

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 15 SEPTEMBER 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DISTRICT PLAN – PRE-SUBMISSION VERSION 2016

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To present to Members the consolidated East Herts District Plan Pre-Submission Version 2016 and to seek agreement to publish the Plan for consultation under Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012 as amended.

RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL: That Council, via the Executive, be advised that:

(A)	the East Herts District Plan Pre-Submission Version 2016, as detailed at Essential Reference ‘B’ to this report, be agreed and published for consultation for a period of six-weeks in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended;
(B)	the Head of Planning and Building Control, in consultation with the Leader of the Council, be authorised to make non-material typographical, formatting, mapping and other amendments to the Plan, prior to its publication for consultation in November 2016; and
(C)	the ‘Frequently Asked Questions’ paper, as detailed at Essential Reference Paper ‘C’ to this report, be agreed and published alongside the Plan.

1.0 Background

- 1.1 The District Plan sets out the Council's planning framework to guide future development and the use of land in the district. It identifies how East Herts will grow and develop whilst at the same time maintaining its attractiveness as a place to live, work and visit. The Plan covers the period 2011–2033. Once adopted, the policies in the District Plan will replace the policies in the Local Plan 2007.
- 1.2 The District Plan, together with the Minerals and Waste Local Plans for Hertfordshire and any adopted Neighbourhood Plans, form the Development Plan for the district. The Development Plan is the basis upon which planning applications must be determined, unless there are material planning considerations that indicate otherwise. The policies of the Development Plan should be read as a whole.
- 1.3 The District Plan is a long-term document which provides certainty to communities and businesses as to where development will be provided and, likewise, where development will be restricted. It also allows infrastructure providers to plan effectively for the future.
- 1.4 Work on the emerging District Plan has been ongoing now for a number of years. An Issues and Options consultation was undertaken in 2010. This was followed by a Preferred Options consultation which was undertaken in 2014.
- 1.5 The issues raised through the Preferred Options consultation have been considered by Members at previous District Plan Executive Panel meetings on the 24 May, 21 July, 25 August and 8 September 2016, together with draft revised District Plan chapters.
- 1.6 The preparation of the District Plan has been informed by an extensive evidence base which has been kept up to date and reviewed in the light of the representations received. The evidence base is available to view on the Council's website at www.eastherts.gov.uk/technicalstudies.
- 1.7 The Council has worked closely with a number of bodies during the preparation of the District Plan in accordance with the Duty to Co-operate. In particular, the Council has worked closely with Hertfordshire County Council to ensure that the infrastructure

implications of individual sites and different development distribution options, including cumulative impacts, have been properly understood and considered. The Council has also worked closely with its housing market area partners (Harlow, Epping Forest and Uttlesford Councils) to address the spatial distribution of housing across the four districts. Meetings have also been held with other adjoining local authorities to discuss cross-boundary issues. Joint policy wording has been developed with Welwyn Hatfield Borough Council relating to Birchall Garden Suburb (East of Welwyn Garden City).

- 1.8 This report presents the final consolidated District Plan (Pre-Submission Version), a copy of which is contained in **Essential Reference Paper 'B'**, and seeks Members' agreement to publish the Plan for a six-week period of consultation under Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012 as amended.

2.0 Report

Content of the Pre-Submission District Plan

- 2.1 The Pre-Submission District Plan sets out the vision, policies and proposals to guide future development and the use of land within East Herts. It provides certainty to members of the public and developers as to where development is likely to take place and guides decision-takers on the most appropriate forms of development over the Plan-period to 2033.
- 2.2 The structure of the Pre-Submission District Plan is similar to the structure of the Preferred Options District Plan with sections on the development strategy (including settlement/site specific policies) and topic specific policies.
- 2.3 As required by the National Planning Policy Framework, the District Plan seeks to positively plan for growth and as such identifies sites that will deliver in excess of 18,000 homes over the Plan-period.
- 2.4 The Pre-Submission District Plan comprises the following:
- **Chapter 1: Introduction** explains what the District Plan is and refers the reader to the extensive evidence base that has informed the Plan. It also contains sections on the duty to co-operate and strategic planning, and sustainable development.

- **Chapter 2: Vision and Strategic Objectives** sets out the overall strategic vision for development in East Herts over the Plan period to 2033. The vision is supported by a set of strategic objectives which when considered together provide the framework for the policies set out in the District Plan.
- **Chapter 3: The Development Strategy** sets out the Council's strategy for delivering growth in East Herts over the Plan period up to 2033.
- **Chapter 4: Green Belt and Rural Area beyond the Green Belt** sets out the purposes of the Green Belt and includes policies to safeguard the rural area.
- **Chapter 5: Chapter 5: Bishop's Stortford** includes the development strategy for the town and sets out site specific policies for the following locations:
 - Bishop's Stortford North (2,529 homes)
 - Reserve Secondary School Site, Hadham Road (0-163 homes)
 - Bishop's Stortford South (750 homes)
 - Bishop's Stortford High School Site, London Road (0-150 homes)
 - The Goods Yard (at least 400 homes)
 - The Causeway/Old River Lane (up to 100 Homes)
 - East of Manor Links (50 homes)
 - The Mill Site
- **Chapter 6: Buntingford** is focused on seeking to ensure that the impacts of development can be mitigated and managed within the overall infrastructure of the town. The chapter sets out the requirement for a new first school in the town.
- **Chapter 7: Hertford** includes the development strategy for the town and sets out site specific policies for the following locations:
 - Mead Lane Area (200 homes)
 - West of Hertford (550 homes)
 - North of Hertford (150 homes)
 - South of Hertford (50 homes)

- **Chapter 8: Sawbridgeworth** includes the development strategy for the town and sets out site specific policies for the following locations:
 - Land north of West Road (125 homes)
 - Land south of West Road (175 homes)
 - Land north of Sawbridgeworth (200 homes)
- **Chapter 9: Ware** includes the development strategy for the town and sets out a site specific policy for the following location:
 - Land North and East of Ware (1,000 homes within the Plan-period with a further 500 homes beyond 2033, subject to suitable mitigation).
- **Chapter 10: Villages** sets out the policy approach to development in Group 1, Group 2 and Group 3 Villages.
- **Chapter 11: The Gilston Area** includes the development strategy for the area and sets out a site specific policy for development in this location (10,000 homes to be delivered in this Plan-period and beyond. It is anticipated that approximately 3,000 homes could be delivered by 2033).
- **Chapter 12: East of Stevenage** includes the development strategy for the area and sets out a site specific policy for development in this location (600 homes).
- **Chapter 13: East of Welwyn Garden City** includes the development strategy for the area and sets out a site specific policy for development in this location (1,350 homes).
- **Chapter 14: Housing** sets out the Council's approach to addressing the need for different types of housing across the district. It includes policies relating to type, mix and density of new housing, Affordable Housing and Gypsies, Travellers and Travelling Showpeople housing requirements.
- **Chapter 15: Economic Development** sets out the Council's approach to employment land and employment generating uses. It seeks to retain employment areas for their role in providing local job opportunities, and allocates new areas for businesses in order to facilitate an anticipated growth in jobs

and to encourage investment into East Herts, reflecting the Council's Economic Development Vision and Action Plan.

- **Chapter 16: Retail and Town Centres** sets out the Council's approach to new retail opportunities and where changes of use are proposed. The changing role of town centres is acknowledged and the Plan seeks to ensure that where retail development occurs it ensures the vitality and viability of the district's thriving market towns.
- **Chapter 17: Design and Landscape** sets out the Council's approach the design of development and how it responds to the local landscape setting. It encourages high standards of design quality and the retention of key landscape features through an integrated approach to green infrastructure. It also sets out the Council's approach to extensions and alterations to dwellings.
- **Chapter 18: Transport** sets out the Council's approach in seeking a reduction in the growth of car usage combined with the greater use of more sustainable modes of transport and improved accessibility, in order to help achieve sustainable development in the district. It includes policies relating to Sustainable Transport; Safe and Suitable Highway Access Arrangements and Mitigation; and Vehicle Parking Provision.
- **Chapter 19: Community Facilities, Leisure and Recreation** sets out the Council's approach to the creation and retention of open spaces and facilities for sport and recreation. It also sets out the Council's approach to the retention of community facilities, the prevention of loss of facilities and creating new facilities through development. It also sets out the Council's approach to health and wellbeing, and education.
- **Chapter 20: Natural Environment** sets out the Council's approach to the conservation, protection and enhancement of the natural environment; not only designated sites of international, national and local importance, but non-designated assets that contribute to wider ecological networks. Registered species and habitats will be protected, and development proposals are expected to avoid and mitigate harm through an integrated approach to green infrastructure.
- **Chapter 21: Heritage Assets** sets out how development is expected to protect and preserve the district's rich and varied

historic environment. Opportunities will arise through development to enhance designated and non-designated heritage assets. The chapter also sets out the requirement to assess archaeological interests, and to sustain and enhance Conservation Areas and Listed Buildings.

- **Chapter 22: Climate Change** seeks to ensure that new development is designed in a way that mitigates the impacts of climate change by reducing carbon emissions. The policies in the chapter also encourage the provision of renewable energy technologies where appropriate.
- **Chapter 23: Water** identifies the Council's approach to mitigating flood risk from different sources and protecting and enhancing water quality. It also seeks to ensure that new development makes efficient use of water resources.
- **Chapter 24: Environmental Quality** sets out how development will be expected to take account of contaminated land and land instability. It also advises that assessments will be required to assess noise pollution, light pollution and air quality impacts, both in terms of the impacts arising from development and the impacts existing sources may have on the siting of new development.
- **Chapter 25: Delivery and Monitoring** sets out the way in which the Council will work with service providers and other bodies in order to ensure the timely provision of infrastructure schemes that are required to support planned development. It also identifies how the implementation of the District Plan will be monitored in order to ensure that the policies remain effective.

2.5 The Plan also contains four Appendices:

- Appendix A: Key Diagram
- Appendix B: Strategy Worksheet
- Appendix C: Monitoring Framework
- Appendix D: Glossary

Appendices A and B have been updated to reflect the development strategy set out in the Pre-Submission District Plan. Appendix C: Monitoring Framework takes account of the issues raised through the Preferred Options consultation (see Agenda Item 8) and has been updated to align with the Pre-Submission District Plan. Appendix D: Glossary has been updated to align it

with the Pre-Submission District Plan.

- 2.6 A copy of the consolidated Pre-Submission District Plan is contained in **Essential Reference Paper 'B'**.
- 2.7 A **Policies Map** (previously known as the Proposals Map) will accompany the District Plan. The Policies Map shows the main policy designations, such as Green Belt, housing allocations, employment areas, environmental assets, conservation areas and open spaces.
- 2.8 A **Sustainability Appraisal** (SA) has informed the preparation of the District Plan. Reasonable alternatives to the policies and sites have been assessed at various stages in the preparation of the District Plan and this has informed the development of the spatial strategy and the selection of sites. As well as an appraisal of each policy and site it includes an assessment of the cumulative effects of the Plan against sustainability objectives. More information on the Sustainability Appraisal can be found at Agenda Item 12.
- 2.9 A **Habitats Regulations Assessment** (HRA) has also been undertaken to identify any aspects of the emerging District Plan that would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites). The HRA concludes that the District Plan will not result in a likely significant effect, either alone or in combination, upon any European Sites. This conclusion is contingent upon the implementation of a monitoring programme and the delivery of mitigation where identified, in particular in relation to Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC. More information on the Habitats Regulation Assessment can be found at Agenda Item 13.
- 2.10 An **Infrastructure Delivery Plan** (IDP) has also been prepared in consultation with infrastructure providers and other stakeholders and sets the requirements for the level of growth identified in the Pre-Submission District Plan. Sites which already have planning permission have not been included as provision will already have been made through section 106 agreements. The examination Inspector will expect a level of certainty relating to the first five years of the Plan. More information on the Infrastructure Delivery Plan can be found at Agenda Item 14.

Consultation on the Pre-Submission District Plan

- 2.11 Subject to agreement it is proposed that consultation on the Pre-Submission District Plan will commence on the 3rd November 2016 for a six-week period closing on the 15th December 2016.
- 2.12 At this stage in the plan-making process the Council will be seeking views on whether the District Plan is sound and meets the tests set out in the National Planning Policy Framework (NPPF). In other words whether:
- the Council has planned for the district's housing, employment and infrastructure needs;
 - the District Plan is based on sound evidence;
 - the development proposals identified within the District Plan can be delivered by 2033; and
 - the District Plan is consistent with national policy, and enables sustainable development.
- 2.13 While respondents are free to comment as they choose, in order to have the greatest influence at this stage it is advisable that representations should relate to the soundness of the Plan or to its compliance with legal requirements. This is because these are the broad areas that the Inspector will focus on in examining the District Plan. These are explained below.

Soundness

Regulations state that a local planning authority should submit a Plan for examination which it considers to be 'sound' – namely that it is:

- **Positively prepared** – the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policies** – the Plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

Legal Requirements

When considering if the Plan meets its legal requirements, the Inspector will consider a number of issues including:

- **Local Development Scheme** – has the Plan been prepared in accordance with the timetable set out on the Local Development Scheme?
- **Statement of Community Involvement and relevant regulations** – has consultation on the Plan been in accordance with the Council’s Statement of Community Involvement and have the appropriate bodies been consulted?
- **Duty to Co-operate** – has the Plan been prepared in co-operation with other local planning authorities and prescribed bodies, such as the Environment Agency and the Local Enterprise Partnership, to identify and address any issues?
- **Sustainability Appraisal** – has an adequate Sustainability Appraisal been carried out?
- **Appropriate Assessment** – has an adequate Appropriate Assessment under the Habitats Regulations been carried out?
- **National Policy and Legislation** – does the Plan comply with national policy and legislation, for example, the National Planning Policy Framework.

2.14 A ‘Frequently Asked Questions’ paper has been produced which explains what the consultation is about, how long it lasts, how to comment, document availability etc. A copy of the FAQ is attached at **Essential Reference Paper ‘C’**.

2.15 Members are requested that:

- the East Herts District Plan Pre-Submission Version 2016, as detailed at **Essential Reference ‘B’** to this report, be agreed and published for consultation for a period of six-weeks in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended ; and

- the 'Frequently Asked Questions' paper, as detailed at **Essential Reference Paper 'C'** to this report, be agreed and published alongside the Plan.

2.16 It is further requested that the Head of Planning and Building Control, in consultation with the Leader of the Council, be authorised to make any non-material typographical, formatting, mapping and other amendments to the Plan, prior to its publication for consultation in November 2016.

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

The District Plan evidence base is available at:

www.eastherts.gov.uk/technicalstudies

Previous District Planning Executive Panel reports are all available at:

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

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