

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL - 28 NOVEMBER 2012
EXECUTIVE – 4 DECEMBER 2012

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

DISTRICT PLAN PART 1 – STRATEGY SUPPORTING DOCUMENT:
UPDATE REPORT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report updates Members on progress with the District Plan Part 1 – Strategy. It explains the main issues impacting on the timeline for finalisation of the Draft District Plan for consultation. It presents a draft of the early sections of Chapter 5 of the Supporting Document. Finally, the report details further opportunities for District Members to get directly involved in the plan-making process.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL AND EXECUTIVE:</u> That:	
(A)	Essential Reference Paper ‘C’, illustrating the proposed approach to the remainder of the strategy selection process for the District Plan, be supported; and
(B)	Essential Reference Paper ‘D’, including the first three sections of Chapter 5: Options Refinement, be supported.
<u>RECOMMENDATIONS FOR COUNCIL:</u> That:	
(A)	Essential Reference Paper ‘C’, illustrating the proposed approach to the remainder of the strategy selection process for the District Plan, be agreed; and
(B)	Essential Reference Paper ‘D’, including the first three sections of Chapter 5: Options Refinement, be agreed.

1.0 Background

1.1 To date, the first four chapters of the draft Supporting Document have been agreed by the Council as follows:

- **Chapter 1: Introduction** explained the statutory framework for plan-making, including the scope of District Plans and Neighbourhood Plans, infrastructure planning, the approach to feedback from the Issues and Options consultation in autumn 2010, and sustainability appraisal.
- **Chapter 2: Issues** set out the scope of strategic planning considerations under headings including housing, economy, education, water, and so on. Chapters 1 and 2 were discussed by the LDF Executive Panel on 29th March, and on 4th April 2012 it was discussed by Executive and then agreed at the meeting of Full Council on the same date.
- **Chapter 3: Assessment Criteria** established 21 assessment topics. Chapter 3 was discussed and supported by the LDF Executive Panels on 29th March and 26th July 2012, by Executive on 4th April and 31st July, and agreed by Full Council on 4th April and 7th August 2012.
- **Chapter 4: Places** established 69 initial 'areas of search' for further assessment. It assessed all 69 areas of search in Sieve 1, at which point some options dropped out from further consideration. It then assessed all the settlements including wider strategic planning considerations including cross-boundary issues in Sieve 2, following which further options dropped out from consideration. Chapter 4 was considered and supported by the District Planning Executive Panel on 26th July, by Executive on 31st July, and agreed by Full Council on 7th August.

1.2 A summary of the shortlisted options and key points agreed by the Council so far is available at **Essential Reference Paper 'B'**.

1.3 As explained at the previous Panel meeting in July, compliance with the National Planning Policy Framework (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, and planning applications and appeals will be determined by reference to the NPPF rather than local policy.

2.0 Report

- 2.1 Version 3 of the Stepped Approach is presented at **Essential Reference Paper 'C'**. A number of changes are proposed to this document since the previous (July 2012) version, mainly reflecting a need to adapt the process because certain key pieces of information are not yet available.
- 2.2 Reflecting these changes, the remaining chapters of the Supporting Document are anticipated to be as follows:
- **Chapter 5: Options Refinement** will involve further information gathering and checks in respect of the remaining 'areas of search';
 - **Chapter 6: Strategy** will address NPPF requirements and assemble the information gathered into a proposal for a single coherent development strategy;
 - **Chapter 7: Policy** will address policy formulation and has been split out as a separate chapter to reflect its importance in the plan-making process;
 - **Chapter 8: Draft Plan** will present the consultation draft District Plan Part 1 – Strategy.
- 2.3 **ERP 'B'** also shows the consultation and engagement opportunities and the timeline for the remainder of the work.

Timeline

- 2.4 At the July Panel meeting it was proposed that the final strategy would be completed and presented to Members at the November Panel meeting and that consultation would commence in January 2013.
- 2.5 However, since that time, it has become clear that there are three main areas of work which need to be progressed further before a strategy can be finalised. These areas are as follows:
- **Schools Planning:** following the Secretary of State's decision in respect of the Bishop's Stortford Secondary Schools proposals, the County Council in consultation with the Bishop's Stortford Secondary Schools, need more time to understand how it could provide additional capacity to accommodate future development;

- **Highways Assessment:** Essex County Council needs more time to finalise the transport modelling for the Harlow-Stansted-Gateway-Transportation-Model (HSGTM) and then both County Councils need time to investigate the feasibility of any highways infrastructure which the model may indicate is necessary, and agree this with the Highways Agency;
- **Viability Assessment:** the joint Hertfordshire Part 1 Community Infrastructure Levy (CIL) Viability study has now largely been completed. However, the NPPF makes clear that it is necessary for local planning authorities to assess the cumulative impacts of all their standards and requirements. Therefore the Council needs to complete a Part 2 Viability Study (currently underway), before it is in a position to reach a view about an appropriate 'basket' of planning policy requirements, including CIL, affordable housing, and sustainability and design costs, for example.

- 2.6 Additionally, the East of England Plan has not yet been formally abolished by the Government. It would be inadvisable for the Council to set out a District Plan which attempts to meet the requirements of both the NPPF and the East of England Plan, as this could undermine the soundness of the District Plan at Examination, once the regional plan is formally abolished.
- 2.7 Notwithstanding these additional considerations and requirements, the NPPF transitional period puts pressure on local planning authorities to get new plans in place and avoid 'planning by appeal' as implied by the Presumption in Favour of Sustainable Development (NPPF Paragraph 14).
- 2.8 At the same time, failure to engage positively with Hertfordshire and Essex County Councils in the above matters could result in the District Plan being found unsound, both in relation to the Duty to Co-Operate, as explained under Agenda Item 9, and also in terms of deliverability.
- 2.9 Although the NPPF does not require certainty about infrastructure delivery, it does require that local planning authorities demonstrate that there is a 'reasonable prospect that planned infrastructure is deliverable in a timely fashion' (NPPF Paragraph 177).
- 2.10 Taking all these NPPF requirements together, it is considered that a pragmatic way forward is to give both County Councils a limited

period of additional time to complete the required investigations in relation to highways and schools, sufficient to reach a reasonable level of confidence in respect of the likely outcomes. It will be made clear to both County Councils that the information is needed by the end of January 2013 at the latest in order for the District Council to comply with its statutory obligations.

- 2.11 The proposed timetable, involving consultation on the Draft Plan starting in April 2013, means that the Council will be able to attach some weight to the Draft Plan in relation to speculative planning applications, prior to formal adoption.

Chapter 5: Options Refinement

- 2.12 The introduction and first three sections of Chapter 5 are presented at **Essential Reference Paper 'D'**. As explained above, it is not currently possible to complete the sections on schools and highways because critical information is not yet available. The Habitats and Delivery sections cannot be completed until transport data and further highways information is available.
- 2.13 The Delivery section will also require the responses from landowner and developer questionnaires issued over the summer to be collated, properly scrutinised, and published on the Council's website.
- 2.14 As presented, Chapter 5 does not include further 'sieves' or assessment ratings, such as those used earlier in the strategy selection process. However, the same underlying principles of 'balance' and 'confidence' underlie all the assessments in the Supporting Document.
- 2.15 'Balance' is an important concept because "to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system" (NPPF Paragraph 8). This means that the strategy selection process for the District Plan must weigh up a very wide range of factors, including opportunities and constraints, which are likely to differ in their relative importance according to the location and the type of land use.
- 2.16 'Confidence' in this context describes whether, when assessed against the full range of NPPF requirements, there is a clear

balance of considerations against or in favour of development in a particular location.

- 2.17 If there is a high level of confidence early on that a particular area is not suitable, then it is not necessary to conduct exhaustive further investigation of that area. If, on the other hand, there are no clear grounds for rejection based on a particular assessment technique when assessed against NPPF requirements, it will then be necessary to use further techniques.
- 2.18 The early chapters of the Supporting Document provide a strong indication of the issues which require further assessment. However, only when the remainder of the evidence is available will it be possible to set out with confidence the specific locations which the balance of considerations indicates are suitable for future development. For this reason the interim work on Chapter 5 presented in ERP 'D' does not propose any conclusions at this stage.
- 2.19 The assessments contained in Chapter 5 relate to the Areas of Search and test dwelling assumptions agreed by Full Council on the above mentioned dates. Maps showing the Areas of Search are contained in an earlier Chapter within the Supporting Document.
- 2.20 For ease of reference the maps are reproduced in **Essential Reference Paper 'B'**, together with a summary of work to date. The dwelling numbers shown for each area and sub-area are for further testing purposes only, and inclusion of options in the list does not necessarily imply that any particular number or location will form part of the final plan.

Member Workshops

- 2.21 In order to assist Members in their understanding of the strategy selection process, and to seek further input to plan-making, two 'workshops' open to all District Members have been included as part of the overall work programme.
- 2.22 The first workshop concerned the strategy selection process, and was held on 8th November 2012. The second workshop will focus on strategic policies, in particular understanding the implications of financial viability requirements for policy choices. The date of the second workshop has been confirmed as 17th January 2013.

2.23 Any outcomes and further refinements arising from feedback from both workshops will be taken into account in the final stages of the strategy selection process.

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

Report to District Planning Executive Panel – 26th July 2012 Agenda Item 9: District Plan Part 1 – Strategy Supporting Document – Chapter 4: Places, and Next Steps

<http://online.eastherts.gov.uk/moderngov/ieListDocuments.aspx?CId=151&MId=2025&Ver=4>

Report to Local Development Framework Executive Panel – 29th March 2012. Agenda Item 7: Population and Household Forecasts and the East Herts Housing Requirement

<http://online.eastherts.gov.uk/moderngov/ieListDocuments.aspx?CId=151&MId=2024&Ver=4>

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