

**CABINET  
15 SEPTEMBER 2020**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: STRATEGIC PLANNING MATTERS**

REPORT OF: 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.

**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. **Welwyn Hatfield** – additional virtual hearing sessions took place during July and August. An indicative [timetable](#) has been published for the next stages of the examination, including further Hearing Sessions in 2021.
- 8.2. **Central Bedfordshire** – A [consultation on additional evidence](#) ran for eight weeks from 18 June 2020 to 12 August 2020. The consultation documents included technical papers on housing, transport and employment and an updated sustainability appraisal. Following submission of the above consultation responses to the Planning Inspectorate Central Beds are now waiting to hear if further Hearing Sessions are required later in the year.

### *North Hertfordshire Local Plan*

- 8.3. The Council's response to the latest household projections and updated information on housing land supply have been submitted to the Inspector under the delegated powers granted by Full Council in April 2017 and with the agreement of the three political group leaders on the Local Plan Project Board. These responses have been [published on the Council website](#) (refs ED191A and ED191B).
- 8.4. In summary, they propose that the housing requirement in the Plan is reduced to 13,000 homes over the period 2011-2031 (vs. 15,950 in the version submitted for examination in June 2017). However, no changes are proposed to the draft housing allocations. This reflects that the expected delivery of some proposed allocations will now extend beyond 2031, allows for an increased level of flexibility in current circumstances and seeks to ensure that Government requirements relating to housing delivery can be met on an ongoing basis providing greater protection against development on unallocated land.
- 8.5. Following this, the further hearing sessions for the North Hertfordshire Local Plan - originally to be held in March 2020 but postponed due to the coronavirus pandemic - have now been re-scheduled to commence on Monday 28 September 2020. The sessions will take place 'virtually' and will take place over the following dates:
- Monday 28 September - Thursday 1 October
  - Monday 12 October - Friday 16 October
  - Monday 19 October - Friday 23 October

- 8.6. The Inspector issued his Further Matters, Issues and Questions (MIQ's) in January for the hearing sessions which were to be held in March. He has received and read all of the hearing statements submitted in response to those Further MIQ's and he will take them into account when reaching his conclusions concerning the soundness of the Local Plan.
- 8.7. However, some of the questions in his Further MIQ's have been superseded with the publication of further evidence documents. This has necessitated an update to the Inspector's Further MIQ's and the Inspector is now inviting hearing statements in response to these updated questions.
- 8.8. The Inspector's Guidance Notes, Inspector's Further MIQs and Draft Hearings Programme can be found at <https://www.north-herts.gov.uk/planning-policy/local-plan/local-plan-examination/further-hearing-sessions-2020/further-hearings>
- 8.9. A finalised programme and information on how the sessions will be delivered virtually will be provided by the Inspector in due course.

### ***Neighbourhood Plans***

- 8.10. An examiner was appointed in July 2020 for the Baldock, Bygrave and Clothall Neighbourhood Plan and has undertaken the examination for the neighbourhood plan. The examiner's report has been received and the next steps are the subject of further discussion with Bygrave Parish Council and the Neighbourhood Planning Group. Any further updates will be provided at the Cabinet meeting.
- 8.11. Consultation on a draft neighbourhood plan for Ashwell has been undertaken by the Parish Council. The original consultation deadline has been extended to 14 September 2020. The Council's response is being prepared and any update will be reported verbally to the meeting.

### ***Government announcements***

#### **Planning for the Future White Paper**

- 8.12. The [Planning for the Future White Paper \(August 2020\)](#) proposes comprehensive reforms to the planning system. Key proposals include:
- Local Plans based on a zonal system, categorising land into one of three categories: Growth areas, Renewal Areas and Protected Areas. The designation of such areas would provide the basis for whether planning permission would be granted on a given site.
  - Local Plans to be developed and agreed within 30 months (or 42 months from adoption where a Plan is at examination when the proposed new system takes effect). This would be enabled by a streamlined process and assessed against a single statutory Sustainable Development test. The existing tests of soundness and Duty to Cooperate would be abolished.

- The standard method for assessing local housing need would be amended, establishing a standard requirement that is binding. This would be for a minimum of ten years.
- A review of affordable housing thresholds to support Small and Medium Enterprise (SME) developers, possibly increasing the threshold above which affordable housing is required.
- Removal of Section 106 legal agreements and the Community Infrastructure Levy (CIL) to facilitate the creation of a nationally set Infrastructure Levy for developer contributions.
- A rules-based system with the use of design codes.
- Development management policies in Local Plans would be set nationally and would not be included in Local Plans.
- A more digitally focussed and visual planning system to encourage greater public participation.

8.13. Consultation on the White Paper closes on 29 October 2020 and Members will be given an opportunity to contribute to the Council's response.

#### **Amendments to the Use Classes Order**

8.14. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. This marks a radical reform of the planning system by way of amendment to the use classes which categorise land use types. By broadening the range of uses within the use classes in this way, it reduces the need for planning permission, providing greater flexibility between uses. This is part of a wider range of measures by Government to respond to the Covid-19 pandemic, however the changes represent a permanent change to the planning system.

8.15. The changes are as follows:

- Class E: 'Commercial, service and business class': this combines Use Classes A1-A3 (retail, financial/professional services and restaurants), B1 (office), parts of D1 (health, crèches and nurseries) and parts of D2 (indoor sports and recreation). Any changes between these Class E uses are no longer considered as development and no permission is required.
- Class F: 'Community and learning' (this is in 2 parts):
  - F1: 'Learning and non-residential institution' – this includes the majority of current D1 uses but excluding crèches, nurseries and health which are now covered under Class E
  - F2: Local community class – this includes local shops (restrictions apply) and community halls, outdoor leisure and swimming/skating rinks
- In addition, Use Classes A4 and A5 will become Sui Generis, as will some establishments which formerly fell under Use Class D2, such as cinemas, live music venues, concert, bingo and dance halls. Changes of use to, from and between Sui Generis use require permission.

### ***London Luton Airport***

- 8.16. Officer meetings regarding the proposed expansion for Luton Airport and the Luton Airport Regional Forum had been placed on hold during the Covid-19 pandemic, it is anticipated that officer meetings will recommence shortly and officers are waiting on further information from LLAL in this regard. As previously advised, LLAL continue to [state on their website](#) that they are expecting to submit their Development Consent Order application to the Planning Inspectorate in 2021.

### ***Other transport, planning and infrastructure matters***

- 8.17. **Intalink Submissions for towns/areas feasibility studies 2021/22** – Hertfordshire County Council have provisionally informed NHDC that Hitchin has been selected for one of three feasibility studies to be undertaken during 2021/22, the others being Hemel Hempstead and a bus corridor, (location unknown currently). Officers are currently awaiting further details from HCC.
- 8.18. **England's Economic Heartland draft Transport consultation** – EEH are currently undertaking a 12-week consultation on its [draft Transport Strategy](#) which closes on 6th October. A response will be prepared in consultation with the Executive Member and reported to a future meeting of Cabinet.
- 8.19. **Department for Transport, (DfT) Emergency Active Travel Fund** – last month the DfT have provisionally allocated HCC approx. £8m as part of the Emergency Active Travel Fund to encourage cycling and walking in response to the COVID-19 pandemic. The funding is in two tranches:
- Tranche 1: £1,247,329 - supports the installation of temporary projects for the COVID-19 pandemic
  - Tranche 2: £6,791,000 - the creation of longer-term projects which must be completed by Spring 2021.
- 8.20. NHDC officers submitted several cycle way schemes to HCC for consideration, including for Hitchin, Letchworth Garden City, Baldock and Royston, we are currently waiting to hear from HCC if any have been shortlisted
- 8.21. In addition, as part of the Tranche 1 funding NHDC was invited by HCC to submit proposals for new cycle stands in high street/town centre locations. NHDC officers submitted proposals for over 90 new cycle stands for locations in Hitchin, Letchworth Garden City, Baldock and Royston. NHDC were successful in receiving the funding for the cycle stands. HCC will be arranging for the installation of the stands to be installed on the public highway; NHDC will be responsible for arranging the installation of those on NHDC land. Any further update will be reported verbally at the meeting.
- 8.22. **Department for Transport, (DfT) new cycling and walking plan** – last month the DfT published a new cycling and walking plan for England, 'Gear Change; A bold vision for cycling and walking'. This outlines the Government's vision to make England a great walking and cycling nation. It sets out the actions required at all levels of government to make this a reality, grouped under four themes:

- better streets for cycling and people
  - cycling and walking at the heart of decision-making
  - empowering and encouraging local authorities
  - enabling people to cycle and protecting them when they do
- 8.23. As part of the new cycling and walking plan, new standards for cycling infrastructure have also been published and these will be overseen by a new inspectorate, Active Travel England, which will be responsible for the cycling budget and help make sure schemes are compliant with the new standards.
- 8.24. **Other matters** – In response to the Covid-19 pandemic, the Government has extended Permitted Development rights to grant permission to demolish vacant commercial buildings and rebuild as residential homes without the need to apply for planning permission to the District Council. These new rights potentially undermine the Council's emerging employment strategy in the new Local Plan and the Article 4 Direction for employment areas made by the District Council which came into force 20 July 2020.
- 8.25. However, following review of the detailed regulations, a further Article 4 Direction is not being prepared. This is for a number of reasons:
- It is considered that the Council cannot introduce an Article 4 Direction with immediate effect to remove these new rights;
  - It would be challenging to introduce a non-immediate direction within the transitional time period (which expires in July 2021); the existing Article 4 direction was subject to a 12-month notice period before coming into force;
  - The new rights are subject to stricter 'Prior Approval' requirements which allow greater consideration of (in particular) residential amenity compared to other rights (e.g. for the conversion of offices to residential use);
  - Monitoring shows only a small number of premises within North Hertfordshire's main employment areas are potentially 'at risk' under the new rights; while
  - A further Government review is anticipated in advance of, or to coincide with, the end of the transitional period next summer.
- 8.26. Officers will monitor the impacts of the new rights on an ongoing basis to inform any future recommendations to Cabinet.
- 8.27. Officers have prepared a Draft Design Supplementary Planning Document (SPD) for public consultation which provides additional detail on planning policies and sites in the emerging Local Plan and is also subject to a separate report to this meeting.
- 8.28. Pending further progress on the Local Plan examination (see above), the Council's land supply figures for decision-making purposes have been updated to 1 April 2020. This is based on the Government's 'standard method' and currently stands at 2.2 years. This is somewhat short of the five-year supply required by national guidance; the presumption in favour of development set out in the National Planning Policy Framework will continue to be applied to relevant decisions and recommendations to the Planning Committee.

## **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. None

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## **18. BACKGROUND PAPERS**

18.1 None