

Meeting: Executive / Council

Agenda Item: **17**

Portfolio Area: Environment & Regeneration

Date: 7 April 2010 / 26 May 2010

LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY: SUBMISSION TO THE SECRETARY OF STATE

KEY DECISION

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PURPOSE

- 1.1 To explain the progress made to date in preparing the Council's new Local Development Framework (LDF) and the proposed arrangements for the submission and examination of the Core Strategy.
- 1.2 To summarise the findings of the pre-submission consultation.
- 1.3 To present the Core Strategy and to seek Members' approval to submit this document and relevant supporting information to the Secretary of State for independent examination.

RECOMMENDATIONS

That Council be recommended –

- 2.1 To note and endorse the work undertaken to prepare the Core Strategy.
- 2.2 To note the findings of the pre-submission consultation and approve the Regulation 27 Statement of Consultation.
- 2.3 To approve the Core Strategy (subject to the minor changes requested under Recommendation 2.4) and note the findings of the accompanying Sustainability Appraisal, Appropriate Assessment and Regulation 25 Statement of Consultation.
- 2.4 To approve the Core Strategy Schedule of Proposed Minor Changes.
- 2.5 To authorise officers to submit the Core Strategy and ancillary documents to the Secretary of State for independent examination.

- 2.6 That delegated powers be granted to the Head of Planning, Regeneration & Transport to take all such steps necessary to support the submission of the Core Strategy to the Secretary of State and the subsequent examination.

3. BACKGROUND

- 3.1 The Local Development Framework (LDF) is a set of plans which, once adopted, will replace the Stevenage District Plan Second Review and be used to determine applications for planning permission. The LDF is being prepared in accordance with the requirements of the 2004 Planning & Compulsory Purchase Act (the Act) and its associated regulations.
- 3.2 The Core Strategy is the most important document in the LDF. It sets out the Council's vision for the growth and development of Stevenage over the period to 2026. All subsequent plans in the LDF must help to meet the vision, objectives and policies in the Core Strategy.
- 3.3 Preparation of the Core Strategy has now reached an advanced stage. Pre-submission consultation on this document was held between January 28th and March 11th 2010.
- 3.4 The responses to the consultation have been reviewed. It is considered that the responses have not raised any issues that require further amendments to, and consultation on, the Core Strategy.
- 3.5 However, before it can be adopted by the Council, the Core Strategy must be submitted to the Secretary of State for examination and approved (or found 'sound').
- 3.6 This report sets out the regulatory background and proposed arrangements for the submission of the Core Strategy to the Secretary of State and its subsequent examination. It also provides a summary of the Core Strategy.
- 3.7 Whilst the Council's constitution states that the preparation of the Policy Framework, which includes the LDF, is an Executive function, it is only full Council which is empowered to approve plans for submission to the Secretary of State.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 The Local Development Framework (LDF) is the emerging replacement for the District Plan Second Review. The LDF includes six plans, or Development Plan Documents (DPDs). These are:
- Core Strategy;
 - Gunnels Wood Area Action Plan (AAP);
 - Old Town AAP;
 - Site Specific Policies DPD;

- Stevenage and North Herts Action Plan (SNAP) (jointly prepared with North Hertfordshire District Council); and
- Town Centre AAP.

4.2 The timetable for preparing each of these documents is set in our Local Development Scheme (LDS). The Council's latest LDS was approved by the Executive in September 2009 and adopted in October 2009.

The East of England Plan

4.3 One of the key 'drivers' in the preparation of the LDF is the East of England Plan (EoEP). This is the main planning document for the East of England region. The East of England region is made up of the counties of Hertfordshire, Bedfordshire, Cambridgeshire, Essex, Norfolk and Suffolk.

4.4 The EoEP was adopted in May 2008. It identifies Stevenage as a 'Key Centre for Development and Change'. The main requirements for Stevenage are set in Policies H1 and SV1 of the plan.

4.5 Policy H1 says that at least 16,000 new homes must be provided in and around the town between 2001 and 2021. A minimum of 6,400 new homes are to be built within Stevenage Borough. At least 9,600 new homes should be built outside the Borough boundary in North Hertfordshire. Policy H1 also advises how housing targets should be calculated for the period after 2021. This advice has been followed to calculate a housing target for the period to 2026.

4.6 In addition to the housing targets, Policy SV1 also supports the regeneration of the town centre. It says that we should improve transport infrastructure and review the Green Belt boundary. Stevenage should also provide more jobs by making 'strategic provision' to complement new housing. This will contribute towards a target for 68,000 new jobs in Hertfordshire over the plan period.

4.7 The policies in Stevenage's LDF must be in 'general conformity' with the EoEP.

Preparation of the Core Strategy

4.8 Preparation of the Core Strategy began in 2005, shortly after the adoption of the current District Plan. Two early versions of the document were approved by Executive and publicly consulted on to meet the requirements of Government regulations.

4.9 A Key Issues and Alternative Options consultation was held in June / July 2006. This consultation identified some of the main issues that the plan was expected to deal with and suggested a number of alternative solutions.

4.10 The second consultation, called Preferred Options, was carried out in November / December 2007. This consultation set out the Council's preferred policy approach on a range of issues including housing, employment and open spaces.

- 4.11 The publication of the EoEP in May 2008 included a particular requirement for Stevenage, and other authorities, to carry out further evidence studies to inform their plans. This led to significant delay in the preparation of the Core Strategy.
- 4.12 The Core Strategy was presented to, and approved by, Executive for pre-submission consultation in December 2009.
- 4.13 One of the most important principles of pre-submission consultation is that the document that is published should be how the Council think the final version of the plan should look.
- 4.14 The pre-submission consultation version of the Core Strategy was informed by the results of the consultations detailed above, along with the findings of a wide range of evidence studies and discussions with relevant stakeholders.
- 4.15 Public consultation was held between 28th January and March 11th 2010. These dates were chosen to:
- Meet the timetable set in our LDS; and
 - Coincide with the publication of *The Comet* as it is a legal requirement to 'time' the consultation from the date it was locally advertised.
- 4.16 The pre-submission consultation was publicised by a range of measures including:
- Notifying more than 1,400 companies, agencies and individuals registered on our LDF consultation database;
 - Publishing the documents on the internet, including a link from the front page of the Borough Council website for the duration of the consultation;
 - Making hard copies of the documents available for inspection at the Borough Council's main offices in Danestrete as well as the libraries in the town centre and Old Town High Street.
 - A public notice in *The Comet* on January 28th 2010;
 - A series of prominent adverts in *The Comet* on January 28th, February 4th, February 11th and February 25th 2010;
 - An article in the January 2010 edition of *Chronicle* which is circulated to all residential properties in the Borough; and
 - Providing extensive information in the January 2010 edition of the *Economic & Business Bulletin* which is circulated to 2,700 businesses in and around Stevenage.

The Core Strategy

- 4.17 The Core Strategy sets out the Council's overarching vision for the development and growth of the Borough over the period to 2026. It gives expression to those parts of the Community Strategy that involve the use, or development, of land.

4.18 The Core Strategy vision is firmly based on that of the Community Strategy and begins that

“By 2026, Stevenage will be an emerging regional centre that is prosperous, healthy, clean, green and safe. It will be a place where people are proud to live, work and do business...”

4.19 The key aims of the Core Strategy are summarised in the Spatial Strategy (Chapter 4). These include:

- Significant housing and employment growth twinned with physical, social and economic regeneration;
- At least 20,800 new homes to be provided between 2001 and 2026. 8,300 of these are to be provided within the Borough boundary with the remainder to be jointly planned for with North Hertfordshire District Council as new neighbourhoods around the existing town;
- A review of the Green Belt to meet development needs over the period to 2031;
- A full range of house types and sizes including 35% of new homes being affordable, provision for Gypsies and Travellers and a small proportion of new homes being ‘aspirational’ to encourage higher earners to live in the town;
- Regeneration of the town centre to provide a significant increase in the scale and quality of the retail offer;
- Protection and regeneration of shopping facilities in the Old Town and New Town neighbourhoods;
- Raising economic prospects and skills, including supporting the *Buildings Schools for the Future* programme;
- Regenerating Gunnels Wood and providing new employment land adjacent to Junction 7 of the A1(M);
- Facilitating the growth and development of the Lister Hospital and other public health facilities;
- Delivering and retaining access to green spaces close to people’s homes including new strategic provision at ‘Forster Country’ at the north of the town;
- Key infrastructure improvements with development phased in line with capacity; and
- Production of five subsidiary plans to set out the detailed policies and allocations required to deliver this programme.

4.20 In addition to ‘core policies’ on these matters, the Core Strategy also contains a set of Development Management policies. These set out detailed criteria explaining

what will and will not be granted planning permission. These policies apply across the whole Borough and are not limited to specific sites.

4.21 These policies include:

- Setting out the conditions under which residential development on unallocated sites (known as windfalls) will be permitted;
- Our approach to employment and retail development outside the main centres;
- Criteria which must be met to allow the building of new, or the redevelopment of existing, health, social, community, leisure and cultural facilities;
- A tiered requirement for affordable housing, allowing for a contribution from even the smallest sites;
- Requirements relating to the size and type of housing including homes for the elderly and disabled;
- Our approach to the provision of new, or the development of existing, open spaces, play areas and woodlands;
- Controls on polluting developments and proposals that might increase the risk of flooding;
- Standards for parking provision and promoting sustainable transport; and
- A requirement for high quality design including energy efficiency and renewable energy measures where appropriate.

Environmental assessments and consultation statements

4.22 The Core Strategy is accompanied by a number of assessments and statements which the Council must produce to meet the requirements of the Act and other relevant legislation.

4.23 The likely environmental, social and economic impacts of the Core Strategy are evaluated in the Sustainability Appraisal (SA). The findings of the SA show that most policies in the Core Strategy generally perform well, though there are also some potentially negative effects.

4.24 As a result, certain policies were changed prior to pre-submission to make sure that the most important environmental sites are not harmed. One example is the Site of Special Scientific Interest (SSSI) at Knebworth Woods, which is adjacent to a proposed new employment site.

4.25 Other, more minor, changes which have arose from the SA include making sure that crime, flood risk and design issues are fully considered. They include making sure that best use is made of previous developed land to help manage the pressure on Green Belt land.

- 4.26 In some cases, it is difficult to identify the precise impacts. This is because the Core Strategy does not identify the exact site where development will take place. Instead, it identifies broad locations. However, through the SA, changes have been made to the Core Strategy that make it clear that, in making choices about the exact sites that should be developed, any relevant issues that may arise must be identified and appropriate steps taken to avoid or reduce any harm.
- 4.27 A second assessment has also been carried out. Appropriate Assessment (AA) is used to decide if the LDF will harm certain types of wildlife habitats known as European Sites. Although there are no European Sites in or immediately around Stevenage, most of the town's sewage and waste water is treated near to a protected site. The AA concludes that sufficient measures are included in the LDF to prevent any harm. These findings have been endorsed by Natural England.
- 4.28 The Act also requires that the Core Strategy gives due consideration to any responses received from public consultation. The Regulation 25 Statement of Consultation sets out how the community were involved in the preparation of the Core Strategy. It summarises the main issues raised at Key Issues and Preferred Options and how these have been considered.
- 4.29 The findings of the most recent (pre-submission) consultation are detailed below.

Findings of the pre-submission consultation

- 4.30 A total of 56 responses were received to the pre-submission consultation on the Core Strategy.
- 4.31 The responses have been analysed by officers to identify the individual points, or representations, that have been made. A total of **364 representations** have been identified. Some of the main findings are summarised below:
- The East of England Regional Assembly have confirmed that the Core Strategy is in 'general conformity' with the EoEP.
 - The Government Office for the East of England did not raise any substantive objections.

Housing

- North Hertfordshire District Council (NHDC) and Hertfordshire County Council question the way in which housing numbers for the period after 2021 have been calculated;
- A small number of representations challenge our approach to affordable housing.

Employment

- Knebworth House support the identification of land at J7 of the A1(M) for employment.
- The East of England Development Agency and the Hertfordshire Chamber of Commerce and Industry, along with various businesses and landowners, support our positive approach to employment in general and Gunnels Wood in particular

Retail

- Welwyn Hatfield District Council and a small number of other responses object to the scale of retail development proposed for the town centre, and the evidence we have used to support this.
- Sainsbury's object to the way in which the retail policies have been developed and consulted upon.
- NHDC contend that the amount of retail floorspace to be delivered in the new neighbourhoods should be decided through our joint plan ~ SNAP.

Infrastructure

- The Highways Agency along with some landowners have expressed concern over the delivery of infrastructure and, in particular, whether and when improvements to the A1(M) will occur.
- Thames Water and Veolia Water generally support our approach to overcoming the constraints in water infrastructure subject to some minor alterations.

Other

- The NHS welcome our support for the future growth and expansion of Lister Hospital.
- The Environment Agency and a small number of other objectors consider our plan should give greater prominence to issues such as climate change, sustainability and water efficiency.

4.32 Detailed information on the consultation process and results are set out in the attached Regulation 27 Statement of Consultation.

4.33 It is not considered that any of the representations received have raised any fundamental issues that would require further amendments to, and consultation on, the Core Strategy before it could be sent to the Secretary of State.

4.34 Notwithstanding the above, a number of minor corrections and amendments to the Core Strategy have been identified. This includes factual corrections, amendments for greater clarity and other changes to reflect amended Government guidance.

4.35 Guidance suggests that any such changes can be identified and submitted alongside the Core Strategy, provided that they do not materially affect the substance of the submitted plan and do not require additional consultation. Officers are of the opinion that the identified amendments satisfy these requirements. They are set out in the Schedule of Proposed Changes.

Submission and examination

4.36 The Act requires all DPDs to be submitted to the Secretary of State ~ in practice the Planning Inspectorate (PINS) ~ for independent examination.

4.37 The aim of the examination will be to determine whether the Core Strategy meets legal requirements and is 'sound'.

4.38 DPDs must meet the legal requirements set out below:

- They must follow the steps set in our LDS, our Statement of Community Involvement and Government regulations;
 - They must be accompanied by any environmental assessments required by law; and
 - They must take account of national and regional planning policy and reflect the priorities of the community strategy.
- 4.39 An Inspector will say that a DPD is 'sound' if it is justified, effective and consistent with national policy. This means showing that the plan is the best solution and demonstrating how its policies will be implemented.
- 4.40 6 of the representations to the consultation say that the Core Strategy has not met the legal requirements. 130 representations say that the Core Strategy fails one or more of the tests of soundness.
- 4.41 Notwithstanding this, officers are of the opinion that the Core Strategy meets the requirements set out above.
- 4.42 The Core Strategy has been based on extensive evidence gathering. This includes the consultations and environmental assessments referred to above, along with a range of technical studies that support the proposed policies. These studies are detailed in the attached Schedule of Evidence Documents and will also be submitted to the Secretary of State as part of the evidence base.
- 4.43 Following submission, an Inspector will be appointed by PINS. A pre-hearing meeting (PHM) is anticipated to occur in July 2010. This will identify the main issues which the Inspector wishes to deal with at the public hearings.
- 4.44 Following the PHM, the Council may be required to produce statements or other supporting material requested by the Inspector. Approval is sought to produce any such material under delegated powers.
- 4.45 The hearings are scheduled for October 2010. These provide objectors with opportunity to make their case for changes to the Core Strategy to the Inspector. The hearings are held in public.
- 4.46 A Programme Officer, who will administer the examination and act as the impartial liaison between the Council, the Inspector and any other parties who wish to appear, has been appointed.
- 4.47 Following the hearings, the Inspector will produce a report of his or her recommendations. These recommendations will be binding on the Council.
- 4.48 It is anticipated that the Inspector's report will be received in January 2011. Provided that the Core Strategy is found 'sound', it will be presented to Council for adoption in April 2011.
- 4.49 In line with current Government guidance, the Core Strategy will be the first plan to be submitted and examined. We anticipate that the remaining DPDs in the LDF will

be submitted following a receipt of a 'sound' report into the Core Strategy from the Inspector.

- 4.50 It is therefore requested that the Core Strategy be approved and authorisation granted for officers to submit this plan, and all relevant supporting documentation, for examination in line with the recommendations outlined in Section 2 of this report.

5. IMPLICATIONS

5.1 Financial Implications

The costs of preparing the Core Strategy are contained within the approved LDF budget for 2009/10 and 2010/11. This includes budgetary provision for the examination and the appointment of the programme officer.

5.2 Legal Implications

5.2.1 LDF documents are produced under the provisions of, and in accordance with, the Planning and Compulsory Purchase Act 2004 (the Act) and the Town and Country Planning (Local Development) (England) Regulations 2004 (as subsequently amended).

5.2.2 Environmental assessments have been produced to meet the requirements of the Act and other relevant national and European laws.

5.2.3 The Council's constitution states that the preparation of the Policy Framework, which includes the LDF, is an Executive function. However, the Executive is not empowered to approve DPDs for submission to the Secretary of State.

5.3 Risk Implications

5.3.1 Two key risks have been identified: that the plan is found 'unsound' and that a change in Government following the General Election results in significant changes to the plan-making system.

5.3.2 Steps have been taken to minimise the risk of the plan being found 'unsound'. These are set out throughout this report, particularly in paragraphs 4.37 to 4.42.

5.3.3 The examination of the Core Strategy is scheduled to occur after the General Election. Officers will review the implications of any legislative or guidance changes for progress on the LDF.

5.4 Policy implications

5.4.1 The Core Strategy has strong links to the Community Strategy. It is tasked with delivering those parts of the Community Strategy that involve the use of land or buildings. It will contribute to achieving a number of specific priorities identified in the Community Strategy including:

- Multi-million pound investment in the town centre and surrounding areas;
- A major neighbourhood centres renewal and investment programme;

- Developing a dynamic economic base by attracting new growth sectors to encourage inward investment and develop existing clusters of advanced technology industries;
- Implementing the 'Building Schools for the Future' programme;
- Creating cleaner and greener neighbourhoods and public spaces;
- Responding to the challenge posed by climate change;
- Providing affordable homes of a decent standard;
- Promoting healthy lifestyles through taking more physical exercise;
- Planning to meet future needs for residential and nursing care;
- Transforming health care services;
- Improving the reality and perception of Stevenage as a desirable place to be;
- Developing a sustainable transport network; and
- Reducing the need to travel through the planning and development process;

5.4.2 The Core Strategy will also contribute to the successful delivery of other Council strategies including the Corporate Plan, Affordable Housing Strategy and (emerging) Green Space Strategy

5.5 Planning Implications

Once adopted, the Core Strategy will form part of the Development Plan and be used to assess planning applications.

5.6 Equalities and Diversity Implications

An Equality Impact Assessment (EqIA) of the Planning Policy service has been carried out. The preparation of LDF documents is the core function of the Planning Policy team. Their implications have been fully considered in the EqIA which did not identify any adverse or discriminatory impacts on grounds of age, disability, gender, ethnicity, sexual orientation, religion / belief or by way of financial exclusion.

BACKGROUND DOCUMENTS

Planning and Compulsory Purchase Act 2004 and associated regulations (as amended)
 Planning Policy 12: Local Spatial Planning
 Local Development Frameworks. Examining Development Plan Documents: Procedure Guidance
 Local Development Scheme, September 2009
 So Stevenage Community Strategy, 2007
 East of England Plan, 2008

APPENDICES

Hard copies of the appendices have not been circulated with this report due to their size. These documents are available to view on the Council's website and in the Members' Library.

Core Strategy
 Core Strategy Schedule of Proposed Minor Changes
 Core Strategy Sustainability Appraisal
 Core Strategy Regulation 25 Statement of Consultation
 Core Strategy Regulation 27 Statement of Consultation
 Core Strategy Schedule of Evidence Documents.
 Stevenage Borough Council Appropriate Assessment

