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WELWYN HATFIELD

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Please ask for:
Gurdip Paddan

* Reporting to Cabinet

27 September 2017

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL CABINET Planning & Parking Panel to be held on Thursday 5 October 2017 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully

Executive Director
Public Protection, Planning and Governance

A G E N D A
PART 1

1. SUBSTITUTIONS

To note any substitution of Committee Members in accordance with Council Procedure Rules 19 – 22.

2. APOLOGIES

To note apologies.

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 13 July 2017 (previously circulated).

4. NOTIFICATION OR URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 12

5. DECLARATION OF INTERESTS BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on this Agenda.

6. PUBLIC QUESTION TIME AND PETITIONS

Up to fifteen minutes will be made available for questions from members of the public on issues relating to the work of the Committee and to receive any petitions.

7. COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY DRAFT CHARGING SCHEDULE CONSULTATION

Report of the Executive Director (Public Protection, Planning and Governance) on the Community Infrastructure Levy (CIL) which is a locally set planning charge that local authorities can choose to implement to raise contributions from new housing and other development towards the delivery of necessary supporting infrastructure.

8. REQUIREMENT TO PREPARE A BROWNFIELD LAND REGISTER (Pages 5 - 16)

Report of the Executive Director (Public Protection, Planning and Governance) on the requirement to prepare a Brownfield Land Register.

9. SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER (Pages 17 - 32)

Report of the Executive Director (Public Protection, Planning and Governance) on the Council's Register which currently operates and summarises the current level of demand.

10. COLE GREEN WAY GREENSPACE ACTION PLAN 2018-2023 CONSULTATION (Pages 33 - 38)

Report of the Executive Director (Public Protection, Planning and Governance) on the Greenspace Action Plan (GAP) being prepared for Cole Green Way by the Countryside Management Service (CMS) on behalf of Hertfordshire County Council (HCC).

11. VERBAL UPDATE ON LOCAL PLAN EXAMINATION

Update to be provided at the meeting on the Local Plan Examination.

12. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

13. EXCLUSION OF THE PRESS AND PUBLIC

The Committee is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for item 23 (if any) on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100A(3) and Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14. ANY OTHER BUSINESS OF AN EXEMPT NATURE AT THE DISCRETION OF THE CHAIR

Circulation: Councillors

S.Boulton (Chairman)	A.Chesterman
M.Perkins (Vice-Chairman)	M.Cowan
D.Bennett	C.Gillett
H.Bromley	G.Hayes
N.Chapman	P.Shah

Executive Board
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact G Paddan democracy@welhat.gov.uk on 01707 357349 or email – g.paddan@welhat.gov.uk

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Part I
Main author: Rob Webster
Executive Member: Mandy Perkins
All Wards

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING & PARKING PANEL – 5 OCTOBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

REQUIREMENT TO PREPARE A BROWNFIELD LAND REGISTER

1 Executive Summary

1.1 In April 2017 the Government introduced new legislation requiring planning authorities to prepare a Brownfield Land Register, although only published detailed guidance on how to go about doing so and the data requirements on 28 July 2017. The Brownfield Land Register is intended to provide a clear and consistent picture of the amount of previously developed land on which new housing can be delivered within each local authority area. The preparation of the Brownfield Land Register is essentially a technical process, but the new legislation also introduces a new form of planning consent – Permission in Principle. This allows sites on a Brownfield Land Register to be granted planning permission, albeit solely covering the acceptability of a residential use and not any more technical details.

1.2 This report summarises the requirements of the legislation, the intended form that Welwyn Hatfield's Brownfield Land Register will take, and next steps. Because of short timescale to publish the Brownfield Land Register by 31 December 2017 and the need to concentrate resources on the examination of the Local Plan, it is not intended to grant Permission in Principle to any sites this year.

2 Recommendation(s)

2.1 That the Panel notes the Council's new duty to prepare a Brownfield Land Register and the proposed process for doing so set out in the report, including the site screening and site information templates in Appendix 1 and 3.

3 Background

3.1 Successive governments have introduced changes to the planning system, with the intention of boosting the supply of housing land across the country. In common with this Council, the Government has been particularly keen to maximise the delivery of housing on previously developed land (commonly referred to as 'brownfield land'). As part of this, the Government has pledged that 90% of suitable brownfield sites will have planning permission for housing by 2020.

3.2 The Housing and Planning Act 2016 makes provision for local authorities to prepare and maintain a Brownfield Land Register (BLR), with the Town and Country Planning (Brownfield Land Register) Regulations 2017 then introducing a requirement for authorities to publish their BLR by 31 December 2017. The Government hopes that BLRs will enable a better understanding of the quantum and availability of previously developed land within each local authority area. This

evidence will assist in the calculation of an authority's five year housing land supply, and is therefore is an incentive for an authority to include as many sites in their BLR as possible.

3.3 Another new mechanism intended to increase the supply of housing is 'Permission in Principle' (PiP). As the name suggests, PiP allows the principle of development on a site to be established, without any need for the level of detail and evidence typically required when granting a conventional outline or full planning permission. Sites receiving PiP would then only subsequently need to seek a 'Technical Details Consent', where more detailed issues aside from the principle of development would be considered. In due course there are expected to be several means by which PiP can be given, but the Town and Country Planning (Permission in Principle) Order 2017 provides a mechanism to do so through the BLR.

4 Explanation

4.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require each local authority to publish their first BLR by 31 December 2017, and to update it at least one each year thereafter. The regulations stipulate a range of criteria for the types of site which should be included in the BLR, as well as requirements on the information relating to each site which will need to be published.

4.2 BLRs apply to previously developed land – whilst this *generally* encompasses all land which has previously been occupied by built development, there are some exceptions. For example land occupied by agricultural buildings such as barns is not classed as previously developed; and neither is land which has returned to a more natural state over the passage of time, despite once having been developed. It is also important to note that brownfield land is not simply the opposite of the Green Belt – this can be a common public misconception. Some Green Belt land *is* previously developed (the former research and development facility at The Frythe in Welwyn would be a notable local example), whilst conversely there are parts of the borough's urban areas which have never been built on and are not brownfield land.

4.3 The Regulations stipulate that BLRs should have two parts. Part 1 is effectively a list of brownfield sites within a local authority area which are likely to be able to come forward for development within a 15 year period, by virtue of meeting certain criteria (see paragraph 4.4). Any of these sites can then be included in Part 2 of the BLR, which forms the mechanism for granting them PiP (see paragraph 4.8). The inclusion of sites in Part 2 is not mandatory, and it is entirely at the local authority's discretion whether or not to grant PiP to Part 1 sites – there is no review or appeal mechanism for landowners and developers. However, the potential need for 90% of brownfield sites to have planning permission by 2020 would be a strong incentive.

4.4 The criteria for the inclusion of a site in Part 1 of the BLR are numerous, but essentially form three main tests – whether or not a site is *suitable* for development, whether or not a site is *available* for development, and whether or not development on a site is likely to be *achievable*. Sites must also be at least 0.25ha in size, or otherwise be considered able to accommodate 5 or more dwellings. A local authority must finally be satisfied that representations received do not create doubt around suitability, availability or achievability – the Regulations offer the opportunity to actively publicise Part 1 of the BLR in order to seek such representations, but there is no requirement to do so.

4.5 The criteria for including sites in Part 1 of the BLR are very similar to the criteria by which sites were assessed in the Council's 2016 Housing and Economic Land Availability Assessment (HELAA), although Part 1 will also need to include sites which already have a form of planning permission. As such the preparation of Part 1 will be a primarily technical exercise involving the pooling of existing information and data, although it will require some new evidence-gathering (for example the BLR considers leaseholders and tenants with a remaining lease or tenancy in excess of 15 years to be a site 'owner', whereas the HELAA did not). Because of the requirement for site owners or developers to actively express an intention to develop their land, which has already been taking place over many years as part of the preparation of the new Local Plan, it is not intended to carry out a fresh 'call for sites' until future years. It is therefore unlikely that Part 1 of the BLR will result in the identification of any significant number of 'new' brownfield sites within Welwyn Hatfield at this stage.

4.6 There is no requirement in the Regulations to indicate how or why an authority has reached a decision on which sites to include in Part 1. However, there are a large number of factors to consider in doing so. It is therefore intended that the template included as Appendix 1 to this report will be completed by officers when assessing which sites to include in Part 1 – this will ensure that decisions being taken are robust, and will also provide an audit trail if required.

4.7 In terms of the actual content of Part 1 of the BLR, the requirements in Schedule 2 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 are relatively straightforward. They primarily relate to a site's location and delivery status, as well as its potential dwelling capacity. The Government has now also issued guidance on the technical data format in which authorities should publish their BLRs, including a validation routine to ensure that data has been entered correctly into a spreadsheet. The criteria for the data standard are listed in Appendix 2.

4.8 However, this form of data presentation will inevitably be somewhat 'dry' – it is technical and jargon-heavy, as Appendix 2 demonstrates. The prescribed standard may therefore be off-putting to those with a more casual interest in the BLR for an area, such as local residents. Officers consider that in the future it will be worthwhile for this Council to also prepare a single page site information template for each site on the BLR – an example is included as Appendix 3 to this report. By showing a map of the site alongside information about it, it is likely to be far easier to understand at a glance and thus make the BLR more effective. However, it may not be possible to prepare such a template this year given the number of sites that such a template will be required for in the first instance.

4.9 In order to include a site in Part 2 of the register and grant PiP, a local authority must undertake publicity for a period of 21 days. This is very similar to the type of engagement required for planning applications; including the posting of site notices, notification of Parish Councils, and to consult neighbours and technical consultees (such as the Local Highway Authority). The decision on whether to include a site within Part 2 of the BLR must then take account of any representations received.

4.10 The only differing requirements in the Regulations for the content of Part 2 of the Register are the need to include both the minimum and maximum number of dwellings a site could accommodate, and the potential need to include information

about hazardous substances. The Part 2 register entry for a site must also state that PiP has been granted.

4.11 As noted elsewhere in this report, the government intends that 90% of suitable brownfield sites will have planning permission in place by 2020. It has previously proposed that authorities failing to achieve this will be designated as 'poorly performing', which has the potential to restrict their ability to raise planning fees or to enable developers to make planning applications directly to the Planning Inspectorate.

4.12 The Council has received one expression of interest in the PiP process from the owner of a brownfield site. However, it is not intended to place any sites in Part 2 of the register this year. This is primarily because of the relatively short timescales involved – to meet the Council's committee deadlines would effectively require the finalisation of the final BLR in mid-November in order for it to be agreed for publication by the end of the year:

- Entering sites in Part 2 of the BLR will necessitate public consultation and the need to subsequently consider an unpredictable level of response – there would be very little time to do this and publish the BLR on time;

- The ongoing examination of the Local Plan and need to prepare for hearing sessions has restricted the amount of time that officers have been able to spend working on the preparation of the BLR;

- Entering a large number of sites in Part 2 could have a significant resource implication, and at this stage it is not clear whether fees for the subsequent Technical Details Consent stage will also cover the costs involved in granting PiP (see paragraph 6.2 below);

- There is not yet any requirement for the Council to enter sites in Part 2 of the BLR – taking all of the above into account, a large-scale granting of PiP is therefore an unnecessary risk at this stage.

4.13 The BLR is a new process; with aspects which are most similar to the technical work typical normally associated with the Local Plan and its evidence base, and aspects which are most similar to the Development Management process. This raises certain governance considerations.

4.14 Because of the links to plan-making and housing land supply, the BLR and subsequent updates will be reported to this Panel. It is anticipated that the list of sites to be included in the first BLR will be reported at the 14 December 2017 meeting.

4.15 However, the Regulations also stipulate that decisions on which sites to include in Part 2 of the BLR and to grant PiP to must be 'non-executive'. As such they will fall under the responsibility of the Development Management Committee and delegated powers granted to the Executive Member (Public Protection, Planning and Governance), the Head of Planning and other suitably qualified officers.

Implications

5 Legal Implication(s)

5.1 The Council has a statutory requirement under the Town and Country Planning (Brownfield Land Register) Regulations 2017 to publish a BLR by 31 December 2017. This will be a relatively challenging timescale to meet, especially given that the Government did not publish guidance on the technical data standards for the BLR until relatively recently. However, it is anticipated that by focussing on Part 1 only for this year it will be possible to meet this deadline.

5.2 It should be noted that there is no formal mechanism for a landowner or developer to appeal their site's non-inclusion on the BLR (particularly likely to be an issue for Part 2), nor to contend individual conclusions made in the BLR (such as on the dwelling capacity of a site) even if a site is included. There is therefore a possibility that aggrieved landowners or developers would seek a full judicial review of the Council's approach. However, landowners' ability to still make a separate planning application through existing processes for a scheme of their choosing means that such an outcome should in practice be relatively unlikely.

6 Financial Implication(s)

6.1 The publication of a BLR is a new duty imposed on the Council. Whilst Part 1 of the BLR will largely involve the pooling of existing information, the production of Part 2 and any granting of PiP would involve a relatively large amount of work, particularly around public consultation and the need to consider responses in the same way as for a conventional planning application. However, unlike a conventional planning application the Council will not have any mechanism to charge fees to the recipients of PiP to reflect the work involved and the benefit they receive.

6.2 The Government has indicated that the subsequent Technical Details Consent following a grant of PiP will require applicants to pay a fee, although it is not yet known what the fee structure will be. The cost of preparing the BLR will therefore need to be met within existing budgets at least for the time being, with the resource implication becoming more significant the more sites are entered into Part 2.

6.3 The additional staffing resource provided by funding linked to the new Self-Build and Custom Housebuilding Register may however be able to assist in resourcing the work associated with Part 2 of the BLR.

7 Risk Management Implications

7.1 There are no identified risk management implications as a direct of producing the BLR.

8 Security & Terrorism Implication(s)

8.1 There are no security and terrorism implications as a result of producing the BLR.

9 Procurement Implication(s)

9.1 There are no procurement implications arising as a result of producing the BLR.

10 Climate Change Implication(s)

10.1 There are no climate change implications arising as a result of producing the BLR.

11 Policy Implication(s)

11.1 Unlike some other means introduced by the government to try and boost the supply of housing, the BLR allows existing Local Plan policies to be considered in a normal way (both for the inclusion of sites in Part 1 and in determining whether to grant PiP to sites by including them in Part 2). There are therefore no policy implications as a direct result of producing the BLR.

12 Link to Corporate Priorities

12.1 The production of the BLR is linked to Priority 3 (meet the borough's housing needs).

13 Equality and Diversity

13.1 Because the preparation of a BLR follows a prescribed process and is not the Council's own policy, an Equalities Impact Assessment has not been carried out. The Department for Communities and Local Government's February 2016 Technical Consultation on the introduction of BLRs and PiP did consider the equalities impacts of the proposals, and judged that they would not be adverse.

Rob Webster
Senior Planning & Monitoring Officer – Planning Policy

26 September 2017

Appendices:

Appendix 1 – Proposed site screening template to include sites in Part 1 of the BLR
Appendix 2 – Prescribed data standard for the BLR
Appendix 3 – Proposed site information template forming Part 1 of the BLR

Brownfield Land Register Site screening template	**Site ref**	[Enter Local Plan ref/Monitoring ref as appropriate]
	Site name	[Enter site name]
	Settlement	[Enter settlement]
	Current use	[Enter current land use – description, not use class]

In order to ensure that a robust process is being followed, this template should be used to 'screen' sites and provide a record of why they have (or have not) been added to the Council's Brownfield Land Register. Sites should only be included on the Register where the answers to all of the questions below are 'yes'.

It is only necessary to complete the template if a site is previously developed by the NPPF definition – this excludes agricultural buildings, residential garden land, parks and allotments. It also excludes previously developed land which has returned to nature over time.

Basic site characteristics			
Q1	Is the site larger than 0.25ha, or could it otherwise accommodate 5 or more dwellings?	Yes	No
	Size: [Size] *If under 0.25ha, basis for assumption:* ['N/A', or enter as appropriate]		
Site suitability			
Q2	Does one of the following apply? i) The site is allocated in a development plan document ii) The site already has a form of planning permission (e.g. full, outline, prior approval) iii) Development of the site would be unlikely to have any adverse impact on the natural environment, built environment, or the amenity of neighbours and future residents?	Yes	No
	Allocation/permission type: [Enter type] *Permission reference:* [Enter reference]		
	Basis for conclusion including any assumptions (iii only): [N/A', or enter as appropriate]		
Site achievability			
Q3	In light of current designations and policies, is planning permission likely to be granted?	Yes	No
Q4	Is it possible or likely to be possible to provide a safe form of access to the site?	Yes	No
Q5	Is it possible or likely that the site could be served by utilities?	Yes	No
Q6	Is it possible or likely that development could come forward within 15 years?	Yes	No
Notes supporting conclusions on site achievability: ['None', or enter as appropriate]			
Site availability			
Q7	Has the site's owner(s) expressed an intention to sell/develop the site at some point in time?	Yes	No
Q8	Does that still appear to be their intention, taking evidence or other indicators into account?	Yes	No
Q9	Is the site free of tenants or leaseholders with a remaining lease period exceeding 15 years?	Yes	No
Q10	Is the site free of ownership or legal constraints that could prevent development?	Yes	No
Notes supporting conclusions on site availability: ['None', or enter as appropriate]			
Representations recieved			
Q11	Taking any representations received into account, are all conclusions above unchanged?	Yes	No
Notes supporting conclusions on representations received: ['None', or enter as appropriate]			

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Appendix 2 – Prescribed data standard for the Brownfield Land Register

On 28 July 2017, the Government published its Brownfield Land Registers Data Standard. This is highly prescriptive about the form in which local authorities are required to publish its register. The register must be published in a .csv spreadsheet file format, with fixed criteria on column heading titles and data entry formats which must accord with a data 'schema'. The full details of the prescribed data standard are contained in a 34-page document, available here: https://www.gov.uk/government/publications/brownfield-land-registers-data-standard.

The column headings that are required by the data standard are:

- OrganisationURI
- OrganisationLabel
- SiteReference
- PreviouslyPartOf
- SiteNameAddress
- SiteplanURL
- CoordinateReferenceSystem
- GeoX
- GeoY
- Hectares
- OwnershipStatus
- Deliverable
- PlanningStatus
- PermissionType
- PermissionDate
- PlanningHistory
- ProposedForPIP
- MinNetDwellings
- DevelopmentDescription
- NonHousingDevelopment
- Part2
- NetDwellingsRangeFrom
- NetDwellingsRangeTo
- HazardousSubstances
- SiteInformation
- Notes
- FirstAddedDate
- LastUpdatedDate

Whilst the prescribed data standard will allow a consistent analysis of Brownfield Land Registers from all local authorities around the country, it is not well suited to interpretation by more casual users of the data. In recognition of this, the data standard does indicate that *'local authorities may wish to publish their data in other formats that may be more attractive to some groups of users'*. This is the basis for the more accessible template-style register entry also proposed to be produced, included as Appendix 3.

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Brownfield Land Register

Part 1 – Site Information Template

Site reference number	[Enter Local Plan ref/Monitoring ref as appropriate]
Site name	[Enter site name]
Site address	[Enter site address, including settlement]
Site area	[Enter site area in hectares]

Site location

[Insert red line map of site location]

Map © Crown copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2017

Planning status and planning permission information	
Current planning status	Permissioned/Not permissioned/Pending decision [Delete as appropriate]
Ownership status	Owned by a public authority/Not owned by a public authority/Mixed ownership /Unknown ownership [Delete as appropriate]
Planning permission type	N/A or Full planning permission/Outline planning permission/Reserved matters approval/Permission in principle/Technical details consent/Planning permission granted under a local development order, a mayoral development order or a neighbourhood development order/Other [Delete as appropriate]
Date permission granted	N/A or [Enter as appropriate]

Amount and type of development envisaged to come forward	
Development envisaged	[Enter a description or a minimum and maximum number of dwellings]
Minimum dwellings	See above/[Enter a minimum number if not specified above]
Non-residential development	None anticipated/[Enter a description of the scale and use of non-residential development envisaged if appropriate]
Suitable for self-build?	[State yes or no, plus reason]

By virtue of its inclusion in Part 1 of the Register, development on this site is considered to be deliverable.

Entry into the Brownfield Land Register	
Date of entry in Register	[Enter date of publication of first Register in which the site appeared]
Date entry last updated	[Enter date of publication of last Register in which details above were updated]
Entered in Part 2 of Register?	No/Yes; Proposed for residential development (Permission in Principle)

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Part I
Item No: 0
Main author: Carol Hyland/Sue Tiley
Executive Member: Cllr Mandy Perkins
All Wards

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 5 OCTOBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER

1 Executive Summary

1.1 Since 1 April 2016 and consistent with its legal duty, the Council has publicised and maintained a Register of individuals and association of individuals who wish to acquire serviced plots of land for Self-build and Custom Housebuilding in the borough.

1.2 This is part of the Government's strategy to increase housing delivery and is referred to in the Housing White Paper as a means of providing more choice in the market.

1.3 A legal duty to grant development permission for enough serviced plots to meet the demand for Self-build and Custom Housebuilding in the borough has come into force. Regulations set out the time for compliance with the duty and provide relevant authorities with the option of introducing new local eligibility conditions (subject to consultation) and a fee to enter into and remain on the Register.

1.4 This report explains how the Council's Register currently operates and summarises the current level of demand.

1.5 The report also makes recommendations about the introduction of local eligibility conditions and makes draft proposals for the introduction of a fee for applicants to enter into and remain on the Register (to be introduced at a later date).

2 Recommendations

It is recommended that:

2.1 The proposed eligibility conditions, including a local connection and a financial resources test, as set out in section 4 (paragraph 4.26) of this report be agreed and made available for consultation for a 6-week period on the Council's consultation portal.

2.2 Officers' report the results of consultation back to this committee, together with a schedule of any recommended changes as considered appropriate.

2.3 The committee notes the draft proposal for a fee to be introduced for applicants to enter the Register as set out in section 8 of this report. A final proposal will be included in a future report to this committee alongside the results of consultation as set out in 2.2 above.

3 Background

3.1 The Council (as a relevant authority) has a duty[1] to maintain and publicise a Self-build and Custom Housebuilding Register for (a) individuals and (b) associations of individuals, who are seeking to acquire serviced plots of land in the authority's area for their own Self-build and Custom Housebuilding. The Council must have regard to the Register when carrying out its functions relating to:

- Planning;
- Housing;
- The disposal of any land of the authority; and
- Regeneration.

3.2 The Council's Register is currently hosted by a specialist external provider on the Local Self Build Register website: http://localselfbuildregister.co.uk/localauthorities/welwyn-hatfield-council/

3.3 Self-build and Custom Housebuilding is defined in the Self-build and Custom Housebuilding Act 2015 (amended by the Housing and Planning Act 2016) as:

"… the building or completion by (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."[2]

3.4 In practice, there are many routes to delivering a Self-build and Custom Housebuilding project. The Self-build portal[3], which is produced by the National Custom and Self Build Association (NaCSBA) and is endorsed by the Government, provides advice for those with an interest in such projects.

3.5 Self Build is generally defined as a project where someone directly organises the design and construction of their new home. This includes a 'DIY Self-build' home, where the self-builder selects the design they want and then does much of the actual construction work themselves. However, self-build can also include projects where the self-builder arranges for an architect to design, and a contractor to build their home for them. There are also projects delivered by kit home companies, where the self-builder selects a preferred kit home but still has to find the plot, arrange for the slab to be installed, and then has to organise the kit home company to build the property for them. There are also community-led projects where members of the community work together to acquire a site to split into individual plots and then construct their own homes. In some circumstances, a social landlord may support a community self-build group to build a group of homes together. Schemes tend to involve houses but they can involve flatted developments.

3.6 Custom-build homes tend to be those where a homeowner works with a specialist developer to deliver their home. Custom build developers secure a site, offer a serviced plot and a menu of custom build options e.g. from simply selling a serviced plot through to building a home to watertight stage. The developer may provide help

[1] In accordance with the Self-build and Custom Housebuilding Act 2015 (the Act), as amended

[2] Housing and Planning Act 2016 (Chapter 2, Section 9) had the effect of amending the Self-build and Custom Housebuilding Act 2015 : http://www.legislation.gov.uk/ukpga/2016/22/section/9/enacted

[3] http://www.selfbuildportal.org.uk/

with the design or agree to deliver a bespoke home. This is more of a 'hands off' approach although the individual should be able to finish off the project, with the potential to make some cost savings, if they so wish.

3.7 On 31 October 2016, new Regulations came into force. One effect of the legislative updates has been to introduce a duty on local authorities to grant permission for sufficient land suitable for Self-build and Custom Housebuilding to meet the demand on their register (measured in 'base periods') within 3 years. Alongside this, the opportunity now exists for relevant authorities to set a local eligibility test (including local connection and financial solvency criteria); and a fee for applicants to be entered onto and remain on the register.

3.8 A letter issued by the Department for Communities and Local Government (DCLG) on 21 March 2017 confirmed that the Department will be monitoring local authorities' response to the legislation to make sure it is being as effective as possible.

3.9 As this duty is relatively new it is not yet known what might happen if insufficient development permissions were granted within three years of the end of each base period, but the indication from the government is that failure will result in a reinforcement of the duty. How this will manifest itself is difficult to predict but it could have an impact on plan making or decision-making or for other functions of the Council.

3.10 The Department for Communities and Local Government issued new Planning Practice Guidance on 28th July 2017[4].

4 Explanation

4.1 **The Welwyn Hatfield Self-build and Custom Housebuilding Register**: Consistent with the relevant Act and Regulations, since 1 April 2016 the Council has publicised and maintained a register of individuals and associations of individual who wish to acquire serviced plots of land to bring forward Self-build and Custom Housebuilding projects in the borough. The Register is hosted externally on the *Local Self Build Register* website and is also accessible via the Council's website: http://www.welhat.gov.uk/selfbuild

4.2 Currently, to be eligible to enter onto the register, a set of nationally prescribed criteria must be met and individuals (and each individual within an association) must be:

a) Aged 18 or over;

b) A British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland; and that they are

c) Seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own Self-build or Custom Housebuilding.

4.3 **Base periods and the duty to grant development permission**: Base periods are prescribed[5] time-periods, which are used to monitor demand. The 1st base period

[4] https://www.gov.uk/guidance/self-build-and-custom-housebuilding
[5] A concept introduced by the Housing and Planning Act 2016

ran from 1 April to 30 October 2016 (a 7-month period). The 2nd base period runs for a year, from 31 October 2016 to 30 October 2017; and so-on thereafter for each subsequent base period.

4.4 Relevant authorities must give suitable permission for enough serviced[6] plots of land to meet that demand in the authority's area arising in each base period. 'Suitable permission' means if the permission could include Self-build and Custom Housebuilding, e.g. by way of permission in principle or planning permission. No account can be taken of development permission granted before the start of the first base period (1 April 2016) towards meeting the demand as seen by the Register.

4.5 The 2016 Regulations[7] introduced the time period for compliance with that duty, i.e. within 3 years beginning immediately after the end of each base period. The Act confirms that a grant of planning permission cannot be taken into account in relation to more than one base period in determining whether the duty is discharged.

4.6 **Number of applicants enter into the Register in the 1st base period (1 April 2016 to 30 October 2016)**:

- 145 individual applicants were entered into the Welwyn Hatfield Register during the 1st base period;
- No associations were entered into the Welwyn Hatfield Register during the 1st base period.

This represents the demand for which the Council has a duty to grant suitable development permission within 3 years, i.e. by 31 October 2019.

4.7 **Additional information**: Applicants that meet the eligibility criteria are asked an additional set of questions. This helps authorities to monitor the characteristics of demand. Applicants do not have to answer these additional questions. However, from those that did, the data indicates that:

- 52% of applicants are aged between 30 and 44;
- 33% indicated that they were a first-time buyer;
- Applicants wish to have control over a building's design and specification, build a home with low running costs, with a low environmental impact, and one that they can afford to own;
- Most applicants are looking for a plot of land not only in Welwyn Hatfield but elsewhere (search areas can be extensive);
- Excluding high and low extremes, the average household income of applicants is £46,400;
- 78% of applicants can bring over £50,000 of private finance to a project although a number of applicants can bring significantly higher sums of private finance to a project;

[6] Serviced plot means access to a public highway and connections for electric, water and waste water or such access can be provided
[7] The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

- 25% of applicants could self-finance a project without the need for a mortgage;
- Suburban or rural areas are the most preferred locations for a project;
- A single home site is the most preferred option, although many applicants would consider building within a small to medium sized mainstream project (of between 2 and 40dwelling). Larger mainstream projects appear to be the least popular option.
- A detached home is the preferred type of housing;
- 73% of applicants are seeking a plot sufficient to build a family sized home with 3 or 4 bedrooms;
- Most applicants indicate that they could commence a project within 12 months, once a suitable opportunity becomes available (many indicate they could start immediately or within 6 months).

4.8 **Number of applicants on the Register in the 2nd base period.** This period does not end until 30 October 2017 and the level of data set out above will not be available until after that date. However, at the current time, there are around 100 eligible individuals on the Register.

4.9 One application has been received in the 2nd base period for an association indicating that it represented 1,000 individuals. This application has been rejected as it failed to meet the eligibility criteria.

4.10 In total, there are currently around 245 individuals on the Welwyn Hatfield Register between the two base periods.

4.11 **Demand as measured from the Register**: Applicants are not limited to the number of self-build registers the may enter into - provided they meet the eligibility criteria. Our Self-build register indicates that the majority of applicants are seeking a plot of land in Welwyn Hatfield or elsewhere in the country. Recently released national planning practice guidance states that, "*Plan-makers will need to make reasonable assumptions using the data on their register to avoid double-counting households.*" However, applicants are not obliged to advise each relevant authority that they have registered in multiple areas and it may therefore be difficult to arrive at a robust statistical adjustment and still meet the duty to grant suitable permissions to meet the demand.

4.12 From the evidence available, it is highly likely that the Welwyn Hatfield Self Build Register represents an over-inflated picture of the true level of demand for a plot in Welwyn Hatfield. Most individuals will be seeking a single plot somewhere (not multiple plots in multiple locations even though they indicate that their area of interest is quite extensive). Once an individual has secured a plot in one part of the country, their interest in other areas is likely to fall away. However, there is no requirement for applicants to notify relevant authorities that they have no further interest in any particular area (or that they have simply changed their mind about a Self-build or Custom Housebuilding project). Over time, with no incentive for applicants to update their position, it is of reasonable concern that the demand data is likely to become unreliable.

4.13 Currently, individuals or an association (of individuals) must submit a written request if they wish to be removed from the Register. If the relevant authority considers an individual (or a member of an association) is no longer eligible for entry in the Register then such instances, certain procedures apply to the removal of a person or association from the Register.

4.14 Given the prescriptive nature of the existing eligibility criteria and the duty on relevant authorities to give suitable development permission for Self-build and Custom Housebuilding to meet the demand as demonstrated on the Register, and the pressure for building new homes in the borough generally, there is a considerable case for considering whether the Register could be managed more effectively in order to ensure that as far as practically possible, the demand data is a true reflection of the actual demand for Self-build and Custom Housebuilding in the borough.

4.15 **Local eligibility tests for entry into the Register**: Regulations[8] now allow relevant authorities to set local eligibility conditions for entry onto the Register and then split the Register into two parts (Part 1 and Part 2).

4.16 Local eligibility tests means a set of conditions:

- The authority reasonably considers is necessary to demonstrate that an individual has sufficient connection with the authority's area, ***a local connection test*** (with certain provision being made for persons in the service or previously in the service of the regular armed forces); **and**
- A financial solvency test whereby applicants would need to demonstrate that they have '***sufficient resources***' to purchase land in the borough for their own self-build and custom house building project.

4.17 Relevant authorities are advised to consider consulting on their proposals before introducing local eligibility tests. Once introduced, they should be reviewed periodically to ensure they remain appropriate and are achieving the desired effect. It is for each relevant authority to determine the rationale for introducing a local eligibility test.

4.18 Any such criteria as an authority may set, must then be publicised and a relevant authority is entitled, but not required, to rely upon the information provided by an applicant as part of the application process.

4.19 An authority may also set a **fee** to be entered onto or remain on the register on a cost recovery basis (see later in this report).

4.20 **Eligibility for Part 1 of the register**: If the Council decides to introduce local eligibility conditions, individuals or each member of an association would be eligible for entry into Part 1 of the Register if that individual or each member of an association:

a) Is aged 18 or over;

b) Is a British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland;

[8] The Self-build and Custom Housebuilding Regulation 2016

c) Is seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own Self-build or Custom Housebuilding; and must

d) Satisfies any local eligibility conditions (including a local connection test) set by the relevant authority; and

e) Has paid a fee to be entered onto or remain on the register (where one is required).

4.21 **Eligibility for Part 2 of the register:** Applicants would be eligible for entry onto Part 2 of the Register if they meet all of the eligibility criteria apart from a 'local connection test'. Persons entered onto Part 2 of the register would not count towards the assessment of local demand for Self-build and Custom Housebuilding[9] for the purposes of section 2A of the Act, which requires authorities to grant sufficient development permission to meet that demand. However, regard must still be paid to the Register, even if it is split into Part 1 and Part 2.

4.22 **Introducing a local connection and financial solvency**: Relevant authorities may apply one or both of these tests only where they have a strong justification for doing so. They should ensure that they are proportionate and, in the case of the former, the government expects these to be introduced in response to a recognised local issue. In the case of Welwyn Hatfield, it has already been noted that the available evidence indicates that the Register is likely to represents an over-inflated picture of the true level of demand for a plot in Welwyn Hatfield. Land is not a finite resource and as this committee is aware, the Local Plan is already proposing a significant release of Green Belt land in the borough to help address the overall need for housing. In order to give priority to those with a genuine connection to the local area, it is recommended that a local connection test should be introduced.

4.23 Applicants that do not meet the local connection test but meet all other eligibility criteria (and pay any fee required) would still be eligible to enter Part 2 of the Register.

4.24 Other than certain provision being required for persons in the service or previously in the service of the regular armed forces, no specific advice exists on the detail of what a local connection test would comprise. However, national PPG advises that authorities may wish to consider criteria based on residency, having a family member residing in the local area and / or having an employment connection to the local area.

4.25 Officers from Planning Policy have worked with Housing officers and a local connection test has been developed that has a number of parallels with (but is not identical too) the criteria associated with the Housing Register. This appears to be the general approach being taken by other relevant authorities, although the criteria vary from authority to authority. The proposed (draft) local connection test recognises that there may be individuals who have previously lived in the borough for a specified period of time and wish to return.

4.26 In addition, it is recommended that an eligibility test is introduced around the availability of sufficient financial resources to ensure that realistically, applicants

[9] Regulation 9 of the Self-build and Custom Housebuilding Regulations 2016

would be able to pursue a project when a plot becomes available. The proposed (Draft) tests are as follows:

Local Connection *(tick as many criteria as apply). I confirm that I meet one or more of the following criteria and am able to demonstrate this with documentary evidence, as required to do so:*

1. *I have lived in Welwyn Hatfield Borough continuously for 5 years or more on, or prior to, the date of my application to enter the Register;*

2. *I have close family (i.e. parents, siblings or children) who, on the date of my application to enter the Register, reside in the borough and have done so continuously for 10 years or more;*

3. *I have been working in Welwyn Hatfield Borough continuously for 12 months or more on the date of my application to enter the Register and I have a permanent employment contract for 16 hours or more per week;*

4. *I am currently in the service of the regular armed forces of the Crown (within the meaning of section 374 of the Armed Forces Act 2006);*

5. *I was previously in the service of the regular armed forces of the Crown (within the meaning of section 374 of the Armed Forces Act 2006), having left no more than 5 years ago.*

Sufficient financial resources: *I confirm that I have sufficient financial resources to purchase land in Welwyn Hatfield Borough for my own Self-build and Custom Housebuilding am able to demonstrate this with documentary evidence as required to do so.*

4.27 **Implementation of the revised registration process**: The current contracted registration service automatically informs applicants if they have been successful in entering the Register based on the information provided. Data is then securely accessed by officers of the Council via a protected database. If the Council decides to revise the registration process, it is recommended that the Council continues to work with its current service provider to manage applications to the Register, adding the additional local eligibility tests to the registration process.

4.28 There will be a two week delay between instruction and implementation in order to design and test the web-based functionality of the additional eligibility conditions, the new two-part Register (one each for individuals and associations) and the updated notification process.

4.29 Any changes to the eligibility criteria will need to be publicised and the Council's website will need to be updated accordingly. Local eligibility tests cannot be introduced retrospectively.

4.30 An annual fee may be introduced to be entered onto or remain on (Part 1 of) the register and this is discussed further in section 5 of this report.

5 <u>Next Steps</u>

5.1 **Dedicated resource for Self-build and Custom Housebuilding**: In a letter to Chief Executives on 21 March 2017, DCLG reaffirmed its commitment to increasing consumer choice through Custom Housebuilding and its objective to see this sector grow. The letter emphasised the requirement for local authorities to *"permission sufficient land suitable for self and custom build housing to meet the demand on their register within three years."* The Government has assessed that the Regulations have created a new burden on local authorities and funding has been identified through the New Burdens Assessment process to support authorities:

- Set up and maintain the Register; and
- Ensure there is sufficient permissioned and serviced land to satisfy demand.

5.2 A one off payment £5,850 has already been paid and in addition DCLG are providing a further £90,000 of funding to local authorities over 4 financial years commencing 2016/17. Further details are set out in the financial section below. The tasks that will need to be carried out to implement this new duty are set out below.

5.3 **Granting permission for sufficient plots**: To date, no permissions have been granted. The Local Plan, which was submitted for examination in May 2017, requires a number of strategic development sites to make provision for Self-build and Custom Housebuilding but these sites cannot reasonably be held to account for meeting all the demand over the plan period. Whilst the Local Plan supports delivery on other allocated or windfall sites, a more proactive approach may be required to identify and deliver suitable opportunities, by working with other relevant council functions, landowners, developers, Self-builders and Custom build specialists to ensure that the Council meets its duty within the rolling 3-year requirement.

5.4 **Housing, Land Disposal and Regeneration Functions**: To date, no permissions have been granted for serviced plots via any of these functions. The Council could review opportunities linking to:

- **The Housing Strategy**: The Housing and Homelessness Strategy 2013-2018 understandably, given the date of preparation, makes no reference to Self-build and Custom Housebuilding duties. However, at its review in 2018, consideration will be given to any new duties at that time. Work will commence in autumn 2017.
- **The Asset Management Strategy**: The Council's Medium Term Financial Strategy (2016/17 to 2018/19) sets out the Council's approach to sourcing efficiencies. This includes the effective use of the Council's assets – challenging the asset base and the use of assets. However, this also notes that the number of assets identified for the disposal list has reduced.
- **Regeneration Strategy**: The Council's regeneration projects are mainly focussed around Hatfield Town Centre and Highview in Hatfield. No Self-build or Custom Housebuilding is proposed as part of these current regeneration plans. It is considered given the nature of development here that these sites are unlikely to be suitable for self build.

5.5 **Brownfield Register**: Another new duty introduced by the government is the duty to prepare and maintain a Brownfield Register of land that is suitable for residential development irrespective of its planning status. The Register must be up-to-date and publicly available, and must be compiled by 31 December 2017. The Register will be split into Part 1 and Part 2. Consideration could be given when compiling the Register to the suitability of sites for Self-build and Custom Housebuilding. Part 2 of the Register will relate to sites with 'Permission in Principle' (see below).

5.6 **Permission in Principle**: Sites that are entered on Part 2 of the Brownfield Register will trigger a grant of 'Permission in Principle' for those sites suitable for housing-led development but only after they have followed the consultation and publicity requirements, and other procedures set out in the regulations. Such sites may include plots for Self-build and Custom Housebuilding.

5.7 **Annual Monitoring**: A report of the demand evidenced by the Register needs to be prepared at the end of each base period. The data from this report is critical to understanding the demand data and needs to be reflected each year in the Council's Annual Monitoring Report.

5.8 **Masterplanning**: Strategic development sites will be subject to masterplanning processes and detailed guidance will need to be included in the Supplementary Planning Documents on matters such as the different types of Self-build and Custom Housebuilding, demand data, policy context, how applications will be determined, serviced plots, plot sizes, access, design, plots passports, sales, marketing, S106 agreements, exemptions from the Community Infrastructure Levy, Affordable Self-build, Neighbourhood Planning, Building Regulations, VAT and the Register to aid delivery. This will require research into alternative delivery models and agreement on the preferred approach.

5.9 **Communicating with Customers**: The Council's website currently explains that the Council is assessing demand and links applicants to the externally hosted website for registration purposes. The website could be used to communicate more effectively with customers on what the Council is doing to meet its duties, details of any relevant consultation events, guidance, and to provide signposts to other useful websites. Indeed, the national guidance encourages such activity.

5.10 **Introducing a fee to be eligible to enter into the Register**: As mentioned earlier in this report, Regulations[10] now allow a relevant authority to charge a fee. A person may be charged:

a) To be entered on the Register for a base period or part of a base period;

b) Thereafter, on an annual basis, to remain on that register irrespective of whether any fee was charged to be entered on the register.

5.11 Fees must be set on a cost recovery basis only. The amounts charged must be publicised and must be proportionate, reflecting genuine costs incurred and should not act as a deterrent for people to be entered on or remain on the Register. If an application is unsuccessful, any fee that has been paid must be returned.

[10] The Town and Country Planning, England – The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

5.12 A fee cannot be charged for someone to remain on the register where the duty to grant development permission does not apply (i.e. those who wish to remain on Part 2 of the Register).

5.13 Currently, the Council pays a fee to its external service provider, who publicises and manages the registration process on the Council's behalf (whilst the Council holds the Register). This cost-effective service is possible because the provider is a social enterprise specialising in the field, working to help a number of local authorities (creating economies of scale) and Self-builders communicate with each other to help make it easier for people to be able to find plots in their area of interest. The fee will increase by a nominal sum with the introduction of the eligibility criteria and any bespoke notifications as necessary.

5.14 If the Council introduces a fee, the social enterprise cannot collect a fee on the Council's behalf and the Council will need to administer this part of the registration process itself. This would create a two-part registration process for applicants and the Council would need to dedicate resources to administering the fee collecting process and then completing the registration process.

5.15 Alternatively, the Council could consider bringing the entire registration process in-house but this would mean ending the existing contract at an appropriate point in time with consideration to the terms of the contract (including termination and the implication of termination) and the timing of the base periods. A dedicated staff resource would be needed to design and manage an alternative in-house registration process, and further consideration would need to be given to the costs and implications likely to be associated with bringing the whole service in-house and the implications for terminating what is an existing satisfactory service.

5.16 Consideration could also be given to working with other Hertfordshire authorities to share the administration of a common registration process, noting that each authority must keep its own Register in compliance with the Act. Again, a dedicated staff resource could explore this option.

5.17 Additional staff resources will be made available within Planning Policy funded by DCLG grant funding. However this is only available for a four year period and the introduction of a registration fee will enable some costs to be covered initially with the aim that in the future the maintenance of the register will be self-funding.

5.18 For initial benchmarking purposes, a review of other authorities has revealed charges of between £16 and £350 to enter the Register (Part 1 and Part 2). Some (but not all) charge a smaller fee if the applicant is eligible to enter Part 2 of the Register (given that authorities need only have *regard* to Part 2 of the Register and the duty under S2A of the Act does not apply). Fees to remain on Part 1 of the Register are either the same or a lesser amount than to enter the Register. (No fee can be charged to remain on Part 2 of the Register).

5.19 Currently our costs of administering the register relate to the provision of a page on our website linking to the registration portal provided by our external supplier (with a cost charged to the Council for this service). If the existing eligibility criteria is met, a notification is generated. The Council is then notified as new entrants are added into the register. The Council then needs to produce a report identifying the demand for self-build for each base period. The Council does not (as a general rule) verify declarations, as it is entitled (but not required) to rely upon the information provided.

However, officers do from time to time, carry out further investigations where it is considered the need arises.

5.20 Going forward, it is considered that applicants should be required to provide evidence of a proportionate nature to establish age, residency, nationality, local connection and financial ability to purchase land in the borough in support of their applications. This could include copies of birth certificates, passports, driving licences, EU identity cards, immigration documentation, proof of address (utility bills, tenancy agreement, council tax records) etc. Introducing local eligibility criteria would also need to cover evidence of service in the armed forces.

5.21 This would take time to collate, check and if necessary verify the information provided and would add considerably to the cost of administering the Register. Further, if and when applications are received from associations, there could be a considerable number of applicants to assess (e.g. a recent application was submitted seeking land for 1,000 self-build plots).

5.22 It is considered that introducing a fee will have a number of helpful impacts:

- It should help to ensure that only applicants who are committed to a project in Welwyn Hatfield apply in the first instance – this would help to ensure that the Register is a better reflection of true demand and of the need to grant suitable development permission to meet that demand;

- Introducing a fee to remain on Part 1 of the Register, would allow the Council to undertake an annual re-registration process. Applicants who are no longer seeking a plot of land in the borough or have subsequently decided not to pursue a self-build project are unlikely to pay a fee to remain on the Register. The authority may remove an entry from the register if it considers that an individual (or any member of an association) is no longer eligible for entry in the register.

5.23 Introducing a fee to enter into or remain on the Register may raise expectations with applicants. However, whilst relevant authorities have certain duties, these do not extend to allocating plots to specific individuals or to permission land specifically to meet the requirements or aspirations expressed by those on the Register. Managing expectations could form part of a future communications strategy.

5.24 On balance, and in light of all the above, it is recommended that it would be reasonable for the Council to introduce an appropriate fee in order to recover the Council's reasonable costs for the maintenance of the Register.

5.25 In order to minimise disruption to the registration service and to keep the costs of the registration process as low as possible by minimising the number of upgrades, it is recommended that a fee be introduced a future date alongside the introduction of local eligibility conditions. As the draft local eligibility conditions will be subject to consultation, the fee would <u>not</u> therefore be introduced until such time as officers have reported on the responses to consultation and any subsequent update on the (draft) fee proposal set out in section 8 below.

6 Link to Corporate Priorities

6.1 The subject of this report is linked to the Council's Business Plan 2017-2018, particularly:

- Priority 3 – Meet the borough's housing needs;
- Priority 4 - to help to build a strong local economy;
- Priority 5 - engaging with our communities and provide value for money.

7 Legal Implications

7.1 Self-build and Custom Housebuilding is governed by primary legislation, the Self-build and Custom Housebuilding Act 2015 (the Act), as amended by the Housing and Planning Act 2016, and secondary legislation set out in Regulations.

7.2 Subsequent to the introduction of the Act, Regulations came into force on 1 April 2016. The Housing and Planning Act (May) 2016 then made a set of changes to the Act. Subsequently, on 31 October 2016, two new sets of Regulations came into force. One set of Regulations had the effect of revoking the earlier April 2016 Regulations. National Planning Practice Guidance (PPG) was issued in April 2016 and was updated on 28 July 2017.

7.3 The Council must have regard to the Register when carrying out its functions relating to:

- Planning;
- Housing;
- The disposal of any land of the authority; and
- Regeneration.

7.4 The Council's general duties are set out in this report. A letter issued by the Department for Communities and Local Government (DCLG) on 21 March 2017 confirmed that the Department will monitor local authorities' response to the legislation to make sure it is being as effective as possible.

7.5 As this duty is relatively new it is not yet known what might happen if insufficient development permissions were granted within three years of the end of each base period, but the indication from the government is that failure will result in a reinforcement of the duty. How this will manifest itself is difficult to predict but it could have an impact on plan making or decision making or for other functions of the Council. The Housing White Paper indicates this include changes to legislation.

7.6 The Council currently has an annual contract with a specialist external service provider to deliver the existing registration process. The current contract runs until 31 March 2018 and is renewable on 1st April 2018. This service can be extended at a nominal cost to encompass the local eligibility conditions described in this report but it cannot be extended to cover the costs of charging and collecting a fee or for checking documentary evidence submitted in support of an application.

8 Financial Implications

8.1 **Existing cost of the registration process**: To date, the cost of administering the current registration process has been met by the Planning budget, with officers having to absorb the work associated with the Register in addition to their other duties. The addition of local eligibility criteria will incur a small one-off design and implementation fee and additional time will be incurred managing the new registration process. An upgrade to the notifications process will also incur a small fee based on the number of months left in the relevant contract period.

8.2 **Draft fee and future implications**: As described earlier in this report, the Council may now set a fee on a cost recovery basis. Officers from the Planning Policy and Finance teams have assessed the estimated costs likely to be associated with maintaining and managing the Register. It is recommended that once the Council has consulted, considered responses and decided on the set of local eligibility conditions to be applied as part of the application process, the following scale of fees be introduced:

- For individuals to be entered on the Register: £40;
- For individuals to remain on the Register in subsequent years: £20 p.a. (to be charged on the anniversary of the first registration date but would not apply to those on Part 2 of the Register);
- For Associations to be entered on the Register: £40 plus £10 for each and every member of the association;
- For Associations to remain on the Register in subsequent years: £20 p.a. plus £5 for each and every member of the association (to be charged on the anniversary of the first registration date but would not apply to those on Part 2 of the Register).

8.3 Thereafter, the fee will be reviewed periodically. If it is considered that the fee no longer covers the Council's reasonable costs, then a further report will be presented to the relevant committee at that time.

8.4 **Payments by government**: An initial one-off payment of £5,850 was made by the government to local authorities in June 2016 and further payments are being made each year to 2019/20 in light of the additional burden the duty places on local authorities to take account of the additional dedicated resource required to satisfy the demand on the register. In total £90,000 is due to be paid over four financial years. This is based on the experience of Vanguard authorities and is intended to fund a FTE planning officer for 3 years.

8.5 **Additional Council funding**: The funding from Government covers up to £90,000 over 4 years in salary costs. An additional £6,000 is required in order to fund the related on-costs (pension and national insurance) payments.

9 Risk Management Implications

9.1 If the Council does not grant sufficient suitable development permissions to meet the demand in any one base period, then the Council will fail to meet its Duty. However, if action is not taken to introduce local eligibility conditions (and at a future date, a fee) then there is a strong possibility that demand may be over-stated and in discharging its duty, the Council may being exceeding what is absolutely necessary.

10 Security and Terrorism Implications

10.1 There are no security or terrorism implications arising from this report.

11 Procurement Implications

There are no procurement implications arising directly from this report.

12 Climate Change Implications

12.1 Development sites that are proposed for allocation in the Local Plan have been assessed as part of the Sustainability Appraisal. In locational terms, sites which are well located to public transport and close to services/facilities will have less impact on climate change than those sites which are more remote.

12.2 Self-build and Custom Build projects may ultimately take place on allocated sites or on windfall sites. A number of applicants on the Council's Self-build and Custom-Housebuilding Register for the 1st Base Period have indicated that they wish to build an environmentally low impact home with low running costs. Such measures would contribute towards minimising the impact of growth.

12.3 Policy SP1 of the submitted Local Plan, alongside other policies including SP10 Sustainable Design and Construction, seeks to ensure that adaptation and mitigation principles relating to climate change are incorporated into the design and construction of new development which include energy and water efficiency measures, the use of low carbon and renewable energy, the provision of green infrastructure and sustainable drainage systems. This principle applies to mainstream and Self-build and Custom Housebuilding projects alike.

13 Policy Implications

13.1 Policy SP 7 of the submitted Local Plan states that:

Self-build and Custom Housebuilding: Strategic Development Sites SDS1 (WGC4), SDS2 (WGC5), SDS5 (Hat1) and SDS6 (Hat15) should make provision for a proportion of serviced plots of land to contribute towards meeting the evidenced demand for Self-build and Custom Housebuilding in the borough. Serviced plots of land for Self-build and Custom Housebuilding will also be supported on other allocated sites or permitted windfall sites where overall, this would not result in an over-provision of this type of Housebuilding when compared to the Council's supply/demand evidence.

13.2 Self-build is currently exempt from planning obligations or CIL payments to cover infrastructure costs or the provision of affordable housing.

14 Equalities and Diversity

14.1 The proposal to introduce local eligibility conditions has been subject to an initial Equalities Impact Assessments (EIAs) screening stage. No unjustified negative impacts were identified and a full assessment is not considered necessary. This will be reviewed following the proposed consultation on the local eligibility conditions.

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Date 22nd September 2017

Appendices:

None

Background Documents (in date order):

1. Self-build and Custom Housebuilding Act 2015 - March 2015: http://www.legislation.gov.uk/ukpga/2015/17/pdfs/ukpga_20150017_en.pdf

2. Town and Country Planning, England – The Self-build and Custom Housebuilding (Register) Regulations 2016 – April 2016 (now revoked): http://www.legislation.gov.uk/uksi/2016/105/pdfs/uksi_20160105_en.pdf

3. Planning Practice Guidance – Self-build and Custom Housebuilding register (Last updated April 2016): https://www.gov.uk/guidance/Self-build-and-Custom-Housebuilding

4. Housing and Planning Act 2016 - May 2016: http://www.legislation.gov.uk/ukpga/2016/22/pdfs/ukpga_20160022_en.pdf

5. Town and Country Planning, England – The Self-build and Custom Housebuilding (Register) Regulations 2016 – October 2016: http://www.legislation.gov.uk/uksi/2016/105/made?view=plain

6. Town and Country Planning, England – The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 – October 2016: http://www.legislation.gov.uk/uksi/2016/1027/pdfs/uksi_20161027_en.pdf

7. Housing White Paper - Fixing our broken housing market – February 2017: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf

8. Self-build and custom housebuilding – National planning Practice Guidance 2017: https://www.gov.uk/guidance/self-build-and-custom-housebuilding

Part I
Item No: 0
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WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 5 OCTOBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

COLE GREEN WAY GREENSPACE ACTION PLAN 2018-2023 CONSULTATION

1 Executive Summary

1.1 A Greenspace Action Plan (GAP) is being prepared for Cole Green Way by the Countryside Management Service (CMS) on behalf of Hertfordshire County Council (HCC).

1.2 Cole Green Way is a 6.2km non-motorised transport route following the former Hertford to Welwyn Garden City branch line. It provides a traffic-free connection between Hertford and Welwyn Garden City connecting at both ends to links to the respective town centres and forms part of the Sustrans National Cycle Network Route 61.

1.3 The GAP will focus on the section of Cole Green Way between Hertford and the A414 which is owned by HCC and will make recommendation for the management of the remainder of the route.

1.4 A briefing document has been produced as a first stage of engagement on the GAP. This report summarises the GAP briefing document and sets out the proposed officer response to the consultation.

2. Recommendations

2.1 That this Panel notes that a Greenspace Action Plan is being prepared for Cole Green Way by the Countryside Management Service on behalf of Hertfordshire County Council.

2.2 That this Panel notes the proposed approach of the Countryside Management Service to preparing the Greenspace Action Plan, particularly the stakeholder engagement strategy, as well as the outline proposals for Cole Green Way as set out in the briefing document.

2.3 That this Panel agrees the proposed officer response to the Cole Green Way Greenspace Action Plan briefing document consultation.

3 Background

3.1 A Greenspace Action Plan (GAP) is being prepared for Cole Green Way by the Countryside Management Service on behalf of Hertfordshire County Council (HCC).

3.2 Cole Green Way is a 6.2km non-motorised transport route following the former Hertford to Welwyn Garden City branch line. It provides a traffic-free connection

between Hertford and Welwyn Garden City connecting at both ends to links to the respective town centres.

3.3 It forms part of a developing network of strategic non-motorised public transport options. This network is helping meet a key objective of the Local Transport Plan 3 (LTP3): 'Promoting and supporting sustainable travel to reduce growth in car traffic and contribute to improved health and quality of life for residents with a positive impact on the environment and on the wider challenge of reducing transport's contribution to climate change.'

3.4 Pressure on the A414 corridor is already high and is likely to increase as a result of proposed development within Welwyn Garden City and Hertford. Forecast growth of traffic means that enabling and promoting active and sustainable travel is increasingly important.

3.5 The GAP will focus on the section of Cole Green Way between Hertford and the A414 which is owned by HCC. This section of the route is in need of major improvement including surfacing, drainage, signage, access points, street furniture and management and promotion of the route. The GAP will also provide recommendations for the management of the remainder of the route

3.6 A briefing document has been produced as a first stage of engagement on the GAP.

4 Explanation

4.1 The Cole Green Way GAP briefing document sets out that the Cole Green Way GAP 2018-2023 will be a simple, easy to read plan for use by officers of HCC and members of the public, and will act as a guide to the work of volunteers. The plan will be largely map based, with sequential, annual management maps to show the actions planned for each year.

4.2 The plan will be costed and potential funding sources identified. Once the final GAP is agreed, external funding will be sought to enable the plan to be delivered, which is likely to result in incremental delivery of the actions within the plan.

4.3 The briefing document sets out the stated aim of GAP as follows: To develop the Cole Green Way into an attractive, functional, multi-user route which is well-used for active travel and recreation alike and rich in biodiversity and heritage.

4.4 The briefing document also lists a series of objectives for Cole Green Way as follows:

i) To improve and maintain the Cole Green Way, as a core component of Hertfordshire's strategic non-motorised transport network
ii) To increase use of the Cole Green Way for both active travel and recreation.
iii) To ensure financial sustainability of all management operations on site.
iv) To protect and enhance the natural environment and heritage of the Cole Green Way.
v) To ensure that users of the Cole Green Way feel safe and welcome at all times
vi) To develop and maintain an informed, involved and enthusiastic local community.

4.5 The briefing document identifies that effective community engagement is at the centre of a successful GAP. In order to enable as many stakeholders and interest groups as possible to have the opportunity to feed into the production of the new GAP, there will a structured two-stage approach to engagement.

4.6 For the first stage, stakeholders and site users from the wider community have been invited to comment on the core aspirations put forward in the briefing document. This first stage of community engagement is running between Thursday 31st August and Thursday 12th October.

4.7 For the second stage, stakeholders and site users from the wider community will be invited to read through and make comment on the draft GAP, which will include detailed proposals and actions. This stage will run for 6 weeks in January and February 2018. To support this stage, there will be a guided walk and engagement session for any users or interested groups that wish to discuss the proposals or a particular aspect in more detail.

4.8 Following this exercise, the final document will be produced, published and promoted more widely to the general public.

5 Next Steps

5.1 The consultation on the briefing document is open until Thursday 12th October. Officers have considered the briefing document and propose to respond to the consultation as follows:

"*Thank you for consulting Welwyn Hatfield Borough Council on the emerging Cole Green Way Green Space Action Plan 2018-2023.*

The Council agrees that Cole Green Way is in need of improvement and is therefore fully supportive of the preparation of a Cole Green Way Green Space Action Plan.

Cole Green Way is an important part of the local network of non-motorised transport and as such the plan represents a valuable opportunity to enhance the network and enable and promote sustainable travel. Given proposed growth in Welwyn Garden City and Hertford, the development of an action plan for Cole Green Way is considered to be especially timely.

The Council notes the aims and objectives set out in the briefing document and confirms that it is fully supportive of these.

It is important that the final action plan is focused on delivery and has due regard to funding opportunities and sustainable management of the route.

The proposed approach to stakeholder approach is considered to be robust and the Council looks forward to working in partnership with the CMS and HCC in the development of the Greenspace Action Plan."

6 Link to Corporate Priorities

6.1 The Council's Business Plan 2015-2018 contains corporate priorities to maintain a safe and healthy community and to protect and enhance the environment. The

production of a GAP for Cole Green Way is fully aligned with the Council's vision in these areas.

7 Legal Implications

7.1 There are no legal implications as a result of this report.

8 Financial Implications

8.1 There are no financial implications as a result of this report.

9 Risk Management Implications

9.1 There are no risk management implications as a result of this report.

10 Security and Terrorism Implications

10.1 There are no security or terrorism implications arising from this report.

11 Procurement Implications

11.1 There are no procurement implications arising directly from this report.

12 Climate Change Implications

12.1 No climate change implications have been identified resulting from this report.

13 Policy Implications

13.1 There are no policy implications as a result of this report.

14 Equalities and Diversity

14.1 There are no equalities and diversity implications as a result of this report. The Council will work with the CMS and HCC to ensure that the GAP has due regard to equalities and diversity issues.

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Date: 20 September 2017

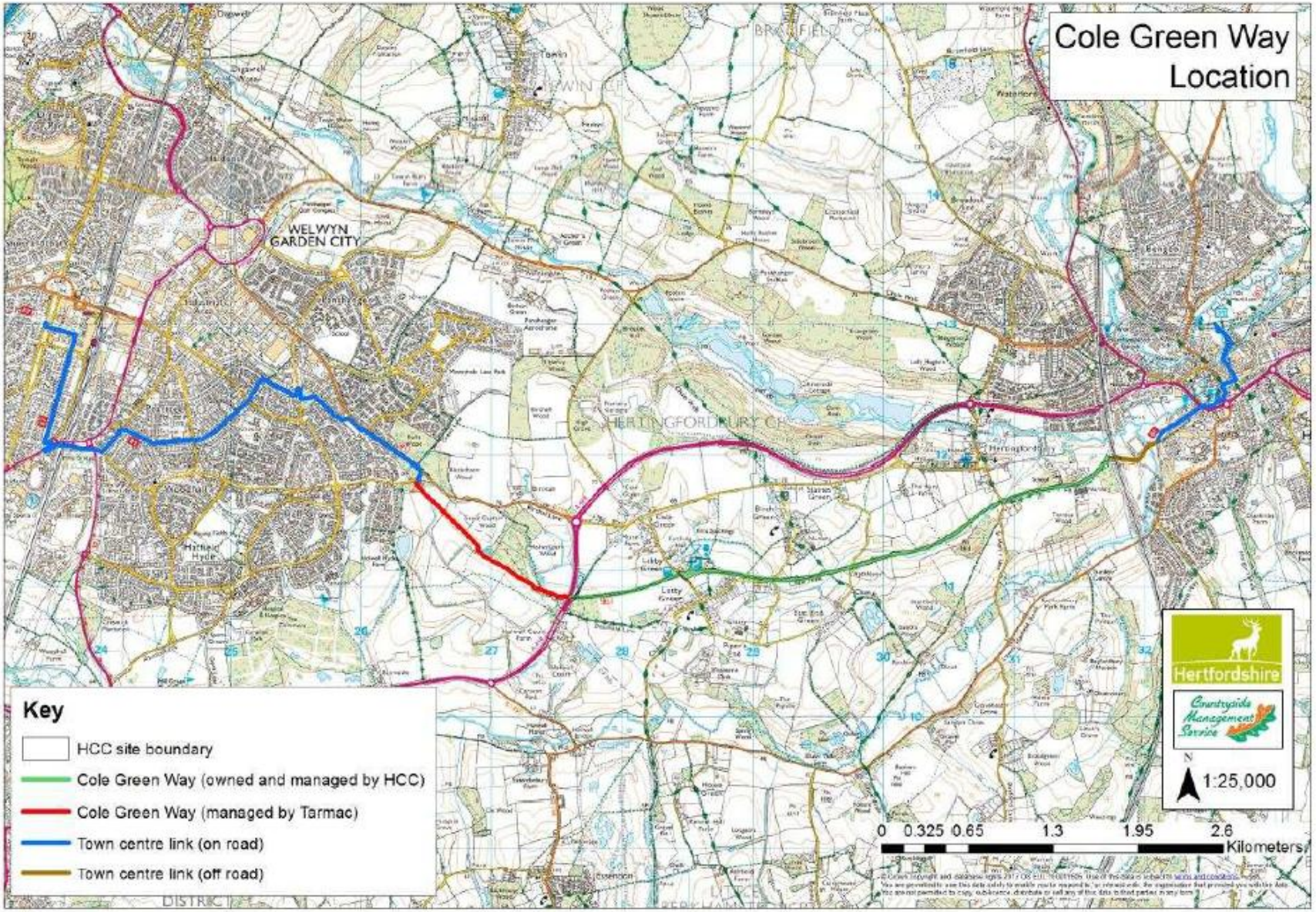
Appendices:

Appendix 1: Cole Green Way Map.

Background Documents:

1. Cole Green Way Greenspace Action Plan 2018-2023 Briefing Document August 2017.

Appendix 1: Cole Green Way Map



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