

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 17 JULY 2014

EXECUTIVE – 5 AUGUST 2014

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

DISTRICT PLAN UPDATE REPORT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- The purpose of this report is to update Members on progress with the District Plan
- Activities undertaken in accordance with the agreed consultation strategy are set out
- A breakdown of the consultation feedback is presented, together with an explanation of next steps in addressing the issues raised
- Explanation of the evolving situation in relation to the Duty to Co-Operate is presented
- A letter from the Planning Minister clarifying interpretation of Green Belt policy is presented
- Next Steps towards an amendments consultation for the District Plan are explained

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

(A)	The record of consultation activity, together with the analysis of comments logged, contained at Essential Reference Papers ‘B’ and ‘C’ respectively, be noted; and
(B)	Explanation of the Duty to Co-Operate, together with the letter from the Planning Minister in relation to Green Belt policy contained at Essential Reference Paper ‘D’, be noted.

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1.0 Background

- 1.1 The District Plan has been prepared through a process of gradual testing and refinement, known as the ‘stepped approach’. Originally 69 ‘areas of search’ were presented to Members in spring 2012. A shortlist of options for further assessment was presented in summer 2012. The draft Plan was presented in January 2014, following an Interim Development Strategy Report which showed how the Council proposed to comply with national requirements set out in the National Planning Policy Framework (NPPF).
- 1.2 A 12-week consultation on the Preferred Options Draft District Plan took place between 27th February and 22nd May 2014. The consultation strategy (see Background Papers) was agreed by Full Council on 29th January 2014.
- 1.3 A number of previous District Plan Update reports and Duty to Co-Operate reports to Members set out the evolving position in relation to planning policy requirements.
- 1.4 In working towards fulfilling its obligations under the Duty to Co-Operate, Officers participate in technical work on a number of technical studies as previously reported, including the Strategic Housing Market Assessment, demographic forecasts, and the transport modelling work.
- 1.5 At Member level, East Herts Council previously agreed that the Portfolio holder should represent the Council at bilateral meetings with adjoining authorities. Notes of all these meetings have been posted on the Council’s website at www.eastherts.gov.uk/dutytooperate.
- 1.6 East Herts Council has agreed a Memorandum of Understanding (MoU) with Uttlesford District Council prior to submission of the Uttlesford Local Plan for examination (see Background Papers).

2.0 Report

- 2.1 This report provides an update on aspects of the Plan relating to the recent Preferred Options consultation, the Duty to Co-Operate, and the approach to Green Belt. It also sets out next steps towards an amendments consultation.

Consultation strategy

- 2.2 The consultation strategy included a number of different media and communication channels in order to maximise coverage, including electronic and printed media, and face-to-face communications. A report on consultation activities, events, and examples of publicity materials is included at **Essential Reference Paper 'B'**. In addition to the District Council's efforts, a number of Town and Parish Councils and Civic Societies responded to requests to publicise the consultation. A number of events were jointly hosted with Town and Parish Councils and Civic Societies.
- 2.3 The consultation was carried out in accordance with Regulation 18 of the Town and Planning (Local Planning)(England) Regulations 2012, which addresses preparation of Local Plans, and also in accordance with the Council's adopted Statement of Community Involvement (SCI), October 2013. The SCI sets out the Council's procedure for undertaking consultations on planning policy documents and planning applications.
- 2.4 As part of the agreed consultation strategy, Opinion Research Services (ORS) was commissioned to undertake telephone research. This survey will provide supplementary information in accordance with best practise research principles of data collection and analysis. The results of this study are currently being collated by ORS and will be presented to the Panel in due course.

Consultation Feedback

- 2.5 The majority of the consultation responses have now been logged, and these are set out in **Essential Reference Paper 'C'**. This shows the breakdown of responses including the bodies making representations and the town or village from which the responses were made, as well as the source of the response, whether post, email, or online through the Portal.

- 2.6 The majority of the responses have now been added to the Consultation Portal, including those sent in by post and email. These include petitions, landowner and developer submissions. All feedback is now available to view on the Consultation Portal at <http://consult.eastherts.gov.uk/portal> (note: no 'www.')
- 2.7 Once all the responses have been logged, the next step will be to review the issues raised. In order to ensure that the Plan is sound at examination, each issue raised will need to be considered in the context of national requirements set out in the National Planning Policy Framework (NPPF).
- 2.8 A summary of the consultation issues will be prepared, together with the Council's response to the points raised, including an explanation of any proposed amendments to the Plan. Following this, as explained below, an amendments consultation will be held in accordance with Regulation 18.

Duty to Co-Operate Update

- 2.9 The Duty to Co-Operate applies to a range of strategic planning issues, including housing and infrastructure planning.
- 2.10 East Herts Council has sought further Member-level meetings with adjoining Local Planning Authorities. It is understood that a number of these Councils are currently awaiting clarification of Portfolio holder responsibilities following the May 2014 local elections, following which it is expected that these meetings will take place. The meeting notes will be reported to the Panel.
- 2.11 The National Planning Guidance (NPG) reiterates the importance of a process of continuous engagement to achieve positive outcomes. However, it leaves many areas of uncertainty around the correct approach, particularly in areas where strategic planning issues are sub-regional in nature, for example in relation to housing market areas and strategic transport infrastructure.
- 2.12 The importance of compliance with the Duty has been underlined by the Planning Inspectorate, which has recently concluded that a number of Local Planning Authorities have not passed the Duty and should therefore not proceed to Examination of their Local Plans.
- 2.13 In order to fill the gap in sub-regional planning left by the removal of regional plans, groups of Local Planning Authorities around the

country have been investigating mechanisms by which sub-regional strategic issues may be satisfactorily addressed. A framework is needed in order to assess the cumulative impacts of development, irrespective of administrative boundaries, and also in order to meet the requirements of the Duty to Co-Operate.

- 2.14 In Hertfordshire, there are currently fairly loose Member-level arrangements to address high-level strategic matters, including the Hertfordshire Infrastructure & Planning Partnership (HIPP), through which portfolio holders for all the Local Planning Authorities and the County Council address cross-boundary infrastructure issues.
- 2.15 Taking account of the importance of sub-regional considerations, a number of proposals are emerging for groups of Local Planning Authorities, including the County Councils, to participate in more closely co-ordinated work, including at Member level. For example, proposals for a Hertfordshire-wide review of strategic planning arrangements will be considered further by HIPP, including an extended role for the Local Enterprise Partnership (LEP) and the Local Nature Partnership (LNP). It is likely that similar proposals will also emerge in relation to the Essex authorities.
- 2.16 East Herts Council will need to participate in these discussions in order to help shape emerging sub-regional planning arrangements. Further updates will be provided in due course as the information becomes available.

Green Belt

- 2.17 There has been recent discussion nationally about the role and purpose of Green Belt, including an exchange of letters between the Planning Minister and the Chief Executive of the Planning Inspectorate concerning the interpretation of the National Planning Policy Framework.
- 2.18 In response to this, the Portfolio Holder for Strategic Planning and Transport met the Planning Minister along with the MP for Hertford and Stortford during April 2014, in order to help clarify the implications for the emerging East Herts District Plan. A letter from the Planning Minister to the MP for Bishop's Stortford and Hertford is attached at **Essential Reference Paper 'D'**. This sets out the important distinction between approaches to Green Belt in relation to plan-making and decision-taking (planning

applications), and cases in which Green Belt is being reviewed through the preparation of Local Plans.

- 2.19 It is considered helpful to make this letter public now in order to provide clarification of Government policy, and the relationship between Green Belt, housing need, and sustainability considerations.

Next Steps

- 2.20 There is a considerable amount of work still to complete before the Council is in a position to submit the District Plan to the Planning Inspectorate for Examination in Public. This includes not only careful consideration of the issues arising from the Preferred Options consultation, but also a number of important technical studies, including the Gypsies and Travellers and Travelling Showpeople Studies, the Delivery Study, the Strategic Land Availability Assessment, and others. The Council will also need to demonstrate how it will meet the legal tests of the Duty to Co-Operate.
- 2.21 This work is likely to result in a number of amendments to the District Plan. There will need to be a further public consultation in accordance with Regulation 18 on any 'material' amendments to the plan, including those arising from the above work. It is currently anticipated that the Council will be in a position to commence an amendments consultation later in 2014. Additional Officer resource is now in place and the Council is taking every reasonable measure to expedite Plan preparation.
- 2.22 The Council's ability to proceed with an amendments consultation however remains dependent upon various partners providing information in a timely manner, and on the satisfactory resolution of any 'critical' planning issues arising. Progress will be kept under review, with a further update being presented to the next Panel meeting.

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

- Consultation Strategy – District Planning Executive Panel 16 January 2014, report entitled 'Draft District Plan Preferred Options, January 2014', Essential Reference Paper F: Consultation Strategy'.
- East Herts Statement of Community Involvement, October 2013
- Town and Country Planning (Local Planning)(England) Regulations, 2012
- East Herts and Uttlesford Duty to Co-Operate Memorandum of Understanding – April 2014 (Non-Key Decision 14/08)

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