

**CABINET**  
**31 January 2023**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: STRATEGIC PLANNING MATTERS**

REPORT OF: IAN FULLSTONE, SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: CLLR RUTH BROWN, EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE TOGETHER

**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 officer responses attached as Appendices A to C are noted and endorsed by Cabinet.

**3. REASONS FOR RECOMMENDATIONS**

3.1. To keep Cabinet informed of recent developments on strategic planning matters.

**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 met approximately monthly during 2022 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.

- Stevenage - Local Plan Review commenced Autumn 2022
  - Station Gateway Area Action Plan, submission Spring 2023
  - Design Guidance Supplementary Planning Document (SPD), adoption December 2022
- East Herts - Local Plan Review being considered but nothing formally actioned
- WelHat - Consultation on Main Mods Jan – Feb 2023
- St Albans - Local Plan Reg 18 Consultation planned for July 2023
  - Proposed adoption December 2025
- Luton - In the very early stages of Local Plan Review
- Central Beds - Intention to review Local Plan in early 2022, no further details available
- South Cambs - Greater Cambridgeshire draft joint Local Plan expected 2023
- Uttlesford - Consultation on draft Local Plan expected summer 2023

- 8.2. A number of authorities' plans are in early draft stages of consultation or review so there is only limited formal activity at present.

- 8.3. In addition to the immediately adjoining authorities, an officer response was submitted to Bedford Borough Council in 2022 requesting that their new Local Plan to 2040 allows for consideration of any further unmet needs from Luton that may arise from their upcoming Plan review identified above. Bedford voted to submit their Plan for examination in January 2023.

### *North Hertfordshire Local Plan*

- 8.4. The new Local Plan was adopted by Full Council on 8 November 2022. Following adoption, notices were placed on the Council website and sent to interested parties registered on the

Council's local planning database. Among other matters, this advised that the six-week period to launch a legal challenge to the Plan's adoption commenced on the day following adoption. This period ended on 21 December 2022.

- 8.5. No challenges to the adoption of the Plan have been received by either the Council or the Planning Inspectorate.

### ***Implementation – Supplementary Planning Documents***

- 8.6. Following adoption of the Plan, focus has turned to its implementation. This includes preparing an appropriate suite of supporting Supplementary Planning Documents (SPDs). The suite of SPDs to be produced was approved by Cabinet in March 2020.
- 8.7. The Developer Contributions SPD is subject to a separate report to this meeting.
- 8.8. Three further SPDs are to be prepared. The following targets for presenting consultation draft versions of these to Cabinet have been agreed in consultation with the Executive Member and Deputy:
- Sustainability SPD – March 2023
  - Biodiversity SPD – June / July 2023
  - Design Code SPD – Autumn 2023

### ***Implementation - Strategic Sites & Masterplanning***

- 8.9. The Strategic Sites and Masterplanning Project Board, which includes representation from each political group, met regularly through 2022 to guide the implementation of strategic and significant housing sites. A series of guidance and process documents were presented to Cabinet for endorsement. These are being updated to reflect the adoption of the Local Plan.
- 8.10. The current status of work on the six, largest Strategic Sites in the Local Plan is summarised below:
- Policy SP14: North of Baldock - Pre-application masterplan being prepared under a Planning Performance Agreement (PPA)<sup>1</sup>;
  - SP15: North of Letchworth – Pre-application masterplan being prepared under PPA;
  - SP16: North of Stevenage - Pre-application masterplan being prepared under PPA;
  - SP17: Highover Farm, Hitchin – Masterplan prepared within the current planning application for site and consulted upon in 2022;
  - SP18: North-east of Great Ashby – Work on pre-application masterplan expected to start in early 2023;
  - SP19: East of Luton – Allocation-wide masterplan being prepared under PPA
- 8.11. Other masterplans for significant sites are being progressed through a variety of PPAs, pre-application discussions and current planning applications lodged with the Council ([Masterplans in current applications | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/masterplans)). Further

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<sup>1</sup> This work also includes the sites allocated in the Local Plan around Baldock to the south of the railway line known as BA2, BA3 and BA10.

engagement with key stakeholders and public consultation on draft masterplan proposals is expected during 2023.

### ***Implementation – Governance and oversight***

- 8.12. At the November 2022 meeting of the Strategic Sites and Masterplanning Project Board, it was agreed that – following adoption of the Local Plan – this Board should now take on a wider remit. This will recognise the importance of delivering not just the major sites in the Plan but also the other projects listed above, the upcoming early review of the Local Plan and the need to ensure the co-ordination of this planning policy and delivery work with wider corporate strategies and priorities around issues such as climate change, sustainability, biodiversity, waste and green space.
- 8.13. As part of this review and extended remit, the membership of the Board has been expanded to include the Executive Member for Environment and Leisure and the corporate officer lead for climate change. Where appropriate, Project Board meetings will also act (by invitation) as a forum for (e.g.) engagement with Ward Members on emerging masterplans in their areas.

### ***Neighbourhood Plans***

- 8.14. Ickleford Parish Council consulted upon their draft ('Regulation 14') Neighbourhood Plan between September and November 2022. They will now consider all of the comments made before preparing a submission version of the plan that will be submitted to the District Council to undertake formal public consultation ('Regulation 16') later this year. An officer response to the consultation was prepared and is attached as Appendix A.
- 8.15. Consultation on a draft ('Regulation 14') neighbourhood plan for Wallington is currently taking place. The consultation period will close in February. A response is being prepared and will be reported to a future meeting.

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

- 8.16. The 'NEC' area covers the geographical areas of North Hertfordshire, Stevenage, East Hertfordshire, Welwyn Hatfield and Broxbourne. The Local Planning Authorities, along with the County Council, are working together to explore potential long-term planning solutions. NEC are awaiting receipt of the final Stage 1 Report looking at development requirements and options across the wider area. A procurement exercise to help develop a long-term vision for the sub-area is ongoing.

### ***Government announcements***

- 8.17. DLUHC is seeking views on the proposed update to the NPPF and views on the proposed approach to preparing National Development Management Policies. They have released the [NPPF: draft text for consultation](#) and [Levelling-up and Regeneration Bill: reforms to national planning policy](#). The key points in the Levelling-up and regeneration Bill: reforms to national policy include:

- Review of the implications for the standard method of new household projections data based on the 2021 Census – due to be published in 2024. But not proposing any changes to the formula itself;
- More explicit indications of the types of local characteristics which may justify using an alternative method of assessing housing need eg high percentage of elderly residents or university towns;
- The need to avoid uncharacteristically dense development can outweigh the requirement to meet local housing need;
- No need to review Green Belt even if it means not meeting the housing need;
- Councils would be able to consider past over-delivery when assessing housing need;
- The test of ‘soundness’ for Local Plans is to be softened. Plans will no longer need to be ‘justified’;
- Intention to retain the 35% uplift to the assessed housing need for the largest towns and cities in England;
- Duty-to-co-operate is to be replaced with an as-yet-formulated ‘alignment policy’;
- Authorities with up-to-date Local Plans will no longer need to show a deliverable five-year housing land supply (5yhls) ;
- No longer need to provide 5yhls buffers;
- Inclusion of historic oversupply in 5yhls calculations;
- Evidence of sufficient housing permissions to meet the annual housing requirement could lead to the avoidance of the most severe Housing Delivery Test (HDT) sanctions;
- Considering the suspension or amendment to the consequence of failure of the HDT;
- Past ‘irresponsible planning behaviour’ by applicants could be taken into account when applications are being determined;
- Government data will be published on developers of larger sites who fail to build out according to their commitments;
- Requirement for developers to explain how they will increase the diversity of housing tenures to maximise absorption rate;
- Delivery will become a material consideration;
- Onshore wind power schemes will be able to go ahead on sites that have not been designated in the Local Plan;
- Replacement of old turbines with more efficient models will be easier;
- Measures to be imposed to prevent developers from clearing development sites of biodiversity prior to submitting planning applications in relation to Biodiversity Net gain;
- Clamping down on the use of artificial grass;
- Possibility of embedding a broad form of carbon assessment in planning policy will be explored;
- Policy and guidance relating the Strategic Flood Risk Assessments will be reviewed;
- Plan-makers will have until 30 June 2025 to submit local plans, neighbourhood plans and minerals and waste plans for examination under the existing legal framework, and these examinations must be concluded by 31 Dec 2026;

- Authorities will be required to start work on new plans by, at the latest, 5 years after adoption of the previous plan, and to adopt the new plan within 30 months;
  - Plans that become more than 5 years old during the first 30 months of the new system will continue to be considered up to date for decision making purposes 30 months after the new system starts;
  - SPD's will be replaced with Supplementary Plans and be afforded the same weight as a Local Plan; and
  - Proposed consultation in 2024 on how National Development Management Policies are implemented.
- 8.18. The consultation on these proposals ends on 2 March 2023 and the Strategic Planning team will be liaising with Members and other relevant teams before submitting a response back to Central Government.

***Other planning matters and documents***

- 8.19. **Article 4 Directions – Town Centres** – On 13 September 2022, Cabinet made immediate Article 4 Directions relating to the change of use of E Class to C3 (residential) in the District's Town Centres.
- 8.20. Following a six-week consultation from 10 October to 21 November 2022, no objections were received and so it is proposed that the Directions shall be confirmed on 13 February 2023 following the County Council by-election in Hitchin.
- 8.21. **The Brownfield Land Register** – the 2022 Brownfield Register has now been published in accordance with Government Regulations. The updated version can be found at [Brownfield Land Register | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/brownfield-land-register). It is proposed that later in the year, a wider call for sites will take place to identify all Brownfield opportunities in the District as part of early work to inform the Local Plan review.
- 8.22. **Annual Monitoring Report** – the 2021/2022 AMR has now been published. The updated versions can be found at [Monitoring | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/monitoring). It is proposed that the next AMR, taking account of the adoption of the new Local Plan, will be published before the end of October 2023.

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

- 8.23. **Proposed expansion for London Luton Airport** – London Luton Airport Ltd, rebranded as Luton Rising (LR), is expecting to submit their Development Consent Order to the Planning Expectorate during the first quarter of 2023. The date is yet to be finalised.
- 8.24. **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) followed by a Public Inquiry in September 2022. There has been no announcement on the outcome of the public inquiry at the time of writing this report. Any updates will be verbally reported at the meeting.

- 8.25. **LCWIP (Local Cycling and Walking Infrastructure Plan)** – Consultation on the draft LCWIP took place from 26 September to 14 November 2022. A number of face-to-face public consultation events were held across the District, affording members of the public to engage with officers on the proposals.
- 8.26. 703 people completed the survey; another 757 responded partially. 74% support the proposed approach of the LCWIP; 26% do not. 449 mapped comments were received: 49% Agree/Strongly Agree with a proposed intervention; 17% are Neutral; and 30% Disagree/Strongly Disagree. Hitchin, Letchworth and Baldock residents are broadly supportive of the proposals; Royston is more polarised; and Knebworth expressed strong negative views.
- 8.27. Officers, in consultation with the Exec Member and Deputy, prepared and submitted a response to the consultation (See Appendix C attached). This made a number of recommendations for additions, changes and clarifications to the LCWIP. Most notable amongst these are to include a cycle route between Ashwell village and Ashwell & Morden station; and to engage further with the Knebworth community, where interventions will be needed to support the sustainable travel objectives for strategic sites KB1, KB2 & KB4.
- 8.28. HCC is analysing the responses with a view to review and update the draft LCWIP with NHDC officers for further consideration by NHDC Cabinet in March. The plan will then be submitted to the HCC Highways & Transport Cabinet Panel to seek a recommendation for HCC Cabinet to formally adopt the plan in May 2023.
- 8.29. Once adopted, the LCWIP, in combination with the adopted North Central Growth Transport Plan (June 2022), will provide North Herts with a large array of schemes to develop and deliver as and when funding becomes available – from central government and Section 106 agreements with developers.
- 8.30. **Sustainable Travel Towns (STT)** – The Officer Working Groups (OWGs) for the Letchworth and Royston STTs have prepared a governance framework for each STT. Joint Member Steering Groups have been set up for each Town and met in November. Officers will spend this year developing implementation plans for each of the towns in consultation with key stakeholders. Regular progress meetings will be set up with the Joint Member Steering Groups to monitor progress and agree key stages in the development of the plans. Although a small amount of funding has been identified for delivery of these plans, substantially more funding will be required for the infrastructure elements of the plan including identifying suitable resources.
- 8.31. **HertsLynx** – The demand-responsive bus service for north and east Hertfordshire has been running for 17 months. In the 12 months to September 2022 (when the one-year report was published), patronage averaged 1,433 passenger-journeys per month. Of those, 1,221 were fare-paying and 212 were Concessionary Pass holders. The service started with three vehicles. A fourth was added in November, and a fifth (fully electric) vehicle was still awaiting delivery in December. (Both new vehicles were expected to be delivered in July 2022, but manufacturing has been unable to match demand.) The

additional vehicles should create more availability for short-notice bookings, which make up about a third of all bookings.

8.32. Plans for 2023 include:

- Expansion of the service to Hertford and Ware, with the addition of a further two vehicles (bringing the fleet number up to seven).
- Extension of service operation times to 11:30pm on Fridays and Saturdays. (Current service hours are 7am–7pm Mondays to Saturdays, and 10am–4pm on Sundays and public holidays.)
- Introduction of booking restrictions to ensure that HertsLynx does not compete with scheduled bus and rail services.

8.33. **County-wide Electric Vehicle (EV) Charging Strategy** – HCC have prepared a draft strategy which was considered by the HCC Highways & Transport Panel on 1 November 2022. The draft Strategy was positively received, and HCC undertook a further consultation exercise with Districts and Boroughs for comments prior to it being finalised and presented in HCC Highways Transport Cabinet Panel in early 2023. Officers, in consultation with the Exec Member and Deputy, prepared and submitted further comments in December 2022 (See Appendix B attached). HCC have arranged an officer workshop in February to update Districts and Boroughs on progress and future funding opportunities.

8.34. **EV chargepoints in North Herts car parks** – Officers undertook a Further Competition tender in December using the KCS Procurement Services framework (managed by a company wholly owned by Kent County Council). The Tender closed on 9 January and officers are evaluating the bids.

8.35. The tender is 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). It is expected that these will be eligible for 60% capital-funding from the Office for Zero Emission Vehicles, with the supplier making up the difference.

8.36. A second part of the tender covered the replacement of the existing (GeniePoint) chargepoints, which are nearly ten years old.

8.37. The chosen supplier will assume full responsibility for the management and maintenance of the chargepoints and all associated infrastructure. It will retain all revenues, less a small share to the Council.

8.38. The anticipated start date for the commission is February 2023.

8.39. **Other local/technical consultation responses** – Officers submitted responses to consultations on the Melbourn Greenway (a Greater Cambridge Partnership project); the proposed diversion of footpaths to enable closure of an at-grade (level) railway crossing in Royston; and the proposed weight limit Experimental TRO that would apply to the A507 through Cottered.



## **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 and supporting documents 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.
- 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 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.
- 10.2. The report refers to Planning Performance Agreements. Although these represent a relatively 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.
- 10.3. Income from PPAs will, in the short term at least, reflect a displacement of potential income from the above. Officers are monitoring anticipated and actual PPA income and the relationship between PPA, pre-application and planning application income. This is reflected as required in budget monitoring and / or reporting on 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 changed how it sets and monitors risks during 2022. This has seen a shift to strategic risks based on key projects such as the Local Plan and masterplanning. At the time, it was concluded that it was best to revisit these risks following adoption of the Local Plan and expiration of the challenge period for any Judicial Review.
- 11.2. As set out in Paragraphs 8.4 and 8.5, no challenge to the adoption of the Plan has been received. The relevant risks associated with the Local Plan will now be reviewed and updated with the Performance & Risk team. This will 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. Many of these will be subject to their own statutory requirements for environmental assessment such as Sustainability Appraisal or Environmental Impact Assessment. The need for further assessment, for example where there is no statutory requirement, is considered on a case-by-case basis.

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1. The approved budget for 2022/23 included funding for a number of additional posts across the wider planning service. In recent months there has also been a turnover of staff, particularly in more senior professional positions. A number of vacancies were advertised and successfully filled during 2022. Recruitment exercises are currently ongoing for the remaining posts.

## **16. APPENDICES (to be added at final reports)**

- 16.1. Appendix A – Officer response to Regulation 14 Ickleford Neighbourhood Plan
- 16.2. Appendix B – Officer response to HCC Electric Vehicle Charging Strategy
- 16.3. Appendix C – Officer response to North Herts Local Cycling and Walking Infrastructure Plan

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## **18. BACKGROUND PAPERS**

- 18.1 None