

# Examination of the North Hertfordshire Local Plan (2011-2031)

## Examination hearing sessions

### Statement of North Hertfordshire District Council

#### Matter 1 – Legal requirements

##### Duty to cooperate

#### **1.1 Overall has the Local Plan (“the Plan”) been prepared in accordance with the “duty to cooperate” imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?**

1. The Council considers that the Plan has been prepared in accordance with the duty to co-operate as set out in Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended). North Hertfordshire District Council has sought to engage constructively, pro-actively and on an ongoing basis with our neighbours<sup>1</sup>, Hertfordshire County Council and prescribed bodies throughout the preparation of the Plan. The approach taken to meeting the requirements of the duty to co-operate is set out in the Council’s Duty to Co-operate Statement (DtC Statement) (SOC1). It is established in case law that the Duty to Co-operate applies to the preparation of the plan and runs until the point of plan submission<sup>2</sup>.
2. There are no unresolved objections that have been received from neighbouring authorities or other prescribed bodies in relation to non-compliance with the duty to co-operate, other than from Hertfordshire County Council in their role as education authority. Hertfordshire County Council’s objection is in relation to what it considers to be a lack of engagement from the Council in respect of a significant allocation for a 6-

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<sup>1</sup> Neighbouring authorities include:

- Central Bedfordshire Council
- South Cambridgeshire District council
- Uttlesford District Council
- East Hertfordshire District Council
- Stevenage borough Council
- Welwyn Hatfield Borough Council
- St. Albans City & District Council
- Luton Borough Council

<sup>2</sup> Samuel Smith Old Brewery (Tadcaster) v Selby District Council [2015] EWCA Civ 1107, <http://www.bailii.org/ew/cases/EWCA/Civ/2015/1107.html>

8FE secondary school site to the north and north east of Stevenage. The County Council suggests that such a school is required to serve the Stevenage Education Planning Area. The Council's response is set out in paragraphs 38 to 40.

**1.2 What are the strategic, cross-boundary issues of relevance to the Plan?**

3. The strategic cross-boundary issues of relevance to this Plan are:

- Identification of Housing Market Areas;
- Establishing housing need across the two Housing Market Areas with neighbouring authorities;
- Allocation of housing land to assist in meeting the unmet OAN for housing for Luton Borough;
- Establishing employment need across the Functional Economic Market Area (FEMA);
- Provision of additional employment land to meet the employment needs arising from Stevenage Borough;
- Reviewing the Green Belt and likely impacts on adjacent authorities;
- Addressing Transport infrastructure requirements;
- Making suitable provision for secondary education within the Stevenage Education Planning Area.

4. The DtC Statement (SOC1) under various headings in relation to Housing (p.10), Employment (p.13), Infrastructure (p.14) and Local Facilities (p.21) describes the local context for co-operation and the activities carried out on these strategic cross-boundary issues. The key strategic cross-boundary issues are set out in more detail in Q1.3 and 1.4 below.

**1.3 What actions have been taken in relation to the “duty to cooperate”?**

**1.4 What have been the outcomes of the actions taken in relation to the “duty to cooperate”?**

These two questions are taken together.

Identification of Housing Market Areas:

5. As part of the Local Plan preparation and in seeking to address housing need across housing market areas in compliance with the NPPF, the Council has worked collaboratively with neighbouring authorities to identify the functional housing market area for North Hertfordshire and surrounding areas.

*Action Taken:*

6. The Council jointly commissioned a technical study, *Housing Market Areas in Bedfordshire and Surrounding Areas* (HOU2), which involved co-operation between seven local planning authorities across Hertfordshire, Bedfordshire and Buckinghamshire. The study provides a shared understanding of the geographical definition of HMAs across a wide area and also provides advice on 'best fit' local authority groupings for the purposes of developing evidence for assessing objectively assessed housing need across the HMAs. The DtC Statement sets out the partner authorities involved in the study (SOC1, paragraph 3.4 p.10).

*Outcomes:*

7. This study identifies that North Hertfordshire falls within two HMAs. The substantial majority of North Hertfordshire is identified as lying within the functional Stevenage HMA and a small area to the west of the District falls within the Luton HMA. (HOU2, Figure 38, p.47 and paragraphs 5.14 to 5.15 and paragraphs 5.18 to 5.19, p.49).
8. The geography of the housing market areas in and around North Hertfordshire is an agreed matter in the Council's signed Statements of Common Ground (SoCG) and Memoranda of Understanding (MOU) with its neighbouring authorities. [East Hertfordshire (ED13, paragraphs 5.2 – 5.5), Welwyn Hatfield (MOU7, paragraphs 6.2 and 6.3), Central Bedfordshire (MOU8, paragraphs 5.1 – 5.5), Stevenage Borough Council (MOU11 paragraph 4.1 and Appendix A paragraph 4.3), St. Albans (ED7 Paragraph 4.3), and Luton (ED18, paragraph 4.1 and Appendix A Section 4 Part A)]

Identifying and Addressing Housing Needs in the HMAs

9. The DtC Statement (SOG1) identifies the significant amount of work that has been jointly undertaken with neighbouring authorities in order to identify and address housing

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needs across the two housing market areas and lists the various studies and assessments undertaken.

### *Actions Taken:*

10. The Council has participated in steering group meetings in regard to the preparation of the Strategic Housing Market Assessment (SHMA) for Luton and Central Bedfordshire which identified the objectively assessed housing need (OAHN) for the Luton HMA. This study also identified the OAHN for each local authority within the Luton HMA.
11. As listed in (SOG1, paragraph 3.4 p10-11), the Council jointly prepared a SHMA with Stevenage, *The Stevenage and North Hertfordshire SHMA* in July 2015 (HOU4) to establish the OAHN within the wider Stevenage HMA and the OAHN for those parts of North Hertfordshire and Stevenage within the HMA. The Council also agreed to undertake a short update to the SHMA at the request of the Inspector examining Stevenage's local plan to take account of the 2014-based population and household projections. This study, *Updating the Overall housing Need* (HOU3), was completed in the summer of 2016.

### *Outcomes:*

12. The methodology used in the SHMA assessments to determine the overall OAHN in the Stevenage and Luton HMAs and the OAHN for each local authority area falling within the HMAs are agreed matters in the Council's signed SoCG and MOU with East Hertfordshire (ED13 paragraph 5.6), Stevenage (MOU11 paragraph 4.1 and MOU11a, paragraph 4.3), Central Bedfordshire (MOU8 paragraphs 5.6-510), Luton (ED18 paragraph 4.1 and Appendix A Section 4, Part A), and Welwyn Hatfield (MOU7 paragraphs 6.5-6.8). South Cambridgeshire (MOU10, paragraph 4.7),
13. North Hertfordshire, through its own evidence base and to be tested through the Examination, considers that it is able to meet its own OAHN in full over the plan period i.e. to 2031, and has signed SoCG and MOU with all eight neighbouring authorities agreeing this matter (as listed in footnote 1).

Allocation of housing land to assist in meeting OAN for Luton.

14. In response to the evidence produced for the preparation of the Luton Local Plan, and Luton demonstrating a significant shortfall in its capacity to accommodate its own OAHN within the Luton HMA, Luton was required to seek the assistance of other authorities.

*Actions Taken:*

15. It was agreed between the four authorities within the Luton HMA to commission a joint *Growth Options Study* (HOU7) covering the Luton HMA to explore spatial options for meeting objectively assessed housing needs in this area (the four authorities being North Hertfordshire, Luton, Central Bedfordshire and Aylesbury Vale). A project steering group comprising officers and portfolio holders from each of the four authorities was set up to inform the production of the Study and also formed the basis of duty to co-operate discussions on the findings from the Study.
16. NHDC as part of its own evidence base (HOU1) establishes that there are sites within North Hertfordshire which could contribute towards these needs and these sites were subsequently assessed as part of the Growth Options Study. The unmet housing need arising from Luton has since been quantified in the Inspector's *Report on the Examination of the Luton Local Plan* (ED4 paragraph 138). The process followed by Luton under the duty to co-operate on its own Plan in raising the issue of unmet needs with its neighbours and discussions on how this matter could be taken forward and resolved was found to be acceptable by the Inspector (ED4 paragraph 50).

*Outcomes:*

17. North Hertfordshire has agreed to provide a further 1,950 homes within its part of the Luton HMA as a contribution towards the unmet needs arising from Luton. The Council has signed and agreed SoCG with Luton (ED18. paragraphs 4.8 and 4.9) and Aylesbury Vale (ED6 paragraphs 4.4 and 4.5) and an MOU with Central Beds (MOU8 paragraphs 5.12 and 5.13) which agree the conclusions of the Growth Study and that the contribution being made by NHDC towards meeting Luton's unmet need is a reasonable maximum that can be accommodated in the District. A draft Position Statement is under preparation setting out how the Luton HMA authorities will continue to work together to resolve the cross-boundary matters associated with delivering the

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unmet housing needs of the wider Luton HMA as well as the unmet housing needs arising from within Luton.

18. Housing market areas and OAN are discussed further in the Council's Matter 3 statement. The strategic site allocation to the east of Luton (Sites L1, L2 and L3) to address Luton's unmet housing need will be relevant to and is discussed in the Council's Matter 10 statement.

### Establishing employment need across the Functional Economic Market Area (FEMA)

19. Ongoing engagement has taken place between Stevenage and Central Bedfordshire in respect of establishing employment needs across the Functional Economic Market Area (FEMA). (SOC1, p.13)

### *Actions taken:*

20. A joint *FEMA Study – Stevenage, North Hertfordshire and Central Bedfordshire Councils* (E3) was commissioned between the three authorities to define an appropriate economic geography in line with government guidance and to identify the employment need and supply across the FEMA area.

### *Outcomes:*

21. The geography of the FEMA and that the objectively assessed employment needs can be met within the FEMA are agreed matters between the three authorities. However Stevenage through the preparation of its Local Plan identified that it does not have sufficient land to meet its own employment needs over the Plan period and has raised this matter under the duty to co-operate with North Hertfordshire and Central Bedfordshire.

### Provision of additional employment land to meet the employment needs arising from Stevenage Borough.

22. The Council's *Employment Background Paper* (E5) and the Council's response to Matter 13 (*Economic Development*) explains how the employment needs for North Hertfordshire and the additional land for Stevenage could be met and addressed in the Plan. All three authorities agree that the shortfall from Stevenage should be addressed

within the FEMA area. [Central Bedfordshire (MOU8 paragraph 5.19) and Stevenage (MOU11 paragraph 4.6)].

23. The Council and Central Bedfordshire have signed MOUs with Stevenage agreeing in principle to make some provision towards Stevenage's unmet employment need. The Council has also agreed to make this provision more explicit in the final Plan by way of a proposed modification following an objection by Stevenage to the submission Plan (MOU11 paragraphs 4.3 and 4.4).

#### Reviewing the Green Belt Boundary

24. The justification for the removal of land from the Green Belt in order to meet the District's growth over the plan period is explained in the Council's *Housing and Green Belt Background Paper* (HOU1) and is set out in the Council's *Green Belt Review* (CG1) paper which provides the necessary evidence base. This issue has been discussed with neighbouring authorities under the duty to co-operate, which made clear that this situation was not isolated to NHDC.

#### *Actions Taken:*

25. In order to meet the OAHN of North Hertfordshire and Stevenage in seeking to meet its own OAHN, the authorities considered it appropriate to review the Green Belt boundary in respect of their Local Plans. These reviews form part of the supporting evidence base in demonstrating exceptional circumstances for the release of land from the Green Belt. Although both authorities completed the reviews independently, largely due to differing timescales and /or stages in plan preparation, they used a similar methodology and produced compatible outcomes.

26. The Council also considered it appropriate as part of its Green Belt review to review the Green Belt boundary to the area east of Luton within North Hertfordshire in respect of seeking to contribute towards Luton's unmet housing need. The outcomes of the Green Belt review were shared with Luton and Central Bedfordshire and were taken into consideration as part of the Green Belt review prepared by Luton and Central Bedfordshire alongside the Luton HMA Growth Study.

*Outcomes:*

27. The approach, methodology and outcomes of the Green Belt review were shared and agreed with the neighbouring authorities under the duty to co-operate. Through on going engagement with Stevenage, Luton and Central Bedfordshire and following consultation on the Plan, the three authorities consider that the extent and release of Green Belt land for development in North Hertfordshire is appropriate and agree that exceptional circumstances have been demonstrated by North Hertfordshire to justify such release in the Plan and its associated evidence base. [Central Bedfordshire (MOU8, paragraphs 5.22 and 5.23), Stevenage (MOU11, paragraph 4.1 and Appendix A paragraph 6.3) and Luton (ED18, paragraphs 4.11)]
28. The release of land from the Green Belt and the alteration of Green Belt boundaries are discussed further in the Council's Matter 7 statement and will also be discussed in the Council's Matter 10 and Matter 11 statements on site allocations as required.

Transport Infrastructure Requirements

29. The DtC Statement (SOC1 paragraph 3.18) sets out the transport work undertaken in preparation of the Plan and lists the various traffic studies and model testing work which forms the evidence base. This includes where development is proposed adjacent to neighbouring authorities, such as to the north of Stevenage and to the east of Luton, and is further summarised in the Local Transport Technical Review paper (TI3).
30. SOC1 (paragraph 3.20) also makes reference to the production of a North Hertfordshire Transport Strategy in seeking to address the concerns raised by HCC as Highway authority in terms of addressing highway interventions and focusing more on sustainable modes of transport as a means of managing increased traffic on the strategic road network. The intentions are set out in an agreed Direction of Travel (MOU3) with HCC.

*Actions Taken:*

31. The preparation of the plan and evidence base was in accordance with HCC's own informal protocol issued to all districts. This included the use of their consultants to use their traffic models to assess highway implications and solutions and for those to be included in council Infrastructure Delivery Plans (IDPs). It can be seen that this



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approach was followed in *North Hertfordshire Local Plan Model Testing* report (TI4) and the *NHDC IDP* (TI1).

32. Following approval of the Reg. 19 consultation HCC issued their new Transport Vision 2050 (TI8), which promotes a move away from highway based solutions towards other sustainable modes of transport. Subsequently the Council has prepared a Transport Strategy (ED14) in consultation with HCC and is in on going discussions with HCC as the Highway Authority to agree delivery of the Transport Strategy and how this will align with the Infrastructure Delivery Plan (TI1), which will be updated in terms of managing the impacts of growth on the highway network.
33. The Transport Strategy has also been prepared taking into consideration cross-boundary traffic implications with neighbouring authorities, namely, Welwyn Hatfield, Luton, Central Bedfordshire and Stevenage and it recognises the significance of increased growth within these areas on the strategic road network within North Hertfordshire.
34. The Council has prepared a further technical note, *Markides Associates technical note on transportation East of Luton* (ED2), to address the objection raised by Luton with regard to the requirement for an eastern relief link road for managing the potential impact of traffic generated by the site allocation to the East of Luton within North Hertfordshire. Whilst agreement has been reached with Luton that such a link road is not required as a specific measure to enable the delivery of the proposed allocation Sites EL1 and EL2 within the current Plan, Luton continues to express a desire for an eastern link road on the A505 corridor to meet potential growth associated with Luton airport and other permitted and proposed urban extensions around Luton in the longer term.

### *Outcomes:*

35. The Council has worked proactively to address HCC's shift in emphasis towards more sustainable modes of transport following completion of the Transport Strategy.
36. The Council has agreed to work in close collaboration with its neighbouring authorities in order to identify and resolve any transport issues and to share transport modelling undertaken for their respective plans. This is reflected in the various MOU/SoCG

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signed and agreed with Welwyn Hatfield (MOU7 paragraph 6.22), Central Bedfordshire (MOU8 paragraphs 5.26 to 5.28) and Stevenage (MOU11 paragraph 4.16).

37. The Council's SoCG signed with Luton (ED18, paragraphs 4.13 and 4.14) agrees and acknowledges the requirement for continued, active and on-going engagement between North Hertfordshire, Luton and other relevant parties in relation to the impact of potential growth in and around Luton on the A505 corridor from the M1 to the A1.

### Education Requirements north of Stevenage

38. Hertfordshire County Council in its role as education authority has submitted a number of objections to the Plan. One such objection is related to the Duty to co-operate in particular in relation to what it considers to be the lack of engagement from the Council in respect of the identification of a suitable secondary school site to the north of Stevenage, which the County Council suggests is required to serve the Stevenage Education Planning Area. The Council does not accept that there has been any breach of the duty to co-operate during the preparation of the Plan as it has met on numerous occasions with the County Council on education matters and has made active and on-going attempts to effectively co-operate with HCC in respect of these issues.

### *Actions Taken:*

39. This has included seeking to explore and understand the differences between the two authorities in respect of the level and location of education provision around the Stevenage area, including the north of Stevenage, and what in the light of those differences is the appropriate level and location of education provision in the Plan. While the Council has not reached a common view on the level and location of education provision around Stevenage it has throughout the preparation of its Plan continually demonstrated its willingness to meet with HCC, and the other affected authorities, namely Stevenage and East Hertfordshire to discuss and address the issue.

### *Outcomes:*

40. The outcome of this engagement with HCC is that there is a difference of opinion on the level and location of education provision around Stevenage. This is a matter of soundness and not a duty to co-operate matter as the objection is directed towards the

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approach adopted by the Council in the Plan in making provision for education around Stevenage.

41. The Council has signed MOUs with Stevenage (MOU 11 paragraph 4.17) and East Hertfordshire (ED13 paragraphs 5.12-5.14) agreeing to continue working together with HCC to ensure that the education needs of the Stevenage Education Planning Area are met in the most appropriate way. The Council is in the process of preparing an MOU with HCC in seeking to address the various other education issues raised in its representation to the Plan and will seek to agree proposed modifications to the Plan where considered appropriate.
42. Transport infrastructure requirements and education provision are discussed further in the Council's Matter 6 statement and will also be discussed in the Council's Matter 10 and Matter 11 statements on site allocations as required.

### **1.5 How does the Plan address those outcomes?**

#### HMA , housing needs and meeting Luton's unmet housing need

43. The DtC Statement (SOC1 at paragraph 3.7) lists the key outcomes in relation to the Housing Market Area, Addressing Housing Need and making a positive contribution to the unmet housing needs arising from Luton as well as providing discussion on how any further unmet need arising from the Luton HMA might be considered in the future.
44. These include:
- Identification of the housing market area geography and key issues relating to objectively assessed need (para 2.37 – 2.42 and Figure 3, pp16-17);
  - Provision of sufficient land to meet North Hertfordshire's own needs in full, subdivided into targets for the two functional housing market areas affecting the District (Policy SP8(a) and para 4.86, pp47-48);
  - A positive contribution of 1,950 homes as a contribution towards the unmet needs for housing arising from Luton (Policy SP8(b) and para 4.87, pp47-48);
  - Identification of constraints to housing provision in some surrounding authorities with strong commitments to positively investigating longer-term housing options and

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future plan review (Policy SP8(e) and paras 4.101 to 4.106 and 14.33 to 14.37, p.48, 50 & 224); and

- Discussion of how any further unmet need arising from within the Luton HMA might be considered in the future (para 14.38-14.40, p.224).

### FEMA and meeting the employment needs of Stevenage

45. The DtC Statement (SOC1 at paragraph 3.15) lists the outcomes reflected in the Plan in relation to the identification of the FEMA, provision of sufficient employment land to meet North Hertfordshire's own needs and to address the unmet needs arising from Stevenage. These are listed below. In response to an objection raised by Stevenage to the Plan, the Council has agreed to propose an additional modification to Policy SP3 to explicitly identify that the employment strategy makes provision for unmet needs from Stevenage (MOU11 paragraph 4.4).

46. Key outcomes include:

- Identification of the functional economic market area geography and recognition that additional employment land will be required in this area to meet Stevenage's growth (para 2.43-2.44 and Figure 4, pp17-18);
- Provision of sufficient land to meet North Hertfordshire's own needs and address unmet needs arising from Stevenage (Policy SP3(a) to (c) [as amended by the Schedule of Proposed Additional Modifications (LP3)] and para 4.29, pp35-37); and
- Clarification that North Hertfordshire is a significant net exporter of commuters on a daily basis and that the Plan's approach seeks to redress this balance (para 4.25-4.26 and 4.32, pp36-37)

### Green Belt:

47. Policy SP5 in the Plan sets out the principles of Green Belt and makes reference to the Green Belt Review in terms of land that is to be removed from the Green Belt to:

- enable strategic development at the locations referred to in the housing and employment policies (SP8 and SP3 ),
- enable development around a number of the towns and villages as set out in the Communities section (Chapter 13) of the Plan; and
- define boundaries for villages that were previously washed over by this designation.

### Transport Infrastructure Requirements

48. As outlined in the DtC Statement (SOC1 paragraph 3.23) key outcomes include:

- Policy SP6 in the Plan provides a framework sufficiently flexible to accommodate the principles set out in the Transport Strategy in promoting the use of sustainable modes of transport;
- Policy T1 seeks to address highway management issues to accommodate planned growth;
- Where necessary reference is made to address highway matters and other sustainable modes in relation to specific policy criteria for those sites located on the boundary with neighbouring authorities, policies SP16 (Site NS1) and SP19 (Sites EL1, EL2 and EL3).

### Education requirements

49. The Plan makes provision for a range of specific and contingent policy requirements for new schools provision in the development sites. This includes for all of the proposed strategic housing sites (Policies SP14-SP19, pp.60-72) as well as other locations specified in the site-specific requirements of the Communities section (Chapter 13, pp.133-215).

50. The Council does not consider that there is a need to allocate additional or alternate land for educational purposes in the Green Belt to the north of Stevenage. The Council is satisfied that the level and location of education provision made in the Plan at Knebworth and Great Ashby is appropriate to meet existing and future needs including any need arising from Stevenage. This will be addressed in more detail in consideration of those sites under Matters 10 and 11.

## Other legal requirements

### **1.6 Has the plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?**

51. Yes. The Plan has been prepared in accordance with the Statement of Community Involvement (OLP2). The Council considers that it has met the minimum consultation requirements in the Regulations. The way in which consultation was undertaken is set out in the Council's Regulation 22 Consultation Statement (LP6).

### **1.7 Has the Plan's formulation been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the sustainability appraisal adequate?**

#### Legal requirements and guidance

52. The sustainability appraisal undertaken for the North Hertfordshire Local Plan has been carried out in accordance with guidance and with the requirements of the SEA Regulations with the preparation of a Sustainability Appraisal Report (LP4) in accordance with Regulation 12(3)), as follows;

*(2) The report shall identify, describe and evaluate the likely significant effects on the environment of (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.*

*(3) The report shall include such of the information referred to in Schedule 2 to these Regulations as may reasonably be required, taking account of (a) current knowledge and methods of assessment; (b) the contents and level of detail in the plan or programme; (c) the stage of the plan or programme in the decision-making process; and (d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.*

53. Where necessary, the appraisal also drew on the additional guidance outlined in *A Practical Guide on the Strategic Environmental Assessment Directive*<sup>3</sup>, published in 2005 and on guidance produced by the Planning Advisory Service on Sustainability Appraisal and Plan Making<sup>4</sup>.

54. The Sustainability Appraisal (SA) has been integrated with the plan-making process throughout, and its conclusions have informed and underpinned the development of the Local Plan.

#### Testing of reasonable alternatives

*Note: Only the most up-to-date iterations of studies such as the SHMA and SHLAA, which support the proposals in the submitted plan, have been included in the Examination Library. Earlier iterations of these (and other) studies will have been used to inform previous consultations and versions of the SA and are referenced in this response. These can be made available on request if required.*

#### *Strategic options:*

55. Strategic and policy options were initially described, subject to sustainability appraisal and consulted on in 2005.<sup>5</sup> Of the 32 issues<sup>6</sup> considered, the following three are considered to be the main strategic issues:

- Locations for new housing
- Accommodating development in the villages
- Locations for new employment areas

56. The preferred options for addressing these issues and the reasons for choosing them were listed in the SA/SEA of the Preferred Options Core Strategy and Development Policies DPD (2007)<sup>7</sup>. They were informed by the 2005 sustainability appraisal of the options and the consultation responses received.

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<sup>3</sup> See <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>; last accessed 22/08/2016. ISBN 1851127887.

<sup>4</sup> Included with the PAS Good Plan Making Guide

<sup>5</sup> North Hertfordshire District Council, 2005, Core Strategy and Development Policies Issues & Options and CAG Consultants on behalf of North Hertfordshire District Council, 2005, SA/SEA of Core Strategy and Development Policies Issues and Options

<sup>6</sup> The options covered seven topics: 1. Natural and Built Environment, 2. Rural Areas and Settlement Pattern, 3. Housing, 4. Employment and Tourism, 5. Town Centres, 6. Transport, 7. Leisure and Community Facilities. The full options for each topic, the sustainability appraisal matrices and summaries of the appraisal of these options are included in Appendix 3 in the Submission SA report.

<sup>7</sup> CAG Consultants for North Hertfordshire District Council, Sustainability appraisal and SEA of the Core Strategy and Development Policies Development Plan Documents, 2007, Appendix 3.

57. 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. A decision was made to merge the work on the emerging core strategy and the land allocations into a single local plan. The SA/SEA of the Local Plan Preferred Options<sup>8</sup> that followed this decision incorporated the appraisal of the options for the three strategic issues listed above<sup>9</sup>. At this stage the Council reviewed its choices of preferred options and provided additional commentary to reflect the circumstances prevailing in 2014.

58. The appraisal of these three strategic options is also included in the Submission SA (LP4) as Appendix 3 (p238)<sup>10</sup>.

*Options for housing numbers :*

59. Following the publication of the NPPF and the formal revocation of the East of England Plan, the Council consulted again<sup>11</sup> in February 2013 on housing targets and on strategic sites and other sites that could contribute to meeting these targets. This consultation was based on the Council's Strategic Housing Market Assessment (SHMA)<sup>12</sup> and Strategic Housing Land Availability Assessment (SHLAA).<sup>13</sup> Ten options were subject to SA<sup>14</sup>.

60. In order to take account of the SHMA update produced in 2015 (HOU4), and support the decision-making process, a new set of options for housing numbers was identified and made subject to sustainability appraisal in 2016. The appraisal was carried out in the same way and to the same level of detail as the previous appraisal of the strategic site options in 2013 and the strategic options in 2005. The results of the appraisal are included in the Submission SA report (LP4, Section 4.3 p.58 and Appendix 4 p.474).

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<sup>8</sup>CAG Consultants for North Hertfordshire District Council, 2014, SA/SEA of North Hertfordshire Local Plan Preferred Options

<sup>9</sup> Included in Appendix 4

<sup>10</sup> "NHDC Page Number" printed at the top left of each page.

<sup>11</sup> North Hertfordshire District Council, 2013, Housing Options Growth Levels and Locations 2011 – 2031

<sup>12</sup> Opinion Research Services, 2012, Strategic Housing Market Assessment

<sup>13</sup> North Hertfordshire District Council, 2012, Strategic Housing Land Availability Assessment

<sup>14</sup> North Hertfordshire District Council, 2013, Sustainability Appraisal and SEA of the North Hertfordshire Local Plan, Report on Appraisal of Housing Options, Growth Levels and Locations. The SA covered 7 specific strategic sites, plus the following three options: priority 1 and 2 SHLAA sites; priority 3 SHLAA sites in towns and priority 3 SHLAA sites in villages



*Site options:*

61. All the sites included in the Plan have been tested against the sustainability objectives. Full details are included in the Submission SA report (LP4, Section 5 pp70-73 and Appendix 6, pp.500-660 and Appendix 7 pp.661-855). See responses to Matter 9 questions 9.1 and 9.3.

Detailed review of the SA report

62. The table below outlines the different elements required in the SA and how these have been addressed in the report and the SA process. The criteria listed in ***bold italic*** are required by the SEA Regulations.

<b>Criteria</b>	<b>Where these have been addressed within the SA Report (LP4)</b>
<b>OBJECTIVES AND CONTEXT</b>	
<b><i>The content and the main objectives of the plan are made clear</i></b>	Section 1.4 (p.31) and Table 12 (p.32)
<b><i>SA objectives are clearly set out. These objectives address the full list of issues set out in SEA Directive and Regulations and other relevant non-environmental issues</i></b>	A full appraisal framework covering all relevant issues was developed and used in the SA process. See table 19 (p.50).
<b><i>The relationship with other related plans, programmes and policies are identified</i></b>	Section 2.2 (p.42) and Appendix 1 (pp.114-173)
<b><i>Environmental protection objectives which are relevant to the plan are set out. The way in which these and other environmental considerations have been taken into account in plan preparation is set out.</i></b>	Section 2.2 (p.42), Table 16 (p.43) and Appendix 1 (pp.114-173).
<b>Scoping</b>	
<b><i>The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the scope and expected level of detail of the SA Report.</i></b>	Table 15 (p.39) sets out consultation undertaken in relation to the SA. This includes consultation with the statutory consultees.
<b><i>Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.</i></b>	Table 14 (p.35) and Appendix 2 (pp.172-237)

Criteria	Where these have been addressed within the SA Report (LP4)
<b>OPTIONS/ALTERNATIVES</b>	
<i>The report identifies, describes and evaluates the likely significant effects on reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.</i>	Sections 4 (pp.54-69) and 5 (pp.70-72) summarise the approach taken. Detailed information is included in Appendices 3 (pp238-473), 4 (pp474-488), 6 (pp.500-660) and 7 (pp.661-855).
<i>An outline of the reasons for selecting the alternatives dealt with is given.</i>	Section 4 (pp.54-69) outlines the reasons for selecting strategic and policy alternatives and housing numbers preferred alternative. Appendix 13 (pp.1220-1248) outlines the reasons for choosing sites.
<b>BASELINE INFORMATION</b>	
<i>The relevant aspects of the current state of the environment (and sustainability aspects) and the likely evolution without the plan are described.</i>	Section 2.1 (p.41), 2.5 (p.47) and Appendix 2 (pp.175-237).
<i>Any existing environmental problems which are relevant to the plan or programme including in particular, those relating to any areas of particular environmental importance, such as areas designated pursuant to Dir 79/409/EEC on and the Habitats Directive.</i> <i>The report addresses the link to the Habitats Regulations Assessment (HRA) process under the current Habitats Regulations. An HRA screening opinion is provided or programmed.</i>	Section 2.4 (p.45) and Appendix 2 (pp.175-237). The HRA is addressed in 1.3. (p.30)
<i>Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable.</i>	Section 2.1 (p.41) and Appendix 2 (pp.175-237). Characteristics of areas likely to be significantly affected are also described within the appraisals.

Criteria	Where these have been addressed within the SA Report (LP4)
<b>PREDICTION AND EVALUATION OF LIKELY SIGNIFICANT EFFECTS</b>	
<b><i>Likely significant environmental (and sustainability) effects are identified, including on the aspects listed in the SEA Regulations (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant.</i></b>	The SA Framework in Table 19 (p.50) identifies which objectives relate to the requirements of the SEA Directive. Section 8 (pp.103-105) sets out the significant sustainability effects of the Local Plan after mitigation measures. This section is supported by Appendices 5-11 [5 (pp.487-499), 6 (pp.500-660), 7 (pp.661-855), 8 (856-880), 9 (pp.881-995), 10 (pp996-1071) and 11 (1072-1149)]. Which provide the detail of the appraisals.
<b><i>Inter-relationships between effects on the aspects listed in the SEA Directive are considered</i></b> where practicable.	Included within the assessment of cumulative effects – see Table 33 (p.94).
<b><i>Both positive and negative effects are considered, and</i></b> where practicable, <b><i>the probability, duration, frequency and reversibility of the effects.</i></b>	See section 8 (pp.103-105) and specifically Table 35 (p.103).
<b><i>Likely secondary, cumulative and synergistic effects are identified</i></b> where practicable.	Section 7 (pp.81-102)
<b><i>The transboundary nature of the effects are described.</i></b>	Included in Table 35 (p.103).
<b><i>The risks to human health or the environment (e.g. due to accidents) are described.</i></b>	Section 8(pp.103-105) and Appendices 5-11 [5 (pp.487-499), 6 (pp.500-660), 7 (pp.661-855), 8 (856-880), 9 (pp.881-995), 10 (pp996-1071) and 11 (1072-1149)]. Risks to human health

<b>Criteria</b>	<b>Where these have been addressed within the SA Report (LP4)</b>
	are addressed within the appraisals.
<b><i>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) are described.</i></b>	The spatial extent and areas likely to be affected by the plan are described within the appraisals in Appendices 5-11 [5 (pp.487-499), 6 (pp.500-660), 7 (pp.661-855), 8 (856-880), 9 (pp.881-995), 10 (pp996-1071) and 11 (1072-1149)].
<b><i>The value and vulnerability of the area likely to be affected due to:</i></b> — <b><i>special natural characteristics or cultural heritage,</i></b> — <b><i>exceeded environmental quality standards or limit values,</i></b> — <b><i>intensive land-use,</i></b> <b><i>is described.</i></b>	The areas likely to be affected by the plan are described within the appraisals in Appendices 5-11 [5 (pp.487-499), 6 (pp.500-660), 7 (pp.661-855), 8 (856-880), 9 (pp.881-995), 10 (pp996-1071) and 11 (1072-1149)].
<b><i>The effects on areas or landscapes which have a recognised national, Community or international protection status is described.</i></b>	The areas likely to be affected by the plan are described within the appraisals in Appendices 5-11 [5 (pp.487-499), 6 (pp.500-660), 7 (pp.661-855), 8(856-880), 9 (pp.881-995), 10 (pp996-1071) and 11 (1072-1149)]. The SA framework includes protecting landscapes which have protected status.
<b>MITIGATION MEASURES</b>	
<b><i>Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated.</i></b>	Appendices 8 (pp.856-880) and 9 (pp.881-995).
<b>The Environmental Report/Sustainability Appraisal Report</b>	
<b><i>Contains or is accompanied by a Non-Technical Summary.</i></b>	Yes

Criteria	Where these have been addressed within the SA Report (LP4)
<i>The Non-Technical Summary meets the same legal requirements as to the coverage of its content as the Environmental Report.</i>	Yes
<b>CONSULTATION</b>	
<i>The SEA (SA) is consulted on as an integral part of the plan-making process.</i>	The SA has been consulted on as an integral part of the plan-making process. See Table 15 (p.39) and Appendix 12 (pp.1150-1219).
<i>The SEA consultation bodies are sent a copy of the ER (SA) Report as soon as reasonably practicable after their preparation.</i>	Has been done within the consultation process.
<i>The consultation bodies, other consultees and the public are consulted in ways which give them an ‘early and effective’ opportunity ‘within appropriate time frames’ to express their opinions on the draft plan and ER (SA) Report.</i>	The SA report provides evidence that the consultation process followed throughout the plan making process has facilitated this.
<b>MONITORING MEASURES</b>	
<i>Monitoring measures are described in accordance with Regulation 17 i.e. monitoring of significant environmental effects of implementation with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.</i>	Section 9 (pp.106-107)

**1.8 Has the Habitats Regulations Assessment been undertaken in accordance with the Regulations? Has Natural England confirmed that the information set out in the HRA is sufficient and that the conclusions drawn are supported?**

63. The Council undertook screening and prepared a Habitat Regulations Assessment (HRA) Screening Opinion (SOC4) to assess whether a full Appropriate Assessment is required under the Habitats Directive for the Local Plan. The Screening opinion determined that there are no European Sites within North Hertfordshire District. The

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Screening Opinion notes that there are three sites within 15 km of the boundary of North Hertfordshire and one just outside 15km of the boundary. One of these European Sites (Lee Valley Special Protection Area (SPA) which is within the 15km boundary is adjacent to the Rye Meads wastewater treatment works (WwTw). The Rye Meads WwTw is located within East Hertfordshire which serves a wide catchment including Stevenage and a small number of sites around Knebworth and Codicote in North Hertfordshire.

64. The key potential implications and mitigations relating to the treatment of wastewater from parts of the District that drain into the Rye Meads works and the potential impact on the adjacent SPA are addressed in the Screening opinion SOC4 at Table 2 (p.11).
65. Natural England was consulted on the contents of the Screening opinion as it was being produced. In their representation to the Plan they raised a concern regarding the capacity of the Rye Meads treatment works beyond 2026 and the impact that this could have on the adjacent SPA if development was not phased in line with the capacity of the treatment works. The Council has discussed and agreed the inclusion of additional wording within the Plan that seeks to satisfy Natural England's concerns. The additional wording is included in the Council's schedule of Proposed Additional Modifications (LP3, p.3) submitted with the Plan. The Council is also in the process of preparing a MOU with Natural England and seeks to have this agreed and signed ahead of the Hearing Sessions.
66. Further safeguards are provided in the East Hertfordshire Local Plan which has a specific policy that seeks to ensure that any future works at the Rye Meads WwTw to provide additional treatment capacity occurs in such a way as to ensure that there is no significant effect on the adjacent European site. The Council has agreed this policy approach in its MOU with East Hertfordshire (MOU11, paragraph 5.20).
67. In light of this agreed proposed modification to the Plan, and the additional safeguards provided through the East Hertfordshire Local Plan, the Council believes that in accordance with Article 6(3) of the Habitats Directive, either individually or in combination with any other plans or projects, the Local Plan is not likely to have significant effects on any European Sites. As such, the Council believes that no

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appropriate assessment under the Habitats Directive is required and that it has therefore satisfied the regulations.