

**CABINET**  
**21 June 2022**

**\*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 and transport issues affecting the District.

**2. RECOMMENDATIONS**

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

2.2. That the correspondence and information in Appendices A to E are 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 and Deputy have been briefed on the relevant matters in this report. The Strategic Sites and Masterplanning Project Board meets monthly to guide and monitor progress on major development sites proposed in the District. More information is contained in the report.

## 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. North Hertfordshire has eight neighbouring local authorities in Bedfordshire, Cambridgeshire, Essex and Hertfordshire. Officers monitor progress on the local plans for these and other relevant areas and, in consultation with the Executive Member and Deputy, make representations at key stages.
- 8.2. A number of authorities' plans are (relatively) recently adopted or at early stages of investigation and preparation so there is only limited formal activity at present.
- 8.3. **Welwyn Hatfield** – [The Inspector has provided the Council with a revised deadline](#) of 8 July 2022 to identify sufficient sites to meet housing need over the period to 2032 or 2033. This is subject to the Council providing robust evidence demonstrating that this approach would provide and maintain a five-year land supply over that period and providing a commitment to review and update of the Plan to identify additional supply for the period thereafter. In the alternate, the plan should be withdrawn.

### *North Hertfordshire Local Plan*

- 8.4. The Council is still awaiting the publication of the Inspector's report into the new Local Plan. In his most recent update, [the Inspector advised that his draft report had been passed to the Department for Levelling Up, Housing and Communities \(DLUHC\)](#) following an internal quality assurance process. This is a requirement for all draft reports. It will then be sent to the Council on a confidential basis for fact checking prior to publication of the final report.

### *Strategic Sites & Masterplanning*

- 8.5. The Strategic Sites and Masterplanning Project Board, which includes representation from each political group, meets monthly to guide the implementation of strategic and significant housing sites. A masterplanning area has been [set up on the Council website](#) to provide further information.

- 8.6. The Project Board has agreed guidance on the approval processes for masterplans, a protocol for the use of Design Review and a high-level set of sustainability principles to guide new schemes. These are attached as appendices A, B and C to this report for endorsement by Cabinet.
- 8.7. Pre-application masterplans are prepared under Planning Performance Agreements between the Council, its representatives and the landowner teams. Engagement with key stakeholders and public consultation on draft masterplan proposals is expected during 2022.
- 8.8. Other masterplans are being progressed through current planning applications lodged with the Council. Any masterplan documents produced in this way will be made available as part of the relevant planning application file [which can be viewed on line](#). Once the whole application is ready for determination, these will be presented to the Planning Control Committee.

### ***Neighbourhood Plans***

- 8.9. A referendum on the Knebworth Neighbourhood Plan was held alongside May's local elections. The [result of the referendum](#) was 1449 votes in favour of the neighbourhood plan (84%) and 243 votes against (14%). Following the referendum, the neighbourhood plan was [formally "made" under delegated powers](#).
- 8.10. The Knebworth Neighbourhood Plan now forms part of the statutory Development Plan for the Parish and will be used in relevant planning reports and decisions.

### ***Hertfordshire Growth Board (HGB) and North-East-Central (NEC) Hertfordshire***

- 8.11. The agenda items for the June 2022 HGB meeting are [available from the Growth Board website](#) including items on the work programme of the Board and its subsidiaries and an investment strategy.

### ***Government announcements***

- 8.12. The Government's Levelling Up & Regeneration Bill was introduced to Parliament in May 2022. This builds upon the White Paper published in February 2022 and reported to Cabinet in March. The Bill may change as it proceeds through Parliament. A number of the provisions in the draft Bill are subject to further development or will be fleshed out by subsequent regulations. However, key strategic planning contents at this stage include:
- A legal requirement for all authorities to produce a design code for their area;
  - The inclusion of a new Infrastructure Levy to be prepared locally by individual authorities. The existing system of s106 legal agreements will be kept in some form for the largest sites but the detail of this is yet to be provided;
  - Constraining local plans to locally specific matters with general Development Management policies that apply in most areas (such as protection of heritage) to be set nationally;

- The ability to create ‘supplementary plans’ with a simplified examination and approval process compared to local plans;
  - A new “neighbourhood priorities statement” as a simpler alternate to neighbourhood plans for local communities; and
  - The replacement of the statutory Duty to Cooperate between local authorities
- 8.13. The progress of the Bill through Parliament will be monitored and Members will be advised of any key implications for documents that the Council intends to produce.
- 8.14. Amendments the Building Regulations took effect on this month. These govern energy performance and efficiency, overheating / shading and electric vehicle charging. Under the new regulations, all new homes must produce 31% less CO<sup>2</sup> emissions compared to the previous regulations.
- 8.15. To pass the requirements, most new homes will need either heat pumps or gas boilers paired with renewable energy generation such as solar panels. Some homes may also require additional insulation.
- 8.16. The new regulations will apply to each single new development plot commenced from June 2023. Allowing for the time lag between the granting of planning permission and implementation, the new requirements will capture the significant majority of planned new homes in the District that don’t already benefit from some form of planning permission. This includes all of the planned strategic sites in the new Local Plan as well as the latter stages of some sites with existing permissions.
- 8.17. The new regulations may have some implications for the design of new sites at the planning stage.

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

- 8.18. **Proposed expansion for London Luton Airport** – London Luton Airport Ltd, rebranded as Luton Rising (LR), undertook the second round of statutory consultation for eight weeks from 8 February to 4 April 2022 prior to submission to the Planning Inspectorate later this year of a Development Consent Order (DCO) for the proposed expansion.
- 8.19. North Herts Council, together with the Host authorities (the others being Central Bedfordshire, Luton and Hertfordshire County Council), appointed consultants to prepare and submit a detailed response on their behalf. Officers also prepared and submitted a separate response on behalf of the Council. A copy of the North Herts response is appended at Appendix D.
- 8.20. **Luton Airport S73 19mppa Application** – As previously reported, the Council commissioned consultants to prepare a response on behalf of the Council to the London Luton Airport S73 proposed planning conditions amendment to allow for an increase from 18 to 19 million passengers per annum. The application was called in by the Secretary of State (SoS) for Levelling Up, Housing and Communities predominantly on noise grounds.

- 8.21. The SoS has now arranged for a Public Inquiry to take place in September. Following agreement with Exec Members and Deputy it was agreed to appoint consultants to prepare and submit a joint written representation to the Public Inquiry with Herts County Council, Dacorum and St.Albans. A copy of the written rep is attached at Appendix E.
- 8.22. **GTP (North Central Growth and Transport Plan)** – HCC Highways & Transport Cabinet Panel reviewed the final draft of this plan on 25 May and recommended it go forward to HCC Cabinet for adoption. That is expected to be on 20 June. HCC has addressed NHC officers' concerns about an earlier draft, which were discussed with NHC Exec Members at the time.
- 8.23. The principal concern related to the inclusion of 'strategic' road interventions around Baldock, for which officers felt there was insufficient evidence at this time. The final wording is:
- SM103a** Baldock Multimodal Link Road North: The new road bridge over the railway, linking Bygrave/Ashwell Road and the B656 at the A505 interchange, to be delivered as part of Local Plan site allocation BA1, will be specified to enable it to serve a strategic function. Any proposed extension of this link to the A507 as a strategic route (relief road) will be evidenced and tested as part of masterplanning the BA1 strategic site allocation.*
- SM103b** Baldock Multimodal Link Road South: New access links to the southern development sites (BA2, BA3, BA4) incorporating high-quality cycle infrastructure.*
- 8.24. **LCWIP (Local Cycling and Walking Infrastructure Plan)** – The draft plan is being finalised to for public consultation, following detailed review by HCC and NHC officers. It is expected that the consultation will run for six weeks over the summer. In combination with the GTP, North Herts will have a large array of schemes to develop and deliver as and when funding becomes available – from central government and Section 106 agreements with developers.
- 8.25. **Sustainable Travel Towns (STT)** – The Officer Working Groups (OWGs) for the Letchworth and Royston STTs are preparing a draft governance framework for each STT. These will be discussed with the Exec Member and Deputy before going through a sign-off process. Once adopted, the OWGs will develop an implementation plan based on the Outline Plans. Although a small amount of funding has been identified for delivery of the plan, substantially more funding will be required for the infrastructure elements of the plan.
- 8.26. **HertsLynx** – this demand-responsive bus service for north and east Hertfordshire continues to grow in popularity. The three minibuses currently in service have completed over 10,000 trips. 25% of all passengers are students using the service to access school/college. The chart below shows how far ahead people book.

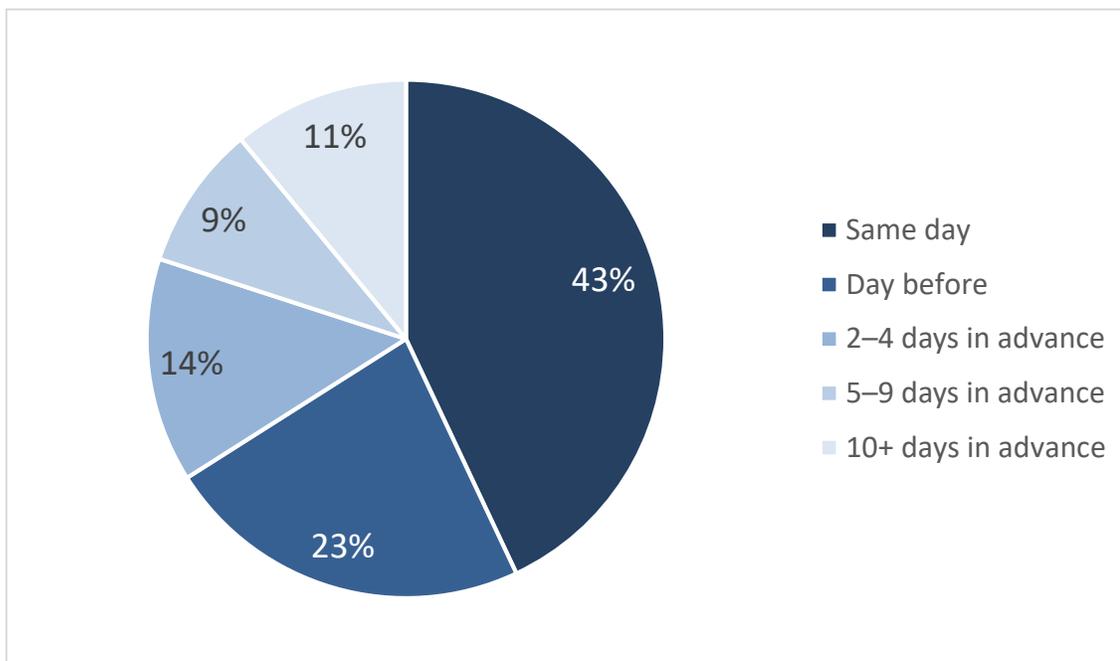


Figure 1: How far ahead people book HertsLynx trips

- 8.27. A six-month review of the service will be available in July, after HCC Cabinet have had sight of it.
- 8.28. Two additional buses are planned to join the fleet in September 2022, one fully electric. This will allow a small expansion in coverage to Hertford and Ware, a late-night service on Fridays and Saturdays, and enhanced availability for same-day bookings.
- 8.29. Funding from the Department for Transport Rural Mobility Fund is secure for three years from September 2021. If and when confirmed, some of the grant for Hertfordshire’s Bus Service Improvement Plan (BSIP) will be allocated to HertsLynx. Follow-on funding will need to be identified to ensure the service can continue beyond September 2024.
- 8.30. **County-wide Electric Vehicle (EV) Charging Strategy** – HCC has provided NHC with access to the EV Ready Toolkit. This mapping application is helping officers identify where EV chargepoints will be needed in order to serve households that do not have off-street parking, and hence will be unable to charge an EV at home. HCC is consulting with local authorities on guidance and conditions on providing on-street chargepoints. This aligns with HCC’s central policy of preferring to site chargepoints at destinations (workplaces, supermarkets, leisure centres, etc) and hubs (car parks, fuel stations and dedicated charging stations) rather than on-street.
- 8.31. **EV chargepoints in North Herts car parks** – Officers are preparing a Further Competition tender document using the KCS Procurement Services framework (managed by a company wholly owned by Kent County Council). The tender will be structured around a core agreement to deliver new EV chargepoints in car parks in Letchworth (Hillshot), Hitchin (Bancroft Recreation, Woodside and Portmill East/West), Baldock (Twitchell), and Royston (The Warren), conditional on a successful bid for Office for Zero Emission

Vehicles funding. The supplier will be expected to provide the 40% funding to match the 60% covered by the grant.

- 8.32. Bidders will also be asked to provide costs for upgrading or replacing the existing EV chargepoints (currently managed by GeniePoint), and to install new chargepoints at other car parks. As these are unlikely to qualify for OZEV funding, they will need to be funded by the operator, possibly with a contribution from NHC.

## **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.
- 9.3. The setting of discretionary fees and charges for planning services are delegated to the Service Director: Regulatory in consultation with the Executive Member for Planning.

## **10. FINANCIAL IMPLICATIONS**

- 10.1. The costs of preparing the Local Plan have been reviewed on a regular basis and are reported through the quarterly revenue monitoring reports to Cabinet.
- 10.2. The general costs of preparing other 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 report refers to Planning Performance Agreements. Although these represent a new process and income stream, they do not necessarily represent additional monies to the Council at this stage. Prior to the introduction of masterplanning requirements, the negotiation of significant planning applications would have taken place under the Council's charged pre-application advice service and / or through the planning application. This will continue to be the case in some instances. Planning application fees are set nationally. The Council sets local income targets for pre-application advice and planning applications to inform budgeting and budget monitoring.
- 10.4. Income from PPAs will, in the short term at least, reflect a displacement of potential income from the above. Officers will monitor anticipated and actual PPA income and the relationship between PPA, pre-application and planning application income and reflect this as required in budget monitoring and / or targets during 2022/23. PPA income may be used to offset any shortfalls in the other income streams.

## **11. RISK IMPLICATIONS**

- 11.1. The Council has changed how it sets and monitors risks, as reported to Cabinet in March 2022. This will see a shift to strategic risks based on key projects such as the Local Plan and masterplanning.
- 11.2. An initial review of the existing risks for planning and development has been undertaken. It was concluded that it was best to revisit these risks once the Inspector's report has been received and / or any final decision on adoption of the new Local Plan has been taken. Reviews will also reflect the new approach to setting and monitoring Corporate Risks.

## **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. A number of the schemes noted at section 8 will have considerable impact on the environment as they come to fruition. As many of these are in draft/early stages of development, it would be prudent to make an assessment the implications as they progress, particularly where they are not subject to their own statutory requirements for environmental assessment.

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1. The approved budget for 2022/23 includes funding for additional posts in the planning service. Two posts have been successfully advertised and recruited to, one each in the Strategic Planning and Development Management teams. However, recruitment to a further post in Development Management at the same time was unsuccessful.

## **16. APPENDICES**

- 16.1. Appendix A – Strategic Sites & Masterplanning Project Board: Masterplan approval process

- 16.2. Appendix B – Strategic Sites & Masterplanning Project Board: Sustainability Principles
- 16.3. Appendix C – Strategic Sites & Masterplanning Project Board: Design Review Protocol
- 16.4. Appendix D – NHDC Response to Luton Airport Expansion Stat Consultation
- 16.5. Appendix E – Joint Written Rep to Luton Airport S73 19mppa Public enquiry.

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## **18. BACKGROUND PAPERS**

- 18.1 None