

**CABINET
23 JUNE 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

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 to E be noted and endorsed by Cabinet.

3. REASONS FOR RECOMMENDATIONS

3.1. To keep Cabinet informed of recent developments 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** – A range of [additional information](#) has been submitted to the examination. This includes technical papers on housing, transport and employment and an updated sustainability appraisal. A consultation will be held on these documents in due course. This will assist the examiners in identifying the main issues for further hearing sessions which are anticipated later in the year. Details of any consultation and / or response by this Council will be included in future reports.
- 8.2. **Uttlesford** – The Uttlesford Local Plan was [withdrawn from examination in May 2020](#). This follows the significant concerns raised by the examining Inspectors in relation to the delivery of the proposed garden settlements, and the lack of assessment of potential alternatives to this approach. Work will now begin on a new plan for the authority.
- 8.3. **Welwyn Hatfield** – A response to the consultation on a revised preferred strategy was prepared with the Executive Member and submitted for consideration. This is attached at Appendix A. It reiterates this Council's view that North Hertfordshire would be unable to accommodate any shortfall in housing provision.
- 8.4. Further hearings that were due to take place in May 2020 were postponed due to Covid-19 and will be rearranged in due course (see update on our own Local Plan below).
- 8.5. **St Albans** – The Inspectors examining the new Local Plan [wrote to the Council](#) in April 2020 setting out their post-hearings concerns (as reported in January) in further detail. Whilst they do not represent final findings, it states there is a very strong likelihood that the either the Plan is withdrawn from examination or it is recommended for non-adoption because of a failure to meet the statutory Duty to Co-operate.

North Hertfordshire Local Plan

- 8.6. As previously reported, scheduled hearings that were due to take place in March 2020 were postponed due to Covid-19. Initial guidance from the Planning Inspectorate placed all Local Plan hearings on hold.

- 8.7. This [guidance was updated on 28 May](#) 2020 following a [Written Ministerial Statement](#) (WMS) by the Secretary of State. This set out an expectation that moving to digital events and processes would be key to driving the planning system forward.
- 8.8. Following the WMS, the Inspector asked whether the Council was willing to explore the possibility of holding virtual hearings. The Council has responded positively having suggested this as a possible approach prior to the initial postponement of the sessions. More detailed feedback has also been provided by officers via the Programme Officer following liaison with the Council's retained legal representatives and the IT department. [The Planning Inspectorate will use Microsoft Teams as the platform for virtual events](#). The Council will need to ensure it can effectively participate in any sessions.
- 8.9. Hearings into the [South Oxfordshire Local Plan](#) are expected to act as the 'pilot' for digital Local Plan Examination hearings. These are due to take place in July 2020. Lessons learnt from this examination will be used to inform the approach taken to other examinations.
- 8.10. The Executive Member for Planning and Transport has written to the Secretary of State for Housing, Communities and Local Government seeking reassurances that the conclusion of our own Local Plan examination is seen as an equally high priority. This letter is attached as Appendix B. Any response will be reported to a future meeting.

Neighbourhood Plans

- 8.11. The Preston Neighbourhood Plan was made on 3 April 2020. The Preston Neighbourhood Plan is now part of the statutory Development Plan and will be used in relevant decisions.
- 8.12. Consultation on the Baldock, Bygrave and Clothall Neighbourhood Plan closed on 25 March 2020. A total of 10 individuals and organisations responded to the consultation, with a total number of 56 representations. All of the representations are [available to view on the website](#) and the District Council's response is attached as Appendix C.
- 8.13. Consultation on the application to designate part of the parish of Rushden and Wallington as a neighbourhood planning area Wallington was undertaken in February and March 2020. Only two responses were received, neither of which raised any objections to the proposed designation. The neighbourhood planning area for Wallington was confirmed by a delegated decision made on 24 April 2020.

Government Announcements and measures relating to Covid-19

- 8.14. In response to the Covid-19 pandemic, the Government has altered various planning requirements and regulations. These include, but are not limited to:
- Issuing regulations to allow planning committees to take place 'virtually';
 - Suspending all referenda on neighbourhood plans until May 2021;
 - Temporarily relaxing restrictions on overnight deliveries to supermarkets;

- Allowing builders to apply for variation of planning conditions that restrict working hours. Local planning authorities have been asked to look favourably and quickly at requests to extend working up to 9pm Monday to Saturday. Extending working beyond these hours may be justified in some cases; and
 - Authorising restaurants to temporarily operate as takeaways without the need for planning permission.
- 8.15. The Council's response to the Government's [Housing Delivery Test results](#) (reported to Cabinet in March) is subject to a separate report to this meeting.

London Luton Airport

- 8.16. Officer meetings regarding the proposed expansion for Luton Airport and the Luton Airport Regional Forum have been placed on hold during the Covid-19 pandemic, while LLAL evaluate the implications of the Covid 19 situation for the project and consider the impact of the Heathrow decision. LLAL are currently considering the responses to the Statutory consultation as well as sustainable aspects of running an airport, and as such have [stated on their website](#) that they will not be submitting their Development Consent Order application in June 2020, as originally outlined.

Other transport, planning and infrastructure matters

- 8.17. **Hertfordshire Rail Strategy** – an Officer response was submitted on 30th March to the Hertfordshire County Council Rail Strategy consultation, attached as Appendix D.
- 8.18. **North & Central Hertfordshire Growth Transport Plan** – a consultation response was submitted on 30th March and is attached as Appendix E.
- 8.19. **DfT Rural Mobility Fund** – The Council have submitted a joint application bid with East Hertfordshire District Council and Hertfordshire County Council to the Department for Transport (DfT) to fund a new 'Demand Responsive Transport' (DRT) bus service. The bid is to provide a service for the rural North East of Hertfordshire, centred on Buntingford. It will offer travel within this area and to six key towns that surround it, with a target rural population of 36,000. It is planned to operate the service as one sizable zone in the rural area centred around Buntingford. Users would board in this zone for travel either within the zone or to one of the six external nominated destination towns: Stevenage, Royston, Hitchin, Letchworth, Baldock or Bishops Stortford.
- 8.20. The DfT will announce over the summer those bids that have been shortlisted for Phase 2. Those that are shortlisted for Phase 2 will then work with the DfT to prepare more detailed business cases when the final decision on successful bids will take place in Autumn 2020, with a potential launch date in Spring 2021 should the service go-ahead. Further details of the bid can be obtained by contacting the Transport Policy Officer (see Section 17).

- 8.21. **COVID-19 Emergency Active Travel Fund** – DfT have published details of the emergency active travel grant for new cycling and walking lanes; the East of England region is to receive £30m of which Hertfordshire has been awarded £8,489,000. This is to be made available in two tranches: Trance 1: £1,698,000 – immediate work; Trance 2: £6,791,000 – permanent measures. NHDC is waiting to receive more details from Hertfordshire County Council as to how this funding will be allocated and what schemes are being considered for North Hertfordshire.
- 8.22. **Other matters** – The [Article 4 Direction covering certain employment areas](#) within the District comes into force on 20 June 2020. From this point, proposals to convert office or light industrial units to residential use will require a planning application to be made to the District Council.
- 8.23. The previous Cabinet report explained that Stevenage’s planning committee had 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’. The Secretary of State subsequently issued a holding direction. This means an approval cannot be issued until he has determined whether to call in the application for his own consideration.
- 8.24. Luton Borough Council’s 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 have been dismissed.

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. In previous financial years, funding has been available for local planning authorities (LPAs) in respect of neighbourhood planning. LPAs could claim £20,000 once a date has been set for a referendum following a successful examination. The [Government has announced](#) it will allow local planning authorities to submit claims for new burdens grants at an earlier point in the neighbourhood planning process in 2020/21. Claims will be able to be made when the Council announces its decision to send the plan to referendum.

10.4. The financial risks associated with planning were reviewed and updated as part of the budget-setting cycle for 2020/21. 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 Corporate 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. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1. There are no new human resource implications arising from the contents of this report. Workload and vacancies are monitored on an on-going basis.

16. APPENDICES

- 16.1. Appendix A – Response to Welwyn Hatfield Local Plan consultation
- 16.2. Appendix B – Letter to Secretary of State re. Local Plan Examination
- 16.3. Appendix C - Response to Baldock, Bygrave & Clothall Neighbourhood Plan consultation
- 16.4. Appendix D – Response to Hertfordshire Rail Strategy
- 16.5. Appendix E – Response to Hertfordshire CC North Central Growth & Transport Plan

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18. BACKGROUND PAPERS

- 18.1 None