

CABINET
31 OCTOBER 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 submissions in Appendices A, B and C be noted and endorsed by Cabinet.

2.3 That Cabinet endorse the use of Conservation Area Character Statements for Charlton, Gosmore, Great Offley, Preston and St Ippolyts as listed in paragraph 8.4.3 of this report as material considerations in decision making for planning applications and in the preparation of Neighbourhood Plans.

2.4 That Cabinet considers and supports the proposed Memorandum of Understanding relating to the Hertfordshire Growth Board, attached as Appendix D, and determines whether it wishes to recommend to Council the signing of the agreement.

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. The Local Plan Project Board is regularly consulted and updated upon matters affecting the Examination.

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 **Central Bedfordshire** – The Council have advised that, following the Examination in Public hearing sessions in the Summer, they have received a letter from the Planning Inspectorate in relation to the Plan. Central Bedfordshire state on their website that the correspondence:

gives us confidence that the Inspectors are content with a number of critical points of policy. However, the letter also raises a number of questions, some of which relate to correspondence which this Authority has not seen. In this context, we are seeking urgent clarification from the Inspectors about information they seem to be drawing on and why this has not been shared. Until we have received clarification on these important points, our legal advice is that the Inspectors' letter should not be published

- 8.1.2 At this stage, it is not possible to say whether the Inspectorate's letter makes reference to any of the issues raised by NHDC in relation to Central Bedfordshire's plan or to other matters which might impact upon the examination of our own plan (such as how unmet housing needs from Luton are addressed). An update will be reported verbally at the Cabinet meeting if any further information is made available.
- 8.1.3 **South Cambridgeshire** – Cambridge City Council and South Cambridgeshire District Council are working together to prepare a joint Local Plan for the Greater Cambridge area. One of the first stages of the new joint Local Plan is an Issues and Options consultation. This is due to begin on 25 November and run through until the New Year.
- 8.1.4 It is presently anticipated that this Plan will cover a period to (at least) the late 2030s. This will take it well beyond the proposed time horizon for our own emerging Plan of 2031. It will therefore be necessary for this Council to begin considering how it might wish to begin engaging with South Cambridgeshire under the statutory Duty to Co-operate on planning issues for the period after 2031. This potentially includes East-West rail, the Oxford-Cambridge Arc, the Cambridge Local Transport Plan and any potential for new settlements in either authority.
- 8.1.5 Further information is available on South Cambridgeshire's website. An update on the content of the consultation will be included in December's Strategic Planning Matters report.

- 8.1.6 **Welwyn Hatfield** – A short technical consultation has begun on a number of documents submitted to the Examination. This includes analysis of important ‘Green Gaps’ between settlements. This includes consideration of how Woolmer Green and Welwyn interact with Knebworth and Codicote respectively. This consultation runs until 4th November.
- 8.1.7 North Hertfordshire’s last response to Welwyn Hatfield set out the view that this Council would reserve judgement until such time as any revised development strategy for the Borough was put forward for consideration. This is still considered the most appropriate course of action and it is not proposed that this Council formally responds.

8.2 North Hertfordshire Local Plan

- 8.2.1 As verbally reported at the last Cabinet meeting, the Council responded to the Inspector’s letters at the end of September. This sets out the Council’s intention to respond to all of his queries by Friday 29 November at the latest. A copy of that letter is attached at Appendix A. Officers, in consultation with the Local Plan Project Board, continue to work on proposed responses to the various requests that have been made.

8.3 Neighbourhood Plans

- 8.3.1 The Wymondley Neighbourhood Development Plan was made on 26 September 2019. It now forms part of the statutory Development Plan for North Hertfordshire and will be used in determining relevant planning applications within the Parish.

8.4 Conservation Area Character Statements

- 8.4.1 Local planning authorities have a statutory requirement to review their Conservation Areas from time to time. At the beginning of 2019, North Hertfordshire District Council commissioned consultants to prepare Character Statements for the 33 out of 44 existing Conservation Areas that do not have them. Due to the number of Conservation Area Character Statements required, each of the 33 is a ‘high-level’ statement, focusing on the key elements of the character and appearance of the area. These are essentially statements of fact which will assist the Development Management and Planning Policy teams in their statutory duty to preserve or enhance the special architectural or historic interest of Conservation Areas and provide valuable information for householders and applicants. They will also contribute towards the evidence base for neighbourhood plans.
- 8.4.2 A separate summary report will be produced by the consultants at the end of the commission setting out any recommendations for particular Conservation Areas that the Council should consider with regard to more detailed work.
- 8.4.3 Work on the 33 Conservation Area Character Statements is being carried out in 8 phases. This report relates to the first phase, and Cabinet is therefore asked to note that the Conservation Area Character Statements for Charlton, Gosmore, Great Offley, Preston and St Ippolyts have been completed and to endorse their use as material considerations in decision making and neighbourhood planning. These statements are available to view on the Council’s website at: <https://www.north-herts.gov.uk/home/planning/conservation-and-heritage/conservation-areas/conservation-areas-villages>

8.4.5 As other phases are completed these will be reported to future Cabinet meetings.

8.5 Government Announcements

8.5.1 The Government updated its Planning Practice Guidance on design on 1 October. This includes reference to a new National Design Guide. It also introduces the concept of Local design guides which may be produced by local planning authorities and neighbourhood planning groups. This guidance principally relates to matters of layout and appearance. Existing guidance is clear that non-statutory planning documents cannot be used to introduce new policy requirements on new developments.

8.5.2 The Government has also announced its intention to pursue further relaxation of planning rules by expanding permitted development rights to include upwards extensions of residential properties and the demolition of commercial buildings to make way for new homes. Officers continue to monitor relevant announcements and will also consider whether the proposed Article 4 directions for the District's employment areas, agreed in principle by the Cabinet earlier in 2019, should be amended.

8.5.3 An update to the Government's Indices of Deprivation was published on 26 September 2019. These provide statistics on relative deprivation for small areas of the District. The last statistics were released in 2015. Officers are reviewing this new information and any relevant update will be included in the next report in December.

8.5.4 Finally, consultation has been launched on a proposed Future Homes Standards. This principally relates to the delivery of energy efficiency measures through Building Regulations. However it does ask whether, as part of this, local authorities should be restricted from setting higher energy efficiency standards for new homes through their planning policies. This consultation is open until January 2020. Officers will review in consultation with the Cabinet Member and Deputy to determine whether a response should be produced.

8.6 London Luton Airport

8.6.1 Statutory consultation is expected to commence on 16 October 2019 for eight weeks 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.

8.6.2 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.

8.7 Other transport, planning and infrastructure matters

- 8.7.1 **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. This stage comprises the evidence analysis to better understand transport related challenges in the current and future situation in the context of growth impacting on the A505 corridor, and will identify gaps in the modelling evidence to be addressed in later stages of the study. The next stage of the study will be to use the evidence analysis to agree the overarching strategy and priorities for the corridor, and to develop prioritised packages of interventions, bringing together work undertaken on other transport strategies and studies across the four authorities, as well as new thinking. The draft Stage 2 is currently being considered by officers.
- 8.7.2 **Hertfordshire Intalink Enhanced Partnership and Bus Strategy Consultation** – The County Council and the majority of Bus Operators in Hertfordshire have been members of a voluntary quality partnership, Intalink, for a number of years. Following new powers introduced by the 2000 Act (as amended by the 2017 Act), the County Council considers the extension of the partnership into an Enhanced Partnership could offer benefits to the travelling public and wider community which could not be achieved with a voluntary arrangement. The principal objectives will be those contained in the County Council's draft Intalink Bus Strategy, in support of its Local Transport Plan 4 which includes:
- Prioritising bus and coach services in traffic
 - Improving the image of bus travel
 - Upgrading bus infrastructure
 - Closer integration of the bus network
 - Smarter use of data and information.
- 8.7.3 The Intalink Enhanced Partnership will supersede the existing voluntary partnership and acquire substantially greater legal status. Benefits include the enhancement of quality standards and access to funding for investment in public transport-related projects and activities which might not otherwise be available.
- 8.7.4 HCC are currently consulting on the draft Intalink Bus Strategy and the Intalink Enhanced Partnership Plan and Scheme from 16 September to 10 November 2019. These documents can be viewed on the HCC website at:
<https://www.hertfordshire.gov.uk/about-the-council/consultations/transport-and-highways/intalink-enhanced-partnership-public-consultation.aspx>
- 8.7.5 Officers are in the process of preparing a response in consultation with the Executive Member and Deputy for Planning and Transport . A copy of our response will be appended to a future Cabinet report.

- 8.7.6 **Hertfordshire Local Industrial Strategy** - The Hertfordshire LEP have produced a draft Local Industrial Strategy in accordance with the government's Industrial white Paper published in November 2017. The overarching aims of the White Paper are to: improve the UK's overall productivity performance; and ensure that future economic growth is more inclusive. The draft Hertfordshire Local industrial Strategy brings together a well-informed evidence base about the Hertfordshire economy and seeks to outline a long-term set of priorities that capitalises on existing opportunities and addresses weaknesses across the county. The draft Strategy has been the subject of public consultation over the last month and can be viewed on the Hertfordshire LEP website at: <https://www.hertfordshirelep.com/news-events/news/lep-publishes-local-industrial-strategy-for-consultation/>
- 8.7.7 A response has been prepared in consultation with the Executive Member for Enterprise and Co-operative Development and is attached at Appendix B.
- 8.7.8 **Hertfordshire County Council (HCC) Draft Developer Contributions Guide** – The County Council held a consultation on their planning obligations 'toolkit' between 29 July and 20 September 2019. This sets out how HCC will seek and negotiate contributions from new developments towards the infrastructure they are responsible for such as schools and sustainable transport measures. This followed an informal consultation with officers from the district councils earlier in the year.
- 8.7.9 A response was prepared and submitted in consultation with the Executive Member and Deputy for Planning and Transport. This is attached at Appendix C. Concerns have been raised over the relationship between the 'toolkit' and the requests for infrastructure made by HCC through the Local Plan examination process. Further, detailed technical comments were submitted in a joint officer response submitted by seven of the district authorities. HCC are currently considering responses to the consultation. An update on the next steps is expected towards the end of the year.
- 8.7.10 In previous Strategic Planning Reports reference has been made to the formation and development of the Hertfordshire Growth Board and the work that it has been undertaking in looking at the future development and infrastructure needs of the County with a focus on the period after the current round of Local Plans. Much of that work has focussed on the development of a place narrative for Hertfordshire and the range of issues which Hertfordshire wishes to raise with Central Government as the basis for a Hertfordshire Growth deal.
- 8.7.11 In early conversations with Government officials it has become clear that, as a grouping of Local Authorities and the Local Enterprise Partnership, there needs to be some form of more formal working arrangement documented to demonstrate our commitment to work together in formulating and delivering a growth deal for Hertfordshire. It is proposed that the working arrangements are encapsulated in a Memorandum of Understanding (MOU) that all of the Councils and the LEP sign up to.
- 8.7.12 The draft MOU was most recently discussed and agreed as a working draft at the Growth Board on the 15th October for each Authority to consider and hopefully sign up to. The draft MOU is attached as Appendix D to this report. The key points in the MOU are that:
- The 12 partners agree to work together in pursuing a growth deal for Hertfordshire;

- The MOU does not alter any Local Authority's power or responsibility;
- Decisions of the Growth Board are reached by consensus;
- Any partner can decide that they wish to leave the partnership.

8.7.13 In essence the MOU sets out in one document how the Growth Board arrangements have been working over the recent year in order that this can be demonstrated to outside bodies and Central Government.

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 Section 69 of the Planning (Listed Buildings and Conservation) Act 1990 sets out statutory requirements for the designation and review of Conservation Areas.
- 9.4 Agreeing the proposed MOU relating to the Hertfordshire Growth Board falls within the scope of Cabinet's Terms of Reference as set out at 9.1 above. However, any future agreement to prepare one or more joint development plan documents would, as per Regulation 4(4C) of the 2000/2853 Regulations, be a function that is not to be sole responsibility of the Cabinet and could be referred to Council for agreement. Cabinet are requested to consider whether this issue should be referred on to Full Council to apprise it of matters potentially informing a decision it may be asked to make in the future.

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.
- 10.5 The Conservation Area work identified in Section 8.4 above is funded through an existing, approved revenue budget. Any bids to support future work, including any consequential Conservation Area Reviews (or similar) recommended by the appointed consultant, will be considered through the budget-setting process for 2020/21 (and beyond). Any formal Conservation Area reviews would be subject to public consultation.

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 – Consultation response to Hertfordshire Local Industrial Strategy
- 15.3 Appendix C – Consultation response to HCC Draft Developer Contributions Guide
- 15.4 Appendix D – Hertfordshire Growth Board MoU

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17. BACKGROUND PAPERS

None