

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 3 OCTOBER 2013

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING AND TRANSPORT

DISTRICT PLAN - UPDATE REPORT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report sets out the progress towards finalisation of a development strategy for the District, including District Plan Executive Panel dates for consideration of the draft plan;
- Details of the approach to schools planning are provided, including attendance of schools officers from the County Council at the District Planning Executive Panel to answer questions in relation to their area of expertise;
- Members are reminded of the important workshop between 10am and 4pm on Thursday 24th October, to review the draft District Plan.

<u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL AND EXECUTIVE: That:</u>	
(A)	the latest evidence supplied by Hertfordshire County Council in relation to schools planning, be noted;
(B)	the proposed approach to the preparation of an Infrastructure Topic Paper, followed by an Infrastructure Delivery Plan based on a specially commissioned delivery study, be supported; and
(C)	the latest national guidance, including that in relation to the importance of meeting housing needs within each housing market area, be noted.
<u>RECOMMENDATIONS FOR COUNCIL: That:</u>	
(A)	the latest evidence supplied by Hertfordshire County Council in relation to schools planning, be noted;

(B)	the proposed approach to the preparation of an Infrastructure Topic Paper, followed by an Infrastructure Delivery Plan based on a specially commissioned delivery study, be agreed; and
(C)	the latest national guidance, including that in relation to the importance of meeting housing needs within each housing market area, be noted.

1.0 Background

1.1 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 In July 2013 (see Background Papers) Member agreement was sought to the engagement of ATLAS, the Homes and Communities Agency's planning experts, to assist and advise the District Council in respect of matters relating to infrastructure provision and delivery. Members were also requested to agree the consolidation of the originally proposed two-part plan into a single plan, including development allocations and development management policies. Members were also advised of the most recent round of demographic projections work, which confirmed earlier projections of objectively assessed housing need towards the upper end of the range 10,000 to 17,000 dwellings.

2.0 Report

- 2.1 This report considers the following four broad areas:

- Methodology Update
- Infrastructure Update
- ATLAS Update
- Planning Practice Guidance

Methodology Update

- 2.2 The Stepped Approach set out in **Essential Reference Paper 'B'** is based on a logical and transparent process which was introduced at the outset of the strategy selection process in March 2012. Version 5 updates the previous versions to reflect changes to the methodology proposed below, and includes scheduled meeting dates for bringing forward the draft Plan for formal consideration by the Council prior to public consultation.
- 2.3 The tools used as part of the methodology should add value and clarity to the plan-making process. Flexibility is important in the choice of tools to ensure that the procedural elements of plan-making do not obscure key points in the evidence.
- 2.4 An important feature of the approach to date has been the 'sieve' approach, whereby the list of 69 initial 'areas of search' has been gradually reduced through the application of a number of assessments applied consistently across all assessment areas. The conclusions of Sieve 1 and Sieve 2 were presented in July 2012, and Sieve 3a (economic development) and Sieve 3b (urban

form) were presented in November 2012. The sieve approach has been a helpful tool during the early stages of plan-making, during which a wide range of assessments have been undertaken by Officers in-house.

- 2.5 Entering the final phase of plan-making, assessment is focused on a few complex outstanding issues, particularly related to matters of delivery. Given the critical role of detailed specialist third-party input, and also the site-specific nature of infrastructure and delivery issues, it is considered unhelpful to filter the evidence supplied through the standardised sieving process, which introduces risk of misinterpretation. It also requires a full set of evidence to be provided, when as is highlighted in the infrastructure planning update below, further evidence remains to be provided.
- 2.6 It has become clear that the Green Belt Review technical study is not in itself able to reach conclusions about which areas of Green Belt should be released for development. This is part of the function of the development strategy, where the housing requirement (top down) is informed by the evidence provided in the technical studies (bottom up) to reach a balanced judgement. As explained further in the **District-Wide Green Belt Review – Part 1 Report (Agenda Item 7)**, it is therefore not possible to draw firm conclusions for the study from the technical report in isolation. These decisions will be made in Chapter 6 of the Supporting Document to the District Plan.
- 2.7 For these reasons, for the remainder of the plan-making process it is proposed to maintain consistency and transparency through approaches better tailored to each specific area of investigation. It is therefore not proposed to progress with the Supporting Document Chapter 5: Options Refinement, but instead to present Chapter 6: Strategy alongside the draft Plan.
- 2.8 Chapter 6 will perform the central function of striking an appropriate balance between all the various constraints and requirements, based on earlier work in the Supporting Document and supplemented by other evidence as necessary.

Infrastructure Update

- 2.9 Infrastructure planning is critical to a sound plan, and one of the most challenging areas of plan-making. The District Council has made strenuous efforts to work with infrastructure providers to ensure that there is a reasonable prospect that the draft plan can

be delivered. **Essential Reference Paper 'C'** consists of the County Council's response to the District Council's request for information.

- 2.10 Acknowledging the complexity and central importance of this work, Hertfordshire County Council schools planning officers have agreed to attend meetings of the District Planning Executive Panel to answer questions from Members in relation to their response at the Panel Meeting on 3rd October 2013. .
- 2.11 In relation to transport, Hertfordshire County Council (in partnership with Essex County Council and the Highways Agency) has been asked to prepare a document which sets out clearly for the purposes of examination in public the impact on the highway network, taking account of new infrastructure provision and other mitigation measures. This report will draw on the extensive transport modelling work undertaken to date. It will form an interim report on the work necessary for this stage in the plan-making process, and any further work needed. Officers from the County Council have agreed to complete this report for presentation to Members at the next meeting of the District Planning Executive Panel on 18th November.
- 2.12 Healthcare is another area of infrastructure planning relevant to the District Plan. Whilst there are many areas of healthcare concern, including public health and specialist care facilities, attention is focussed on the provision of GP facilities, which are likely to require long-term investment both to expand the capacity of existing surgeries and possibly also in a small number of cases to provide entirely new facilities.
- 2.13 Officers have been working with both the Clinical Commissioning Group, representing GPs, and also with NHS England, which undertakes asset planning in relation to GP premises, to identify constraints emerging from development options for a new draft plan. Although still work in progress, the NHS has made it clear that funding and long-term planning are difficult issues across the country, given increasing demands on limited NHS resources.
- 2.14 The NHS has stated that it is likely to require developer contributions to ensure provision of the necessary facilities to support growth and development. In order to achieve this goal, the health service will need to provide information about the type and location of preferred facilities, together with estimated costs, and this will need to be subject to viability assessment. This will

need to form part of an ongoing programme of work over the coming year and prior to examination of the plan.

- 2.15 In relation to planning applications, East Herts Council's Development Management Service where appropriate consults the NHS and other important bodies such as the police in relation to facilities provision.
- 2.16 The July Update report (see Background Papers below) explained that an Infrastructure Topic Paper based on input from key providers will underpin decision-making on the draft District Plan. The Topic Paper will be presented at the scheduled District Planning Executive Panel meetings before the end of the year. As previously explained, more detailed work towards an Infrastructure Delivery Plan will be carried out prior to examination later in 2014.
- 2.17 The Infrastructure Topic Paper will form a succinct statement of prospects for the provision of the main items of capital expenditure to support the plan. It will not contain detailed assessment of funding packages and infrastructure costs, but will review the main messages from the key infrastructure and service providers, and identify the next steps towards examination.
- 2.18 The Topic Paper will be proportionate to NPPF requirements at draft Plan stage. As explained in July, more detail, including on a wider range of infrastructure types, and also including funding and costing detail, will be accumulated as the Topic Paper gradually evolves and expands into a Delivery Plan. The Delivery Plan will be accompanied by an infrastructure schedule for ongoing monitoring and updating throughout the lifetime of the plan.
- 2.19 In order to ensure a sound basis for the Delivery Plan, it is proposed to commission a delivery study early in 2014, following the agreement of Full Council to consult on the draft Plan. This work will include assessment of financial and infrastructure delivery. It will require the appointed consultants to liaise directly with infrastructure and service providers, and investigate funding arrangements. The consultants will be expected to draw on specialist expertise in planning obligations as well as infrastructure planning.

ATLAS Update

2.20 In summary, the role of ATLAS is:

- 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.

2.21 An illustrative Project Engagement Plan was presented to Members in July 2013. The finalised Project Engagement Plan (PEP) is contained at **Essential Reference Paper 'D'**. Section 5 of the PEP contains a 'project appreciation' and Section 6 contains the proposed ATLAS response, including three specific tasks to support East Herts Council in its plan-making role.

2.22 ATLAS has been closely engaged in work with Officers, including in discussions with partners from external organisations and delivery bodies, to identify the key outstanding delivery issues and meet the objectives set out in the Project Engagement Plan.

2.23 The ATLAS Delivery Advice Note for East Herts Strategic Sites is contained within **Essential Reference Paper 'E'**. Section 4 of the document on Strategic Sites sets out key principles for strategic sites drawn from the National Planning Policy Framework, draft National Planning Practice Guidance and advice from the Planning Inspectorate and Planning Advisory Service. It also considers how strategic sites and matters relating to deliverability have been assessed at 11 Local Plan examinations and draws out over 30 lessons. Whilst each Local Plan has its own context and influences, some of the key messages from this work include the following:

- The scope to use appropriate policy tools to ensure that there is a robust process in place to work with key stakeholders (including developers) over time. The approach should seek to ensure that development and associated infrastructure comes forward in tandem, with safeguards to prevent unacceptable outcomes at various stages in the planning process;

- The need to work with partners to ensure that the policies are backed up by reasonable evidence, for example by working with promoters to prepare masterplans/concept plans to demonstrate feasibility, or agreeing statements of common ground on key issues with the relevant bodies;
- Whilst the Core Strategy is the place to make the key in principle decisions, future planning stages could confirm details and resolve matters that may be outstanding;
- Uncertainty in terms of specific infrastructure works or their funding is not fatal; as long as a reasonable level of work has been done to show that there are options to address issues, and the key relevant stakeholders have not objected or identified (with evidence) potential show stoppers;
- The need to recognise that there may inevitably be an element of uncertainty given that some strategic sites will take many years to fully deliver, but that a reasonable level of work is needed to demonstrate there are no clear show-stoppers, with a clear agreed process in place to resolve any such uncertainty over time;
- The significance of timing. It is essential to understand the need for and delivery of infrastructure in the first five years of a plan's period, but expectations are less in relation to project needs or specific items of infrastructure that will come forward in the medium to longer term;
- Where uncertainty does exist, plans should be flexible, consider contingencies but avoid spurious accuracy;
- Vague statements on viability or that infrastructure will be funded are unlikely to carry much weight unless they are backed up by transparent evidence that can be tested.

2.24 The Note concludes by highlighting three key issues in relation to strategic sites which the Council should consider further. In summary these are:

- a) **Engagement with promoters/prospective developers:**
The need to engage with promoters/ prospective developers to set out the issues that the Council will need to be satisfied on, the evidence that is considered necessary to demonstrate deliverability and a clear timetable and route map for joint working up to the submission of a District Plan and its examination;
- b) **Infrastructure:** The need to establish clear processes and procedures to help reduce uncertainty and manage risk;

- c) **Duty to Co-Operate:** The need to work with adjoining Authorities on a shared vision for any strategic sites that are adjacent to/overlap District boundaries. This should also consider the approach to relative housing contributions to address objectively assessed needs, cross boundary impacts and infrastructure issues.

Planning Practice Guidance

2.25 On 28th August the Government published online in 'Beta' test mode a new streamlined planning practice guidance, which will replace the existing 7,000 pages of guidance following 'go-live' this autumn. A short window of 6 weeks for informal comment was provided until 9th October. A link to the guidance is provided under the Background Papers below, although this may change with the final publication.

2.26 The guidance covers a wide range of topics. For the purposes of the current stage of plan-making, the sections on Local Plans and the Duty to Co-Operate, and Housing Needs are especially relevant. Key passages from these sections of the guidance are contained within **Essential Reference Paper 'F'**. In summary, the main points from the Local Plans guidance are as follows:

- A single plan is preferred, but other documents such as Area Action Plans may be produced so long as they are clearly justified;
- Most Local Plans are likely to require updating in whole or in part at least every five years;
- The consequences of uncertain infrastructure delivery should be clearly set out in the plan;
- Local Economic Partnerships should be engaged at an early stage, including the prospects for investment in infrastructure;
- Neighbourhood Plans should be in conformity with the Local Plan, and Local Plans should take account of Neighbourhood Plans.

2.27 In relation to the Duty to Co-Operate, the guidance includes the following points:

- Co-operation should produce effective and deliverable policies on strategic cross boundary matters;
- Co-operation should follow the functional geography of an area, for example across housing market and travel-to-work areas;

- Inspectors testing compliance with the duty at examination will assess the outcomes of cooperation and not just whether local planning authorities have approached others;
- local planning authorities are not required to reach agreement about the planning strategy before they submit their Local Plans for examination. But local planning authorities should ensure that their Local Plan is effective before they submit it for examination.

2.28 In relation to housing and economic need, the guidance includes the following points:

- The definition of housing need should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand;
- Plan makers should not apply constraints to the overall assessment of need;
- Needs should be assessed in relation to the relevant functional area: either a housing market area [or] a functional economic area in relation to economic uses;
- Office for National Statistics (ONS) Household Projections should provide the starting point for assessment of overall housing need.

2.29 The guidance provides welcome clarity on some points, and less so on others. It is clear that much is dependent on the specific issues which need to be addressed by each plan. However, there are no apparent grounds for concern arising from the guidance in relation to the procedural aspects of East Herts District Plan.

2.30 One area for further work will need to be around the involvement of the Hertfordshire Local Economic Partnership (LEP) in terms of funding arrangements. The LEP is undertaking further work to look at future investment priorities. The Council will need to seek to influence these priorities, as the detailed requirements of the District Plan become clearer over the coming year.

Dates for consideration of the Draft District Plan

2.31 Owing to the volume and significance of material within the plan to consider, it is proposed to present the draft District Plan at two separate meetings. Therefore two meetings of the District Planning Executive Panel have been scheduled, on **18th November** and **3rd December** 2013.

- 2.32 It is anticipated that the 18th November panel will consider the draft District Plan development management policies, covering the full range of non-place specific policy topics including housing, economic development, environment, design, and transport.
- 2.33 For the meeting on December 3rd it is anticipated that the panel will consider place-specific policies including the overarching development strategy, infrastructure policies, and site allocations.

Reminder – Member Workshop on 24th October 2013

- 2.34 A workshop for Members will be held in the Council Chamber on October 24 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. **Please can Members who have not yet done so confirm their attendance by emailing 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

Planning Practice Guidance – Beta Test Version August-October 2013:
<http://planningguidance.planningportal.gov.uk/>

District Planning Executive Panel reports:

- District Plan Update Report (25 July 2013)
- District Plan Part 1 – Update Report (21 February 2013)
- District Plan Part 1 – Strategy Supporting Document – Update Report (28th November 2012)
- District Plan Part 1 – Strategy Supporting Document – Update Report (26th July 2012)
- District Plan Part 1 – Strategy Supporting Document – Chapter 4: Places, and Next Steps (26th July 2012)
- Local Development Framework Core Strategy: Approach, Technical Work, and Next Steps.

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

Contact Member: Cllr Mike Carver - Executive Member for Strategic Planning and Transport
mike.carver@eastherts.gov.uk

Contact Officer: Kevin Steptoe - Head of Planning and Building Control
01992 531407
kevin.steptoe@eastherts.gov.uk

Report Author: Martin Paine - Senior Planning Policy Officer
martin.paine@eastherts.gov.uk