

## **PART A**

**Report to:** Cabinet

**Date of meeting:** Monday, 11 July 2022

**Report author:** Spatial Planning Manager (JG)

**Title:** **SW Herts Joint Strategic Plan: Issues and Options (Regulation 18) Consultation Document and Statement of Community Involvement**

### **1.0 Summary**

- 1.1 The five South West Hertfordshire Local Planning Authorities of Dacorum Borough Council, St Albans City & District Council, Three Rivers District Council, Hertsmere Borough Council and Watford Borough Council, together with Hertfordshire County Council, have agreed to prepare a new Joint Strategic Plan (JSP) for South West Hertfordshire.
- 1.2 The JSP is expected to identify strategic growth locations and priorities, as well as the strategic infrastructure necessary to deliver the spatial strategy which will extend to 2050. This will provide a strategic framework that will guide the preparation of future Local Plans and how they address local development needs while contributing towards growth in a coordinated manner across SW Hertfordshire.
- 1.3 The JSP Members Group, comprising senior elected members from the partner authorities, have been involved in the developing and agreeing the Issues and Options (Regulation 18) Consultation Document, Appendix 4, for consultation which sets out broad strategic planning issues considered important to guide development across South West Hertfordshire in the future.
- 1.4 Each of the partner authorities needs to approve the Issues and Options Consultation Document through their own governance process before the consultation can start. As such, Cabinet is being asked to approve the document for public consultation on behalf of Watford Borough Council.
- 1.5 The Regulation 18 consultation will be undertaken in line with the SW Herts Joint Strategic Plan (JSP) Statement of Community Involvement, which the Cabinet endorsed for consultation on 6 September 2021. As part of this report, Cabinet is asked to adopt the South West Hertfordshire Joint Strategic Plan Statement of Community Involvement (appendix 1).

1.6 The JSP visual material in draft is attached to this report, together with the Sustainability Appraisal, the proposed approach to engagement on the JSP and the Statement of Community Involvement (SCI).

1.7 Similar approvals are being sought from the other South West Herts authorities, with consultation scheduled to take begin in August 2022, for eight weeks.

1.8 **Risks**

1.9

| <b>Nature of risk</b>   | <b>Consequence</b>  | <b>Suggested Control Measures</b>   | <b>Response (treat, tolerate, terminate or transfer)</b> | <b>Risk Rating (combination of severity and likelihood)</b> |
|---|---|---|--|---|
| This Council or another of the participating Councils does not approve the Statement of Community Involvement for adoption. | To fail to have an agreed Statement of Community Involvement in place, or to have an inconsistent approach to consultation arrangements could potentially result in a successful future legal challenge to the JSP. | Engagement with Members to explain the approach to engagement.                                    | Treat  | 3   |
| This Council or another of the participating Councils does not approve the Regulation 18 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   |

|                                    |  |   |          |   |
|------------------------------------|--|---|----------|---|
| Role of the JSP is not understood. | Stakeholders become disenfranchised from the JSP and potential change to their communities in the long-term. | Ongoing political, stakeholder and community engagement with clear messaging. | Treat    | 6 |
| Changes to national guidance.      | Uncertainty of compliance with national guidance and project plan.   | When planning guidance is revised review programme structure.                 | Tolerate | 4 |

## 2.0 Recommendations

### 2.1 That Cabinet agrees:

1. That, the South West Hertfordshire Joint Strategic Plan Statement of Community Involvement attached at appendix 1 be adopted;
2. That, the Issues and Options (Regulation 18) Consultation Document titled 'The JSP: South West Hertfordshire 2050, Realising our Potential' and accompanying Sustainability Appraisal attached at appendix 4 is approved for public consultation;
3. That, any amendments required to be approved to the Regulation 18 consultation document and the Statement of Community Involvement be delegated to the Portfolio Holder for Strategic Partnerships and Planning.

#### **Further information:**

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**Report approved by: Ben Martin**

## 3 Detailed proposal

### Role and Scope of the JSP

- 3.1.1 The South West Herts authorities (Dacorum Borough Council, St. Albans City and District, Watford Borough Council, Hertsmere Borough Council and Three Rivers

District 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.

- 3.1.2 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 priorities, as well as the strategic infrastructure necessary to deliver the spatial strategy. The Issues and Options document at appendix 1 does not yet do that, rather it articulates a vision for the sub-region and frames a number of key issues and options to be resolved as the JSP passes through the plan making process.
- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 All five councils 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 Cabinet approval for the approach to consultation set out in the Statement of Community Involvement (SCI), Appendix 1, and approval of public consultation on an initial Issues and Options (Regulation 18), document, Appendix 4.

#### Relationship of the JSP to district Local Plans

- 3.1.6 Each of the councils 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 JSP 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.

3.1.7 The next round of Local Plans will also add more detail to the policies of the JSP 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.

### 3.2 Statement of Community Involvement (SCI)

3.2.1 The role of a SCI is to set out the partner Councils' approach for involving the community when preparing the SW Herts JSP. The requirements for preparing SCIs are set out in Section 18 of the Planning and Compulsory Purchase Act 2004.

#### Context

3.2.2 In accordance with the Regulations, the proposed SCI for the JSP is limited in scope, covering only the consultation that will be carried out as part of the strategic plan-making process. Development Management matters will remain the responsibility of the local authority area in which they are located and consultation on planning applications will therefore continue to be governed by the SCI for the relevant council area. Watford Borough Council's own SCI will also continue to cover consultation arrangements relating to the borough's Local Plan.

3.2.3 The content and structure of the JSP SCI is consistent with that of Watford Borough Council's own SCI. This in turn reflects the requirements of relevant national planning regulations governing statutory plan consultation, whilst also highlighting the increasing importance of online messaging, through social media and other platforms, in raising awareness of plan consultations.

3.2.4 The statutory JSP SCI will be supplemented by a more detailed and public facing Communications and Engagement Strategy, Appendix 6, that has been prepared to support the SCI and JSP. This strategy will run alongside the SCI, and will be updated for each plan-making stage, setting out the detailed consultation arrangements. It is not considered appropriate to cover these detailed arrangements within the SCI itself, as they will be tailored to the nature of each consultation, insofar as time and resources allow, thereby allowing the evolution of the JSP to reflect and respond to emerging best practice in terms of approaches to engagement.

- 3.2.5 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 5 authorities, and the JSP Steering Group, which comprises Chief Executives, Managing Directors or Corporate Directors of each of each authority has supported the principle of having a high level SCI, with more detailed consultation strategies drawn up for each specific consultation stage.
- 3.2.6 Hertfordshire County Council do not need to formally endorse the SCI but have confirmed their support for the approach set out within it.

#### Consultation arrangements

- 3.2.7 There is no longer a legal requirement to consult on the content of SCIs. However, this Council, and a number of the other Councils within the SW Herts area have previously chosen to carry out targeted engagement on their documents. For consistency this approach was applied to the SCI for the JSP.
- 3.2.8 The JSP team co-ordinated consultation with statutory consultees. These are listed in Appendix 2. This included organisations such as Natural England, the Environment Agency, key utilities companies, adjoining local authorities and town and parish councils within the SW Herts area.
- 3.2.9 These organisations were all consulted by email where possible, or letter where an email address was not available. They were directed to the JSP website [www.swhertsplan.co.uk](http://www.swhertsplan.co.uk) where they could view the document, or were advised that an electronic copy could be provided on request. These notifications were sent on 22 November 2021 with replies requested by 17 January 2022, giving an 8 week period to respond, to reflect the fact the consultation period included the Christmas and New Year holidays.
- 3.2.10 A covering letter and copy of the SCI were also sent to all libraries within the SW Herts area for their reference sections, and to each district Council office to keep on their reception desks, should residents wish to see a hard copy.

#### Consultation responses

- 3.2.11 Thirteen responses were received to the consultation. These were from:
- Affinity Water

- Planning Property Team, Herts County Council
- Sport England
- Environment Agency
- Natural England
- Defence Infrastructure Organisation, Ministry of Defence
- Hertfordshire Gardens Trust
- Nash Mills Parish Council
- Harlow Borough Council
- National Highways
- Canal and River Trust
- Berkhamsted Residents Action Group (BRAG)
- Central Bedfordshire Council

#### Changes required as a result of consultation responses

3.2.12 The table in Appendix 3 of this report summarises the responses received and the proposed Officer response. All of the comments were either supportive of the document, or supportive subject to certain minor amendments being made. As summarised in Appendix 3 to this report, it is recommended that most of these suggested amendments are accepted, as they improve clarity.

3.2.13 Two responders, Sport England and the Defence Infrastructure Organisation, requested that they are added to the list of consultation bodies set out in Appendix 1 of the SCI. Officers have taken external legal advice on this matter which states that this list should only include those groups and organisations specified in the Town and County Planning (Local Plans (England) Regulations 2012 (as amended)). It is important to note that non-inclusion on the list does not mean these groups are unable to engage with the process of preparing the JSP. Their contact details will be added to the wider JSP database and they will be notified when any consultation on the plan takes place. This will ensure that all interested parties, whether listed in Government regulations or not, have the opportunity to comment on the JSP's content. It is suggested that an explanatory sentence is added to the SCI to provide this reassurance.

3.2.14 Two respondents, the Hertfordshire Gardens Trust and Nash Mills Parish Council asked more general questions about the Joint Strategic Plan. Responses have been provided to these two organisations by email, as summarised in Appendix 3 of this report.

### Other changes required to the draft document

- 3.2.15 In addition to the changes proposed to the draft SCI as a result of responses received, Officers have also carried out a check of the organisations listed in Appendix 1 of the SCI to ensure it is fully compliant with the regulations. Some updates have been made as a result of this check, including a reference added to Neighbourhood Forums. As a result of this change, it is recommended that a paragraph is added to the SCI to refer to Neighbourhood Planning documents and the fact that any of these documents prepared within the SW Herts area will need to be in conformity with the Joint Strategic Plan, once adopted.
- 3.2.16 The names of some organisations listed within the document have also been amended to ensure they are up to date. Some other minor amendments to ensure diagrams are correctly referenced and for textual clarity have also been made, together with some minor changes to reflect the fact that this is no longer a draft document for consultation.

### Next Steps

- 3.2.17 Once adopted by all five councils, the SCI will be kept under review to ensure it continues to reflect legal requirements and best practice.

### Regulation 18 Issues and Options Consultation Document

#### 3.3 Content

- 3.3.1 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 the authorities involved. It has, however, been agreed through the Statement of Common Ground signed by the 5 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, focussed 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.*'
- 3.3.2 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.

- 3.3.3 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.
- 3.3.4 Feedback is sought through a series of yes/no questions, with the opportunity for respondents to explain the reasons for their answers.
- 3.3.5 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 Regulation 18 consultation document itself and the Communications and Engagement Plan (Appendix 6). They have advised that they are satisfied with the content of both.

#### Sustainability Appraisal

- 3.3.6 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 Regulation 18 consultation document is accompanied by a Sustainability Appraisal Scoping Report (Appendix 5), prepared by Land Use Consultants Ltd on behalf of the 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.

- 3.3.7 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.
- 3.3.8 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*

- 3.3.9 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 JSP website.
- 3.3.10 More recently, as part of work to inform a vision for SW Herts, an interactive questionnaire was published on [www.swhertsplan.com](http://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

3.3.11 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 SCI, which was approved for consultation by Cabinet in September 2021. This SCI is being supplemented by a Communications and Engagement Plan, prepared by specialist engagement consultants Icenl and the JSP Communications Officer, in liaison with Communications Officers at each participating authority (Appendix 6). 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](http://www.swherstplan.com). This is based on the successful informal engagement '*SW Herts – Your Future*' referenced above.

3.3.12 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 Regulation 18 document, with simplified questions.
- Paper copies of consultation material and response forms issued to all libraries and deposit points within the SW Hertfordshire area.
- Introductory video hosted on JSP 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.

3.3.13 Consultants Icenii 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.

3.3.14 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

3.3.15 Due to the need to gain the necessary Member approvals from the five 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.

3.3.16 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).

3.3.17 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 / 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.

3.3.18 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

3.3.19 Whilst liaison between Watford Borough Council and other prescribed Duty to Co-Operate (DtC) bodies is ongoing through work on the 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.

3.3.20 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).

3.3.21 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

3.3.22 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 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.

## **4 Implications**

### **4.1 Financial**

4.1.1 The Shared Director of Finance comments that **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 the 'Issues and Options' document are met by a Government 'Proptech' fund grant and does not require a financial contribution from the Council.**

### **4.2 Legal Issues (Monitoring Officer)**

4.2.1 The Group Head of Democracy and Governance comments that 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), and 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.

### 4.3 Equalities, Human Rights and Data Protection

#### Statement of Community Involvement

4.3.1 For the SCI, there are no implications for the purpose of this report. The SCI seeks to ensure that consultation arrangements enable all sectors of the community to engage with planning processes.

#### Regulation 18 Consultation Document

4.3.2 The Regulation 18 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).

4.3.2 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.

4.3.3 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.

#### **Data Protection Impact Assessment**

4.3.4 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report. The data will not be handled by Watford Borough Council but will be the responsibility of the JSP Secretariat.

#### 4.4 **Staffing**

4.4.1 The consultation will be managed by the JSP Secretariat, with support from communications consultants Icen and the officer lead for the JSP at the Council.

4.4.2 The main additional staff implications will be if the Council wishes to supplement the proposed engagement strategy with any additional local consultation activities.

#### 4.5 **Accommodation**

4.5.1 N/A

#### 4.6 **Community Safety/Crime and Disorder**

4.6.1 N/A

#### 4.7 **Sustainability**

4.7.1 The consultation sets out growth issues to be considered at a strategic level with a long-term view to deliver sustainable development.

### **Appendices**

1. South West Hertfordshire Joint Strategic plan Statement of Community Involvement
2. Stakeholder List for the South West Hertfordshire Statement of Community Involvement
3. Responses to the draft Statement of Community Involvement for the South West Hertfordshire Joint Strategic Plan
4. South West Hertfordshire 2050 – 'Realising our Potential'
5. South West Herts Joint Strategic Plan - Sustainability Appraisal Scoping Report
6. Communications and Engagement Plan