

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 25 JULY 2013

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING  
AND TRANSPORT

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DISTRICT PLAN - UPDATE REPORT

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- This report sets out the progress towards finalisation of a development strategy for the District;
- The agreement of Members is sought towards consolidation of the two-part plan into a single District Plan, and to provide for an early review of the plan to address long-term planning requirements;
- The agreement of Members is sought towards an approach to obtaining critical information from developers;
- It is hoped that, subject to unforeseen circumstances, it will be possible to present a draft District Plan to Members later this year, with consultation later this year/early next year.

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

<b>(A)</b>	<b>a change to the structure of the District Plan, to combine Strategic Policies, Development Management Policies, and Site Allocations, into a single District Plan, be supported;</b>
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<b>(B)</b>	<b>an early review of the District Plan, based on a ‘plan-monitor-and-manage’ approach particularly in respect of long-term planning, be supported; and</b>
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<b>(C)</b>	<b>the approach to obtaining critical delivery information, including ATLAS project support, be supported.</b>
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<b>(C)</b>	<b>the approach to obtaining critical delivery information, including ATLAS project support, be agreed.</b>

## 1.0 Background

1.1 In March 2012 (see Background Papers) it was proposed to reflect changes in national policy and rename the Local Development Framework ‘District Plan’, with the Core Strategy renamed as ‘Part 1 – Strategy’ and the Site Allocations and Development Management Policies renamed as ‘Part 2 – Allocations and Policies’. From July 2012 onwards, the Local Development Framework Executive Panel became the District Planning Executive Panel.

1.2 In July 2012 a shortlist of potential development options was agreed for further assessment and testing (see Background Papers). The shortlisted options are as follows:

- Up to 4,700 dwellings at Bishop’s Stortford
- Up to 2,000 dwellings at Buntingford
- Up to 1,700 dwellings at Hertford
- 10,000 dwellings north of Harlow
- 5,000 dwellings in the Hunsdon area
- Up to 270 dwellings at Terlings Park north of Harlow
- Up to 3,000 dwellings west of Sawbridgeworth
- Up to 3,000 dwellings north and east of Ware
- Up to 2,000 dwellings east of Welwyn Garden City
- Around 900 dwellings in total in the villages

It is not yet clear which of these options will be needed for the draft plan. All of these figures are subject to change as the strategy selection process enters its final phase.

1.3 In November 2012 (see Background Papers) it was explained that a delay to finalisation of the District Plan – Part 1: Strategy was necessary because further work was needed in the field of schools planning, highways assessment, and viability assessment. It was explained that *“although the NPPF [National Planning Policy Framework] 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."*

- 1.4 In February 2013 (see Background Papers) it was explained that *"recent interpretation of objectively assessed need by the Planning Inspectorate suggests that East Herts Council may need to plan for the upper end of the previously agreed range of 10,000 to 17,000 dwellings"*. It was also explained that because of continued uncertainty in relation to transport and schools planning, combined with the requirement for the plan to be effective throughout its period, the consultation on the draft District Plan is of necessity subject to further delay.
- 1.5 The report states that officers are strenuously exploring ways of progressing the District Plan and re-assessing a realistic timetable for consultation. This will involve working closely with infrastructure and service providers on a way forward, taking account of the Duty to Co-Operate, and clarification will also be sought from the Planning Inspectorate in relation to interpretation of key NPPF requirements as they are likely to impact East Herts District Plan.
- 1.6 Finally, also in February 2013, a separate report on Viability and Infrastructure Planning (see Background Papers) explained the 'stepped approach' to infrastructure planning, whereby detailed infrastructure evidence would be collected following the agreement of a draft strategy.

## 2.0 Report

- 2.1 This report considers the following:
- Proposed change to the structure of the District Plan
  - Update on progress with infrastructure issues
  - ATLAS Project Engagement Plan
  - National Planning Policy Framework (NPPF) requirements
  - Approach to long-term planning

### **Proposed change to the structure of the District Plan**

- 2.2 The agreement of Members is sought to draw together Part 1 – Strategy and Part 2 – Site Allocations and Policies into a single District Plan. There are a number of reasons for this proposed change. A single, combined plan is considered to

- result in a single examination rather than two separate examinations, resulting in considerable cost savings, which could be used to enable early review of the plan, with particular focus on delivery and infrastructure planning, as explained below;
  - better reflect the NPPF emphasis focus on a single Local Plan, rather than the more complex Local Development Framework 'portfolio of documents', avoiding complex and unnecessary distinctions between 'strategic' and 'non-strategic' policies; and
  - be more user-friendly, for members, applicants, planning officers, and the public, involving a single set of policy maps and a single written statement.
- 2.3 Delays with infrastructure planning have opened up an opportunity for the Council to move forward with a full suite of policies which can become the basis for a single plan.
- 2.4 In March this year, all Members were invited to participate in an informal discussion group in relation to policy development. The membership of the group reflects representation from the five towns and also representatives of the villages. Although not a decision-making forum, the group plays a significant role in providing early input and local knowledge into the process of policy-making.
- 2.5 Taking account of the informal member discussion group, and also the proposed change to the structure of the District Plan, an updated 'Stepped Approach to the District Plan (Version 4)' sheet is presented at **Essential Reference Paper 'B'**.

### **Update on progress with infrastructure issues**

- 2.6 Following the last meeting, East Herts Council's Chief Executive and Director of Customer and Community Services wrote to the Chief Executive of Hertfordshire County Council to address the issue of infrastructure planning for the District Plan, particularly in relation to the matters of schools planning and transport. The exchange of letters is contained at **Essential Reference Paper 'C'**, along with letters from the Director of Neighbourhood Services to the Highways Agency and also to Essex County Council, together with their responses.
- 2.7 At the same time as these high-level exchanges, Officers have been working closely with personnel from the relevant

organisations, including the National Health Service, the water companies, and the transport authorities.

- 2.8 Officers are seeking to ensure that the approach of these organisations to future development can be set out by them in writing. This should provide the basis for an Infrastructure Topic Paper to underpin decision-making on a draft strategy, and will form part of the consultation on the draft plan.
- 2.9 More detailed infrastructure planning can be undertaken following consultation on the draft District Plan. This later work, to be undertaken next year, will form the basis for an Infrastructure Delivery Plan to support the District Plan at the Examination in Public.
- 2.10 An informal group of officers from Uttlesford, Harlow, Epping Forest, and East Herts Councils, as well as the Highways Agency, and the two transport authorities has made significant progress in relation to the Harlow-Stansted-Gateway-Transport Model (HSGTM) in the area. It is anticipated that this critical piece of technical work will be available later in the summer.
- 2.11 It is also understood that the County Council is on course to complete its assessment of primary and secondary school expansion capacity by the end of July.

### **ATLAS Project Support**

- 2.12 An important gap in the Council's knowledge relates to infrastructure delivery considerations, notably in respect of the scope of evidence that may be required as part of the plan-making process, and the robustness of information that has to date been made available to the Council.
- 2.13 East Herts Council agreed that meetings with landowners and developers would only be sought where there are known evidence gaps (see Background Papers, 29<sup>th</sup> March 2012, Paragraphs 2.21-2 and Recommendation 'C'). To date, there have been no meetings between Officers and landowners or developers. Instead, information has been sought by means of a questionnaire issued to the landowners at all the shortlisted potential options. These responses are currently being collated and will be published alongside the draft Plan.
- 2.14 The current level of information held by the Council regarding deliverability may not be adequate to either include or exclude

some of the shortlisted potential site options without significant risk of challenge. This applies in particular to sites which are likely to be dependent on particularly expensive or complex pieces of infrastructure, most notably transport.

- 2.15 For this reason it is considered necessary to obtain certain information before setting out a preferred strategy. This information can then be used to either discount a particular option, or alternatively entered into the assessment of deliverability, financial viability and funding plans as part of the Infrastructure Delivery Plan for submission to the Planning Inspectorate for Examination in Public.
- 2.16 An appropriate procedure is therefore required to ensure that probity is guaranteed, and that critical information is obtained.
- 2.17 To assist with transparency, and to bring expertise in delivery matters to underpin this important aspect of the Plan, officers have requested support from the Advisory Team for Large Applications (ATLAS), an independent advisory service available at the request of local authorities to support them in dealing with complex and large scale development projects.
- 2.18 In summary, the role of ATLAS is envisaged to be:
- To draw knowledge and experience from other Councils facing similar issues;
  - To advise the Council in respect of key deliverability considerations and their relationship to plan-making processes; and
  - To support external partners to find a way forward in the preparation of a suitable evidence base in light of the above, if necessary and appropriate through direct engagement with relevant external bodies.
- 2.19 This request is currently being considered by ATLAS and should it be agreed, full details of the role would be set out in a Project Engagement Plan. An illustrative example, which sets out the general role and operating principles of ATLAS, plus the letter of request from the Council's Head of Planning and Building Control, is contained at **Essential Reference Paper 'D'**.
- 2.20 Any advice from ATLAS and their findings would be reported back to the District Planning Executive Panel for transparent decision-making. This approach may apply to any of the shortlisted potential development options, but is expected to be particularly

important in respect of long-term and complex options, where there is currently no clear indication of whether or not there is a reasonable prospect of delivery.

## **National Planning Policy Framework (NPPF) requirements**

- 2.21 Compliance with the provisions of the NPPF is the key to soundness at examination in public. In order to provide a robust basis for plan-making, and to support Members in the decision-making process, Officers are closely monitoring the output of the Planning Inspectorate.
- 2.22 It is now 16 months since the introduction of the NPPF, and the Council is in a position to benefit from a steadily increasing body of evidence as to how national policy is being applied in practise in other Local Planning Authorities around the country. Careful scrutiny of the reports of the Planning Inspectorate and the Secretary of State is being undertaken, and a summary of the results of this so far are presented in **Essential Reference Paper 'E'**.
- 2.23 In addition, the findings of a number of reports on the NPPF are being critically reviewed, including those by campaign groups such as the Campaign to Protect Rural England (CPRE), by various think-tanks, and by planning consultants. Further guidance from the government is anticipated during 2013, although at present more specific details of the timing of this are not available.

## **Long-term planning**

- 2.24 East Herts Council has selected 2031 as the end of the plan period, to enable long-term planning to be taken into account. This reflects the emphasis in national policy on the need to consider the long-term, as set out below:

### **National Planning Policy Framework**

*Paragraph 47 "to boost significantly the supply of housing, local planning authorities should...identify a supply of specific, developable\* sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15. \*To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point*

*envisaged.”*

Paragraph 85: when reviewing the Green Belt, *“where necessary, [Local Planning Authorities] should identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”.*

- 2.25 Long-term planning is an important function of Local Planning Authorities because in some cases it can take 10 years or longer for new infrastructure to be planned and built. This applies particularly in the case of infrastructure which serves not just a single development area but also a wider area as well. Infrastructure providers use Local Plans as a basis upon which to seek financing and consent to build the required infrastructure.
- 2.26 At the same time, it is usually not possible for Local Planning Authorities to secure guarantees that the necessary finance will be available to deliver the infrastructure to support long-term plans. As explained previously, long-term development presents the greatest difficulties in terms of infrastructure delivery.
- 2.27 However, although the plan period will run to 2031, typically the Local Plan has been reviewed every few years, with reviews of the East Herts Local Plan in 1993, 1999, and 2007. As explained above, the decision to roll both parts of the plan into a single document would free up resources to undertake a plan review on a similar cycle as has been the case in East Herts over the past 20 years.
- 2.28 Therefore, one possible way forward is for East Herts District Council to progress as far as reasonably possible during this present round of plan-making, and re-assess the prospects for delivery during the next round of plan-making. Such an approach would ensure that:
- a suitable balance of flexibility and certainty can be maintained, and any alterations to the plan or amendments to the development strategy can be made;
  - the plan will be based on the latest available population projections, rather than projections which could be many years out of date during the latter part of the plan period.
- 2.29 As mentioned above in the explanation of the changes to the



structure of the District Plan, it should be possible to use the time previously set aside for the production of Part 2 of the District Plan, to instead carry out a thorough and early review of long-term planning and delivery, as well as the shorter-term performance of the plan.

## **Conclusions and Next Steps**

- 2.30 In the absence of an up-to-date plan and 5-year housing land supply, some developers have submitted planning applications by reference to the NPPF, as has been the case recently in Buntingford, Bishop's Stortford, and in Hertford.
- 2.31 Similar proposals appear to be in the pipeline in adjoining districts without a 5-year housing land supply, for example:
- 1, 000 dwellings granted permission by the Secretary of State at a Greenfield site at Gilden Way east of Harlow.
  - Appeal to the Secretary of State on non-determination grounds for 850 dwellings at Elsenham in Uttlesford District;
  - 1,200 dwellings in the Green Belt at West Sumners in Epping Forest District west of Harlow;
  - 700 dwellings in the Green Belt west of Hoddesdon in Broxbourne Borough.
- Given such decisions and proposals, the urgency of getting a plan in place is very clear.
- 2.32 However, NPPF requirements mean that the Council is not able to bring forward plans for parts of the district, ahead of a plan for the whole district. It is therefore proposed that the only feasible option is to continue as swiftly as is reasonably possible with progress on a single District Plan. The speed at which the Council can do so is regulated by the need to ensure soundness of the whole plan when judged against the NPPF.
- 2.33 Whilst it is clear that there remain a number of issues still to resolve, good progress has been made with infrastructure and delivery partners. East Herts Council has taken all reasonable steps to address the challenges of the NPPF, including a new structure for the District Plan, and close working with key organisations.
- 2.34 It is therefore hoped that, subject to unforeseen circumstances, and following early discussions with Members in the autumn, it will be possible to present a draft District Plan later this year, with public consultation later this year/early next year.

2.35 A workshop for Members will be held in the Council Chamber on 24<sup>th</sup> October between 10am and 4pm for early review and discussion of a draft plan, and the alternative options. It is proposed to engage the Planning Advisory Service (PAS) to facilitate this session and to provide guidance in respect of requirements of the examination in public. A flyer has been issued to all Members by courier and a reminder was posted in the Members Information Bulletin on 19<sup>th</sup> July. Members who have not yet done so may confirm their attendance by emailing [claire.sime@eastherts.gov.uk](mailto:claire.sime@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

District Planning Executive Panel reports:

- District Plan Part 1 – Update Report (21 February 2013)
- District Plan Part 1 – Strategy Supporting Document – Update Report (28<sup>th</sup> November 2012)
- District Plan Part 1 – Strategy Supporting Document – Update Report (26<sup>th</sup> July 2012)
- District Plan Part 1 – Strategy Supporting Document – Chapter 4: Places, and Next Steps (26<sup>th</sup> July 2012)
- Local Development Framework Core Strategy: Approach, Technical Work, and Next Steps.

<http://online.eastherts.gov.uk/moderngov/mgCommitteeDetails.aspx?ID=151>

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