units, which included a single site for 33 units. He made the following comments:

1. Ashwell was not opposed to further development provided it fulfilled proven needs;
2. The housing survey of the Neighbourhood Plan Group showed that the housing needs were:

- housing for those who want to downsize, particularly older people;
 - sites of between 5 and 10 units and nothing bigger;
3. The Claybush Field site, AS1, failed both of these criteria;
4. The Claybush Field site also failed the NHDC criteria:
- It was in an area of high visual landscape value, as identified by NHDC's own Landscape Character Assessment;
 - Access for pedestrians was via a path that had 19 steps and therefore contravened the NHDC Policy 57;
5. Planning permission for development of the site had been sought and on three occasions it had been rejected by the Inspector because it was in an area of high landscape value and also because of concerns raised by Historic England.

Parish Councillor Short commented that Ashwell Parish Council was being pro-active in its future development. The Neighbourhood Plan Working Group had identified three sites in the village that would suit the needs identified in the housing survey. The Working Group had sent a draft copy of its emerging Neighbourhood Plan to the Planning Officers, giving their analysis of the of the Ashwell sites. The Working Group therefore requested that the Claybush Field be deleted from the Local Plan and fuller consideration be given to the sites recommended by the Group.

The Chairman thanked Parish Councillor Short for his presentation.

(ii) Paul Harrison (Ashwell resident)

Mr Harrison stated that allowing development on the Claybush Field site would significantly impact on the north Baldock chalk uplands character area. This was also a comment that had been made on several occasions by NHDC Planning Officers when previous planning applications for development of the site had been refused planning permission. He considered that the fact that housing strategy and demand were changing did not automatically mean that the reasons for previous planning applications being rejected were no longer valid.

Mr Harrison emphasised that to get pedestrian access from the site would require the crossing of a four way traffic junction with blind corners. This would be the only option for those with disabilities, who would be confronted with nineteen steps, making progress unfeasible.

Mr Harrison commented that Claybush Field was a greenfield site, currently outside of the village boundary. No consultation or approach had been made to the Parish Council or local residents regarding the proposed change. He felt that the proposal to incorporate the land into the village boundary and remove its greenfield status was extraordinary. The drawings attached to the Local Plan presented the site as being within the village boundary, without highlighting in any way that this was a proposed change, thereby indicating that the proposal was acceptable.

Mr Harrison stated that the Plan covered a 20 year period. There appeared to be no consideration given to the fact that circumstances over these 20 years may change. NHDC seemed to be determined to complete the Plan in the shortest possible time, ignoring potential macro-economic changes (such as the EU Referendum result), as well as local influences that could well change the housing forecast figures. There appeared to be no attempt to spread the development across the 20 year period. Since 2011, 62 houses

had been built in Ashwell, a growth of 7%. He felt that the village had therefore already materially contributed to the objectives of the Local Plan.

Mr Harrison considered that if the Claybush Field site was included, and the growth continued at this rate, 35% more houses would be built in the village in the 20 years (which vastly exceeded the growth rate predicted by the Office of National statistics). He also questioned what would happen in the 10 years after the Claybush Field site was developed? At what point would there be enough housing to be sufficient?

Mr Harrison concluded by stating that there were other brownfield sites located within Ashwell that would be far more suitable for development. The fact that these sites had not been included in the Plan as alternatives raised serious questions as to why they had been omitted. Development of those sites was far more likely to be supported by the village, and would allow Ashwell to support the Local Plan in a fair, democratic and proportionate way.

The Chairman thanked Mr Harrison for his presentation.

(iii) Parish Councillor Mark Ireland (Codicote Parish Council)

Parish Councillor Ireland commented that, in 2014 and 2015, when the Local Plan Preferred Options were announced, the Parish Council held a series of open days, followed by a public meeting. A similar process had been carried out in 2016. Codicote residents were extremely concerned about the implications of development on the scale proposed and the loss of the much-appreciated Green Belt, as demonstrated by their overwhelming response to the consultation.

Parish Councillor Ireland stated that the residents fully understood the background to the process and the need for a Local Plan, however, they questioned the District Council's logic in taking a scatter gun approach to development – the rural communities across the region were simply unable to cope with this expansion at a local level or with the impact on a wider scale.

Parish Councillor Ireland explained that those familiar with Codicote would know that traffic on the B656 road poured through from Hitchin, Luton and surrounding villages, with rush hour lasting up to three hours both morning and evening. Roadworks, bad weather and traffic accidents often brought congestion to an intolerable level. There was no capacity for improvement, the road had no scope for widening, and parking restrictions would be detrimental to local shops and cause residents to park elsewhere, thereby creating congestion in all areas.

Parish Councillor Ireland was of the view that the impact of the four major developments accessing the High Street at the proposed sites north, south, east and west of the village would be devastating. Add to this the cumulative impact of development in neighbouring villages (such as the proposal to build 600 new homes in Knebworth). With the potential for those residents accessing links to the A1M, Hitchin, Luton and Welwyn Garden City via Codicote, it was not inconceivable that a further 1,000 or more cars would be converging on the village at morning and evening rush hours.

Parish Councillor Ireland advised that this would lead to safety issues, primarily for children who walked to their primary school or who waited for buses on the High Street to take them to their secondary school. The B656 bisects the village and had to be crossed by many, on the route to and from school. Parking also presented a danger, especially inconsiderately parked vehicles, which mean that busy roads had to be negotiated on foot. Any development should bring with it not just adequate, but enhanced, parking arrangements. Safety would also be compromised during any construction

period, as they village already had a large number of lorries using the High Street and side roads to access the nearby quarry. Construction traffic accessing sites down narrow lanes was a terrifying prospect and would present months or even years of upheaval.

Parish Councillor Ireland stated that residents had been advised that if development occurred, the infrastructure by necessity would be improved. Historically, this had not happened, the development of some fifty houses at the Clock roundabout being a case in point. Infrastructure concerns also applied the village's struggling drainage and sewerage systems – who would bear the cost of upgrading these services and would NHDC ensure that a holistic approach was taken to any expansion?

Parish Councillor Ireland commented that the residents had also voiced concerns over the lack of affordable housing. Rural villages were suffering because there was little accommodation available for lower income workers, who filled jobs that sustained rural communities. Each of the four proposed developments had the potential for 40% affordable housing. If the Plan was adopted and those sites developed, would there be a condition that this 40% figure was adhered to, and perhaps those houses were built first?

Parish Councillor Ireland concluded by conveying to the Council the strength of feeling that existed amongst Codicote's residents, that the nature and integrity of a rural community was being overlooked.

The Chairman thanked Parish Councillor Ireland for his presentation.

(iv) Councillor Peter Chapman (Luton Borough Council – Wigmore Ward)

Councillor Chapman advised that he represented the Wigmore Ward of Luton Borough Council (adjacent to Luton Airport and towards Putteridge Park). He was also speaking on behalf of the Luton Borough Councillors who represented the neighbouring Stopsley Ward. He therefore represented the 15,000 residents who lived in that area (the approximate equivalent of the size of the population of Royston).

Councillor Chapman objected to the allocation of 2,100 houses to the east of Luton in NHDC's Local Plan, which included only 150 to meet NHDC's own needs. In response to the remark made by Suzanne Ornsby QC earlier in the meeting that NHDC had to contribute towards Luton's unmet housing needs, he commented that no it did not, as Luton would be able to look after itself.

Councillor Chapman stated that Luton already had numerous sites being developed to the west of the town, and a huge site was being developed between Luton and Houghton Regis to the north of the town. He considered that, should there be further development, most Luton residents would prefer this to be to the west of the town towards the M1 motorway, where access would be easy, without the potential chaos that any development east of Luton would cause.

Councillor Chapman commented that the developers of the site towards Houghton Regis had already started to challenge many of the new developments proposed in the centre of Luton because they feared it was a case of over-supply rather than fulfilling an unmet need.

Councillor Chapman considered that there was no justification for the east of Luton proposal, as the scale of development was far too high, but also that there were problems with transport infrastructure. There was currently only two single lane residential roads in and out of the proposed site, between Luton Town Centre, the M1, Wigmore Ward, and the villages of Cockernhoe and Tea Green, which had for years enjoyed the open spaces between settlements. Those roads were massively congested already. A new school

recently built on Crawley Green Road, one of the roads leading to Cockernhoe, was (even before the school was open) congested during peak hours. What would happen should the 2,100 extra houses be built?

Councillor Chapman stated that there was no planned infrastructure whatsoever to go with the 2,100 houses. The 4,500 houses proposed to the west of Luton had two major roads being built to support them. How would the residents of the east of Luton site be expected to travel to Hitchin?

Councillor Chapman advised that Luton Airport was expanding to 18 million passengers per annum, which meant an extra 7 million cars on the roads east of Luton each year, with no new roads planned. There were no policies on issues such as pollution, and the one road in Luton where a survey had been undertaken had revealed that the air contained three times the level of particulates above the recommended level.

Councillor Chapman explained that next to the Airport, and adjacent to North Hertfordshire, was the new Wigmore Valley Park Enterprise Zone, designated to have 6,000 new jobs. Luton Borough Council had been persuaded that Crawley Green Road and Eaton Green Road were so congested that access to the Zone should not be via these roads. Accordingly, access to the Zone was through the Airport.

Councillor Chapman concluded by commenting that, in the Conservative Party Manifesto, it stated "we will protect your countryside, Green Belt and urban environment". He did not see this reflected in the NHDC Local Plan.

The Chairman thanked Councillor Chapman for his presentation.

(v) Rev. Parish Councillor Sonia Falaschi-Ray (Barkway Parish Council)

The Rev. Parish Councillor Sonia Falaschi-Ray advised that Barkway was an historic village, with houses lining the High Street dating from the 15th Century to the present day. The village comprised 329 houses, to which NHDC through its Local Plan now proposed to add a further 204, an increase of 62%.

The Rev. Parish Councillor Falaschi-Ray commented that the village was happy for some development to occur, and 65 houses were in the process of being built. Plots K1 and BK2 in the Plan were acceptable, but Plot BK3 (for 140 houses) was unacceptable. This plot (which was Grade 1 agricultural land) had previously been rejected as being outside the village settlement boundary.

The Rev. Parish Councillor Falaschi-Ray stated that Barkway had few amenities and very few employment opportunities. Villagers had to visit nearby Barley to access a shop, post office and doctor's surgery, and it had been noted that no new development was proposed in Barley. The Middle and Upper Schools were located in Royston and Buntingford, respectively, and both were near capacity.

The Rev. Parish Councillor Falaschi-Ray explained that the additional traffic to be generated by the 140 houses on Plot BK3 would indicate that NHDC would be in breach of its own Sustainable Transport Policy. Over the past 20 years, the B1368 road had experienced 344 accidents, of which 10 had been fatal and 81 serious. There were 7 "SLOW" signs in the two mile stretch between Barkway and Barley; the Royston Road had two blind bends up a steep hill, with adverse camber; and The Joint between the Royston Road and the A10 was a single track, with a few passing places.

The Rev. Parish Councillor Falaschi-Ray advised that sewage may also be a problem. The Sewage works were one mile south of the village, with pipes running under back gardens of properties on both sides of the High Street.

She considered that the current works would be unable to take an increase of 140 houses, and so new Sewage works and an upgraded fresh water supply would be required.

The Rev. Parish Councillor Falaschi-Ray considered that the housing allocation was disproportionate and unfair. The expansion of Barkway by 62% was in conflict with the North Hertfordshire and Stevenage Landscape Character Assessment, which says of Barkway that the Council should be sensitive to inappropriate or unsympathetic development and any form of development not in scale with the village. The same document stated that large urban extensions and new settlements in excess of 5 hectares would not be appropriate and smaller ones of less than 5 hectares would not be entirely appropriate. Plot BK3 measured 7.7 hectares.

The Rev. Parish Councillor Falaschi-Ray concluded by re-iterating that the Parish of Barkway supported proportionate and sympathetic development, such as Plots BK1 and BK2. The Parish strongly urged the Council to re-consider the inclusion in the Plan of Plot BK3, which they considered would be wholly detrimental to Barkway.

The Chairman thanked the Rev. Parish Councillor Falaschi-Ray for her presentation.

(vi) Christine Watson (Save Rural Baldock Group)

Christine Watson acknowledged the fact that, whilst councillors were clearly under pressure to complete a Local Plan in order to ward off hostile planning applications, this was not a reason to ignore some important practical implications about how the Plan could be delivered. It was disappointing, although not altogether surprising, to hear that it was still proposed to expand Baldock enormously (by 3,500 extra homes) over the Plan period.

Christine Watson commented that the questions raised at the recent public meeting showed that, whilst the need for housing was recognised, its affordability was a major concern for many, and residents of Baldock and Bygrave were very worried about the disruption and overloading of infrastructure that would impact on their lives over the 20 year period. Specific concerns related to schools and the traffic they generated, the oversubscribed Doctor's Surgery, and crowded trains, as well as the congestion that already afflicted the roads that would connect the proposed very large north-eastern housing area to Baldock.

Christine Watson stated that the need for new primary and secondary schools was mentioned in the Plan, but the strategy for maintaining provision through the expansion period remained extremely opaque. The new secondary school would only become viable when most of the new housing was in place. Until then, how was Knight's Templar School in Baldock to cope? The Doctor's Surgery was also full to capacity. How would patients be treated during the period of such huge population growth before the new surgery became viable?

Christine Watson felt that the trains would just become more crowded unless they were longer and more frequent. There would be a further impact during the Plan period from the improved connections at the London end of the line, generated by Crossrail 2. Rail improvements were mentioned, but not detailed – when would Baldock Station accommodate long trains?

Christine Watson considered that the road and parking arrangements were a serious concern, both during the construction period and afterwards. The only traffic analysis that she had seen was several years old and dealt only with the impact on roads south of Baldock and around Stevenage. The A507/A505 junction already suffered serious congestion throughout the day, every day. This had not been properly documented to enable an inspector to

assess the real situation. The northern link road could be made more effective by taking it all the way to Baldock Services as a bypass – it was difficult to assess how effective a southern link road would be as it had not appeared on any map. Access to Baldock for all the new housing on the North side would still be via the same A507/A505 junction.

Christine Watson advised that over the Plan period the age of the internal combustion engine may well be coming towards its end, although electric vehicles actually generated more particulates than conventional cars. It was well known that the Baldock “bowl” concentrated the cocktail of exhaust pollutants with resultant danger to health. This would be a potentially catastrophic consequence of overdevelopment in the Baldock area. Cyclists of all ages should be encouraged, but the Plan stopped at the gates of Baldock. There was an opportunity to develop an integrated cycle system for the whole of North Hertfordshire, but this opportunity had been missed.

Christine Watson was of the opinion that a strategy was needed to attract employers to Baldock, otherwise all the new residents would be commuters to other towns. How could this be allowed to happen when there was no end in sight to the peak hour queues on the A507 and A505? What would the Council be doing to attract new businesses and expansion of existing employers in the area? Without robust infrastructure, such employers were unlikely to be interested.

Christine Watson questioned how the Council could give residents confidence that it had a plan to fix the current infrastructure problems to ensure that the 20 years of building activity did not result in all the negative impacts feared by residents. She appealed to councillors to vote the way their constituents would want them to vote. This was the only chance to influence the Plan before the final decision would be made by the NHDC Cabinet in September 2016.

The Chairman thanked Christine Watson for her presentation.

(vii) Anthony Burrows (Save the World’s First Garden City Group)

Mr Burrows advised that his Group was opposed to any building on Green Belt land anywhere in North Hertfordshire District. The District had more than done its duty, since it had virtually doubled in number of dwellings since 1965, a bigger increase than most of England.

Mr Burrows stated that the Group was very disappointed that the formal Consultation had not responded to its view that it should present at least one alternative possibility to enable local voters to have a meaningful input. The Group had hoped that you would present to residents the possibility, allowed by Government from October 2014, of not re-zoning any Green Belt land just to meet Office for National Statistics housing figures. That possibility should be presented as the preferred Local Plan, even if the present draft was presented as a non-preferred Plan, especially since, should the Council vote to allow building massively in the Green Belt, any Inspector would be entitled to assume that you the Council had no objection in principle to building on it. He had been advised that there did not appear to be anything to prevent the Council from submitting a preferred version and a non-preferred version.

Mr Burrows asked if any councillor could advise the Group where there was any development in the Plan which was not the (urban) sprawl which for decades had been considered the very opposite of good planning? He considered that moving or increasing the amount of Green Belt so that the sprawl could be constructed was cynical.

Mr Burrows explained that the Group was very concerned about the continually increasing unsustainability of the Local Plan from the point of view of matching employment to the proposed increase (by about one-quarter) of

population. For sustainability, that huge increase in just twenty years would mean at least an eighth, if not a quarter, increase in employment provision in the District, because otherwise there would be an ever-increasing need for the population to travel increasing distances, with a corresponding increase in greenhouse gas production, congestion, etc. The Council's own "Regeneris" report made this absolutely clear.

Mr Burrows stated that it appeared from the Internet that at least one Council in the north of England had obtained agreement for a provision in its Local Plan for a minimum percentage of all new dwellings to be for local people. He could not see any such proposal in the NHDC Plan.

Mr Burrows commented that the Group was shocked that the Plan showed complete lack of sympathy with the people of Baldock. Why should the Council agree to an obviously highly objectionable proposal by the County Council to build on the "Land for Heroes" (First World War servicemen who survived the Somme and other battles) to raise a few hundred million pounds, most of which would probably be spent in the rest of the County? The Group was unaware that the need for an applicant to raise cash was one of the strong reasons for granting re-zoning.

Mr Burrows advised that there seemed to be a serious lack of understanding about what was meant by "Garden City". For example, in Letchworth Garden City, significant increases of population in the past were planned to be accompanied by significant increases in employment provision, with the "sustainability" concept of people working near their homes. Yet the Plan replaced some of the last few "industrial" zonings (Geo W. King site and District Council Depot site) with residential. As another example of that lack of understanding, the Council still had the proposal to damage the historic Green Belt, said to be the first in the World, as well as infilling of green spaces in the north and east of the town, when one of the principles of the Garden City was to have "green lungs", such as greens, spinneys, allotments, recreation grounds, etc., dotted among the housing, as currently existed in the west and south of the town. He was sure that no councillors could pretend that such infilling was at all "Garden City".

Mr Burrows concluded by asking councillors to please bear in mind that, at a national level, building on the Green Belt was being seen as increasingly unacceptable – the District's three MPs had objected to it, as recently had the new Prime Minister. He concluded by asking what progress was being made regarding a new settlement/Garden City in the District?

The Chairman thanked Mr Burrows for his presentation.

(viii) Simon Butler-Finbow (Pigeon Investment Management Ltd.)

Mr Butler-Finbow stated that Whitwell as a Category A village, with approximately 550 homes in the Parish. As with other Category A villages in the western part of the District, it had a proposed allocation for new homes. The proposed allocation of 41 new homes (outside of the Green Belt) in Whitwell represented around a 7% increase of homes in the Parish over the Plan period. Whitwell had all the services and facilities to support its status as a Category A village and the modest level of new homes allocated could be appropriately accommodated in the village.

Mr Butler-Finbow advised that the specific policy supporting the draft allocation sought:

- The delivery of a detailed drainage strategy;
- A scheme which addressed historical surface flood water issues;
- The integration of the Byway Open to All Traffic (BOAT) along the site's western boundary; and
- A sensitive design approach towards the nearby Conservation Area.

Mr Butler-Finbow commented that the Council was in the process of considering a detailed application which had comprehensively addressed all of the above criteria. It also fully addressed other strategic policies in the emerging Local Plan, and met all National Planning criteria. The draft allocation had therefore been fully tested by evidence and could be considered sound.

Mr Butler-Finbow explained that the draft allocation site provided for a high quality, low density and landscape-led proposal, with 40% affordable housing, as well as seven bungalows, both meeting local needs. Whilst the site was approximately 6 hectares in size, the proposed new homes occupied only around 2 hectares, thereby delivering significant green infrastructure to the village.

Mr Butler-Finbow advised that the proposal could be sympathetically designed to minimise its impact on the surrounding area and adjoining Conservation Area, and to respect the amenities of existing residents. The proposal occupied a sustainable location for new homes, being close to the school, Fellowship Village Hall and other facilities in the village. Along with the benefits already highlighted, the draft allocation site would deliver:

- Extensive new landscaping, wildflower meadow creation and natural play features;
- Pedestrian/cycle links to the village and BOAT;
- Improved public transport provision;
- Primary and secondary education contributions;
- Library, waste and recycling contributions;
- Bradway Recreation Ground play space contributions; and
- Fellowship Village Hall improvement contributions.

Mr Butler-Finbow acknowledged the contribution made by NHDC officers in bringing forward the draft allocation site for Whitwell, and appreciated the fact that the scheme had been supported by all main statutory consultees.

The Chairman thanked Mr Butler-Finbow for his presentation.

47. NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

The Executive Member for Planning and Enterprise (Councillor David Levett) presented the report of the Strategic Director of Planning, Housing and Enterprise in respect of the North Hertfordshire Local Plan 2011-2031. The following appendices were submitted with the report:

- Appendix 1 – Consultation Report on Local Plan Preferred Options;
- Appendix 2 – Draft Strategic Policies and Communities sections of North Hertfordshire Local Plan 2011-2031;
- Appendix 3 – Map detailing emerging Local Plan proposals;
- Appendix 4 – Map detailing Housing Market areas; and
- Appendix 5 – List of supporting and emerging background evidence.

The Executive Member for Planning and Enterprise drew Members' attention to the tabled document regarding Officer clarifications in respect of the Plan.

With the aid of a Powerpoint presentation, the Executive Member for Planning and Enterprise explained the content of the Local Plan, which would be divided into five distinct sections entitled: Introduction and context; Strategic Policies; Detailed development management proposals; Communities; and Implementation, monitoring and review.

The Executive Member for Planning and Enterprise concentrated his presentation on the Strategic Policies and Communities sections of the Plan.

He commented that over 8,500 representations had been received regarding the Local Plan Preferred Options documents, of which more than 7,400 were made in respect of the proposed sites for housing development. Following an analysis of these representations, appropriate amendments were made to the document.

The Executive Member for Planning and Enterprise explained that the draft Plan would set a target to provide at least 14,975 new homes for North Hertfordshire's own needs. This had been a balanced judgement taking into account (but not necessarily limited to):

- The objectively assessed need (OAN) for 14,400 new homes in the District between 2011 and 2031 established through the evidence base;
- The range of sites and options that had been proposed to the Council which might be used to meet these needs;
- The implications arising from the potential use of those sites, including upon infrastructure;
- Relevant guidance, precedents and case law that relate to the balance which must be struck between meeting development needs and the potential restriction of development, including consideration of Green Belt;
- The emerging plans of other authorities within shared Housing Market Areas and the likelihood of them being able to assist in meeting unmet needs should North Hertfordshire determine it was not appropriate to meet its housing need in full; and
- The requirement to consider affordable housing requirements and the housing needs of specific groups in translating OAN into a Local Plan housing target.

The Executive Member for Planning and Enterprise advised that the draft Local Plan would also include a supplementary target for an additional 1,950 homes as a contribution towards the unmet needs for housing arising from Luton. In the circumstances, it was not considered a tenable position for North Hertfordshire's Local Plan to make no contribution towards housing requirements from Luton. It was considered that such a position would likely result in a legal failing of the plan under the Duty to-Cooperate.

The Executive Member for Planning and Enterprise advised that, with the District's own needs and Luton's unmet needs taken together, the Plan would therefore set out a requirement for at least 16,925 homes to be built within North Hertfordshire over the period 2011-2031.

The Executive Member for Planning and Enterprise explained that the majority of new homes from this source would be derived from six Strategic Housing Sites (defined as sites that would provide 500 or more new homes, all of which would require the approval of a site masterplan, prior to the submission of any detailed matters). In descending order of size these were:

- North of Baldock for 2,800 new homes (2,500 of which to be delivered by 2031);
- East of Luton for 2,100 new homes (incorporating the allowance of 1,950 homes that will be made towards unmet needs from Luton);
- North of Letchworth for 900 new homes;
- North of Stevenage in Graveley parish for 900 new homes;
- East of Hitchin for 700 new homes; and
- North-east of Great Ashby in Weston parish for 600 new homes.

The remaining 65 sites would be described as Local Housing Allocations and were distributed across the District's towns and villages. 16 of these sites were not included at the Preferred Options stage.

The Executive Member for Planning and Enterprise stated that all six of the proposed Strategic Housing Sites and 26 of the proposed Local Housing Allocations would utilise land that was currently designated as Green Belt. In proposing sites currently in the Green Belt, regard had been had to principles set out in case law and other relevant guidance. In summary, it was considered that the pressures facing both the District and the wider area meant that the necessary exceptional circumstances that were required to review Green Belt boundaries to accommodate future development did exist. Justification was set out in the draft technical papers accompanying the report and would form part of the evidence base to support the formal approval of the publication draft Plan in September 2016

The Executive Member for Planning and Enterprise recognised that, in addition to Green Belt, the proposed sites would collectively result in development upon, or close to, other features or assets. These included higher quality agricultural land, heritage assets and nationally and locally designated sites of importance for biodiversity. Specific additional assessments had been carried out, where necessary, to inform the decision-making process and these formed part of the background papers and evidence base. Although it was fully accepted that the release of certain sites would result in some harm, it was considered that these were:

- i. below the thresholds at which the National Planning Policy Framework (NPPF) advised an outright restriction on development or at which a planning inspector might support a policy of restraint;
- ii. capable of appropriate mitigation where relevant and necessary; and
- iii. outweighed in the planning balance by the pressing need for additional homes (and the onus placed upon this in other relevant examinations) and the lack of likely plausible alternatives should the Council determine not to meet its housing requirements.

The Council noted that each proposed site allocation would be accompanied by a set of criteria which would need to be taken into account by any development proposals. These were set out in the draft Communities section of the Local Plan (Appendix 2). These criteria would apply over and above the general requirements – in relation to issues such as design, car parking and housing types – that would be placed on all proposals by the detailed development management policies of the Plan.

The Council further noted that, in addition to overall targets and sites, the Local Plan would contain information on the types of new home that should be provided. In particular, the draft plan would set an overall target for one in every three new homes to be provided as affordable housing for local needs. Allowances would also be made for self build development (reflecting recent changes to legislation), Gypsies and Travellers and specialist supported accommodation to meet the needs of those who were unable live in their own home.

The Executive Member for Planning and Enterprise gave an undertaking that all housing sites contained in the Plan would be considered by the Council's Planning Control Committee.

The Executive Member for Planning and Enterprise advised that, subject to Council accepting the recommendations in the report, officers would undertake the final steps necessary to bring the draft Local Plan to Cabinet for formal approval in September 2016. This would include, but would not necessarily be limited to:

- Finalisation of the detailed policy wording and supporting text of the draft Plan, including the introductory sections and detailed development management policies which had not been presented to Council;

- Finalisation of evidence studies currently presented in draft form, or which were currently ongoing, but not considered critical to the recommendations set out in the report;
- Completion of the remaining formal 'proposed submission documents', including the Statement of Consultation and a submission policies map detailing proposed allocations and protected sites; and
- Further details of the proposed consultation activities.

In respect of the latter point, the Executive Member for Planning and Enterprise commented that the legal regulations stated that the draft Plan must be subject to a consultation period of six-weeks. The Council had no powers to lengthen (or shorten) the consultation period. However, it was also recognised that this was a short period of time for interested parties to formulate responses, given the complexity of the issues raised by a draft Local Plan. It was therefore considered that the early consideration of the key principles behind the Plan by this Full Council meeting served a wider purpose by enabling the early release of relevant information into the public domain. It was currently envisaged that the formal consultation period would commence in the autumn of 2016, thereby meeting the approved timetable set out in the adopted Local Development Scheme (LDS).

The Council noted that a timetable, and details of the consultation measures proposed, would be set out in the September 2016 Cabinet report, having regard to the date of that meeting and any other relevant committee cycles, call-in periods etc. Following the close of the consultation, officers would process and analyse all valid representations which had been submitted. Subject to the consultation not raising any substantive new issues that had not previously been considered, the Council would be asked to submit its Local Plan to the Secretary of State for examination in March 2017.

The Executive Member for Planning and Enterprise stressed the importance of having a Local Plan in place to control development of the identified sites. Without a Plan, the District Council would have no policies in place to resist speculative development proposals.

It was moved by Councillor David Levett, and seconded by Councillor Mrs L.A. Needham, that the recommendations contained in the report be approved.

The Council debated the draft Local Plan at length. A number of Members spoke in favour of the Plan, whilst others spoke in objection to the scale of development (especially in respect of the Strategic Sites).

As an amendment, it was moved by Councillor S.K. Jarvis, and seconded by Councillor Terry Tyler, that

“Recommendation 2.3 be deleted and replaced with:

Regrets that the strategic policy and spatial implications for a new Local Plan for North Hertfordshire set out in Appendices 2 and 3:

- a) Fail to reflect the guidance provide by Minister of State for Housing and Planning that Green Belt boundaries should not be moved simply to accommodate housing need;
- b) Propose revised green belt boundaries that in many cases do not reflect physical features that are readily recognisable and likely to be permanent; and

Recommendation 2.4 be deleted and replaced with:

Council instructs officers to bring forward revised proposals to address these issues before the submission documents are published for consultation.”

The Executive Member for Planning and Enterprise (Councillor David Levett) questioned whether or not this was a valid amendment, as it effectively negated the effect of the original motion. Following consultation, the Chairman commented that he was of the view that the amendment did negate the effect of the original motion, and he therefore ruled that the amendment was unacceptable and would not be debated.

As an amendment, it was moved by Councillor Ian Mantle, and seconded by Councillor Adrian Smith, that

“The following sentence be added at the end of Policy SP8 at paragraph SP 8.24...’ In all cases, at least 65% of the affordable housing will be for social rent.’ “

The Executive Member for Planning and Enterprise was uncertain of whether this addition was acceptable in legal terms. He therefore agreed to investigate the legal implications of the proposal and include the outcome in the report to Cabinet in September 2016. This was accepted by the mover of the amendment.

A further amendment was moved by Councillor Adrian Smith, and seconded by Councillor Ian Mantle, that

“A new paragraph be inserted between paragraphs SP 8.24 and SP 8.25, with all following paragraphs consequently re-numbered...’Where the Council seeks to obtain the provision of affordable housing from developers, a reduction in the percentage of affordable housing provided will only normally be allowed in exceptional circumstances relating to unexpected site costs. Evidence that an applicant has paid too much for a site will not normally be sufficient to justify a lower level of affordable housing.’ “

Again, the Executive Member for Planning and Enterprise was uncertain of whether this addition was acceptable in legal terms. As with the previous amendment, he therefore agreed to investigate the legal implications of the proposal and include the outcome in the report to Cabinet in September 2016. This was accepted by the mover of the amendment.

At the conclusion of the debate, and in accordance with Standing Order 4.8.16(f), Councillor David Levett requested that a recorded vote be taken on the substantive motion.

(Voting:

For: Councillors Ian Albert, Mrs A.G. Ashley, D.J. Barnard, Clare Billing, Judi Billing, John Bishop, John Booth, P.C.W. Burt, J.M. Cunningham, Bill Davidson, Elizabeth Dennis, Jean Green, Nicola Harris, Simon Harwood, Cathryn Henry, Fiona Hill, T.W. Hone, Tony Hunter, David Levett, Ben Lewis, Bernard Lovewell, Sandra Lunn, Ian Mantle, Alan Millard, Mrs L.A. Needham, Frank Radcliffe, Mike Rice, Deepak Sangha, Harry Spencer-Smith, Mrs C.P.A. Strong, R.A.C. Thake and Simon Watson – 32.

Against: Councillors S.K. Jarvis, Jim McNally, M.R.M. Muir, Janine Paterson, Valentine Shanley, Terry Tyler and Michael Weeks – 7.

Abstentions: Councillors Faye Frost, Jane Gray, Steve Hemingway, Lorna Kercher and Adrian Smith - 5.

The motion was carried.)

It was therefore

RESOLVED:

- (1) That the context for the preparation of a new Local Plan for North Hertfordshire, including the legislative and evidential context, be noted;
- (2) That the results of the Preferred Options consultation, as set out in the Consultation Report attached as Appendix 1, and other relevant consultations on the preparation of the new Local Plan, be recorded;
- (3) That the likely strategic policy and spatial implications of a new Local Plan for North Hertfordshire that would comply with the requirements of the National Planning Policy Framework (NPPF) and relevant legislation, as set out in Appendices 2 and 3 to the report, be endorsed; and
- (4) That officers be instructed to finalise the proposed submission documents for formal approval by Cabinet.

REASON FOR DECISION: To ensure that North Hertfordshire can meet the Government's deadline to produce a Local Plan that it considers to be legally compliant and 'sound'.

The meeting closed at 11.51pm.

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Chairman

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 6
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TITLE OF REPORT: NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING AND ENTERPRISE

EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT

1. SUMMARY

- 1.1 This report seeks authority to carry out a public consultation on the proposed submission draft of the new Local Plan for North Hertfordshire. This is the last stage of consultation before the Plan is submitted to the Government for examination.

2. RECOMMENDATIONS

- 2.1 That the steps taken since July 2016, including the findings of recently completed evidence studies, are noted.
- 2.2 That the proposed submission draft Local Plan, attached as Appendix 3, and associated documents, attached as Appendices 4 to 6 to this report and as additionally listed in Appendix 7, (known collectively as the proposed submission documents) be approved for public consultation.
- 2.3 That delegated authority is given to the Head of Development and Building Control in conjunction with the Executive Member for Planning and Enterprise to finalise the proposed submission documents (including non material amendments to the Plan), undertake public consultation upon them and prepare the Local Plan for submission.
- 2.4 That, subject to the above recommendations, officers be instructed to report on the consultation and proposed next steps by March 2017.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that North Hertfordshire can meet the Government's deadline to produce a Local Plan that it considers to be legally compliant and 'sound'.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council has a statutory duty to keep its Local Plan under review. Failing to prepare a Local Plan carries significant risks. Delaying or omitting the preparation of the Local Plan would carry similar risks, limiting the Council's ability to properly manage development.
- 4.2 In preparing the spatial strategy and policies for the emerging Plan, a number of options have been considered through the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) process. This includes identifying policy options for how the District should develop and in particular where development should happen, and how much development there should be. The SA/SEA Report forms part of the proposed submission document as outlined in paragraph 7.3.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 An extraordinary meeting of Full Council was held on 20 July 2016 to consider progress on the Local Plan to date and to endorse key sections of the emerging Plan, these being the likely strategic policies and spatial implications in the new Plan. The motions contained in that report were passed following a recorded vote.
- 5.2 Subsequent to this, the Executive Member for Planning and Enterprise has been kept informed on the matters set out in this report.
- 5.3 The Local Plan Project Board has met to discuss relevant issues and provide the necessary strategic guidance and direction for the production of the Local Plan in accordance with the Local Development Scheme.
- 5.4 Cabinet have been kept informed of key developments through Strategic Planning Matters reports which are a standing item on the agenda.

6. FORWARD PLAN

- 6.1 This report contains recommendations relating to a key decision that was first notified to the public in the Forward Plan on 16 February 2015.

7. BACKGROUND

- 7.1 The report to Full Council on 20 July 2016 ('the July Report') set out an extensive background to the preparation of a new Local Plan for North Hertfordshire. The July Report is attached as Appendix 1 and should be referred to for additional detail.
- 7.2 The July Report identified that formal approval of the proposed submission draft plan and the association Publication consultation were, constitutionally, a Cabinet matter. Recommendation 2.4 of the July Report instructed officers to finalise the proposed submission documents for formal approval by Cabinet. That approval is now being sought.
- 7.3 The regulations guiding the production of local plans define the proposed submission documents as:
 - (a) the local plan which the local planning authority propose to submit to the Secretary of State (attached as Appendix 3 to this report),
 - (b) if the adoption of the local plan would result in changes to the adopted policies map, a submission policies map (Appendix 4),
 - (c) the sustainability appraisal report of the Local Plan (Appendix 5 which is available on line and as a separate report in the Members Room)
 - (d) a consultation statement setting out—
 - (i) which bodies and persons were invited to make representations under regulation 18 [the preparatory stages of the plan],
 - (ii) how those bodies and persons were invited to make such representations,
 - (iii) a summary of the main issues raised by those representations, and
 - (iv) how those main issues have been addressed in the Local Plan (Appendix 6), and
 - (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan (as listed in Appendix 7)

8. ISSUES

Finalisation of proposed submission documents

8.1 *This section of the report primarily relates to Recommendation 2.1*

Evidence base

8.2 The July Report identified a range of studies and evidence supporting the draft Local Plan. It also noted that some of the evidence for the Local Plan was, at the time of writing, still in draft form or otherwise awaiting completion.

8.3 Following the July Council meeting, the Inspector appointed to examine Stevenage's Local Plan specifically requested that further work be undertaken to ensure their plan was based on the most up-to-date Government housing and population figures. Due to previous joint working between North Hertfordshire and Stevenage on this matter, it was necessary for this update to cover both authorities. This work has now been completed and is discussed at paragraphs 8.8 to 8.10 below.

8.4 Since July 2016, the following evidence studies have therefore been revised and / or completed:

Transport & infrastructure

8.5 The *North Hertfordshire Local Plan Model Testing* has been finalised and now includes a greater level of detail on the methodology used to test the potential impacts of proposed new development on the road network. It continues to conclude that, with the implementation of the mitigation schemes identified in the report, the proposed Local Plan strategy can be supported in highway terms.

8.6 The *Infrastructure Delivery Plan* identifies those services and schemes which will be required to support growth over the plan period. It identifies the likely implications of the draft Local Plan across a number of areas including roads, passenger transport, education, health and utilities. It identifies a number of specific projects which will be required to support new development over the period to 2031. Where available, detail is provided on the potential costs of providing this and the agencies responsible for delivery.

8.7 The *Local Plan Viability Assessment Update* concludes that there is a relatively strong picture relating to development viability in North Hertfordshire. The general mix of policies and proposals in the draft plan can be supported in viability terms. The testing supports the approach to affordable housing and other requirements in the draft Plan. The review indicates that strategic sites could support a reasonable level of affordable housing alongside other infrastructure requirements.

Housing & Development

8.8 *Updating the Overall Housing Need* is a short paper prepared at the request of the Stevenage Local Plan inspector. It supplements and, where relevant, supercedes the 2015 *SHMA Update* identified in the July Report and reported to Cabinet in the Strategic Planning Matters report of July 2015.

8.9 It concludes that, based on the latest available information, the objectively assessed need (OAN) for housing in the District over the period 2011-2031 is now 13,800 new homes. This marks a small reduction (around 4%) on the figure of 14,400 homes previously identified.

- 8.10 The implications of this change for the Plan are discussed below (see paragraphs 8.21 to 8.30).
- 8.11 The *Strategic Housing Market Assessment Update: Volume Two* updates work previously conducted in 2012 and identifies that 1/3rd of new homes in the District over the plan period should be built as affordable housing (as defined by national guidance) to meet identified needs. It provides further advice on the types and sizes of housing that should be provided and has informed the detailed Development Management policies of the Plan.

Natural and Historic Environment

- 8.12 The *Open Space Review* remains ongoing and updates the study undertaken in 2009. It will ensure that the information is up to date and meets the policy requirements set out in the NPPF and PPG. Sufficient information has been gathered to inform the policies in the draft Plan. The Review itself will be finalised prior to public consultation.

Other evidence

- 8.13 In addition to the studies identified above, the *Background Papers* on Employment, Retail and Housing & Green Belt (all of which were identified in the July Report and provided in draft form) have been finalised. These explain the transition from the findings of the evidence base to the proposals in the draft Plan and any changes since July are predominantly to reflect the findings of the newly completed studies identified above.

Progress on other authorities' local plans

- 8.14 The July Report identified the interrelationship between the local plan of North Hertfordshire and the emerging plans of a number of surrounding authorities. Progress on these is reported in the Strategic Planning reports which are a standing agenda item for Cabinet meetings. However, for completeness and in summary, since the meeting of Full Council:
- The Inspector examining Luton's local plan has advised that the evidence before him indicated that the legal Duty to Co-operate has been met and the examination will now move forward to the second stage exploring strategic policies. These sessions re-commence on Tuesday September 20th 2016;
 - Stevenage's local plan has been submitted. An Inspector has been appointed and initial sessions are yet to be announced;
 - The Inspector examining St Albans' local plan has written to them outlining initial areas of concern, particularly relating to the Duty to Co-operate;
 - Welwyn Hatfield approved consultation on their Proposed Submission Plan in July 2016 with consultation having now started and closing on 24 October 2016; while
 - East Hertfordshire are due to begin the approval of their draft Local Plan in September 2016 and will start public consultation in November.

- 8.15 No substantive changes to those elements of the Plan endorsed in July 2016 are required as a result of these developments

Local Plan and draft policies map

- 8.16 The July Report set out the proposed five-section structure of the Local Plan, including:
- Introduction and context
 - Spatial Strategy and Strategic Policies
 - Detailed development management policies

- Communities.
 - Implementation, monitoring and review.
- 8.17 The July Report included the latest draft versions of the Strategic Policies and Communities sections of the Plan and these were endorsed by Full Council.
- 8.18 The whole of the draft Plan has now been completed and is presented to Cabinet in its entirety for approval.
- 8.19 The main content of the Strategic Policies and Communities sections of the Plan were set out in the July Report. In finalising these sections of the Plan there have been some minor modifications that do not materially affect either the content or direction of the Plan or the key elements as described in the July Report. Some minor modifications have also been made to the draft policies map.
- 8.20 These minor modifications are listed in the table at Appendix 2. It should be noted that these include a revised dwelling estimate for site LG4 in Letchworth Garden City. This has been reduced from 68 to 45 homes to better reflect the site-specific criteria identified. Sites BA8 & BA9 in Baldock (as included in the prospective allocations presented to Full Council in July) have subsequently been granted planning permission and are no longer included in the Plan as specific allocations.
- 8.21 The most substantive changes affecting the endorsed sections of the Plan arise from the completion of the *Updating the Overall Housing Need* paper (see paragraphs 8.8 to 8.10 above).
- 8.22 There is a need for the Plan to now acknowledge that our OAN is considered to be 13,800 dwellings (rather than the 14,400 reported in July). It is also considered necessary to revise the targets in Policy SP8(a) from those endorsed by Full Council to reflect this.
- 8.23 In making these revisions, the same underlying principle as endorsed by Full Council has been followed. Paragraph 8.77 of the July Report identified that it would be appropriate for North Hertfordshire's Local Plan to meet objectively assessed needs and add a small uplift of 200 homes, primarily to reflect the likely housing requirements of older residents.
- 8.24 A revised housing target for North Hertfordshire's housing needs of 14,000 homes (i.e. the revised OAN of 13,800 + 200) is therefore included in the final version of the draft Plan.
- 8.25 Notwithstanding this alteration, it is considered that this marginal reduction in both the OAN and Local Plan housing target should not result in any further change to the overall housing strategy or allocations in the emerging Local Plan as endorsed by Full Council (beyond the amendments identified in paragraph 8.20 above) nor should this give rise to a need to revisit the evidence base of the emerging Local Plan.
- 8.26 The plan and evidence base, as endorsed by Council in July, acknowledged that it was necessary to include a buffer of additional sites over and above the target set to ensure sufficient flexibility (see Paragraph 8.98 of the July Report). At the time of the July Report, this buffer stood at approximately 3% when measured against the endorsed housing target for North Hertfordshire's housing needs.
- 8.27 Although there is no precise science or 'rule' as to the level of buffer required, it is considered, from reviews of other examinations, that this was at the very lowest end of what might be considered acceptable by a Planning Inspector once the Local Plan reaches the examination stage. However it was equally considered in preparing the

July Report (and in consultation with the Local Plan Project Board) that the proposed allocations make maximum use of reasonable and available development sites in the District and it would not have been appropriate to identify any further land or sites to increase this buffer further.

- 8.28 By retaining all of the endorsed allocations, the buffer of additional sites in the Plan would increase from approximately 3% to around 7%. It is considered that this should reduce the risk of further alterations to the Plan at the Examination stage such as a potential request by the Inspector to revisit the housing target and / or identify additional sites.
- 8.29 The implications of these changes are summarised in the table below. The changes to Policy SP8(a), and the consequential amendments arising from them, are separately identified in the table of changes at Appendix 2.
- 8.30 There is no change to the additional proposed contribution of 1,950 homes towards the unmet needs for housing arising from Luton identified in Policy SP8(b).

		July 16 – Full Council endorsement	September 2016 – Cabinet approval
A	Overall target for North Hertfordshire's housing needs 2011-2031	14,600	14,000
B	Of which		
	Within Stevenage Housing Market Area (HMA)	14,400	13,800
	Within Luton HMA	200	200
C	Allocations and allowances for North Hertfordshire's housing needs 2011-2031	14,975	14,952
D	Buffer (C / A)	2.6%	6.8%

The difference of 23 units in line C of the table is accounted for by the change to site LG4 identified at paragraph 8.20 of this report.

- 8.31 Sites within the Local Plan may be the subject of recent or past planning applications. Should these applications be refused the applicant has a right of appeal to the Planning Inspectorate.
- 8.32 When considering the continued inclusion of these sites within the Local Plan, the right of appeal and any grounds for refusal either by the Local Planning Authority or the Planning Inspectorate must be taken into account along with the context in which those decisions were made. The consideration for continuing to include these allocations will include whether that context has changed and / or whether there is a reasonable prospect of any alternative technical solution(s) overcoming any reason(s) for refusal within the lifetime of the plan.
- 8.33 Of the remaining sections of the draft Local Plan not previously subject to any form of approval or endorsement, the **Introduction and context** provides explanatory and factual information on the planning system, North Hertfordshire and the wider area. This includes identification of the District's administrative area – which the Plan will cover – as well as the wider housing and employment market geographies that the plan needs to address. This part of the plan helps to place the District in this wider context and identifies the key challenges facing the District over the plan period.
- 8.34 A **Spatial Strategy and Spatial Vision** has been added, preceding the Strategic Policies.

- 8.35 The **Development Management Policies** set out the detailed standards and requirements that new development must meet to be granted planning permission. These policies will be key to the determination of future planning applications in the District. These policies set out the Council's approaches towards matters such as design, heritage, environmental protection, water usage, development in the rural areas and villages, transport, affordable housing, open space and community facilities, re-use of employment land and encouraging town centres to thrive.
- 8.36 This section of the Plan is divided into 8 separate chapters dealing with specific topic areas. These topics align with those identified in the previous Preferred Options which, in turn, follows the broad structure of the National Planning Policy Framework (NPPF). The topic areas are:
- Economy and Town Centres;
 - Countryside and Green Belt;
 - Transport;
 - Housing Strategy;
 - Design;
 - Healthy Communities;
 - Natural Environment and
 - Historic Environment
- 8.37 The **Implementation, monitoring and review** section sets out how the proposals in the Plan will be delivered. It identifies the need for key supporting infrastructure and the partners that will help to deliver it. It establishes the basis of a monitoring framework that will be used to ensure the plan is having the desired effect and sets out an approach to future review of the plan.
- 8.38 This includes the steps that the Council will take to reflect any outcomes of the on-going new settlement work to help address the longer-term growth requirements of North Hertfordshire.

Sustainability Appraisal

- 8.39 The July Report referred to the role of Sustainability Appraisal as a legally required assessment of the likely social, environmental and economic effects of the Plan. The Sustainability Appraisal report has been completed to inform the full draft Plan, now also including appraisal of all the detailed Development Management Policies referenced above.

Statement of Consultation

- 8.40 The July Report included an overview of the main responses received to the Preferred Options consultation that concluded in early 2015. That information has been used as the basis for the formal Statement of Consultation. This is the document identified at Paragraph 7.3(d) above.
- 8.41 In addition to the previously reported results of the consultation, the Statement of Consultation formally sets out how the Council has responded to the main issues raised in that consultation.

Approval of proposed submission documents

- 8.42 *This section of the report primarily relates to Recommendation 2.2*

8.43 Having regard to the matters above, Cabinet are asked to approve the proposed submission documents for public consultation.

9. NEXT STEPS

- 9.1 *This section of the report primarily relates to Recommendations 2.3 and 2.4*
- 9.2 Subject to approval of the recommendations of this report, consultation on the proposed submission documents is aimed to commence on Wednesday 19 October 2016. The legal regulations state that the consultation period must be six-weeks. The Council has no powers to lengthen (or shorten) the consultation period.
- 9.3 Consultation activities will be guided by the Council's Statement of Community Involvement (SCI) which sets out how the District Council will involve the public in planning matters.
- 9.4 The consultation will be available on the Council's website with a prominent link from the homepage throughout the consultation period. Copies of the Plan and Proposals Maps will be provided to each Parish Council and made available at Baldock, Hitchin, Letchworth Garden City, Royston and Knebworth libraries. Copies will also be placed in the central libraries at Luton and Stevenage.
- 9.5 It is important to reiterate that, following approval of the proposed submission draft Plan, the Council has no further powers to make substantive changes or amendments. It is the version of the plan the Council wishes to see adopted. Any respondents to the consultation are effectively writing for the attention of the Inspector that is appointed to conduct any future examination. This examination is the appropriate place for the Council to explain, or 'defend', the proposals in the Plan and the associated evidence base. It is therefore not proposed to hold specific public meetings, workshops or drop-in sessions for this consultation. The Council will however provide guidance on how to make representations to the Plan at the start of the consultation period.
- 9.6 Following the close of the consultation, officers will process and analyse all valid representations which have been submitted. Subject to the consultation not raising any substantive new issues that have not previously been considered, Full Council will be asked to submit the Local Plan to the Secretary of State for examination. If substantive new issues are raised which give the Council cause to re-consider its view of the Plan, the only other available option at this point would be to withdraw the Plan and start again on a replacement.
- 9.7 Paragraph 216 of the National Planning Policy Framework states that decision-takers may give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to certain considerations and criteria.
- 9.8 Approval of a Proposed Submission Local Plan marks a definite step forward in the preparation of a new Local Plan for North Hertfordshire. Subject to this approval being obtained, the Council will be able to take the emerging policies of the new Plan into account in Development Management decisions subject to all other relevant considerations. The weight to be attributed to the emerging policies will be a matter for the decision maker to determine on a case-by-case basis having regard to the specific nature of each individual proposal.
- 9.9 The underlying targets, allocations and principles of the Plan would also be used in other relevant planning activities such as monitoring and the calculation of five-year land supply.

10. LEGAL IMPLICATIONS

- 10.1 The legal framework for the preparation, submission, examination and adoption of Development Plan Documents is set out in the Planning & Compulsory Purchase Act 2004 (as amended). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 10.2 By virtue of regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, adoption of the final Development Plan documents must be by Full Council. This is reflected in paragraphs 4.2.1(d) and 4.4.1(a) of the Council's Constitution.
- 10.3 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.
- 10.4 Under the Terms of Reference for Cabinet, paragraph 5.6.33 of the Constitution states that the Cabinet may by way of recommendation advise the Council in the formulation of those policies within the Council's terms of reference.
- 10.5 Submission of draft Development Plan Documents to the Secretary of State, and their final adoption are a matter for Full Council under the Regulations and Paragraph 4.4.1(a) of the Constitution under the Terms of Reference for Full Council.
- 10.6 The Planning and Housing Act 2016 (and associated regulations) provide the legal basis for the Secretary of State to intervene on the Local Authority's behalf and at the Local Authority's expense if Local Development Plans are not in place by March 2017.
- 10.7 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011) sets out 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. It will be important for the Council to demonstrate that it has complied with the Duty to Co-operate and will have the necessary supporting evidence in place, including Memorandum of Understanding or Statements of Common Ground with neighbouring authorities at the time it submits its Local Plan to the Secretary of State.

11. FINANCIAL IMPLICATIONS

- 11.1 The costs of preparing the Local Plan and associated evidence base, and running the proposed consultation are covered in existing revenue budgets for 2016/17. The revenue budget for 2017/18 previously factored in the likely costs associated with an examination of the Local Plan. Given the length of Examinations and due to increased costs in inspector and legal fees a bid is being considered as part of the Corporate Business Planning Process for 2017/18 to further supplement this anticipated cost. These budgets are supplemented by an accrued reserve.
- 11.2 Any decision on the Local Plan must be made on its planning merits but there are potentially significant financial risks attached to not having a plan in place and these are set out below.
- 11.3 Without an up to date Local Plan the Council is increasingly vulnerable to planning applications in areas where it may wish to resist development. The cost of trying to

resist developments is generally far higher than the cost of negotiating developments supported by an up to date Local Plan.

- 11.4 The cost of preparing a Local Plan is significant. A Local Plan which has to undertake, update or otherwise redo significant work at the examination stage will incur considerable costs that may be avoided if the plan takes the appropriate decisions from the start.
- 11.5 Failure to have an up to date Local Plan has a number of potential financial risks. Without an up to date Local Plan, the Council is unable to introduce a Community Infrastructure Levy (CIL), thus limiting future options for how the Council may wish to secure financial contributions from development. Options for the Council in relation to CIL and other mechanisms for securing developer contributions will be subject of a separate report to Cabinet later in 2016.
- 11.6 Central Government's consultation on New Homes Bonus proposed that from 2017/18, local authorities that do not have a Local Plan would stop getting any new 'New Homes Bonus' payments. This is currently a significant funding stream to the Authority (around £2m per year). The expectation is that this proposal will be adopted, and therefore it is estimated that this could lead to the following reductions in the funding received. This funding reduction would equate to additional efficiencies or income generation that would need to be found.

Year	Estimated funding reduction for that year
2017/18	£666k
2018/19	£1,216k
2019/20	£1,733k
2020/21 (onwards)	£1,964k

Based on the 2016/17 Medium Term Financial Forecast (subject to some change as part of the 2017/18 forecast)

- 11.7 The numbers above assume that if the Local Plan is not adopted at all over that period. If it were adopted during the period then the Council would start to receive New Homes Bonus again, but would not receive the elements that related to any year that the Local Plan was not in place. For example, if the Plan was not in place for 2017/18 we would lose the £666k that relates to 2017/18 in that year and the next three years (up to 2020/21). This would mean that the total lost funding would be £2,664k. There may be some dispensation (e.g. 50%) for a period where the Local Plan has been published but has not yet been submitted to the Secretary of State.

12. RISK IMPLICATIONS

- 12.1 Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. The Sustainable Development of the District risk has two sub risks; National & Regional Planning issues and Neighbouring Authorities. Failure to make timely progress on the Local Plan would increase the likelihood of these risks occurring.
- 12.2 The Local Plan is assessed as one of the highest risks that NHDC currently faces. The identified consequences on the Local Plan risk include:
- Development not being sustainable;
 - Development harms the environment;
 - Needs for housing and other development fail to be properly met;
 - Hostile planning applications if Local Plan found unsound or delayed;

- Hostile planning applications for development due to lack of five year land supply; and
 - Costs of challenge.
- 12.3 Agreeing the recommendations in this report will enable the Council to progress with the Local Plan. It is accepted that the publication of the proposed submission Local Plan is likely to be controversial in certain quarters and will generate a considerable amount of response to the consultation.
- 12.4 The draft Plan will seek to reflect work undertaken with other authorities on strategic matters. In particular it will make an allowance for growth from the Luton housing market area, and safeguard land for the longer term for growth in the Stevenage area.
- 12.5 Discussion and negotiation with these, and other, Councils is ongoing. North Hertfordshire District Council has signed, or is in the process of negotiating, Memoranda of Understanding (or equivalent) with Luton and Stevenage Councils under powers delegated to the Executive Member by Cabinet in March 2016. These agreements relate to those authorities plans and it is recognised that future (updates to these) agreements will be required upon submission of North Hertfordshire's own Local Plan.
- 12.6 Approving this version of the Local Plan will demonstrate the Council's continued willingness to seriously engage on such matters and allow constructive talks to continue in the period up to submission.
- 12.7 The increase in the Plan's buffer of housing sites is considered the most appropriate means of responding to the change in Objectively Assessed Housing Needs identified since Full Council in July 2016 and reduces the risk of further alterations to the Plan at Examination stage. Any alternate courses of action at this point would result in significant delay and additional expenditure and would leave the Council unable to submit a Local Plan to Government by March 2017.

13. EQUALITIES IMPLICATIONS

- 13.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 13.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 13.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its 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.
- 13.3 There are not considered to be any direct equality issues arising from this report although individual schemes or considerations hereafter will be subject to appropriate review (through a formal Equality Impact Assessment) to ensure they comply with latest equality legislative need. Whilst publication of the Local Plan may prove controversial to some residents, the risks of not publishing one and consulting on it are large and cannot be ignored. The consultation seeks to hear from all areas of the community including those that share a protected characteristic, i.e. 'fostering of good relations'.

14. SOCIAL VALUE IMPLICATIONS

- 14.1 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.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no new human resource implications arising from the contents of this report. Temporary staff or consultants have been brought in to assist with preparation of the Local Plan in order to cover vacancies and long term absences. This approach will continue given the anticipated large number of responses expected to be received from any future consultation.

16. APPENDICES

- 16.1 Appendix 1 - Report to Full Council July 2016 (excluding appendices)
- 16.2 Appendix 2 - Table of Amendments to the Strategic Policies and Communities Sections of the Local Plan and the Proposals Map as endorsed by Full Council on 20 July 2016
- 16.3 Appendix 3 - Proposed Submission Draft North Hertfordshire Local Plan 2011-2031
- 16.4 Appendix 4 - Draft Policies Map
- 16.5 Appendix 5 - Sustainability Appraisal (Available in the Members Room and on the Council's website.
- 16.6 Appendix 6 - Statement of Consultation
- 16.7 Appendix 7- List of Supporting Evidence Documents

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 Full Council Report 27 November 2014 – North Hertfordshire Local Plan – Preferred Options
- 18.2 Full Council Report 3 September 2015 – North Hertfordshire Revised Statement of Community Involvement
- 18.3 Overview & Scrutiny 22 September 2015 - Presentation By The Executive Member For Planning And Enterprise
- 18.4 Full Council Report 21 January 2016 – Updated Local Development Scheme
- 18.5 Strategic Planning Matters Reports to Cabinet on 27 January 2015, 24 March 2015, 16 June 2015, 28 July 2015, 29 September 2015, 10 November 2015, 15 December 2015, 26 January 2016, 30 March 2016, 14 June 2016 and 26 July 2016.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

**Meeting held at Council Offices, Gernon Road, Letchworth Garden City
on Monday, 26 September 2016 at 7.30pm**

MINUTES

PRESENT: *Councillors Mrs L.A. Needham (Chairman), T.W. Hone (Vice-Chairman), P.C.W. Burt, Julian Cunningham, Tony Hunter, David Levett and Bernard Lovewell.*

IN ATTENDANCE: *Chief Executive, Strategic Director of Finance, Policy & Governance, Head of Development & Building Control, Strategic Planning & Projects Manager, Principal Strategic Planning Officer, Senior Planning Officer (DH), Senior Planning Officer (CS), Principal Transport Policy Officer, Corporate Legal Manager and Monitoring Officer, Property & Planning Lawyer, Democratic Services Manager and Committee & Member Services Manager.*

ALSO PRESENT: *Councillors John Booth, Paul Clark, Fiona Hill, Steve Jarvis, Ian Mantle and Michael Weeks.
28 members of the public.*

46. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Jane Gray.

47. MINUTES

RESOLVED: That the Minutes of the meeting of Cabinet held on 26 July 2016 be approved as a true record of the proceedings and signed by the Chairman.

48. NOTIFICATION OF OTHER BUSINESS

There was no notification of other business.

49. CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but she asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices. In addition, the Chairman had arranged for the sound at this particular meeting to be recorded;
- (2) The Chairman asked that, for the benefit of any members of the public present at the meeting, Executive Members and Officers announce their name and their designation to the meeting when invited to speak; and
- (3) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

The Monitoring Officer advised on Members' interests. He reminded Members that prior to the Council meeting on 20 July 2016, he had read an explanation of the enquiries he had made of all Councillors with regard to their potential interests and approach to the Local Plan. Those enquiries related to the three issues that Members need to consider on any report a committee received, namely:-

1. Whether they had a Disclosable Pecuniary Interest, as defined by the regulations.

2. Whether they had a Declarable Interest, as defined by the Council's Members Code of Conduct.
3. Whether they had committed themselves to a particular course of action in relation to the Local Plan decision they were being asked to take and were therefore not able to approach the decision with a sufficiently open mind.

Those enquiries had shown that sixteen Councillors had identified some form of potential interest, of which four were Executive Members. This clearly had potential implications for the ability of residents to be represented in this process and therefore the Monitoring Officer concluded in all the circumstances, including it being in the interests of persons living in the area, it was appropriate to grant a dispensation to those Councillors listed in the minutes of the 20 July 2016 meeting. A dispensation, if granted, was a permission for the Member concerned to take part in the debate and vote, notwithstanding the potential interest. The grounds for giving dispensations were set out in section 33 of the Localism Act and in section 8 of this Council's Code of Conduct for Members. Council delegated to the Monitoring Officer the authority to grant requests for dispensations, where it was considered appropriate.

The Monitoring Officer had contacted all the Executive Members and asked them to confirm that their interests had not changed since the enquiries made ahead of the 20 July 2016 Council meeting. On the basis of the responses received, he confirmed that the dispensation previously granted had been extended to cover tonight's and tomorrow night's meeting of Cabinet for the following Councillors:

Councillor Jane Gray (who was not present) – Interest: North Herts Homes
Councillor Terry Hone – Interests: Hertfordshire County Council and Letchworth Garden City Heritage Foundation
Councillor Tony Hunter – Interest: Hertfordshire County Council
Councillor Lynda Needham – Interest: Letchworth Garden City Heritage Foundation

The Monitoring Officer also confirmed that Councillors Hill and Mantle, who were not Members of Cabinet but who were in attendance tonight, had received dispensations for the Council meeting and their dispensations were also extended.

For the avoidance of doubt, a vote tonight on the District Wide Local Plan would not restrict Members' role in respect of determination of any subsequent planning applications for an allocated site which was submitted to the authority. A vote in favour tonight would not prevent a Councillor speaking against, or voting against, a planning application in due course. The reverse of course also applied.

50. PUBLIC PARTICIPATION

The Council was addressed by the following members of the public in respect of the North Hertfordshire Local Plan 2011-2031:

- (i) Mr David Switzer (Letchworth Garden City resident) re: Radburn Way site

Mr Switzer referred Members to site LG6 of the Local Plan, which was land between Radburn Way and Baldock Road, Letchworth Garden City, with the BP petrol garage to the east and Freeman House to the west.

Mr Switzer commented that six years ago he had appraised the Cabinet as to the reasons why this land could not be developed. He was of the view that there was an agreement made when the Jackman's Estate was first proposed. Objections were raised at that time and the development was only allowed to proceed when it was agreed that a "buffer strip" (ie. LG6) would be incorporated, in perpetuity. A further restriction was that the land could only be used for agricultural purposes.

Mr Switzer stated that, at the NHDC Council meeting held on 25 February 1997, the Council agreed not to proceed with the development of this land for the reasons set out above. He was of the opinion that nothing had changed in respect of site LG6.

Notwithstanding the fact that both councillors and officers were in a difficult situation in relation to meeting the required number of houses, Mr Switzer felt nonetheless it was inconceivable that this land featured again in the current proposal. After the Council meeting in 1997, he was advised by a councillor that, although plans to develop the land would not go through in the foreseeable future, it would be likely that at some time in the future it would be re-submitted, as the officers were furious that the Council had not agreed to the development of this land.

Mr Switzer commented that so it had proved. Over the past 20 years, NHDC officers had been provided with a potted history of events, along with details which prevented development. Notwithstanding this, officers continually included this land for development and had done so under various guises since 1997, namely LE051 Hertfordshire County Structure Plan 2001-2016; L/r2 Strategic Housing Land Available; 4030 Halcrow report; Hertfordshire Structure Plan Amendments; and Site 13 in NHDC correspondence dated 1 October 2013.

Mr Switzer stated that NHDC had admitted on more than one occasion that there were restrictions on developing this land (NHDC letters dated 10 September 1966, 7 April 2003 and 23 September 2003). However, a letter from NHDC dated 4 March 2004 had advised that legal opinion suggested that the land could be developed. On investigation, Mr Switzer was advised that this was an internal opinion. On seeking an independent opinion, he provided relevant documentation a Queen's Counsel and received an "off the record" assessment that the residents had an overwhelming case that would prevent development.

Mr Switzer appreciated that Council officers wished to maximise building opportunities, and thus had included site LG6. To him, it appeared that this was a rather naïve approach in view of the evidence and his concern was that if NHDC did not take a pragmatic view, the matter would only be resolved by a court of law. This would be expensive to both parties and the costs would fall on all or some of the Council Tax payers.

Mr Switzer considered that there was an opportunity to turn this green space into a benefit for the community as a whole, and he urged the Cabinet to remove site LG6 from the current plan and re-consider a more practical use for it in line with the legal requirements attached to it. He had documentation on the matter going back to 1954, but re-iterated that approval to develop the Jackmans Estate was only given on condition that the "buffer strip" (LG6) be agreed and, in perpetuity, the land could only be used for agricultural purposes.

(ii) Parish Councillor Phil Beavis (St. Pauls Walden Parish Council) re: Whitwell site

Parish Councillor Beavis advised that the draft Local Plan contained a site to the west of Whitwell, identified as SP2. The Parish Council was asking the Cabinet to remove this site from the Plan before public consultation commenced. SP2 was added to the draft Plan at a very late stage, at the Council meeting held on 20 July 2016.

Parish Councillor Beavis explained that, since that meeting, the Council had refused a planning application for 41 homes, due to the unacceptable visual impact of the required flood risk mitigation. The site was a beautiful sloping agricultural valley, which was highly visible from the Chiltern Way and other cycleways and footpaths in the area. The flood risk was so great that huge drainage basins were required on the site, equivalent to the size of more than one and a half Olympic swimming pools.

Parish Councillor Beavis stated that the NHDC Decision Notice stated that no solution could be found and that "in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome". He considered that if the Cabinet agreed to the draft allocation of this site, the Members would be openly contradicting the decision of the Planning Control Committee. The Cabinet

would be indicating that a solution to the flood mitigation could be found and that the scheme would not have a significant visual impact. This contradiction would leave the Council vulnerable to an award of costs against them if an appeal was made. Alternatively, the Local Plan Inspector may find that the whole Local Plan was unsound because you are relying on a site that could not be delivered.

Parish Councillor Beavis advised that real engagement with communities was a requirement of the National Planning Policy Framework (NPPF), which stated:

“Local Plans are the key to delivering sustainable development that reflects the visions and aspirations of local communities; and

Early and meaningful engagement and collaboration, with neighbourhoods, local organisations and businesses, is essential”.

Parish Councillor Beavis advised that the Parish Council did not understand why the Council Policy Officers attached so little weight to the views of the people of Whitwell, the Parish Council and the elected Planning Control Committee Members. The Parish Council fully supported the proposed allocation of the site as Green belt in the last draft Plan, but this had been disregarded. The inclusion of SP2 at such a late stage in the process ignored all of the advice in the NPPF about collective vision and the need for local people to shape their surroundings.

Parish Councillor Beavis concluded by asking that any reference to SP2 be removed from the Plan before public consultation for the following four reasons:

1. The NHDC Planning Control Committee refused planning permission for 41 homes on the site, finding that there were significant and demonstrable visual impacts arising from the required flood mitigation needed. The Decision Notice confirmed that the proposal was unacceptable in principle, the fundamental objection could not be overcome, and that no solution could be found.
2. The allocation of this large site was contrary to the Council's own Landscape Character review, which stated that development of this scale (over 5 hectares) would be inappropriate. Visual impacts would be high and affect the existing rural lanes, which could erode the character of the landscape.
3. The site was located in an area of significant flood risk, having experienced a flooding event in 2014. The NPPF specified that development should not occur on sites at risk of flooding where other sites were available.
4. The people of Whitwell and the Parish Council were fully engaged in the planning process, but it felt like the Policy officers were not listening to them. They asked Cabinet Members to listen to Whitwell residents and the findings of the Council's own Planning Control Committee.

(iii) Christine Watson (Save Rural Baldock Group)

Christine Watson began by stating that her Group was under no illusions that they would be able to sway the Cabinet's opinion, but she nonetheless wished to make a few final comments on behalf of those who were against the Local Plan.

Christine Watson spoke unapologetically for the town of Baldock, as it was a well loved historical market town and was, more than anywhere else in the county, under threat from the Local Plan. She considered that the current Plan threatened irreversible negative consequences to the character of Baldock and its rural environs. Creation of new homes should be an investment, but many fear that the Plan would be the death knell for what was currently a thriving asset for Hertfordshire.

Christine Watson commented that huge housing estates of generic homes did not add aesthetically to the towns they were tacked on to, and this proposal would be no different. The infrastructure required to create the development was massive, but

the Council was loathe to specify details and she felt that they knew that developers would not foot the bill to provide what was crucial to a development if this size.

Christine Watson advised that no new evidence had been made available concerning real traffic predictions for Baldock, and the link roads suggested by the Executive Member for Planning and Enterprise would do nothing to alleviate the situation. Only purpose built ring roads could approach a solution to this problem. It was still the case that a massive development in Baldock would be a win-win situation for Hertfordshire County Council, which she felt coloured their judgement. Facilities such as schools, health centres and transport would be overcrowded and become degraded. In short, she feared that Baldock as she knew it and the town that many had sought as a good place to live, would be no more. This need not happen if development was to be shared out more equitably around the county.

Christine Watson referred to the fact that the Executive Member for Planning and Enterprise had stated that maybe it was Baldock's turn to suffer a huge development, but he ignored the extensive increase in housing borne by the town in the 1970s and 1980s when the Clothall Common Estate was built. That increase of just over 20%, which was larger than any other town in North Hertfordshire was being forced to accept now, had created its own problems in the town. That Baldock was now being required to accommodate an increase of around 80% of population was laughable and would cause considerable disquiet in the community, in addition to the physical and mechanical consequences of the development.

Christine Watson and her Group felt that NHDC's attitude was quite patronising. It was as if the Council had given up and were just passing on the decision to inspectors. The Council was setting an increasingly unrealistic timetable for fear of losing the New Homes Bonus, and she considered that Members were reacting to external pressure and were in panic mode.

Christine Watson and her Group would be urging everyone in the county, and especially in Baldock, to take part in the consultation and to send the inspector their informed views. If they had done this previously it was still imperative that they did so again in the hope that an unbiased judgement would be made.

(iv) James Buxton (Pigeon Investment Management Ltd.) re: Whitwell site

Mr Buxton advised that, as Members were aware, the Proposed Submission Draft Local Plan included an allocation for around 41 new homes at Bendish Lane, Whitwell. The site had already been the subject of a detailed planning application and the detailed level of scrutiny applied to the site during the application process had shown the allocation to be both sustainable and deliverable. In the opinion of both County Council and District Council officers the detailed scheme met all the criteria set out in draft Policy SP2, in particular relating to surface water drainage, landscaping and design.

Mr Buxton stated that, at the NHDC Planning Control Committee meeting held on 18 August 2016, the planning application had been refused, contrary to an officer's recommendation for approval, because the extent of landscape and earthwork changes necessary to facilitate the proposed flood risk mitigation scheme would fail to maintain the existing character and visual quality of the countryside.

Mr Buxton commented that, since this refusal, a meeting had taken place with Hertfordshire County Council as Lead Local Flood Authority (LLFA) to agree alternative flood risk mitigation options for the allocation site. The LLFA had agreed in principle to these options and correspondence confirming this had been provided to the Council. One of the agreed options incorporated a below ground infiltration tank system, which would have no impact on the landscape, but would ensure that not only the new houses, but also existing houses, would no longer be at risk of flooding.

Mr Buxton considered that the above approach would fully address the concerns raised by some Members at the recent Planning Control Committee meeting, thus

enabling the site to be delivered in accordance with the criteria set out in draft Policy SP2.

Mr Buxton appreciated the time and commitment that County Council and District Council officers had given to supporting this sustainable site and he respectfully asked that Members continued to support its allocation in the Proposed Submission Draft Local Plan.

(v) Keith Hutchinson re: Ickleford site

Mr Hutchinson advised that he was a planning consultant instructed by a group of local residents who were directly affected by the proposed housing allocation IC2 at Burford Grange, Ickleford. Mr Hutchinson had already made representations on behalf of these residents at the Preferred Options consultation stage of the new Local Plan.

Mr Hutchinson stated that, bearing in mind the strong objections raised, he and the residents were surprised and disappointed that the Council continued to include this allocation. At that stage, they emphasised the unsuitability of the site for development, taking into account its Green Belt status and the essential need to resist further erosion of the fragile gap between Ickleford and Hitchin if the separate identity of those settlements was to be retained.

Mr Hutchinson and the residents were particularly concerned that the summary of representations in respect of this proposed allocation presented to Members contained no reference to their fundamental objection regarding urban sprawl and coalescence, although a general acknowledgement of these issues was referred to at the beginning of the section dealing with Ickleford. The summary of comments specifically relating to the IC2 Burford Grange allocation referred only to "traffic and access issues", putting at risk pedestrian safety and a perception that "the site could accommodate more housing than the allocated 48". He considered this to be extremely misleading for Members.

Mr Hutchinson explained that Paragraph 79 of the National Planning Policy Framework (NPPF) confirmed "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open" and, in his opinion, this was particularly important in respect of the IC2 allocation, which would only continue the urban sprawl of Hitchin northwards and result in development within the fragile gap between Hitchin and Ickleford and the complete coalescence of the two settlements.

Mr Hutchinson and the residents were also very concerned that the recently published Green Belt Review provided an inconsistent approach to assessing the importance of the Green belt in respect of the land between Hitchin and Ickleford. This assessment acknowledged that the Green belt in this locality made a "significant contribution in preventing sprawl northward of Hitchin", but then concluded that in overall terms its contribution was only "moderate".

Mr Hutchinson commented that a more detailed evaluation on a sector by sector basis indicated that the area of land to the west of the A600, including the proposed allocation IC2 (Sector 12a), made a significant contribution to the Green belt in overall terms, bearing in mind its importance in preventing expansion of Hitchin northwards and the need to safeguard the countryside for its own sake. The assessment indicated that this sector "plays no role in preventing merger of neighbouring towns", but the assessment of Sector 13c to the east of the A600 indicated that it made a significant contribution to the Green Belt as it "separates the settlements of Ickleford and Hitchin".

Mr Hutchinson and the residents considered that the land to the east and west of the A600 made a significant contribution to the Green Belt, both in terms of its prevention of the urban sprawl of Hitchin in a northerly direction and the coalescence of Hitchin and Ickleford. They wrote to the Planning Department at the beginning of August 2016 outlining the above concerns and requesting that the allocation be withdrawn, and received a brief reply at the end of August indicating that "the most

appropriate way to comment upon these proposals is through the consultation process and should relate directly to the submission document and associated evidence base". However, taking into account the errors in reporting previous representations and the clear anomalies in the assessment of the suitability of this site for allocation, the residents now requested that the Cabinet considered deleting the allocation at this stage before the Local Plan was submitted. Deletion would have little impact on the overall strategic housing requirement, particularly as the objectively assessed need for housing had been reduced recently. However, it would have a marked impact in ensuring that the separate identity of Ickleford was retained and the Green Belt objectives were maintained.

(vi) Parish Councillor Rev. Sonia Falaschi-Ray (Barkway Parish Council)

Parish Councillor Falaschi-Ray advised that Barkway was an historic village, largely comprising houses from the 15th century to the present, set out in a linear arrangement along the High Street. Proposed site BK3 was for a "mushroom cloud" of new dwellings at the top of the village.

Parish Councillor Falaschi-Ray explained that the village currently comprised 329 houses, to which it was proposed to allocate a further 204, an increase of 62%. The existing residents were happy to have some development in the village (65 houses, a 25% increase, many of which had already been built). However, site BK, which had previously been rejected as being outside the village settlement boundary, was Grade 2 agricultural land, was now proposed in the draft Local Plan and planning applications were commencing.

Parish Councillor Falaschi-Ray stated that Barkway had very few amenities (pub, filling station, First School, hairdresser and pitiful bus service). BK3 would not contribute towards local employment, as occupiers would all need cars. However, Newsells Stud (which adjoined the site) had yearlings grazing nearby, who would all be at risk adjacent to a new housing estate. Cars would also be required to access facilities in Royston and Buntingford, and the existing busy roads would also be congested, thereby breaching NHDC's own Sustainable Transport Policy.

Parish Councillor Falaschi-Ray commented that advice from a consultant had indicated that a new sewage works would also be required. However, Anglian Water had advised that Barkway's current water pressure was at the legal minimum and so an upgraded fresh water supply would be needed.

Parish Councillor Falaschi-Ray considered that the size of the "mushroom cloud" of development was disproportionate. It was an unfair allocation and appeared to breach a number of NHDC's existing strategies, including the North Hertfordshire and Stevenage Landscape Character Assessment, especially as it was a 7.7 hectare site (in excess of the 5 hectare maximum guideline for extensions to settlements).

Parish Councillor Falaschi-Ray stated that an analysis of Ermine Ward voting figures implied that the majority of Barkway residents voted Conservative. They would feel alienated from that Party if a Conservative-controlled Council was seen to be sacrificing their village on the altar of house building expediency. She urged Members to re-consider the inclusion of site BK3 in the Plan, which she considered would be wholly detrimental to Barkway.

(vii) Graham Lee (Claybush Road Action Group, Ashwell)

Mr Lee advised that Ashwell parish Council and the village as a whole was not against development that met a proven local need, and on a site that was appropriate to that need. The village had engaged in the Localism process by forming a Neighbourhood Planning Group, and the preparation of the Ashwell Neighbourhood Plan was at an advanced stage.

Mr Lee stated that the Parish Council and Neighbourhood Planning Group were collectively against the development of Site AS1 (Claybush Road, Ashwell) for a number of reasons. Firstly, the land was located in a prominent position on rising ground to the south of Ashwell. This area was within the North Baldock Chalk

Uplands and was referenced in NHDC Planning Policies 6 and 7, which required that the development sites should lie within the main area of the village (AS1 was outside the permitted development boundary); the proposal should be in line with policy aims for visual landscape character (which AS1 was not); and the proposal should maintain or enhance the character or visual quality of the village or the surrounding area (which AS1 did not).

Mr Lee explained that NHDC had considered planning applications from the owner of Site AS1 on several occasions, dating back to 1980 and as recently as 1995. On each occasion, the application was found to be unsuitable. On one of those occasions, a Government Inspector dismissed an appeal on the basis that any building on the proposed land would consolidate the ribbon of fringe development into a more dense intrusive form; would be an unsightly incursion into the attractive open land; and would impose on the privacy of occupants of buildings that abutted the land.

Mr Lee advised that NHDC had also commissioned a heritage assessment of the site, which had concluded in July 2016 that development of any scale within the site was likely to impact on views north towards Ashwell Church tower, from the Claybush Hill slope, and from the Bronze Age hill fort known as Arbury Banks.

Mr Lee stated that, at the time of the Local Plan Preferred Options in 2014, a public meeting took place in Ashwell, which unanimously rejected development on Site AS1. Over 135 specific objections were made at this time and sent to NHDC, and only 1 representation in favour. Subsequently, representatives of the Neighbourhood Planning Group had met with NHDC Planning Officers in December 2015 and had provided details of 3 alternative sites that were considered to be more suitable than Site AS1 for inclusion in the Local Plan. The draft emerging Neighbourhood Plan was supplied to NHDC in May 2016, which provided further information on the 3 alternative sites. This was within the timetable supplied to the Neighbourhood Planning Group for registering alternative options to be considered by NHDC.

In conclusion, Mr Lee re-iterated that residents were not against the building of further housing in Ashwell. The village had sought to co-operate with NHDC, and MR Lee asked members to re-consider Site AS1 and replace it in the Local Plan with the far more suitable alternative options already provided.

The Chairman thanked all the speakers for their presentations.

51. NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

The Executive Member for Planning and Enterprise presented a report of the Strategic Director of Planning, Housing and Enterprise in respect of the North Hertfordshire Local Plan 2011-2031. The following appendices were submitted with the report:

Appendix 1 – Report to Full Council – 20 July 2016 (excluding appendices);
Appendix 2 – Table of Amendments to the Strategic Policies and Communities Sections of the Local Plan and the Proposals Map as endorsed by Full Council on 20 July 2016;
Appendix 3 – Proposed Submission Draft North Hertfordshire Local Plan 2011-2031;
Appendix 4 – Draft Policies Map;
Appendix 5 – Sustainability Appraisal;
Appendix 6 – Statement of Consultation; and
Appendix 7 – List of Supporting Evidence Documents.

The Executive Member for Planning and Enterprise began by reminding those present that the purpose of the meeting was to debate Recommendations 2.1 to 2.4 of the report. In summary, the report sought authority to carry out public consultation on the proposed Submission Draft of the new North Hertfordshire Local Plan. This was the final stage of consultation before the Plan was submitted to the Government for independent examination.

The Executive Member for Planning and Enterprise stated that the purpose of the report was not to consider the merits or otherwise of specific policies, or to approved sites, or to make changes to the Submission draft of the Local Plan. The time and place to make representations would be during the consultation process, and it would then be up to the Government Inspector to decide if those representations would be considered during the Examination in Public (EIP) following the submission of the Plan.

The Executive Member for Planning and Enterprise explained that any site specific representations on planning applications were a matter for the NHDC Planning Control Committee. The Local Plan was a strategic policy document affecting the whole of North Hertfordshire. It was important to realise that, following approval of the document, the Council had no powers to make substantive changes or amendments. Any responses to the consultation would be for the attention of the Inspector that was appointed to conduct the EIP.

The Executive Member for Planning and Enterprise advised that the EIP would be the appropriate place for the Council to explain and defend any proposals in the Plan, together with the associated evidence base. It was therefore not proposed to hold specific public meetings, workshops, or drop-in sessions for this consultation. The Council would, however, provide guidance on how to make representations as part of the consultation process. To this end, briefings would be arranged for NHDC Members, Parish Councils and registered groups on 19 and 20 October 2016. These would be facilitated by an independent planning advisory service, who would advise on good practice for the submission of representations.

Turning to the report recommendations, the Executive Member for Planning and Enterprise stated that Recommendation 2.1 proposed that the steps taken since July 2016, including the findings of the recently completed evidence studies, be noted. These were all detailed, in full, in Section 8 of the report. The main content of the Strategic Policies and Communities Sections of the Plan were set out in the July 2016 Council report and endorsed at that meeting. Some minor modifications had subsequently been made to these Sections of the Plan (these modifications were listed in Appendix 2 to the report).

On the subject of sites, the Executive Member for Planning and Enterprise explained that some of these may be the subject of recent or past planning applications. Should any of these be refused, the applicant had a right of appeal to the Planning Inspectorate. When the Council was considering the continued inclusion of such sites within the Local Plan, the right of appeal and any grounds for refusal, either by the Local Planning Authority or Planning Inspectorate, must be taken into account along with the context in which these decisions were made. The consideration for continuing to include these allocations would include whether that context had changed and/or whether there was a reasonable prospect of any alternative technical solutions to overcome any reasons for refusal within the lifetime of the Plan.

The Executive Member for Planning and Enterprise summarised the evidence base updates. The Traffic Model testing had been finalised and now included a greater level of detail. It continued to conclude that, with the implementation of mitigation schemes identified in the report, the proposed Local Plan strategy could be supported in Highways terms. The Infrastructure Delivery Plan identified a number of specific projects that would be required to support new development over the Plan period. The Local Plan Viability Assessment update concluded that there was a relatively strong picture relating to development viability in North Hertfordshire. The general mix of policies and proposals in the draft Plan could therefore be supported in viability terms. The testing supported the approach to affordable housing and other requirements in the draft Plan. The review indicated that the strategic sites could support a reasonable level of affordable housing, along with other infrastructure requirements.

The Executive Member for Planning and Enterprise explained that one area which had changed was in respect of the Objectively Assessed Need. The most substantive changes arose from an update to the overall Housing Needs paper.

Following the July 2016 Council meeting, the Inspector appointed to examine Stevenage Borough Council's Local Plan had specifically requested that further work be undertaken to ensure their Local Plan was based on the most up to date Government housing and population statistics. Due to previous joint working between NHDC and Stevenage Borough Council on this matter, it was necessary for this update to cover both Authorities. There was now a need for the North Hertfordshire Local Plan to acknowledge that the Objectively Assessed Need was now considered to be 13,800 dwellings, rather than the 14,400 reported in July 2016. It was also considered necessary to revise the targets in Policy SP8 accordingly. A revised housing target for North Hertfordshire of 14,000 homes (ie. the 13,800 + 200) had therefore been included in the final version of the draft Plan.

The Executive Member for Planning and Enterprise commented that the Plan and evidence base endorsed in July 2016 had acknowledged that it was necessary to include a buffer of additional sites over and above the target to ensure efficient flexibility. At the time of the July 2016 report, this buffer stood at approximately 3%. It was considered from reviews of other EIPs that this was the lowest level that might be considered acceptable by the Planning Inspectorate. The Plan now contained a buffer of approximately 7%, which should reduce the risk of further allocations to the Plan at Examination Stage, such as a potential request by the Inspector to re-visit the housing target and/or review additional sites or, indeed, to remove any sites.

The Executive Member for Planning and Enterprise stated that sections of the Plan now presented which were not included in the July 2016 report were: Introduction and Context; Detailed Development Management Policies (Economy and Town Centres; Countryside and the Green Belt; Transport; Housing Strategy; Design; Healthy Communities; Natural Environment; and Historic Environment); and Monitoring and Review.

In respect of Recommendation 2.2, the Executive Member for Planning and Enterprise advised that this recommended that the proposed submission draft Local Plan, attached as Appendix 3, and associated documents, attached as Appendices 4 to 6 to this report and as additionally listed in Appendix 7, (known collectively as the proposed submission documents) be approved for public consultation. He advised that consultation was proposed to commence on Wednesday, 19 October 2016 for a statutory period of 6 weeks. Consultation activities would be guided by the Council's Statement of Community Involvement. The consultation would be available on the Council's Website; and copies of the Plan and Proposals Map would be provided to each Parish council and made available at Baldock, Hitchin, Knebworth, Letchworth Garden City and Royston Libraries. Copies would also be placed at central libraries in Luton and Stevenage.

In order to facilitate Recommendation 2.3, the Cabinet noted that recommendation 2.3 asked that delegated authority be given to the Head of Development and Building Control in conjunction with the Executive Member for Planning and Enterprise to finalise the proposed submission documents (including non material amendments to the Plan), undertake public consultation upon them and prepare the Local Plan for submission.

The Executive Member for Planning and Enterprise explained that Recommendation 2.4 required that, subject to the approval of Recommendations 2.1 to 2.3, officers be instructed to report on the consultation and proposed next steps by March 2017.

The Executive Member for Planning and Enterprise commented that, following expiry of the consultation period, officers would process and analyse all valid representations submitted. Subject to the consultation not raising any substantive new issues, the Council would be asked to submit the Local Plan to the Secretary of State for Public Examination early in 2017.

The Cabinet debated the Local Plan, and comments made by the Executive Member for Policy, Transport and Green Issues included the following:

- The Government required the Council to produce a Sustainable Local Plan, taking account of social, economic and environmental factors;

- The Plan would put into place means to ensure, so far as possible, that development took place in a sustainable manner to enable subsequent generations to inherit the best features of the District;
- The new settlement option had not immediately been pursued, as the minimum timeframe for this form of substantial development would be 15 to 25 years. However, there remained the possibility of this form of development in the post 2031 version of the Plan;
- The Plan needed to be taken in its totality and the Council was not in a position to debate the merits or otherwise of each site allocation within it;
- Development in the Green Belt would be inevitable in order to achieve anything like the number of new homes required;
- It was important that proper infrastructure development was delivered to support the increased amount of housing;
- The Sustainable Transport Policies and Minimum Parking Standards at New Developments contained in the Plan were welcomed;
- The Affordable Housing Policies were also welcomed, and it was noted that although there was an overall target of 33%, it was pleasing to acknowledge that 40% may be viable on some sites;
- The employment policies were important, although it was considered that the appointment of an NHDC Economic Development Officer to drive the approved Economic development Strategy would assist in the implementation of these policies; and
- The Town Centre Strategies may need to be looked at again once the Plan was agreed.

In response to a Member's question, the Executive Member for Planning and Enterprise advised that the consequences of not approving the Plan would be that the Council would have to re-commence the whole process from scratch.

The Cabinet supported the recommendations to progress to the next stage in development of the Plan. In some cases, this did not mean that Members agreed to a number of the site allocations contained in the document, but the Cabinet recognised that the Council needed to work within Government guidelines. It should not be overlooked that there were a number of excellent policies in the Plan which were not site-specific.

RESOLVED:

- (1) That the steps taken since July 2016, including the findings of the recently completed evidence studies, be noted;
- (2) That the proposed submission draft North Hertfordshire Local Plan, attached as Appendix 3 to the report, and associated documents, attached as Appendices 4 to 6 to the report and as additionally listed in Appendix 7, (known collectively as the proposed submission documents) be approved for public consultation;
- (3) That delegated authority be given to the Head of Development and Building Control, in conjunction with the Executive Member for Planning and Enterprise, to finalise the proposed submission documents (including non-material amendments to the Plan), undertake public consultation upon them and prepare the Local Plan for submission; and
- (4) That, subject to the above recommendations, officers be instructed to report on the consultation and proposed next steps by March 2017.

REASON FOR DECISION: To ensure that North Hertfordshire can meet the Government's deadline to produce a Local Plan that it considers to be legally compliant and 'sound'.

The meeting closed at 8.55pm.

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Chairman

COUNCIL 11 APRIL 2017
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 6
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TITLE OF REPORT: NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING AND ENTERPRISE

EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT

1. SUMMARY

- 1.1 This report updates Full Council on the progress in preparing a new Local Plan for North Hertfordshire. It explains the outcomes of the public consultation on the Proposed Submission Local Plan approved by Cabinet on 26 September 2016 following endorsement of key matters (strategic policies and sites) by Full Council on 20 July 2016.
- 1.2 The outcomes of recently completed work and ongoing discussions with relevant bodies under the Duty to Co-operate are reported. Other relevant updates are provided to help inform a decision.
- 1.3 This report seeks approval to submit the Local Plan and associated documentation to the Government for examination.

2. RECOMMENDATIONS

- 2.1 That the results of the Proposed Submission consultation, as set out in the Regulation 22 Consultation Statement attached as Appendix 1, be noted and recorded.
- 2.2 That Full Council approve the submission of the new Local Plan for North Hertfordshire, attached as Appendix 2, together with the Schedule of Proposed Additional Modifications, attached as Appendix 3, and other associated documentation for examination by the Secretary of State.
- 2.3 That Full Council approve and give effect to the revised Local Development Scheme for North Hertfordshire, attached as Appendix 4, from 12 April 2017.
- 2.4 That delegated powers be granted to the Head of Planning and Enterprise in consultation with the Executive Member for Strategic Planning & Enterprise to produce such additional documentation as is required (including documentation requested by the appointed Inspector and the proposing of main modifications) before and during the examination of the Local Plan.
- 2.5 That Officers continue to regularly update Members on the progress of the Examination through the Strategic Planning Matters reports which are submitted to Cabinet.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that North Hertfordshire continues to progress a new Local Plan for the management of development in the District.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council has a statutory duty to keep its Local Plan under review. Failing to prepare a Local Plan carries significant risks. Delaying the submission of the Local Plan or withdrawing this Plan and starting work again on a replacement would carry similar or greater risks, limiting the Council's ability to properly manage development. Options are discussed later in the report under Section 8.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Proposed Submission Local Plan was approved by Cabinet on 26 September 2016 following endorsement of key matters (strategic policies and sites) by Full Council on 20 July 2016.
- 5.2 The Executive Member for Planning and Enterprise has been kept informed on the matters set out above on an ongoing basis.
- 5.3 The Local Plan Project Board has met on a number of occasions to discuss relevant issues and provide the necessary strategic guidance and direction for the production of the Local Plan.
- 5.4 Cabinet have been kept informed of key developments through Strategic Planning Matters reports which are a standing item on the agenda.
- 5.5 All members have been offered the opportunity to be briefed on the submission and prospective examination of the draft plan.

6. FORWARD PLAN

- 6.1 This report contains recommendations relating to a key decision that was first notified to the public in the Forward Plan on 17 October 2016

7. BACKGROUND

- 7.1 As the Local Planning authority, North Hertfordshire District Council has to prepare a Local Plan and keep it under review. The Local Plan has to set out the Council's plans for the area, including allocating sites for development, identifying areas to be protected from development and setting the policies to be used when determining planning applications.
- 7.2 A new Local Plan must proceed through four key stages:
- Preparation of the new plan
 - Publication of a final draft
 - Examination; and
 - Adoption
- 7.3 The detailed legislative, policy, evidential and historical background to the production of a new plan for North Hertfordshire was set out at length in the report to Full Council in July 2016 and also referred to in the report to Cabinet in September 2016. These reports also set out the findings of key evidence and summarised the content of the plan and are available as background papers on the Council website.

Reasons for progressing the Plan

- 7.4 North Hertfordshire's Local Plan No 2 with alterations was adopted in 1996. The age of this plan is, in itself, a key reason for progressing with a replacement. Two further key planning grounds are also highlighted:

- Firstly, the lack of an up-to-date plan and adequate supply of new housing land is significantly hampering the Council's ability to give clear planning advice and make effective decisions; whilst
- The Government has placed great emphasis on the need for all authorities to produce an up-to-date Local Plan. Those who do not could face interventions or sanctions.

7.5 Full Council endorsed key elements of the draft plan – the proposed strategic policies and housing sites – in July 2016. The final version of the Proposed Submission Local Plan was then approved for public consultation by Cabinet in September 2016. This consultation has now been completed, and is reported upon below. The submission of the Plan for examination is the next procedural step.

7.6 There are no specific powers in legislation for this Council to now amend the Plan which was consulted upon at the Proposed Submission stage.

7.7 The key issue for Council to consider is whether the representations received to this consultation, or any other relevant changes since approval of the Proposed Submission Plan, raise issues of such magnitude that the plan should not (yet) proceed to examination for risk of being found non-compliant with relevant legislation and / or 'unsound' at the end of the examination process. The Council must consider that the plan is ready for examination in order to submit it.

8. ISSUES

Consultation on the Proposed Submission Local Plan – October to November 2016

8.1 Consultation on the Proposed Submission Local Plan took place over a six-week period from Wednesday 19 October to Wednesday 30 November 2016. The Plan was available on the Council's website for the duration of the consultation and also available to view at the Council offices and local libraries. Responses could be submitted online, by post or email.

8.2 A link was provided from the front page of the District Council website for the duration of the consultation. More than 12,000 organisations and individuals on the Council's local plan database were contacted directly by email or letter. Press releases and adverts were used to raise awareness while there was also coverage by local TV and radio stations.

8.3 Following the close of the consultation, all responses were logged and analysed by Council officers.

8.4 A total of 2,549 valid responses were received to the consultation. Some of these commented on a single site or policy. Others covered a wider range of issues. Following analysis, a total of 5,675 representations to the Plan have been identified.

8.5 For context, the district has an estimated population of 131,700 and approximately 56,000 households.

8.6 The Council is legally obliged to prepare a Statement of Consultation. This is attached as Appendix 1. The relevant regulations require this statement to set out a summary of the main issues raised. It is not a requirement for the statement to identify each individual response or every issue raised nor the Council's response to those issues.

8.7 All valid responses and representations have been published on the Council's on-line consultation portal and can be viewed by following the links from www.north-herts.gov.uk/localplan. Subject to the approval of the recommendations in this

report, the representations will all be submitted in full for consideration by the appointed Inspector during the examination of the Local Plan.

8.8 Four of the main issues raised during the consultation are detailed further below:

- Site-specific objections to housing allocations
- Housing requirements including unmet needs from Luton
- Education provision; and
- Transport and highways.

8.9 These have been selected based upon the quantum of objections received and / or whether the objectors are, under the relevant legislation, defined as statutory consultees or bodies to whom the statutory Duty to Co-operate apply. They do not cover all of the issues raised nor confer any particular status, ranking or emphasis. The Consultation Report should still be referred to for further information.

Main issues raised (1): Site-specific objections to housing allocations

8.10 The majority of the representations received (approximately 70%) relate to the proposed housing allocations, the specific issues associated with them and / or the impacts upon local communities. The suitability of the proposed housing allocations is expected to form a substantial part of any future examination.

8.11 Officers have given all of these representations due consideration. It is accepted (and was accepted in the previous reports to Council and Cabinet) that the allocation and development of these sites will result in some adverse impacts for existing residents of the District. However, it is equally considered that these harms are:

- i. below the thresholds at which the national policy advises an outright restriction on development or at which a planning inspector might support a policy of restraint;
- ii. capable of appropriate mitigation where relevant and necessary; and
- iii. outweighed in the planning balance by the pressing need for additional homes (and the onus placed upon this in other relevant examinations) and the lack of likely plausible alternatives should the Council determine not to meet its housing requirements.

8.12 Officers remain of the opinion that development sites in the Plan have been appropriately identified, are justified by the evidence and represent an appropriate strategy for future development.

8.13 In this context, the many site-specific issues are best considered through the broader spectrum of the examination. This will consider a number of matters on a district-wide basis. These are likely to include (but are not limited to) the appropriateness or otherwise of:

- i. the overall needs for housing in the area (see Main Issue (2) below);
- ii. the proposed strategy for meeting that need including directing a modest proportion of future housing development (around 1 in 6 new homes over the plan period) to the District's villages;
- iii. infrastructure provision (See Main Issues (3) and (4)); and
- iv. allowing the loss of, or some harm to, assets identified in national policy as potential grounds for restricting development in order to meet future development needs. This includes Green Belt and heritage assets (such as listed buildings or conservation areas)¹.

¹ See paragraph 14 and footnote 9 of the NPPF.
COUNCIL (11.4.17)

- 8.14 Conclusions on, and further scrutiny of, individual sites will follow from the consideration of these broader issues. Based on recent past experience, it is considered most likely that the examination will proceed in a phased manner and consider these broader matters of principle first (see Section 9)

Main issues raised (2): Housing requirements including unmet needs from Luton

- 8.15 A number of respondents have questioned whether the Plan is based on a robust assessment of future housing needs. In particular, two 'sub-issues' have been raised:
- Assumptions about migration, including the potential impact of 'Brexit'; and
 - The appropriateness of making provision for unmet housing requirements arising from Luton;
- 8.16 The evidence which supports the target for North Hertfordshire's own needs is contained in studies prepared jointly with Stevenage Borough². This has been considered and scrutinised as part of their examination hearings in January 2017. The Inspector is yet to produce a formal report of her findings. However, she has allowed the Stevenage examination to proceed beyond this issue with no request for additional evidence work.
- 8.17 The timing and potential impacts of Brexit remain uncertain. This issue was discussed in the report to Council in July 2016 and officers consider this position remains true. Any further implications arising can be discussed as part of the examination. Notwithstanding this, the Government population figures which underpin the plan are already based upon lower levels of long-term migration into the country than has been experienced in recent years.
- 8.18 On this basis, it is considered appropriate to proceed on the basis of the currently identified housing targets to meet North Hertfordshire's own housing needs.
- 8.19 The housing evidence which supports the existence of an unmet housing need from Luton was considered and scrutinised as part of their examination hearings during 2016. The Inspector is yet to produce a formal report of his findings. However, he has similarly allowed the Luton examination to proceed beyond this issue.
- 8.20 Since approval of the Proposed Submission Consultation, further joint work with the Councils in the shared Luton Housing Market Area (HMA) has reconfirmed that the proposed allocations to the east of Luton are the maximum achievable and deliverable within the District. They will be required if the needs of the wider HMA are to be addressed.
- 8.21 Failure to deal with this issue would represent a substantial risk to the plan when the statutory Duty to Cooperate is considered.
- 8.22 Many respondents have again raised the question of whether a new settlement would represent a better strategy for meeting the District's housing needs. This issue is discussed in the Proposed Submission Local Plan and the evidence base. In summary, the long 'lead times' to a new settlement mean it is not appropriate to place any significant reliance on this as a means of delivering housing prior to at least 2026.

² Strategic Housing Market Assessment Update (2015) and Updating the Overall Housing Need (2016). These studies form part of the evidence base underpinning the plan which will also be submitted for scrutiny as part of the examination. These studies are available on the Council website by following the links from www.north-herts.gov.uk/localplan.
COUNCIL (11.4.17)

Main issues raised (3): Education provision

- 8.23 Objections have been received from Hertfordshire County Council (HCC) in relation to education provision. They consider that the Plan does not make adequate deliverable provision, in particular for secondary education. Stevenage Borough Council have made objections based upon the HCC position.
- 8.24 Forecasting future pupil numbers is a complex issue that is influenced by a number of factors including the types of new homes to be built (both within the District and in other local authority areas), the phasing of their delivery the relationship with demand for school places from existing housing over time and the resultant capacity of existing premises to accommodate future demand.
- 8.25 In particular, the peak of demand for new secondary school places arising from new housing does not arise until some years after development has occurred. Given the proposed phasing of sites within the plan, some of this demand will not be realised until after the end of the plan period in 2031. By this time, it is anticipated that the Local Plan will have been reviewed and updated at least once. In this time alternate solutions may become available to meet some of the forecast demand, such as within the proposed 'safeguarded' land to the west of the A1(M) at Stevenage.
- 8.26 Notwithstanding this, the plan includes a number of requirements for the provision of new primary and secondary schools alongside new development to ensure they can be appropriately planned from the outset. This includes the proposed strategic sites, such as north of Baldock (Policy SP14) and east of Luton (Policy SP19).
- 8.27 The proposed submission plan also includes contingent requirements for land for two smaller secondary schools to serve local needs at both Great Ashby and Knebworth. This approach would (numerically) meet the requirements identified by HCC in the local school planning area whilst still allowing the District to meet its overall housing requirements. HCC have raised concerns about the location(s) and deliverability of this solution.
- 8.28 The fact that two Councils have different views on an issue should not, in itself, give cause for an Inspector to conclude that the plan has failed the statutory Duty to Co-operate; the Duty to Co-operate is not a duty to agree. Officers are of the opinion that the position set out in the Proposed Submission Plan remains a sound and appropriate starting point for debate at the Examination. It is considered that any alternate approaches which may be required following consideration of all the relevant evidence fall within the scope of the Inspector's powers to prescribe.
- 8.29 Discussions with HCC remain ongoing with the intention of trying to reach an agreed position in advance of any examination hearings.

Main issues raised (4): Transport and highways

- 8.30 A number of site-specific representations (see Main Issue 1) raised concerns on local highway issues and / or the District's highway network more generally.
- 8.31 HCC, in their role as highway authority, also raised a number of concerns relating to the potential impacts of new development. This included the cumulative impacts from proposed developments across Hertfordshire and beyond.
- 8.32 At the same time, HCC's consultation on their new Transport Vision in Autumn 2016 signalled a shift in strategic thinking. This encourages far greater emphasis on more sustainable travel choices such as cycling and public transport. This consultation postdates the preparation of the Proposed Submission Local Plan.
- 8.33 A number of further discussions have been held with HCC to determine the most appropriate way forward. NHDC have agreed a 'direction of travel' with HCC to

address these concerns. Work on a detailed Transport Strategy, which will sit alongside the plan and be updated over its lifetime, has begun and will be available in time to inform the examination hearings. This will:

- Explain the role and outcomes of the transport modelling undertaken to date;
- Consider the cumulative impacts of NHDC's local plan when considered alongside, in particular, the plans of Stevenage, Luton, Central Bedfordshire and Welwyn Hatfield councils;
- Address localised issues and concerns not necessarily reflected in high-level transport modelling (such as at Knebworth and Codicote high streets);
- Identify how the Plan can contribute towards the future transport priorities of HCC as expressed in consultations upon their forthcoming update of the Local Transport Plan and other priorities such as air quality;
- Inform an approach to strategic interventions which are not strictly required to support the Local Plan but may deliver greater benefits in the longer-term such as a Hitchin Bypass and east-west links across the district;
- Determine how best to integrate sustainable transport provision (public transport, walking and cycling) within proposed new developments to encourage use of these modes;
- Set out a rolling programme of works and projects across the District.

Other matters

- 8.34 The Government's Planning White Paper was published in February 2017. It identifies a range of proposals to further reform the planning system and speed up the delivery of Local Plans and new development. A number of measures in the Paper are subject to on-going consultation. The proposals in the White Paper have yet to be given effect as this will require changes to legislation and / or national policy. As such, no specific actions are currently considered necessary. Should any of the proposals in the White Paper come forward, they can be considered through the examination process.
- 8.35 Planning officers continue to monitor the outcomes of other local plan examinations on an on-going basis. The Council has been represented at the examinations of the Stevenage, Luton and St. Albans Local Plans. Officers have not identified any substantive additional issues arising from these (beyond those already discussed).
- 8.36 The Council has continued to engage with neighbouring councils and other bodies to ensure compliance with the statutory Duty to Co-operate. A Duty to Co-operate Statement is being prepared to accompany the submission of the local plan. This will set out the agreed outcomes of this activity. A number of Memoranda of Understanding, or other agreements, are being prepared. These will demonstrate to an Inspector that the Council has reached a common position
- 8.37 The Executive Member was granted delegated powers to sign such agreements by Cabinet in March 2016. Agreements are currently in preparation with a number of bodies including Stevenage Borough Council, Central Bedfordshire District Council, Luton Borough Council, Thames Water, Anglian Water, Natural England, The Environment Agency, Hertfordshire LEP and Hertfordshire County Council.
- 8.38 Since approval of the Proposed Submission Local Plan, and in addition to the work already identified above, further new or updated evidence has been prepared to inform the plan. This includes upon issues such as employment, air quality and Gypsy and Traveller accommodation.
- 8.39 The evidence base supporting the Proposed Submission Local Plan would also be submitted for consideration during the examination. The studies supporting the plan are available on the Council website at www.north-herts.gov.uk/localplan.

Proposed amendments to the Local Plan

- 8.40 Following the consultation and additional work identified above, Officers have identified a number of minor changes to the Proposed Submission Local Plan that would address some of the issues raised. These are contained in the Schedule of Proposed Additional Modifications attached at Appendix 3.
- 8.41 The schedule sets out additional modifications which the Council intends to make to the Local Plan prior to any future adoption. The Council considers these to be 'additional modifications' for the purposes of the relevant legislation as they do not significantly alter the policies or strategy of the plan. However, it will be for the Inspector to determine if any of these changes (and any other changes) should be 'main modifications' and subject to additional consultation (see Section 9 below).
- 8.42 The suggested changes primarily relate to detailed policy wording to satisfy the requirements of statutory agencies (such as Natural England or the Environment Agency) or to ensure that the policy requirements can be successfully delivered upon through the Development Management process.

Local Development Scheme

- 8.43 Local plans must be prepared in accordance with the adopted Local Development Scheme (LDS). The LDS is a timetable setting out when key milestones in the preparation of the plan – including those identified in paragraph 7.2 of this report – are achieved.
- 8.44 The current LDS for the North Hertfordshire Local Plan was approved in December 2015. An updated LDS is attached as Appendix 4. This amends the timetable to reflect the actual dates of the Proposed Submission consultation and the anticipated timings for the submission and examination of the Plan pursuant to this report. It also clarifies those consultations which the Council considers formed part of the formal 'preparation' stage of the plan.
- 8.45 Once a plan has been submitted, the detailed timings of the examination and any next steps will be for the appointed Inspector to determine.
- 8.46 The LDS also sets out the Council's intention to update its Statement of Community Involvement (SCI). The SCI sets out the Council's policy on involving the community in the preparation of policies and the determination of planning applications.
- 8.47 It is the Council's intention to update the SCI in parallel with the Local Plan examination. This will provide additional guidance on how promoters and developers of significant sites should engage with the public as their schemes evolve prior to any planning application. This will include, but will not necessarily be limited to, the Strategic Sites identified in the plan.
- 8.48 A draft SCI will be consulted upon in Autumn 2017 and adopted in early 2018, subject to confirmation of the timing of the proposed examination of the Local Plan.

9. NEXT STEPS

- 9.1 Subject to Full Council accepting the recommendations of this report, officers will undertake the final steps necessary to enable the Council to physically submit the Plan for examination.
- 9.2 This includes printing copies of relevant documentation (such as the sustainability appraisal and evidence studies) and the representations from the Proposed Submission consultation. Officers will seek to complete further Memoranda of

Understanding with relevant parties for approval by the Executive Member for Planning & Enterprise under delegated powers granted by Cabinet in March 2016.

- 9.3 It is intended to submit the Plan to the Planning Inspectorate (PINS) by the end of May 2017 at the very latest.
- 9.4 Following submission of the plan, PINS will appoint an Inspector to conduct the examination. The timing and scope of the examination will be for the Inspector to determine. Officers have informally indicated a preference to PINS for the examination sessions to be held in the autumn of 2017.
- 9.5 The examination sessions will be held in public. This means that anyone can attend to listen to the debate. Only those invited by the Inspector to participate in each session are allowed to speak.
- 9.6 Recent practical experience suggests that the examination sessions will be split. Legal and major strategic issues are now often discussed at 'Stage 1' hearings to consider critical matters, including the Duty to Cooperate. Subject to these being satisfactorily addressed, the plan would then proceed to further stages of examination.
- 9.7 The Council would need to produce additional documentation throughout the examination process. This is likely to include answers to preliminary questions and statements on specific issues requested by the appointed Inspector. During the course of the examination, the Inspector may request that the Council draft a Main Modification on a specific issue where he/she has identified that a change to the plan is required. These will be prepared under delegated powers in consultation with the Portfolio Holder. Cabinet will be regularly updated on the progress of the examination through the Strategic Planning Matters reports which are a standing item on the agenda.
- 9.8 For the duration of the examination, an independent Programme Officer acts as the independent liaison between the Inspector, the Council and all other interested parties. A Programme Officer will be appointed subject to the approval of the recommendations in this report. A venue for, and the timings of, the examination hearings will be announced in due course.

Powers of the appointed Inspector

- 9.9 The starting point of any examination is that the local planning authority has submitted a plan which it considers 'sound' and capable of adoption. In reality, it is almost inevitable that changes to the plan will arise as a result of the evidence presented to the examination or other changes which occur during the process.
- 9.10 Should changes be required to the plan as a result of the examination process, the Inspector is empowered to propose Main Modifications in order to make the plan sound and capable of adoption.
- 9.11 In practice, these powers are quite wide-ranging and can be used to make significant changes to submitted plans. By way of example, changes of 25% in housing targets and the addition or removal of substantial sites have fallen with the scope of 'main modifications' in other local plan examinations.
- 9.12 Any 'main modifications' would be issued by the Inspector following the examination hearings and subject to further public consultation.
- 9.13 The issues above and the recommendation to submit should be viewed in this context.

10. LEGAL IMPLICATIONS

- 10.1 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011) sets out the duty to co-operate between Local Planning authorities and other prescribed bodies, to maximise the effectiveness in the preparation of the local plan other relevant documents, so far as they relate to a strategic matter.
- 10.2 This places a legal obligation on Councils and other bodies to work together to provide effective solutions on cross-boundary issues. Failure to comply with this Duty cannot be remedied at examination and would be fatal to any submitted plan.
- 10.3 Other legal issues and matters of soundness can be capable of being addressed through the examination process (see Section 9). However, the Council must submit a plan it considers ready for independent examination
- 10.4 The Council can submit a schedule of suggested modifications alongside the approved plan to deal with more minor alterations that address concerns raised by consultees. It is proposed to do this (see paragraphs 8.40 to 8.42).
- 10.5 Guidance produced by the Planning Inspectorate – who will conduct any future examination on behalf of the Secretary of State - also allows for an ‘addendum of focussed changes’ to be submitted with the published plan. However, this would need to be prepared, approved, consulted upon and then submitted alongside the approved Proposed Submission Local Plan.
- 10.6 The final option available to Council at this stage is to withdraw the plan in its entirety and begin work again on a replacement.
- 10.7 The Planning and Housing Act 2016 (and associated regulations) provide the legal basis for the Secretary of State to intervene on the Local Authority’s behalf and at the Local Authority’s expense if Local Development Plans are not in place by March 2017.
- 10.8 By virtue of regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, adoption of the final Development Plan documents must be by Full Council. This is reflected in paragraphs 4.2.1(d) and 4.4.1(a) of the Council’s Constitution.
- 10.9 Submission of draft Development Plan Documents to the Secretary of State, and their final adoption are a matter for Full Council under the Regulations and the Terms of Reference for Full Council Paragraph 4.4.1(a) of the Constitution
- 10.10 The legal framework for the preparation, submission, examination and adoption of Development Plan Documents is set out in the Planning & Compulsory Purchase Act 2004 (as amended). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012.

11. FINANCIAL IMPLICATIONS

- 11.1 The costs of preparing the Local Plan and associated evidence base and costs of its examination are covered in existing revenue budgets for 2017/18. These budgets are supplemented by an accrued reserve.
- 11.2 Any decision on the Local Plan must be made on its planning merits but there are potentially significant financial risks attached to not having a plan in place.
- 11.3 Without an up to date Local Plan the Council is increasingly vulnerable to planning applications in areas where it may wish to resist development. The cost of trying to resist developments is generally far higher than the cost of negotiating developments supported by an up to date Local Plan.

- 11.4 Without an up-to-date Local Plan, the Council is unable to introduce a Community Infrastructure Levy (CIL), thus limiting future options for how the Council may wish to secure financial contributions from development.
- 11.5 Central Government decided not to proceed with a proposal to withdraw 2017/18 'New Homes Bonus' payments from Councils who had not submitted a Local Plan. However, the Government will revisit the case for withholding New Homes Bonus from areas not delivering on housing growth from 2018-19. This is currently a significant funding stream to the Authority (around £1.2m per year). Any funding reduction would equate to additional efficiencies or income generation that would need to be found.

12. PLANNING IMPLICATIONS

- 12.1 Until such time as a new Local Plan is adopted, the saved policies of the Local Plan No 2 with Alterations remain the starting point for the determination of planning applications.
- 12.2 Paragraph 216 of the NPPF states that emerging policies can be taken into account in the determination of planning applications having regard to the stage of preparation of the new local plan, the extent of unresolved objections and the conformity of the draft policies with national policy.
- 12.3 Agreeing submission of the plan would mark a further milestone in the production of a new plan. Publication of the representations received to the Proposed Submission Consultation allows for these to be taken into account in making planning decisions.
- 12.4 By agreeing to submission of the plan, sufficient weight can be attributed to the proposed allocations in the plan to demonstrate a five-year supply of housing land.

13. RISK IMPLICATIONS

- 13.1 Sustainable Development of the District and the Local Plan are both Top Risks. The Sustainable Development of the District risk has two sub risks; National & Regional Planning issues and Neighbouring Authorities. Failure to make timely progress on the Local Plan would increase the likelihood of these risks occurring.
- 13.2 The Local Plan is assessed as one of the highest risks that NHDC currently faces. The identified consequences on the Local Plan risk include
- Development not sustainable;
 - Development harms the environment;
 - Needs for housing and other development fail to be properly met;
 - Hostile planning applications if Local Plan found unsound or delayed;
 - Hostile planning applications for development due to lack of five year land supply; and
 - Costs of challenge.
- 13.3 Agreeing the recommendations in this report will enable the Council to continue progress with the Local Plan.
- 13.4 The plan reflects work undertaken with other authorities on strategic matters. In particular it will make an allowance for growth from the Luton housing market area, and provides land to meet employment requirements arising from Stevenage.
- 13.5 The District Council has signed, or is in the process of negotiating, Memoranda of Understanding (or equivalent) with various councils and other bodies under powers delegated to the Executive Member by Cabinet in March 2016.

- 13.6 Any decision to carry out more work would result in both substantial delay and additional costs, more so in the case of an instruction to withdraw and start over. These approaches could also leave the Council at a high risk of intervention or sanction by the Secretary of State who could then direct the production of a new plan. These courses of action are not recommended.

14. EQUALITIES IMPLICATIONS

- 14.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 14.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its 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.
- 14.3 An Equality Impact Assessment has been produced assessing the plan's compliance with relevant legislation and requirements. The Planning Inspectorate specifically request this document accompanies submission of the local plan.
- 14.4 The latest national guidance on gypsy and traveller sites, and specifically defining those who retain a 'nomadic' lifestyle, must also be considered alongside the protections afforded to some travellers by virtue of their ethnicity under the Equality Act 2010.

15. SOCIAL VALUE IMPLICATIONS

- 15.1 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.

16. HUMAN RESOURCE IMPLICATIONS

- 16.1 There are no new human resource implications arising from the contents of this report. The Planning Policy team is fully staffed. Temporary staff or consultants were brought in to assist during the preparation of the Local Plan in order to cover vacancies and long term absences and provide specialised technical advice. This approach will continue as required through the examination process.

17. APPENDICES

Appendix 1 – Regulation 22 Consultation Statement.

Appendix 2 – North Hertfordshire Local Plan 2011-2031 Proposed Submission Draft, October 2016.

Appendix 3 – Schedule of Proposed Additional Modifications.

Appendix 4 – Local Development Scheme, April 2017.

Note: Appendices 1, 3 and 4 are included in hard copy with this report in the committee bundle. All Members were provided with a hard copy of the Proposed Submission Draft Local Plan and associated maps (Appendix 2) at the time of the consultation in October 2016 and this has not been re-provided. This document is also available to view on the Council website at www.north-herts.gov.uk/localplan.

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19. BACKGROUND PAPERS

- 19.1 Full Council Report 20 July 2016 – North Hertfordshire Local Plan.
- 19.2 Cabinet Report 26 September 2016 – North Hertfordshire Local Plan.
- 19.3 Full Council Report 21 January 2016 – Updated Local Development Scheme.
- 19.4 Strategic Planning Matters Reports to Cabinet on 26 July 2016, 27 September 2016, 22 November 2016, 20 December 2016, 24 January 2017 and 28 March 2017.
- 19.5 The Proposed Submission Local Plan, associated evidence base and representations to the consultation are all available via www.north-herts.gov.uk/localplan.

ERRATA

ITEM 6 – NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

Recommendation 2.4

The designation of the officer being granted delegated power should read “Head of Development and Building Control” and not “Head of Planning and Enterprise”.

Similarly, the designation of the Executive Member should read “Executive Member for Planning and Enterprise” and not “Executive Member for Strategic Planning and Enterprise”.

Therefore, the corrected Recommendation 2.4 would now read:

“That delegated powers be granted to the Head of Development and Building Control, in consultation with the Executive Member for Planning and Enterprise, to produce such additional documentation as is required (including documentation requested by the appointed Inspector and the proposing of main modifications) before and during the examination of the Local Plan.”

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Ballroom, Spirella Building, Icknield Way, Letchworth on Tuesday, 11 April 2017 at 7.30pm

PRESENT: *Councillors John Booth (Chairman), Alan Millard (Vice-Chairman), Ian Albert, David Barnard, Clare Billing, Paul Clark, Julian Cunningham, Steve Deakin-Davies, Faye S. Frost, Jane Gray, Jean Green, Nicola Harris, Simon Harwood, Steve Hemingway, Cathryn Henry, Fiona Hill, T.W. Hone, Tony Hunter, S.K. Jarvis, Lorna Kercher, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Ian Mantle, Paul Marment, Gerald Morris, M.R.M Muir, Mrs L.A. Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Valentine Shanley, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscomb, R.A.C. Thake, Terry Tyler and Michael Weeks.*

IN ATTENDANCE: *Chief Executive, Head of Finance, Performance and Asset Management, Corporate Human Resources Manager, Corporate Legal Manager and Monitoring Officer, Senior Lawyer and Deputy Monitoring Officer, Democratic Services Manager and Committee and Member Services Manager.*

ALSO PRESENT: *Hon. Alderman F.J. Smith
Suzanne Ornsby QC
Approximately 70 members of the public.*

96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bishop, Judi Billing, Bill Davidson, Elizabeth Dennis, Gary Grindal, Sandra Lunn and Mrs C.P.A. Strong.

97. MINUTES – 9 FEBRUARY 2017

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor T.W. Hone, and

RESOLVED: That the Minutes of the meeting of the Council held on 9 February 2017 be approved as a true record and signed by the Chairman.

98. NOTIFICATION OF OTHER BUSINESS

No additional business was presented for consideration by the Council.

99. CHAIRMAN'S ANNOUNCEMENTS

(1) **Councillor Peter Burt**

...

(2) **Long Service Award – Stephen Geach**

...

(3) **Declarations of Interest**

The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

The Corporate Legal Manager and Monitoring Officer stated that prior to the Council meeting held on 20 July 2016, he had read an explanation of the enquiries he had

made of all Councillors with regard to their potential interests and approach to the Local Plan. Those enquiries related to the three issues that Members needed to consider on any report a committee received, namely:-

1. Whether they had a Disclosable Pecuniary Interest, as defined by the regulations;
2. Whether they had Declarable Interest, as defined by the Council's Members Code of Conduct; and
3. Whether they had committed themselves to a particular course of action in relation to the Local Plan decision they were being asked to take and were therefore not able to approach the decision with a sufficiently open mind.

The Corporate Legal Manager and Monitoring Officer advised that a number of Members had potential interests due to involvement with bodies such as housing associations, county council, heritage foundation or where they lived, which could be considered to be potentially affected by the decisions Council was making on the Local Plan. In total, approximately one third of all Councillors identified some form of potential interest, which clearly had potential implications for the ability of residents to be represented in this process, and therefore he had concluded in all the circumstances, including it being in the interests of persons living in the area, that it was appropriate to grant a dispensation to those Councillors listed in the minutes of the 20 July 2016 meeting.

The Corporate Legal Manager and Monitoring Officer explained that a dispensation, if granted, was a permission for the Member concerned to take part in the debate and vote, notwithstanding the potential interest. The grounds for giving dispensations were set out in section 33 of the Localism Act and in section 8 of the Council's Code of Conduct for Members. Council delegated to the Monitoring Officer the authority to grant requests for dispensations, where it was considered appropriate.

The Corporate Legal Manager and Monitoring Officer confirmed that he had contacted all Members and asked them whether their answers had changed since the enquiries made ahead of the 20 July 2016 Council meeting. He also confirmed that the Member elected in November 2016 had answered the same list of questions sent to all Members previously. On the basis of the responses received he confirmed that the dispensations previously granted had been extended to cover tonight's Council meeting for the following Councillors:

Councillor David Barnard – Interests: Hertfordshire County Council and North Herts Homes

Councillor Clare Billing – Interest: Aldwyck Housing Group

Councillor Judi Billing (though not present) – Interest: Hertfordshire County Council

Councillor Faye Frost – Interest: D.H. Frost and Sons

Councillor Jane Gray – Interest: North Herts Homes

Councillor Jean Green – Interest: Property

Councillor Fiona Hill – Interests: Hertfordshire County Council and property

Councillor Terry Hone – Interests: Hertfordshire County Council and Letchworth Garden City Heritage Foundation

Councillor Tony Hunter – Interest: Hertfordshire County Council

Councillor Lorna Kercher – Interest: Hertfordshire County Council

Councillor Ian Mantle – Interest: Letchworth Garden City Heritage Foundation

Councillor Michael Muir – Interest: Hertfordshire County Council

Councillor Lynda Needham – Interest: Letchworth Garden City Heritage Foundation

Councillor Richard Thake – Interests: Hertfordshire County Council and property

For the avoidance of doubt, the Corporate Legal Manager and Monitoring Officer advised that a vote tonight on the district wide Local Plan would not restrict Members' role in respect of the determination of any subsequent planning applications for an allocated site which was submitted to this authority. A vote in favour tonight would not prevent a Councillor speaking against, or voting against, a planning application in due course. The reverse, of course, also applied.

100. PUBLIC PARTICIPATION(i) Mr Jack Rigg (Chairman of Graveley Parish Council)

Mr Rigg advised that, having attended some of the sessions for the Stevenage Local Plan Examination, he wanted to strongly urge all Parish Councils and groups opposed to the North Hertfordshire Local Plan to meet together to see if sufficient common ground existed for a joint approach to fighting this Plan at Examination. If those objecting to the Plan were serious about opposing it, then they needed to be organised, supported by a good QC and having commissioned consultant reports on issues such as road congestion where appropriate. The Inspector would only be interested in legal arguments backed by solid evidence.

Mr Rigg felt that clearly there may be conflicting priorities on some issues, but that should not stop common agreement on the big issues, such as housing numbers, green belt, brown field development, infrastructure and policies in the Plan which were contrary to National Planning policies. Such a strategy would also allow individual parishes and groups to focus on other more localised issues specific to them.

Mr Rigg commented that if NHDC was successful in pushing for the Examination to take place in the final quarter of 2017, then there was not a lot of time to get organised. His objective in speaking tonight was to offer to arrange a venue for such a meeting to get the process started. Where it went from there would be up to the participants.

Mr Rigg considered that if residents and groups had been involved in opposing North Hertfordshire's Local Plan then they would know that Cabinet and Planners had been ruthless in their determination to push through the Plan, ignoring the objections of residents and pressurising District Councillors to vote the Plan through, regardless of the individual District Councillor's own or their constituents' concerns or opinions. The same would be true when individual development applications came before the Council's Planning Control Committee.

Mr Rigg stated that the Examination format was described as an informal discussion - it most certainly was not. Taking Stevenage as a precedent, NHDC's presentation at the examination would be managed and directed by a senior QC, supported by an array of consultants, as well as NHDC planners as required. It would take place over a period of 3 months, typically for 4 to 5 days a month.

Mr Rigg commented that during the Examination NHDC would produce reams of new/amended documentation which participants would need to read in order to be aware of any material change in NHDC's stance on individual issues. The Council's QC would seek to belittle opposition objections, and would speak in a measured tone, in effect dictating answers to objections made by objectors to the Inspector for his or her future reference. Where the objection related to an issue, such as road congestion, for which they did not have an adequate answer they would ignore it, seeking to change the subject or basis of the discussion (please see point 8.32 of Councillor Levett's report this evening the Herts Highways Strategy, in dealing with ever increasing traffic congestion, would appear to be to encourage everyone to get on their bikes or use public transport, which was wholly unrealistic, rather than considering that the level of proposed development may be excessive).

Mr Rigg advised that, unfortunately, identifying all the legal issues on a particular subject was only half the battle, as the presentation was equally if not more important. To effectively oppose this Plan, the objectors would need their own legal representation and perhaps a planning and/or traffic consultant. This would not be cheap and was almost certainly beyond most if not all individual parishes or opposition groups' purses.

Mr Rigg considered that the creation of one opposition group drawn from across North Hertfordshire had a number of advantages. It would permit the pooling and maximising of resources, personal skills and localised knowledge. It would allow a division of labour, focusing individual members on specific areas of responsibility, rather than each group or person trying to do and read everything. It would make

clear to the Inspector that opposition to the Plan existed across the whole of North Hertfordshire. The examination would be a marathon not a sprint, NHDC had a large team of planners and professional experts, and had taken years in preparing the Plan. Objectors would only have a matter of months.

The Chairman thanked Mr Rigg for his presentation.

(ii) Ms Cheryl Norgan (Graveley resident)

Ms Norgan advised that she was speaking on behalf of Graveley residents and was also the Vice-Chairman of Graveley Parish Council. She commented that Graveley residents were not opposed to a Local Plan, but were opposed to the proposed North Hertfordshire Local Plan because they considered it was based on false housing needs figures.

Ms Norgan explained that, according to the 2014 figures supplied by the Office of National Statistics, the natural growth of the region over the Plan period was 6.4%. However, the Council planned to build at a rate of plus 29%. In respect of migration figures into North Hertfordshire, she stated that nobody reliably know what these would be post-Brexit. She accepted that there would be some migration into the area, but considered that it would be a total disaster for the area should population growth be plus 29% over 20 years.

Ms Norgan was of the view that because the Plan was based on false figures it should be returned for a more careful appreciation of the real growth in the population of North Hertfordshire, as required by Government policy laid down in the National Planning Policy Framework (Paragraphs 158 and 159).

Ms Norgan considered that it was not at all acceptable for councillors to dodge their responsibility in rejecting the Plan should they find it unsound, in the expectation that the Planning Inspector would reject it later.

Ms Norgan suggested that NHDC took a long look at what had been done by Guildford Borough Council. That Council had had dropped the Plan period length and had removed some key sites from its Plan (including a large Green Belt site). This had been in response to on-going public concerns regarding development in the green Belt. Guildford Borough Council had also increased the number of homes to be built on brownfield sites in the town centre, and was proud of its brownfield fist policy of proposing previously developed sites. NHDC did not even have a brownfield sites register, and is a member of the public wished to find out about brownfield sites they were forced to go through a Freedom of Information request.

The Chairman thanked Ms Norgan for her presentation.

(iii) Mr Anthony Burrows (Save the World's First Garden City Group)

Mr Burrows began by advising that his Group had taken a much broader interest in the Plan that its title would imply.

Mr Burrows was of the view that the draft Local Plan had an enormous hole in it, because it nowhere mentioned the nation's decision to leave the European Union. The results of that were, as reported by The Times five days ago, huge chunks of new housing developments in London and its satellite towns were being bought by foreign residents or overseas companies, so making it even harder for young people to find a first home.

Mr Burrows considered that there was a clear answer to that serious problem, but it was not even mentioned, let alone specifically adopted as a policy, and that answer was to reserve in the Plan a percentage of new dwellings for local people. Other authorities seemed to have adopted such a policy. For example, South Oxfordshire District Council had reserved 20% of its new social housing for local people. In South Cambridgeshire, its MP Heidi Allen had been pressing for new homes to be reserved for local people and had actually been opening such reserved developments in her constituency. In Cumbria, Local Plans had also adopted such policies.

Mr Burrows had previously mentioned this omission from the North Hertfordshire Local Plan, but nothing seemed to have been done about it. He felt that there was no point in councillors saying that their Plan was intended to provide housing for their sons and daughters, great grandfathers and grandmothers etc. without adopting such a policy.

Mr Burrows stated that the District's three MPs had spoken against building in the Green Belt and had indicated instead that the focus should be on proposing a third Garden City in North Hertfordshire. There did not appear to be any mention of such an idea in the Local Plan. He visualised a new Garden City as making the destructive expansions of, for example, Baldock and Letchworth Garden City gradually unnecessary.

Mr Burrows was of the view that the Local Plan was inaccessible in various ways to voters unfamiliar with planning documentation. One simple example was that the housing densities of existing dwellings around a proposed site and those proposed for the actual site were nowhere given in the Plan. For example, the important triangular area of Letchworth Garden City bounded by Cashio Lane, Croft Lane and Norton Road consisted of housing at a density of probably six houses to the acre, with those roads having fifty houses backing onto the County Council owned Green Space. The proposal was to build 37 new homes, but nowhere did the Plan state exactly what that density would be. His guess was that it would involve a much higher density than the adjacent density, but how could non-specialists know? There was no point in adding the densities to the Plan now because it would be too late for voters to be properly consulted.

Mr Burrows referred to the New Homes Bonus, an initiative instigated by the Cameron/Clegg Coalition Government in 2010. He felt that this damaged only England and thus not the rest of the United Kingdom, thereby making England's problem even worse. His Group only learnt of it through it being mentioned at a UKIP conference attended by a member of the Group. The Group was extremely unhappy about the fact that it had never been mentioned in Council meetings which he had attended, nor in the Local Plan. He considered that it explained why most councillors were willing to destroy Garden City principles in Letchworth and to destroy the character of Baldock. The Group was aware that Parliament had been reducing its grants to NHDC, and so was bribing and blackmailing the Council to claim the Bonus and forcing it to build on the Green Belt. He asked councillors to have the moral courage to campaign strongly against the Bonus system.

The Chairman thanked Mr Burrows for his presentation.

(iv) Carolyn Cottier (east Luton resident)

Ms Cottier informed members that she was part of a group of 400 residents against the proposed East of Luton development.

Ms Cottier advised that in the Conservative Party Manifesto it had stated that "we will protect/safeguard the Green Belt" no less than seven times. She considered that Local Government should be bound to follow the National Government's policies. This was reiterated in the Government's Housing White Paper which stated that "Councils must demonstrate that they have examined all other reasonable options so that the existing protection of the green Belt remained unchanged".

Ms Cottier commented that Luton's claimed unmet housing need was the basis for this proposed assault on the east of Luton Green Belt. Luton had stated that it had a housing crisis. For her, the main crisis was what Luton was actually doing with the land it had. Six months ago Luton lost 110 apartments in a five-storey building. The sold Unity House to a private developer and Milton Keynes snapped it up to house their homeless.

Ms Cottier explained that another poor decision made by Luton Borough Council in 2016 was the selling off of a large plot in Flowers Way/George Street West. Oyster bought it for £356,000 and then advertised the off-plan apartments in Malaysia, Russia and China. The brochure listed 130 one and two bedroom flats priced between £450,000 and £650,000 each. The developer was an unregulated company

not bound by any UK laws, and the brochure was incorrect in stating that Luton was a borough in London.

Ms Cottier explained that the Ambient Air Quality Directive set out legally binding limits for air pollution, both indoors and outdoors. However, when she asked for their studies into air pollution over the last five years in the proposed development areas, both NHDC and Luton Borough Council had replied that they had not carried out any monitoring. The east of Luton site was near to the fourth largest airport in the UK, so how would it be possible to know if the air quality was acceptable now, let alone before any further development took place. She advised that, on 19 April 2017, there was to be held a London Luton Airport Public Surgery Event, and that she would be raising these concerns at that meeting.

Ms Cottier commented that the proposed East of Luton development must have a Sustainable Urban Drainage Scheme (SUDS). The Civil Aviation Authority had stated that such schemes should not be located within 13 kilometres of an aerodrome because they attracted large flocks of migratory birds, dangerously close to flight paths. She asked who would be liable legally should the safety advice on SUDS be ignored.

Ms Cottier referred to traffic and school places. Using Office of National Statistics figures, 2,105 homes would generate a minimum of 5,052 new residents, 1,800 or so being children. The Plan mentioned one small new primary school east of Luton – so where would the other 1,400 children go to school? Where would the 5,052 people shop? If a retail park was included in the development then people from outside the area would start using it, with thousands of cars clogging up one narrow country lane.

Ms Cottier concluded by stating that it was NHDC's business to know what Luton was planning with its housing. Once the Green Belt was gone it was gone forever. So much precious land was in NHDC's hands, were councillors now going to throw it away?

The Chairman thanked Ms Cottier for her presentation.

(v) Councillor Peter Chapman (Luton Borough Council – Wigmore Ward)

Councillor Chapman advised that one of his main concerns about the current Local Plan process was that joined up thinking appeared to be absent from it. It seemed to him that each Local Authority went its own way and ended up with Plans that satisfied nobody and failed to solve any existing problems.

In terms of education, Councillor Chapman stated that there were three secondary schools in his area, all of which were bursting at the seams. Children attended these schools from all parts of Luton, which contributed to the traffic congestion in the town. There were two primary schools, one of which was in the process of erecting further demountable classrooms to cope with the existing population growth. He could see no education commitment from Hertfordshire to sustain the proposed east of Luton site.

In respect of pollution, Councillor Chapman considered that Luton was turning into a traffic-gridlocked town. On two key roads (Hitchin Road and Stockingstone Road), it often took hours to travel a mile. The issue was that pollution studies had not been undertaken and developments were therefore not sustainable. Century Park, a development funded by the Government, would attract 4,000-5,000 extra cars per day on the existing road network. The airport was in the process of expanding to 20 million passengers per annum, all to be sustained on basically the same highway network. There were 4,000 units currently being built in Luton Town Centre, again with no more roads planned to deal with the increased traffic.

Councillor Chapman commented that on top of the above developments, the east of Luton site was proposed. This failed to solve NHDC's problems. It may keep the Government at bay, but did not solve North Hertfordshire's or Luton's housing needs. It just worsened the existing situation.

Councillor Chapman advised that, three weeks ago, Central Bedfordshire Council was granted £27 Million to complete the relief road from the M1 to the A6. That would

release thousands of acres to the north of Luton for development. Similarly, the completion in 2017 of the road linking the M1 to the A5 around Houghton Regis would also create a huge area of land to be developed first, with access roads. He felt that this was where Luton's unmet housing need should be satisfied, to the west of Luton, and not stuck on the east of Luton.

Councillor Chapman considered that if the North Hertfordshire Local Plan had stated that it was going to complete the ring road from the A6 to the A505, and then take the A505 round the back of the airport, then it might have had some credibility. However, the proposed development was just stuck on the eastern edge of Luton.

Councillor Chapman concluded by commenting that he and his supporters would keep fighting to oppose the North Hertfordshire Local Plan, which did not help NHDC and certainly did not help the residents that he represented.

The Chairman thanked Councillor Chapman for his presentation.

101. NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

The Executive Member for Planning and Enterprise (Councillor David Levett) presented the report of the Head of Development and Building Control in respect of the North Hertfordshire Local Plan. The following appendices were submitted with the report:

Appendix 1 – Regulation 22 Consultation Statement;
Appendix 2 – North Hertfordshire Local Plan 2011-2031 Proposed Submission Draft, October 2016;
Appendix 3 – Schedule of Proposed Additional Modifications; and
Appendix 4 – Local Development Scheme, April 2017.

The Executive Member for Planning and Enterprise began by summarising the recommendations in the report. In respect of Recommendation 2.4, he referred to the errata page which had been tabled at the meeting which corrected his title from Executive Member for Strategic Planning and Enterprise to Executive Member for Planning and Enterprise, and also corrected the title of the Head of Planning and Enterprise to Head of Development and Building Control.

The Executive Member of Planning and Enterprise reminded Members that the consultation period on the Local Plan had taken place from 19 October 2016 to 30 November 2016, and had been publicised via briefings for councillors, Parish and Town Councils; at local libraries; through the local press; radio and TV interviews; on the Council's website and at the Council's Offices. In addition 12,300 e-mails/letters had been sent out to consultees registered on the NHDC database.

The Executive Member of Planning and Enterprise advised that 2,549 responses had been received, containing 5,675 representations (an average of 2.3 representations per response). A full statistical analysis of the consultation responses was set out in Appendix 1 to the report.

The Executive Member of Planning and Enterprise commented that 68% (3,841) of the representations had related to specific sites, with the remaining 32% (1,834) concerned with Policy and other matters. Of the 3,841 site-specific representations, 1,419 (37%) related to Strategic Sites SP14-SP19, 1,799 (47%) related to other sites, and 623 (16%) related to general issues. In respect of the 1,834 Policy and other matters representations, 74% (1,357) were in relation to Sites SP1-SP13, 15% (277) related to Normal Policies and 11% (200) related to general/other issues.

The Executive Member of Planning and Enterprise stated that the Submission Local Plan document had been approved by the Council on 20 July 2016 to go out for consultation as a sound and evidenced Local Plan. The question was whether anything had changed since then either as a result of the consultation responses or

other relevant changes in legislation to make that document fundamentally unsound or non-compliant. Following detailed consideration of all the consultation response, he reported that nothing had been identified which altered his view that the Plan was compliant and that there were no matter that could not be resolved through the Inspection process.

The Executive Member of Planning and Enterprise explained that the main issue were set out in Paragraphs 8.20 to 8.33 of the report, and other matters were discussed in Paragraphs 8.34 to 8.39. 57 proposed amendments to the Plan were referred to in Paragraphs 8.40 of the report and set out in detail in Appendix 3 to the report. These amendments were classed as “Additional Modifications”, as they did not significantly alter policies or strategy. It would be up to the Inspector to determine if these or any others should be “Main Modifications” that would require additional consultation.

The Executive Member of Planning and Enterprise advised that Recommendation 2.3 of the report was seeking the approval and adoption of an updated Local Development Scheme, as set out in Appendix 4. This Scheme provided a timetable of key milestones for the production of the Local Plan and had last been updated in December 2015.

The Executive Member of Planning and Enterprise stated that, should the Local Plan Submission draft be approved, the document would be finalised for submission (with all the consultation representations) to the Planning Inspectorate by the end of May 2017. An Inspector would then be appointed and he or she would determine the scope and timing of the Examination in Public. An Independent Program Officer would also be appointed to cover all the administrative aspects of the Examination and to act as liaison between the Council, Inspectors and other interested parties. In respect of any preliminary questions from the Inspectors, NHDC would be expected to produce additional documentation and evidence as requested. The date of the Examination would be set by the Inspector, although it was anticipate that it would take place sometime in the Autumn of 2017.

The Executive Member of Planning and Enterprise explained that anyone could attend the Examination in Public, but only those invited by the Inspector to participate in each session would be allowed to speak. Typically, the Examination would be in three stage:

Stage 1 – Fundamentals: Duty to Co-operate and other legal requirements;
 Stage 2 – Issues of Principle: Housing Strategy and Green Belt; and
 Stage 3 – Detail: Individual Sites and Settlements; and Detailed Policy requirements.

The Executive Member of Planning and Enterprise advised that the Inspector would make recommendations at each stage. It was almost inevitable that changes would arise between now and the conclusion of the Examination as a result of evidence presented or other changes that occurred during the process. The Inspector’s powers were wide ranging and could be used to instruct changes to the Plan with the proposal of “main Modifications”, which would be subject to further public consultation. Following the Inspector’s final report, the Council would be asked to adopt the Local Plan with modifications. Only then would the Local Plan finally become the planning policy for North Hertfordshire. If the Council chose not to adopt the Plan, then the only alternatives at that stage would be to start again or for the Department of Communities and Local Government (DCLG) to intervene.

The Executive Member of Planning and Enterprise summarised by stating that the purpose of this evening’s meeting was to vote on the submission of the Plan for examination and not on adoption of the Plan. This was essential in order to allow the representations to be considered and decided by the Inspector. The consequences of not submitting the Plan would that the Council would need to consider a way forward, with it being unlikely that any alternative would be different; it would admit that the Council felt that it would be unable to resolve areas of disagreement; there would be no 5 year land supply; the District would be open to hostile planning applications, with no control over development, location, affordable homes, parking or infrastructure requirements; and the Council would be unlikely to meet the DCLG

deadline of March 2018, and hence be open to intervention, with the Plan being determined by someone with little or no knowledge of North Hertfordshire.

It was therefore moved by Councillor David Levett, and seconded by Councillor Mrs L.A. Needham, that the recommendations 2.1 to 2.5 in the report be approved, subject to the corrected nomenclature referred to earlier in respect of Recommendation 2.3.

The Council debated the report. Councillors' observations included the following points:

- There were 43 policies in the Plan which did not relate to Land Allocations. These were very important in improving the quality of development and amenity in the District. The Plan should go forward so that these important policies could be implemented (relating to issues such as design, access and landscaping);
- The Council effectively had only two options – to either go forward and resolve any outstanding issues with the Inspector or to abandon the Plan entirely, which would result in a development free for all;
- There was a housing need for the District's children and grandchildren, but this would not be achieved through speculative development, with no control;
- The Green Belt was important, but it had been so designated to ensure that local authorities concentrated on the development of brownfield sites. However, the supply of remaining brownfield site in North Hertfordshire was limited, which was why potential development in the Green Belt was now necessary;
- A number of Members who had previously voted against the Plan still maintained that it was flawed. However, they were now content to vote that it should be submitted to the Planning Inspectorate, in the hope that the Inspector would make up his/her own mind based on the level of public representations and objections to the Plan;
- Attention was drawn to a representation on the Plan made by the Hertfordshire County Council (HCC) in respect of the Duty to Co-operate and on education and highways matters. It appeared that NHDC was querying the formula used by HCC in respect of its pupils to new homes ratio. That formula had been tested at other emerging Local Plan Examinations, and had been found to be acceptable by the relevant Inspectors;
- The affordable housing policies in the Plan were much more robust than in previous versions and should be supported;
- Some Members were unable to support the Plan due to the overwhelming level of public objections. No consideration had been given in the Plan to the potential for a new Garden City to ease the pressure on urban sprawl in many of the District's towns and villages;
- A number of Members felt that the Council should not rely on a Planning Inspector to solve its problems. The Inspector was likely to use the submitted Local Plan as a base document and then modify it as appropriate. It was unlikely that the document would be fundamentally re-drafted to suit the views and opinions of the thousands of representees, of which more than 98% had objected to the Plan and had considered it to be unsound; and
- Some Members who had previously voted in favour of the Plan now wished to abstain, on the basis that Central Government had placed local authorities in an invidious position, due to a Local Planning process that was virtually incoherent, with little cohesion, and promoting scatter gun development.

In response to some of the points raised during the debate, the Executive Member for Planning and Enterprise stated:

- A petition or representation made on behalf of a number of people was counted as one representation. However, the Inspector would be made aware of the number or people who had signed up to each of these petitions/representations;
- He was confident that the fundamental objections raised by HCC regarding education and highways were already being addressed through regular meetings with HCC officers, and would form part of the evidence to be supplied to the Inspector;
- Councillors would be provided with regular updates on the process, and he encouraged councillors to provide him with any comments and observations on the Plan;
- The primary purpose of the Green Belt was to prevent coalescence between towns and villages. At the moment, there was a small gap between Letchworth garden City and Baldock. That land was currently not in the Green Belt, but would be after the review. The land to the west of the B656 road, which joined Hitchin to Codicote, would also be in the Green Belt after the review, as would the Area of Outstanding Natural Beauty to the east of Luton and the area of land between Stopsley and Hitchin. At the conclusion of the review, all the settlements in North Hertfordshire would have clearly defined boundaries with the Green Belt;
- The effect of the century Park in Luton had not been taken into account in the North Hertfordshire Local Plan because the plans for that development were published after the Local Plan process had commenced;
- In respect of a new Garden City, some work had already been carried out on this initiative, but the whole process would take in the region of 20 years. Work was on-going, but the size of such a new settlement would need to be between 5,000 to 10,000 dwellings;
- With regard to brownfield sites, in 2011/12, the percentage of development on previously developed sites in North Hertfordshire was (8.5% of all completions; in 2012/13 it was 86.3%; in 2013/14 it was 79.5%; in 2014/15 it was 84.4%; and in 2015/16 it was 64.4%. The Council had been building on brownfield land as much as possible, but most of the larger available sites had already been developed. The Council was currently in the process of completing a brownfield register to comply with the Government deadline of December 2017.

At the conclusion of the debate, and in accordance with Standing Order 4.8.16(h), Councillor David Levett requested that a Recorded Vote be undertaken on the motion.

(Voting:

For: Councillors David Barnard, John Booth, Julian Cunningham, Steve Deakin-Davies, Faye S. Frost, Jean Green, Nicola Harris, Simon Harwood, Steve Hemingway, T.W. Hone, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Paul Marmont, Alan Millard, Gerald Morris, Mrs L.A. Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Valentine Shanley, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscorn, R.A.C. Thake, Michael Weeks - 29

Against: Councillors Ian Albert, Clare Billing, Paul Clark, Jane Gray, S.K. Jarvis, Lorna Kercher, M.R.M. Muir, Terry Tyler - 8

Abstentions: Councillors Cathryn Henry, Fiona Hill, Tony Hunter - 3

The motion was carried.)

It was therefore,

RESOLVED:

- (1) That the results of the Proposed Submission consultation, as set out in the Regulation 22 Consultation Statement attached as Appendix 1 to the report, be noted and recorded;
- (2) That the new Local Plan for North Hertfordshire, attached as Appendix 2 to the report, together with the Schedule of Proposed Additional Modifications attached as Appendix 3, and other associated documentation, be approved and submitted for examination by the Secretary of State;
- (3) That the revised Local Development Scheme for North Hertfordshire, attached as Appendix 4 to the report, be approved with effect from 12 April 2017;
- (4) That delegated powers be granted to the Head of Development and Building Control, in consultation with the Executive Member for Planning and Enterprise, to produce such additional documentation as is required (including documentation requested by the appointed Inspector and the proposing of main modifications) before and during the examination of the Local Plan; and
- (5) That Officers continue to regularly update Members on the progress of the Examination through the Strategic Planning Matters reports which are submitted to Cabinet.

REASON FOR DECISION: To ensure that North Hertfordshire continues to progress a new Local Plan for the management of development in the District.

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