

Cabinet Planning and Parking Panel
15 August 2024

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 15 August 2024 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors R.Platt (Chair)

K.Thorpe, S.Bonfante, T.Kingsbury, G.Michaelides,
L.Musk, P.Shah, M.Hobbs, J.Quinton, D.Jones, R.Lass
and J.Weston

OFFICIALS C Barnes, Executive Director (Place)
PRESENT: C Carter, Assistant Director (Planning)
C Hyland, Principal Planner
M.Wilson, Planning & Policy Implementation Manager
R.Misir, Senior Democratic Services Officer

119. APOLOGIES & SUBSTITUTIONS

The following substitution of Members was made in accordance with Council Procedure Rules:

Councillor Duncan Jones for Councillor Simon Goldwater
Councillor Rebecca Lass for Councillor Sunny Thusu
Councillor Jill Weston for Councillor Leo Gilbert.

120. MINUTES

The minutes of the meeting held on 16 July 2024 were approved as a correct record.

121. NOTIFICATION OR URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 10

There were no items of urgent business.

122. DECLARATION OF INTERESTS BY MEMBERS

Councillor T Kingsbury declared an interest as a Member of Hertfordshire County Council.

Cabinet Planning and Parking Panel
15 August 2024

123. PUBLIC QUESTION TIME AND PETITIONS

There were no public questions or petitions.

124. WELWYN HATFIELD LOCAL PLAN REVIEW

The Planning and Policy Implementation Manager introduced the report and took the meeting through a presentation. The Welwyn Hatfield Local Plan had been adopted by Council in October 2023. Policy SP2 committed the Council to undertake a review of the Plan that would start no later than a year after its adoption ie October 2024, and for an updated or replacement Plan to be submitted for examination no later than three years after the date of adoption ie October 2026. It was for the Council to determine whether the review would be partial or for a new Plan to be prepared. Officers' view was that many of the policies needed updating and so their preferred option was for a full review. The plan making system was subject to change: the Levelling Up and Regeneration Act received royal assent last year and the government intended to implement the new plan making system as set out in the Act from summer or autumn 2025. The government's consultation on proposed reforms to the National Planning Policy Framework (NPPF) set out that plans not subject to transitional arrangements would need to be submitted for examination no later than December 2026. A timetable had been prepared that set out plan making stages that led to the submission of a new Local Plan in October 2026, which was set out in the report. Key dates were as follows: a formal plan preparation consultation (Regulation 18 stage) in summer 2025, publication and inviting representations on a submission plan (Regulation 19 plan) in spring 2026 and submission of a plan in October 2026. It was proposed there be a precursor to a formal consultation on the new plan which would be a high level engagement exercise to allow the community to set out opportunities and challenges facing the borough; this would not include discussions about numbers of new homes or development locations. Engagement would instead be around broad themes such as living, working, environment and movement, and stakeholders and the wider community would be invited to contribute under each theme. Engagement would have a digital focus using a new engagement portal, it would be clear that inputs would inform the Council's thinking ahead of detailed work on the plan, and the outcomes of the engagement would be reported back to the Panel and to Cabinet.

Responding to a query, officers said the preparation of a local plan would be in line with the latest version of the NPPF. The Council would look at matters relating to the borough's housing need and the starting point would be from the standard calculation method which effectively told the Council what its housing need was; this was slightly different from previously when the plan had been progressed under transitional arrangements for a much older NPPF. The proposal under the new government was quite different from the old standard method which was based on population projections with an affordability calculator which had a cap; the new standard method would no longer use population projections and would start from the basis of the number of dwellings in the borough – the affordability cap had been removed and draft figures that

Cabinet Planning and Parking Panel
15 August 2024

had been seen for Welwyn Hatfield had slightly reduced although they were still higher than the ones used for the last local plan when the Council had been working to the 2012 NPPF. The examination was likely to have a different inspector than previously.

A member sought clarity as to whether a replacement plan would be submitted as the report stated the requirement for an updated or replacement plan. Officers advised that the Council had a choice and the report recommended a new plan as it allowed scope for things the Council might want to do, for example, going further on climate change. A new plan would have a different housing needs number, principally because of the length of the plan as it would last longer than the adopted local plan. Replying to a question about whether the Council was confident the plan could be submitted for examination within three years, officers noted the previous examination had been particularly long; it was within the Council's gift to progress matters through the key stages up to the submission of the plan.

A member asked whether if the current plan was to be updated then the Council could potentially have lower housing numbers. Officers said this was not the case as a partial or fundamental review would need to take place in line with the NPPF of the day and so would mean looking at housing need again.

The Chair reflected that officers would be reviewing a number of policies as well as the plan and asked whether sufficient resources were available; the Assistant Director (Planning) confirmed this was the case.

A member noted the report identified some policies would not necessarily be reviewed such as SADM 12 (car parking standards). Officers said they were recommending a full review of the plan; the policies to be looked at would be informed by the direction in which the plan needed to go, which was why they wanted early engagement with broad themes that would help set a vision and objectives through a series of policies. The policies the report identified as not in need of review were not a fait accompli and there was scope to review them.

A member asked about potential hold-ups to a full review being held within timescale. Officers said this came down to key stages, particularly formal stages which were set out in the report, eg the Regulation 18 stage which would come back to the Panel, go to Cabinet and then on to formal consultation. While the work was ambitious, officers were confident in the proposed timetable.

RESOLVED

(Unanimous)

The Panel recommended to Cabinet that:

- A. A local plan (full review) is prepared; and
- B. As part of the scoping of the new local plan, public engagement take place inviting reflections regarding the current opportunities and challenges facing the borough. The arrangements for this engagement will be agreed by the Assistant Director (Planning) in consultation with the Executive Member.

125. WELWYN HATFIELD LOCAL DEVELOPMENT SCHEME 2024

The Principal Planner, Planning Policy, introduced the report, noting that the Local Development Scheme (LDS) meant the timetable for preparing the Local Plan was made public so all parties understood when they could get involved. The timetable had been shared in the previous committee item and was consistent with Policy SP2 of the local plan. The scheme reflected the current plan making system and included all the key regulatory stages including consultation stages. The period for examination was shown as six months which resonated with the direction of travel through the plan making reforms at national level. Officers were aware a number of plan making reforms were ready to come forward in summer or autumn 2025. The government would publish further details of the reforms in due course and in the meantime the LDS reflected the current plan making system; if the LDS needed to be updated it would come back to the Panel. Members were advised that under the new plan making system it was proposed that plans under the current regulatory procedures would need to be submitted by 2026, so if the Council was to miss a deadline it would move over to the new system; this was still at the proposal stage and the Panel would be advised of any changes.

RESOLVED

(Unanimous)

The Panel recommended to Cabinet that:

- A. Cabinet notes the timetable outlined at Table 1 in the Local Development Scheme and resolves to bring the Local Development Scheme into effect on 23rd September 2024 subject to the Council's constitutional provisions;
- B. Cabinet agrees to the Local Development Scheme being published on the Council's website; and
- C. Cabinet agrees to a copy of the Local Development Scheme being sent to the Secretary of State to comply with the Written Ministerial Statement of 19th December 2023.

126. STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

The Planning and Policy Implementation Manager introduced the report, noting a Statement of Community Involvement (SCI) set out how a council would engage on planning matters and how the public, businesses, interest groups and people in a local authority area could get involved in influencing the local planning policy, planning application process and neighbourhood planning. A draft SCI had been prepared to reflect planning regulation requirements. It might be appropriate to increase community engagement, for example during the preparation of a local plan in some circumstances and, resources permitting, to use methods of engagement that moved beyond regulatory requirements; however the SCI did not commit the Council to actions that could not be resourced in all cases as this could jeopardise decisions and actions taken, mean disproportionate costs or cause delay to the planning process. There was no mandatory requirement for consultation on a draft SCI but officers were

Cabinet Planning and Parking Panel
15 August 2024

proposing a six week consultation in the spirit of meaningful engagement in the planning process. A final SCI would be brought back to the Panel and to Cabinet following the consultation. The document, which officers had worked to make more accessible, had last been updated in 2016 and had been refreshed to ensure the SCI aligned with the Council's statutory requirements on planning applications as well as the local plan process and neighbourhood planning.

A member commented that Cabinet Biodiversity Cabinet Panel would likely be interested in the Sustainability Appraisal and the Habitats Regulations Assessment strands. Officers responded that the SCI reflected what was required by legislation and although community engagement could go beyond what was set out in the report, the SCI set a minimum baseline consultation. Nevertheless there were circumstances when, for example, it would be appropriate for the local plan evidence base to be considered by a committee.

A member expressed appreciation that the equality impact assessment recognised young people were underrepresented in responding to planning consultations and asked whether the SCI would be publicised so residents understood what they could be consulted on. Officers noted the SCI set out the minimum that was required and advised that with the local plan, for example, they were seeking to deliver in a more engaging and accessible way using more modern methods and trying to target groups that were hard to reach – residents did not necessarily need to know what was in the SCI although it would be available; it was about delivering better and trying to bring things more up to date.

A member noted the consultation bodies set out in Appendix A did not include water companies. Officers advised this list set out the minimum number of parties to be consulted with as required by legislation; they consulted on a wider basis, especially on matters relating to the local plan.

A member observed the list of consultees did not include councillors. Officers said this was not a legislative requirement although it was normal practice to consult local members on relevant planning matters which would continue.

The consultation process referred to press advertisements and a member queried whether this was still best practice. Officers advised this remained a legal requirement, albeit a costly one.

A member said they chaired a residents' association which had not been consulted on local planning applications and asked how the Council knew which residents' associations existed. Officers noted the document did not include non-statutory community or resident groups, only statutory organisations the Council was obliged to consult with; they tried to make it as easy as possible for all groups to engage with the planning process

RESOLVED

(Unanimous)

The Panel recommended to Cabinet that:

Cabinet Planning and Parking Panel
15 August 2024

- A. The SCI 2024 (Appendix A of the report) and accompanying Equalities Impact Assessment (Appendix B of the report) be subject to public consultation; and
- B. Any subsequent material amendments prior to consultation be made by the Executive Member for Planning and that any subsequent minor amendments and editing changes that do not materially affect the content prior to consultation be delegated to the Assistant Director (Planning) in consultation with the Executive Member for Planning.

127. ENFIELD LOCAL PLAN 2019 - 2041 STATEMENT OF COMMON GROUND

The Planning and Policy Implementation Manager introduced the report, advising that the London Borough of Enfield was in the process of producing a new local plan which needed to be in conformity with the London Plan. Consultation on the Regulation 19 pre-submission version of the Enfield Local Plan (ELP) concluded in May 2024 and a Welwyn Hatfield response (Appendix A of the report) was submitted by the Assistant Director (Planning) under delegated powers in consultation with the Executive Member. The issues raised were consistent with those identified by the Council to the preceding Regulation 18 consultation and were reported to the Panel in August 2021. After the consultation, London Borough of Enfield had sought to agree a Statement of Common Ground (SCG) with all its neighbouring local authorities which set out areas of agreement and disagreement in order to assist the local plan inspector and narrow areas of concern. The SCG was set in context of local planning authorities having a duty to cooperate on cross-boundary issues. Although delegated powers relating to planning including could be exercised by the Assistant Director (Planning) and the Executive Member, this did not include entering into a SCG.

A member noted the Welwyn Hatfield response referenced that the current gap between the settlements was approximately 3.5km and it appeared from the strategy diagram that this would reduce to 1.5km which raised concerns about the level of harm to the green belt; he wondered what the Council's options were. Officers explained they had made representations to Enfield about this at the Regulation 18 stage in 2021 and again during the consultation that had concluded in May 2024 and Welwyn Hatfield's concerns would be considered at the examination of Enfield's local plan.

A member asked for clarity as to the process in terms of the Council having lodged its concerns. The Assistant Director (Planning) explained this was a formal way in which Welwyn Hatfield set out the points of agreement/disagreement which would enable the inspector to focus on areas of dispute.

Noting that Enfield was seeking agreement that it could deliver its housing requirements within its borough boundaries, a member asked whether they were obliged to do so. Officers advised this was somewhat complicated due to the London Plan which all London local authorities needed to generally conform to, while the ELP extended beyond the London Plan which would impact how they

Cabinet Planning and Parking Panel
15 August 2024

looked at their housing numbers. However a key part of a duty to cooperate was about councils discussing whether they could meet their housing need within the borough or effectively needed help from a neighbouring local authority; it was evident Enfield was able to meet its needs without assistance from Welwyn Hatfield.

RESOLVED

(Unanimous)

The Panel recommended to Cabinet that:

- A. The Assistant Director (Planning) be given delegated authority to agree a Statement of Common Ground with the London Borough of Enfield that reflects the Council's response to the Regulation 19 consultation; and
- B. The decision to be taken by the Executive Member using their delegated powers under paragraph 18.1(b) of the Cabinet procedure rules.

Meeting ended at 8.28 pm