

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL - 26 JULY 2012

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

DISTRICT PLAN PART 1: STRATEGY SUPPORTING DOCUMENT –
CHAPTER 4: PLACES, AND NEXT STEPS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report explains the obligations of East Herts Council under the National Planning Policy Framework (NPPF). It presents the latest round of work on the agreed strategy selection process, and seeks the agreement of the Council to commence further assessment of a list of possible alternative greenfield development options, as a basis for the final stages of strategy selection. It should be read in combination with the explanation of the methodology set out in the District Plan Update report at Agenda item 8.

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL AND EXECUTIVE: That:**

(A)	the Draft of Chapter 4: Places contained in Essential Reference Paper 'B', and consisting of Sieve 1 and Sieve 2 in the strategy selection process, be supported;
(B)	the scenarios presented in the report and explained in more detail in Essential Reference Paper 'C', be supported for further assessment in Chapters 5 and 6; and
(C)	Essential Reference Papers 'B' and 'C' be supported, subject to a period of Member comment in respect of factual content, until 31 August 2012.

RECOMMENDATIONS FOR COUNCIL: That:

(A)	the Draft of Chapter 4: Places contained in Essential Reference Paper 'B', and consisting of Sieve 1 and Sieve 2 in the strategy selection process, be agreed;
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(B)	The options presented in the report and explained in more detail in Essential Reference Paper 'C', be agreed for further assessment in Chapters 5 and 6; and
(C)	Essential Reference Papers 'B' and 'C' be subject to a period of Member comment in respect of factual content, until 31 August 2012.

1.0 Background

1.1 Recent Government reforms to the planning system have introduced tough new obligations on Local Planning Authorities:

National Planning Policy Framework, Paragraph 14

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *Local Planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted*

*For **decision-taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

- *specific policies in this Framework indicate development should be restricted*

- 1.2 East Herts Council's enhanced strategic planning function was discussed and acknowledged at the LDF Executive Panel on 29th March 2012.
- 1.3 The 'objectively assessed' housing needs of East Herts district are for between 500 and 850 dwellings per annum, or between 10,000 and 17,000 dwellings over the twenty year period, as reported to the LDF Executive Panel on 29 March (see Background Papers). The range reflects the Council's decision to test the 'housing, environmental and physical capacity of the district' alongside and in tandem with the District Plan.
- 1.4 The Council's proposed strategy must undergo Examination in Public before it can be adopted by the Council as policy:

National Planning Policy Framework, Paragraph 182

Examining Local Plans

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it 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 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 in the Framework.

- 1.5 In order to produce a “sound” plan, the Council will be obliged to adhere to processes and procedures which have been designed and agreed by the Council to robustly demonstrate compliance with the NPPF. Many Local Planning Authorities have recently found their proposed strategies declared unsound, and have therefore had to rewrite their plans in order to achieve compliance with the NPPF. The Stepped Approach to strategy selection already agreed by the Council provides the basis for compliance (see Background Papers).
- 1.6 This report explains that compliance with the NPPF is likely to require the Council to take very challenging decisions. Failure to prepare a plan in accordance with the NPPF will result in a planning vacuum i.e. the plan will be ‘absent, silent, or out of date’, and planning applications and appeals will be determined by reference to the NPPF rather than local policy. In order to avoid such a situation, Members are advised that it will be crucial to adhere to the Council’s agreed strategy selection process. This will enable the Council to prepare a District Plan which represents the needs of East Herts, and which has been influenced by local people and local knowledge.
- 1.7 The NPPF obliges the Council to make rapid progress with getting a new plan in place. Failure to do so will result in a presumption in favour of sustainable development (i.e. as defined by the NPPF, without reference to local policy). The Council has until 27 March 2013 to propose a strategy which will carry weight at appeal:

National Planning Policy Framework, Paragraph 214

For 12 months from the day of publication [27 March 2012], decision-takers may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with this Framework

- 1.8 The Council has already made considerable progress towards getting a plan in place, and has agreed to consult on a single Preferred Strategy: *“Strategy emerges gradually through the application of various strategic planning tools to different sources and types of evidence. Rather than consult on incomplete evidence which is likely to be misunderstood without an overall*

context, it is proposed to make all the work available together for consultation.” [LDF Core Strategy: Approach, Technical Work, and Next Steps, Paragraph 2.5. See ‘Background Papers’ below].

- 1.9 This report therefore seeks Council agreement to the latest findings of the strategy selection process. With Council agreement, planning officers will continue in timely fashion with the strategy selection process towards a single recommended strategy for agreement by Full Council and then public consultation.
- 2.0 Report
- 2.1 Following on from the agreement of Full Council to Chapters 1, 2 and 3 of the draft Supporting Document, Members are now asked to agree a draft of *Chapter 4: Places*, together with a number of scenarios which will form the basis for assessment within Chapters 5 and 6. The overall approach within each Chapter is explained in the single-page ‘Stepped Approach’ summary considered under Item 8. Members will recall that the Stepped Approach means that the Panel is presented with work in progress.
- 2.2 The proposed draft of *Chapter 4: Places* is at **Essential Reference Paper ‘B’**, which includes explanation of the methodology in Section 4.1, together with *Sieve 1: Areas of Search Assessments* and *Sieve 2: Settlement Evaluations*. Section 4.2 originally appeared in Chapter 3 and has therefore already been agreed by the Council.
- 2.3 **Essential Reference Paper ‘C’** summarises the findings of Sieve 1 and Sieve 2. Although further work on scenario development is required, it can be seen from this paper that the emerging issues are so significant that the agreement of the Council is required before further work can be undertaken. This relates in particular to early consideration of the possible options for spatial distribution of development. The remainder of this report addresses this issue, which lies at the heart of the strategy selection process.
- 2.4 The capacity of the existing urban areas, including brownfield sites and other suitable sites within existing settlement boundaries, is likely to be in the range of dwellings, as explained in ERP ‘C’. In addition, the Council may be able to deduct a windfall allowance from the housing requirement. i.e. an allowance for sites which unexpectedly become available during

the plan period. However, a windfall allowance must be based on 'compelling evidence' of future supply (NPPF Paragraph 48). This work will need to be undertaken as part of Chapter 5.

2.5 The agreed range of figures for housing need is between and 10,000-17,000 dwellings over twenty years. Based on the interim SLAA figure of around 2,000 dwellings within the Built Up Areas of existing settlements, this is still likely to leave a shortfall of between 8,000 and 15,000 dwellings over 20 years. On the basis of the extensive work carried out in Chapters 1-4 and summarised in **Essential Reference Paper 'C'**, Members are therefore advised that the following options, mostly comprising Greenfield development outside current settlement boundaries will need to be assessed further in Chapters 5 and 6:

- **Up to 4,700 dwellings at Bishop's Stortford**
If taken forward would require additional secondary school capacity, town centre expansion, plus a deliverable transport strategy to address congestion in and around the town. Further investigation of whether development to the south of the town would trigger the need for a Sawbridgeworth bypass is required;
- **Up to 2,000 dwellings at Buntingford**
If taken forward this option would require additional schools capacity and a deliverable transport strategy. Given the current role, function, and capacity of the town an alternative option for significantly lower levels of development is preferred. Development at Buntingford may require the provision of a new sewer;
- **Up to 1,700 dwellings at Hertford**
If taken forward this option would require additional secondary school capacity, a Country Park (Panshanger) to the west, plus a deliverable transport strategy to address congestion in and around the town;
- **10,000 dwellings north of Harlow**
If taken forward this option would require demonstration of objectively assessed need for this scale of housing, northwards expansion of the town centre to link with Harlow Town station, and deliverable strategies for transport and economic development, as well as delivery of a wide range of infrastructure;

- **5,000 dwellings in the Hunsdon Area**
This option would effectively be a new settlement separate from Harlow across the Stort Valley. If taken forward this option would require a full range of supporting infrastructure, and would need to be named;
- **Up to 270 dwellings at Terlings Park north of Harlow**
This option is for development at a large brownfield site with existing vacant buildings, where new development would not constitute additional intrusion into the landscape of the Stort Valley. If taken forward, this option would require consideration of the potential for sustainable mixed-use development including sustainable transport;
- **Up to 3,000 dwellings west of Sawbridgeworth**
If significant development is pursued in this location then a Sawbridgeworth bypass will be necessary in order to alleviate pressure on the A1184. Given the current role, function, and capacity of the town an alternative option of 300 dwellings is preferred, and could be provided without a bypass or other significant infrastructure;
- **Up to 3,000 dwellings north and east of Ware**
If taken forward this option would require a northern link road to the A10 to route traffic away from the town centre bottleneck. This option would also require a new sewer through the development to link with the trunk sewer in the Lea valley. Given the small size of the town centre, delivering a suitable strategy for this scale of development would be problematic. An alternative option of 200-300 dwellings to the north of Ware would not require a link road or new sewer;
- **Up to 2,000 dwellings east of Welwyn Garden City**
If taken forward would need close co-ordination with Welwyn Hatfield Council's development strategy as well as clarification of the landowner's aspirations ;
- **Around 900 dwellings in total in the villages**
If taken forward will require an agreed approach to a policy framework for delivery including Neighbourhood Plans.

2.7 At this stage it is not possible to say whether development at any particular location on this list will be necessary. However, it is clear that, given the low levels of capacity within the existing

settlements, more than one of the options above will be needed in order to comply with NPPF requirements to meet objectively assessed housing need within an overarching framework of sustainable development.

- 2.8 It is also clear that there are significant differences between the options, in terms of the infrastructure that would be needed to deliver them, and in terms of their sustainability. These differences will need to be addressed through work on Chapters 5 and 6 of the Supporting Document prior to the next scheduled Panel meeting.
- 2.9 An option for large-scale development north of Harlow is included in the list. Previously, East Herts Council has consistently objected to the imposition of development north of Harlow through the East of England Plan. However, the NPPF obliges the Council to objectively assess this option in order to demonstrate at examination that it has a sound plan.
- 2.10 The (pending) removal of the East of England Plan (the Plan) has a further significant implication in this regard. The Plan specified growth north of Harlow in addition to the needs of East Herts District. With the (pending) removal of the Plan, the District Council is obliged to consider whether this option could meet some of the 'objectively assessed needs' of East Herts District, in addition to 'unmet need' from neighbouring districts.
- 2.11 The agreed Stepped Approach provides a robust and transparent framework for the Council to formulate a sound strategy. Members are now advised to agree that the strategy selection process should move forward to its final stages, adhering to the agreed methodology.
- 2.12 It is proposed that, for an agreed period following the meeting, Member comments can be submitted on Essential Reference Papers 'B' and 'C': Draft Chapter 4 and Summary of Sieves 1 and 2. Comments should focus on factual changes to the documents which might affect the strategy selection process. Comments should be emailed to planningpolicy@eastherts.gov.uk
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

- National Planning Policy Framework (March 2012)
www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf
- Report to Local Development Framework Executive Panel - 29th March 2012 Agenda Item 26: *Local Development Framework Core Strategy: Approach, Technical Work and Next Steps*
- <http://online.eastherts.gov.uk/moderngov/ieListDocuments.aspx?CIId=151&MIId=2024&Ver=4>
- Report to District Plan Executive Panel – 26th July 2012 Agenda Item 8: *District Plan Supporting Document: Update*
- Report to District Plan Executive Panel – 26th July 2012 Agenda Item 9: *Material Changes to Draft Topic Assessments*

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