

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY, 13 NOVEMBER 2017 AT 2.00 PM**

**COUNTY COUNCIL
TUESDAY, 21 NOVEMBER 2017 AT 10.00 AM**

CHANGES TO THE COUNTY COUNCIL'S CONSTITUTION

Agenda Item No.

16

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Report of the Chief Legal Officer

Author: Mary Cormack, Assistant Chief Legal Officer
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Executive Members: David Williams, Resources, Property and the Economy
Derrick Ashley, Environment, Planning and Transport

1. Purpose of report

1.1 To request that Council delegates its functions under the High Speed Rail (London – West Midlands) Act 2017 to the Development Control Committee and to the Chief Executive and Director of Environment and authorises the Chief Legal Officer to amend Annex 3 to the Constitution accordingly.

2. Summary and Background

2.1 The High Speed Rail (London – West Midlands) Act 2017 (“the Act”) provides that planning permission is deemed to be granted under Part 3 of the Town and Country Planning Act 1990 for the construction of Phase 1 of the High Speed 2 (“HS2”) rail link between London and Birmingham (“the deemed planning permission”).

Highways

2.2 Schedule 4 to the Act enables the County Council as highway authority to object (within 28 days of receiving notice, and on specified grounds) to works that would require the opening of an access on to, or the alteration of, a highway used by vehicular traffic.

Planning

2.3 Schedule 17 of the Act sets out the conditions of the deemed planning permission and provides that certain ancillary matters must be approved by the relevant planning authority. The County Council is the relevant planning authority for approving ancillary matters relating to:-

- Waste or soil disposal or the excavation of bulk material from borrow pits
 - The routes by which anything is to be transported on a highway (other than a special or trunk road) by a large goods vehicle to a site where the number of large goods vehicle movements exceeds 24 on any day .
- 2.4 Annex 3 to the Constitution contains the Schemes of Delegation to Committees and to Officers.
- 2.5 Paragraph 2.2 (i) of Annex 3 delegates all the functions of the Council relating to Town and Country Development as specified in Schedule 1A to the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (“the Regulations”) to the Development Control Committee.
- 2.6 Paragraph 4.4.5 (i) of Annex 3 delegates all the functions of the Council relating to Town and Country Development as specified in Schedule 1A to the Regulations (except for the approvals listed at paragraph 4.4.5 (l)) to the Chief Executive and Director of Environment.
- 2.7 Paragraph 4.4.5 (iv) of Annex 3 delegates all the functions of the Council relating to highways and rights of way matters as set out in Schedule IB paras 41, 46A, 47, 47A, and 48 to 55 and Schedule 11 paras 1 to 34 of the Regulations
- 2.8 The Regulations are updated from time to time but do not currently specify functions under the Act. In order for applications under the Act to be dealt with efficiently and in a manner consistent with other planning applications.

Council is requested to delegate

(i) its highways functions under Schedule 4 of the Act to the Chief Executive and Director of Environment.

(ii) its town and country planning functions under Schedule 17 of the Act to the Development Control Committee and to the Chief Executive and Director of Environment.

3. Recommendation

3.1 That Council:

- (a) agrees the changes to the Council’s Constitution as set out in paragraph 2.8 the Report;
- (b) authorises the Chief Legal Officer to amend Annex 3 to the Constitution to give effect to the decision at (a) above.

4. Financial Implications

4.1 There are no financial implications arising from this report.

Background Information

High Speed Rail (London – West Midlands) Act 2017

<http://www.legislation.gov.uk/ukpga/2017/7/contents/enacted>