

Examination of the North Hertfordshire Local Plan (2011-2031)
Examination hearing sessions
Statement of North Hertfordshire District Council

Matter 29: the recent changes to the Use Classes Order

29.1 Do any of the Local Plan policies – particularly, but not limited to, those relating to the economy and town centres – need to be modified to reflect the changes to the Use Classes Order that will come into effect on 1 September 2020?

1. Yes. The following policies have been identified as being impacted by the changes to the Use Classes Order: SP3, SP4, SP10, SP12, ETC1, ETC2, ETC3, ETC4, ETC5, ETC6, ETC7, CGB2b, T1, T2, HC1, NE4, NEx, BA10, HT11, HT12, LG19, LG20, LG21, RY9 and RY12. However, of this list, SP12, ETC3, NE4 and NEx do not require modifications.
2. As a general point, references to A1, A2, A3, A4, A5, B1a, B1b, B1c, D1 and D2 uses will be removed throughout the Plan and replaced with the relevant E, F1, F2 or sui generis use classes. Where needed, for instance relevant site allocation policies, reference to use classes will be replaced by the land use description being specified for that allocation.
3. The employment policies are SP3, ETC1, ETC2. The employment policies remain relevant and will apply where planning permission is required. Further to this, supporting the provision of employment floorspace reflects the wider aims of the Use Classes Order amendments to bolster local economies. Modifications to these policies will focus on references to the now obsolete use classes. Any necessary modifications will also be presented for the employment allocations BA10 and RY9.
4. The town centre, local centre and community shops policies are SP4, ETC3, ETC4, ETC5, ETC6, ETC7, HT11, HT12, LG19, LG20, LG21, RY12. Paragraph 85 of the National Planning Policy Framework 2012 (NPPF) provides the basis to retain a range of policies in the Plan for retail facilities and the use of a retail hierarchy. In the case of Policy SP4, the reference to retail and service functions is already compatible with E class uses. Primary shopping areas will be retained as guided by the NPPF, along with the need to make clear the range of uses permitted in such locations.
5. Following recent advice from the South Oxfordshire Local Plan Inspector¹, references to retail use specifically will be replaced by E class uses.
6. Significant to many of the policies, is the definition in the NPPF of main town centre uses which remains unchanged notwithstanding the changes to the Use Classes Order.

¹ South Oxfordshire Local Plan Inspector's Response to PSD 66 – Modifications to Reflect Updates to Use Classes Order (August 2020)

<http://www.southoxon.gov.uk/sites/default/files/IC10%20-%20Inspector's%20Response%20to%20PSD%2066%20-%20Use%20Classes%20Order.pdf>

This encompasses a wide range of uses, both under the previous and new use Classes Order. Where reference is made to main town centre uses in policies this will remain relevant, especially where a mix of uses is expected, such as site allocations in town centre locations. Moreover, reference to main town centre uses in the policies already demonstrates flexibility and a need to adjust to market signals.

7. The community facilities policies are SP10, CGb2, HC1 and can be modified by replacing reference to the obsolete use classes with the new use classes.
8. The outdoor leisure and recreation policies are SP12, NE4, NEx. Whilst these refer to outdoor sports and recreation uses, no changes are required resulting from the changes to the Use Classes Order.
9. The Transport policies T1 and T2 relate to specific use classes and will require replacing with the new use classes.
10. The Implementation, Monitoring and Review Chapter has been reviewed and minor amendments relating to references to previous use classes will be required.
11. Detailed proposed modifications relating to the Use Classes Order are presently being drafted and a schedule of proposed amendments will be submitted to the Inspector by 7th October 2020 at the latest. This will allow the Inspector and participants in the Matter 29 session at least two weeks to consider these in advance of the hearing session.