

CABINET
24 March 2020

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF: THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

CURRENT COUNCIL PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

NEW COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

1.1 This report identifies the latest position on key planning issues affecting the District.

2. RECOMMENDATIONS

2.1. That the report on strategic planning matters be noted.

2.2. That the submissions in Appendices A and D be noted and endorsed by Cabinet.

2.3. That Appendices B and C be noted by Cabinet.

2.4. That Cabinet endorse the use of Conservation Area Character Statements for Graveley, Great Wymondley, Hexton, Hinxworth, Kimpton Bottom, Kimpton Village, Lilley, Pirton, Weston and Willian together with the Technical Notes for Ayot St Lawrence and Gustard Wood as material considerations in decision making for planning applications and in the preparation of Neighbourhood Plans

3. REASONS FOR RECOMMENDATIONS

3.1. To keep Cabinet informed of recent development on strategic planning matters and progress on the North Hertfordshire Local Plan.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Planning and Transport and Deputy have been briefed on the matters set out above. The Local Plan Project Board is regularly consulted and updated upon matters affecting the ongoing Local Plan Examination.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a Key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Members will be aware of, and familiar with, many of the issues surrounding the strategic planning matters referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these matters. As with previous reports, only those matters where there has been substantive new information or change are reported upon.

8. RELEVANT CONSIDERATIONS

Other Plans and Examinations

- 8.1. **Central Bedfordshire** – The Council have [submitted a number of technical papers](#) to the examination with more to follow by the end of April 2020. It is anticipated that the Inspectors will set out the next steps in the examination after this point.
- 8.2. **South Cambridgeshire** – An Issues and Options consultation on the [Greater Cambridge Local Plan](#), produced jointly by Cambridge City Council and South Cambridgeshire District Council closed on Monday 24 February 2020. An officer response was submitted and is attached at Appendix A of this report. This identifies that North Hertfordshire has yet to begin planning for the period beyond 2031 – the Greater Cambridge Plan is proposed to cover the period to 2040 – but that this longer time horizon may result in the identification of issues that need to be considered by both authorities under the Duty to Co-operate.
- 8.3. A further joint officer response was submitted by East Hertfordshire, North Hertfordshire, Stevenage and Welwyn Hatfield. This reflects the working arrangements that exist between these authorities following an award of monies from MHCLG in 2018 to explore joint planning opportunities. This response is attached at Appendix B and makes broadly the same points as North Hertfordshire's own response.
- 8.4. **Stevenage** – A [Community Infrastructure Levy \(CIL\) for Stevenage](#) was adopted by their Full Council in January 2020. This will come into effect for planning permissions granted on or after 1 April 2020 and sets rates of between £40 and £100 per square metre of qualifying development. This could have implications for the provision of infrastructure in the town and upon which (future) residents of North Hertfordshire may rely. Officers will monitor the implementation of the Stevenage CIL.

- 8.5. **Welwyn Hatfield** – Consultation began on [a revised preferred strategy for the Council's new Local Plan](#) on 10 February 2020. This runs until 1 April 2020. The revised preferred strategy identifies a number of new sites for potential allocation and proposes to delete some sites for the submitted Plan. It stops short of the Inspector's previous request to ensure that sufficient sites are identified to meet the Council's housing needs in full. [The Inspector has written to the Council](#) on this matter outlining that there is no provision in the relevant legislation for the Council to replace all or part of the submitted plan with revised proposals during the examination.
- 8.6. Officers are reviewing the consultation material. If required, a consultation response will be prepared in consultation with the Executive Member and reported to a future meeting.
- 8.7. **St Albans** – The Inspectors examining the new Local Plan [wrote to the Council](#) following the first week of hearing sessions in January 2020. This letter expressed serious concerns in relation to the legal compliance and soundness of this Plan. Further hearing sessions that had been planned for February 2020 were cancelled. A further letter from the Inspectors that will set out their thoughts in more detail is expected.

North Hertfordshire Local Plan

- 8.8. At the previous meeting of Cabinet, the Executive Member for Planning and Transport reported that further hearings regarding the Local Plan would take place and these were likely to take place during the weeks commencing 16 and 23 March.
- 8.9. These sessions were subsequently confirmed and eligible participants were advised. The Local Plan Project Board agreed the Council's statements for these sessions which were submitted under existing delegated powers granted in April 2017 by Full Council. These statements, along with those received from third parties, have been published on the Council website.
- 8.10. On Thursday 12 March 2020, the Planning Inspectorate issued new guidance on Local Plan examinations and coronavirus (Covid-19). This advice did not require the immediate cancellation of sessions. However, it also recognised that alternate arrangements would need to be made if significant numbers of people were unable to appear.
- 8.11. On Friday 13 March the Inspector decided to postpone the sessions to a later date. This followed close liaison with the Council. The Inspector's note is attached at Appendix C.
- 8.12. As set out in that document, it is not possible to say at this time when the hearings will now be held. However, they will be rearranged as a priority once circumstances allow. Any further updates will be posted at www.north-herts.gov.uk/localplan.

Neighbourhood Plans

- 8.13. A referendum on the Preston Neighbourhood Plan was held on 5 March 2020. 91% of votes were in favour of the Plan. A separate report will be prepared for the Executive Member to 'make' the Plan under existing delegated powers. The Preston Neighbourhood Plan will then form part of the statutory Development Plan and will be used in relevant decisions. Following the referendum and pending being 'made' the Plan will be used as a material consideration in relevant decisions.
- 8.14. Consultation on the Baldock, Bygrave and Clothall Neighbourhood Plan began on 12 February 2020 and closes on 25 March 2020. A response will be prepared in consultation with the Executive Member and reported to a future Cabinet meeting.
- 8.15. The proposed designation of a Neighbourhood Planning Area for Wallington is subject to a separate report to this meeting.

Conservation Area Character Statements

- 8.16. Reasons for the production of Conservation Area Character Statements were given in section 8.4 of the Strategic Planning Matters Report to Cabinet on 31st October 2019 when the first group of Character Statements were endorsed. A second group of Character Statements were endorsed by Cabinet on 17th December 2019.
- 8.17. Work on the 33 Conservation Area statements has been carried out in phases and this report relates to the final phases 6, 7 and 8. Cabinet is therefore asked to note that the Conservation Area Character Statements for Graveley, Great Wymondley, Hexton, Hinxworth, Kimpton Bottom, Kimpton Village, Lilley, Pirton, Weston and Willian together with Technical Notes for Ayot St Lawrence and Gustard Wood have been completed and to endorse their use as material considerations in decision making and neighbourhood planning. These statements are available to view on the [Council's website](#).
- 8.18. There are two Conservation Areas where only a small part lies within North Hertfordshire. These are Ayot St Lawrence which lies mainly within St Albans City and District and Gustard Wood which lies mainly within Welwyn Hatfield Borough Council. Rather than preparing a Character Statement, a Technical Note has been prepared solely for the area that lies within North Hertfordshire.
- 8.19. As part of the project a Summary Report is being prepared by the consultants which will identify any further work such as boundary reviews or more detailed appraisal work that may be required. The outcome of the Summary Report including any further work proposed will be reported to Cabinet at a later meeting.

Government Announcements

- 8.20. The Council's response to the Government's [Future Homes consultation](#) is attached as Appendix D to this report. In summary this asks that local Councils retain the powers to require new development to meet energy performance targets through the planning system.
- 8.21. The Government's [Housing Delivery Test results](#) for local authorities were released on 13 February 2020. These show that North Hertfordshire delivered 45% of the required number of homes in the three years to 1 April 2019.

- 8.22. As a consequence, the Council must update [the Action Plan first approved by Cabinet](#) in June 2019. It is presently intended to bring an updated Action Plan to Cabinet for consideration in June.
- 8.23. The Council must also engage the 'presumption in favour of sustainable development' set out in national policy when determining planning applications. The Council has operated under this presumption for a number of years due to the absence of a five-year housing land supply until such time as any new Local Plan is approved and adopted.

London Luton Airport

- 8.24. Following the conclusion of the Statutory consultation for the proposed airport expansion, no detailed response to the representations made has been published. Officers of the host authorities still meet regularly with LLAL (London Luton Airport Limited) and workstreams are continuing funded through the Planning Performance Agreement.
- 8.25. LLAL has confirmed that their original target date for the Development Consent Order to be submitted to the Planning Inspectorate of Spring/Summer this year has slipped. No new date has been published, it is anticipated that the new timetable and approach to the application will be shared by LLAL at the London Luton Airport Regional Forum (attended by the Leader) in June.

Other transport, planning and infrastructure matters

- 8.26. As previously reported, Hertfordshire County council are consulting on the [Hertfordshire Draft Rail Strategy](#) until 30 March 2020. The Rail Strategy is a supporting document for the adopted Local Transport Plan (LTP4) and sets out the County council's aspirations for developing the rail network in Hertfordshire at both the strategic and local level.
- 8.27. Officers are in the process of preparing a response in consultation with the Executive Member and Deputy for Planning and Transport. A copy of our response will be appended to a future Cabinet report.
- 8.28. **North & Central Hertfordshire Growth Transport Plan** – the [public engagement exercise on this document closes on 30 March 2020](#). The North Central Growth & Transport Plan (NCGTP) is a new transport strategy prepared by HCC to help direct and plan transport improvements and investment in Stevenage and North Hertfordshire, developed in line with forecast development to 2031. Officers will prepare a response in consultation with the Executive Member and Deputy for Planning and Transport to be reported to a future Cabinet meeting.

- 8.29. In Late January the Secretary Of State for Transport announced the preferred route Option for the [eastern section](#) of the **East West Rail (EWR) project** between Bedford and Cambridge. The preferred route will be linking existing stations in Bedford and Cambridge with communities in Cambourne and the area north of Sandy and south of St. Neots. The work to develop the preliminary Strategic Outline Business Case is being commissioned by the EWR Company with a view to being complete before the end of 2020. The output of the work being commissioned will inform the next step in ensuring that the Eastern Section of the EWR project is realised. Officers will keep Members informed on any further updates regarding this project.
- 8.30. On 4 February 2020, Stevenage's planning committee resolved to grant outline planning permission for the 'North of Stevenage' site identified in their Local Plan. This adjoins land proposed for development within North Hertfordshire's own new Local Plan, known as 'NS1'.
- 8.31. Luton Borough Council have launched Judicial Review proceedings against Central Bedfordshire's decision to grant planning permission for a new road linking the M1 to the A6 around the north of Luton.

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation) of neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2. The preparation of statutory plans is guided by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. All local planning authorities are bound by a statutory Duty to Co-operate on cross-border planner matters.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no new financial implications arising from this report. The costs of preparing the Local Plan and running the examination are reviewed on a regular basis, and are reported through the quarterly revenue monitoring reports to Cabinet.
- 10.2. The general costs of preparing Supplementary Planning Documents, responding to consultations on neighbouring authorities' Plans, neighbourhood plans and Government consultations and the other activities identified in this report are met through existing revenue budgets or benefit from external funding or other arrangements to recover costs.
- 10.3. The Government has confirmed for 2019/20 that funding is available for local planning authorities (LPAs) in respect of neighbourhood planning. LPAs can claim £20,000 once a date has been set for a referendum following a successful examination. Area designation funding has not been available for the last years to the Council as it has already designated more than five areas.

- 10.4. The financial risks associated with planning were reviewed and updated as part of the budget-setting cycle for 2019/20. Risks are identified in relation to potential additional costs associated with progressing the Plan or any future challenge to it.

11. RISK IMPLICATIONS

- 11.1. Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. The Sustainable Development of the District has a sub-risk that covers the risks arising from the duty to co-operate with neighbouring authorities.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1. There are no new human resource implications arising from the contents of this report. Workload and vacancies are monitored on an on-going basis. Following the approval of the budget for 2020/21 a new Principal Planning Officer post has been created within the Strategic Planning team. A recruitment exercise will be carried out in the spring.

15. APPENDICES

- 15.1. Appendix A – Response to the Greater Cambridge Local Plan consultation
- 15.2. Appendix B – Joint north-east Hertfordshire councils’ response to the Greater Cambridge Local Plan consultation
- 15.3. Appendix C – Inspector’s note on NHDC Examination hearings
- 15.4. Appendix D – Response to the Future Homes consultation

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17. BACKGROUND PAPERS

- 17.1. None