

POLICY AND RESOURCES COMMITTEE – 13 JUNE 2022

PART I – NOT DELEGATED

12B. APPROVAL OF INITIAL ISSUES AND OPTIONS (REGULATION 18) CONSULTATION FOR SW HERTS JOINT STRATEGIC PLAN (DCES)

1 Summary

- 1.1 This report seeks agreement of the Policy & Resources Committee to refer the Regulation 18 consultation document for the SW Herts Joint Strategic Plan, '*Realising our Potential*', and associated Sustainability Scoping Report to Full Council to approve for public consultation.
- 1.2 Similar approvals are being sought from the other South West Herts authorities, with consultation scheduled to take begin in August 2022.

2 Details

Role and Scope of the JSP

- 2.1 The South West Herts authorities (Three Rivers District Council, Dacorum Borough Council, St. Albans City and District, Watford Borough Council and Hertsmere Borough Council, with the support of Hertfordshire County Council) have agreed to work together to produce the South West Hertfordshire Joint Strategic Plan (JSP). This will provide a South West Hertfordshire integrated strategic planning framework and supporting evidence base to support sustainable growth to 2050.
- 2.2 The JSP will be a statutory planning document, prepared under Section 28 of the Planning and Compulsory Purchase Act 2004 (as amended). The Plan will identify the overall quantum of housing and economic growth within South West Hertfordshire to be planned for to 2050 and its broad distribution across the area. The plan will identify strategic allocations and priorities, as well as the strategic infrastructure necessary to deliver the spatial strategy.
- 2.3 The JSP will focus on climate resilience, infrastructure delivery, strategic housing and employment. However it will be about more than planning and will help create a framework for investor confidence in SW Herts.
- 2.4 The benefits of a JSP include:
 - Increased potential for unlocking infrastructure investment from Government;
 - Creating a bigger canvas to make decisions about future growth;
 - Allowing an infrastructure-led approach; not 'planning by numbers'; and
 - Enabling a coordinated approach to investment and delivery of infrastructure giving priority to strategic solutions.
- 2.5 All five LPAs will retain 'sovereignty' over the JSP process, with the plan following essentially the same process as individual Local Plans and therefore needing approval from each of the partner authorities at each key stage of its preparation and final adoption. This report seeks approval of an initial Issues and Options (Regulation 18) document, for public consultation.

Relationship of the JSP to district Local Plans

- 2.6 Each of the South West Hertfordshire authorities is in the process of updating their individual Local Plans, which currently run to between 2031 and 2038. The JSP will not affect the content of this current round of Local Plans. Rather these Local Plans will help inform the JSP by establishing the medium term planning strategy for the area. The Joint Strategic Plan will then look further ahead in a more co-ordinated way, to 2050, to help provide a longer-term framework for the area. When each authority comes to review their Local Plan again, they will be able to frame those new policies in the context of the jointly developed policies in the Joint Strategic Plan. The next round of Local Plans will also add more detail to the policies of the Joint Strategic Plan and facilitate their delivery. Working in the context of the jointly developed Joint Strategic Plan policies, these more detailed Local Plan policies will be more effective in delivering the overall policy aims for the South West Hertfordshire area.

Content of the Issues and Options document

- 2.7 The Planning and Compulsory Purchase Act 2004 (as amended) and associated regulations leave matters such as the number of consultations undertaken at the Regulation 18 stage, and the content of these consultations, very much to the discretion of authorities involved. It has however been agreed through the Statement of Common Ground signed by the 5 district authorities and county council in 2021, that engagement on the JSP will involve two regulation 18 stages. The first will be an 'Issues and Options' document, focussing on establishing a clear vision and set of objectives for the plan. The second Regulation 18 stage will comprise a draft 'Spatial Options' document. This report seeks approval to consult on the first of these Regulation 18 documents – entitled '*Realising Our Potential*.'
- 2.8 This consultation document sets out the long term planning issues that are expected to face the SW Herts area to 2050, and suggests some broad principles that could be used to develop a plan to address these issues. It also begins a high level discussion on the types of future growth that could be considered for the area.
- 2.9 The document is intentionally high level at this first formal consultation stage. Importantly, it does not include any indicative housing or employment targets or suggest any locations where growth may occur. This is because:
- (a) It is unclear at the present time what any future housing and employment targets for the area will be on a long term basis; and
 - (b) Technical work to inform any decisions on the appropriate scale and location of growth has not been completed.
- 2.10 Feedback is sought through a series of yes/no questions, with the opportunity for respondents to explain the reasons for their answers.
- 2.11 In accordance with the JSP governance structure, the SW Herts JSP Planning Members Group (SPMG) – which comprises the Planning Portfolio Holder for each of the SW Herts authorities and the county council - has considered both the Issues and Options document itself and Communications and Engagement Plan and have advised that they are happy with the content of both.

Sustainability Appraisal

- 2.12 As required by the Strategic Environmental Assessment Directive and Government Guidance on Sustainability Appraisal as set out in the Planning and Compulsory Purchase Act 2004 and associated Regulations, the Issues and Options document is accompanied by a Sustainability Appraisals Scoping Report, prepared by Land Use

Consultants Ltd on behalf of the SW Herts authorities. The principal role of this Scoping Report is to set out a suggested framework against which future iterations of the plan can be assessed to establish its likely social, economic and environmental impacts. It also includes:

- (a) A review and summary of international and national policies, plans and programmes (PPPs) that are of relevance to the JSP, drawing on the information within the SA reports for the constituent Local Plans as a starting point and updating these as necessary; and
- (b) A high level initial assessment of the proposed vision and objectives, and growth types, to help ensure these are comprehensive and that any potential social, environmental and economic impacts are highlighted at an early stage in the plan-making process, to enable any negative effects to be addressed and/or mitigated; and
- (c) Information on how an Equalities Impact Assessment (EqIA) and Health Impact Assessment will be integrated into the assessment, as details of the JSP's proposed policy approaches becomes clearer over time.

2.13 As the JSP progresses, the Sustainability Appraisal work will be extended to reference the conclusions of a separate process relating to the Habitats Regulations Assessment which must also accompany the later stages of a statutory plan. This will be particularly important considering the recent report prepared into the impact of visitor numbers, air pollution etc on the Chiltern Beechwoods Special Area of Conservation (SAC) within Dacorum Borough: the impact of which extends beyond the borough boundary.

2.14 As required by the regulations, feedback will be sought on this Sustainability Appraisal Scoping Report as part of the Issues and Options engagement.

Approach to consultation

Early engagement

The content of the Issue and Options document has been informed by two informal consultations. The largest of these was the 'SW Herts Your Future' poll carried out in early 2020. This successful social media-based engagement generated over 14.5k comments and provided a high level overview of what those who live and/or work in SW Herts like about the area now, and what should be priorities for the future. Further information on this engagement is available on the SW Herts website (see background papers).

More recently, as part of work to inform a vision for SW Herts, an interactive questionnaire was published on www.swhertsplan.com, asking what type of future respondents envisaged for the area. This was accompanied by a series of videos from leaders across the academic, industry and voluntary sectors to help stimulate responses. This online questionnaire was live between 1 November and 14 December 2021, and advertised through a press release and a direct email to all Members. The responses received were fed in to the vision workshops held with the JSP Strategic Planning Members Group, Officers from each authority and key stakeholders, and have helped inform the draft vision statement and objectives contained within the Issues and Options document which is now proposed for formal consultation.

Issues and Options consultation

- 2.15 As for all Local Plans, there is a legal requirement to undertake public consultation on statutory Joint Plans. The broad arrangements for engagement in Plan making are set out in the Statement of Community Involvement (SCI), whose adoption is the subject of a separate report to this Committee. This SCI is being supplemented by an updated Communications and Engagement Plan, prepared by specialist engagement consultants Icení and the JSP Communications Officer, in liaison with Communications Officers at each participating authority (see background papers). This Communications and Engagement Plan provides more detail regarding the proposed consultation approaches that will be deployed. This approach reflects the recent award of a 'Proptech' grant from central Government to progress an innovative approach to engagement using a variety of social media platforms, as well as via the SW Herts bespoke engagement website - www.swherstplan.com. This is based on the successful informal engagement '*SW Herts – Your Future*' referenced above.
- 2.16 The engagement will employ a range of mechanisms to raise awareness and increase response rates to the consultation material, including:
- Interactive consultation document hosted on the SW Herts website, with supporting material.
 - A linked social media based campaign, supported by short videos and graphics, utilising a shortened version of the full R18 document, with simplified questions.
 - Paper copies of consultation material and response forms issued to all libraries and deposit points within the SW Herts area.
 - Introductory video hosted on SW Herts website.
 - Direct notification letters / emails to all key consultation bodies listed in the Statement of Community Involvement, plus other groups and individuals on JSP consultation database.
 - Articles in district / county e-newsletters / newsletters / magazines as timing permits.
 - Signposting of consultation website via partner authority websites
 - Press release(s) – co-ordinated by JSP team and issued by each authority
 - Business cards with QR code information on the consultation distributed to colleges, libraries and deposit points in the SW Herts area.
 - Posters provided for display at libraries and deposit points.
 - Updated 'Frequently asked Questions' on website.
 - Briefings for Town and Parish Councils.
- 2.17 Consultants Icení are also supporting the JSP team, the JSP Communications Officer and district / county Communication Officers to prepare a 'toolkit' of material to enable districts to roll out wider engagement within their areas, should they wish to do so.
- 2.18 The Proptech grant has also enabled the formal establishment of Youth Forum, who have provided early feedback on the engagement approach. This is to try to ensure that responses are received from 18-25 year olds – the age group who will be most impacted by a long term strategy such as the JSP.

Consultation timing

- 2.19 Due to the need to gain the necessary Member approvals for the five district authorities involved in the preparation of the JSP, the earliest that consultation on the '*Realising Our Potential*' document and associated Sustainability Appraisal Scoping will be late July / early August 2022.

- 2.20 As this engagement will take place over the summer period it is proposed it is extended from the usual 6 weeks to 8 weeks (as per paragraph 2.12 of the Statement of Community Involvement).
- 2.21 It is important to note that the social media focussed element of the engagement, which is the core of the Government funded 'PropTech' grant will need to be completed by around the end of August / very early September and reported on to DLUHC by the end of September to meet the grant conditions. The wider consultation will however continue beyond this cut-off.
- 2.22 Having a shorter consultation period for the social media based element of the consultation will actually prove beneficial, as it will enable a clear comparison to be made between the effectiveness of this method of engaging with different residents versus more traditional web-based means.

Duty to Co-Operate

- 2.23 Whilst liaison between Three Rivers District Council and other prescribed Duty to Co-Operate (DtC) bodies is ongoing through work on the district level Local Plan, this Issues and Options consultation marks the first formal opportunity for DtC bodies to respond to a consultation on the SW Herts JSP.
- 2.24 A number of DtC bodies have already been engaged more informally through participation workshop sessions that helped inform the content of the draft vision and objectives for the plan that now forms the core of the Regulation 18 consultation (see above).
- 2.25 In advance of this Regulation 18 consultation commencing, all DtC bodies will be contacted to advise them of the scope and content of the '*Realising our Potential*' document and to offer a meeting to discuss any cross boundary issues raised. They will also be formally consulted on the engagement – as per the requirements of the Statement of Community Involvement for the JSP. An update on the outcome of any of these discussions held in advance of this meeting can be provided verbally if required by the Committee.

Next Steps

- 2.26 Following consultation on this first Regulation 18 document, the JSP team will summarise the comments received and set this out in a Consultation Report. The content of this will be discussed with the cross-authority Strategic Planning Officers Group (SPOG), Steering Group (SG) and Strategic Planning Members Group (SPMG), before being formally reported back to the district authorities. Formal reporting is likely to take place when approval is sought to progress the second Regulation 18 ('Spatial Options') document. The timing of this next stage will depend upon Local Plan progress. More informal briefings on the outcome of the consultation can however be provided before this time, if required.

3 Options and Reasons for Recommendations

- 3.1 The principal alternative option is for the council to not agree the draft Issues and Options document for consultation. This option is not recommended as it would result in a significant delay to the JSP programme. This programme, together with the broad coverage of the JSP, has been agreed by the participating councils through the signing of a Statement of Common Ground in November 2021

(see <https://www.swhertsplan.com/11380/widgets/33598/documents/24472>). It would also mean that the JSP programme would not be able to meet the conditions of the substantial grant it has received from the Government's 'Proptech' fund, which is covering the costs of the majority of the consultation activity. Government requires a report of the effectiveness of the consultation to be submitted in September 2022. This deadline can only be met if the proposed consultation timetable is met.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5 Financial Implications

5.1 There are no direct financial implications related to this report. The Joint Strategic Plan Programme is supported by an annual contribution of 40k from each of the participating authorities. The costs of preparing and consulting on this Issues and Options document are however covered by a Government 'Proptech' fund grant, so is at nil capital cost to the Council.

6 Legal Implications

6.1 No direct legal implications. The process of preparing the Issues and Options document for the Joint Strategic Plan has been carried out in accordance with Planning and Compulsory Purchase Act 2004 (as amended), Localism Act 2011, The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020. The preparation of the Sustainability Appraisal Scoping Report has been carried out in accordance with the relevant regulations referenced above.

7 Equal Opportunities Implications

7.1 Relevance Test

<p><i>Has a relevance test been completed for Equality Impact?</i></p> <p>The requirement to undertake formal Equalities Impact Assessment (EqIA) of development plans was introduced in the Equality Act 2010 but was abolished in 2012. Despite this, authorities are still required to have regard to the provisions of the Equality Act, namely the Public Sector Duty which requires public authorities to have due regard for equalities considerations when exercising their functions. As a result the sustainability appraisal objectives set out in the Sustainability Appraisal Scoping Report address equality issues. This SA Scoping Report has been carried out independently of the councils by Land Use Consultants Ltd as part of a wider Sustainability Appraisal (see below).</p>	<p>Yes</p>
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<p><i>Did the relevance test conclude a full impact assessment was required?</i></p> <p>There is currently insufficient information within the consultation document to undertake a full impact assessment. The assessment will however be extended and updated as the JSP progresses through the statutory stages, when recommendations will be made in relation to how the equality-related impacts of the JSP can be optimised as the options are developed into detailed policies and broad locations for development.</p>	<p>No</p>
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7.2 Impact Assessment

The consultation document is supported by an independent Sustainability Appraisal Scoping Report prepared by Land Use Consulting Ltd. This considers the impact of the document against a sustainability framework, covering a range of environmental, social and economic objectives. The final Sustainability Appraisal report will also incorporate a high level Equalities Impact Assessment (EqIA) and Health Impact Assessment (HIA).

8 Staffing Implications

8.1 The consultation will be managed by the Joint Strategic Plan Team, with support from communications consultants Icenl and the Officer lead for the JSP at the Council.

8.2 The main additional staff implications will be if the Council wishes to supplement the proposed engagement strategy with any additional local consultation activities. These would need to be led by Three Rivers District Council staff.

9 Environmental, Community Safety and Public Health Implications

9.1 None specific.

10 Customer Services Centre Implications

10.1 Some calls relating to the consultation may be received by Customer Services. They will be provided with a Frequently Asked Questions document and also advised to pass calls through to the Planning Policy team, who can liaise with the Joint Strategic Plan as necessary when responding.

11 Communications and Website Implications

11.1 The consultation will be hosted on the SW Herts Joint Strategic Plan website www.SWHertsplan.com, which will be clearly signposted by the Three Rivers website. A communications plan has been prepared by specialist external consultants Icenl and the JSP Communications Officer, in consultation with Communications Officers from Three Rivers and the other participating authorities. The approach being taken to the consultation reflects the content of the successful bid made by the JSP programme to the Government PropTech Fund, which seeks to encourage innovative ways to engage on planning matters through web and social media based approaches.

12 Risk and Health & Safety Implications

12.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

12.2 The subject of this report is covered by the Development Management service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
This Council or another of the participating Councils does not approve the document for public consultation	Consultation on the SW Herts Joint Strategic Plan would be delayed.	Liaison through the SW Herts Strategic Planning Members Group, Steering Group and Officers Group.	Treat	4

12.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
Impact				
Low ----- Unacceptable				

Impact Score	Likelihood Score
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

12.4 In the Officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

13 Recommendation

13.1 That:

1. The Policy and Resources Committee recommend to Full Council that the following documents are issued for consultation:
 - a) South West Hertfordshire 2050 – 'Realising our Potential,' Issues and Options document (Appendix 1); and
 - b) Sustainability Appraisal Scoping Report (Appendix 2).

and

2. Delegate authority to the Director of Community and Environmental Services, in consultation with the Lead Member for Infrastructure and Planning Policy to:
 - a) Confirm detailed consultation arrangements; and
 - b) Make any minor changes to the documents referenced above before they are formally published for comment.

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Data Quality

Data sources: N/A

Data checked by: N/A

Data rating: N/A

Background Papers

- SW Herts JSP: Statement of Common Ground (November 2021)
- Realising our Potential – A vision for SW Herts, Prior and Partners (March 2022).
- SW Herts 'Your Future' – Initial Engagement results, Icen Projects (July 2020)

- Statement of Community Involvement (June 2022)
- Consultation and Engagement Strategy (May 2022)

All documents are available on <https://www.swhertsplan.com/>

APPENDICES / ATTACHMENTS

- 1) South West Hertfordshire 2050 – ‘Realising our Potential’
- 2) South West Herts Joint Strategic Plan - Sustainability Appraisal Scoping Report