

Borough, Town and Parish Councils Meeting  
12 April 2016

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the BOROUGH, TOWN AND PARISH COUNCILS MEETING held on Tuesday, 12th April, 2016 at 7.30 pm in the Salvation House, 2 Sterling Court, Mundells, Welwyn Garden City, Herts, AL7 1FT

PRESENT: WELWYN HATFIELD BOROUGH COUNCIL

Councillors J. Dean (Leader of the Council) (Chairman)  
Councillor A. Franey (Deputy Leader and Executive Member,  
Resources)  
S. Kyriakides(Leader, Independent Group)

HATFIELD TOWN COUNCIL

Councillor L. Brandon  
C. Lloyd (Clerk)

ESSENDON PARISH COUNCIL

Councillor A. Steele

NORTHAW AND CUFFLEY PARISH COUNCIL

Councillor B Stubbs  
J. Grocock (Clerk)

NORTH MYMMS PARISH COUNCIL

Councillor J Boulton  
Councillor S Boulton

WELWYN PARISH COUNCIL

Councillor B. Morris  
A Witherick (Clerk)

WOOLMER GREEN PARISH COUNCIL

Councillor S Hall  
Councillor J Hawkins  
J. Pearce (Clerk)

OFFICIALS

PRESENT: Chief Executive (M Saminaden)  
Director (Finance and Operations)(P Kettle)  
Head of Planning (C Haigh)  
Head of Resources (T Neill)  
Committee Manager (R Burbidge)

1. MINUTES

The minutes of the meeting held on 13 October 2014 were approved as a correct record.

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2. TRANSFER OF ALLOTMENTS TO TOWN/PARISH COUNCILS WITHIN THE BOROUGH

The report of the Director (Governance) advised that the Council had allotment sites across the borough, with one site in the Welwyn Parish Council area and 16 sites within Hatfield Town Council's area. Both Councils had expressed a wish to take these sites and manage them, incorporating them into their allotment portfolio. The Borough Council did not have any sites in the remaining four parishes within the borough, nor the two parish meetings in the Ayots.

The meeting was also advised that paragraph 9 (1) of Schedule 29 to the Local Government Act 1972 stated that Borough/District Councils should be precluded from providing allotments where there were town or parish councils within their boundaries. The Borough Council acknowledged this legislation and was happy to transfer the allotment sites it owned and their administration to the other councils involved.

RESOLVED

That Hatfield Town Council and Welwyn Parish Council be invited to enter into discussions with the Borough Council's Head of Planning concerning the transference of the allotment sites within their respective areas.

3. GENERAL UPDATE ON PLANNING MATTERS INCLUDING PROGRESS OF THE LOCAL PLAN

The Head of Planning reported verbally that the Proposed Submission Local Plan was scheduled for presentation to the Cabinet Housing and Planning Panel in June 2016. A period of public consultation between July and September would then follow with an analysis of representations made taking place between October and December.

Thereafter, a submission would be made to the Department for Communities and Local Government for independent examination, an inspector's report and adoption. The Government had indicated that it would intervene if local planning authorities did not submit their Local Plans by March 2017.

Clarification having been sought of whether it could be quantified how much Green Belt land might need to be released as part of the Local Plan process, the meeting was advised that if there was a requirement to provide 12,600 – 13,500 new homes plus land for employment purposes then some 2-3% of the current Green Belt land in the borough might be required. Further clarification was then sought of whether account had been taken of the likely impact of such a scale of development on highways, water supply and sewage disposal. The meeting was informed that an Infrastructure Development Plan was being prepared within the same timescale of the Local Plan and would address these issues. In the meantime discussions were taking place with the County Council as highways

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authority and in respect of schools as well as with NHS bodies, the Environment Agency, the Transport Agency, water authorities and other utility providers.

The Head of Planning also reported that with regard to other planning issues the Government was consulting on the Starter Homes Regulations to deliver Starter Homes as part of housing sites. Starter Homes were properties available to first time buyers under 40 years old which would be sold at a minimum 20% below the open market value and with a price cap of £250,000 outside of Greater London. The Cabinet Housing and Planning Panel on 21 April would be asked to comment and to authorise the submission of a Council response.

The Government had also established a Local Plans Expert Group to consider how local plan making can be made more efficient and effective. The Local Plans Expert Group had reported that the almost unanimous criticisms of the current plan making system are: difficulty agreeing housing need; difficulties with duty to co-operate; a lack of political will; the need for too much evidence; a lack of clarity on key issues such as SHMAs and green belt; too many changes; the pass/fail nature of the examination and soundness tests; inconsistent decision-making; and a lack of guidance and support.

4. APPOINTMENT OF SECTION 106 OFFICER TO HELP SECURE AND SPEND CONTRIBUTIONS FOR DEVELOPMENT

The Head of Planning reported verbally that the Council were in the process of appointing a Section 106 (Town and Country Planning Act 1990) officer to negotiate and secure appropriate contributions from development proposals.

The legal tests for when a Section 106 agreement could be used were set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 as amended. The tests were:

1. necessary to make the development acceptable in planning terms
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

There would be scope for the Town and Parish Councils to propose services and /or facilities as part of their comments and there would also be scope for them to inform the Local Plan and CIL 123 list.

Clarification having been sought of the point in the process Town or Parish Councils would be consulted about Section 106 monies, the meeting was informed that while the Council had not set a threshold figure, it did have a 'tool kit' for standard cases as did the County Council. The Planning Practice Guidance (PPG) had been amended in March 2015 to speed up the negotiation of Section 106 agreements; and these changes had emphasised Section 106 legal and policy tests and the relationship with the development plan, including neighbourhood plans. In terms of the process - the changes focused on early engagement by the local planning authority (LPA) with applicants and infrastructure providers and Section 106 being part of the pre-

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application process. There were also a number of suggested improvements to the way LPA's approached Section 106 including the use of standard templates and working with other authorities to pool expertise, There was a greater emphasis on public access to information and to Section 106 agreements being available as part of the planning register.

In response to a question about how did CIL differ from and relate to Section 106 the meeting was advised that CIL money did not need to be used for providing infrastructure on the site from which it was collected. The relationship between a site's infrastructure requirements and level of contributions made was broken although any infrastructure which was directly required as a result of a development would continue to be sought through Section 106, as will affordable housing provision. Section 106 obligations therefore remained alongside CIL but were to be restricted to that infrastructure required to directly mitigate the impact of a proposal. The regulations restricted the use of planning obligations to ensure that individual developments were not charged for the same items of infrastructure through both planning obligations under S106 and CIL. The Council were not required to move to CIL but there were new restrictions on how existing planning obligations could be used and Council's will only be able to raise money for most infra-structure through the new levy. There was also greater benefit for the local community as a proportion of CIL would pass back to the Town and Parish Councils in which it was raised, although the proportion of money going back to the community was not yet known.

5. CONSULTATION PROCESS IN RELATION TO PLANNING APPLICATIONS
- and
6. THE ROLE OF WARD COUNCILLORS IN THE PLANNING PROCESS

At the request of Northaw and Cuffley Parish Council these two items were taken together.

The meeting was informed that the Town and Parish Councils were diligent in reviewing planning applications in their respective areas and on those to which they wished to object exercised their right to speak at meetings of the Development Management Committee. Where comments were made they were on legitimate planning grounds although it was accepted that these were often a matter of opinion. Central Government guidance made it clear that Planning Committees could take a different view to that of Council officers in respect of applications.

Recent experience suggested that consideration of objections raised by local councils to applications were treated ritualistically by the Development Management Committee which seemed to give little weight to the objections and whose members seemed reluctant to challenge the often subjective views of officers. Ward Councillors rarely spoke in support of objections raised and the discussion at meetings often involved the question of costs, usually raised by Members, which was not considered to be appropriate as it applied to only a small percentage of applications. It was the view of the local councils that currently the procedures were not working satisfactorily from their point of view

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and clarification was sought of ways in which the engagement of Ward Councillors might be improved, if planning training could be further rolled out, the costs issue and the validity of grounds on which objections might be made clarified.

The Head of Planning responded that account was taken of objections raised by local councils earlier in the process and they were usually incorporated in to the report submitted to the Development Management Committee. The costs argument was not one referenced by officers and officer recommendations were often challenged by Members at meetings of the Committee. However, he would take on board the points made. The Leader of the Council re-iterated these views and assured Town and Parish Council representatives that ward Councillors often spoke out against recommendations and indeed voted against officer recommendations.

Further discussion ensued during which clarification was sought of whether it would be possible to provide details of the following –

- How many applications to which local councils had objected had been considered by the Development Management Committee during the past 12 months;
- In how many of these cases had an officer recommendation to grant approval been overturned; and
- How many of these cases had gone to appeal and with what results.

The Head of Planning confirmed that this information could be provided.

#### 7. PLANNING TRAINING FOR COUNCILLORS

This item followed on from the preceding items and clarification was sought of whether it would be possible to extend planning training sessions arranged for Borough Councillors to also include Town and Parish Councillors.

The Head of Planning indicated that he would ask the Development Management Service Manager to arrange a meeting with the clerks of local councils to agree the best way forward.

#### 8. LOCALLY LISTED BUILDINGS

The meeting was advised that Woolmer Green Parish Council had contacted Historic England on the subject of the local listing of buildings and had been advised that, in national policy terms, 'non-designated heritage assets' (including those on a local list) were recognised as having a degree of significance meriting consideration in planning decisions. Paragraph 135 of the National Planning Policy Framework stated that decisions on applications affecting such assets would require a balanced judgement that had regard to the significance of the asset and any harm or loss.

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Government guidance recognised that local lists and local criteria for identifying non-designated heritage assets were a positive thing and could help with decision-making. Historic England recommended that, as a minimum, a local authority had established criteria for identifying non-designated heritage assets, and ideally had a local list of assets linked to planning policies in their Local Plan. Peterborough had been cited as a good example.

There were enough appeal cases to indicate that inspectors regarded non-designated heritage assets, and something on a local list, as an important material consideration in planning decisions. In fact, where there wasn't a local list, some inspectors had been unable to give as much weight to a non-designated heritage asset. Heritage England's website contained a number of relevant appeal cases.

The Head of Planning commented that the preparation of local lists could be a resource intensive process and, given the other pressures on his Service, he would have to give careful consideration to its priority within the work programme. In the meantime, consideration could be given to ways in which local councils could start up the process and it was agreed that this matter be referred to a meeting between Planning and the clerks of local councils in the first instance.

#### 9. NEW HOMES BONUS AND THE LOCAL PLAN

Clarification was sought of the Council's intended use of the New Homes Bonus and whether any of the money would be made available to local Councils as happened in other parts of the country.

The meeting was informed that the Scheme had been introduced in 2011/12 as a way to encourage local authorities to facilitate housing growth. In essence, for every additional property built or brought back into use, the Government match funded the additional Council Tax, with an additional amount for affordable homes, for the following six years. The grant was paid as an un-ring-fenced grant and it was split 80% to the Borough Council and 20% to the County Council.

Welwyn Hatfield had received a New Homes Bonus grant of £1.726 million in 2015/16 and it had been confirmed that the Council would receive £2.243 million for 2016/17. However, there was uncertainty over how the Government would change the Scheme and it was understood that plans were soon to go out to consultation on proposals including on a reduction in the bonus period from 6 to 4 years which was expected to be implemented by 2018/19. In anticipation of a potential reduction in this funding, the Council had decided as a part of the budget process that a proportion of the amount received was to be transferred into the reserve for one-off strategic projects which would ensure that in the short term funds were available for innovative projects and will also reduce the financial reliance on uncertain funds for the general running expenditure of the Council. This would help the Council to become financially self-sustainable over the course of the Medium Term Financial Strategy.

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The Leader of the Council made the point that the New Homes Bonus had replaced other Government grants and that all residents of the whole borough benefitted by the Borough Council keeping and using the grant.

10. COUNCIL TAX SUPPORT SCHEME

The Head of Resources reported verbally that the Council Tax support funding for billing authorities would be provided through the settlement funding system. The settlement from 2014/15 included an element for Council Tax Support Funding which was no longer separately identifiable.

The Local Government Minister had previously stated that billing authorities should carry on passing on a local Council Tax support grant to Town Councils and Parishes to help mitigate any reduction in their tax base due to the local Council Tax support scheme. However, he also accepted that the Council Tax support funding was not ring-fenced. The meeting was asked to note that there was no legislative duty for billing authorities to pass down funding but it was intended to continue to provide a level of grant each year over the term of the Medium Term Financial Strategy which was reduced each year by the same amount as the reduction in revenue support grant from Central Government. As such, this grant would reduce by 40% in 2016/17.

11. LOCALISATION OF COUNCIL TAX SUPPORT GRANT NOTIFICATION

Dissatisfaction was expressed that the Council had notified the Town and Parish Councils of the Provisional Allocation for 2016-17 Localised Council Tax Support (LCTS) Admin Subsidy Grant to Local Authorities as if the allocations were final when they were in fact still provisional and were subsequently changed.

The Head of Resources accepted that in notifying the provisional allocations for 2016-17 the Council should have made it clearer that these might be subject to slight change before the final allocations were made and he apologised for any inconvenience which might have arisen.

Meeting ended at 9.00 pm