

## **Introduction**

The Planning Portfolio Holder and officers received a visit from Keith Holland, an ex planning inspector, to offer advice on the preparation of our Local Plan and to highlight issues that a future inspector might take into account at public examination.

## **Market Areas / Duty to Cooperate**

Local Planning Authorities should be planning to meet their needs and if they are not able to, they should use duty to cooperate to see if this need can be met elsewhere. Developers are increasingly challenging Strategic Housing Market Assessments (SHMA) at Examination and they need to be robust. Duty to co-operate in Hertfordshire is recognised as being difficult, not just because of the political dynamics, but also because of the complex economic relationships within the area, meaning there is no one answer to defining the extent of the strategic housing market area or functional economic market area. Do not fudge Strategic Housing Market Assessments (SHMA) and Functional Economic Market Area (FEMA) evidence, as it will be tested by the Inspector and others.

Assuming it is not possible to reach agreement, the suggested approach (to consider the policy implications of the differing approaches (which may include housing and employment land supply) and attempt to agree with neighbouring authorities a policy outcome) seems pragmatic. The recent ministerial statement advocates the Inspectorate to take such a pragmatic approach. However much will depend on an Inspector and their interpretation of the NPPF and the PPG.

## **The London Effect**

Inspectors are unlikely to expect Local Planning Authorities in Hertfordshire to meet London's needs when London has not reviewed its own Green Belt.

## **Green Belt Issues**

There is little scope to meet our Objective Assessment of Need (OAN) without releasing land from the Green Belt.

It is clear from recent Inspectors' decisions that not releasing Green Belt land is likely to be found an unsound approach. The Council should seek to meet local needs as best it can. It should have a realistic Plan which is demonstrably deliverable for the first five years and developable for 5-10 and 10-15 years if possible, but there is scope for a longer-term review and the identification of broad locations for 10-15 years if sufficient sites cannot be identified.

While attempting to match jobs to houses is an understandable aspiration, in practice this often is too complex a relationship to achieve, and a target which is close to the demographic projection is likely to be acceptable in these circumstances. However if there is an economic development strategy, the Plan should seek to deliver that. The Plan needs to demonstrate we are planning positively.

A local authority can take the decision that the Green Belt is more important than housing, but it must find another local authority to take the housing that will not be provided for as a consequence. The view of the local community will not be taken into account on this. Land can only be removed from the Green Belt through the plan-making system, not through the determination of planning applications.

Whilst duty to cooperate is not a duty to agree, we must be able to say that we have done everything we can at both officer and member level with regards to duty to cooperate and attempting to meet our needs. The Government is uncompromising about duty to cooperate.

In the Green Belt review, a local aspiration of maintaining the existing settlement pattern was identified. This considered coalescence between villages, and between villages and towns. National guidance relates to merging of towns, but we are aware that some studies have looked at merging of settlements rather than towns.

Maintaining the distinctive character of our settlements has come through every consultation as a clear desire of residents and is consequently set out in the Council's draft vision for the Borough.

The Local Plan will need to establish the desire to protect the distinct character of settlements and the development strategy needs to inform the Green Belt release options in reference to defining a new robust Green Belt boundary.

The legitimacy of that approach however would be undermined if we are some way off meeting our OAN.

## **Infrastructure**

There are still uncertainties relating to the deliverability of infrastructure. This relates to highways, education and sewerage. The precise requirements for health also remain uncertain.

It is understood that infrastructure plans only need to provide certainty for the first five years but Local Plans also need to be able to demonstrate that they are deliverable. At the present time there is uncertainty that there will be clarity over the infrastructure issues by the time we submit.

If necessary it should be possible to put in place a back-loaded trajectory to allow for infrastructure to be put in place. However the plan would need to be clear about what we are doing in a positive fashion to put in place the necessary infrastructure and what would be the implication of undersupply and how this might be mitigated.

Longer term land should be taken out of the Green Belt as part of the process of positive planning; the decision should not be deferred but can go down the broad location route (see also Green Belt).

DCLG would welcome a proper new town to be agreed by 10 authorities in Hertfordshire but this must come from the authorities. Because of the difficulties involved in bringing forward such proposals this is more likely to be a longer term solution.

## **Employment Land**

Our Economy Study 2014 is in the process of being updated. The last study identified a surplus of employment land, but recommended that we needed to retain it in its entirety because it was good quality, because we are losing office space as a consequence of prior notifications and NPPF paragraph 22i, and because the identification of the need for employment land is essentially a theoretical exercise. However the update to our study is likely to indicate we need to provide more employment land.

The Council could identify reserve employment land in the Green Belt that would only be released and developed if existing vacant employment land in urban areas is used up. This would need to be carefully monitored to decide at what point that moment had arrived and it was necessary to bring forward new land to meet employment needs.

## **Consultation**

It is acceptable to consult informally with those bodies who have commented on specific policy intentions. Inspectors don't expect Local Planning Authorities to go above the requirements set out in the regulations and their Statement of Community Involvement. There is a danger that local planning authorities will keep going round in consultation loops and never produce a plan.

i Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.