Chapter 1: Background and Approach

1.1 Introduction

1.1.1   This document contains the workings involved in the formulation of a strategy which will provide the basis for the East Herts Local Development Framework (LDF) Core Strategy (District Plan: Part 1 - Strategy) to 2031[1]. The strategic policies emerging from this document will replace the strategy contained within the Local Plan 2007. However, non-strategic Local Plan 2007 policies will continue to be used for the purposes of assessing planning applications until new policies are adopted.

1.1.2   Work to replace the Local Plan 2007 is needed for three reasons. Firstly, the national policy context has changed and the plan needs updating to reflect this. Secondly, most of the development allocations contained within the Local Plan 2007 have now been developed, and so there is a need to provide fresh guidance as to the best locations for development in the future. Thirdly, technical work and policy advances since the Local Plan was prepared suggest a need to refresh and update the policies in the Local Plan.

1.1.3   Brief consideration of a map of the district is sufficient to understand that questions relating to where long-development should go do not present obvious or straightforward answers.

1.1.4   In theory, much of England could be developed, as there are few clear-cut physical constraints such as mountains or large bodies of water, and although the country is comparatively densely populated compared with many others, most of the country is still undeveloped. In this, East Herts District is typical of many semi-rural English districts in the south of England, with large areas of gently rolling farmland interspersed with towns and villages where pressure for development is high and the obvious constraints are relatively few.

1.1.5   The planning system in England is so important to people because it enables a finer balance of issues to be taken into account when deciding where development should be focused. It is based on the notion of 'sustainability', which, like 'truth' or 'justice' mean little in the abstract, but in practice means a great deal through the process of trying to implement it. Sustainability is about trying to integrate social, economic, and environmental issues, and

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[1] The draft National Planning Policy Framework refers to Local Plans, but in East Herts the term District Plan is used to distinguish it from Neighbourhood Plans, which are likely to be more 'local' in character.

being honest about the difficult decisions which have to be made. Where and how the balance is struck tell us much about the values of society today.

1.1.6   This document has been prepared using the best available evidence in a proportionate manner to the complexity of the task of preparing a strategy for East Herts District. It has involved careful consideration of a wide range of social, economic, and environmental factors, plus questions about the practicality and deliverability of development in a wide range of locations. The number of potential options considered is very large. For these reasons the document is unavoidably long. It is hoped that when responding to the consultation people will approach the issues with an open mind and try to understand the wide range of issues explored in this document.

1.2   Local Development Framework (District Plan)

1.2.1   The production of the LDF (District Plan) will be undertaken in two parts. The first part will focus on strategy. The second part will focus on site allocations and policies, and will follow the strategy as part of a separate round of policy work.

1.2.2   Strategy provides a context for development. It encourages different development sites and types of development to work together in the interests of both the locality and the wider area, rather than in isolation. A statutory 'duty to co-operate' requires Local Planning Authorities to ensure that sub-regional planning is coordinated.

1.2.3   Strategic planning takes account of the mobile economy and society in which individual settlements are located. It enables infrastructure planning, which often operates at a larger-than-local level. It also provides a framework for co-ordination of lower-level plans and policies, to prevent conflict and confusion within the planning system and maintain decision making by democratically elected bodies rather than the courts. Finally, it provides a basis for long-term planning to manage change.

1.2.4   For these reasons plan-making has always included a strategic planning level, previously at County and then Regional levels, and currently at District level. The government has decided that District Local Planning Authorities are best placed to provide an appropriate balance of local accountability and strategic leadership.

1.2.5   Reaching agreement on a development strategy is a challenge because it requires people to think strategically about wider issues than those affecting their immediate locality. Leadership from the District Council in terms of explaining and facilitating discussion of the strategic framework is essential.
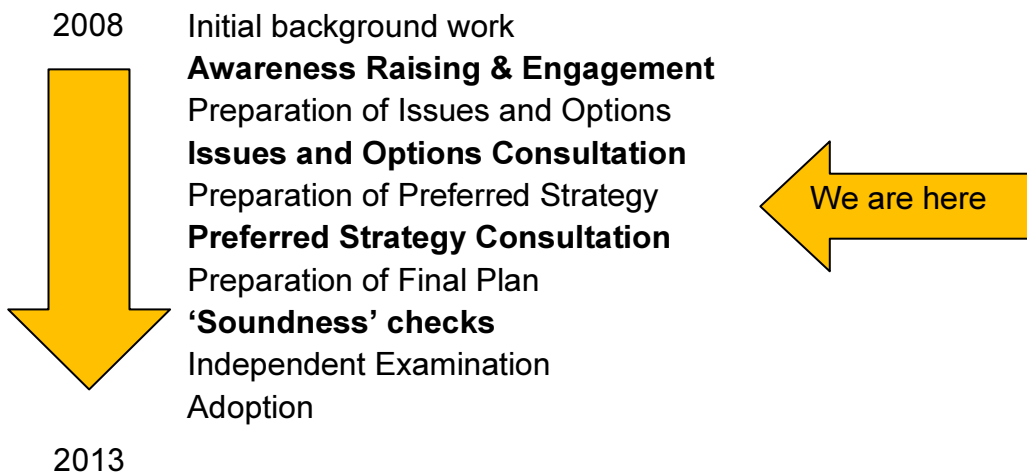
1.2.6   District Councillors have a particular role and responsibility in this respect, since many of them are also Town or Parish Councillors and are well placed to encourage discussion of strategic issues, and to help people to understand how the strategic framework will provide a context for other plans.

1.3   Progress So Far

1.3.1   Work on the Core Strategy commenced in 2008, and has involved a considerable amount of technical work and consultation. **Figure 1.1** shows the main stages, with consultation opportunities shown in **bold**:

Figure 1.1: Core Strategy (District Plan: Part 1 - Strategy) Timeline

2008   Initial background work
Awareness Raising & Engagement
Preparation of Issues and Options
Issues and Options Consultation
Preparation of Preferred Strategy
Preferred Strategy Consultation   We are here
Preparation of Final Plan
'Soundness' checks
Independent Examination
Adoption

2013

1.3.2   The Issues and Options stage was completed in 2010, and involved setting out for discussion a broad range of possible development options and scenarios, based on early technical work and community engagement starting in 2008. The Preferred Strategy (current) stage, involved assessing and refining the options, based on feedback from the consultation and on further technical work.

1.3.3   The next stage will be to make minor amendments based on the consultation and then run a series of procedural and legal checks on the plan, followed by submission to the Government's Planning Inspectorate. The Examination in Public will be an opportunity for the appointed Inspector to test the soundness of the plan.

1.3.4   Finally, the plan would need to be adopted by East Herts Full Council, comprising all 50 Councillors representing all the electoral Wards of East Hertfordshire District. Upon adoption the plan will gain full weight as planning policy for East Herts District.

1.4   Scope

1.4.1   The scope of plan-making has become more ambitious in recent years. Previously plan-making was primarily about making decisions on individual pieces of land. In addition to new requirements to prepare infrastructure plans and address climate change concerns, plans now also have to consider the wider impacts of development decisions on places. In other words, plan-making must consider how places function, and how they can and should evolve over time. The Stepped Approach explained in Section 1.7 has been created to address this challenge.

1.4.2   National policy defines the scope of the District ('Local') Plan work as follows:

> Local Planning Authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:
> - Housing and economic development requirements
> - The provision of retail, leisure and other commercial development
> - The provision of infrastructure for transport, minerals, waste, energy, telecoms, water supply and water quality
> - The provision of health, security, community infrastructure and other local facilities and;
> - Climate change mitigation and adaptation, protection and enhancement of the natural & historic environment, including landscape, and where relevant coastal management.
>
> *Draft National Planning Policy Framework: Paragraph 23*

1.4.3   The scope of the Core Strategy (District Plan: Part 1 - Strategy) is defined by matters which are necessary to prepare an effective strategic plan. In practice the scope of the strategy will emerge as work progresses and more information is gathered.

1.4.4   Over the past 50 years the annual rate of housing construction in East Herts has generally been between 500 and 600 dwellings per annum. Projecting forward this suggests something in the region of between 10,000 and 12,000 new homes over the twenty years of the plan period. Over the same period job creation has lagged well behind house creation, reflecting a mobile economy in which employment hubs are mainly located outside the district. Deciding whether these historical trends are appropriate for the next twenty years, and if so what pattern of development will be most beneficial to the area, are the key questions which define the scope of the strategy work.

1.4.5   In order to understand what the LDF (District Plan) can achieve, it is also important to understand what it cannot do. For example:

- The LDF (District Plan) falls within a hierarchy of policy defined by **national planning policy** (see Section 1.5), and the LDF (District Plan) cannot propose policies which are contrary to this;

- There are many **non-planning issues** (defined as issues which are not addressed in national planning policy) related to the built and natural environment. These include areas of work undertaken by other regulatory regimes, for example environmental health matters such as pollution control, building regulations, designations made by other bodies such as Natural England, or the functions of the Environment Agency;

- There are also many **sub-strategic planning issues** which may be addressed in the LDF (District Plan: Part 2 - Allocations and Policies) or in Neighbourhood Plans, which are likely to be initiated by Town and Parish Councils. Step 6 of the process examines in more detail what the scope of policies may be. As explained in *Section 1.9: Refining the Approach*, the Stage 1 of the District Plan has been refocused onto strategy and the full range of policy themes introduced in the Issues and Options consultation document are therefore unlikely to be contained in this first stage.

- Although the LDF (District Plan) will provide a statutory framework, it **cannot in itself ensure delivery of development**. The bodies responsible for development and infrastructure provision, in both public and private sectors, are independent organisations subject to their own funding pressures and business planning processes. East Herts Council itself owns very little land, and no longer provides housing directly. The Plan will therefore require some flexibility to recognise uncertainty in delivery over the twenty-year plan period, and this is likely to be reflected in the approach to monitoring and delivery.

1.4.6   National policy makes it clear that the evidence base for plan-making should be proportionate to the scale of the task. East Herts Council believes that the work presented here is proportionate to the demands of strategy preparation. For strategic planning work exhaustive detail is not necessary, and can actually reduce the clarity and robustness of strategic judgements.

1.4.7   Plan-making, like public policy in general, is not science, but is based on formulation of rigorous and clear processes to assess the available evidence and reach a sound judgement. Where evidence does not point to a clear-cut decision, the role of informed judgement becomes more significant. One of

the key functions of the strategy supporting document is to make clear the basis on which a balanced judgement has been made.

1. 5   Planning Policy and the Planning System

1.5.1   Planning in England is governed by a number of tiers of planning policy. At the top is national policy issued by the Government. Then there are County minerals and waste policies, and District or Borough policies which guide all other aspects of development. Beneath District policies sit Neighbourhood Plans containing policies at a Parish or similar level. These are discussed further below in Section 1.6.

1.5.2   The various tiers of policy form a hierarchy, in which each tier must conform to the policies set out by higher policy tiers. The hierarchy enables the planning system to function as a statutory decision-making system, in which planning applications can be assessed against a clear set of complementary criteria.

1.5.3   In order to avoid contradictory policies, which would encourage appeals and result in a shift of planning decisions away from elected councillors to the courts, independent planning inspectors must examine every statutory plan, to ensure that it preserves the hierarchy of policies as a coherent planning system.

1.5.4   Individual planning applications are assessed by Local Planning Authorities using the hierarchy of policies. The hierarchy of policies provides some discretion for Local Planning Authorities to interpret policy in relation to the context of particular proposals. However, clear deviations from policy can result in applicants appealing to the Planning Inspectorate to have a planning decision overturned.

1.5.5   The planning system is subject to periodic change as governments review national policy to reflect changing national priorities. During the preparation of the current Plan the Government has undertaken a comprehensive review of national policy, which is expected to be finalised in the near future. This includes the abolition of regional planning, which set housing targets for each district and specified major growth locations, as well as a range of policies in relation to infrastructure, social, economic and environmental issues.

1.5.6   Notwithstanding changes in national policy, most of the basic processes of plan preparation remain the same. These include the requirement to consider all reasonable options, to apply a wide range of assessment criteria across social, economic, and environmental issues, to engage in consultation, and

to test the wider implications of emerging plans for the plan area and the wider area.

1.5.7   For this reason the Government has urged Local Planning Authorities to progress as quickly as possible in the preparation of their plans. To encourage this, the Government's draft National Planning Policy Framework (NPPF) requires that where there is no up-to-date plan in place, planning applications should be assessed in relation to national policy only.

1.6   Localism and Neighbourhood Planning

1.6.1   On 15 November 2011 the Localism Bill received Royal Assent. The Act devolves greater powers to councils and neighbourhoods and gives local communities more control over housing and planning decisions. A key component of the Act introduces a new tier of planning – namely neighbourhood planning.

1.6.2   Neighbourhood planning is the name of the new tier of statutory planning that will sit below the LDF (District Plan). Neighbourhood planning is an opportunity for communities to come together and produce a Neighbourhood Plan to shape the future of their area. Neighbourhood Plans differ from parish plans because they will form part of the statutory Development Plan which, along with the East Herts LDF (District Plan), will be used to determine planning applications. In this sense they will become part of the hierarchy of policies within the planning system, as explained in Section 1.5 above.

1.6.3   East Herts Council has prepared an *Interim Neighbourhood Planning Guidance Note* (December 2011)[2] . Because neighbourhood plans will have a statutory role, certain procedures must be followed. Neighbourhood Plans must:
- conform with the East Herts LDF (District Plan);
- be consistent with national planning policies set out in the National Planning Policy Framework (NPPF);
- be based on evidence from technical studies;
- be subject to strategic environmental assessments (SEA) and habitats regulations assessment (HRA) (as appropriate);
- pass an independent examination;
- be subject to a referendum and receive more than 50% support;
- be adopted by East Herts Council as statutory policy documents.

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[2] The Guidance Note is available on the Council's website at:
www.eastherts.gov.uk/neighbourhoodplanning

1.6.4   In East Herts it is anticipated that the majority of Neighbourhood Plans will be initiated by town and parish councils. The Government has also stated that it will enable businesses to bring forward Neighbourhood Plans. The involvement of a range of local stakeholders will help strengthen community support. However, neighbourhood planning is not compulsory and towns and parishes do not have to prepare a Neighbourhood Plan. Where Neighbourhood Plans are not prepared, the East Herts LDF (District Plan) and Hertfordshire Minerals and Waste Plans, will set planning guidance.

1.6.5   The Council is taking active steps to increase the level of engagement with Town and Parish Councils, for example by preparing the *Interim Neighbourhood Planning Guidance Note,* and a link to the agenda papers and minutes of the Council's District Plan Panel meetings is now issued to all Town and Parish Councils.

1.7   A Stepped Approach

1.7.1   Because of the complexity of producing a development strategy for the district, it is necessary to break the process down into a number of steps, which correspond to chapters in this document. The steps are shown in detail in **Essential Reference Paper C: A Stepped Approach to Strategy Selection for the Core Strategy (District Plan: Part 1 – Strategy)**. These are shown in summary in Table 1.1 below:

Table 1.1: Core Strategy (District Plan): Steps Towards a Development Strategy

Step/ Chapter	Broad function and main tasks
1	**Background and Context:** Approach to strategy formulation grounded in national policy, consultation, delivery, infrastructure planning etc. This is a top-down step in that it sets the policy process in place.
2	**Strategic Overviews:** Identifying strategic issues affecting the formulation of the plan. This is largely a top-down step in that it uses planning judgement to identify key strategic issues for the wider area.
3	**Topic Assessments:** Comparative assessment of the suitability of broad locations covering much of the district, using a series of defined criteria. This is a bottom-up step in that it collects site-level information.
4	**Areas of Search Assessments:** Gathering further location-specific information about the broad locations, particularly

	relating to availability and delivery. This is a bottom-up step in that it collects site-level information. ***[This step is likely to require contact with landowners and developers in order to obtain information to demonstrate the deliverability of the strategy.]***
5	**Scenario Testing:** Formulating and testing the scenarios for their cumulative impact across a range of topics. Assessing the role and function of specific settlements. Assessing the impact of different levels of growth at different locations. This is largely a top-down stage in that it uses planning judgement, expert opinion, and planning techniques at a large-area scale. ***[This step is likely to require joint technical work with neighbouring Local Planning Authorities, for example in relation to transport modelling.]***
6	**Preferred Strategy:** Developing sub-strategies to support the emerging plan. Deciding on strategic development allocations and providing guidance for later non-strategic allocations. Considering which policies are needed to support the strategy. This is a mix of top-down and bottom-up approaches, based on local-level information as well as other higher-level techniques and judgement. This is the main decision-making step.

1.7.2   There are several benefits to thinking of the strategy selection process as a series of steps. The stepped approach:

- shows how progress towards a strategy is part of a coherent programme of work involving several steps or iterations before the preferred strategy can start to emerge. It is a systematic approach involving the gradual testing and refinement of evidence to reach greater levels of confidence about proposed development locations as part of a strategy;

- is a project management tool, enabling a large and complex project to be broken down into more manageable tasks. Each task forms a milestone which helps to ensure timely progress towards delivery of the strategy;

- integrates sub-projects, such as handling consultation feedback (see next section), infrastructure planning (Section 1.11), and sustainability appraisal (see Section 1.12);

- enables a targeted and effective approach to consultation, because many of the underlying principles are the same, as explained in the next section;

- integrates and balances 'top-down' process and wider considerations with 'bottom-up' local-level considerations.

1.7.3   In relation to the first point, this is also known as an 'iterative process' and is common to strategic planning work where at the outset there is very little clarity about where development should be located. It is critical to the process of strategy formulation, involving using a mix of evidence and reasonable assumptions which can be tested in small steps and then refined. This gradual process enables successively greater clarity to emerge from the initial mass of considerations. It becomes particularly important in Step 3 where the first assumptions area made, for later refinement in subsequent steps.

1.7.4   The steps approach outlined above applies to the current 'Preferred Strategy' work stage. However, as explained in the section on *Progress So Far* (Section 1.3), many smaller steps have already been taken. However, this strategy selection document has been prepared in order that it should be sufficient to read this document in order to understand the whole process since work commenced in 2008.

1.7.5   There are further steps following on from the strategy work, notably in relation to policies for assessing planning applications, and also in relation to non-strategic development allocations. These will be addressed in Part 2 of the District Plan: Allocations and Policies.

1.7.6   Planning applications themselves are governed by a whole series of regulatory requirements and steps, but these are beyond the scope of this strategy work and are not considered further in this document.

1.8   Consultation

1.8.1   East Herts Council's approach is to target consultation to points where it can help to improve the quality of the strategy. Six broad interlocking principles support the approach: coherence, scrutiny, planning merit, added value, integration, and resources.

1. Coherence
Strategy work should be considered as a coherent whole, rather than piecemeal, as explained in the previous section on the steps approach. The danger of a piecemeal approach to consultation is that it would by definition be on the basis of incomplete evidence, and would therefore be likely to result in unrealistic hopes on the part of developers, and unjustified fears on the part of local residents;

2. Scrutiny

Targeting consultation on the decision-making points rather than technical (information-gathering or process-focused) stages encourages better focused consultation feedback and therefore greater levels of scrutiny and accountability;

3. Planning Merit

Consultation issues raised should be properly considered on their planning merits in the context of national planning policy, because plans cannot be adopted as policy if they do not pass an Examination in Public. *[note: If substantial changes are required following the publication of the finalized National Planning Policy Framework (NPPF) these will be made prior to consultation];*

4. Added value

Consultation needs to add value to a process which must have a rational decision-making process at its core. Care must be taken to ensure that non-planning or sub-strategic concerns do not distract from the overall business of producing a sound strategy;

5. Integration

Consultation feedback should help to shape the emerging strategy. Therefore the issues raised should be considered in the context of the appropriate step in the strategy process, rather than in isolation as a separate exercise to respond to each comment;

6. Resources

Resource implications in terms of time are a consideration, since this is the major determinant of the ability of the Council to move the strategy process forward in a timely fashion.

1.8.2   With these principles in mind, full public consultation has been targeted at two important points in the process: at Issues and Options stage (completed in 2010) and Preferred Strategy stage (autumn 2012).

1.8.3   The Preferred Strategy consultation will present a selection of rejected options together with the preferred strategy, in order to make clear the balance of considerations upon which the strategic judgements have been made.

1.8.4   How consultation feedback is integrated into the strategy-making process is the subject of the remainder of this section and the following section: *Refining the Approach*.

1.8.5   As explained in the section on *Progress So Far* above, since the process started in 2008 there has already been a considerable amount of awareness-raising, consultation and engagement activity. Around 7,000 comments were received from over 3,000 separate individuals and organisations in response to the consultation on the Issues and Options which ran for 12 weeks between September and November 2010. A summary of the issues raised in the comments and a summary list of activities used to promote the consultation are available by following links on the Council's website[3].

1.8.6   To ensure thoroughness each issue will be considered in terms of the development of the structure and content of the plan-making process, a simple check-list approach is used to ensure that issues are addressed within the appropriate step of the strategy selection process. This is illustrated in Table 1.2 below from a selection of comments to the Issues and Options consultation:

Table 1.2: Illustration of approach to individual comments

Comment submitted	Section within which issue is addressed
Why is it necessary at this stage to say where development will be located?	Scenario Testing
No one option in isolation and do not agree that all are realistic	Scenario Testing
All options have downside of car-dependency	Transport Strategic Overview
Absence of any numerical breakdown of 8,500 between settlement types makes it difficult to rank options	Scenario Testing
Core Strategy fails to embrace localism agenda - approach simply distributes a top down target rather than being bottom-up and based on the wishes of individual towns and villages. Town and Parish plans should be the building blocks and you should facilitate them for those localities that do not yet have them	Housing Strategic Overview; Scope; The Planning System and Planning Policy; Localism and Neighbourhood Planning

1.8.7   Many of the issues raised have influenced both the process and the content of the Preferred Strategy stage, in terms of major refinements set out in the next section, and also in terms of the topics chosen and the issues

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[3] http://www.eastherts.gov.uk/issuesandoptions. The original comments can also be viewed on the consultation portal at http://consult.eastherts.gov.uk

considered. Table 1.3 below shows in summary how the issues raised have been addressed through the process of preparing the strategy.

Table 1.3: Integration of consultation issues: an illustration

Issues Raised	Supporting Document	Council approach
Consultation process, timing involvement opportunities, democratic framework, role, responsibility of the District Council	Introduction; Progress So Far; Consultation; LDF (District Plan); Localism and Neighbourhood Planning	Explain the stage of plan preparation, Issues and Options and Preferred Options consultations, and the role of the District Council, Town and Parish Councils.
Approach to growth and development, balance of social, economic and environmental concerns, abolition of the East of England Plan	Planning Policy and the Planning System	Explain the legislative framework including the Planning Acts, the Localism Act and the National Planning Policy Framework. Explains the planning process including the relationship between plans, applications, enforcement and the appeals system.
Concerns about the Sustainability Appraisal and Habitats Regulations Assessment, concern that some important wildlife sites have not been considered.	Sustainability Appraisal	Explains the process and how this complies with national and European legislative requirements, as well as improving the strategy selection process. Explains the difference between different levels of protection and designation and how other designations are addressed.
Strategic issues likely to influence the selection of broad locations of growth or core policies, for example relating to the overall need for housing and development, funding and delivery of infrastructure, constraints	Strategic Overviews	Explains what the Council thinks the main strategic issues are and how they will need to be addressed by the planning process.
Concerns about the original consultation options, alternative options.	Refining the Approach	Explain the concept and rationale behind original test options. Sets out how they have been modified and refined in response to consultation feedback and changing national policy and other

Issues Raised	Supporting Document	Council approach
		considerations.
Land at particular locations is available for development; a particular location does or doesn't have capacity; there are environmental constraints to development at particular locations.	Topic Assessments	Establish criteria which may be consistently applied to assessment of various options across the district, and which will form part of the evidence base for evaluation and selection of a robust strategy.
Local issues particular to a settlement or location, derived from either local knowledge or technical information	Areas of Search Assessments: 69 Areas of Search as shown on the Areas of Search Map	Sets out local information which may be used to inform planning decisions. The sources of information are documented.
Comments on particular test options; Need to assess the cumulative effects of different development options; Need to consider the effect of development beyond the district boundaries; Issues about broad policy for specific types of location, such as villages, rural area, existing settlements, town extensions, brownfield sites and urban capacity.	Scenario Testing: For example: transport modelling, appropriate assessment of impacts on designated wildlife habitats of European importance	Construct a variety of scenarios (combinations of options) for more detailed testing, including testing scenarios at different growth levels and broad locations. Test options using tools including transport models, employment projections, housing capacity and contingency planning, as well as seeking input comment from infrastructure and service providers and ecologists. Consideration of development beyond the district boundaries.
Concerns about the impacts of development on the district, for example on quality of life, the environment, social integration and impact on future generations. Concerns about the realism of any potential strategy in terms of delivery of infrastructure.	Preferred Strategy; Infrastructure Planning	Explains how the proposed overarching development strategy is supporting by a series of inter-locking strategies addressing particular topics. Establishes a monitoring framework to complement the delivery of infrastructure and to trigger policy changes or other measures if necessary.

1.9 Refining the Approach

1.9.1 This section explains how the original approach has been refined following the Issues and Options consultation. This shows how the consultation has been used to 'add value' to the policy process, as explained in the previous section. The next chapter takes forward the refined approach.

Issues Refinements

1.9.2 These are refinements to non-spatial elements of the Issues and Options consultation: in other words, issues to do with general policy and process.

Refinement 1: Housing Targets

1.9.3 The Issues and Options consultation document included a figure of 8,500 new homes, based on a target included within the East of England Plan. The Issues and Options document was prepared before the Government announced its intention to abolish Regional Plans. Many comments referred to the issue of top-down targets, and suggested that housing targets should be based on local need.

1.9.4 The Housing and Demographic Change Strategic Overview in the next chapter explains how the new approach to setting housing targets responds to the changed national policy context and the removal of the East of England Plan. It also explains the need for a continuation of some form of top-down target in order for strategic planning to function.

1.9.5 East Herts Council has undertaken demographic projections as a basis for target setting. However, an additional step has been added to test the targets suggested by this work. This reflects the fact that the impact of a given level of growth is likely to vary depending on where it is located.

1.9.6 Rather than beginning with an assumed target ('Where would you put 8,500 new homes by 2031?), the new approach recognizes that a suitable target can only emerge by testing a number of different scenarios including different development locations and growth levels. This approach should ensure that the target supports rather than undermines the vision for the District. These considerations will be examined in *Step 5: Scenario Testing*.

Refinement 2: Policies

1.9.7 The Issues and Options consultation document included nine 'themes' on a range of social, economic and environmental issues, including a number of objectives and policy options related to each theme. The Issues and Options was based on the assumption that the Core Strategy (District Plan: Part 1) would contain policies addressing each theme, but that detailed policies

would be included in a separate document of detailed policies to follow the adoption of the Core Strategy.

1.9.8 Consultation feedback made clear that the development strategy work is in itself likely to generate a large amount of interest from residents in particular, and that this is likely to overshadow the policy work in terms of the volume of feedback likely to be received. This was particularly evident in many of the comments on the housing theme, which suggested interest in the principles of development and the need for housing, rather than engaging in housing policy matters specifically.

1.9.9 National policy changes present an opportunity to review the overall approach to planning policy for East Herts District. Given this, the approach has been reviewed as follows:

- *Part 1: Strategy* will focus on policies necessary to delivery of the strategy, principally items represented on the key diagram and supplemented by infrastructure policies;
- *Part 2: Allocations and Policies* will include all other policies and allocations, and will constitute a day-to-day reference for planning decisions. In the interim the Local Plan 2007 saved policies will continue to be used.

1.9.10 The revised approach will ensure swift progress towards getting the strategic framework in place, in order to clear the way for a focused consultation on policies.

1.9.11 In order to identify the policies needed for this work, *Step 5: Scenario Testing* will assess policy needs against the emerging strategy and *Step 6: Preferred Strategy* will set up a framework for an integrated approach between the two stages.

1.9.12 Following the Issues and Options consultation it became clear that the 'People and Community Safety' theme included a number of non-planning issues such as voluntary activities. Therefore the People and Community Safety theme has been refocused on issues which can be addressed by planning policy and renamed 'Community and Leisure'. Further explanation of this will be outlined in *Step 6: Preferred Strategy*.

Refinement 3: Visions

1.9.13 The Issues and Options document included a number of draft visions, for Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth, Ware, for the villages and for the district as a whole. Comments suggested that the visions need to be more realistic and deliverable.

1.9.14   A clear vision is needed in order to ensure that the strategy focuses on the key things it aims to achieve. Therefore deliverability should be a key requirement of any vision. However, it is difficult to prepare a deliverable vision independently of an emerging strategy, because the vision of a place might change depending on the strategy, or conversely a vision of a place might help to suggest a strategy. It is a 'chicken and egg' issue which can be addressed through the steps approach explained in Section 1.6.

1.9.15   Therefore the revised approach is to use the steps approach to look at visioning more carefully in *Step 5: Scenario Testing and Step 6: Preferred Strategy*. This should mean that how a place should look and function in twenty years time will become a key part of the assessment process, and also ensure that progress towards the vision can be monitored over time.

Options Refinements

1.9.16   The consultation included the following types of spatial options:

- District-wide strategic options
- Options within the existing built-up area
- Main settlement 'directions of growth'
- Formula-based approaches

1.9.17   The revisions addressed here relate to the first three of these approaches. Formula-based approaches such as proportional growth stem from the existing Local Plan (2007) and may or may not be appropriate. They are discussed in Step 5 as part of the scenario testing process.

1.9.18   The revisions made following the Issues and Options consultation are as follows:

Refinement 4: Within the Existing Built-up Area

1.9.19   The Issues and Options consultation included options on development within the existing built-up area of Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth, and Ware. The consultation document explained that there is only very limited land available within the existing urban area of each settlement to accommodate further development.

1.9.20   The approach to assessing the capacity of land within the built-up area has been refined. A detailed technical assessment of the capacity of each settlement is being undertaken, looking not just at availability of land, but also its suitability for development and its deliverability. The initial findings of this work will inform Step 4 and will assist in understanding how much development could be reasonably accommodated within the existing urban area before Greenfield development needs to be considered.

Refinement 5: Town Extensions

1.9.21   The Issues and Options document also looked at possible 'directions of growth' for urban extensions to each of the five main settlements in the district. These could be needed in the event that insufficient suitable land is available within the built up area. Options included in the Issues and Options consultation were as follows:

- Bishop's Stortford: northeast, east, southeast, south
- Buntingford: north, northeast, east, south and west
- Hertford: north, south, west
- Sawbridgeworth: north, southwest, west
- Ware: north, east, southeast, southwest

1.9.22   The following revisions have been made to this approach:

- **Bishop's Stortford North:** is designated in the Local Plan 2007 as 'Areas of Special Restraint' and 'Special Countryside Area', and this was called 'Planned Development' in the Issues and Options consultation. The approach has been amended so that the area is considered in the same way as the other options. This provides consistency and conformity with Local Plan 2007 Policy BIS 8 which states that "*development other than would be allowed in the Green Belt will not be allowed until such time as the land so identified is shown to be needed for, and proposed for development, as a result of a review of the [Local] Plan*".

- **Northeast and southeast of Bishop's Stortford:** were shown crossing the County boundary into Uttlesford District. Some respondents, including Uttlesford District and Birchanger Parish Councils, expressed concern that this suggested options outside East Herts District. The revised approach is to engage in dialogue with Uttlesford Council as the strategic planning authority in respect of options in these locations. The process should be similar to that in respect of neighbouring local planning authorities who may wish to explore options which lie within East Herts District, and guided by the statutory 'Duty to Co-operate'[d].

- **Clarification of Directions/Areas:** some comments were made that the areas for consideration under the 'directions of growth' were not clear. Step 3 looks at a refined approach based on 'areas of search' which enables greater clarity and refinement.

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[d] Draft National Planning Policy Framework, Paragraphs 44 to 47

Refinement 6: Extensions to Adjacent Settlements

1.9.23   Some responses to the Issues and Options consultation raised the option of development north of Hoddesdon. North of Hoddesdon, North of Harlow, East of Stevenage and East of Welwyn Garden City are all similar options, in that they are options for urban extensions to towns adjacent to East Herts district.

1.9.24   The Issues and Options document was prepared prior to the Government's announcement of its intention to abolish the Regional Spatial Strategies, including the East of England Plan. Since the abolition of the East of England Plan (anticipated April 2012), North of Harlow is no longer mandated by higher-level policy, and therefore should be considered alongside other options.

1.9.25   Many comments were received opposing development north of Harlow in particular, including objections from local Parish Councils and Sawbridgeworth Town Council. As the strategic planning authority, East Herts District Council has a responsibility to give equal consideration to all options as part of the strategy selection process, and to consider the strategic implications of development options. Failure to consider any reasonable options, large or small, is likely to result in legal challenge. National policy requires that all options must be judged in terms of their planning merits on the basis of a balanced consideration of the available evidence.

Refinement 7: New Settlements

1.9.26   Some responses to the Issues and Options consultation suggested that the possibility of a new settlement should be considered. To date the Council has not undertaken assessment of the potential of new settlements because it was discouraged by the East of England Plan. However, with the abolition of the East of England Plan there is now an opportunity to consider the potential of this approach. Given the requirement to consider all reasonable alternatives, the strategy process will provide evidence as to whether a new settlement is a reasonable option.

Refinement 8: Villages

1.9.27   The Issues and Options document explained the categorisation of villages within the Local Plan 2007 based on the level of facilities and services, size, availability of passenger transport, capacity of the highway network and capacity to accommodate development. Some comments questioned the approach to village categorisation, and also whether the assignment of particular villages to a particular category was appropriate.

1.9.28   Rather than proceed with the village categories suggested in the Issues and Options document, a strategic-level review of the villages will be undertaken as part of the strategy process at Steps 4 and 5. In total 36 villages will be assessed. This will include all the villages designated as Category 1 and 2 within the Local Plan 2007, and also a number of Category 3 villages located within transport corridors (i.e. along 'A' roads).

1.9.29   Following this, a review of the appropriateness of the approach to a village strategy will be undertaken as part of *Step 5: Scenario Testing*. This will include consideration of the function of the villages within the overall strategy for the District.

Note on Stanstead St. Abbotts & St Margarets

1.9.30   Although located in more than one Parish, for the purposes of the strategy selection process 'Stanstead Abbotts and St. Margarets' is considered as a single village, because most of the facilities are shared and are within walking distance. Functionally speaking the areas east and west of the railway line constitute a single village.

1.9.31   The policy status of the village is a separate concern. The Issues and Options consultation document explained that although the Local Plan 2007 categorises Stanstead Abbotts & St. Margarets as a 'main settlement', it is treated as a village for consideration as part of the strategic review. Some comments in response to the Issues and Options consultation disagreed with this approach, and argued that the settlement should have a higher status because it is well connected by road and rail, and has a good range of shops and facilities.

1.9.32   *Step 5: Scenario Testing* will include a review of the effectiveness and appropriateness of the settlement hierarchy approach, which may include re-assessment of village categories. However, it is necessary to understand whether a settlement is to be considered a village or a town for *Step 3: Topic Assessments*, because the assumptions used as a basis for assessment differ.

1.9.33   One of the main purposes of the strategy selection process is to re-assess the appropriateness of the existing development strategy from first principles. It is therefore appropriate to consider at Step 1 whether any given settlement is a town or a village, but not whether it is a main settlement or not. In deciding whether Stanstead Abbotts & St. Margarets is a town or a village, the following considerations are evident:

- It is considerably smaller than Buntingford and Sawbridgeworth, in terms of population[e] and range of shops and facilities;
- Physical and environmental constraints are problematic for strategic scale development;
- It is administered by Parish Councils rather than a Town Council, and makes no claim to Town status;
- Good road and rail connections also apply to some other villages in the district such as Watton-at-Stone, which are functionally similar.

1.9.34　For these reasons it is considered that the only reasonable starting premise is to consider Stanstead Abbotts & St. Margarets as a village for assessment purposes. This does not necessarily pre-determine that the outcome of the strategy selection process will be to severely curtail development, either here or in any village. Further explanation of the approach is included in *Chapter 3: Topic Assessments*.

1.10　Delivery

1.10.1　National policy is clear that plans must be deliverable. In other words, it is necessary to engage with landowners at preferred locations in order to find out for example, the nature and extent of their proposals, and the feasibility and viability of developing in a particular location.

1.10.2　Step 4 requires the collection of further information, including information from landowners and developers. These meetings are likely to be arranged at fairly short notice and will seek points of clarification about specific matters. A record of the meetings will be published as part of the Preferred Options consultation.

1.10.3　Given the very large number of sites submitted by landowners through the Call for Sites process, it will not be possible to meet with all landowners or their representatives. Instead, specific enquiries will be necessary where available information is insufficient to enable a fully informed evaluation to be made. Planning Officers will contact landowners or developers as the need arises.

1.10.4　Where the information gathered in steps 1 and 2 is sufficient to omit a particular landowner proposal from further consideration, no contact will be made. It may be that some sites will be omitted from further consideration because they are too small for strategic development, for example. It may be that further enquiries will need to be made at a later date as part of the

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[e] According to the 2001 Census, the population of Buntingford was 4,700, Sawbridgeworth was 7,600, and Stanstead Abbotts & St Margarets only 2,250.

selection of small sites at Part 2: Allocations and Policies. However, such sites will form no further part in the Preferred Options for Part 1: Strategy.

1.10.5   Despite the deliverability requirements the option is still open for a plan including land which the landowner is not promoting. In other words, a plan could unlock appropriate development locations. However, national policy makes it clear that in such cases it would not be reasonable to assume that the land will come forward early in the plan, and it could not therefore be included in the Local Planning Authority's housing land supply calculations.

1.11   Infrastructure Planning

1.11.1   One of the main strategic functions of the LDF (District Plan) is to seek to provide a statutory framework in order to guide the provision of infrastructure in a timely manner. Long-term planning is important to many infrastructure providers because the delivery of infrastructure, including preparation, securing funding and then planning permission and finally construction can take many years.

1.11.2   The steps approach to strategic plan-making enables consideration of development options and infrastructure delivery together. This process will form the basis for a realistic housing trajectory and parallel Infrastructure Delivery Plan (IDP).

1.11.3   An IDP should identify what infrastructure is needed, where and when it will be needed, who is going to be responsible for delivery of it, and how it will be funded. There is a minimum level of confidence required in respect of any of these details, because circumstances change over time. Like policy generally, infrastructure planning requires evidence proportionate to needs of the strategy, and exhaustive detail will not help to make the plan more robust. In a sense, much of the key information in respect of infrastructure is derived from obtaining a clear understanding of the issues, as addressed in Steps 2-6 of the strategy selection process, rather than in the precise schedule of infrastructure needs alone.

1.11.4   Acknowledging that infrastructure planning is a rolling programme, it will be necessary to update the IDP at regular intervals to assess the continued feasibility of development, and whether any contingency measures need to be taken. The IDP which will be presented alongside the Core Strategy (District Plan) at Examination in Public will therefore be a snapshot of the latest available projections.

1.11.5   For this reason the IDP will need to form part of the ongoing monitoring framework for the LDF (District Plan). Currently the Local Plan 2007 is

accompanied by an Annual Monitoring Report, but this is likely to require some adjustments in order to reflect the changed nature and scope of the LDF (District Plan).

1.11.6   Recent studies[f] have brought together local authorities and infrastructure and service providers from across Hertfordshire to examine infrastructure planning processes and delivery of specific items. This work will be continued during 2012 and will provide further useful information to supplement work undertaken separately by Local Planning Authorities in preparation of their IDPs.

1.11.7   One aspect of infrastructure funding which has traditionally been a planning concern is that of contributions from developers. Seeking such contributions is justified by the uplift in the land value arising from the allocation of land and/or the granting of planning permission by the Local Planning Authority. In the past such contributions have been negotiated on a case-by-case basis as part of the planning application process, known as Section 106 agreements.

1.11.8   National policy now makes provision for the introduction of a Community Infrastructure Levy (CIL), which will be a charge set through the District policy-making process to pay for pre-defined items of infrastructure. East Herts Council has resolved to introduce a CIL to support the delivery of the LDF (District Plan). The overall amount of money which can be charged will be determined by a financial viability assessment undertaken by the Local Planning Authority. This work is currently underway and will be subject to consultation alongside the Preferred Strategy. Once a CIL is introduced the use of Section 106 agreements in East Herts will be scaled back.

1.11.9   The Government has made clear that although it expects plans to encourage growth and development, for the foreseeable future public funding to provide infrastructure will be limited. There is no nationally significant infrastructure planned within the district[g]. Therefore Local Planning Authorities should not plan for growth which is reliant on unrealistic expectations about infrastructure funding. National policy encourages plans to foster 'sustainable patterns of development' which enable the utilisation of infrastructure capacity to be maximised and the need for new infrastructure to be minimised. How this might be achieved within East Herts in practice will be the subject of the remainder of the steps to be undertaken as part of the plan-making process.

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[f] The *Hertfordshire Infrastructure and Investment Strategy* (2009). Details available online at www.eastherts.gov.uk/hiis
[g] The National Infrastructure Plan 2011 is available at www.hm-treasury.gov.uk/national_infrastructure_plan2011.htm

1.12   Sustainability Appraisal

1.12.1   European legislation requires the environmental impacts of plans to be assessed[h]. UK policy requires that all the likely significant effects on the environment, economic and social factors should be considered (draft NPPF paragraph 3.4). This joint assessment is called 'sustainability appraisal' (SA).

1.12.2   Failure to prepare a sustainability appraisal where there may be significant effects on the environment, particularly in relation to wildlife sites protected by European law, may result in legal challenge.

1.12.3   Sustainability appraisal helps to improve the quality of plans in the following ways:

- Ensuring that alternative options have been carefully considered;
- Minimising the risks that the social, economic, and environmental impacts of plans have been overlooked;
- Consideration of actions to mitigate any unavoidable negative impacts arising from development.

1.12.4   East Herts Council commissioned Scott Wilson consultants to prepare an overview of the main sustainability issues in the District, and establish a framework for the Council to use to assess the emerging plan. This work is contained in the 'SA Scoping Report'.

1.12.5   The draft SA Scoping Report was issued to Town and Parish Councils, technical specialists, government bodies and local groups for comment, and amendments were made to the document before the final scoping report was agreed by Full Council[i].

1.12.6   Using the agreed SA framework, the Council's Issues and Options consultation document (Autumn 2010) was appraised by Scott Wilson consultants, and this was published for consultation at the same time.

1.12.7   National Policy emphasises that sustainability appraisal should be an integrated part of the plan preparation process (draft NPPF paragraph 3.4). The Council has followed this approach, rather than prepare a separate sustainability appraisal of the draft Core Strategy (District Plan: Part 1 - Strategy). This approach enables a more streamlined process, and it also

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[h] Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, also known as the 'strategic environment assessment Directive' or 'SEA Directive'.

[i] See www.eastherts.gov.uk/sa.

encourages a better plan by suggesting improvements at each stage, rather than waiting until the draft plan is prepared.

1.12.8   The following table explains how sustainability appraisal has been integrated into the plan-making process for each of the SA Framework Topics.

Table 1.4: Integration of the Sustainability Appraisal Framework with the plan-making process

SA Framework Topic	Plan-making process
Air Quality	Step 2: Environmental Quality Strategic Overview Step 4: Areas of Search Assessments Step 5: Scenario Testing Development impacts are considered in terms of additional traffic resulting from cumulative impact of development, based on traffic modelling results.
Biodiversity and Green Infrastructure	Step 2: Natural & Historic Environment Strategic Overview Step 3: Designated Wildlife Sites Topic Assessment Step 4: Areas of Search Assessment Step 5: Scenario Testing: Habitats Regulations Assessment Step 6: Preferred Strategy This includes consideration of sites designated at European, national, and County level. Green Infrastructure opportunities are considered through the formulation of the development scenarios. This includes consideration of the role and function of the Key Biodiversity Areas. A Green Infrastructure strategy will support the draft development strategy.
Climate Change (mitigation and adaptation) (includes flood risk)	Step 2: Natural & Historic Environment Strategic Overview Step 2: Natural Resources Strategic Overview Step 3: Flood Risk Topic Step 4: Areas of Search Assessment Step 6: Preferred Strategy Overall climate change impacts as a result of increased emissions are addressed through the approach to sustainable transport. Climate Change adaptation is addressed through the approach to Green Infrastructure and drainage. The strategic overview of Natural Resources considers opportunities for low and zero carbon energy.

SA Framework Topic	Plan-making process
Community and Wellbeing	Step 2: Community Infrastructure Strategic Overview Step 2: Housing Strategic Overview Step 2: Environmental Quality Strategic Overview Step 3: Maintaining Tranquillity Topic Step 3: Noise Topic Step 6: Preferred Strategy The SA Scoping Report identified a number of elements to this, including health, crime, economic wellbeing, and social inclusion. The plan-making process promotes sustainable communities, in which there is easy access from housing to a range of services and facilities. It also considers the implications of housing and demographic change on various sections of the population, including the young and the elderly. Green Infrastructure and Sustainable Communities are considered through the plan-making process and provide opportunities for public health through walking and cycling. A strategic design framework which may address site-level considerations including designing out crime and encouraging healthy lifestyles. The development strategy will provide a policy context for Neighbourhood Planning to further many of the local aspects of community and wellbeing.
Economy and Employment	Step 2: Economy Strategic Overview Step 3: Employment Potential Topic Step 5: Scenario Testing Step 6: Preferred Strategy The cumulative impact assessment will assess the employment offer against the levels of housing and form a basis for the housing and employment components of the development strategy.
Historic Environment	Step 2: Natural & Historic Environment Strategic Overview Step 3: Historic Assets Topic Step 3: Landscape Character Topic Step 4: Areas of Search Step 5: Scenario Testing Step 6: Preferred Strategy Scenario testing will involve an integrated appraisal of the

SA Framework Topic	Plan-making process
	whole settlement character and setting.
Housing (including gypsies and travellers)	Step 2: Housing Strategic Overview Step 5: Scenario Testing Step 6: Preferred Strategy Housing mix and tenure, and special housing needs are considered in the strategic overview on housing and demographic change. Housing market areas inform the development of scenarios for testing the cumulative impact of development.
Land (includes waste)	Step 2: Natural Resources Strategic Overview Step 2: Green Belt Strategic Overview Step 3: Minerals and Waste Designations Topic Step 3: Green Belt Topic Step 3: Boundary Limits Topic Step 3: Strategic Gaps Topic Step 3: Agricultural Land Classifications Topic Step 3: Environmental Stewardship Topic Step 6: Preferred Strategy
Landscape	Step 2: Natural & Historic Environment Strategic Overview Step 3: Landscape Character Assessment Topic Step 5: Scenario Testing Step 6: Preferred Strategy Scenario testing will involve an integrated appraisal of the whole settlement character and setting.
Transport	Step 2: Transport Strategic Overview Step 3: Highways Infrastructure Step 3: Vehicular access Step 3: Access to Bus services Step 3: Access to Railway Stations Step 5: Scenario Testing Step 6: Preferred Strategy Traffic modelling of alternative development scenarios will be undertaken to enable a more realistic look at the network effects of traffic.
Water	Step 2: Water Strategic Overview Step 2: Waste Water Impacts Step 5: Scenario Testing Step 6: Preferred Strategies

SA Framework Topic	Plan-making process
	Water cycle issues will be considered throughout the process, including the effect on groundwater and the aquifer, and environmental effects including the European Water Framework Directive.
European Sites	Step 2: Natural & Historic Environment Step 3: Designated Wildlife Sites Step 5: Scenario Testing Step 6: Preferred Strategies A full Habitats Regulations Assessment (HRA) will be conducted as part of scenario testing. HRA is a requirement of the Habitats Directive. European sites are those designated as follows: • Special Areas of Conservation (SACs) • Special Protection Areas (SPAs) • Ramsar Sites For the Issues and Options stage, an HRA Screening report was prepared to identify any potential impact pathways between development in East Herts and the following European Sites: • Wormley-Hoddesdonpark Woods SAC • Epping Forest SAC • Lee Valley SPA • Lee Valley Ramsar • Eversden and Wimpole Woods The Screening Report concluded that options for significant development could not be screened out as having no likely significant effects on the European Sites. It therefore recommended that a more detailed Appropriate Assessment will be required, based on firmer growth options, in order to determine in-combination effects, and the amount of mitigation (if any) required. This work will be undertaken at Step 5.

1.12.9   A monitoring framework will be established where suitable data are available, to ensure that the sustainability effects can be managed and corrective action taken if necessary.

1.12.10   The cumulative impacts of development will be assessed through a testing process which compares combinations of options into district-wide scenarios.

The SA framework suggests a series of 'spatial areas' which will be considered in the scenario testing exercise to help identify the impact of development in terms of its function in relation to the surrounding area.

1.12.11 The SA framework also includes equalities and rural impacts of the development options. The SA Scoping Report identified that the main issues in East Herts relate to provision for the young and for the elderly, particularly in the rural area, and in relation to gypsies and travellers. Equalities and rural issues are considered in the strategic overview of housing and demographic change.

1.12.12 URS consultants have been have been retained as a 'critical friend' to East Herts Council in respect of sustainability appraisal matters. **Essential Reference Paper F** includes a letter from URS consultants confirming that the approach outlined by the Council in this document complies with national and European requirements.