

**CABINET**  
**24 September 2019**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: STRATEGIC PLANNING MATTERS**

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY : ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

**1. EXECUTIVE SUMMARY**

1.1 This report identifies the latest position on key planning issues affecting the District

**2. Recommendations**

2.1 That the report on strategic planning matters be noted.

2.2 That the letter in Appendix A be noted and endorsed by Cabinet.

2.3 That the Local Plan Inspector's letter at Appendix B be noted.

**3. REASONS FOR RECOMMENDATIONS**

3.1 To keep Cabinet informed of recent development 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.

**6. FORWARD PLAN**

6.1 This report does not contain a recommendation on a key decision and has 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**

### **8.1 Other Plans and Examinations**

- 8.1.1 **Welwyn Hatfield** – The Inspector wrote to the Council on 8 August 2019 expressing concerns over the nature of the delays which are affecting the examination. He requests that the Council ensures only “genuinely necessary” additional work is undertaken. He asks that if delays to the Examination beyond April 2020 cannot be minimised, or if serious slippage in the timetable continues to occur, the Council should consider withdrawing the Plan. Welwyn Hatfield’s Plan was submitted for examination in May 2017.
- 8.1.2 **St. Albans** – As previously reported, the Inspectors examining St Albans plan requested a range of further information on the Plan before proceeding. This was submitted at the end of July 2019. Provisional dates for the Stage 1 hearings of the Examination have now been set for the weeks commencing 20 January and 3 February 2020. These will examine the strategic policies of the Local Plan. Following these hearings the Inspectors will advise on the appropriate way forward for the Examination.

### **8.2 North Hertfordshire Local Plan**

- 8.2.1 Following the Inspector’s letter of 9 July 2019 (reported to Cabinet in July), the Council responded on 18 July requesting that the Inspector seek to complete his review of the consultation responses and identify any additional queries within 21 days. This letter is attached as Appendix A.
- 8.2.2 The Inspector responded on 9 August 2019. This letter informed the Council that he had concluded his review of the representations. A number of further questions and queries were identified. The Inspector identifies that ‘by and large’ the issues set out in his second letter ‘are not of the fundamental nature of those raised in his previous letter’. The Inspector’s letter has been published on the Council’s website and is also attached to this report as Appendix B.
- 8.2.3 The Inspector’s second letter reiterates that he will not be accepting any further correspondence from other participants at this stage and that there will be a full opportunity for others to have their say in due course. The Council’s website has been updated to this effect.
- 8.2.4 Officers in consultation with the Local Plan Project Board are considering a realistic timetable for responding to the Inspector’s wide-ranging requests. An update will be reported verbally at Cabinet.

### **8.3 Neighbourhood Plans**

- 8.3.1 The referendum on the Wymondley Neighbourhood Plan was held on Thursday August 29 2019. A majority of votes were cast in favour of the Plan. The Plan will now be 'made' by the Service Director – Regulatory in consultation with the Executive Member for Planning and Transport under delegated powers (the delegated decision report will be published in MIS) and will form part of the statutory Development Plan for determining planning applications.
- 8.3.2 The Council has appointed Mr Andrew Ashcroft to undertake the examination of the Preston Neighbourhood. The examiner asked the Parish and District councils a number of questions. A response was provided within the Inspector's timetable and has been published on the Council website.

### **8.4 Government Announcements**

- 8.4.1 Amendments to the Community Infrastructure Levy regulations came into force on 1 September 2019. Among other matters, this lifts the previous pooling restrictions that applied to Section 106 legal agreements. There is now no limit on the number of section 106 planning obligations which can be used to pay for the same piece of infrastructure. Authorities can now also collect monitoring fees.
- 8.4.2 The amendments also introduce a requirement for authorities to produce Infrastructure Funding Statements on an annual basis from December 2020. These will require authorities to publically report on the receipts and expenditure from planning obligations over the relevant period.
- 8.4.3 An update to the Government's Indices of Deprivation will be published on 26 September 2019. These provide statistics on relative deprivation for small areas of the District. The last statistics were released in 2015. Any relevant update will be included in a subsequent report.

### **8.5 London Luton Airport**

- 8.5.1 Statutory consultation is expected to commence in October 2019 ahead of formal submission of a Development Consent Order (DCO) for the proposed expansion of the airport to the Planning Inspectorate in 2020. Any update will be reported verbally at Cabinet.
- 8.5.2 London Luton Airport Limited has written to a number of residents and other stakeholders seeking to identify all those with a legal interest in:
- Property or land that may be required for a proposed development; or
  - Property or land which is not required for the development itself, but is in an area which may be affected by the proposed development.

The purpose of this exercise, known as 'Land Referencing', is to identify those parties who will be statutory consultees, and those who LLAL will write to as part of their statutory consultation.

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

- 8.6.1 **Monitoring and five-year land supply** - The Council's latest annual monitoring report for the period to 31 March 2019 is currently being prepared. This will be reported upon in due course. As part of this work, it is necessary for the Council to update its calculation of five-year land supply. This is a key Government policy. A Council must generally take a more liberal approach to the determination of planning applications where it cannot demonstrate a five-year supply.
- 8.6.2 The revised NPPF changes the way in which five-year land supply is calculated. The ongoing nature of the Local Plan examination also affects which sites can be included. Officers have calculated that the Council's land supply at 1 April 2019 for decision-making purposes is approximately 1.3 years. This is well below the five-year requirement. Planning reports and decisions will reflect this fact as appropriate.
- 8.6.3 **Stevenage Community Infrastructure Levy Examination** – An examination into the proposed introduction of a Community Infrastructure Levy (CIL) in Stevenage was held on 5 September 2019. A written representation was submitted to the Inspector to be considered in the Examination process, as previously reported to Cabinet in June 2019.
- 8.6.4 **A505 Transport Corridor Joint Study** – As previously reported, officers from North Hertfordshire together with Luton, Central Bedfordshire and Hertfordshire County Council have agreed to proceed with Stage 2 of the study. The draft Stage 2 is currently being considered by officers.

## **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 There are no new legal implications arising from this report. 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 The Government has confirmed for 2019/20 that funding is available for local planning authorities (LPAs) in respect of neighbourhood planning. LPAs can claim £20,000 once a date has been set for a referendum following a successful examination. Area designation funding has not been available for the last years to the Council as it has already designated more than 5 areas.

10.4 The financial risks associated with planning were reviewed and updated as part of the budget-setting cycle for 2019/20. 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 Cabinet Top 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” policy do not apply to this report.

## **14. HUMAN RESOURCE IMPLICATIONS**

14.1 There are no new human resource implications arising from the contents of this report. Workload and vacancies are monitored on an on-going basis. Following recruitment of a graduate planning policy officer there is currently one vacancy within the Strategic Planning team and one officer on maternity leave

## **15. APPENDICES**

15.1 Appendix A – Letter from NHDC to Local Plan Inspector

15.2 Appendix B – Letter from Local Plan Inspector to NHDC

## **16. CONTACT OFFICERS**

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## **17. BACKGROUND PAPERS**

- 17.1 None