

Minutes



To: All Members of the Growth Infrastructure, Planning and the Economy Cabinet Panel, Chief Executive, Chief Officers, All officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Theresa Baker
Ext: 26545

GROWTH, INFRASTRUCTURE, PLANNING AND THE ECONOMY CABINET PANEL WEDNESDAY, 15 MAY 2019

ATTENDANCE

MEMBERS OF THE PANEL

D A Ashley (Chairman), D J Barnard, S Bedford, S J Boulton, S J Featherstone, S K Jarvis, A K Khan, P V Mason, G McAndrew, A Stevenson (Vice-Chairman), S J Taylor, A S B Walkington, R H Smith (substituted for J A West).

OTHER MEMBERS IN ATTENDANCE

Upon consideration of the agenda for the Growth, Infrastructure, Planning and the Economy meeting on 12 March 2019 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: S J Taylor and A Stevenson declared an interest as recorded at minute 6.

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Growth, Infrastructure, Planning & The Economy Cabinet Panel meeting held on 12 March 2019 were confirmed as a correct record and signed by the Chairman.

2 PUBLIC PETITIONS

- 2.1 There were no public petitions.

3. BIODIVERSITY NET GAIN – LOCAL AUTHORITY RESOURCE IMPLICATIONS

[Officer Contact: Rachael Donovan – Natural, Historic & Built Environment Advisory Team Leader (Tel: 01992 556294)]

- 3.1 The Panel received a report on Defra’s new biodiversity net gain policy and the resource implications arising from it for Hertfordshire’s Local Planning Authorities (LPAs), and for the Council’s Environmental Resource Planning Unit, the Spatial Planning Unit and the Countryside and Rights of Way Unit, arising from this new policy approach.
- 3.2 The report sought endorsement for officers to develop a service offer for discussion with Hertfordshire’s 10 LPAs, to enhance Hertfordshire Ecology, the County Council’s shared service arrangement for charged ecological planning advice, to support the new mandatory net gain requirements proposed by Defra.
- 3.3 The Panel heard that biodiversity net gain would require assessments of habitat losses and gain (in ‘biodiversity units’ according to a national metric) to be submitted with relevant planning applications. Planning permissions would need to secure habitat improvements, either on-site, off-site or via a tariff payment to deliver a prescribed increase in biodiversity units.
- 3.4 Members noted Government’s decision to mandate biodiversity net gain for development in England and that, although Defra had yet to detail guidance on how to implement this new policy approach, the decision to legislate biodiversity net gain had put Hertfordshire LPAs on notice that they should begin working towards its implementation/delivery in the planning process.
- 3.5 Officers emphasised that there would be resource implications for Hertfordshire Ecology if the LPAs sought additional ecological support from this established shared service arrangement. Members noted the extra resources that would be required should all the current shared service users require additional ecological advice from HE, as well as the resource requirement for monitoring and enforcement activities associated with mineral extraction and waste planning applications.
- 3.5 During the discussion officers clarified that:
- Engagement with the 10 district and borough councils would be undertaken to ascertain their interest in buying into an enhanced HE service in order to meet their new net gain policy requirements.
 - There would be a nil set cost to the Council for an enhanced HE service, as a result of additional funding from Government to LPAs to secure ecological expertise.
- 3.6 Members observed that this service offer could be marketed beyond Hertfordshire’s boundaries. They also clarified that although Stevenage and Broxbourne Borough Councils do not subscribe to the HE shared service, both LPAs took appropriate

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account of biodiversity issues in development management processes.

CONCLUSION:

3.7 That Cabinet Panel noted the report and endorsed the proposal for officers to develop a service offer for discussion with Hertfordshire Local Planning Authorities (LPAs), which would enhance the County Council’s shared service arrangement for charged ecological planning advice, in line with the new mandatory net gain requirements proposed by Defra.

**4 DEVELOPER CONTRIBUTIONS GUIDANCE:
A REPLACEMENT FOR THE HERTFORDSHIRE TOOLKIT**

[Officer Contact: Sarah McLaughlin, Head of Growth and Infrastructure Unit (Tel: 01992 588110 ; Rupert Thacker, Head of Highways Implementation and Strategy (Tel: 01992 658176)]

4.1 Members considered a report which reviewed the 2008 Hertfordshire Planning Obligations Guidance Toolkit for Hertfordshire with the intention of replacing it with a Guide entitled ‘Developer Contributions Guidance’, and sought their permission to undertake a public consultation on the draft Guide for a six week period prior to the process to adopt the Guide as Hertfordshire County Council policy in 2019.

4.2 Officers emphasised the ‘work in progress’ nature of the Guide and that, following consultation with the chairman post report publication, due to difficulty in procuring data from some services on S106 obligations further efforts would be made to obtain numerical quantification of them. In view of this the chairman directed that the current report be considered a partial update on development of the Guide and, with the panel’s agreement, proposed that the recommendations to the current report were changed to:

The Growth, Infrastructure, Planning & the Economy Cabinet Panel :

1. *Notes the progress with the revision of the toolkit and notes and accepts the principle of the figures;*
2. *Supports further informal consultation with the local planning authorities;*
3. *Agrees that the final draft version of the guide is approved for public consultation at the 1 July 2019 GrIPE Cabinet Panel.*

S McLaughlin
T Baker

4.3 To give Members an indication of the current estimated tariff per property an updated version of the table ‘Hertfordshire County Council S106 Obligations’ on page 46 of the ‘Guide’ was emailed to Members prior to the meeting and hard copies were tabled and can be viewed at [Guide to Developer Infrastructure Contributions](#).

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[Page 46 -Updated Table](#). The Panel heard that this information was currently being independently reviewed; the reviewed figures would be tested as part of the wider document consultation.

- 4.4 Members heard that the Guide reflected planning system changes since 2008 and was aimed primarily at S106 practice for the Council and, most importantly, integration with CIL for which the LPAs were the charging authorities. It provided clarity and transparency on the Council's working practices for developers and the LPAs. It also enabled the Council's services to consider legislative and other amendments that affected the delivery of their service.
- 4.5 Officers highlighted that the Council had formerly secured S106 obligations from developments in generic funding pots, such as 'education' or 'sustainable transport' and ensured that this benefited the residents of that particular development. However, since the introduction of the CIL legislation from 2010, the Council is required to nominate projects which would benefit from a planning obligation at the point of entering into the legal agreement, e.g. for the expansion of primary school 'x' or for the improvements to the junction at location 'y'. Consequently Council services are required to have clear up to date service strategy to meet the demands of future growth.
- 4.6 During discussion officers clarified:
- That indexation would be reviewed annually and indexed at the date of payment;
 - That CIL charging authorities charged in accordance with their adopted zone rates;
 - That infrastructure information in the LPAs' Local Infrastructure Delivery Plan gave them the opportunity to direct CIL revenue to it;
 - In regard of 'double dipping' on S106 and CIL, a developer should not be required to fund a project through S106 and also through CIL. The Council very closely monitored S106 funding and coordinated with the LPAs on potential projects funded via CIL;
 - Pupil yield is forecast in the Council demographic model from 2011 census data. The Council Intelligence Unit is currently surveying yields from recent developments, the guide to reflect this data going forwards.

- 4.7 Members:
- Welcomed replacement of the Toolkit with the updated Guide;
 - Commented that population of the 'Guide' with up-to-date data would enable the LPA planners to use it as a document to support the requirement for further funding from developers;
 - Observed that LPAs were only likely to direct their CIL revenue to infrastructure for their own district/borough;
 - Highlighted that CIL charges were indexed every 5 years;
 - Observed that the charging of high CIL levies seemed to link to polices that included spending on infrastructure;
 - Highlighted the need for timeliness in CIL & S106 expenditure as infrastructure was required before people could move into housing rather than after the event.

CONCLUSION

- 4.8 The Growth, Infrastructure, Planning & the Economy Cabinet Panel :
1. Noted the progress with the revision of the toolkit and noted and accepted the principle of the figures;
 2. Supported further informal consultation with the local planning authorities;
 3. Agreed that the final draft version of the guide is endorsed for public consultation at the 1 July 2019 GRIPE Cabinet Panel.

S McLaughlin
T Baker

5. LOCAL PLANS ENGAGEMENT (PROTOCOL)

[Officer Contact: Sarah McLaughlin, Head of Growth and Infrastructure Unit (Tel: 01992 588110)]

- 5.1 The Panel received a report which brought to their attention a new document entitled 'Hertfordshire County Council: Local Plans Engagement' and sought endorsement of a consultation on the draft document for a six week period with Hertfordshire local authority partners.
- 5.2 Members heard that the document provided guidance to the County Council's local authority partners on the processes they must follow to deliver a local plan and the Council's role in these processes. It also encouraged continuous engagement outside of the statutory consultation period to support ongoing sharing of data and knowledge so that the partners could engage effectively and expediently at the appropriate time.
- 5.3 To Member concern that the document did not cover responses from the County Council in its role as a land owner and conflicts of interest, officers acknowledged the difficulties when the Council had to pursue two objectives at the same time e.g. as a land owner with the need to obtain best value for its land versus its

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role as a service provider. The chairman noted that it was possible to resolve these conflicts successfully as exemplified by recent school planning applications and Members highlighted the overriding public interest that such situations should be treated with balance.

- 5.4 Officers confirmed that the document combined current Council service approaches into a single document, and should not impact LPAs currently proceeding through a local plan process.

CONCLUSION

- 5.5 The Growth, Infrastructure, Planning & the Economy Cabinet Panel endorsed the consultation with Hertfordshire local authority stakeholders on the Hertfordshire County Council: Local Plans Engagement document for a six week period, the finalised document to return to the panel in the autumn for endorsement.

S McLaughlin
T Baker

6. LOSS OF EMPLOYMENT SPACE IN HERTFORDSHIRE – STUDY INTO EXTENT, IMPLICATIONS AND SOLUTIONS

[Officer Contact: Lewis Claridge – Principal Planning Officer, Strategic Planning, Spatial Planning Unit (Tel: 01992 556447)]

- 6.1 *S J Taylor* declared an interest in this item as she is a member of the Local Economic Partnership Board. She remained in the room and participated in the debate.

A Stevenson declared a non pecuniary interest in the item as he is a member of the Innovation Board of the Local Economic Partnership where he attended in a personal capacity and did not represent the County Council. He remained in the room and participated in the debate.

- 6.2 The Panel considered a report on the Local Economic Partnership (LEP) commissioned study of loss of employment space in Hertfordshire over the last decade, in particular where it had been lost, what was driving the change, the significance of this to the Hertfordshire economy and the implications and potential solutions. Members noted the headline findings of the study at point 2.3 to the report.

- 6.3 Officers highlighted the core challenge to the Hertfordshire Strategic Economic Plan (SEP) from the County's population and job growth over the last decade which had not expressed itself as economic output. The study provided understanding of one element of the challenge, i.e. how loss of commercial floor space might be affecting the economy, and would help to inform the Local Industrial Strategy (LIS) being developed by the LEP and partners in response to the Government's Industrial Strategy White Paper.

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- 6.4 Members welcomed the report and observed that although it confirmed what they already knew it was helpful and timely. Concern was expressed that some districts had only a 6 month supply of office floor space left and that the problem needed to be addressed before there were no jobs left. The Panel emphasised that this was the most serious problem facing Hertfordshire since a great deterioration in available commercial floor space had already occurred and Permitted Development Rights (PDR) was degrading town centres.
- 6.5 When Members requested a stronger response to government on the issue from the LEP and MPs, officers detailed the considerable efforts made to emphasise to government the degree of impact this issue was having on Hertfordshire but with no progress achieved on withdrawing from PDR.
- 6.6 Members highlighted that time was required to achieve the LEP's vision of Hertfordshire being recognised as the functional core of the single most concentrated area in Europe for scientific research and development, in addition to commitment from a global company. Support from the Local Planning Authorities e.g. success in Article 4 designations of employment space, have enabled separation of commercial and housing areas. However, should current legislation overturn Article 4 designations, PDR could also affect these areas.
- 6.7 Members also observed:
- that there should be further incentives to generate employment in the county;
 - that County Council land could be used to bring forward sites for commercial floor space.
 - that some commercial floor space lost had not been good quality;
 - that most commercial floor space under conversion was being lost to unsatisfactory housing;
 - that some parts of the county were not experiencing a shortage of employment but rather a shortage of workers to fill the jobs;
 - that the extreme loss of commercial floor space was not only due to PDR but also because of Local Planning Authorities granting the planning permission;
 - a potential link between the long term decline of some town centres and decreasing availability of employment;
 - decreasing commercial floor space would impede delivery of LTP4.

CONCLUSION:

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6.8 That Cabinet Panel noted the study “Loss of Employment Space in Hertfordshire” and commented on the future implications and potential solutions as detailed in Appendix 2, 3 and 4 to this report.

7. UPDATE ON THE MINERALS LOCAL PLAN REVIEW

[Officer Contact: Hannah Regis, Graduate Minerals and Waste Policy Officer (Tel:01992 556 051)]

7.1 The Panel received a report which provided information on the progress of the Minerals Local Plan review following the conclusion of the Proposed Submission Minerals Local Plan publication period.

7.2 Members noted the history of the plan, ongoing engagement with stakeholders including statutory consultees and the wide range of the 163 consultees that had responded and submitted 550 individual responses.

7.3 The Panel noted that the majority of representations received that directly addressed soundness considered there to be soundness issues with the Plan. Officers highlighted that a large number of representations received concerned development management issues and would be assessed at the planning application stage.

7.4 Officers clarified that the site promoter (Tarmac) of the Preferred Area at Briggens has been asked to carry out some further archaeological investigations to address the concerns raised by Historic England. Some modifications to the policies and site briefs may also be required to address Historic England concerns.

7.5 Members heard that the majority of representations received, in particular from local residents, considered the plan to be unsound on the basis of inclusion of one or more of the identified sites, and the concentration of all Specific Sites in one borough. Other concerns included potential ground water issues and possible road safety and congestion implications.

7.6 The Panel noted that once the representations had been processed officers would prepare to submit the Plan to the Secretary for State with or without suggested modifications to deal with issues of soundness. The Plan would be brought back to the Panel if it was felt that the modifications required a further Regulation 19 publication.

CONCLUSIONS

7.7 The Cabinet Panel noted the introductory summaries of representation received on the Proposed Submission Minerals Local Plan.

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8. GROWTH, INFRASTRUCTURE, PLANNING & THE ECONOMY PERFORMANCE MONITOR

[Officer Contact: Simon Aries, Assistant Director Transport, Waste & Environmental Management (Tel: 01992 555255); Patsy Dell, Assistant Director Spatial Planning, Infrastructure & Economy (Tel: 01992 556836)

- 8.1 The Panel considered the performance of Growth, Infrastructure, Planning & the Economy for Q4: January - March 2019.
- 8.2 Members welcomed the achievement of or improvement in all the indicators reported since the last time of reporting.
- 8.3 Officers highlighted that ongoing completion of Sustainable Drainage Systems (SuDs) consultations within the target 21 days or the agreed extension since Q2 2017/18 showed that developers were taking this issue seriously.
- 8.4 Whilst discussing a review of the monitor to ensure that the appropriate targets were still being reported officers agreed to provide: details of officer performance in enquires/appeals as an indication of the quality of their judgement; a breakdown on how many bus stops had digital information available.
- 8.5 Members' attention was drawn to the challenge of crystallising qualitative issues to enable performance on them to be reported quantitatively e.g. sites that were the subject of a consent and dealt with via the Development Control Committee.
- 8.6 To the suggestion that instead of detailing the 'percentage of new developments within 30 minutes by public transport of key service' it would be more appropriate to report on delivery of LTP 4 objectives, officers highlighted that a report on LTP4 was coming to the July meeting.

J Tiley;
M Lale

Conclusion

- 8.7 The Cabinet Panel noted the report and commented on the performance monitor for Quarter 4 2018-19.

9. OTHER PART I BUSINESS

- 9.1 There was no other Part I business.

**KATHRYN PETTIT
CHIEF LEGAL OFFICER**

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