

NOTICE of reasons for Urgency – KEY DECISION

NORTH HERTFORDSHIRE DISTRICT COUNCIL (“the Council”)

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”)

The Council intends to hold a public meeting of the Cabinet on 2 November 2022 at 7:30pm at which a part 1 urgent item will be considered in respect of a report linked to the Local Plan Inspector’s Report, The Therfield Heath SSSI Mitigation Strategy, which must be considered at the same time.

1. This meeting is deemed to be a relevant “decision-making body” under the Regulations.
2. In these Regulations a “key decision” means an executive decision, which is likely—
 - (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
3. Under Regulation 9, the Council is required to give notice of its intention to make a Key Decision, at least 28 clear days before the date of this meeting and publish this on its website.
4. Where publication of the intention to make a Key Decision under Regulation 9 is impracticable, then under Regulation 10 that decision may only be made –
 - (a) where the proper officer has informed the Chairman of the Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority’s website, a copy of the notice given pursuant to sub-paragraph (a); and
 - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
5. As soon as reasonably practicable after the agreement has been obtained, the Council must publish a notice setting out the reasons why compliance with Regulation 9 is impracticable.
6. The Council has obtained the agreement of The Chair of the Overview and Scrutiny Committee that the making of the decision was considered urgent and could not reasonably be deferred for the following reasons:

STATEMENT OF REASONS

1. The Council is due to make a decision on adoption of its new Local Plan on November 8 2022. This will follow a recommendation to Cabinet on November 2 2022. This is a key decision first notified to the public in August 2021. The vote on the Local Plan follows the conclusion of the Examination by an independent Inspector carried out between June 2017 and September 2022.
2. During the course of the Examination, the Council agreed with Natural England to produce a mitigation strategy for the Therfield Heath Site of Special Scientific Interest (SSSI) prior to the Plan's adoption. This was in response to representations made by Natural England in relation to, in particular, the proposed developments around Royston.
3. Natural England are a prescribed body under the statutory Duty to Cooperate. This means the Council has a legal duty to demonstrate cooperation with them as part of its plan-making duties. Failing to meet the Duty to Cooperate means a Plan cannot pass Examination.
4. The planning circumstances in Royston have changed throughout the Examination. A number of planned sites (which gave rise to the need to produce the strategy), have been recommended for removal from the Local Plan and / or otherwise granted planning permission in the meantime. As such, the Council could not be certain whether the Strategy would be required as a direct consequence of the Local Plan until receipt of the Inspector's final report.
5. The Inspector's report, received in September 2022, does not make direct reference to either the mitigation strategy or the Therfield Heath SSSI. However, it does make reference to "the number, scope and content of the Memoranda of Understanding (MoU) the Council has entered into with prescribed bodies" in concluding the Duty to Cooperate has been met.
6. The Council have been working with Natural England, as well as the Conservators of Therfield Heath & Greens, to produce a mitigation strategy.
7. The strategy is a Key Decision by virtue of having effect in two or more wards; it will be recommended for Cabinet approval as a material consideration for all relevant planning applications in the District within the SSSI's Zone of Influence (to be defined in the strategy as an area of approximately 6km surrounding the SSSI).
8. The meetings to agree the Local Plan have been agreed and finalised at relatively short notice and a revised Forward Plan reflecting this additional Key Decision could not be published within 28 days of the proposed Cabinet meeting on 2 November 2022.
9. Without deferring this item, the Council would need to either (i) defer the decisions on the Local Plan or (ii) proceed with those decisions at risk.

Signed: Jeanette Thompson

Proper Officer of the Council

Date: 10/10/2022