

EAST HERTS COUNCIL

LOCAL DEVELOPMENT FRAMEWORK EXECUTIVE PANEL – 29
MARCH 2012

REPORT BY EXECUTIVE MEMBER FOR PLANNING POLICY AND
ECONOMIC DEVELOPMENT

LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY:
APPROACH, TECHNICAL WORK, AND NEXT STEPS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report explains how the approach to the Local Development Framework Core Strategy requires adaptation in order to operate effectively in the context of changes to the planning system;
- East Herts Council's enhanced role and responsibility in terms of strategic planning is explained;
- Technical work is presented and an approach based on targeted consultation on a Preferred Strategy is recommended, with a timetable for consultation in autumn 2012;
- A draft of the first three chapters of the Strategy Supporting Document, including associated documents are attached at **Essential Reference Papers B, C, D, and E.**

<u>RECOMMENDATION FOR PANEL:</u> to commend to Council (via Executive): that	
(A)	the planning process, strategic planning tools, and approach to preparing the LDF Core Strategy set out in Essential Reference Papers B and C, be agreed;
(B)	the draft technical work contained within Essential Reference Paper D be agreed for the purposes of preparing the Preferred Strategy for consultation; and
(C)	Planning Officers be authorised to undertake such duties as are necessary to demonstrate soundness at Examination in Public, including for example the collection of further information from landowners and developers, and

conducting joint technical work with neighbouring Local Planning Authorities.
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1.0 Background

- 1.1 East Herts Council has had a statutory responsibility to prepare a development plan for the District ever since Local Government reorganisation in 1974. The broad locations for growth and development targets for the District were set out in the County Structure Plan, and subsequently in the East of England Plan.
- 1.2 Until recently the plan-making role of the District Council has therefore largely been to identify development sites in accordance with the County or Regional strategy, and to prepare detailed development management policies.
- 1.3 Under the Planning and Compulsory Purchase Act 2004 (the '2004 planning system'), Local Plans were divided into several development plan documents, including a Core Strategy, Site Allocations, and Development Management Policies. Collectively these documents are known as the 'Local Development Framework'.
- 1.4 Recently the Government has set about reforms which retain the plan-led system but introduce some changes:
- Regional Plans, including the East of England Plan, are expected to be abolished during April 2012, as soon as the Government has completed Strategic Environmental Assessment of the implications of abolition;
 - Neighbourhood Plans have been introduced. These will conform to the policies contained in district-level plans. East Herts Council's *Interim Neighbourhood Planning Guidance Note* (December 2011) provides further information.
- 1.5 The overall structure of the new planning system is therefore clear. Plans produced by District Councils have become more important, because they need to provide strategic priorities for the area, and to provide the context necessary for Neighbourhood Plans to form part of a coherent planning system.

- 1.6 This role is clear in the direction set out in the draft National Planning Policy Framework (NPPF), in which the Government has made clear its commitment to a continued role for strategic planning, led by Local Planning Authorities rather than unelected regional assemblies. The wording is expected to be finalised during the spring, but the overall principles are not in doubt.
- 1.7 The principles underpinning previous work on the Local Development Framework and the Core Strategy to date remain the same within the new planning system. These include for example the need for a development strategy founded on robust evidence including an understanding of infrastructure and delivery, the need to consider reasonable alternative options in the selection of such a strategy, and the need for site-level assessments.
- 1.8 The Issues and Options (autumn 2010) consultation, together with the established strategy selection process, therefore remain a sound basis on which to proceed towards the selection of a development strategy for the district. Reports on both these matters were considered by the LDF Executive Panel on 7th July 2011.
- 1.9 Some additional work is required in order to facilitate the transition to the new system. This includes modifications to the approach to take account of the changes at regional and local levels. It also includes supplementary technical work on demographic projections in order to assist in the selection of suitable development targets.
- 1.10 The Government has indicated that Local Planning Authorities will continue to be required to demonstrate an adequate housing land supply. This must be set out in the Annual Monitoring Report.
- 1.11 There is an urgent need to adopt a strategy for East Herts District which will set out how much development is needed in the District and the broad locations for that growth. This is because most of the housing sites identified in the Local Plan 2007 have now been developed.
- 1.12 Without a strategy in place to assist in the identification of new sites, there is a high risk of speculative planning applications for development proposals at inappropriate locations.

1.13 As explained in **Agenda Item 5: Local Development Scheme (LDS) Version 3 – May 2012** it is proposed that the Local Development Framework (LDF) and associated terminology be replaced with 'District Plan'. It is further proposed to use the term 'Preferred Strategy' rather than 'Preferred Options'. This is a more precise description of the task and the output for consultation.

2.0 Report

2.1 This report is divided into three parts. The first part summarises the overall approach, which is explained in more detail in **Essential Reference Papers 'B' and 'C'**. The second part explains the technical work presented in **Essential Reference Paper 'D'**.

Approach

2.2 Given the urgent need to agree a development strategy identified above, the approach is to prioritise the strategy. For this reason it is recommended that the LDF (District Plan) and its work requirements be split into two parts, the first part to contain strategy, and the second to contain allocations and policies.

2.3 It is proposed that the first part will include only policies which are necessary to delivery of the strategy. This is likely to include, for example, strategic policies, infrastructure policies, and policies about phasing of development. It is also likely to include policies which are very important to delivery, such as affordable housing thresholds and Community Infrastructure Levy. For non-strategic policies, Local Plan 2007 saved policies can continue to be used until such time as new policies are developed.

2.4 It is proposed that a short volume of strategic policies will be accompanied by a 'Strategy Supporting Document' which will explain how the strategy was selected. Part of this has already been prepared in draft, and is provided in **Essential Reference Papers 'B', 'C', and 'D'**. Given the large number of possible development options in the district, this document will be quite long.

2.5 Strategy emerges gradually through the application of various strategic planning tools to different sources and types of evidence. This is set out on a single sheet in **Essential Reference Paper 'C'**. 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.

- 2.6 For the same reasons, it is proposed that short-listed strategic scenarios should be set out for consultation through the Strategy Supporting Document, but that the Council's Preferred Strategy should be clearly set out in a separate document, including a 'key diagram' to illustrate the components of the strategy, which may include strategic sites as well as broad development locations. Presentation of a Preferred Strategy will demonstrate that it is possible to provide a way forward, and the process for doing so.
- 2.7 Failure to indicate a Preferred Strategy is likely to result in policy paralysis, because it is likely that there will be opposition to all alternative strategies which the Council could put forward. Policy paralysis would result in a policy vacuum in which developers would resort to the appeals system, with decisions on planning applications ultimately made by a Government-appointed Planning Inspector by reference to national planning policy.
- 2.8 Presentation of a Preferred Strategy does not imply that the Council is closed to alternative strategies. New evidence may be brought to light through the consultation. However, it is essential that the Council does not abandon a strategy which is reasonable in planning terms, unless there are compelling reasons for doing so. Such a course of action would result in a planning vacuum.
- 2.9 The new strategic planning role and responsibilities of East Herts Council therefore require an enhanced community leadership role to the plan-making process. It is important for the Council to defend the integrity of this process.
- 2.10 In practice this may mean, for example, explaining the process to people who do not agree with the strategy resulting from the process. It could also mean explaining housing targets to meet the long-term needs of the district. This is explained more in **Agenda Item 7: Population and Household Forecasts and the East Herts Housing Requirement**.
- 2.11 These are challenging new responsibilities for the Council and Members. Reflecting this, it is anticipated that additional Member support will be made available when the Preferred Strategy is published.

Technical Work

- 2.12 The 'Stepped Approach' explained in **Essential Reference Paper 'B'** explains that Steps 2 and 3 involve technical work.
- 2.13 Chapter 2 of ERP 'B' contains a number of 'Strategic Overviews' which explain some of the key strategic issues influencing the development of the strategy. ERP 'D' contains 22 topic assessments of 69 'areas of search'. This work contains much of the context for an Infrastructure Delivery Plan (IDP) which will be presented alongside the Preferred Strategy.
- 2.14 The technical work is currently in draft format. The work has been subject to an initial quality control check and further checks will be carried out as work progresses.
- 2.15 All technical work will be presented as part of the consultation on the Preferred Strategy later in 2012 and there will be opportunity then for comment on it.
- 2.16 A summary matrix grouping the topic assessment 'traffic lights' is contained in **Essential Reference Paper 'E'**. As explained in ERP 'B', the matrix is presented as a helpful check-list of topics at each area of search. It is not possible to reach any conclusions from the matrix at this stage because the relative importance of each topic has not been evaluated at this stage, and the wider strategic context has not yet been applied. The matrix should become a useful strategic tool at Step 5: Scenario Testing.
- 2.17 The approach to integrating Sustainability Appraisal into the strategy selection process is explained in Section 1.12 of ERP 'B'. This approach has been endorsed by URS Consultants, in an email attached at **Essential Reference Paper 'F'**. Although URS (formerly known as Scott Wilson Consultants) has previously been contracted by the Council, for the current work consultancy services have been made available through funding from the Planning Advisory Service as part of their 'Critical Friend' support package. URS is not contracted by East Herts Council. The endorsement is therefore made on an impartial basis as the opinion of experts in the field. The Planning Advisory Service itself does not comment on the work of Local Planning Authorities.

Next Steps

- 2.18 The proposed timetable is as follows:

- Executive Panel Meeting (26th July 2011)
- Preferred Strategy Consultation (September-November 2012)
- Pre-Submission 'soundness checking' Consultation (March-April 2013)
- Examination in Public (September 2013)
- Adoption (December 2013)

2.19 Prior to the July Panel meeting it will be necessary for Planning Officers to engage in work necessary to meet the requirements of Examination in Public.

2.20 One of these is a requirement to demonstrate deliverability of the strategy. The information required might include:

- **Land assembly:** whether there are co-operative agreements in place with adjoining landowners to enable access;
- **Financial viability:** whether there are particular costs which might prevent the land coming forward;
- **Delivery arrangements:** whether a landowner has an agreement in place with a developer to progress a development proposal;
- **Phasing:** when a given location might be available for development;
- **Restrictions:** for example restrictive covenants or ransom strips.

Without evidence that such issues have been addressed it is very unlikely that a strategy would be found sound at Examination in Public. Obtaining such information will require planning officers to conduct meetings with some landowners and/or developers. Without such meetings it is very unlikely that a realistic strategy can be put forward.

2.21 The choice of strategy will be led by the strategy selection process set out in ERP 'B'. This will enable transparency and confidence in decision-making. It is not for landowners and developers to persuade the Council or its Officers of the merits of a particular strategy. As an added safe-guard, the notes of all developer meetings will be published as part of the consultation in the autumn.

2.22 The requirement for 'soundness' does not mean that the Council is obliged to meet all interested landowners or developers. This is not necessary because the nature of the emerging strategy will

suggest a focus for further information-gathering. It would in any case be impractical given the very large number of submissions received through the Call for Sites. Planning officers will invite landowners and developers to tailored meetings aimed at eliciting specific information where there are known evidence gaps.

- 2.23 Partnership working with neighbouring Local Planning Authorities on certain aspects of the evidence base may also be necessary. For example, transport modelling will require parties to agree a common methodology and data inputs.
- 2.24 The Localism Act contains a 'Duty to Co-operate'. The implications of this are gradually emerging through the examination system. At present it appears that this does not mean that Local Planning Authorities must necessarily accept the growth aspirations of their neighbours when these entail growth beyond their administrative boundaries. However, it does mean that those aspirations should be given due consideration through the assessment of alternative options in the plan-making 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'**.

Essential Reference Papers

- 'A' – Corporate Issues and Consultation
- 'B' – Local Development Framework Core Strategy (District Plan Part 1 - Strategy) Draft Supporting Document [Chapters 1, 2 and 3 only]
- 'C' – Stepped Approach to Strategy Selection
- 'D' – Topic Assessments
- 'E' – Summary Assessment Matrix
- 'F' – Sustainability Appraisal Endorsement Letter from URS Consultants

Background Papers

- National Planning Policy Framework – Draft Consultation Document (Department for Communities and Local Government, July 2011)

www.communities.gov.uk/publications/planningandbuilding/draftframework

- Interim Neighbourhood Planning Guidance Note (East Herts Council, December 2011)
www.eastherts.gov.uk/neighbourhodplanning
- Local Development Framework Executive Panel 27th May 2010 - Agenda Item 5: LDF Core Strategy Issues and Options Consultation Document (May 2010)
www.eastherts.gov.uk/index.jsp?articleid=13789
- Local Development Framework Executive Panel 7th July 2011 - Agenda Item 5: East Herts Core Strategy Preferred Options: Project Plan and Methodology Statement (July 2011)
www.eastherts.gov.uk/index.jsp?articleid=13789

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ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p>Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p>Pride in East Herts <i>Improve standards of the built neighbourhood and environmental management in our towns and villages.</i></p> <p>Shaping now, shaping the future <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p> <p>Leading the way, working together <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
Consultation:	N/A
Legal:	N/A
Financial:	The risks of 'planning by appeal' are explained in the report.
Human Resource:	The necessary resources to complete the work indicated are now in place.
Risk Management:	Failure to progress with the Core Strategy as set out could lead to 'planning by appeal'. This would severely limit the ability of local residents and others to shape the future of the district.