

Examination of the North Hertfordshire Local Plan (2011-2031)
Examination hearing sessions
Statement of North Hertfordshire District Council

Matter 31 – the main modifications put forward by the Council relating to Policy SP9 Design and Sustainability and in relation to the strategic housing site policies (Policies SP14 to SP19 inclusive)

Question 31.1 Are the main modifications proposed in relation to policy SP9 and its supporting paragraphs (MM045 and FM001 and FM002) necessary for soundness? Are they justified, effective and consistent with national policy?

1. Yes. In terms of soundness and conformity with NPPF 2012, para 56 states that *'The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'*. Para 58 of NPPF 2012 states that *'local plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area'*.
2. NPPF 2012 para 151 states that Local Plans must be prepared with the objective of contributing to sustainable development. Para 152 states that local planning authorities should *'seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and net gains across all three'*. Para 10 states that *'Plans and decisions need to take local circumstances into account so that they respond to the differing opportunities for achieving sustainable development in different areas'*.
3. In terms of decision-taking on planning applications NPPF 2012 states at para 186 that *'local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground'*. Para 187 states that *'Local planning authorities should work pro-actively with applicants to secure developments that improve the economic, social and environmental conditions on the ground'*. In terms of pre-application engagement and front loading NPPF 2012 para 188 states that *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties'*. Para 190 states *'the more issues that can be resolved at pre-application stage the greater the benefits'*.
4. A masterplan and the masterplanning process provide critical tools to support early engagement and identify, plan, design and deliver all three dimensions of sustainable development at the site-specific level. This helps support the seamless transition from plan-making to decision-taking and planning applications that NPPF advises. In

addition, masterplans ensure plans are locally responsive and secure place quality and timely delivery with the right infrastructure (social, green and physical) provided at the right time to support the sustainable development NPPF requires.

5. To support the policy imperatives of the NPPF the Council has increased its capacity and expertise on masterplanning and the delivery of strategic sites in anticipation of the plan's adoption and timely implementation. The Council is also progressing a new proactive governance and project management approach to working with applicants to support delivery. This is set out at Appendix 1.
6. As discussed extensively at the Matter 22 hearing session on the supply of land for housing (November 2020) the plan period for delivery is now shorter which creates an even greater need to effectively and efficiently progress the timely planning and delivery of the strategic housing sites and significant development to support housing delivery. This needs clear processes and collaborative working to support the necessary co-ordination required to support place quality, timely delivery and build out. The masterplanning process will support the resolution of issues, co-ordination of infrastructure and design quality and proactively and effectively manage risks that could slow the delivery rate and even sites stalling.
7. Whilst the local plan is being assessed against NPPF 2012 under transitional arrangements the Council pragmatically acknowledges the role that NPPF 2019 and current NPPG will play in terms of decision-making on planning applications. As such the need to attach great importance to the design of the built environment as current national policy advises has also informed the proposed modifications.
8. In this context the Council considers that Policy SP9 Design and Sustainability as currently worded is not sound as whilst it refers '*to new development to be well-designed*' it does not identify criteria to define what well defined means. This is ambiguous and open to interpretation. It is not robust or comprehensive. The proposed modifications seek to remedy this soundness and effectiveness issue by identifying a comprehensive suite of criteria to direct the planning and assessment of well-designed and sustainable development.
9. Furthermore, whilst Policy SP9 Design & Sustainability refers to *requiring masterplans for significant development* it does not clarify what information should be contained in a masterplan (to identify and deliver sustainable development and infrastructure) or what constitutes significant development. This is not an effective or sound policy and is ambiguous and open to interpretation.
10. The proposed modifications to SP9 Design and Sustainability ensure soundness by clarifying what information needs to be provided in a strategic masterplan to ensure early resolution of strategic issues, secure sustainable development, infrastructure delivery and high quality design as NPPF advises. The proposed modifications clarify

what type of sites require masterplans and masterplanning and provide a definition of significant development. The proposed changes are therefore justified, effective and consistent with national policy.

11. As explained above, whilst the local plan is being assessed against NPPF 2012 in terms of conformity with national policy the Government currently attaches great importance to the design of the built environment as set out in NPPF 2019, NPPG and the National Design Guide. These policies and guidance are already in use for decision-making processes and the planning applications for significant development will be assessed against them. NPPF 2019 states in para 124 that *'The creation of high-quality buildings and places is **fundamental** to what the planning and development process should achieve. Being clear about design expectations and how these will be tested is essential for achieving this'. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process'*. In addition, para 125 states that *'Plans should set out a clear design vision and expectations so that applicants have as much certainty as possible about what is likely to be acceptable'*.

12. NPPG Design Process and Tools states *'design quality cannot be achieved through an outline application alone (Para 10 Reference ID 26-010-20191001). 'Masterplans help to clarify design expectations early in the planning process, set a clear vision for the site, inform infrastructure and viability assessments and identify requirements for developer contributions or other investment'. 'Developers may produce a masterplan to help evolve their own vision for a site, assess options, engage the local planning authority and community in pre-application discussions and support an outline planning application'. (Para 007 Reference ID 26-007-20191001).*

Question 31.2 Are the main modifications proposed in relation to policy SP14: site BA1 (MM058 and FM004) necessary for soundness? Are they justified, effective and consistent with national policy?

Question 31.3 Are the main modifications proposed in relation to policy SP15: site LG1 (MM061 and FM005) necessary for soundness? Are they justified, effective and consistent with national policy?

Question 31.4 Are the main modifications proposed in relation to policy SP16: site NS1 (MM068 and FM006) necessary for soundness? Are they justified, effective and consistent with national policy?

Question 31.5 Are the main modifications proposed in relation to policy SP17: site HT1 (MM072 and FM007) necessary for soundness? Are they justified, effective and consistent with national policy?

Question 31.6 Are the main modifications proposed in relation to policy SP18: site GA2 (MM075 and FM008) necessary for soundness? Are they justified, effective and consistent with national policy?

Question 31.7 Are the main modifications proposed in relation to policy SP19: Sites EL1, EL2 and EL3 (MM083 and FM009) necessary for soundness? Are they justified, effective and consistent with national policy?

These questions are answered together below as the Council's position is the same for each policy.

13. Yes. The proposed modifications remove the following sentence '*Planning permission for residential-led development will be granted where the following site-specific requirements are met*' as this wording is not considered to be effective or justified. The proposed modification rewords the policy to state '*Development proposals should provide the following planning and masterplanning requirements*' xxx. This is considered to provide a more effective and justified wording in that it makes completely clear to the reader what needs to be provided in order to achieve a planning permission for the site in question.
14. To ensure early engagement, frontloading and effective planning for sustainable development and high-quality design at site specific level are secured in accordance with NPPF 2012 as set out in paragraphs 1, 2 and 3 a Strategic Masterplan needs to be prepared on a collaborative basis to inform, direct and assist with the assessment and determination of planning applications.
15. As currently worded masterplans are required to be approved prior to the submission of any detailed matters. This policy wording is not effective as this would not secure the early engagement and front loading required in pre-application engagement to identify and resolve planning issues as well as agree a site vision, design concept, place-making/sustainable development principles, infrastructure requirements and ensure effective community and stakeholder engagement.
16. The proposed modifications provide requirements to ensure planning applications are preceded by strategic masterplans to allow the frontloading, identification, co-ordination and resolution of planning and delivery issues. This may involve cross boundary or further strategic masterplanning, infrastructure planning and community and stakeholder engagement. For those sites where planning applications have already been submitted new wording has been proposed to provide clarity on how the policy applies to such sites. This states that a Strategic Masterplan should be agreed prior to or as part of the grant of permission. This is a pragmatic and proportionate requirement to support both place quality and timely delivery.
17. The proposed changes will support both place and design quality and timely delivery and avoid piecemeal and poor-quality development and manage the risk of sites stalling. In addition, the proposed changes ensure consistency with the new Use Class

Order where the site-specific local centre and retail requirements are defined. The proposed main modifications are justified, effective and consistent with national policy.

Appendix 1 Proposed Governance and Project Management Arrangements to Support Delivery

1. Effective governance and project management lie at the heart of successful large-scale projects. A tailored approach is required that goes beyond the standard planning application and development management route¹. This is needed to deal with the range and complexity of issues to resolve and co-ordinate to support timely delivery of large-scale development.
2. The Council is in the process of establishing a Governance and Project Management Arrangements to support collaborative working with landowners/applicants to support delivery. This will support the implementation of Policy SP9 Design & Sustainability and the Strategic Housing site Policies SP14-SP19 and the planning application process. A diagram of this proposed structure (subject to approval) is illustrated below.



¹ Delivering Large Scale Housing RTPI Practice Advice March 2019

Strategic Sites Implementation Group

3. A Strategic Sites Implementation Group formed by key planning policy and development management officers and other council officers where required (e.g., green space, community engagement) will be formed to undertake the following roles.
 - To scope and identify development proposals which constitute significant development and identify the master planning and design requirements.
 - To plan and co-ordinate the masterplan needs of strategic sites and significant developments (including community engagement) through masterplan briefs and project plans
 - To establish project specific steering groups where required
 - Co-ordinate masterplan activity and delivery with landowners and key stakeholders
 - Progress reports to and resolve strategic/showstopper issues with the Project Board

Strategic Sites Project Board

4. A Strategic Sites Project Board formed by the Leader of the Council and key elected members, Managing Director, Service Directors, Development & Conservation Manager, Strategic Planning Manager, Principal Strategic Planning Officer and Principal Strategic Sites Officer. The advisory role of the group would be to:
 - Provide corporate oversight and strategic direction to the implementation of strategic site project delivery.
 - Help with the resolution of strategic issues, including prioritisation of infrastructure and s106 obligations.
 - Establish buy-in and corporate political and stakeholder support.
 - Ensure effective use of and sufficient resources to support project delivery.

Project Steering Groups

5. These would be established as required to provide a focused and project specific group of district and county officers to drive forward and co-ordinate and progress masterplans and planning applications. A dedicated planning officer would act as project lead/manager.
 - Ensure technical and design professional input and advice from county and district councils and statutory agencies.
 - Co-ordinate input from community liaison officers, ward councillors and the local community to ensure effective local community engagement
 - Resolve issues and drive forward delivery and quality place-making/design.