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Cabinet Planning and Parking Panel  
20 June 2024

WELWYN HATFIELD COUNCIL

\* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 20 June 2024 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors R.Platt (Chair)  
L.Gilbert (Vice-Chairman)  
  
K.Thorpe, S.Bonfante, S.Goldwater, T.Kingsbury,  
G.Michaelides, L.Musk, S.Thusu, M.Hobbs, J.Quinton  
and J.Weston

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

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At the start of the meeting, the Executive Director (Place) gave a presentation on the introduction and purpose of Cabinet Planning and Parking Panel (CPPP). Cabinet panels were set up to deal with policy and development in individual and specialised areas; they had cross-party representation, operated in line with the Constitution, considered reports; and made recommendations to Cabinet. CPPP worked on strategies, policies and plans in relation to planning and transportation matters and made recommendations to Cabinet in relation to the adoption of such strategies. It considered the results of any sustainability appraisal reports and the results of public consultations, and evaluated and submitted representations to planning documents where appropriate. It considered the annual monitoring report as well as key milestones for the local development scheme on the Local Plan. The previous committee had recently considered recommendations to and the adoption of the Local Plan, updates to conservation areas and had agreed the parking programme and traffic regulation orders. Meetings were held throughout the year; there were some regular planning policy items and some items would be considered when they reached a key milestone.

## 106. APOLOGIES & SUBSTITUTIONS

An apology for absence was received from Cllr Pankit Shah.  
The following substitution of committee members was made in accordance with Council Procedure Rules:  
Councillor Jill Weston for Councillor Pankit Shah.

The Chair welcomed Councillors Gilbert and Hobbs as new members of the committee and thanked Councillor Thorpe for having chaired CPPP last year.

107. MINUTES

The minutes of the meeting held on 14 March 2024 were approved as a correct record.

108. NOTIFICATION OR URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 8

There were no items of urgent business.

109. DECLARATION OF INTERESTS BY MEMBERS

Councillors T Kingsbury and S Thusu declared they were members of Hertfordshire County Council.

110. PUBLIC QUESTION TIME AND PETITIONS

There were no public questions or petitions.

111. BIODIVERSITY NET GAIN (BNG) - UPDATE ON THE INTRODUCTION OF MANDATORY BNG AND THE WELWYN HATFIELD GUIDANCE NOTE 2023

The Planning and Policy Implementation Manager introduced the report which provided an update on the introduction of mandatory Biodiversity Net Gain (BNG) and the status of the Welwyn Hatfield Biodiversity Net Gain Guidance Note 2023. BNG was a way of creating and improving biodiversity by requiring developments to have a positive impact net gain on biodiversity. A BNG guidance note had been reported to CPPP previously and was endorsed by Cabinet in September 2023. At that time, the Local Plan had not yet been adopted and secondary legislation and government guidance was awaited to clarify how the requirement for BNG would be applied in practice. BNG is now a mandatory requirement for qualifying development in England and there is now an extensive collection of national guidance and tools on its implementation. Mandatory BNG now takes precedence over local policy and therefore part of the local plan policy had been superseded by the statutory framework. National guidance stated that plan makers did not need to duplicate the detailed provisions of the statutory framework and it would be inappropriate for plans and supplementary planning documents to include policies or guidance that were incompatible with the framework. Consequently, the Welwyn Hatfield BNG was not now considered necessary in decision making for planning applications. As part of the Local Plan review, consideration would be given as to how the statutory framework could be complemented. Any percentage higher than 10% must be evidenced, justified and capable of being implemented and this could be explored as part of the Local Plan review.

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A member asked why the timetable for mandatory BNG had been delayed as referenced in paragraph 3.7 of the report. Officers noted this had been a significant change for the development industry and were unsure about the reasons for the national delay.

A member referenced paragraph 3.11 of the report and asked what developments would be exempt. Officers advised examples would be householder planning applications, ie smaller scale developments where this would be an unreasonable burden to add.

A member noted the report said a 10% gain per large development was needed and asked how that would be achieved. Officers explained that before a site was to be redeveloped, developers would need to establish that the baseline biodiversity situation at the start was over 10%; this was calculated through a government-designed metric with different levels of gain being related to different types of habitats. The member asked if that meant in another ten years there would be more biodiversity than now, and officers confirmed that was the objective.

A member commented on the fact that the report said there were no direct financial implications. Officers confirmed the burden of this was on the developer.

A member commented that this seemed like a subject the Climate Biodiversity Cabinet Panel (CBCP) would be interested in. Officers agreed that there would potentially be an opportunity for involving CBCP via the review of the Local Plan; the report was under consideration at this meeting because the Council's interim guidance was no longer required, having been superseded by national guidance.

The Chair noted that under the review of the Local Plan, there was potential scope for a higher BNG percentage than the national policy and wondered if this could be open to challenge. Officers said this could be challenged via the Local Plan process; if the Council wanted to introduce a higher percentage, developers could make representations during the consultation process. Responding to a query about whether the Local Plan could be designed to have a justification of more than 10%, officers said this was the case and cited the example of another local authority which was seeking to introduce a 20% requirement.

## RESOLVED

### CPPP:

- a) Noted introduction of mandatory Biodiversity Net Gain and recommend to Cabinet that the Welwyn Hatfield BNG Guidance Note should no longer be a material consideration in decision making where a biodiversity net gain requirement applies; and
- b) Agreed for the decision to be taken by the Executive Member using their delegated powers under paragraph 18.1 (b) of the Cabinet procedure rules.

112. HOUSING DELIVERY TEST ACTION PLAN (2024)

The Planning and Policy Implementation Manager introduced the report. The Housing Delivery Test was an annual measure of the delivery of housing in a local authority area and it compared the total net homes delivered against the number of homes required over a rolling 3 year period. The government had published the 2022 Housing Delivery Test result in December 2023; Welwyn Hatfield had delivered 65% of homes against its target for the 3 year period, which equated to 1,283 homes delivered against 1,971 required. This result meant the Council was again required to produce an action plan looking at causes of under-delivery and actions to improve it; the last action plan was published by Welwyn Hatfield in October 2022. In addition to producing the action plan, as delivery was still below 75% the Council was required to continue to apply the presumption in favour of sustainable development when determining planning applications.

The action plan looked at factors that might impact housing delivery such as local plans, planning performance in terms of determining speed of applications, and the Council's efforts to increase housing supply through its housing schemes. Some key actions were: to determine applications for Local Plan housing sites as quickly as reasonably possible; contacting landowners/developers to invite initial discussions when planning applications for Local Plan site allocations had not been received and/ or to understand delays in sites coming forward; progressing implementation of the Community Infrastructure Levy (CIL); and amending the structure of the Development Management service to be more responsive to the progression of the most significant planning applications. It might take some time for any improvement in the housing delivery test to be recorded as it was a retrospective rolling 3-year calculation. Additionally, the lead-in time between planning permission being granted and site completion was usually 2 – 3 years.

A member asked how the presumption in favour of sustainable development was applied. Officers responded that they needed to consider the delivery of houses; all planning decisions were a balancing exercise and staff needed to factor in the Council not having achieved the number of homes delivered against its target. This was not about sustainable scheme specifics (such as solar panels) but about factoring in the undersupply within the Council's decision making.

A member observed that a high proportion of delivery that had been missed had been during 2021 – 2022 when the impacts of the pandemic were being felt and asked if that had been a contributory factor and whether other local authorities had been similarly impacted. Officers said the principal reason was because the Local Plan had only recently been adopted meaning there had not been housing sites available; however other factors had impacted delivery including the pandemic and the timing of when developers wanted to bring forward sites. The action plan looked ahead in terms of putting in place measures to improve delivery and now the Local Plan was in place it was anticipated that sites would come forward, contributing to delivering against the Local Plan's housing target.

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The only local authorities in Hertfordshire delivering above the Housing Delivery Test targets were North Herts and East Herts; other neighbouring councils were roughly on par with or slightly below Welwyn Hatfield.

A member asked about EV charging in respect of new builds. Officers believed this was a requirement under building regulations; the Welwyn Hatfield Local Plan (written a while ago) did not have this requirement on a plot by plot basis which was why it was important to review and update policies as required.

A member asked about the new National Planning Policy Framework (NPPF). Officers said it provided a standard method for calculating housing need; authorities starting a new local plan were told what their housing numbers were as a starting point. Welwyn Hatfield's adopted Local Plan was less than 5 years old and had identified a housing supply of over 5 years when the examination concluded so the Council was not currently required to provide an annual update on its 5-year housing land supply. However because of the situation with the housing delivery test, Welwyn Hatfield did not have protection against the presumption of sustainable development. An imminent new government might make changes to the NPPF and if so, this would set a clear direction of travel although the process would take longer if legislative changes were required.

A member wondered whether it was viable for the Council to deliver on its housing needs, associated infrastructure and its commitment to sustainability and biodiversity in the next few years if the economic situation did not change, given developers were sometimes giving back sites eg the Shredded Wheat site. Officers said this was a test of delivery; the adopted Local Plan had significant housing numbers, not many of which had yet been physically delivered, and that was the test's purpose. It appeared that developers were willing to bring forward the majority of the sites allocated in the Local Plan; the Wheat site was slightly different as it was more complex to deliver given its brownfield nature but a new owner was engaging with officers on a new scheme. Despite the difficulties the member had been highlighted, developers were keen to deliver sites in the borough because of the demand which had taken some time to be met through policy with the adoption of the Local Plan.

A member asked how developers could be influenced to start work once approval had been granted. Officers replied that the action plan set out that they would write to developers engaged with a pre-application; additionally, there would be changes to the Development Management service so that the team was more focused on helping deliver larger schemes.

A member commented that the Panshangar airfield site was first approved some years ago but nothing was built and the housing figures required for the site had now increased; he wondered if a new developer could conceivably hold off building for three years. Officers felt this was an unlikely scenario given the demand; Homes England had now bought the site and appointed a development partner. Landowners and developers were incentivised to deliver their allocations.

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A member reflected that the report said 69% of housing sites in the borough not owned by the Council were completed within 2 years (89% being completed in 3 years) and suspected the percentage might be skewed if compared to the number of actual dwellings. Officers advised the 69% figure referred to 1,267 dwellings and the 89% referred to 1,550 and agreed they would put together a clarificatory paragraph for members. {Post-meeting note: a supplementary note is appended to these minutes}.

A member asked about the Community Infrastructure Levy (CIL). Officers explained this was a tool to bring in money to support infrastructure and would in the main do away with many S106 agreements which could take a long time to get in place; positively, CIL would speed things up and would mean landowners knew how much they would need to pay. An item about CIL in respect of the recent consultation and next steps would be brought to the next committee meeting.

**RESOLVED**

**CPPP:**

- a) Recommended to Cabinet that the Housing Delivery Test Action Plan be approved for publication; and
- b) Agreed for 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 8.15 pm

## Supplementary note to the minutes

**HOUSING DELIVERY TEST ACTION PLAN (2024)**

During the discussion on the item a member asked how the Welwyn Hatfield Housing Delivery Test Result compares to other Hertfordshire authorities. Details of the results for all Hertfordshire Authorities are set out in Table 1 below, Table 2 provides details of the results nationally.

**Table 1: Hertfordshire Authorities 2022 Housing Delivery Test Results**

	<b>2022 HDT Result</b>
East Hertfordshire	125%
North Hertfordshire	118%
Dacorum	77%
Watford	73%
Hertsmere	69%
<b>Welwyn Hatfield</b>	<b>65%</b>
Broxbourne	57%
Stevenage	57%
St Albans	55%
Three Rivers	46%

**Table 2: Proportion of authorities by Housing Delivery Test Result consequence**

<b>HDT Result</b>	<b>Consequence</b>	<b>Number of authorities</b>	<b>Proportion (%)</b>
95% and above	None	213	68%
85%-94%	Action plan	21	7%
75%-84%	20% Buffer added to five-year housing supply	19	6%
Less than 75%	Presumption	61	19%
<b>Total</b>		<b>314</b>	<b>100%</b>

Clarification was also sought in relation to paragraph 6.1:

*Where sites are not owned by the Council, once planning permission has been granted there is a limited amount that the Council can do to speed up delivery. Looking at housing sites which completed in the Borough between 2017 and 2023, 69% of these sites completed within 2 years of planning permission being granted, while 89% completed within 3 years. For those that took longer, most were actually minor applications. Although there were also some major permissions which formed part of larger sites, therefore delivery was over a longer period.*

The sample included major and minor permissions. The sample was largely made up of single dwellings with few large sites. Approximately six sites in the sample were over 100 dwellings, with the largest being for 272 dwellings. The paragraph seeks to give a broad idea of how long sites take to come forward following permission being granted.

The proportions mentioned in paragraph 6.1 and shown in figure 2 in the Housing Delivery Test Action Plan relate to the number of planning permissions which completed within x number of years after permission was granted.

The total sample included 238 permissions, including 45 majors and 193 minor permissions. In terms of the 69% which completed within the 2 years after permission was granted: this was 165 of the total 238 permissions (these permissions amounted to 1,267 dwellings).

In terms of the 89% which completed within the 3 years after permission was granted: this was 212 of the 238 permissions. (these permissions amounted to 1,550 dwellings).

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