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Democratic Services:
democracy@welhat.gov.uk

25 August 2023

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL CABINET to be held on Tuesday 5 September 2023 at 6.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully



Governance Service Manager

AGENDA
PART 1

1. **MINUTES**

To confirm as a correct record the Minutes of the meeting held on 8 August 2023 (previously circulated).

2. **APOLOGIES**

3. **PUBLIC QUESTION TIME AND PETITIONS**

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

4. **ACTIONS STATUS REPORT (Pages 5 - 6)**

Report of the Executive Director (Finance and Transformation).

5. **NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 9**

6. **DECLARATIONS 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 the Agenda.

7. ITEMS REQUIRING KEY DECISION

To consider the following items for decision in the current Forward Plan:-

(a) Supply of Kitchens (Forward Plan Reference FP1187) (Pages 7 - 10)

Report of the Chief Executive on the supply of kitchens.

8. RECOMMENDATIONS FROM CABINET PANELS

Recommendations from the meeting of the Cabinet Planning and Parking Panel on 17th August 2023

(a) BIODIVERSITY NET GAIN - GUIDANCE NOTE (Pages 11 - 12)

The Cabinet Planning and Parking Panel recommended to Cabinet that:

- a) the Biodiversity Net Gain Guidance Note be endorsed; and
- b) delegates powers to the Assistant Director (Planning) in consultation with the Executive Member for Planning, to update the Guidance Note as required.

(b) Birchall Garden Suburb Masterplan (Pages 13 - 16)

That Cabinet Planning and Parking Panel (CPPP) recommended to Cabinet that the Birchall Garden Suburb Masterplan be agreed as a material consideration for Development Management purposes.

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

10. EXCLUSION OF PRESS AND PUBLIC

The Cabinet 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 11 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraph 3 (private financial or business information) of 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.

11. ANY OTHER BUSINESS OF A CONFIDENTIAL OR EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

Circulation: Councillors P.Zukowskyj (Leader) M.Holloway
L.Chesterman (Deputy Leader) D.Jones
S.Bonfante J.Quinton
J.Broach

Senior Leadership Team
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Democratic Services, Governance Services on or email – democracy@welhat.gov.uk

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Agenda Item 4

Part I

Main author: Clare Cade

Executive Member: Cllr James Broach

Not Ward Specific

WELWYN HATFIELD BOROUGH COUNCIL

CABINET – 5 SEPTEMBER 2023

REPORT OF THE EXECUTIVE DIRECTOR (FINANCE AND TRANSFORMATION)

ACTIONS STATUS REPORT

1 Executive Summary

1.1 In order to ensure that actions identified at meetings are completed, this report lists the actions from the last Cabinet meeting, those responsible for completing each action and its current status.

2 Recommendation(s)

2.1 That Members note the status of the following actions which were identified at the last Cabinet meeting on 8 August 2023:

Minute	Action	Responsible	Status/ Date Completed
124	Q1 Revenue Monitoring Report	Helen O'Keeffe	Cabinet noted the revenue forecast outturn position as at Quarter 1 (30 June 2023) and the position on debts set out in Section 5 of the report.
125	Q1 Capital Monitoring Report	Helen O'Keeffe	Cabinet noted the capital forecast outturn position as shown in Table 1. Cabinet approved the virements set out in Section 3.4.2. Cabinet noted the forecast position as at 30 June 2023 for funding of the capital programme and reserve balances as reflected in Table 2.
126	Performance Exception Report – Quarter 1	Kirsten Roberts	Cabinet noted the contents of this report and approved any proposed actions highlighted in the appendices.

During the period 4 August to 25 August 2023, the following decisions were taken by Cabinet Members exercising their individual delegated powers in accordance with paragraph 18 of the Cabinet Procedure Rules within the Constitution.

	Action	Responsible	Status / Date Completed
2023-24	Award of contract to develop website chatbot	Andrew Harper	To award the contract to develop a website chatbot to ICS.AI Limited for a 3-year period (with the option of a 1-year extension), commencing on 21st August 2023.
2023-25	Award of Legionella contract	Andrew Harper	To award the contract for Legionella testing to Urban Environments Limited for a three year period, with a possible one year extension, commencing on 1 st

			September 2023.
2023-26	Business Rate Write Off	Helen O'Keefe	<p>Write offs between £10,000 to £49,000 can be authorised by the Executive Member for Resources in accordance with the updated financial regulations which were approved at the Constitution Review Group and Full Council on 1 February 2021.</p> <p>The Executive Member for Resources agrees to write of one off business rates account balance, to the value of £22,568.05.</p>

Part I

Main author: Andrew Harper

Executive Member: Cllr L Chesterman

All Wards

WELWYN HATFIELD BOROUGH COUNCIL CABINET – 5th SEPTEMBER 2023 REPORT OF THE CHIEF EXECUTIVE

Supply of Kitchens

1 Executive Summary

- 1.1 Kitchen replacements are part of the Housing Capital Investment Programme.
- 1.2 This report explains the process of appointing a supplier of kitchens for the programme.

2 Recommendation(s)

- 2.1 That the Council enter into a Framework agreement with Howden Joinery Limited for a period of 5 years for the supply of kitchens.

3 Explanation

- 3.1 Kitchen installation in council properties is part of the planned maintenance programme.
- 3.2 A contractor (delivery partner) will install the kitchens and the Council nominates a supplier of these kitchens (cupboards, worksurfaces, sink etc).
- 3.3 It will be mandatory for any delivery partners installing kitchens in our housing stock to use this framework.
- 3.4 This is to ensure that there is consistency of supply, making maintenance easier in future years.
- 3.5 The previous supplier has pulled out of the social housing market, meaning that a new supplier needed to be found.
- 3.6 A tender process has been undertaken calling for a moisture resistant chipboard and delivery direct to properties.
- 3.7 This is an increase in the specification. Previously the chipboard was to a specification known as P2 (Chipboard is ideally suited for use as interior fitments and furniture in dry conditions where exposure to moisture is limited). This has been increased to P3 (Moisture resistant chipboard panels) which will extend the lifespan of the kitchens.
- 3.8 Only one bid was received from Howden Joinery Limited. This bid was evaluated and met all the minimum requirements.

Implications

Legal Implication(s)

- 3.9 The recommendations within this report are in accordance with the Public Contracts Regulations 2015.
- 3.10 The Council will hold a framework contract with the successful supplier and any of the council delivery partners will have call off contracts with the successful supplier

4 Financial Implication(s)

- 4.1 The delivery partner will pay the successful supplier directly for the kitchens.
- 4.2 The cost of the kitchen will be included in the cost charged by the delivery partner to the council for the installation of the kitchen.
- 4.3 A cost comparison has been undertaken and the rates quoted by Howdens are similar to the current market rates.

5 Risk Management Implications

- 5.1 The risk of material availability will be reduced by entering into a call off contract.
- 5.2 Subject to standard termination rights, Howdens will be required to provide kitchens for the duration of the capital works contract (approximately 5 years).

6 Security and Terrorism Implication(s)

- 6.1 There are not considered to be any additional Security and Terrorism implications as a result of this recommendation.

7 Procurement Implication(s)

- 7.1 See legal implications.

8 Climate Change Implication(s)

- 8.1 Howdens have provided a number of climate change initiatives in their bid, including:
- The factories have achieved carbon net zero.
 - Zero waste to landfill from the manufacturing operations.
 - Improved quality control procedures to ensure no returns.
 - All wood is from responsibly managed forests.
 - A number of products from recycled stock
 - Removing all non recyclable packaging

9 Human Resources Implication(s)

9.1 There are not considered to be any additional Human Resources implications as a result of this recommendation.

10 Health and Wellbeing Implication(s)

10.1 There are not considered to be any additional Health and Wellbeing Implications as a result of this recommendation.

11 Communication and Engagement Implication(s)

11.1 There are not considered to be any additional Security and Terrorism implications as a result of this recommendation.

12 Link to Corporate Priorities

12.1 The subject of this report is linked to the Council’s Corporate Priority ‘Quality Homes through managed growth’.

13 Equality and Diversity

13.1 An EqIA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Name of author	Andrew Harper
Title	<i>Procurement Manager</i>
Date	7 th August 2023

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WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 5 September 2023

Recommendation from the Cabinet Planning and Parking Panel on 17th August 2023.

57. BIODIVERSITY NET GAIN – GUIDANCE NOTE

The Panel received the report of the Assistant Director (Planning) and a presentation on the Biodiversity Net Gain (BNG) Guidance Note.

Members raised a number of issues which are summarised below:

- Reservations were expressed about the recommendation that delegated powers be given to the Assistant Director (Planning) in consultation with the Executive Member for Planning to update the Guidance Note as required; it was felt that if there was substantial material change to the guidance then it should be considered by CPPP or another panel. An amendment to the second recommendation was proposed so it would read: 'That Cabinet gives delegated powers to the Assistant Director (Planning) in consultation with the Executive Member for Planning, to update the Guidance Note as required *with a further report detailing subsequent changes to come back to CPPP before 1 March 2024.*'
- A Member suggested that the need for materiality needed to be balanced with giving officers sufficient delegation to progress matters and therefore it was proposed that a decision be deferred to the next meeting when the exact wording was known, so a more robust discussion could take place. Officers commented that the document would be 'live' for a while and so it would be appropriate for substantive changes to be considered at a future meeting, while day to day changes of wording as information was updated by government could be managed under delegated authority. The Member still recommended the item should be deferred.
- A Member commented on the requirement that BNG should be maintained for a minimum of 30 years, noted the 10% net gain was small given the biodiversity crisis, and asked whether these could be amended. Officers advised both the 30 years and 10% net gain were specified in the Environment Act and so could not be changed. In response to a further query, officers explained more than 10% could only be required if it could be evidenced through the Local Plan.
- Officers noted the BNG requirement for major sites took effect from November 2023 and proposed that if the guidance was adopted at the meeting, a further report could come to Committee then. In the meantime it was beneficial to have the current guidance in the public domain as requirements would be clear to developers.
- Members asked about the relationship between the guidance and the draft Local Plan. Officers advised that if the Local Plan was adopted before the guidance took effect, all applications had to be determined in accordance with

the development plan, so 10% BNG would be required if the Local Plan was adopted.

- In response to a query about monitoring and enforcement, officers explained that responsibility lay with the developer who would have to submit a habitat management and monitoring plan; failure to do so would trigger an alert with the Council. BNG monitoring and enforcement had substantial resource implications for all local authorities.
- Responding to a question, officers advised that Development Management Committee would start to see applications including a BNG plan.

RESOLVED:

(unanimous)

- 1) Cabinet Planning and Parking Panel recommended to Cabinet that the Biodiversity Net Gain Guidance Note be endorsed, and
- 2) Cabinet Planning and Parking Panel recommended to Cabinet that it delegated powers to the Assistant Director (Planning), in consultation with the Executive Member for Planning, to update the Guidance Note as required with a further report detailing subsequent changes to come back to CPPP before 1 March 2024.

The reports of the Cabinet Planning and Parking Panel can be viewed in full here:

<https://democracy.welhat.gov.uk/documents/q1641/Public%20reports%20pack%2017th-Aug-2023%2019.30%20Cabinet%20Planning%20and%20Parking%20Panel.pdf?T=10>

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 5 September 2023

Recommendation from the Cabinet Planning and Parking Panel on 17th August 2023.

59. BIRCHALL GARDEN SUBURB MASTERPLAN

The Panel received the report of the Assistant Director (Planning).

Several sites in the Welwyn Hatfield were required to be master-planned. Masterplans sought to provide a long-term strategy and framework that responded to needs and issues affecting an area, providing a clear steer on priorities and principles for new neighbourhoods and setting parameters for design proposals that could inform more detailed masterplans and planning applications. They were a material planning consideration in planning decisions relating to the particular sites for which they were prepared and were a reference tool and steer for the preparation of planning applications and design codes. They sought to ensure development did not take place in isolation and provided a vision for the overall development of a site.

Birchall Garden Suburb was a large strategic site to the southwest of Welwyn Garden City, straddling the boundary between Welwyn Hatfield and East Hertfordshire. The area within East Hertfordshire was removed from the Green Belt and allocated for development in the East Hertfordshire District Plan (adopted in 2018). The area within Welwyn Hatfield was proposed in the draft Local Plan for partial removal from the Green Belt and allocation for development; unlike the land in East Hertfordshire, some parts of the development within Welwyn Hatfield would remain in the Green Belt. All land in Welwyn Hatfield remained Green Belt until the adoption of the draft Local Plan.

The Welwyn Hatfield Draft Local Plan and adopted East Hertfordshire District Plan 2018 shared the same policy requirement for the production of a jointly prepared strategic masterplan document for Birchall Garden Suburb. The policy requirement was for 1950 homes to be delivered over the plan period: 600 in Welwyn Hatfield Borough and 1,350 in East Hertfordshire District which would be planned comprehensively to create a new community incorporating Garden City principles. The identified 600 homes in Welwyn Hatfield was a reduction from the 1,200 proposed in the submitted Draft Local Plan (2016) as, through the Examination of the Draft Local Plan, the Inspector concluded that development on the area by the A414 would be unsound.

The policies for both Plans stated that a joint masterplan should be prepared setting out the quantum and distribution of land uses, access and sustainable transport measures, sustainable design and layout principles, the approach to character areas and site density, treatment of ecological and heritage assets including key views, the approach to land remediation, locations of Gypsy and Traveller sites, and phasing and delivery of infrastructure, mineral extraction and built development.

The masterplan for Birchall Garden Suburb was included at Appendix A of the report and had been produced by consultants Allies and Morrison who were jointly commissioned by Welwyn Hatfield Borough Council (WHBC) and East Herts District Council (EHDC). The consultant team had worked closely with officers from both authorities, Hertfordshire County Council (HCC) and a number of other statutory and community stakeholders. A series of technical workshops had been held and a project steering group established which helped shape development of the masterplan. Design options were discussed and tested by the steering group, and development of the green corridor and incorporation of wider urban greening were a key consideration in the design process. Density of development across the site, sustainable design and construction, and addressing the impact of other onsite employment uses had also been explored in detail.

In January 2023, the draft masterplan was presented and tested at the Hertfordshire Design Review Panel (an impartial, independent process) which provided constructive criticism that led to further design refinements.

EHDC would consider endorsing the masterplan at its Executive meeting on 5 September 2023, the same date that WHBC Cabinet would consider it. Endorsement by both authorities would enable the document to be used for development management purposes to help shape the future delivery of the site.

Tarmac, the landowner, had submitted an outline planning application for development at Birchall Garden Suburb in June 2022. The submitted application was a proposal for an extension to Welwyn Garden City that extended into land that would remain in the Green Belt post adoption of the Welwyn Hatfield Local Plan. The masterplan which was the subject of this report reflected the policy position of Welwyn Hatfield following the conclusion of the hearing sessions. Tarmac had consistently raised concerns about the approach of the Inspector and the Council during the course of the examination and through the preparation of the masterplan. However a masterplan was not a prescriptive blueprint for development. It had always been intended that masterplans for strategic sites would be developer/landowner led, working in conjunction with others. However in this instance there had been disagreement between the two councils and Tarmac about the area of land to be master-planned, with the landowner wanting the inclusion of all of the area now subject to the planning application. Therefore the two councils funded the masterplan, reflecting the area of land already allocated in EHDC and proposed for allocation in WHBC.

Members commented as below:

- A Member noted that in 2017, the Environmental Health team had concluded that inclusion of the site would require contaminated land risk assessments and a robust mitigation strategy; he asked if that had taken place. Officers responded that through the Local Plan, the Inspector had robustly considered the site and was satisfied there were no major issues preventing development at Birchall Garden Suburb. At the planning application stage, further technical work would be required by the landowner to consider and identify any suitable mitigation works. The Member asked what would happen if the land was not suitable. Officers replied that a proportionate approach was needed at each stage of the process; the Planning Inspector was sufficiently satisfied the

application was sound and could be included in the Local Plan. The next stage would involve more detailed work around contamination and other factors through a planning application process.

- A Member asked whether, if the masterplan was to be adopted, it would carry substantial weight at Development Management Committee (DMC) and allow pushback, whether a Local Plan was in place or not. Officers replied that if the draft Local Plan was to fall away, the land would remain in the Green Belt; if it was adopted, it would identify and allocate an area of land for 600 homes and associated infrastructure. The Birchall Garden Suburb masterplan would be an important tool which would be a material consideration and the planning application would be assessed against it. The Inspector had identified concerns about development in the location due to the impact on the wider Green Belt, so one of the main modifications had been to reduce the boundary and just have 600 homes within the Local Plan. The landowner's planning application still advocated the full Birchall Garden suburb area.
- Clarity was sought about whether everything in the smaller area of land would remain in the Green Belt. Officers advised that unlike in EHDC, the Local Plan Inspector had been adamant that WHBC's Green Belt boundaries were tightly drawn around the built form of the development.
- A Member noted concerns raised by the Central Herts Green Corridor group which had been sent to committee members and further noted concerns relating to the differing width of the green corridor in both authorities, biodiversity issues and the presence of barn owls, a protected species, as well as rare species. The Member asked whether there could be a risk assessment, costed mitigation strategy and viability assessment of the 600 homes. Officers said it was a challenge to strike a balance between competing factors; one of the roles of the masterplan was to consider the issues and strike an appropriate balance. The green corridor that ran through the garden suburb varied in width and came to a narrow point within WHBC; if it was to be wider as it was within EHDC, then only two thirds of the number of homes in the WHBC area could be achieved. The consultants had looked at this closely as part of the masterplan preparation. These issues had been discussed at length through the local planning examination and the Local Plan Inspector's conclusion was that development of this scale subject to the width of the buffer was sound. Detailed considerations of ecology, contamination and other matters would be considered via the planning application process; they had been considered through the plan-making process by the Inspector.
- A Member commented on the impact of dumped clutter on and around the Commons nature reserve as a result of the housing development and urged councillors and officers to walk round the area and see the impact of the development before saying a wider green corridor in the area was not feasible.
- Responding to a question about what would happen if either EHDC or WHBC did not endorse the masterplan, officers said another way of looking at it was to think about what would happen if the masterplan went away; the Council would lack work that had agreed a series of principles on good place-making that should inform the next stage of development and would be unable to use it as a tool to assess a planning application. A Member asked what this would mean in terms of potential additional homes in the WHBC area and officers replied that the landowner already had an application in for 1,200 homes.

There was a policy requirement in the emerging Local Plan for a masterplan to be prepared for the site.

- A Member sought clarity as to whether if the masterplan was approved but the Local Plan was to fall away, it would be a consideration at DMC. Officers said it would remain a material consideration but the weight afforded to it would be commensurately less as the site would not have been allocated through the Local Plan process; the principle of how a planning application would be considered would be different as the site would remain in the Green Belt.
- A Member reflected that the masterplan gave both councils an additional policy hook to hold the developer to a maximum housing level and therefore supported the masterplan although he caveated that with the expectation that issues that biodiversity, contamination etc would be considered in much more detail during the planning process.
- A Member asked about WHBC's position on affordability given the developer had suggested the reduced number of homes would have an impact on the delivery of social housing, and asked whether calculations of affordability should be done across the site. While he was aware affordability would be impacted by contamination, it needed to be very significant before it became unmitigable. Officers said infrastructure did not really acknowledge administrative boundaries and what was being considered was the garden suburb as a whole.
- A Member asked whether the masterplan needed to evolve to produce a southern branch of the green corridor to the River Lea area in order to link blue and green infrastructure to make a coherent network. Officers said the masterplan flagged a series of principles and was limited to the boundary of where the development would take place; looking at widening the corridor would probably form part of the Local Plan.
- A question was asked about whether the developer could be required to do work on the width of the green corridor, contamination etc. Thames Water was concerned that the existing foul water network infrastructure might not be able to accommodate the proposed development and there were concerns about sewage potentially flooding homes or rivers. Officers responded that Thames Water would need to know what the detail was in order to consider necessary mitigation; the masterplan was not a prescriptive exercise and sought to establish good urban design principles that could be worked up in detail. Thames Water would form part of the statutory consultees when looking at details of planning applications.

RESOLVED:

(unanimous)

Cabinet Planning and Parking Panel (CPPP) recommended to Cabinet that the Birchall Garden Suburb Masterplan, as detailed in Appendix A, be agreed as a material consideration for Development Management purposes.

The reports of the Cabinet Planning and Parking Panel can be viewed in full here:

<https://democracy.welhat.gov.uk/documents/g1641/Public%20reports%20pack%2017th-Aug-2023%2019.30%20Cabinet%20Planning%20and%20Parking%20Panel.pdf?T=10>