

CABINET
19 March 2024

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.

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.

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 the following key matters where there has been substantive change since the report in January 2024.

8. RELEVANT CONSIDERATIONS

Town Centre Strategies

- 8.1. The inception of the council's review of town centres and retail strategy was reported to Cabinet in January 2024. During January and February, a survey by telephone to land and mobile phones, targeting residents in North Hertfordshire and surrounding postcodes was completed. 1,001 respondents gave their likes and dislikes on the district's town centres and provided information on their shopping and leisure visits. Questions covered shopping habits, such as shopping destinations (including on-line), for their clothes and food shopping, parking, and linked visits.
- 8.2. A separate survey questionnaire has also been prepared targeting specific stakeholders including Business Improvement District (BID) managers, landowners, property management agencies, local charities, colleges, societies and trusts. Views will be canvassed on the health of the main centres, both pre and post Covid, the strengths and weaknesses of the towns and any suggested improvements. The survey will run from 26 February to 11 March 2024.
- 8.3. The council and its consultants will review the responses from this survey, along with the responses to the telephone survey. The findings of these surveys will be shared at a stakeholder / member event expected to be held in June 2024 and will become a component of the evidence base to inform the preparation of the town centre strategies for Baldock, Hitchin, Letchworth and Royston. A further update to Cabinet will be provided following the stakeholder event.

Biodiversity Net Gain

- 8.4. Biodiversity Net Gain (BNG) requires developers to provide at least 110% of the biodiversity value found on the site prior to their development. It can be delivered either fully or in part through on-site habitat, off-site habitat, or as a last resort, the purchase of statutory biodiversity credits.
- 8.5. BNG became mandatory for Major Developments on 12th February 2024 and applies to relevant applications submitted on or after this date. It will become mandatory for Minor Development from 2 April 2024 and is expected to extend to Nationally Significant Infrastructure Projects, from November 2025.
- 8.6. Under the statutory framework for BNG, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the local planning authority (LPA) before commencement of the development.

- 8.7. LPAs will have to triage BNG applications and ensure a statutory metric is submitted, a biodiversity gain plan is received and check proportionate habitat management and monitoring information is provided for significant on-site gains. The Council's new senior ecologist, Liz Anderson, is now in post and will be overseeing our approach to BNG.
- 8.8. Government has issued, and subsequently updated, [Planning Practice Guidance on BNG](#). This, together with statutory instruments and a series of templates including a biodiversity gain plan template and a habitat management and monitoring plan template, can be used by local authorities, developers and landowners/mangers to support the process of securing BNG through development.
- 8.9. Alongside BNG, the Council is subject to a wider Biodiversity Duty that is placed on all local authorities by the Environment Act. This includes additional considerations, such as whether the Council wishes to take on BNG management responsibilities or make its own land holdings available for BNG improvements.

Proposed Expansion of Luton Airport

- 8.10. As previously reported Luton Rising (LR), submitted their application for a Development Consent Order (DCO) involving the expansion of Luton Airport from 18mppa to 32mppa (including a new terminal and associated infrastructure) on 27 February 2023. The application was accepted by the Planning Inspectorate (PINS) on 27 March 2023 (the project is defined as a Nationally Significant Infrastructure Project given the scale of the proposed passenger numbers). The Examination process opened on 10 August 2023 and has been running over the last 6 months.
- 8.11. The Examination process closed on 10th February, following which the Examining Authority (ExA) must produce its report making recommendations to the Secretaries of State within 3 months. Within 3 months of receipt of the report the Secretaries of State should issue a decision (though this timeframe can be extended). Procedure could therefore generate a decision by mid-August.
- 8.12. The three Hertfordshire Hosts Authorities, i.e. North Herts Council (NHC), Hertfordshire County Council (HCC) and Dacorum Borough Council (DBC) have been fully engaged with the process and the applicant. The three Hertfordshire hosts have had specialist technical teams and lawyers engaging in the Examination on their behalf. This has involved responding to additional submissions made by the applicant, responding to requests and written questions from the Examining Authority, appearing at Issue Specific Hearings, making formal submissions at the various submission 'Deadlines' (of which there were 11) set by the Examining Authority, negotiating over the terms of the draft Development Consent Order (i.e. the planning permission, were it to be forthcoming), and negotiating the terms of a s106 legal agreement, supporting the planning permission, were to be forthcoming.
- 8.13. North Herts Council together with HCC and DBC have committed substantial resources to engage with the process and ensuring that our communities and environment get the best possible protection and associated funding on various mitigation matters around noise, surface access, air quality and climate change should the expansion be permitted. For example: the officers together with their legal advisors have managed to negotiate:

- that the Sustainable Travel Fund (STF) should exist in perpetuity and not be capped at the point the airport reaches its peak capacity as previously suggested by the Applicant
 - a definite commitment to fund expansion in bus and coach services up front and to then be endured through the STF;
 - the continuation of the Community First Fund, or similar and its associated benefits to those local communities most likely to be impacted as the airport expands.
- 8.14. The Council has met all 11 deadlines. The last 3 deadlines included:
- Submitting a separate Statement of Common Ground (SoCG) between North Herts and the applicant and a collective Principal Areas of Disagreement Summary Statement (PADSS). These are technical documents which essentially set out progress made between the authorities and the applicant on technical matters.
 - Submitting comments on the draft DCO, and
 - Agreeing to sign a S106 *legal agreement*. As per the supplementary report to Cabinet on 16 January, our legal advisors were involved in negotiating a s106 agreement with the applicant on behalf of all the authorities. This isn't a substantive agreement from a Hertfordshire/ North Hertfordshire perspective as it seeks to reimburse the council for officer time spent in engaging in the future Green Control Growth (GCG) mechanism – a process designed to ensure that any expansion scheme keeps within certain thresholds/limits to be set out within the consent in relation to noise, surface access, air quality and greenhouse gases.
- 8.15. The Hertfordshire host authorities also took the opportunity to submit to the ExA a Closing Position Statement, setting out:
- The position of the authorities at the outset of the Examination.
 - A summary of the issues identified by our technical and legal advisers that they feel are key to decision-making on the proposal as identified in the PADSS, and present their expert views.
 - The final position of the authorities at the close of the Examination, in light of the findings and conclusions of our technical and legal advisers.
- 8.16. The Exec Member and Deputy were briefed on the SoGC, the PADSS, the S106 agreement and on the Closing Position Statement prior to their submission.
- 8.17. Full submission of all documents can be seen on the PINS website at: [London Luton Airport Expansion | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/london-luton-airport-expansion/)

Supplementary Planning Documents

Draft Sustainability Supplementary Planning Document (SPD) Consultation

- 8.18. The draft Sustainability SPD was approved for public consultation by Cabinet in December 2023. Consultation was held for six weeks from the 4 January to 16 February 2024. The consultation was carried out in accordance with the Council's Community Consultation Strategy and the Statement of Community Involvement. Statutory consultees, developers and agents active in North Herts were also contacted and a social media campaign inviting members of the public to participate in the consultation was conducted.

- 8.19. The majority of the representations (89 in total, from 17 individuals and organisations) were received on the last days of the consultation period. This included several detailed representations from, or on behalf of, major developers with significant land interests in the District.
- 8.20. The representations are generally supportive of the SPD, its objectives and aspirations. However, some have noted that some of the standards would be difficult and/or costly to achieve and that an SPD may not be the most appropriate vehicle for introducing these.
- 8.21. Some representations called for greater clarity in terms of what the different benchmarks represent and how the SPD is to be applied in practice to different types and scales of development.
- 8.22. Following approval of the draft SPD by Cabinet, the Government has additionally launched [consultation on the next iteration of its Future Homes standard](#). This, among other matters, will set requirements to further improve energy efficiency and reduce the carbon emissions of new homes and non-domestic buildings through the Building Regulations system. Further details are below. Government has repeatedly indicated its preference that standards on these matters should be established through Building Regulations. Although powers remain to set standards through the planning system, these should seek to avoid duplication, overlap and / or conflict between the two.
- 8.23. Given the issues raised through the consultation, and the need to ensure (broad) compatibility with a potential further change to Building Regulations in the near future, the Sustainability SPD will now be brought back to Cabinet later in the year, and not to this meeting as originally planned. This will ensure appropriate time to consider these matters holistically and ensure the Sustainability SPD is appropriately framed.

Biodiversity SPD

- 8.24. In previous decisions and reports, Cabinet supported the principle of developing a Biodiversity SPD. As set out above, a large quantity of standardised, national-level guidance and regulations have now been released to support the statutory implementation of Biodiversity Net Gain.
- 8.25. Given the release of this industry guidance alongside Natural England blogs on BNG that are available, it is not presently felt that there is a need for a North Herts-specific SPD on BNG. It would presently have limited value to add and / or could be superceded by any subsequent guidance or emerging work on, for example, the Hertfordshire Local Nature Recovery Strategy (LNRS). The County Council will produce the LNRS with work beginning this year. Once complete it will become a statutory consideration.
- 8.26. The Council website will be updated to ensure information on the delivery of BNG through development is clearly signposted. Any guidance will be produced and updated informally so this can be amended as necessary in light of changing requirements. The Sustainability SPD (see above) will be amended to require applicants to have regard to any such information. We will continue to monitor the reception of BNG and if necessary can review our position in the future.

Design SPD

- 8.27. The Levelling Up & Regeneration Act (November 2023) will make it a mandatory requirement for Councils to prepare an authority-wide Design Code for their area and include it as part of their Local Plan.
- 8.28. The Design Code SPD will now be prepared with this requirement in mind. It will still be developed as an SPD in support of relevant policies in the adopted Local Plan. But now with the additional aim of incorporating any work into the approved review of the Local Plan.
- 8.29. Some preparatory work has been undertaken. This includes considering approaches to characterising different parts of the District and using a site-specific Design Code for the Highover Farm site in Hitchin as a pilot project which will inform the approaches to be taken to the North Herts-wide code.
- 8.30. Following successful recruitment to a vacant post (see s.15 below) work on the authority-wide Design Code SPD will be progressed further in 2024/5 including Member and public engagement.
- 8.31. Officers continue to keep historic, adopted supplementary guidance under review and withdraw this from use as relevant replacement documents are brought forward, in line with previous Cabinet resolutions.

Neighbourhood Plans

- 8.32. The referenda for the Ickleford and Wallington Neighbourhood Plans will take place on Thursday 14th March 2024. A verbal update will be provided to Cabinet on the outcome. If there is a majority in support of making the neighbourhood plans, delegated decisions will be made to “make” the neighbourhood plans and reported through the MIS.
- 8.33. Codicote Parish Council have [published a draft neighbourhood plan for public consultation](#). The consultation period runs until 27th March 2024. Officers will prepare a response to the consultation document which will be sent to the Parish Council.

Strategic Sites

- 8.34. The Strategic Planning Project Board continues to meet regularly. 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) ¹ . Public consultation carried out on the proposed draft masterplan in November / December 2023. Work is ongoing to finalise the masterplan for presentation later in the year.
SP15: North of Letchworth	Pre-application masterplan being prepared under PPA. Public consultation on emerging proposals held

¹ 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.

	November / December 2023 with further public consultation on the draft masterplan taking place in March 2024.
SP16: North of Stevenage	An outline planning application was submitted in December 2023. Work to finalise the masterplan, which will be considered separately to the application, is ongoing.
SP17: Highover Farm, Hitchin	Work is ongoing on the s106 legal agreement following a resolution to grant permission by the Planning Committee in October 2023.
SP18: North-east of Great Ashby	Pre-application masterplan being prepared under PPA. Public consultation on a draft is anticipated in March 2024 prior to the pre-election period. A verbal update will be provided at the meeting if necessary.
SP19: East of Luton	Allocation-wide masterplan being prepared under PPA. Public consultation took place in January and February 2024.

- 8.35. 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)).

Government Announcements

Permitted Development Rights Consultation

- 8.36. The [Government is currently consulting](#) on changing various permitted development (PD) rights. Permitted Development is development that is allowed to take place without requiring planning permission. Key proposals or questions include:
- Whether to increase the overall size limits on home extensions to more than 50% of their existing curtilage;
 - Allowing larger rear home extensions, increasing the maximum depth by 1 metre on all homes and for single and two-storey extensions (currently 4m for detached homes and 3m for all other houses for single-storey extensions and 3m for two-storey extensions).
 - Volume limits on home roof extensions would be removed to allow extension to be built up to the eaves and increase ridge heights by 30cm.
 - An age restriction on the homes to which a series of upward extension PD rights would apply would be relaxed or even scrapped – this applies currently to homes predating 1 July 1948.
 - Seeking feedback on the “effectiveness” of the PD right that allows blocks of flats to extend upwards

- An age restriction on the PD right allowing certain commercial and residential buildings to be demolished and rebuilt as homes would be relaxed or even scrapped – this applies to buildings post 31 December 1989, but the proposals suggest a new limitation to protect buildings built before 1930.
 - The size limit for extensions to commercial buildings would be doubled from 50% or 100sqm to 100% or 200sqm (whichever is lesser).
 - Relaxing restrictions on the siting of electric vehicle (EV) charging points allowing for wall-mounted charging points and electrical upstands to be installed anywhere with an area lawfully used for off-street parking.
 - Allowing larger EV charging point equipment to be installed without needing a planning application in non-domestic, off-street ground level car parks, and no more than one unit per car park.
 - Relaxing limits on location and size of air source heat pumps, allowing for them to be installed nearer the property and allow for up to two units.
- 8.37. The consultation runs until 9 April 2024. Officers will consider a response in consultation with the Executive Member and Deputy.

Future Homes standard

- 8.38. The Government published its [consultation on the Future Homes standard](#) on 13 December 2023. It runs until 6 March 2024.
- 8.39. Future Homes is the description used by the Government to cover improvements to energy efficiency and reductions in carbon emissions of new homes and non-domestic buildings required through Building Regulations. Minimum requirements came into effect under the first Future Homes standard in 2022.
- 8.40. The consultation is upon a proposed further uplift in standards to have effect from 2025. The Government state that the proposed standards will be in line with meeting the national 2050 net zero target and will mean no further work will be needed for new buildings to produce zero carbon emissions as the electricity grid decarbonises.
- 8.41. The standards relate to the operational emissions from new buildings and focus on the use of high fabric standards and the use of low-carbon heating to ensure new homes are zero-carbon ready. They focus on 'regulated energy use' that fall within the oversight of Building Regulations such as space heating, cooling, hot water provision, and lighting.
- 8.42. Building regulations do not cover unregulated use, which might be thought of as how many times an individual may choose to use fixtures such as their washing machine or dishwasher, or the temperature at which they choose to set the thermostat.
- 8.43. The standards do *not* relate to embodied carbon – that is the carbon emissions generated from the production and transportation of building materials, construction and maintenance. However, the consultation states that the government intends to consult on our approach to measuring and reducing embodied carbon in new buildings “in due course”.
- 8.44. The consultation focuses on proposed detailed technical standards. But it also includes questions on matters such as balancing carbon savings against capital and householder costs and the amount of solar photo-voltaic (electricity) panel coverage to be provided on new, non-domestic buildings.

8.45. Any response to the consultation will be reported to a future meeting.

Solar Farms

8.46. The following is a list of current and recently considered applications for solar farms.

- **Application reference 21/03380/FP - Land to East of Great Wymondley.**

This application was reported to the meeting of the Planning Control Committee on 17 November 2022 when it was resolved to grant planning permission subject to conditions and referral to the Secretary of State due to the size of the proposal and its location within the Green Belt. The application was called-in for determination by the Secretary of State and a Public Inquiry was held in September 2023. The Inspector has reported to the Secretary of State who has indicated that a decision will be made by 11 March 2024

- **Application reference 22/00709/FP – land to the south of Wymondley Substation and Sperberry Hill, St Ippolyts.**

This application was reported to Planning Control Committee on 16 November 2023 when it was resolved to refuse planning permission, relating to harm to the Green Belt and Landscape Character and Appearance. The decision notice refusing planning permission was issued on 22 November 2023.

- **Application reference 22/00741/FP - land west of Ashwell Road, Bygrave.**

This application was reported to Planning Control Committee on 14 September 2023 when it was resolved to defer making a decision for (a) officers to advise upon and Members to consider late submissions relating to biodiversity, (b) for officers to advise upon and Members to consider late submissions relating to the effect of the proposal upon traffic and access, (c) Members would like to visit a comparable and operating solar farm and understand likely impacts arising from the proposal, (d) for officers to advise upon and for Members to consider proposed conditions by Bygrave Parish Council, and (e) Members are minded to await the decision of the Secretary of State for Levelling Up, Housing and Communities as to whether or not they will be calling-in the application for his determination before making a decision on the application.

The applicant has provided additional information relating to items (a), and (b). Regarding (c) Members have visited a solar farm at Shingay-cum-Wendy in Cambridgeshire, (d) officers have considered the proposed conditions by Bygrave Parish Council and (e) the Secretary of State has confirmed that he will not be calling-in the application for his determination. It is intended to report back to Planning Control Committee on 21 March 2024.

- **Application reference 22/03231/FP - Land North East of Wandon End.**

This is a cross boundary application, and a duplicate application is being considered by Luton Borough Council. All the solar arrays would be in North Herts and the substation and underground cabling link to it is within Luton Borough. This application is currently under consideration and will be reported to Planning Control Committee in due course.

- 8.47. The Strategic Planning team has been researching recent examples of Solar Farm policies, guidance and appeal cases to help identify best practice to inform future policy in the Local Plan review. This would need to be carried out in line with updated Corporate Policy as to the approach the Council want to take relating to Solar Farms. The Corporate Policy Team are undertaking this piece of work concurrently with the Planning review of Solar Farms.
- 8.48. Generally, other Local Authorities appear to identify potential suitable areas for solar developments in Local Plans and Neighbourhood Plans alongside an assessment (type, size, capacity) for renewable energy opportunities. Local Authorities can set out strategic policies that guide such developments at Neighbourhood Plan level (e.g. through Neighbourhood Development Orders/ Community Right to Build). As part of a Neighbourhood Plan, communities can also look at developing a community energy plan to underpin the Neighbourhood Plan
- 8.49. Policies set a range of criteria that need to be addressed in applications, including:
- Potential impacts (and mitigation measures) on landscape (particularly sensitive landscape and Areas of Outstanding Natural Beauty)
 - Assessing agricultural land (Best and Most Versatile)
 - Heritage
 - Green Belt
 - Biodiversity
 - Impacts of glint and glare (on neighbouring uses and aircraft safety)

Where residual negative impacts remain, these must be weighed against potential benefits from the development.

- 8.50. Policies often require biodiversity enhancement (Biodiversity Net Gain) and provision for continued use of surrounding area for animal grazing (where applicable). When considering the impacts of the development it is also important to consider the impacts associated with ancillary works such as access, security fencing and lighting. Schemes located in areas where they can directly supply nearby settlements are generally promoted. Increasingly, policies support the provision of energy storage and balancing technology alongside renewable energy development to help balance supply and demand.
- 8.51. Solar farms are considered inappropriate development in the Green Belt, however, there have been several cases where inspectors have allowed them in Green Belt locations where the benefits were judged to outweigh potential harm.
- 8.52. Solar Farm developments have a limited lifespan and policies must include a provision for decommissioning and restoring the site at the end of the project's useful life. Schemes may require an Environmental Impact Assessment. Community buy-in is generally sought (and consultation is required). Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable energy development.

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. Under the Council's Constitution (14.6.10 (b) vii B) all functions relating to National Infrastructure Planning including co-ordination of the Council's response to any consultation, examination or other any other matter concerned with major infrastructure projects, is delegated to the Service Director Regulatory.
- 9.4. The preparation and adoption of the Supplementary Planning Document (SPD) is governed primarily by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations"). They require that the SPD be in conformity with the National Planning Policies Framework and not conflict with the adopted development plan. The 2012 Regulations state at regulation 12 that a local planning authority must undertake a process of public participation before it can adopt a SPD. Part of that process involves consulting with relevant persons, setting out the main issues raised by those persons and then explaining how those issues have been addressed in the SPD.
- 9.5. SPDs are not subject to independent examination in the same way that other planning documents are, however, there is still a process of consultation that must be undertaken in respect of such documents. Section 19(3) of the Planning and Compulsory Purchase Act 2004 specifically requires local planning authorities to comply with their adopted Statement of Community Involvement ("SCI").
- 9.6. Regulation 14 of the 2012 Regulations provides that the SPD can be adopted by resolution of the Council as a local development document. There is a requirement to publish the SPD and the adoption statement, soon after the resolution is passed, for a period of 3 months. The SPD can be judicially reviewed within a period of 3 months from when it is adopted. Once adopted, the SPD will supplement other planning documents.
- 9.7. The Localism Act (2011) and The Neighbourhood Planning (General) Regulations (2012) give power to Local Planning Authorities to approve a neighbourhood plan to proceed to referendum. Under the Neighbourhood Planning Act 2017 if the referendum results in a simple majority 'Yes' vote the Neighbourhood Plan will immediately form part of the Development Plan. Following this, the Council should 'have regard to a post-examination neighbourhood development plan when dealing with an application for planning permission, so far as that plan is material to the planning application'.

10. FINANCIAL IMPLICATIONS

- 10.1. The general costs of activities identified in this report are met through existing revenue budgets or benefit from external funding or other arrangements to recover costs.

- 10.2. Cabinet previously agreed on 27 June 2023 the use of £85k of reserve funding to respond to the London Luton Airport planning application being considered by the Planning Inspectorate. Previous work on the application has been funded from existing reserves. NHC has continued to work together with the other Hertfordshire Host Authorities through the process, where HCC and Dacorum BC are each contributing a greater amount.
- 10.3. At Cabinet on 06 February 2024, the Executive Member for Finance outlined the additional costs over and above the £85k that the Council was incurring in responding the examination process for Luton Airport. These additional costs, anticipated at being £50k, would be met from the Transport Forum budget that was no longer needed and also from salary underspends.
- 10.4. Where possible funding has also been provided by Luton Rising (LR) through a Planning Performance Agreement (PPA) where North Herts along with the other host authorities (Herts County Council, Luton, and Central Beds) signed a PPA at the start of the process. The PPA has provided funding for the host authorities to engage consultants and legal expertise to review documents and submit comments on their behalf since the pre-consultation stage up to and through the Examination process. The host authorities have written to LR requesting additional funding through the PPA to cover ongoing legal costs associated with the DCO application and negotiating S106 agreement which are all requirements requested by the Examining Authority as part of the process. LR have made it clear that no additional funding will be provided.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

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. Several posts have recently been successfully advertised and filled across the planning service. However, some of these were vacant for some time before being (re-)occupied which has resulted in certain workstreams being delayed. Additional capacity is currently provided by agency staff and consultants. Some of these costs are recovered through agreements associated with individual projects. The budget for 2024/5 includes further investment bids to ensure sufficient capacity across the planning service.

16. APPENDICES

None

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18. BACKGROUND PAPERS

- 18.1 [Strategic Planning Matters, report to Cabinet 14 November 2023](#)
- 18.2 [Local Plan Implementation, report to Cabinet 16 March 2021](#)
- 18.3 [Review of Existing North Hertfordshire Planning Guidance, report to Cabinet 25 July 2017](#)