

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



31 May 2019

Our Ref IG/Cabinet/Meeting Date  
Your Ref.  
Contact. Hilary Dineen  
Direct Dial. (01462) 474353  
Email. hilary.dineen@north-herts.gov

To: Members of the Cabinet:

Councillor Martin Stears-Handscorn, Leader of the Council (Chairman)  
Councillor Paul Clark, Deputy Leader of the Council, Executive Member for Planning and Transport (Vice-Chair)  
Councillor Ian Albert, Executive Member for Finance and IT  
Councillor Judi Billing MBE, Executive Member for Community Engagement  
Councillor Elizabeth Dennis-Harburg, Executive Member for Recycling and Waste Management  
Councillor Gary Grindal, Executive Member for Housing and Environmental Health  
Councillor Keith Hoskins MBE, Executive Member for Enterprise and Co-Operative Development  
Councillor Steve Jarvis, Executive Member for Environment and Leisure

You are invited to attend a

**MEETING OF THE CABINET**

to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERON ROAD,  
LETCWORTH GARDEN CITY**

on

**TUESDAY, 11TH JUNE, 2019 AT 7.30 PM**

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL  
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION  
ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Thompson', with a long, sweeping horizontal line extending to the right.

Jeanette Thompson  
Service Director – Legal and Community

## **Agenda** **Part I**

<b>Item</b>	<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. MINUTES - 26 MARCH 2019</b> To take as read and approve as a true record the minutes of the meeting of this Committee held on the	
<b>3. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business which they wish to be discussed by the Cabinet at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether any item(s) raised will be considered.	
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wished to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote	
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>6. ITEMS REFERRED FROM OTHER COMMITTEES</b> Any Items referred from other committees will be circulated as soon as they are available.	
<b>7. STRATEGIC PLANNING MATTERS</b> REPORT OF THE SERVICE DIRECTOR – REGULATORY  To identify the latest position on key planning issues affecting the District	(Pages 5 - 36)
<b>8. WYMONDLEY NEIGHBOURHOOD PLAN - EXAMINER'S REPORT</b> <b>REPORT OF THE SERVICE DIRECTOR - REGULATORY</b>  To consider the examiners report and the proposed modifications to the Wymondley Neighbourhood Plan and to agree that officers make arrangements to conduct a referendum within the Wymondley designated neighbourhood planning area.	(Pages 37 - 104)

- 9. HOUSING DELIVERY TEST ACTION PLAN** (Pages  
**REPORT OF: SERVICE DIRECTOR - REGULATORY** 105 -  
134)
- To consider and adopt an Action Plan to increase housing delivery in the District as required by national planning policy.
- 10. CABINET PANEL ON CLIMATE EMERGENCY**
- To consider implementing a Cabinet Panel on Climate Emergency.
- 11. REVENUE BUDGET OUTTURN 2018/19** (Pages  
**REPORT OF THE SERVICE DIRECTOR - RESOURCES** 135 -  
The purpose of this report is to inform Cabinet of the summary position on 146)  
General Fund income and expenditure as at the end of the financial year  
2018/19.
- 12. CAPITAL PROGRAMME OUTTURN 2018/19** (Pages  
**REPORT OF THE SERVICE DIRECTOR - RESOURCES** 147 -  
166)
- To consider the Capital Programme Outturn 2018/19
- 13. ANNUAL TREASURY MANAGEMENT REVIEW 2018/19** (Pages  
**REPORT OF THE SERVICE DIRECTOR - RESOURCES** 167 -  
To consider the Annual Treasury Management Review 2018/2019 170)

**CABINET  
11 JUNE 2019**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: STRATEGIC PLANNING MATTERS**

REPORT OF: SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER : EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY : ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

**1. EXECUTIVE SUMMARY**

1.1 This report identifies the latest position on key planning issues affecting the District

**2. Recommendations**

2.1 That the report on strategic planning matters be noted.

2.2 That the submission(s) in Appendices A to C be noted and endorsed by Cabinet.

**3. REASONS FOR RECOMMENDATIONS**

3.1 To keep Cabinet informed of recent development on strategic planning matters and progress on the North Hertfordshire Local Plan.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 None.

**5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

5.1 The Executive Member for Planning and Transport has been briefed on the matters set out above.

**6. FORWARD PLAN**

6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

**7. BACKGROUND**

7.1 Members will be aware of, and familiar with, many of the issues surrounding the strategic planning matters referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these matters.

## 8. RELEVANT CONSIDERATIONS

### 8.1 Other Plans and Examinations

- 8.1.1 **Central Bedfordshire** – Hearings into the new Local Plan began on Tuesday 21 May. As with many examinations, the hearing sessions have been split over a number of weeks. The first week of the hearings focussed upon the Duty to Co-operate, the need for new homes (including unmet needs from Luton) and the overall Growth Strategy.
- 8.1.2 Officers represented the District Council at the hearing sessions, to expand upon the points raised at the proposed submission consultation stage, the agreed Memorandum of Understanding with Central Bedfordshire (October 2018, reported to Cabinet December 2018) and to outline, where relevant, the latest progress upon our own Plan.
- 8.1.3 The main concerns raised by this Council, and addressed through the MoU, relate to the potential transport implications of proposed site allocations close to the administrative boundary including at Biggleswade, Arlesey and RAF Henlow. Further hearings are to be held during June 2019 which will examine proposed allocations in the Plan.
- 8.1.4 **South Cambridgeshire** – Initial work has begun on a joint Local Plan with Cambridge City. An initial ‘issues and options’ consultation is anticipated in Autumn 2019.
- 8.1.5 **Uttlesford** – The Uttlesford Local Plan was submitted to the Secretary of State for public examination earlier in the year. Examination hearing sessions will begin in July 2019. NHDC submitted written representations prior to the plan’s submission (reported to Cabinet September 2018). The main issue raised was the potential transport impacts of a proposed new garden village in the north of Uttlesford upon the A505 corridor to / from Royston.
- 8.1.6 **East Hertfordshire** – Following adoption of their new Local Plan, East Hertfordshire have begun work on a suite of Supplementary Planning Documents. Consultation was held on the first of these, affordable housing, in January and February 2019.
- 8.1.7 **Stevenage** – The holding direction on Stevenage’s new Local Plan was lifted on 25 March 2019, having been in place since November 2017. The Council formally adopted the Plan on 22 May 2019. Stevenage’s plan includes a housing allocation to the north of the town which is required for the adjoining proposed allocation in North Hertfordshire’s own plan to be able to proceed.
- 8.1.8 Consultation on Stevenage’s draft charging schedule for a Community Infrastructure Levy occurred between 18 April and 17 May. This follows earlier consultation in September and October 2018 (reported to Cabinet December 2018).
- 8.1.9 A response to the latest consultation was prepared and submitted in consultation with the then Executive Member and is attached as Appendix A. This reiterates points previously raised around cross-border infrastructure requirements.
- 8.1.10 **Welwyn Hatfield** – The Inspector examining the Plan has asked the council to investigate if there is any scope for additional housing sites to be identified as the Draft Plan does not meet the objectively assessed need for housing. The council carried out a Call for Sites in January and February 2019. Over 140 sites were promoted for housing, employment, mixed use or other forms of development. A consultation on the submitted sites is taking place, ending on Tuesday 18th June 2019.

- 8.1.11 A number of the sites are located close to the shared administrative boundary with North Hertfordshire, including at Welwyn and adjoining Knebworth. Any response will be prepared in consultation with the Executive Member and reported to a future meeting.
- 8.1.12 **St. Albans** – St Albans new Plan was submitted for Examination in March 2019. The appointed Inspectors (who are also conducting the examination of Uttlesford's Local Plan) have issued them with a number of initial questions.
- 8.1.13 Officers will continue to monitor progress to determine whether it is necessary to appear at the examination to expand upon the issues raised by this Council at the proposed submission consultation stage (reported to Cabinet December 2018). The principle issue raised was that the Plan does not specifically identify all of the sites which will be used to meet St Albans' housing needs.
- 8.1.14 **Luton** – Luton's Local Plan was adopted in November 2017. It identifies, among other matters, a need for continued work with surrounding authorities under the Duty to Co-operate to assist with the delivery of 9,300 additional homes which cannot be accommodated within the Borough. Following its examination, the Plan also includes a requirement to commence a review by the end of 2019.
- 8.1.15 Officers have requested an initial meeting with their counterparts at Luton to understand the Borough's timetable for bringing forward a revised plan and the likely cross-border issues that will need to be addressed.
- 8.1.16 **Hertfordshire County Council (waste & minerals)** – Consultation on the proposed submission Minerals Local Plan closed on 22 March 2019. A response was prepared in consultation with the then Executive Member and submitted online via the County Council's consultation software. A copy of the submitted representations is attached as Appendix B to this report. The main point raised is ensuring that the proposed Minerals Plan does not preclude future opportunities for sustainable development within the district, particularly on brownfield sites surrounding the District's stations.

## **8.2 North Hertfordshire Local Plan**

- 8.2.1 The consultation period for the Main Modifications and additional evidence submitted to the Examination of the North Hertfordshire Local Plan 2011 – 2031 closed on Thursday 11 April 2019. Around 220 responses were received. These have been collated and forwarded to the Inspector. As outlined in the report to Cabinet of December 2018, this consultation was administered by the Council on the Inspector's behalf. It is for him to determine what steps should be taken in response to the issues raised.
- 8.2.2 The consultation responses will be published in full on the Council's website once the Inspector has had the opportunity to review them and advise that he is happy for us to do so.
- 8.2.3 Whilst the consultation was ongoing, initial work began on detailed Supplementary Planning Documents which will support the new Plan. This follows decisions made by Cabinet in July 2017 and December 2018. It is currently intended to bring a draft of the first of these, the Developer Contributions SPD, to the Cabinet in July.

### **8.3 Neighbourhood Plans**

- 8.3.1 The Wymondley Neighbourhood Plan is subject to a separate report to this meeting.
- 8.3.2 Consultation on a revised Submission Draft of Preston Parish Council's neighbourhood plan took place between Tuesday 12 March and Thursday 25 April 2019. As the close of this consultation fell within the pre-election period, officer comments were submitted. This response is attached as Appendix C to this report.
- 8.3.3 Consultation on the draft Baldock, Bygrave and Clothall Neighbourhood Plan began on Tuesday 7 May and runs until Tuesday 18 June 2019. The Plan has been produced to inform and guide future development within the plan area, which includes the proposed allocations around the town in the Council's new local plan. A response will be prepared and submitted and reported to a future meeting of the Cabinet.

### **8.4 Government Announcements**

- 8.4.1 The Council's response to the first results of the new Housing Delivery Test is subject of a separate report to this meeting.
- 8.4.2 Following consultation, the Government has announced that it will not be extending permitted development rights allowing the conversion of certain storage (Use Class B8) units to residential use. These rights will now expire on 10 June 2019.
- 8.4.3 In January 2019, Cabinet agreed in principle to the making of an Article 4 Direction that would remove the benefit of various permitted development rights to convert commercial premises in the District's main employment areas. The draft direction will be amended to reflect the changes above prior to being consulted upon and implemented.
- 8.4.4 Officers continue to monitor opportunities to bid for Government funding through the various housing, planning, infrastructure and other funds which are periodically announced.

### **8.5 London Luton Airport**

- 8.5.1 London Luton Airport Limited (LLAL) are continuing to work towards a submission to the Planning Inspectorate of a Development Consent Order (DCO) for the proposed expansion of the airport. Officers are meeting regularly with the LLAL together with the other affected authorities.
- 8.5.2 Consultation on the scope of the Environmental Statement, which can be viewed at: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/expansion-of-london-luton-airport/?ipcsection=overview> took place in April 2019. The scoping report from LLAL includes proposed highway mitigations, including works to the A505 and A602 in Hitchin, primarily around introducing signalised junctions for existing roundabouts and junctions.
- 8.5.3 A joint response was submitted to the Planning Inspectorate by the host authorities – North Hertfordshire, Luton, Central Bedfordshire and Hertfordshire County councils. The Inspectorate has since published their Scoping Opinion which includes the host authorities' response. This can be viewed together with other consultation responses at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020001/TR020001-000043-LUTN%20-%20Scoping%20Opinion.pdf>

- 8.5.4 Work is on-going in seeking to secure a Planning Performance Agreement (PPA) so that costs associated with the Council's representations on the scheme can be reimbursed in total or part. Officers have secured funding from the applicant to obtain specialist external legal advice with regard the PPA. Current timescales envisage the submission of a DCO application in spring 2020.
- 8.5.5 A Statement of Community Consultation (SoCC) is being prepared which will set out how consultation will take place for the Development Consent Order. It will include details of where public consultation events will take place, where the documentation can be inspected and how those events will be publicised. Consultation on the draft SoCC will take place in June and July 2019 and it is anticipated that the final SoCC will be published in September.

## **8.6 Other transport, planning and infrastructure matters**

- 8.6.1 **A505 Transport Corridor Joint Study** – Following completion of the Stage 1 evidence gathering, officers from North Hertfordshire together with Luton, Central Bedfordshire and Hertfordshire County Council have agreed to proceed with Stage 2 of the study. This will examine existing and future pressures on the transport network.
- 8.6.2 **Strategic planning in north-east Hertfordshire** – Work continues with the other authorities in the area (Broxbourne, East Hertfordshire, Hertfordshire County, Stevenage and Welwyn Hatfield) to explore the potential for joint approaches to the future strategic planning of the area beyond the current round of local plans. This is part-funded by a £250k Government grant received in February 2018.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation) of neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2 There are no new legal implications arising from this report. The preparation of statutory plans is guided by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. All local planning authorities are bound by a statutory Duty to Co-operate on cross-border planner matters.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no new financial implications arising from this report. The costs of preparing the Local Plan and running the examination are reviewed on a regular basis, and are reported through the quarterly revenue monitoring reports to Cabinet.
- 10.2 The general costs of preparing Supplementary Planning Documents, responding to consultations on neighbouring authorities' Plans, neighbourhood plans and Government consultations and the other activities identified in this report are met through existing revenue budgets or benefit from external funding or other arrangements to recover costs.

10.3 The financial risks associated with planning were reviewed and updated as part of the budget-setting cycle for 2019/20. Risks are identified in relation to potential additional costs associated with progressing the Plan or any future challenge to it.

10.4 In advance of a PPA with regard the DCO application for Luton Airport, officers are securing funding for some work streams directly with the applicant.

## **11. RISK IMPLICATIONS**

11.1 Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. The Sustainable Development of the District has a sub-risk that covers the risks arising from the duty to co-operate with neighbouring authorities.

## **12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

## **13. SOCIAL VALUE IMPLICATIONS**

13.1 The Social Value Act and “go local” policy do not apply to this report.

## **14. HUMAN RESOURCE IMPLICATIONS**

14.1 There are no new human resource implications arising from the contents of this report. A number of appointments have been made within the planning service since the implementation of the directorate restructure in 2018. Workload and vacancies are monitored on an on-going basis. There are currently two vacancies within the Strategic Planning & Enterprise team.

## **15. APPENDICES**

15.1 Appendix A Response to Stevenage Community Infrastructure Levy Draft Charging Schedule consultation

15.2 Appendix B Response to HCC Minerals Local Plan consultation

15.3 Appendix C Response to Preston Neighbourhood Plan Revised Submission Draft consultation

## **16. CONTACT OFFICERS**

16.1 Ian Fullstone, Service Director of Regulatory  
01462 474480 [ian.fullstone@north-herts.gov.uk](mailto:ian.fullstone@north-herts.gov.uk)

## **Contributors**

- 16.2 Nigel Smith, Strategic Planning Manager  
01462 474847 [nigel.smith@north-herts.gov.uk](mailto:nigel.smith@north-herts.gov.uk)
- 16.3 Louise Symes, Strategic Infrastructure & Projects Manager  
01462 474359 [louise.symes@north-herts.gov.uk](mailto:louise.symes@north-herts.gov.uk)
- 16.7 Nurainatta Katevu, Property & Planning Lawyer  
01462 474364 [nurainatta.katevu@north-herts.gov.uk](mailto:nurainatta.katevu@north-herts.gov.uk)
- 16.8 Ian Couper, Service Director of Resources  
01462 474243 [ian.couper@north-herts.gov.uk](mailto:ian.couper@north-herts.gov.uk)
- 16.9 Kerry Shorrocks, Corporate Human Resources Manager  
01462 474224 [kerry.shorrocks@north-herts.gov.uk](mailto:kerry.shorrocks@north-herts.gov.uk)

## **17. BACKGROUND PAPERS**

None

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16 May 2019

Planning Policy  
Stevenage Borough Council  
Daneshill House  
Danestrete  
SG1 1HN

Our Ref: PL11/LA

Contact Officer: Nigel Smith  
Direct Line: (01462) 474847  
E-mail: [nigel.smith@north-herts.gov.uk](mailto:nigel.smith@north-herts.gov.uk)

Dear Planning Policy Team

**North Hertfordshire District Council response to the Stevenage Borough Council Community Infrastructure Levy Draft Charging Schedule consultation**

Thank you for providing North Hertfordshire District Council the opportunity to comment on the Stevenage Borough Council Community Infrastructure Levy (CIL) Draft Charging Schedule. Please also refer to our earlier consultation response to the Stevenage Borough Council Preliminary Draft Charging Schedule consultation dated the 24<sup>th</sup> October 2018 which are appended to these comments.

As you are aware, North Hertfordshire is currently at an advanced stage of Local Plan preparation. Since your last consultation, we have consulted on the proposed Main Modifications to our Plan between January and April 2019. In recent months, North Hertfordshire District Council has also made the decision to not pursue a CIL for the time being. Since this time, work has commenced on a new Developer Contributions SPD, which will supersede the existing North Hertfordshire Planning Obligations SPD, once adopted.

North Hertfordshire is keen to explore and capitalise upon the best sources of infrastructure funding to support the levels of growth envisaged in its emerging plan and has been engaged in the recent Planning Advisory Service CIL/S106 Pilot project, along with other Hertfordshire authorities, including Stevenage Borough Council. Through this process, it has reinforced the North Hertfordshire position to not pursue CIL at this present time, however we will continue to review this position, particularly in light of smaller development sites. We also recognise the importance of joint working between our authorities given the unprecedented scale of development envisaged in our respective Local Plans.

**Cross-boundary infrastructure requirements**

Given that a number of housing sites are identified along our shared administrative boundary (comprising NS1 North of Stevenage, GA1 Land at Roundwood, GA2 Land off Mendip Way, Great Ashby within the North Hertfordshire and HO3 North of Stevenage within the Stevenage Borough Council boundary), we re-emphasise the importance of ensuring that sufficient funds will be available to achieve the timely delivery of these sites and the infrastructure required to support them. Due to this, we



*Correspondence address:*

PO Box 480, SALE, M33 0DE

Telephone: (01462) 474000

Text Phone: (01462) 474800

consider it essential that the charging rates proposed by your authority are set at a level which delivers the aims of our respective plans whilst ensuring viability.

A Post Consultation Viability Note (January 2019) has been produced to take into account issues relating to increased infrastructure and mitigation costs for the Northern and Western Extensions. It states that the proposed rate of £100/square metre continues to be viable in these circumstances and this is welcomed.

Nonetheless, we are concerned as to whether the rates set an appropriate balance between the investment required to support growth, the balance between infrastructure to be provided on-site and off-site, the robustness of the evidence underlying the strategic infrastructure and mitigations costs and the impact on viability as stipulated in Planning Practice Guidance.

The revised viability note suggests that the CIL rates could continue to be supported with higher on-site costs on your strategic sites. It logically follows that if, after appropriate scrutiny, on-site costs could / should be lower, higher CIL rates could be supported. These might be used to potentially fund a greater proportion of off-site infrastructure requirements such as (but not necessarily limited to) sustainable travel infrastructure or secondary education as identified in your draft Regulation 123 list.

We have concerns that some of the assumptions underpinning your infrastructure and mitigation costs – which are effectively treated as a fixed input to the viability calculations – may not have been subject to appropriate scrutiny and would benefit from exploration as part of the examination process.

### **Infrastructure projects and Regulation 123 list**

We are pleased to see that since consultation on the Preliminary Draft Charging Schedule, the evidence underpinning the proposed Stevenage CIL charging rates now includes direct reference to the Infrastructure Delivery Plan (IDP). As part of this, we can see that Appendix 1 of the IDP sets out a range of infrastructure projects that will deliver the aims of the Stevenage Local Plan. We welcome that this has been translated, in broad terms, into a number of items upon your draft Regulation 123 list.

It is noted that your Regulation 123 list does not include contributions towards health provision. We would welcome clarity on your intended approach in this regard. We consider that strategic health infrastructure provision (such as any future new facilities at the Lister Hospital) is ultimately likely to benefit from direct Government funding. However, it is imperative to ensure there is an appropriate pattern of healthcare provision across the town as proposed to be expanded.

Our emerging Plan recognises that our own proposed allocations across the north of the town will generate a requirement for two additional GPs. It further states that the most appropriate location and format for this provision is yet to be determined.

In the meantime, North Hertfordshire would welcome proactive discussion with Stevenage Borough Council to identify and develop key projects, which may inform the distribution of monies in accordance with your Regulation 123 list, and/or the forthcoming Infrastructure Funding Statements. In doing so, our Councils will no



*Correspondence address:*

PO Box 480, SALE, M33 0DE

Telephone: (01462) 474000

Text Phone: (01462) 474800

doubt benefit from early engagement with infrastructure providers, landowners and developers to ensure infrastructure is both fit for purpose and deliverable.

### **Governance arrangements**

We would encourage greater consideration and clarity over the eventual governance arrangements. Whilst we recognise that the Stevenage Draft Charging Schedule states at paragraph 7.1 that, "Governance arrangements in relation to spending and monitoring CIL money will require further consideration prior to its adoption", we consider it potentially postponing difficult decisions.

Without clarity at this stage, it could compromise the ability to deliver the infrastructure required. This is especially salient given the inability to tie CIL to specific projects at the outset, unlike S106 which provides greater certainty. We therefore urge you to consider this matter in greater detail prior to Examination.

### **Next steps**

Whilst North Hertfordshire has decided not to pursue CIL at this current time, we are committed to ensuring that planned housing growth and the required infrastructure can be brought forward in a coordinated and positive manner with our neighbouring authorities. We look forward to ongoing engagement on issues outlined in this consultation response prior to the submission of the Stevenage Borough Council CIL Charging Schedule for Examination in Public.

At this stage we would request the right to be heard by any future CIL examiner to ensure that cross-border infrastructure funding considerations are appropriately taken into account.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Levett', with a long horizontal flourish extending to the right.

Cllr David Levett

Executive Member for Planning, Enterprise and Transport

**Appendix: NHDC Response to Preliminary Draft Charging Schedule  
consultation, October 2018**



24 October 2018

Planning Policy  
Stevenage Borough Council  
Daneshill House  
Danestrete  
SG1 1HN

Our Ref: PL10/LA

Contact Officer: Laura Allen  
Direct Line: (01462) 474826  
E-mail: [laura.allen@north-herts.gov.uk](mailto:laura.allen@north-herts.gov.uk)

Dear Planning Policy Team

**North Hertfordshire District Council response to the Stevenage Borough Council Community Infrastructure Levy Preliminary Draft Charging Schedule consultation**

Thank you for providing North Hertfordshire District Council the opportunity to comment on the Stevenage Borough Council Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule, which sets out proposed CIL charging rates.

As you are aware, North Hertfordshire is currently at an advanced stage of Local Plan preparation and is currently awaiting a schedule of proposed modifications from the Inspector appointed to conduct the Examination.

North Hertfordshire District Council is yet to take a decision on whether to pursue CIL. We would therefore welcome the opportunity to continue to work with Stevenage Borough Council in ensuring that the infrastructure required to support the delivery of our Local Plans can be delivered in a timely and effective way.

**Cross-boundary infrastructure requirements**

Our authorities have previously worked together during the preparation of our Local Plans, including on-going engagement regarding housing allocations along our shared administrative boundary, namely NS1 North of Stevenage, GA1 Land at Roundwood, GA2 Land off Mendip Way, Great Ashby (all within the North Hertfordshire District Council boundary), as well as HO3 North of Stevenage (within the Stevenage Borough Council boundary). The allocations collectively set out plans for 2,630 dwellings.

We are particularly concerned to ensure that adequate funding for infrastructure is achieved to ensure the timely delivery of these development sites. This is also vital in the context of the Stevenage Local Plan with ambitions to bring forward growth and regeneration over the town as a whole.



*Correspondence address:*

PO Box 480, SALE, M33 0DE

Telephone: (01462) 474000

Text Phone: (01462) 474800

We are keen to work with you proactively to ensure that progress on your CIL is undertaken in a clear and robust way, addressing the cross-boundary impacts on infrastructure, services, transport networks and the environment.

### **Evidence base**

It is noted in the CIL Viability Update that the residual valuation for the Northern Extension is identified as viable, with potential for CIL (p.50). As shown in the Stevenage Borough Council CIL Viability Update, house prices have risen by circa 20% in the period 2015-2017 (Table 4.2, p.16). This indicates a rapidly changing housing market, which will require monitoring once CIL is adopted to ensure that rates continue to be set at an appropriate level to maximise receipts given the identified funding gap.

### **Infrastructure delivery**

Given that the NS1 North of Stevenage allocation is directly linked to the HO3 North of Stevenage allocation, it is imperative that delivery mechanisms for any cross-border, common or shared infrastructure are discussed not only between our Councils, but also in conjunction with the relevant landowners, developers and infrastructure providers. This will ensure that there is a coherent and integrated approach to infrastructure delivery.

We would welcome clarification as to whether site-specific requirements will continue to be secured through S106 agreements, with CIL in addition to this.

Further to this, future secondary school provision required to support growth in Stevenage is likely to be provided within the North Hertfordshire administrative boundary. This may arise from the direct demand for school places, from displaced demand or due to the residents of schemes taking priority over existing and future North Hertfordshire residents.<sup>1</sup> For this reason, the Council is keen to ensure that there is ongoing engagement between our authorities in relation to governance arrangements.

### **Transitional arrangements and the phasing of development**

Given that an outline permission granted prior to the introduction of CIL, followed by reserved matters after the introduction of CIL does not incur a liability, the timing of the introduction of the Stevenage CIL in relation to site delivery will be an important consideration. This is particularly relevant for your North of Stevenage site where an outline application is presently awaiting determination,

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<sup>1</sup> Hertfordshire County Council have requested the provision of eight forms of entry (8FE) of secondary education provision to serve the Stevenage area in our own emerging plan. Based upon the ratios used by the County Council to plan for new schools, new development in this part of North Hertfordshire will generate approximately 5FE of additional demand.



### **Infrastructure providers and funding mechanisms**

In terms of infrastructure delivery, we would urge you to consider the roles of Stevenage Borough Council and Hertfordshire County Council once CIL is adopted. Section 106 allows for the provision of infrastructure by the developer, whereas the responsibility and risk of delivering projects funded by CIL would be passed to the Council and County Council.

Further to this, as outlined in the Whole Plan Viability Study (paragraphs 13.23 and 13.24, pages 138 and 139), Stevenage Borough Council will need to consider the mechanisms for the delivery of infrastructure under a CIL regime, including borrowing. We note that the issue of forward funding is addressed in the Infrastructure Funding Strategy (para. 5.2.1, p.26) to take into account the expected lag between the preparation and adoption of CIL and the time at which CIL receipts are collected.

We consider these considerations of paramount importance to ensure that the necessary infrastructure can be secured, and to prevent unnecessary delays to development.

### **Governance arrangements**

We would urge you to provide greater clarity on the proposed governance arrangements in relation to the delivery of infrastructure.

We request that we are involved in forthcoming discussions regarding the Stevenage Regulation 123 list and proposed governance arrangements, once further details are known. This will ensure that cross-boundary infrastructure impacts are considered from the outset. Concurrently, there may be a need for our authorities to work collaboratively on securing other sources of funding.

### **Next steps**

Whilst North Hertfordshire is yet to take a decision on whether to pursue CIL, we are firmly committed to meaningful collaborative working between our authorities to ensure that our respective planned housing growth can be brought forward in a coordinated and positive manner. We look forward to ongoing engagement and the opportunity to comment once again during your forthcoming consultation on the Stevenage Borough Council CIL Draft Charging Schedule.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Levett', with a long horizontal flourish extending to the right.

Cllr David Levett

Executive Member for Planning, Enterprise and Transport

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## Comments

### Hertfordshire Minerals Local Plan Regulation 19 Proposed Submission Publication 2019 (14/01/19 to 22/03/19)

Comment by	North Hertfordshire District Council (MR Jamie Alderson - 1152271)
Comment ID	PSMLP121
Response Date	21/03/19 11:50
Consultation Point	Policy 8 Mineral Safeguarding ( <a href="#">View</a> )
Status	Submitted
Submission Type	Web
Version	0.1

#### Question 1a

Do you consider the document to be:

Legally and procedurally compliant	.	Yes
Sound	.	No

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

Positively Prepared	.	Does Not Fail
Justified	.	Does Not Fail
Effective	.	Fails
Consistent with National Policy	.	Does Not Fail

#### Question 3

Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound.

The extent of the Sand and Gravel Minerals Safeguarding Area defined in the Proposed Submission Minerals Local Plan extends significantly into North Hertfordshire, where the Sand and Gravel Belt supporting the current plan does not.

The existing Minerals Consultation Areas Supplementary Planning Document (SPD) adopted by Hertfordshire County Council identifies Mineral Resource Blocks in North Hertfordshire at; North of Hitchin, West of Stevenage – Langley, West of Stevenage – Preston and Between Whitwell and Stevenage. These areas are incorporated into the expanded proposed Sand and Gravel Safeguarded Areas. It is important to note that the Minerals Consultation Areas SPD currently hangs off the adopted Minerals Plan, and was not subject to a public examination.

Our emerging Plan (as proposed to be modified) contains policy criteria on relevant sites within currently identified minerals areas in response to representations from the County Council. Although the scale of the proposals map makes it difficult to definitively identify the revised extent of the Safeguarding Area, it would appear to incorporate a number of additional proposed housing allocations. This includes a number of sites within the Plan's proposed five-year land supply.

With regards to the identified Sand and Gravel Minerals Safeguarding Area in the Proposed Submission Minerals Plan, the County Council should ensure that there is no undue impact or delay upon the delivery of sustainable, adopted development allocations. Development on housing or employment allocations that have been found sound through a Local Plan examination process should be proactively encouraged.

#### Question 4

**Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan 'sound' / legally and procedurally compliant, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of paragraph(s) or site brief(s). (Please be as precise as possible)**

The County Council should ensure that there is no undue impact or delay upon the delivery of sustainable, adopted development allocations

#### Question 6

**If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?**

I wish to give evidence at a public examination

#### Question 7

**If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?**

To effectively represent North Hertfordshire District Council

#### Question 8

**If you wish to be notified of future events please tick those below that apply.**

- That the document has been submitted to the Secretary of State for Examination
- That the person appointed to carry out the Examination has published their report
- That the document has been finally adopted by the Council

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<b>Comment by</b>	North Hertfordshire District Council (MR Jamie Alderson - 1152271)
<b>Comment ID</b>	PSMLP122
<b>Response Date</b>	21/03/19 11:56
<b>Consultation Point</b>	Policy 9 Safeguarding Bulk Transport and Bulk Handling and Processing Sites ( <a href="#">View</a> )
<b>Status</b>	Submitted

**Submission Type** Web

**Version** 0.1

### Question 1a

Do you consider the document to be:

**Legally and procedurally compliant** . Yes

**Sound** . No

**If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?**

**Positively Prepared** . Does Not Fail

**Justified** . Does Not Fail

**Effective** . Fails

**Consistent with National Policy** . Fails

### Question 3

**Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound.**

Hitchin Rail Depot has previously been identified as an area to safeguard in the Minerals Consultation Areas Supplementary Planning Document (SPD) adopted by Hertfordshire County Council. Walsworth Road Rail Aggregates Rail Depot is identified in the Proposed Submission Minerals Plan as a Mineral Infrastructure Consultation Area. It is possible that this safeguarding will prove to be a constraint to other forms of sustainable development. In searching for potential development sites for housing and other uses, the NPPF requires local planning authorities to identify suitably serviced and well connected brownfield sites for redevelopment within settlement boundaries in order to exhaust all possible opportunities for development sites before releasing Green Belt land.

Stevenage and Hitchin are located in close proximity along the East Coast Main Line. There are further rail sidings at Letchworth Garden City (recognising that these currently perform a different function). The exception criteria in Policy 9 are noted. However, an additional criterion should be added to say "**the alternate proposal would provide demonstrable, overriding benefits against other planning objectives**".

It should be noted that Network Rail have previously submitted Railway Sidings, St Michael's Road, Hitchin for inclusion on North Hertfordshire District Council's Brownfield Land Register. This aims to identify suitable previously developed sites available for future development.

### Question 4

**Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan 'sound' / legally and procedurally compliant, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of paragraph(s) or site brief(s). (Please be as precise as possible)**

An additional criterion should be added to say "**the alternate proposal would provide demonstrable, overriding benefits against other planning objectives**".

### Question 6

If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?

I wish to give evidence at a public examination

### Question 7

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?

To effectively represent North Hertfordshire District Council

### Question 8

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- That the person appointed to carry out the Examination has published their report
- That the document has been finally adopted by the Council

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<b>Comment by</b>	North Hertfordshire District Council (MR Jamie Alderson - 1152271)
<b>Comment ID</b>	PSMLP123
<b>Response Date</b>	21/03/19 11:59
<b>Consultation Point</b>	Policy 20 Strategic Transport ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Web
<b>Version</b>	0.1

### Question 1a

Do you consider the document to be:

**Legally and procedurally compliant**  Yes

**Sound**  No

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

**Positively Prepared**  Does Not Fail

**Justified**  Does Not Fail

**Effective**  Fails

**Consistent with National Policy**  Fails

### Question 3

**Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound.**

Paragraph 181 of the NPPF (2019) states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas. The policy should make specific reference to mitigating any potential negative impacts of any mineral extractions, and associated developments, on AQMAs within the County.

**Question 4**

**Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan 'sound' / legally and procedurally compliant, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of paragraph(s) or site brief(s). (Please be as precise as possible)**

The policy should make specific reference to mitigating any potential negative impacts of any mineral extractions, and associated developments, on AQMAs within the County.

**Question 6**

**If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?**

I wish to give evidence at a public examination

**Question 7**

**If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?**

To effectively represent North Hertfordshire District Council

**Question 8**

**If you wish to be notified of future events please tick those below that apply.**

- That the document has been submitted to the Secretary of State for Examination
- That the person appointed to carry out the Examination has published their report
- That the document has been finally adopted by the Council

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Date 24 April 2019

Strategic Planning Team  
North Hertfordshire District Council

Our Ref:  
Your Ref:

By email

Contact Officer : Clare Skeels

Direct Line : 01462 474424

Cc : Preston Parish Council

E-mail : [clare.skeels@north-herts.gov.uk](mailto:clare.skeels@north-herts.gov.uk)

**Preston Neighbourhood Plan – 2<sup>nd</sup> Submission Version – Regulation 16  
Comments made on behalf of North Hertfordshire District Council**

The District Council welcomes the publication of the 2<sup>nd</sup> Submission Version of the Preston Neighbourhood Development Plan and appreciates the significant amount of work undertaken by the Preston Neighbourhood Plan Steering Group and the Parish Council in reaching this stage in the preparation of the Neighbourhood Plan. The attached comments are made by officers and follow on from the extensive discussions that have taken place with the Steering Group.

In reviewing the Neighbourhood Plan documents, it is clear that the Neighbourhood Plan Steering Group have undertaken a significant amount of public consultation in the preparation of the neighbourhood plan and that this is reflected in the Consultation Statement.

All neighbourhood plans must meet certain “basic conditions” before they can come into force. These are tested through the independent examination, before a plan can proceed to a referendum. The basic conditions for neighbourhood plans are to:

- have regard to national policy;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies in the development plan for the area; and
- be compatible with EU obligations.

In terms of compliance with existing planning policy, the Neighbourhood Plan Regulations are clear that the neighbourhood plan should be in “general” conformity with the current statutory Local Plan. The adopted local plan for North Hertfordshire is the District Local Plan No. 2 with Alterations, 1996.

Although a draft neighbourhood plan is not tested against the policies in an emerging local plan, Planning Practice Guidance does state that emerging evidence is likely to be relevant to the consideration of the basic conditions. The District Council acknowledges the significant amount of work that the Preston Neighbourhood Plan Steering Group has undertaken to ensure that the neighbourhood plan has been prepared having regard to the emerging policies in the Local Plan, which is at a relatively advanced stage of preparation.

North Hertfordshire District Council, Council Offices, Gemon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

The District Council is satisfied that the Preston Neighbourhood Plan is in general conformity with the saved policies from the District Local Plan No. 2 with Alterations, 1996 and has regard to national planning policy.

In submitting these representations, it should be clear that the District Council fully supports Preston Parish Council's ambition to put into place a neighbourhood plan for the parish and will continue to work with the Parish Council in the next stages of the neighbourhood plan.

The Parish Council might also be interested to hear that the District Council has commissioned consultants to prepare a Conservation Area Character Statements for each of the conservation areas across the District. The work will be undertaken in the 2019/2020 financial year.

Yours sincerely

A handwritten signature in black ink that reads "N Smith". The signature is written in a cursive style with a large initial 'N'.

Nigel Smith  
Strategic Planning Manager

Appendix A

North Hertfordshire District Council Schedule of Comments on Preston Parish Neighbourhood Plan Policies:

Policy Ref	Policy	NHDC Comment
Objective E3	To take special care of the Conservation Areas, ensure that development in a Conservation Area or its setting is of an appropriate scale and maintains or enhances its character, and to raise awareness of the relevant legislation.	Typographical error, as shown below: To take special care of the Conservation Areas, ensure that development in a Conservation Area or its setting is of an appropriate scale and maintains or enhances its character, and to raise awareness of the relevant legislation.
Policy QL3	Local Distinctiveness  The architecture of and landscaping schemes in all new developments should preserve and where possible enhance heritage assets, historic features, and rural character, thereby promoting community identity and preserving local distinctiveness.	The policy would benefit from the addition of two commas and should be amended to read:  The architecture of, and landscaping schemes in, all new developments should preserve and where possible enhance heritage assets, historic features, and rural character, thereby promoting community identity and preserving local distinctiveness.
Policy AF1	New and Improved Community Facilities:  Proposals for new or improved community facilities which fulfil the needs of existing and new residents will be supported unless any adverse impacts would significantly outweigh the benefits. Improvements should improve accessibility for children, the elderly and those with disabilities.	It would be difficult for a developer to demonstrate how the needs of future residents could be fulfilled. The policy could be made clearer if the words “fulfil the needs of existing and new residents” were deleted. The policy would read:  Proposals for new or improved community facilities which fulfil the needs of existing and new residents will be supported unless any adverse impacts would significantly outweigh the benefits. Improvements should improve accessibility for children, the elderly and those with disabilities.
Section 9		There are a number of paragraphs in Section 9 : Housing and Development which in themselves include a number of paragraphs.

		It would be helpful, if these are all numbered separately. Examples include paragraphs 9.2; 9.5; 9.14; 9.17; 9.18
Policy HD1	<p>Size of Individual Development:</p> <p>The emerging NHDC Local Plan allocation of 21 dwellings, which will include 7 affordable housing units, for Preston between 2011 and 2031 is acknowledged. The NHDC emerging Local Plan Policy HS2 would allow development to be phased, reflecting the results of the survey and a preference for a number of smaller developments (Paragraph 9.3) but at the same time to be considered as a whole for the purposes of affordable housing provision, thus ensuring this key need is met over the plan period.</p> <p>Proposals for development must take these factors into account while at the same time ensuring that:</p> <ul style="list-style-type: none"> <li>• they are of an appropriate density for this rural location,</li> <li>• the rural setting is preserved and</li> <li>• the village character is complemented.</li> </ul>	<p>The wording of the last bullet point in the policy could be amended to read:</p> <ul style="list-style-type: none"> <li>• the village character is complemented respected.</li> </ul>
Policy HD3	<p>Housing Types:</p> <p>Developments over the plan period must include a variety of styles, in keeping with neighbouring properties and the village as a whole while also providing 2 and 3 bedroom homes, suitable for families, local people and first-time buyers.</p>	The wording of the policy and the title is a little unclear as to whether the policy is about types or design of housing.
Policy HD5	<p>Sustainability and Energy Efficiency:</p> <p>Provision of measures for water conservation and landscape schemes that improve biodiversity will be encouraged. Proposals with a low carbon footprint will be supported. The provision of electric car charging points for all new homes will also be supported as will proposals that enable residents to work from home. Prior to</p>	The Council supports the reference to EV charging points in the policy as it is in line with the NHDC Air Quality and Planning Guidance Document.

	<p>occupation, each residential property shall incorporate an Electric Vehicle (EV) ready, domestic charging point.</p>	
Policy HD7	<p><b>Gardens:</b></p> <p>All new homes should have the benefit of a private garden. In certain circumstances a shared garden might be appropriate, for example in a development scheme for elderly people.</p>	<p>The explanatory text should include a definition of a “garden” to ensure that the policy is clear and that developers understand what a development proposal should include.</p>
Policy HD9	<p><b>Residential Extensions:</b></p> <p>Residential extensions, excluding those covered by permitted development, will be supported where they are sympathetic to the scale, form and design of the original building and do not have an adverse impact on the street scene.</p> <p>Materials used should be complementary to the original building and the pitch and form of the roof should conform to the original building and local character. The privacy, daylight, sunlight and outlook of adjoining residents must be safeguarded. Rear extensions must not dominate and floor levels must be well related to adjoining properties.</p> <p>The dwelling must continue to meet the parking standards of Policy TC1 by providing a minimum of 2 off road parking spaces for dwellings up to 3 bedrooms and a minimum of 3 parking spaces for 4+ bedrooms.</p>	<p>The policy would be clearer if the wording “excluding those covered by permitted development” was to be included in brackets, as follows:</p> <p>Residential extensions, (excluding those covered by permitted development) will be supported where they are sympathetic to the scale, form and design of the original building and do not have an adverse impact on the street scene.</p>
HD10	<p><b>New Housing Development:</b></p> <p>New dwellings on infill sites and new housing schemes will be supported where the proposal maintains and contributes to the local character of Preston, while at the same time meeting the requirements of the policies contained within this plan. New homes should be grouped in such a way that the green spaces and green lanes of the village are protected and landscaped appropriately. New</p>	<p>There is some wording in the policy which refers to other policies in the plan – it is considered that this is unnecessary as all relevant policies in the local and neighbourhood plans will be considered when determining planning applications.</p> <p>The 2<sup>nd</sup> sentence of the policy is also a little unclear. A single new dwelling will not be “grouped”. It is suggested that the policy could be re-worded as follows:</p>

	<p>access arrangements should be safe and take account of the character of the rural lanes in the parish.</p> <p>Landscape plans must be agreed before planning permission or agreed as a condition of planning consent.</p>	<p>Development proposals for new dwellings on infill sites and new housing schemes will be supported where the proposal maintains and contributes to the local character of Preston, while at the same time meeting the requirements of the policies contained within this plan. Development schemes should be designed New homes should be grouped in such a way that the green spaces and green lanes of the village are protected and landscaped appropriately. New access arrangements should be safe and take account of the character of the rural lanes in the parish.</p> <p>Landscape plans must be agreed before planning permission or agreed as a condition of planning consent.</p>
EH1	<p>Village Boundary, Rural Character and Setting:</p> <p>In the emerging NHDC Local Plan Preston is classed as a Category 'A' village, with a boundary within which development will be allowed.</p> <p>A clear visual break must be retained between Preston and nearby villages/settlements, for example, Gosmore, St. Paul's Walden and Langley to ensure that open countryside, woodlands, hedgerows and green corridors are protected and enhanced. Development that significantly reduces or destroys these assets will not be permitted.</p>	<p>The last sentence of this policy should be amended as there maybe circumstances where very special circumstances are proven and that development is acceptable.</p>
EH2	<p>Conservation Areas and Heritage Assets</p> <p>All development proposals, including new build, must demonstrate how the particular environment of Preston has been taken into account during conception and evolution of the design. Proposals that do not positively contribute to the local character must explain why and demonstrate the reasons behind the alternative approach. All development within the Conservation Area and within the setting of other designated and non-designated heritage assets must take account of the historic fabric of these areas and conserve, and where appropriate enhance, their character and appearance.</p>	<p>As written, the policy refers to all new development but the title refers to development in conservation areas. Either the first two sentences should be deleted from the policy because:</p> <ol style="list-style-type: none"> <li>1. the first sentence refers to all development proposals but the policy is focussed on development proposals within conservation areas; and</li> <li>2. the second sentence as development proposals should make a positive contribution to the site's local context.</li> </ol> <p>Or, alternately, the first two sentences could form a standalone</p>

	<p>Proposals should provide a statement containing an appropriate level of detail for the importance of the asset, including:</p> <ul style="list-style-type: none"> <li>• The significance of any heritage asset(s) affected</li> <li>• Any adverse impacts the development may have on the asset(s) and their setting and any proposed mitigation measures</li> <li>• How it will contribute to the character and setting of the relevant heritage asset(s)</li> <li>• Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment undertaken by an appropriately qualified specialist so that the impact of the proposed development on the significance of the heritage assets can be assessed and, where necessary, carry out a field evaluation.</li> <li>• The design of any new build should have regard to prevailing scale, massing and density of properties in the Conservation area and be in harmony with the character of the location in which it is being constructed. Materials used should be complementary and similar to neighbouring properties.</li> </ul>	<p>design policy applicable to all development.</p>
EH3	<p>Open and Green Spaces:</p> <p>New development should not impact on the uses and functions of existing green infrastructure (i.e. all types of green space, large or small, public or private) within the village and wider parish. Where it is demonstrated through assessment that a development will have a detrimental impact on the quantity or function of existing green infrastructure, then the development will not be permitted unless replacement provision is made that is of equal or greater value than that which will be lost through development. Development that fails to exploit opportunities to incorporate green infrastructure will not</p>	<p>The first sentence of the policy should be amended to make it clear that there should be no harmful impact from new development on the existing green infrastructure network, as some development might have a positive impact.</p>

	<p>be considered appropriate.</p> <p>In considering development proposals, Preston Parish Council will expect green infrastructure to provide permeability for wildlife through and around the development. Green infrastructure should be connective and functional as wildlife habitat in its own right not just as a link between habitats. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Development will not be permitted within 8 meters of a watercourse.</p>	
EH5	<p>Tranquillity and Dark Skies:</p> <p>Given the importance Preston residents place on the quiet, peaceful nature of the parish and its dark skies, any new development should not significantly disturb this tranquillity through the creation of excess noise, increases in traffic or light pollution. Preston Parish Council has a long-standing policy that there will be no streetlights within the parish.</p>	<p>It is difficult to envisage how this policy will be applied as it is written. It would be helpful if the supporting text is amended to provide some guidance on what might be deemed “significantly” or “excess” otherwise application of this policy will be entirely subjective and difficult to apply with any consistency.</p>
EH6	<p>Views and Vistas:</p> <p>This policy seeks to maintain the close connection between the village and the surrounding rural landscape, so any development proposal should include an assessment of the impact of the development on the key views and vistas or harm to the landscape. Proposals where a harmful impact is identified will only be permitted where appropriate mitigation measures can be delivered. If there is mitigation, the mitigation cannot be as bad or worse than the problem it has to solve. Development proposals will need to demonstrate, through their design and planning statement, that their design, scale, height and massing does not adversely impact the existing views and vistas, and positively enhances them where</p>	<p>To simplify the policy, the first sentence should be deleted:</p> <p><del>This policy seeks to maintain the close connection between the village and the surrounding rural landscape, so any d</del> Development proposals should include an assessment of the impact of the development on the key views and vistas or harm to the landscape. Proposals where a harmful impact is identified will only be permitted where appropriate mitigation measures can be delivered.</p>

	<p>possible.</p> <p>Where development proposals are likely to have an impact upon landscape, a landscape and visual impact assessment will be required in line with good practice guidance, 'Guidelines for Landscape and Visual Impact Assessment Third edition, Landscape Institute and Institute of Environmental Management and Assessment, 2013.' (GLVIA3) or any successor document.</p>	
TC2	<p><b>Broadband and Mobile Coverage:</b></p> <p>Provision of facilities to support the delivery of efficient and effective landline, broadband and mobile coverage throughout the parish will be supported provided they are sensitively designed and located in accord with other policies in this Plan. Proposals for new residential, commercial or community developments should include meeting the broadband and mobile phone needs of occupiers without any adverse impact on broadband speed or mobile phone coverage for the wider community.</p>	<p>The District Council has some concerns about this policy, in that the provision of telecommunication facilities does not always require planning permission as it is development covered by the GPDO. In terms of the effect that new development might have on broadband speeds and mobile coverage, this is something which is not monitored by the District Council.</p>
Project List		<p>The Council would welcome the identification of any potential s106 projects (preferably with indicative costings) within this Plan, rather than deferred to the future. This would give greater weight to any future requests from the Parish Council and greater transparency / certainty to any prospective developers. The Council is currently implementing improvements to its own s106 processes.</p>

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**CABINET  
11 JUNE 2019**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: WYMONDLEY NEIGHBOURHOOD PLAN – EXAMINER’S REPORT**

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER : PLANNING & TRANSPORT

COUNCIL PRIORITY : PROSPER AND PROTECT

**1. EXECUTIVE SUMMARY**

- 1.1 To consider the examiners report and the proposed modifications to the Wymondley Neighbourhood Plan and to agree that officers make arrangements to conduct a referendum within the Wymondley designated neighbourhood planning area.

**2. RECOMMENDATIONS**

- 2.1. That the Examiner’s report for the Wymondley Neighbourhood Plan should be noted.
- 2.2. That following the inclusion of the Examiner’s proposed modifications to the Wymondley Neighbourhood Plan, as set out in Appendix B, it is approved to proceed to a referendum.
- 2.3. That the Counting Officer be instructed to conduct a referendum on the Wymondley Neighbourhood Plan.
- 2.4. That the decision to “make” the Wymondley Neighbourhood Plan be delegated to the Service Director – Regulatory in consultation with the Executive Member for Planning and Transport.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To progress the Wymondley Neighbourhood Plan, enable a referendum to take place and following a vote of more than 50% in favour of the Wymondley Neighbourhood Plan to “make” the Wymondley Neighbourhood Plan.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 To accept all of the independent examiners recommendations and proceed to a referendum: This approach is not recommended as there are policies in the neighbourhood plan which could be combined to make the neighbourhood plan easier to use.

- 4.2 To propose additional modifications to the neighbourhood plan : The independent examiner's report sets out a number of modifications to the neighbourhood plan, however, Officers consider that there are further minor amendments which should be made to the policies before the neighbourhood plan is subject to a referendum. These further modifications are set out in paragraph 8.7.
- 4.3 To reject the examiner's proposed modifications : If the examiner's recommendations are not followed, the Parish Council as the qualifying body could request that the Secretary of State intervenes.
- 4.4 The Parish Council, as the Qualifying Body has a right to withdraw the neighbourhood plan at any time before the local planning authority decides on the examination report.
- 4.5 A full copy of the examiner's report is attached as Appendix A.

## **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 The Wymondley Neighbourhood Plan has been subject to public consultation which is described in paragraph 7.2 below. Members have been kept informed of the progress of the neighbourhood plan through the Strategic Planning reports to Cabinet.

## **6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

## **7. BACKGROUND**

- 7.1. Wymondley Parish Council applied for the designation of the whole parish area as a neighbourhood planning area in June 2015. At that time, officers considered that the area of the parish which fell within the proposed safeguarded land for development to the west of Stevenage should be excluded from the neighbourhood planning area. This was considered by Cabinet at a meeting on 28 July 2015 and a delegated decision was made on 26 August 2015 to designate part of Wymondley parish as the neighbourhood planning area.
- 7.2. In preparing the neighbourhood plan, Wymondley Parish Council and the Wymondley Neighbourhood Plan Committee has undertaken a significant amount of work and public consultation. Consultation on an early draft neighbourhood plan took place in April and May 2016. The neighbourhood plan was submitted to the District Council and consultation took place from 23 June to 4 August 2017. A total of 175 representations were received, 38 objections, 40 supporting representations and 97 comments. The plan was then submitted for examination.
- 7.3. An independent examiner, Deborah McCann, was appointed by the Council in consultation with Wymondley Parish Council.
- 7.4. The role of the examiner is to assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). Details about the basic conditions are set out in Section 5 of the examiners report, as attached at Appendix A.

- 7.5. Following the examination, the examiner must make one of the following recommendations:
- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements;
  - The neighbourhood plan can proceed to a referendum subject to modifications; or
  - The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

## **8. RELEVANT CONSIDERATIONS**

- 8.1. The examiner for the Wymondley Neighbourhood Plan was appointed in September 2018 and started the examination shortly afterwards. In most cases, a neighbourhood plan examination is conducted by way of written representations. However, in this case, the examiner decided to hold an exploratory meeting to help in assessing whether the neighbourhood plan met the Basic Conditions and whether it is in general conformity with the Development Plan and the National Planning Policy Framework.
- 8.2. The exploratory meeting was held on 30 January 2019 with representatives from the District Council, Wymondley Parish Council and the Neighbourhood Plan Steering Group present. The main issues on the agenda for the exploratory meeting were:
- How the housing need of the area would be met across the plan period;
  - Whether the neighbourhood plan is in general conformity with the Development Plan and therefore would meet the Basic Conditions;
  - The designation of Local Green Spaces in the neighbourhood plan; and
  - The clarification of the Habitats Regulation Assessment and the Strategic Environmental Appraisal.
- 8.3. The discussion at the exploratory meeting was led by the examiner with contributions from the District Council, the Parish Council and the Neighbourhood Plan Steering Group. The following issues were clarified:
- That the Steering Group agreed that the policy seeking to restrict development sites to 50 or fewer dwellings was intended to apply to the area of the parish currently excluded from the green belt under the policies of the District Plan 2<sup>nd</sup> Review with Alterations;
  - That the Steering Group would undertake further work to ensure that consultation had been undertaken with the landowners in respect of those spaces which they sought to designate as Local Green Spaces;
  - That the examiner would consider which policies should be moved into a section within the neighbourhood plan which reflected community aspirations rather being policies which could be used in determining planning applications;
  - That the District Council undertake further work on the Habitats Regulation Assessment and the Strategic Environmental Assessment to allow the basic conditions to be met.
- 8.4. Following the exploratory meeting, the examiner suspended the examination to enable both the District and the Parish Council to complete the additional work that had been requested. All the additional work requested was completed by 1 March 2019 and sent to the examiner to allow her to complete the examination. The examiner's report was issued on 20 March 2019 with the following recommendation: *"I therefore conclude that the Wymondley Neighbourhood Plan subject to the recommended modifications can proceed to Referendum."* The Examiner's report is attached at Appendix A.

- 8.5. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 introduced a timeframe within which the local planning authority had to decide what action to take in response to the examiners recommendations. The independent examiner's report was not received in time for both the local planning authority and the Parish Council to consider the recommendations and conduct a referendum before the local election period. An extension to the timeframe was therefore agreed between the District and the Parish Council.
- 8.6. The Wymondley Neighbourhood Plan does not allocate any sites for residential development but following the examiners modifications will include 20 policies which will be used in determining planning applications in the neighbourhood planning area.
- 8.7. A schedule of the examiner's proposed modifications to the neighbourhood plan has been prepared and is attached as Appendix B. The examiner's modifications to the neighbourhood plan ensure that the neighbourhood plan can meet the Basic Conditions, but at this stage the local planning authority can also make further modifications. If any of the modifications proposed by the local planning authority depart from the examiner's recommendations, clear reasons must be given for those departures. The attached schedule sets out the examiners recommendations and sets out a response from Officers. The examiner has proposed modifications which amend the wording of some policies. Officers consider that the proposed modifications to the majority of the policies will ensure that the policies will meet the Basic Conditions. There are however, three policies where it is suggested that additional modifications are made:
- combine policies NHE8 and FR4 to create one policy for Flood Risk;
  - delete a duplication in the text of policy NHE11; and
  - delete a duplicate sentence in policy GIS2.
- It is considered that these modifications are in accordance with the examiner's report and would not necessitate any additional consultation as the aims of the policies are unaffected.
- 8.8. In addition to the proposed modifications to the policies, the examiner has requested that a number of the policies which were included in the submission version of the neighbourhood plan are moved to a new section of the neighbourhood plan as she considered that they are community aspirations rather than planning policies and cannot be used in the determination of planning applications. Officers welcome these proposed modifications to the neighbourhood plan.
- 8.9. The Parish Council have also considered the examiners report and have accepted the examiners proposed modifications and recommendations.
- 8.10. Overall, officers consider that the modifications will help to make the neighbourhood plan clear and one which can be used in determining planning applications in the neighbourhood planning area. (For reference a copy of the Wymondley Neighbourhood Plan pre-examination version, June 2016 as submitted for examination can be viewed on the Council's website at: <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/approved-neighbourhood-areas-wymondley>)

- 8.11. The examiner states that subject to the proposed modifications being made to the neighbourhood plan, she recommends that the Wymondley Neighbourhood Plan can go forward to a referendum. As part of the examination process, the examiner must consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates. In this case, the examiner considers that there is no reason to alter or extend the area for the referendum.
- 8.12. Once the local planning authority decides that a referendum should be held, this must take place within 56 working days from the publication of its decision notice to take the plan forward. The duties of the Counting Officer are to be exercised by the appointed Returning Officer for local government elections in the area. It is proposed that the referendum will take place in August 2019. The date will be clarified at the meeting of Cabinet.
- 8.13. If there is a favourable response to the referendum, where more than 50% of those voting are in favour of the plan, then the Local Planning Authority will “make” the neighbourhood plan. The plan will need to be made within 8 weeks of the referendum. The Service Director – Regulatory in consultation with the Executive Member for Planning, Enterprise and Transport have delegated authority to “make” the neighbourhood plan following a successful referendum. Once the plan is made, it will then form part of the statutory development plan. Policies in the neighbourhood plan will be used in determining planning applications within the Wymondley neighbourhood planning area.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under the Terms of Reference for Cabinet Paragraph 5.6.18 of the Constitution states that the Cabinet should exercise the Council’s functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Service Director : Regulatory.
- 9.2 The Localism Act 2011 provided a new statutory regime for neighbourhood planning. The Neighbourhood Planning (General) Regulations 2012 (as amended) make provisions in relation to that new regime. It does amongst other things set out the Council’s responsibility (as the Local Planning Authority) in assisting communities in the preparation of neighbourhood development areas, plans and order and to take plans through a process of examination and referendum.
- 9.3 At the point where the local planning authority makes the decision on whether the neighbourhood plan should proceed to referendum, it needs to be satisfied that the neighbourhood plan proposal has regard to national policy and guidance, contributes to sustainable development, is in general conformity with the strategic policy of the development plan for the area and doesn’t breach or is otherwise compatible with EU obligations.
- 9.4 Regulations 2A and 18A of the Neighbourhood Planning (Referendums) Regulations 2012 prescribe the relevant time limits referred to in paragraphs 8.10 and 8.11 above respectively.
- 9.5 As a consequence of receiving the examiner’s report for the Wymondley Neighbourhood Plan, the local planning authority must now have regard to the provisions of the neighbourhood plan as a material consideration in the determination of planning applications within the Wymondley neighbourhood planning area.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 The cost of the Wymondley Neighbourhood Plan examination has been met out of the existing Neighbourhood Plan Reserve (£21,000), which came about from previous Department of Communities and Local Government (DCLG) funding following designation of neighbourhood plan areas. This reserve will also be used to fund this referendum.
- 10.2 Until March 2019, the local planning authority could claim £20,000 from the MHCLG once a neighbourhood plan had gone through a successful examination process and a date has been set for a referendum. At the time of writing, it is not known whether the MHCLG intends to continue with any Neighbourhood Plan payments into 2019/20, any further update will be given at the meeting.

## **11. RISK IMPLICATIONS**

- 11.1. No direct risk implications from this report but Sustainable Development of the District and the Local Plan are both Cabinet Top Risks.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1. There are no new human resource implications arising from the contents of this report.

## **15. APPENDICES**

- 15.1 Appendix A : Wymondley Neighbourhood Plan – Independent Examiners Report, <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/approved-neighbourhood-areas-wymondley>
- 15.2 Appendix B : Schedule of examiners proposed modifications and responses

## **16. CONTACT OFFICERS**

16.1 Ian Fullstone, Service Director of Regulatory  
01462 474480 [ian.fullstone@north-herts.gov.uk](mailto:ian.fullstone@north-herts.gov.uk)

Contributors

Clare Skeels, Senior Planning Officer  
01462 474424 [clare.skeels@north-herts.gov.uk](mailto:clare.skeels@north-herts.gov.uk)

Nigel Smith, Strategic Planning Manager  
01462 474847 [nigel.smith@north-herts.gov.uk](mailto:nigel.smith@north-herts.gov.uk)

Nurainatta Katevu, Property and Planning Lawyer  
01462 474364 [nurainatta.katevu@north-herts.gov.uk](mailto:nurainatta.katevu@north-herts.gov.uk)

## **17. BACKGROUND PAPERS**

17.1 Cabinet reports:

- St Paul's Walden and Wymondley Neighbourhood Planning Areas – 28 July 2015
- Strategic Planning Matters – 13 June 2017
- Strategic Planning Matters – 21 November 2017
- Strategic Planning Matters – 31 July 2018
- Strategic Planning Matters – 25 September 2018
- Strategic Planning Matters – 18 December 2018

The following background papers are all available on the following webpage:  
<https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/approved-neighbourhood-areas-wymondley>

Delegated decision – Wymondley Neighbourhood Planning Area – 26 August 2015

Wymondley Neighbourhood Plan – Submission Version – June 2016

Wymondley Neighbourhood Plan – schedule of representations to Regulation 16 consultation – August 2017

Exploratory meeting – Examiner's agenda – January 2019

Letter from the examiner suspending the examination – 1 February 2019

Independent Examiner's Report of the Wymondley Neighbourhood Plan – March 2019

Wymondley Neighbourhood Plan – as amended – May 2019

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**Independent Examiner's Report of the**  
**Wymondley Neighbourhood Plan**

Deborah McCann

*Author*

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

*Planning Consultant*

*NPIERS Examiner*

*CEDR accredited mediator*

*20th March 2019*

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## **SECTION 2**

### **Summary**

*As the Independent Examiner appointed by North Hertfordshire District Council to examine the Wymondley Neighbourhood Plan, I can summarise my findings as follows:*

- 2.1 I find the Wymondley Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2.2 I am satisfied that the Referendum Area should be the same as the Plan Area, should the Wymondley Neighbourhood Plan go to Referendum.*
- 2.3 I have read the Wymondley Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 2.4 I find that the Wymondley Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 2.5 At the time of my examination the Development Plan for North Hertfordshire comprises the saved policies from North Hertfordshire District Local Plan No 2 (1996) and the Hertfordshire CC Waste and Mineral Plans. North Hertfordshire District Council are at a relatively advanced stage of preparing a new plan for the District, the Local Plan 2011-2031 which was submitted for examination in June 2017, the hearings taking place from November 2017 to the end of March 2018. The key elements of the plan set a target to deliver 14,000 new homes for North Hertfordshire.*

## **SECTION 3**

### **Introduction**

#### **3. Neighbourhood Plan Examination.**

3.1 *My name is Deborah McCann and I am the Independent Examiner appointed to examine the Wymondley Neighbourhood Plan.*

3.2 *I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.*

3.3 *My role is to consider whether the submitted Wymondley Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Wymondley Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.*

3.4 *The Wymondley Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*

3.5 *The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing. However, the Neighbourhood Plan NPIERS Guidance for examiners has introduced the opportunity for examiners to hold "exploratory meetings".*

3.6 *Like a Hearing, an Exploratory Meeting is called at the discretion of the examiner; with the examiner determining who should be invited to speak and which areas of the plan should be covered. Where it differs from a Hearing is that the purpose of the meeting is to help the examiner establish whether or not there is a fundamental issue that potentially may jeopardise the success of the plan at examination.*

3.7 *In contrast to a hearing, an exploratory meeting provides the flexibility for the examiner to convene a discussion with identified participants about the plan, where this may not fall necessarily within the very special statutory reasons for convening a hearing session.*

3.8 An exploratory meeting will provide an opportunity to consider an issue and scope whether there is any viable remedy, exploring all the options.

3.9 The exploratory meeting, in the best-case scenario, may in itself provide the necessary clarification and lead to resolution of the issue. Alternatively, it may reveal that nothing further can reasonably be done that will prevent the plan failing the basic conditions or other legal requirements. In certain circumstances, it may be that further remedial work can be undertaken, subject to the examiner, qualifying body and local planning authority agreeing that there is a reasonable prospect of remedying the plan's shortcomings by placing the examination on hold i.e. suspending the examination.

3.10 Suspension of the examination. This may occur after the exchange of correspondence, or after the exploratory meeting, where one has been held. Suspension is likely to be most relevant to rectifying a procedural failing rather than a basic condition compliance issue. However, even a procedural failing may be better dealt with by withdrawing the plan and going back to the point of the plan's preparation (including consultation or submission to the local planning authority) where the failure occurred. If the suspension relates to a policy's basic condition compliance, it will be clear what the purpose of the suspension is e.g. to gather more evidence, propose a different approach etc. The length of suspension is at the examiner's discretion. Following the suspension period, the aim is to be in a position to make the necessary modifications to the plan and recommend it proceeds to a referendum. However, there can be no guarantee.

### **3.2. The Role of Examiner including the examination process and legislative background.**

3.2.1 The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

3.2.2 As an independent Examiner, having examined the Plan, I am required to make one of

*the following recommendations:*

*1. The Plan can proceed to a Referendum*

*2. The Plan with recommended modifications can proceed to a Referendum*

*Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.*

*3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

*3.2.3 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Wymondley Neighbourhood Plan go to Referendum.*

*3.2.4 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:*

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*

- *the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

*3.2.5 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:*

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development; and*
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

*The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.*

*3.2.6 North Hertfordshire District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.*

## **SECTION 4**

### **The Report**

#### **4.1. Appointment of the Independent Examiner**

*North Hertfordshire District Council appointed me as the Independent Examiner for the Wymondley Neighbourhood Plan with the agreement of Wymondley Parish Council.*

#### **4.2. Qualifying Body**

*I am satisfied that Wymondley Parish Council is the Qualifying Body.*

#### **4.3. Neighbourhood Plan Area**

*North Hertfordshire District Council approved the designation of Wymondley 's Neighbourhood Development Plan Area on the 26<sup>th</sup> of August 2015. The designated Neighbourhood Area does not follow the Parish Boundary but excludes an area to the south of Todd's Green, as illustrated on the map in annex 1 of the Basic Conditions Statement.*

#### **4.4. Plan Period**

*It is intended that the Wymondley Neighbourhood Plan will cover the period 2015-2031.*

#### **4.5. North Hertfordshire District Council Regulation 15 Assessment of the Plan.**

*Wymondley Parish Council, the Qualifying Body for preparing the Wymondley Neighbourhood Plan, submitted it to North Hertfordshire District Council for consideration under Regulation 15. North Hertfordshire District Council has made an initial assessment of the submitted Wymondley Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.*

#### **4.6. Site Visit**

*I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 29<sup>th</sup> of January 2019.*

#### **4.7. Exploratory Meeting.**

*The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are circumstances when an examiner may consider it necessary to hold a hearing or exploratory meeting. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case or explore whether issues identified are of such significance that the progress of the examination is in question. Having*

*read the plan and considered the representations I concluded that it was not necessary to hold a Hearing. However, there were a number of issues which I considered sufficiently substantive as to require an Exploratory Meeting.*

*An Exploratory Meeting was held on Wednesday 30<sup>th</sup> January 2019. This is a new process introduced in the Guidance for Examiners produced by NPIERS. The structure and process of the Exploratory Meeting is detailed in paragraph 1 of this report.*

*I called the Exploratory Meeting in order to explore the following issues:*

- *Housing: exploring how the housing need of the area is to be met across the plan period and whether or not the plan is in general conformity with the development plan and therefore meets the Basic Conditions. This involved a discussion of the housing and green belt policies within the Neighbourhood Plan.*
- *Local Green Space Designation*
- *Documents and information accompanying the plan; the Basic Conditions Statement, the Consultation Statement, SEA and HRA Screening reports.*

*The Exploratory Meeting was held to establish whether or not the Wymondley Neighbourhood Plan could meet the Basic Conditions with or without modification in this respect. To establish whether or not there was a fundamental issue that could jeopardise the success of the plan at examination.*

*A full transcript of the proceedings is available on the North Hertfordshire District Council website.*

### **Conclusion**

*During the course of the meeting it became evident that there has been a significant period of time since the original production of the draft plan and examination. As a result, there have been various changes in circumstances including the current position with the emerging Local Plan. The Documents submitted do not reflect these changes although I was satisfied that they could once reviewed.*

*My main area of concern related to the delivery of housing within the Neighbourhood Plan Area across the plan period and the Neighbourhood Plan's relationship with the existing development plan, the National Planning Policy Framework and the evidence base for the emerging Local Plan. The information provided at the meeting by both the Neighbourhood Plan Committee and representatives of North Hertfordshire District Council satisfied me that this concern could be overcome by the modification of policies within the Neighbourhood Plan.*

*I concluded that subject to modification the Wymondley Neighbourhood Plan could meet the Basic Conditions. However, this was caveated on the basis that the documents listed below were reviewed and updated satisfactorily. To enable the Qualifying Body to carry out this work it was necessary for me to suspend the examination for a period of one month from the date of the meeting.*

*I required the following documents to be reviewed and updated:*

- 1. The Basic Conditions Statement*
- 2. The Consultation Statement*
- 3. The Strategic Environmental Assessment and Habitats Regulations Assessment screening reports*

*Another recent change of circumstance, which was touched on during the meeting is the additional requirements relating to Habitats Regulations Assessment this has resulted in the introduction of a new Basic Condition:*

*"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d)"*

*I also required additional information for the proposed Local Green Space designations.*

*Following the receipt of the required information I recommenced my examination on the 1<sup>st</sup> of March 2019. I refer to the additional submissions in the relevant sections of the plan and the documents are available to view on the Council's website.*

#### **4.8. The Consultation Process**

*The Wymondley Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.*

*The Statement describes the approach to consultation; the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):*

*(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;*

*(b) It explains how they were consulted; (c) It summarises the main issues and concerns*

*raised by the persons consulted; and*

*(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.*

*Following the Exploratory meeting the Qualifying Body submitted an updated Consultation Statement to include details of the consultation and response of the owners of the proposed Local Green Spaces.*

*I received a number of representations relating to the consultation process. Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequately conducted and recorded and meets the statutory requirements.*

*A list of statutory bodies consulted is included in the Consultation Statement.*

#### **4.9 Regulation 16 consultation by North Hertfordshire District Council and record of responses.**

*North Hertfordshire District Council placed the Wymondley Neighbourhood Plan out for consultation under Regulation 16 from 23rd June to the 4th August 2017.*

*A number of detailed representations were received during the consultation period and these were supplied by the District Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.*

#### **4.10 Compliance with the Basic Conditions**

*The Wymondley Neighbourhood Plan Committee produced a Basic Conditions Statement on behalf of Wymondley Parish Council. The purpose of this statement is for the Neighbourhood Plan Committee to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. Following the Exploratory Meeting the Qualifying Body have submitted an updated Basic Conditions Statement, and this is available to view on the North Hertfordshire District Council website. It is the examiner's role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.*

*I have to determine whether the Wymondley Neighbourhood Plan:*

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*

4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. *There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012, Schedule 2 para 1 has stated:*

*"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—*

*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."*

*Documents brought to my attention by the District Council for my examination include:*

- (i) *The Wymondley Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.*
- (ii) *Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan. (revised February 2019)*
- (iii) *Basic Conditions Statement - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of NHDC and any other policies and guidance. (revised February 2019)*

*Comment on Documents submitted*

*I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Wymondley Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.*

#### **4.11 Planning Policy**

##### **National Planning Policy**

*National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) 2012. During the course of my examination the government published the revised NPPF.*

*The revised NPPF provides for transitional arrangements as follows:*

*"214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted (69) on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area*

concerned.

(69) For neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

(22 Footnote to paragraph 48) During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012."

Therefore, for the purposes of my examination the relevant national policy document is the NPPF (2012).

To meet the Basic Conditions, the Plan must have "regard to national policy and advice". In addition, the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan". Paragraph 16 states that neighbourhoods should "develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan".

The Wymondley Neighbourhood Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Wymondley Neighbourhood Plan and consider that, subject to modification, the plan does have "regard for National Policy and Advice" and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

#### **Local Planning Policy- The Development Plan**

Wymondley is within the area covered by North Hertfordshire District Council. The relevant development plan, at the time of my examination was the District Local Plan No 2 with Alterations adopted in 1996, including saved policies 2007.

#### **4.12 Other Relevant Policy Considerations**

##### **European Convention on Human Rights (ECMR) and other European Union Obligations**

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

The initial screening assessment to determine the need for a SEA in line with regulation and guidance was undertaken by the Qualifying Body. The conclusion was that no SEA was

*required, However I had some reservations about the screening process undertaken. At the Exploratory Meeting I requested an update on the assessment and North Hertfordshire District Council have submitted an addendum to the original Strategic Environmental Assessment Screening Determination.*

*The original SEA screening report was prepared by the Wymondley Parish Neighbourhood Plan Committee and was submitted to the District Council in March 2017. The screening report was prepared using a standard template which has been prepared by consultants on behalf of the District Council to enable neighbourhood planning groups to start the SEA screening for their neighbourhood plan.*

*The District Council sent the screening report to the three statutory consultees, the Environment Agency, Natural England and Historic England on 12 June 2017. Responses were requested by 24 July 2017.*

*One response was received during the consultation period from Historic England and a further response was received from Natural England after the close of the consultation period.*

*Both responses stated that there was no need for a SEA to be undertaken.*

*After the exploratory meeting, the SEA screening was sent to the Environment Agency again to request a formal response. The Environment Agency has confirmed that following a review of the environmental constraints affecting the neighbourhood plan, there are no comments and that they do not consider there to be any potential significant environmental effects.*

*“The principal reasons for this conclusion are set out below:*

- There are no sites allocated for development;*
- The neighbourhood plan focuses on protecting the quality of the village and its environment;*
- The neighbourhood plan does not seek to change the outcomes of development proposals in the existing or emerging Local Plan to the extent that it might lead to substantively different effects to those already assessed;*
- The neighbourhood area does contain natural and heritage features but there are no proposals in the neighbourhood plan which are likely to have significant environmental effects on these features.”*

*The District Council has amended the SEA Screening report to include a screening determination.*

*From the findings of the screening assessment it was concluded that there was no requirement for a SEA to be undertaken. All of the consultation responses from the statutory*

bodies concurred with this conclusion.

The following organisations are the statutory bodies for the purposes of the SEA screening:

- Natural England
- Historic England
- Environment Agency

#### *Habitats Regulations Assessment (HRA)*

The Habitat Regulation Assessment was discussed at the exploratory meeting. At the time the Wymondley Parish Neighbourhood Plan was submitted, the District Council was satisfied that there was no need for an HRA to be undertaken as the Habitat Regulation Assessment that had been prepared as part of the Local Plan concluded that it was unlikely that there would be any significant effects on any European sites and that no appropriate assessment under the Habitats Directive was required.

Following the exploratory meeting and in the light of recent case law and the new Basic Condition, the District Council re visited the HRA screening. The Council's conclusion was that because there are no site allocations in the Wymondley Parish Neighbourhood Plan it is not likely to cause a significant adverse effect on a European Site and that no further action is required.

The following organisation is the statutory body for the purposes of the HRA screening:

- Natural England

I am satisfied with the Council's conclusion.

#### **Sustainable development**

The Basic Conditions sets out the neighbourhood plan's approach to achieving sustainable development.

I am satisfied that the Wymondley Neighbourhood Plan has done so.

I am therefore satisfied that the Wymondley Neighbourhood Plan meets the basic conditions on EU obligations.

#### **Excluded development**

I am satisfied that the Wymondley Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country

*Planning Act 1990.*

### **Development and use of land**

*I am satisfied that the Wymondley Neighbourhood Plan, subject to modification covers development and land use matters.*

### **General Comments**

*Planning Guidance on preparing neighbourhood plans and policies is clear, it states:*

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*

*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”*

*In order to provide clarity and to ensure that the policies in the Wymondley Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:*

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.*
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.*
- Policies have not been written as a planning policy as they do not address the development and use of land.*

*As I have found it necessary to modify a number of policies it will also be necessary to modify the supporting text within the plan to align with the modified policies. The details of these modifications are set out within my comments on the related policies.*

*Paragraph 1.2 should be modified to include a map of the Neighbourhood Plan Area.*

*Paragraph 1.4 and other relevant paragraphs. The reference to the Wymondley Parish Neighbourhood Plan Forum should be removed and replaced with reference to the*

Wymondley Neighbourhood Plan Committee.

My comments on policies are in **blue** with the modified policies in **red**.

### **13. Wymondley Neighbourhood Plan Vision**

***I am satisfied that the vision has been developed from the consultation process and the aims and policies flow from the vision.***

#### **13.1 Wymondley Neighbourhood Plan Policies**

##### **13.2 Natural and Historic Environments**

***Aim: to conserve and enhance our Parish's natural and historic environments, by ensuring that any proposed new development contributes positively to its distinctive character; takes into account its identified biodiversity and environmental issues; and does not negatively impact on its existing green infrastructure or its valuable archaeological heritage.***

***13.3 Policy NHE1: In our discussions with the planning authorities, and responses to any relevant consultation exercises, we will aim to ensure that landscape character assessments have been prepared where appropriate; integrated with assessment of historic landscape character and landscape sensitivity; and due regard had to them in development proposals.***

#### **COMMENT**

***This is not a policy but a statement. For clarity and to meet the Basic Conditions the policy should be modified as follows:***

##### ***Policy NHE1 Landscape Character:***

**~~*-In our discussions with the planning authorities, and responses to any relevant consultation exercises, we will aim to ensure that landscape character assessments have been prepared where appropriate; integrated with assessment of historic landscape character and landscape sensitivity; and due regard had to them in development proposals.*~~**

***Where appropriate planning applications should be accompanied by an assessment of the impact of the proposal on landscape character including historic landscape making reference to the relevant character assessment documents including the North Hertfordshire Landscape Study.***

**13.4 Policy NHE2: When determining development proposals, we will ensure that decisions will minimise impacts and result in net gains to biodiversity. Net gain will be determined by applying the Biodiversity Impact Calculator.**

**COMMENT**

*This is more of a statement than policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

***Policy NHE2 Biodiversity:***

~~***When determining development proposals we will ensure that decisions will minimise impacts and result in net gains to biodiversity. Net gain will be determined by applying the Biodiversity Impact Calculator.***~~

***Proposals should, where appropriate be supported by a biodiversity action plan and measures to ensure net gains in biodiversity. The use of a Biodiversity Impact Assessment Calculator is encouraged.***

**13.5 Policy NHE3: In considering development resulting in significant ecological impact there will be a presumption against such development unless clear and significant ecological gains can be demonstrated.**

**COMMENT**

*I am unsure of the meaning of this policy and it is unclear how it could be implemented in the development management process. In order to meet the Basic conditions this policy should be deleted.*

**13.6 Policy NHE4: In determining development proposals affecting designated sites and Priority Habitats or Species, we will ensure that their nature conservation value is protected in accordance with their status. Development affecting such sites or species is expected to deliver a net gain in biodiversity. In granting permission, we will impose conditions or seek planning obligations that secure appropriate management regimes to deliver biodiversity gain in-perpetuity.**

**COMMENT**

*This policy does not make reference to specific sites within the Neighbourhood Plan Area and a policy regime already exists protecting designated sites at a European, national and local level. Paragraphs 6.14 and 6.15 read more as policy and are overly prescriptive not reflecting national or local policy. Both paragraphs should be modified*

*in line with policy NHE4. For clarity and in order to meet the Basic Conditions the policy should be modified as follows:*

***Policy NHE4: Wildlife and Ecology.***

~~*In-determining Development proposals affecting designated sites and Priority Habitats or Species, must comply with the relevant European, national and local policy requirements. we will ensure that their nature conservation value is protected in accordance with their status. Development affecting such sites or species is expected to deliver a net gain in biodiversity. In granting permission, we will impose conditions or seek planning obligations that secure appropriate management regimes to deliver biodiversity gain in perpetuity.*~~

***13.7 Policy NHE5: In considering development proposals we will expect Green Infrastructure to provide permeability for wildlife through and around development. GI should be connective and functional as wildlife habitat in its own right not just as a link between habitats.***

**COMMENT**

***For clarity and to meet the Basic Conditions the policy should be modified as follows:***

***Policy NHE5 Green Infrastructure:***

~~*In-considering Where appropriate development proposals should be supported by, we will expect a Green Infrastructure Plan which will to provide permeability for wildlife through and around development and GI should be connective and functional as wildlife habitat in its own right not just as a link between habitats.*~~

***13.8 Policy NHE6: All suitable development will be expected to include integrated bat and bird roosting devices within the fabric of the brickwork.***

***I have no comment on this policy as it meets the Basic Conditions.***

***13.9 Policy NHE7: In considering development proposals that negatively impact upon bat movement corridors we expect these corridors to be identified, protected and enhanced to ensure continued ecological functionality of bat populations.***

**COMMENT**

***I have no comment on this policy as it meets the Basic Conditions.***

**13.10 Policy NHE8: Development will not be permitted within 12 m of a watercourse.**

**COMMENT**

*Flood risk is already regulated by a policy regime. This policy does not have regard for existing policy and therefore does not meet the Basic Conditions. In accordance to meet the Basic Conditions it should be modified as follows and moved to the flood risk section:*

**Policy NHE8 Flood Risk:**

***Development will not be permitted within 12 m of a watercourse should be supported by any required Flood Risk Assessment and adequate information to assess the potential impact of the proposal on flooding both on and off site.***

**13.11 Policy NHE9: In considering ecological information in support of planning applications we expect that surveys are undertaken by suitably qualified personnel and are consistent with nationally accepted standards i.e. British Standard 42020: Biodiversity – Code of practice for planning and development.**

**COMMENT**

*Paragraphs 6.26-6.30 are written like policies and are overly prescriptive. They should be modified appropriately. There can be no requirement to submit European Protected Species Licenses to the Parish Council, for example. This policy would be better located with policy NHE7 modified and renumbered.*

**13.12 Policy NHE10: In considering development involving potentially adverse lighting impacts to wildlife we will expect surveys to identify movement corridors and ensure that these corridors are protected and enhanced.**

**COMMENT**

*This policy lacks clarity and should be modified as follows:*

**Policy NHE10 Lighting:**

***On sites where, protected species have been identified proposals should include mitigation measures to address In considering development involving potentially adverse lighting impacts. ~~to wildlife we will expect surveys to identify movement corridors and ensure that these corridors are protected and enhanced.~~***

**13.13 Policy NHE11:in considering landscaping schemes we will expect that appropriate native species are used whenever possible and the benefits to biodiversity are maximised.**

**COMMENT**

*Paragraph 6.35 should be modified; the submission of details can be requested but not required.*

*This policy should be given a title. I have no other comment.*

**13.14 Historic Environment**

**Policy NHE12: By working collaboratively with our local and neighbouring planning authorities, (and other stakeholders), we will aim to ensure that the significance of the Parish’s heritage assets and the contribution they make to the environment is recognised - and due account taken of it in considering development proposals. This includes ensuring that, in line with paragraphs 169 – 170 of the Government’s National Planning Policy Framework (NPPF), the planning authorities use their required up-to-date evidence about our historic environment to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.**

**COMMENT**

*This policy is confusing and would be better located under heritage assets and renumbered as NHE 13. National and local policy already exists which sets out clearly how proposals affecting non-designated heritage assets should be considered. As currently worded this policy does not accurately reflect existing policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

**Policy NHE12: Heritage Assets**

**Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan.**

~~**By working collaboratively with our local and neighbouring planning authorities, (and other stakeholders), we will aim to ensure that the significance of the Parish’s heritage assets and the contribution they make to the environment is recognised – and due account taken of it in considering development proposals. This includes ensuring that, in line with paragraphs 169 – 170 of the Government’s discovered in the future. National Planning Policy Framework (NPPF), the planning authorities use their**~~

~~required up-to-date evidence about our historic environment to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be~~

### 13.15 Heritage Assets

**Policy NHE13:** We wholeheartedly concur with this view, and will work vigorously with local planning authorities and other stakeholders to ensure that the historical character of the area is preserved; the key environmental features maintained (and enhanced wherever possible); and that in the absence of any “exceptional circumstances”, (as defined in relevant legislation, case-law or guidance), Green Belt land in and around our Parish remains inviolate.

#### COMMENT

*As currently worded, this is not a policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

#### Policy NHE13:- Historic Character

~~We wholeheartedly concur with this view, and will work vigorously with local planning authorities and other stakeholders to ensure that the historical character of the area is preserved; the key environmental features maintained (and enhanced wherever possible); and that in the absence of any “exceptional circumstances”, (as defined in relevant legislation, case-law or guidance), Green Belt land in and around our Parish remains inviolate.~~

~~Development proposals should reflect and where possible enhance the historic character of the area.~~

**13.16 Policy NHE14:** We value our green infrastructure and its key role in maintaining the historic character and environment of Wymondley Parish. Consequently, as opportunities arise, we will continue to work with local authorities, landowners and other interested parties to encourage improved hedgerow and woodland management; maintain and extend the rights of way network; increase appropriate tree belt screening and field boundaries in our parish landscape; lessen the impact of the A1 (M) and other elements of our transport infrastructure; and create new accessible green infrastructure.

#### COMMENT

*This is not a policy but a community aspiration and should be moved to a separate*

*section of the plan.*

**13.17 Policy NHE15:** *We will also seek to protect our village greens (and other green spaces) from inappropriate development or unsympathetic management, as they form a key element of the character of the Parish. (Issues relating to green infrastructure are covered in more depth in Section 9 of this Plan.)*

**COMMENT**

*This policy should be given a title. I have no other comment on this policy*

**13.18 Policy NHE16:** *To protect our natural and historic environment, and retain the rural character and intimate scale of Wymondley Parish we will work with local authorities, landowners and other interested parties to ensure that any new development is appropriately sited and of an appropriate scale, form and style; that visually intrusive locations such as upper ground where they would be visible from the skyline are avoided; and that associated lighting does not create additional urbanising influences on the character of the area.*

**COMMENT**

*This policy would be better combined with NHE13 and for clarity modified as follows:*

**Policy NHE16: Natural and Historic Environment**

*To protect our natural and historic environment, and retain the rural character and intimate scale of Wymondley Parish ~~we will work with local authorities, landowners and other interested parties to ensure that any new development is~~ should:*

- ~~be appropriately sited and of an appropriate scale, form and style; that~~*
- avoid visually intrusive locations such as upper ground where they would be visible from the skyline ~~are avoided;~~*
- avoid ~~and that associated lighting does not that~~ would create additional urbanising influences on the character of the area.*

**13.19 Green Belt**

**Aim:** *to preserve the look and feel of the Parish, with particular importance being given to the protection of the Green Belt surrounding it, to prevent erosion of the Parish's character by urban sprawl;*

**13.20 Policy GB1:** *We will work positively with stakeholders to ensure that*

*development proposals impacting on Wymondley Parish comply with Government Green Belt policy; and that primary consideration is given to effective use of brown-field sites which are not of high environmental value.*

**COMMENT**

*As currently worded GB1 is not a policy, for clarity it should be combined with policy GB2 and modified as follows:*

*~~Policy GB1 Green Belt: We will work positively with stakeholders to ensure that Development proposals impacting on Wymondley Parish must comply with Government Green Belt policy; and that primary consideration is~~ will be given to effective use of brown-field sites which are not of high environmental value.*

*~~We will work positively with stakeholders to ensure that Development proposals do should not impact negatively on Wymondley Parish - particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of our villages/hamlets~~*

*~~We will work positively with stakeholders to ensure that development proposals do not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of our villages/hamlets~~*

**COMMENT**

*As currently worded GB2 is not a policy, for clarity it should be combined with policy GB1 please refer to GB1 for modification.*

*13.21 Policy GB3: Where we believe Government Green Belt policy has not been complied with, we will robustly challenge any proposals to change our Green Belt boundaries or to build on Green Belt land in or near to Wymondley Parish.*

**COMMENT**

*Green Belt policy is set out at national level. This policy does not meet the Basic Condition and should be deleted from the plan.*

**13.22 Flood Risk**

*Aim: to contribute to the well-being of the Parish by seeking to address the current shortfall in Flood Prevention Measures; and to work constructively with local planning*

**authorities to pre-empt the future effects of climate change and ensure that any development proposals are sustainable, have no adverse effect on potential flood risk and will contribute to existing and necessary future infrastructures.**

**13.23 Policy FR1: We will rigorously pursue the need for implementation (and regular maintenance) of satisfactory Flood Prevention Measures in the Parish, particularly in relation to Little Wymondley.**

**COMMENT**

**FR1 is not a policy but a community aspiration and should be moved to a separate section of the plan.**

**13.24 Policy FR2: We will continue to work with HCC to develop a SWMP for the Parish.  
We**

**view this as particularly important, given the absence of a SUDS policy in relation to**

**Stevenage Road in Little Wymondley, notwithstanding the fact that it follows the natural contour of an Ice Age river bed.**

**COMMENT**

**This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.**

**13.25 Policy FR3: We will work constructively with local planning authorities, flood authorities, and other stakeholders, to ensure that any development proposals are sustainable and address local concerns regarding exacerbation of flood risk.**

**COMMENT**

**This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.**

**13.26 Policy FR4: We will robustly oppose any proposed development that fails to address the required infrastructure implementation needed to mitigate and reduce flood risk to our community.**

**COMMENT**

**The National Planning Policy Framework only requires that new development does not**

*increase existing flood risk and ideally reduces flood risk overall. In order to meet the BAsi9c conditions the policy should be reworded as follows:*

***Policy FR4: Flood Risk***

***Development proposals which would result in an increase in flood risk will not be supported.***

~~***We will robustly oppose any proposed development that fails to address the required infrastructure implementation needed to mitigate and reduce flood risk to our community.***~~

***13.27 Policy FR5: We believe an integrated, risk-based approach to flood risk management is the way forward, and strongly support the inclusion of Sustainable Urban Drainage Systems (SUDS) in any development proposal. We will work positively with local authorities and other stakeholders to ensure they are fully considered from the design stage onwards; and that development proposals include (and implement) measures to satisfactorily address issues highlighted in SFRA's and SWMPs.***

**COMMENT**

*As currently worded this policy mixes policy and community aspiration. The second sentence of the policy could be included in a separate section of the plan. In order to meet the Basic Conditions, the policy should be modified as follows:*

~~***Policy FR5 Flood Risk: We believe an integrated, risk-based approach to flood risk management is the way forward, and strongly support the inclusion of Sustainable Urban Drainage Systems (SUDS) in any development proposal. We will work positively with local authorities and other stakeholders to ensure they are fully considered from the design stage onwards; and that development proposals include (and implement) measures to satisfactorily address issues highlighted in SFRA's and SWMPs.***~~

**13.28 Green Infrastructure and Spaces**

***Aim: to contribute to the health and well-being of our Parish, by ensuring community access to high quality open spaces and opportunities for sport and recreation - including consideration of Local Green Space designation; and by seeking to ensure that any proposed development within, (or impacting on), the Parish or its green infrastructure is consistent with national Green Belt policy.***

***13.29 Policy GIS1: We will conserve and, (where possible), enhance our green spaces for their positive impact on the health, quality of life and social cohesion of our current***

**community and future generations.**

**COMMENT**

***This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.***

**13.30 Designating Local Green Spaces (LGS)**

***Policy GIS2: we will apply to NHDC for Local Green Space designation in relation to green spaces within Wymondley Parish which are special to the local community; meet the relevant criteria, and which are not otherwise protected.***

**COMMENT**

***Local Green Space and open space are two distinct issue. It is unclear whether this policy is intended to designate Local Green Space. Although there are areas identified in the evidence base and included on maps within the NP itself the policy does not seek designation and no information provided as to whether or not the spaces identified meet the Local Green Space requirements as set out in the NPPF.***

*“The NPPF states:*

*76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.*

*77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- where the green space is in reasonably close proximity to the community it serves;*
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- where the green area concerned is local in character and is not an extensive tract of land.*

***It was clarified at the Exploratory Meeting that the intention was to designate the Local***

*Green Spaces and additional information has been submitted in accordance with the NPPF to support the designations. For clarity I have been provided with the following list of proposed designations (this information is available to view on the North Hertfordshire District Council website):*

- 1, Wymondley Woods and Scout Hut*
- 2. Church Green, Great Wymondley*
- 3. Siccut Road Green, Little Wymondley*
- 4. Recreation Ground, Gravely Road, Great Wymondley*
- 5. Tower Close Green, Little Wymondley*
- 6. Queen Elizabeth II Playing Fields, Little Wymondley*
- 7. Allotments, Siccut Road/ Grimstone Road, Little Wymondley*
- 8. Garden Plots (Allotments), Great Wymondley*
- 9, Allotments, Stevenage Road, Little Wymondley*
- 10. Tower Close Central Green, Little Wymondley*

*I am satisfied that the proposed designations were the subject of appropriate consultation.*

*Having considered the information closely I can confirm that I am of the opinion that all of the Local Space Designations meet the NPPF requirements with the exception of the following:*

- 9. Allotments, Stevenage Road, Little Wymondley*

*I have not been provided with sufficient evidence to satisfy me that the area in question is where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*

*For clarity the policy should be modified as follows:*

#### ***Policy GIS2 Local Green Spaces***

#### ***The following Local Green Spaces are designated:***

***~~we will apply to NHDC for Local Green Space designation in relation to green spaces within Wymondley Parish which are special to the local community; meet the relevant criteria, and which are not otherwise protected. The following Local Green Spaces are designated~~***

1. *Wymondley Woods and Scout Hut*
2. *Church Green, Great Wymondley*
3. *Siccut Road Green, Little Wymondley*
4. *Recreation Ground, Gravely Road, Great Wymondley*
5. *Tower Close Green, Little Wymondley*
6. *Queen Elizabeth II Playing Fields, Little Wymondley*
7. *Allotments, Siccut Road/Grimstone Road, Little Wymondley*
8. *Garden Plots (Allotments), Great Wymondley*
9. *Tower Close Central Green, Little Wymondley*

**Development will not be permitted except in very special circumstances.**

### **13.31 Transport Links**

***Aim: to promote, facilitate and encourage use of sustainable transport within the Parish; and work effectively with the Highways Agency, local authorities, landowners and other relevant stakeholders to support cyclists, pedestrians and other non-motorists in their use of “green” routes within the Parish.***

***13.32 Policy TL1: We will support appropriate initiatives to maintain, extend, improve, promote or facilitate use of, these “green” transport routes; and make recommendations to Hertfordshire Highways, (and local landowners), with the intention of improving footpaths and bridleways to facilitate safe walking, riding and cycling within the Parish and reduce motoring, where possible.***

#### **COMMENT**

***This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.***

***13.33 Policy TL2: We will support initiatives to increase provision of relevant local bus services, which would reduce the need for pupils to be driven to school or walk along unsafe footpaths; thereby also reducing traffic and benefiting the environment and Parish residents.***

#### **COMMENT**

***This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.***

**13.34 Policy TL3: As part of our on-going liaison with the Highways Agency, local authorities and other relevant bodies, we will be proactive in ensuring necessary maintenance work is promptly and satisfactorily undertaken; and support appropriate initiatives to protect the safety of pedestrians within the Parish.**

**COMMENT**

***This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.***

**13.35 Traffic Management**

***Aim: to work positively and collaboratively with local planning authorities to ensure that the traffic management needs of the Parish are met effectively; principally that there are sufficient measures available to identify, mitigate and resolve key issues relating to building developments.***

**13.36 Policy TM1: We support the need for safety cameras on the Corey's Mill traffic lights to deter "red light runners", thereby giving increased time and opportunity for motorists from Little Wymondley and Graveley to access the roundabout safely. We also support the need for traffic lights at those two junctions with the roundabout.**

**COMMENT**

***This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.***

**13.37 Policy TM2: We will work with the Highways Agency, HCC, local planning authorities and other stakeholders to ensure improved traffic calming measures are put in place, in line with Government guidance, specifically the Local Transport Note 01/0727**

**COMMENT**

***This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.***

**13.38 Policy TM3: We will press for air quality monitoring on all congested local roads at peak hours, and additional safety measures, in relation to the Corey's Mill roundabout and other key traffic "hot-spots" identified as being of concern to residents.**

**COMMENT**

*This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.*

**13.39 Policy TM4: We will work to identify and implement appropriate solutions to local parking problems**

**COMMENT**

*This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.*

**13.40 Policy TM5: We will study closely any development proposals, impacting on the Parish, to ensure that road infrastructure issues have been properly considered and addressed from project concept to implementation; and where insufficient account has been taken to mitigate the effects of increased traffic we will object accordingly.**

**COMMENT**

*The policy as currently worded lacks clarity and should be modified as follows:*

**Policy TM5 Roads:**

~~*We will study closely any Development proposals should where appropriate, be supported by a Travel Plan assessing the impacting on the Parish, to ensure that road infrastructure issues have been properly considered and addressed from project concept to implementation; and where insufficient account has been taken to including any mitigation measures. mitigate the effects of increased traffic we will object accordingly.*~~ *Development will be refused where the residual cumulative impacts of development are severe.*

**13.41 Education**

**Aim: to work positively and collaboratively with local planning authorities to help ensure that the educational needs of the Parish are met, principally that there are sufficient school places available to meet its needs; and to identify and resolve key issues relating to developments intended to create, expand or alter our schools – or impacting on existing schools.**

**13.42 Policy E1: We will continue to work with authorities involved in local education and planning, to ensure that our children's educational needs are catered for in terms**

*of sufficient school places and Information Technology infrastructure; and that they are not adversely affected by any future development activities.*

**COMMENT**

*This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.*

**13.43 Policy E2:** *As part of this process we will seek to ensure that all key issues are taken into consideration, not only in our Neighbourhood Plan, but in neighbouring and cross- boundary plans and development proposals.*

**COMMENT**

*This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.*

**13.44 Policy E3:** *We will carefully consider, (in tandem with others), any knock-on effects of development on our children’s health, e.g. through greater emissions and reduced air quality due to increased traffic; and on their ability to continue to use existing recreational facilities – particularly those involving enjoyment of designated Green Spaces and Green Belt.*

**COMMENT**

*This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.*

**13.45 Telecommunications and Broadband**

**Aim:** *to ensure the Parish has a high-quality communications infrastructure, through ongoing liaison with relevant telecommunications and broadband providers.*

**13.46 Policy TB1:** *We will work closely with the Herts LEP, local telecommunications, companies and other stakeholders, to highlight the Parish’s communications infrastructure requirements and ensure that necessary service improvements are made.*

**COMMENT**

*This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.*

### **13.47 Supporting Local Business and Employment**

***Aim: to encourage rural economic growth and employment, through support of business expansion and development which is appropriate and in keeping with the Parish's intrinsic character and environment.***

***13.48 Policy SLBE1: We will continue to support and seek to encourage the economic growth of our local businesses - particularly the public houses which form the hub of our community; our local farmers who manage and conserve our natural environment; and the hotels/wedding venues and other businesses which encourage visitors to the Parish, thereby boosting its economy.***

#### **COMMENT**

***This is a community aspiration and should be deleted from the policy section and moved to a separate section of the plan.***

***13.49 Policy SLBE2: We will work positively with local businesses, landowners and relevant planning authorities to ensure that any proposed business development within Wymondley Parish is appropriate in terms of location, scale and type; and is otherwise in keeping with the intrinsic character and environment of our parish. (In relation to business premises on the Elms Close industrial estate in Little Wymondley, for example, we would seek to limit any expansion on this site to within its current boundary.)***

#### **COMMENT**

***The policy as currently worded lacks clarity and should be modified as follows:***

#### ***Policy SLBE2 Business Development:***

***~~We will work positively with local businesses, landowners and relevant planning authorities to ensure that Any proposed business development within Wymondley Parish should be is appropriate in terms of location, scale and type; and is otherwise in keeping with the intrinsic character and environment of our parish. (In relation to business premises on the Elms Close industrial estate in Little Wymondley, for example, we would seek to limit any expansion on this site to within its current boundary.)~~***

***13.50 Policy SLBE3: We will carefully scrutinise any proposals for the development of additional industrial premises in, or directly adjacent to, the Parish (as put forward by Stevenage Borough Council (SBC), for example). Where there is evidence that such***

*development would have a detrimental effect on existing parish businesses; be wholly inappropriate due to inconsistency with the look and feel of the area; or would exacerbate existing infrastructure problems (particularly in relation to flood risk and traffic management) we will oppose them.*

**COMMENT**

*Neighbourhood Plans cannot have policies which relate to land outside the Neighbourhood Plan Area and as currently worded policy SLB3 does not meet the Basic Conditions. This policy in essence repeats SLBE2 and should be deleted.*

*13.51 Policy SLBE4: Given the number of already vacant plots in Stevenage and Hitchin, we find further encroachment on our surrounding Green Belt, (through urban creep of commercial or domestic development from both towns), totally unacceptable and we oppose it.*

**COMMENT**

*This is not a policy and should be deleted from the plan.*

**13.52 Social Cohesion and Well-being**

*Aim: to improve quality of life, social cohesion and well-being for our community, through positive action to retain local services and community amenities and, where suitable opportunities arise, improve them to meet parishioners' needs.*

*13.53 Policy SCW1: We will encourage, support and promote initiatives aimed at improving health, well-being and social cohesion within our community; particularly those which make best use of our current amenities, public spaces and recreational facilities.*

**COMMENT**

*This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.*

*13.54 Policy SCW2: We will take action to ensure that our amenities, public spaces and recreational facilities are regularly maintained and upgraded; and seek to extend and enhance them when suitable opportunities arise.*

**COMMENT**

*This is a community aspiration and not a policy. It should be deleted from the policy section and moved to a separate section of the plan.*

### **13.55 Housing and Other Development**

*Aim: to promote sustainable development in our Parish, by ensuring any necessary development is well-designed and located appropriately, i.e. where it will enhance or maintain the vitality of our community; reflect the identity of our parish; and respond to its local character and history. Also, through consideration of demographic trends and community needs, and by identifying possible “deliverable”<sup>34</sup> sites within the Parish, we will strive to ensure that any proposed housing is affordable and of a suitable size, type, tenure and range for the community.*

*13.56 Policy HOD1: In considering housing proposals impacting on the Parish we will consider demographic trends and community needs, and work with stakeholders to ensure that any housing delivered meets community needs in terms of affordability, type, tenure and range.*

#### **COMMENT**

*In this section reference should be made to the impact of the emerging local plan policies and site allocation.*

*This policy should be given a title. I have no other comment on this policy.*

*13.57 Policy HOD 2: In considering planning applications and other development proposals impacting on the Parish we will work to ensure that developments are well-designed and located appropriately, i.e. where they will enhance or maintain the vitality of our community; reflect the identity of our parish; and respond to our local character and history.*

#### **COMMENT**

*HOD 2 is currently worded as a statement not a policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

#### **Policy HOD 2: Design**

~~*In considering planning applications and other development proposals impacting on the Parish we will work to ensure that All developments are should be well-designed and located appropriately, i.e. where they will enhance or maintain the vitality of our community; reflect the identity of our parish; and respond to our local character and*~~

*history.*

**13.58 Policy HD04** We will continue to explore opportunities to increase available parking within the Parish and, when considering Development proposals work with relevant parties to ensure that adequate parking facilities are included in plans.

**COMMENT**

*HD03 seems to be missing?*

*The first part of this policy is a community aspiration and should be moved to a separate section of the plan. For clarity, the second part of the policy should be modified as follows:*

**Policy HOD4 Parking:**

~~We will continue to explore opportunities to increase available parking within the Parish and, when considering Development proposals should provide parking to meet the relevant adopted parking standards, work with relevant parties to ensure that adequate parking facilities are included in plans.~~

**13.59 Policy HOD5:** we will give further consideration to the provision of additional facilities for the Parish's children, to determine the most appropriate location(s) and type.

**COMMENT**

*This is a community aspiration and should be moved to a separate section of the plan.*

**13.60 Policy HOD1:** We will work positively and collaboratively with local planning authorities in considering planning applications, and other development proposals impacting on the Parish, to identify and resolve key issues affecting long-term sustainability.

**COMMENT**

*This is presumably HD06?*

*This is not a policy but community aspiration and should be moved to a separate section of the plan.*

## **SECTION 5**

### **Conclusion and Recommendations**

- 5.1 *I find that the Wymondley Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 5.2 *The general text in the plan should be modified to conform with the policy modifications.*
- 5.3 *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 5.4 *The Wymondley Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 5.5 *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
- 5.6 *The policies and plans in the Wymondley Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development for North Hertfordshire. At the time of my examination the Development Plan for North Hertfordshire comprises the saved policies from North Hertfordshire District Local Plan No 2 (1996) and the Hertfordshire CC Waste and Mineral Plans. North Hertfordshire District Council are at a relatively advanced stage of preparing a new plan for the District, the Local Plan 2011-2031 which was submitted for examination in June 2017, the hearings taking place from November 2017 to the end of March 2018. The key elements of the plan set a target to deliver 14,000 new homes for North Hertfordshire.*
- 5.7 *I am satisfied that the Wymondley Neighbourhood plan has been developed having cognisance of the emerging local plan.*
- 5.8 *I therefore conclude that the Wymondley Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

*Planning Consultant*

*NPIERS Examiner*

*CEDR accredited mediator*

*10<sup>th</sup> of March 2019*



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Appendix B : Wymondley Neighbourhood Plan – Schedule of proposed modifications to the neighbourhood plan policies and supporting text

This document sets out a schedule of the proposed changes to the Wymondley Neighbourhood Plan.

The examiners comments are shown in [blue text](#).

Text to be deleted is shown ~~struck through~~ and text which is added to the plan is shown in **bold**.

Section 6 : Natural and Historic Environments

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy NHE1	<p><b>Comment :</b> <a href="#">This is not a policy but a statement. For clarity and to meet the Basic Conditions the policy should be modified as follows:</a></p> <p><del>In our discussions with the planning authorities, and responses to any relevant consultation exercises, we will aim to ensure that landscape character assessments have been prepared where appropriate; integrated with assessment of historic landscape character and landscape sensitivity; and due regard had to them in development proposals.</del></p> <p>Policy NHE1 – <b>Landscape Character</b></p> <p><b>Where appropriate planning applications should be accompanied by an assessment of the impact of the proposal on landscape character including historic landscape making reference to the relevant character assessment documents including the North Hertfordshire Landscape Study.</b></p>	<p>In its representations to the submission version of the Wymondley Neighbourhood Plan, the District Council noted that Policy NHE1 was not a policy which could be used in determining planning applications.</p> <p>The Council is content with the examiners proposed modifications to the policy to meet the Basic Conditions.</p>

Policy NHE2	<p><b>Comment :</b> This is more of a statement than policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p><del>When determining development proposals we will ensure that decisions will minimise impacts and result in net gains to biodiversity. Net gain will be determined by applying the Biodiversity Impact Calculator.</del></p> <p>Policy NHE2 – <b>Biodiversity</b></p> <p><b>Proposals should, where appropriate be supported by a biodiversity action plan and measures to ensure net gains in biodiversity. The use of a Biodiversity Impact Assessment Calculator is encouraged.</b></p>	The District Council is content with the examiners proposed modifications to the policy to meet the Basic Conditions.
NHE3	<p><b>Comment :</b> I am unsure of the meaning of this policy and it is unclear how it could be implemented in the development management process. In order to meet the Basic Conditions this policy should be deleted.</p>	The Council agrees with the proposed modification.
NHE4	<p><b>Comment :</b> This policy does not make reference to specific sites within the Neighbourhood Plan Area and a policy regime already exists protecting designated sites at a European, national and local level. Paragraphs 6.14 and 6.15 read more as policy and are overly prescriptive not reflecting national or local policy. Both paragraphs should be modified in line with policy NHE4. For clarity and in order to meet the Basic Conditions the policy should be modified as follows:</p> <p>Policy NHE4 – <b>Wildlife and Ecology.</b></p> <p><del>In determining</del> Development proposals affecting designated sites and Priority Habitats or Species, <b>must comply with the relevant European, national and local policy requirements.</b> <del>we will ensure that their nature conservation value is protected in accordance with their status. Development affecting such sites or species is expected to deliver a net gain in biodiversity. In granting permission, we will impose conditions or seek planning obligations that secure appropriate management regimes to deliver biodiversity gain in perpetuity.</del></p>	The Council agrees with the proposed modification.

NHE5	<p>Comment : For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p>Policy NHE5 – <b>Green Infrastructure:</b></p> <p>In considering <b>Where appropriate</b> development proposals <b>should be supported by</b>, we will expect a Green Infrastructure <b>Plan which will</b> to provide permeability for wildlife through and around development <b>and G</b> should be connective and functional as wildlife habitat in its own right not just as a link between habitats.</p>	The District Council is content with the examiners proposed modifications to the policy to meet the Basic Conditions.
NHE6	<p>Comment : I have no comment on this policy as it meets the Basic Conditions.</p>	The title “Roosting Devices” has been added
NHE7	<p>Comment : I have no comment on this policy as it meets the Basic Conditions.</p>	The title “Bats” has been added
NHE8	<p>Comment : Flood risk is already regulated by a policy regime. This policy does not have regard for existing policy and therefore does not meet the Basic Conditions. In accordance to meet the Basic Conditions it should be modified as follows and moved to the flood risk section:</p> <p>Policy NHE8 – <b>Flood Risk:</b></p> <p>Development <del>will not be permitted</del> within 12 m of a watercourse <b>should be supported by any required Flood Risk Assessment and adequate information to assess the potential impact of the proposal on flooding both on and off site.</b></p>	<p>The Council agrees with the examiners proposed modifications to the policy wording but considers that the policy could be combined with Policy FR4 to form one policy on Flood Risk, worded as follows:</p> <p><b>Policy FR1 – Flood Risk:</b></p> <p><b><i>Development proposals which would result in an increase in flood risk will not be supported.</i></b></p> <p><b><i>Development within 12 m of a watercourse should be supported by any required Flood Risk Assessment and adequate information to assess the potential impact of the proposal on flooding both on and off site.</i></b></p>

NHE9	<p>Comment : Paragraphs 6.26-6.30 are written like policies and are overly prescriptive. They should be modified appropriately. There can be no requirement to submit European Protected Species Licenses to the Parish Council, for example. This policy would be better located with policy NHE7 modified and renumbered.</p>	<p>Paragraphs 6.26 – 6.30 have been amended as set out in the examiners report.</p> <p>Policy NHE9 has been amended and combined with Policy NHE7 to create the new policy NHE6 “Bats”.</p>
NHE10	<p>Comment : This policy lacks clarity and should be modified as follows:</p>	<p>The Council agrees with the proposed modification.</p>
	<p>Policy NHE10 <b>Lighting</b>:</p> <p><b>On sites where, protected species have been identified proposals should include mitigation measures to address</b> <del>In considering development involving potentially adverse lighting impacts. to wildlife we will expect surveys to identify movement corridors and ensure that these corridors are protected and enhanced.</del></p>	
NHE11	<p>Comment : Paragraph 6.35 should be modified; the submission of details can be requested but not required. This policy should be given a title. I have no other comment.</p> <p>In considering landscaping schemes <b>the</b> we will expect that appropriate native species are used whenever possible and that benefits to biodiversity are maximised.</p>	<p>Paragraph 6.35 has been amended as recommended in the examiners report.</p> <p>The neighbourhood plan examiner has not made any proposed modifications to this policy, however, it is recommended that the policy is amended to delete the word “the” (as highlighted) as it appears to be a typographical error.</p> <p>The title “Landscaping Schemes” has been added to the policy.</p>

<p>NHE12</p>	<p><b>Comment :</b> This policy is confusing and would be better located under heritage assets and renumbered as NHE 13. National and local policy already exists which sets out clearly how proposals affecting non-designated heritage assets should be considered. As currently worded this policy does not accurately reflect existing policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p>Policy NHE12: <b>Heritage Assets</b></p> <p><b>Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan.</b></p> <p><del>By working collaboratively with our local and neighbouring planning authorities, (and other stakeholders), we will aim to ensure that the significance of the Parish's heritage assets and the contribution they make to the environment is recognised – and due account taken of it in considering development proposals. This includes ensuring that, in line with paragraphs 169 – 170 of the Government's discovered in the future. National Planning Policy Framework (NPPF), the planning authorities use their Examiner's Report Wymondley Neighbourhood Plan</del></p> <p><del>23 required up-to-date evidence about our historic environment to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.</del></p>	<p>The Council agrees with the examiners proposed modifications to policies NHE12, NHE13 and NHE16. These amended policies have been combined into one new policy, NHE9 on the historic character of the parish and historic assets, worded as follows:</p> <p><b><i>Historic Character and Historic Assets</i></b></p> <p><b><i>Development proposals should reflect and where possible enhance the historic character of the area.</i></b></p> <p><b><i>Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan.</i></b></p> <p><b><i>To protect our natural and historic environment, and retain the rural character and intimate scale of Wymondley Parish any new development should:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• be appropriately sited and of an appropriate scale, form and style;</i></b></li> <li><b><i>• avoid visually intrusive locations such as upper ground where they would be visible from the skyline;</i></b></li> <li><b><i>• avoid lighting that would create additional urbanising influences on the character of the area.</i></b></li> </ul>
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NHE13	<p><b>Comment :</b> As currently worded, this is not a policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p><b>Policy NHE13: Historic Character</b></p> <p><del>We wholeheartedly concur with this view, and will work vigorously with local planning authorities and other stakeholders to ensure that the historical character of the area is preserved; the key environmental features maintained (and enhanced wherever possible); and that in the absence of any “exceptional circumstances”, (as defined in relevant legislation, case-law or guidance), Green Belt land in and around our Parish remains inviolate.</del></p> <p><b>Development proposals should reflect and where possible enhance the historic character of the area.</b></p>	<p>The Council agrees with the examiners proposed modifications to policies NHE12, NHE13 and NHE16. These amended policies have been combined into one new policy, NHE9 on the historic character of the parish and historic assets, worded as follows:</p> <p><b><i>Historic Character and Historic Assets</i></b></p> <p><b><i>Development proposals should reflect and where possible enhance the historic character of the area.</i></b></p> <p><b><i>Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan.</i></b></p> <p><b><i>To protect our natural and historic environment, and retain the rural character and intimate scale of Wymondley Parish any new development should:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• be appropriately sited and of an appropriate scale, form and style;</i></b></li> <li><b><i>• avoid visually intrusive locations such as upper ground where they would be visible from the skyline;</i></b></li> <li><b><i>• avoid lighting that would create additional urbanising influences on the character of the area.</i></b></li> </ul>
NHE14	<p><b>Comment :</b> This is not a policy but a community aspiration and should be moved to a separate section of the plan.</p>	<p>The Council agrees with the proposed modification.</p>

NHE15	<p>Comment : This policy should be given a title. I have no other comment on this policy.</p>	<p>The title “Green Spaces” has been added.</p>
NHE16	<p>Comment : This policy would be better combined with NHE13 and for clarity modified as follows:</p> <p>Policy NHE16: <b>Natural and Historic Environment</b></p> <p>To protect our natural and historic environment, and retain the rural character and intimate scale of Wymondley Parish <del>we will work with local authorities, landowners and other interested parties to ensure that</del> any new development is <b>should</b>:</p> <ul style="list-style-type: none"> <li>• be appropriately sited and of an appropriate scale, form and style; that</li> <li>• <b>avoid</b> visually intrusive locations such as upper ground where they would be visible from the skyline <del>are avoided</del>;</li> <li>• <b>avoid</b> <del>and that associated</del> lighting <del>does not</del> that <b>would</b> create additional urbanising influences on the character of the area.</li> </ul>	<p>The Council agrees with the examiners proposed modifications to policies NHE12, NHE13 and NHE16. These amended policies have been combined into one new policy, NHE9 on the historic character of the parish and historic assets, worded as follows:</p> <p><b><i>Historic Character and Historic Assets</i></b></p> <p><b><i>Development proposals should reflect and where possible enhance the historic character of the area.</i></b></p> <p><b><i>Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan.</i></b></p> <p><b><i>To protect our natural and historic environment, and retain the rural character and intimate scale of Wymondley Parish any new development should:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>be appropriately sited and of an appropriate scale, form and style;</i></b></li> <li>• <b><i>avoid visually intrusive locations such as upper ground where they would be visible from the skyline;</i></b></li> <li>• <b><i>avoid lighting that would create additional urbanising influences on the character of the area.</i></b></li> </ul>

Section 7 : Green Belt

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy GB1	<p>Comment – As currently worded GB1 is not a policy, for clarity it should be combined with policy GB2 and modified as follows:</p>	<p>The examiner has amended the policies (GB1 and GB2) to ensure that the policy meets the basic conditions.</p>
	<p>Policy GB1 – Green Belt:</p> <p><del>We will work positively with stakeholders to ensure that</del> <b>Development proposals impacting on Wymondley Parish must comply with Government Green Belt policy;</b> <del>and that primary consideration is will be</del> given to effective use of brown-field sites which are not of high environmental value.</p> <p><del>We will work positively with stakeholders to ensure that</del> Development proposals <del>do</del> should not impact negatively on Wymondley Parish - particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of our villages/hamlets.</p> <p><del>We will work positively with stakeholders to ensure that development proposals do not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of our villages/hamlets</del></p>	
Policy GB2	<p>Comment – As currently worded GB2 is not a policy, for clarity it should be combined with policy GB1 please refer to GB1 for modification.</p>	
Policy GB3	<p>Comment - Green Belt policy is set out at national level. This policy does not meet the Basic Condition and should be deleted from the plan.</p>	<p>The District Council supports the examiners proposed modifications.</p>

Section 8 : Flood Risk

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy FR1	Comment – FR1 is not a policy but a community aspiration and should be moved to a separate section of the plan.	The Council agrees with these proposed modifications. As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.
Policy FR2	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	
Policy FR3	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	
Policy FR4	<p>Comment – The National Planning Policy Framework only requires that new development does not increase existing flood risk and ideally reduces flood risk overall. In order to meet the Basic Conditions the policy should be reworded as follows:</p> <p>Policy FR4: Flood Risk</p> <p><b>Development proposals which would result in an increase in flood risk will not be supported.</b></p> <p><del>We will robustly oppose any proposed development that fails to address the required infrastructure implementation needed to mitigate and reduce flood risk to our community.</del></p>	<p>The Council agrees with the examiners proposed modifications to the policy wording but considers that the policy could be combined with Policy NHE8 to form one policy on Flood Risk, worded as follows:</p> <p><b>Policy FR1 – Flood Risk:</b></p> <p><b>Development proposals which would result in an increase in flood risk will not be supported.</b></p> <p><b>Development within 12 m of a watercourse should be supported by any required Flood Risk Assessment and adequate information to assess the potential impact of the proposal on flooding both on and off site.</b></p>

<p>Policy FR5</p>	<p><b>Comment – As currently worded this policy mixes policy and community aspiration. The second sentence of the policy could be included in a separate section of the plan. In order to meet the Basic Conditions, the policy should be modified as follows:</b></p> <p>Policy FR5 Flood Risk:</p> <p><b>We believe an integrated, risk-based approach to flood risk management is the way forward, and strongly support the inclusion of Sustainable Urban Drainage Systems (SUDS) in any development proposal.</b></p> <p><del>We will work positively with local authorities and other stakeholders to ensure they are fully considered from the design stage onwards; and that development proposals include (and implement) measures to satisfactorily address issues highlighted in SFRAs and SWMPs.</del></p>	<p>The Council agrees with these proposed modifications to the policy.</p> <p>The title “Flood Risk Management” has been added.</p>
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Section 9 : Green Infrastructure and Spaces

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy GIS1	<p>Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.</p>	<p>The Council agrees with the proposed modification.</p>
Policy GIS2	<p>Comment:</p> <p>Local Green Space and open space are two distinct issue. It is unclear whether this policy is intended to designate Local Green Space. Although there are areas identified in the evidence base and included on maps within the NP itself the policy does not seek designation and no information provided as to whether or not the spaces identified meet the Local Green Space requirements as set out in the NPPF.</p> <p><i>“The NPPF states:</i></p> <p><i>76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.</i></p> <p><i>77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</i></p> <ul style="list-style-type: none"> <li><i>• where the green space is in reasonably close proximity to the community it serves;</i></li> </ul>	<p>Local Green Space designation was discussed at the examiners’ exploratory meeting in some detail. The Council agrees that the sites are all suitable to be designated as Local Green Spaces and is content with the proposed modifications.</p> <p><i>There is a duplicate sentence in the examiners report and it is recommended that one is deleted in the final policy, as highlighted. The amended policy will read:</i></p> <p><b>Policy GIS2 : Local Green Spaces</b></p> <p><b>The following Local Green Spaces are designated:</b></p> <ol style="list-style-type: none"> <li><b>1. Wymondley Woods and Scout Hut</b></li> <li><b>2. Church Green, Great Wymondley</b></li> <li><b>3. Siccut Road Green, Little Wymondley</b></li> <li><b>4. Recreation Ground, Gravely Road, Great Wymondley</b></li> <li><b>5. Tower Close Green, Little Wymondley</b></li> <li><b>6. Queen Elizabeth II Playing Fields, Little Wymondley</b></li> </ol>

	<ul style="list-style-type: none"> <li>• <i>where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and</i></li> <li>• <i>where the green area concerned is local in character and is not an extensive tract of land.</i></li> </ul> <p>It was clarified at the Exploratory Meeting that the intention was to designate the Local Green Spaces and additional information has been submitted in accordance with the NPPF to support the designations. For clarity I have been provided with the following list of proposed designations (this information is available to view on the North Hertfordshire District Council website):</p> <ol style="list-style-type: none"> <li>1, Wymondley Woods and Scout Hut</li> <li>2. Church Green, Great Wymondley</li> <li>3. Siccut Road Green, Little Wymondley</li> <li>4. Recreation Ground, Gravely Road, Great Wymondley</li> <li>5. Tower Close Green, Little Wymondley</li> <li>6. Queen Elizabeth II Playing Fields, Little Wymondley</li> <li>7. Allotments, Siccut Road/ Grimstone Road, Little Wymondley</li> <li>8. Garden Plots (Allotments), Great Wymondley</li> <li>9. Allotments, Stevenage Road, Little Wymondley</li> <li>10. Tower Close Central Green, Little Wymondley</li> </ol> <p>I am satisfied that the proposed designations were the subject of appropriate consultation.</p> <p>Having considered the information closely I can confirm that I of the opinion that all of the Local Space Designations meet the NPPF requirements with the exception of the following:</p>	<p><b>7. Allotments, Siccut Road/Grimstone Road, Little Wymondley</b></p> <p><b>8. Garden Plots (Allotments), Great Wymondley</b></p> <p><b>9. Tower Close Central Green, Little Wymondley</b></p> <p><b><i>Development will not be permitted except in very special circumstances.</i></b></p>
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	<p>9. Allotments, Stevenage Road, Little Wymondley</p> <p>I have not been provided with sufficient evidence to satisfy me that the area in question is where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and</p> <p>For clarity the policy should be modified as follows:</p>	
	<p>Policy GIS2 : <b>Local Green Spaces</b></p> <p><b>The following Local Green Spaces are designated:</b></p> <p><del>we will apply to NHDC for Local Green Space designation in relation to green spaces within Wymondley Parish which are special to the local community; meet the relevant criteria, and which are not otherwise protected.</del> <b>The following Local Green Spaces are designated</b></p> <ol style="list-style-type: none"> <li>1. <b>Wymondley Woods and Scout Hut</b></li> <li>2. <b>Church Green, Great Wymondley</b></li> <li>3. <b>Siccut Road Green, Little Wymondley</b></li> <li>4. <b>Recreation Ground, Gravely Road, Great Wymondley</b></li> <li>5. <b>Tower Close Green, Little Wymondley</b></li> <li>6. <b>Queen Elizabeth II Playing Fields, Little Wymondley</b></li> <li>7. <b>Allotments, Siccut Road/Grimstone Road, Little Wymondley</b></li> <li>8. <b>Garden Plots (Allotments), Great Wymondley</b></li> <li>9. <b>Tower Close Central Green, Little Wymondley</b></li> </ol> <p><b>Development will not be permitted except in very special circumstances.</b></p>	

Section 10 : Transport Links

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy TL1	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	The Council agrees with these proposed modifications.  As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.
Policy TL2	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	
Policy TL3	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	

Section 11 : Traffic Management

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy TM1	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	The Council agrees with the proposed modifications.  As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.
Policy TM2	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	
Policy TM3	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	
Policy TM4	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	
Policy TM5	Comment – The policy as currently worded lacks clarity and should be modified as follows:	The Council is content with the proposed modifications.
	<p>Policy TM5 <b>Roads:</b></p> <p><del>We will study closely any</del> Development proposals <b>should where appropriate, be supported by a Travel Plan assessing the</b> impacting on the Parish, <del>to ensure that road infrastructure issues have been properly considered and addressed from project concept to implementation; and where insufficient account has been taken to including any mitigation measures. mitigate the effects of increased traffic we will object accordingly</del> <b>Development will be refused where the residual cumulative impacts of development are severe.</b></p>	

Section 12 : Education

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy E1	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	The Council agrees with these proposed modifications.
Policy E2	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.
Policy E3	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	

Section 13 : Telecommunications and Broadband

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy TB1	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	The Council agrees with these proposed modifications.  As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.

Section 14 : Supporting Local Business and Employment

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy SLBE1	<p>Comment – This is a community aspiration and should be deleted from the policy section and moved to a separate section of the plan.</p>	<p>The Council agrees with these proposed modifications.</p> <p>As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.</p>
Policy SLBE2	<p>Comment – The policy as currently worded lacks clarity and should be modified as follows:</p>	<p>The Council is content with the proposed modifications.</p>
	<p>Policy SLBE2 <b>Business Development:</b></p> <p><del>We will work positively with local businesses, landowners and relevant planning authorities to ensure that</del> Any proposed business development within Wymondley Parish <b>should be</b> is appropriate in terms of location, scale and type; and <del>is otherwise</del> in keeping with the intrinsic character and environment of our parish. <del>(In relation to business premises on the Elms Close industrial estate in Little Wymondley, for example, we would seek to limit any expansion on this site to within its current boundary.)</del></p>	
Policy SLBE3	<p>Comment – Neighbourhood Plans cannot have policies which relate to land outside the Neighbourhood Plan Area and as currently worded policy SLB3 does not meet the Basic Conditions. This policy in essence repeats SLBE2 and should be deleted.</p>	<p>The Council agrees with these proposed modifications.</p>
Policy SLBE4	<p>Comment – This is not a policy and should be deleted from the plan.</p>	

Section 15 : Social Cohesion and Well-being

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy SCW1	Comment – This is not a policy and should be removed from this section of the plan and placed within the community projects/aspirations section.	The Council agrees with these proposed modifications.  As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.
Policy SCW2	Comment – This is a community aspiration and not a policy. It should be deleted from the policy section and moved to a separate section of the plan.	

Section 16 : Housing and Other Development

Section, Page No. or other reference	Examiners Comments and Proposed Modifications	North Hertfordshire District Council comments
Policy HOD1	Comment – In this section reference should be made to the impact of the emerging local plan policies and site allocation.  This policy should be given a title. I have no other comment on this policy.	The title “Wymondley Parish Housing Needs” has been added in accordance with the examiner’s recommendations.

Policy HOD2	<p>Comment – HOD 2 is currently worded as a statement not a policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p>Policy HOD2 – Design</p> <p><del>In considering planning applications and other development proposals impacting on the Parish we will work to ensure that</del> <b>All</b> developments are should be well-designed and located appropriately, i.e. where they will enhance or maintain the vitality of our community; reflect the identity of our parish; and respond to our local character and history.</p>	The Council agrees with these proposed modifications.
Policy HOD3	<p>Comment – HOD3 seems to be missing?</p>	Policy HOD3 was missing in the submission version of the neighbourhood plan.
Policy HOD4	<p>Comment – The first part of this policy is a community aspiration and should be moved to a separate section of the plan. For clarity, the second part of the policy should be modified as follows:</p> <p>Policy HOD4 <b>Parking:</b></p> <p><del>We will continue to explore opportunities to increase available parking within the Parish and, when considering Development proposals</del> <b>should provide parking to meet the relevant adopted parking standards.</b>, <del>work with relevant parties to ensure that adequate parking facilities are included in plans.</del></p>	<p>The Council agrees with these proposed modifications.</p> <p>As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.</p>
Policy HOD5	<p>Comment – This is a community aspiration and should be moved to a separate section of the plan.</p>	The Council agrees with these proposed modifications.
Policy HOD1*	<p>Comment – This is presumably HOD6?</p> <p>This is not a policy but community aspiration and should be moved to a separate section of the plan.</p>	<p>As recommended by the examiner, a section has been included in the neighbourhood plan which sets out the community aspirations and these policies have been included.</p>

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**CABINET  
11 JUNE 2019**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: HOUSING DELIVERY TEST ACTION PLAN**

REPORT OF: SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER : PLANNING & TRANSPORT

COUNCIL PRIORITY : ATTRACTIVE AND THRIVING / PROSPER AND PROTECT / RESPONSIVE AND EFFICIENT

**1. EXECUTIVE SUMMARY**

1.1 A new Housing Delivery Test has been introduced by the Government. The results of this test will be published annually for all local authorities. The first results were published in February 2019. Because of these results, North Hertfordshire must publish an Action Plan by August 2019 setting out what actions it will take to increase the delivery of new homes within the District. This report seeks approval of that Action Plan.

**2. Recommendations**

- 2.1 That the context for the introduction of the Housing Delivery Test (HDT) and the first result for North Hertfordshire District Council be noted.
- 2.2 That the actions undertaken to date be endorsed and that officers be instructed to continue to implement the activities identified in the Action Plan
- 2.3 That the HDT Action Plan, attached as Appendix 1, be approved for publication.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To meet the requirements of national planning policy.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 To not produce an Action Plan. National policy states that an Action Plan, when required, should be produced within six months of the HDT results being published. However, there is presently no indication as to any sanctions or penalties that might apply if this requirement is not met. Notwithstanding this point, this is not considered an appropriate course of action and has not been pursued.
- 4.2 To produce an Action Plan in an alternate format and / or with different (or more, or fewer) actions identified. Similar to the above, there has been no suggestion to date that authorities will be judged on the quality or content of their Action Plans. Planning Practice Guidance suggests a range of factors which might be taken into account or addressed through Action Plans. The current Action Plan is not exhaustive in this regard. However, it is focussed upon those actions that, in officers' professional judgement, provide the best opportunity for the most desirable outcomes by November 2019.

## 5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Strategic Planning Matters report to Cabinet of March 2019 identified the need to produce an Action Plan following publication of the HDT results and that this would be reported to a future meeting. The Executive Member for Planning and Transport has been briefed on the matters set out above.

## 6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 11<sup>th</sup> May 2019.

## 7. BACKGROUND

- 7.1 The Government is committed to increasing rates of house building. It has set a target to deliver 300,000 new homes a year across the country by the mid-2020s. A range of measures have been identified to help achieve this.

- 7.2 The Government's aim to 'boost significantly' the supply of new housing was set out in the first version of the National Planning Policy Framework (NPPF), published in 2012. All Councils were required to identify a five-year supply of housing land. Where they were unable to do this, a 'presumption in favour of sustainable development' applied. In broad terms, this required Councils to take a more liberal approach to determining planning applications for new homes. North Hertfordshire has not been able to demonstrate a five-year housing land supply for a number of years.

- 7.3 A revised version of the NPPF was published in July 2018. It was then re-issued with a small number of updates in February 2019. The new NPPF broadly retains the five-year supply test. However, it also introduces the Housing Delivery Test (HDT). This will be an annual measurement of housing delivery in the area of relevant plan-making authorities. North Hertfordshire is a relevant plan-making authority for the purposes of the HDT.

- 7.4 The HDT results will be published annually by the Ministry for Housing, Communities and Local Government (MHCLG). Each result takes into account the number of new homes built over the preceding three years. The first HDT results were published by MHCLG in February 2019 (the 2018 results). The NPPF sets out the consequences of not meeting the HDT. The table below summarises the actions to be taken.

Action	Threshold for action (where HDT results for the year are less than...)		
	2018	2019	2020
Produce an Action Plan <sup>1</sup>	95%		
Apply maximum buffer in five-year land supply calculations <sup>2</sup>	85%		
Apply the 'presumption in favour of sustainable development' in	25%	45%	75%

<sup>1</sup> Paragraph 75 of the NPPF

<sup>2</sup> Paragraph 73 of the NPPF

planning decisions <sup>3</sup>			
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7.5 The thresholds for producing an Action Plan and applying the maximum buffer are in place from the publication of the 2018 results. The application of the presumption in favour of development is subject to transitional arrangements. The threshold increases over the first three years' results.

## 8. RELEVANT CONSIDERATIONS

8.1 The 2018 HDT results were published by MHCLG on 19 February 2019<sup>4</sup>. North Hertfordshire's result was **55%**. The way in which this result was calculated is set out in the proposed Action Plan, attached as Appendix A to this report.

8.2 As a consequence, the District Council must produce an Action Plan. This Plan should detail what steps are being taken to improve performance. The Council must also apply the maximum buffer when working out land supply. The Council has already been doing this for a number of years. The assessment of land supply for the current Local Plan Examination has been carried out in this way.

8.3 The Government's Planning Practice Guidance sets out a range of factors which might be considered in an Action Plan (see link in Background Papers for further information). This identifies a wide range of potential issues. The proposed Action Plan focuses on three key themes. These are summarised below and discussed in detail in the Action Plan. These are presently considered to be the most significant constraints to accelerating housing delivery in the District. They are also the areas where the Council can most effectively take action to the benefit of future HDT results.

8.4 It should be noted that the release of the first HDT results was delayed. They were originally due to be published in November 2018. The annual HDT cycle will normally run from 1 November to 31 October the following year. The proposed Action Plan therefore covers the period 1 November 2018 to 31 October 2019 to align with the anticipated release of updated results later this year. Some actions within the Plan have therefore already occurred including through the implementation of the approved corporate restructure, previous decisions or under delegated powers.

8.5 **Theme 1: Local Plan.** As Members will be aware, the last Local Plan for the District was adopted in 1996. A new Local Plan is progressing and, at the time of writing, is undergoing its Examination. Development within the District is currently constrained by tightly defined development boundaries around its towns and villages.

8.6 To have any reasonable prospect of increasing performance under the HDT and / or securing a five-year land supply, it is necessary to proceed a new Plan to adoption so that its policies and allocations can be taken into account in future results and decisions.

8.7 The proposed Action Plan identifies a number of measures aimed at securing the adoption of a new Plan in a timely fashion.

8.8 **Theme 2: Developer contributions and infrastructure delivery.** As part of the planning process, developers can be asked to enter into legal agreements securing the provision of affordable housing and other (contributions towards) infrastructure. The Action Plan identifies that delays in producing acceptable legal agreements are one of the key factors delaying faster decisions.

<sup>3</sup> Paragraph 11 of the NPPF, including footnote 7; Paragraph 215 contains transitional arrangements.

<sup>4</sup> <https://www.gov.uk/government/publications/accelerating-housing-delivery-test-2018-measurement>

- 8.9 Officers are engaged in an on-going programme with their counterparts at Hertfordshire County Council – who are a key signatory to these agreements – to improve processes. It is also necessary to update the Council's own guidance on developer contributions to provide greater certainty and transparency. It is presently intended to bring a report on this to Cabinet in July.
- 8.10 Training has previously been provided to Members and Parish Councils on this matter.
- 8.11 **Theme 3: Development Management.** As its final theme, the Action Plan recognises that it is necessary to invest in the Council's Development Management function in order to deliver the growth being planned for the District. Appointments have been made within a new Strategic Sites team to provide dedicated officers who can consider planning applications on the largest sites proposed in the new Local Plan.

## **9. LEGAL IMPLICATIONS**

- 9.1 Cabinet exercises the Authority's functions as Local Planning Authority (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2 The Strategic Planning Matters report to Cabinet of March 2019 identified the need to produce an Action Plan following publication of the HDT results and that this would be reported to a future meeting.
- 9.3 The HDT, and the actions arising from it, form national Government policy on planning as set out in the National Planning Policy Framework.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 The preparation of this Action Plan, and the implementation of the actions arising from it, is funded from within approved revenue budgets for the planning service. The costs of planning appeals (e.g. for non-determination of planning applications within statutory time periods) need to be met from within these budgets.
- 10.2 (Planning for) the delivery of new homes within the District influences future funding for the Council through the revenue base derived from Council Tax as well as application fee income and performance-related Government funding, such as the New Homes Bonus.

## **11. RISK IMPLICATIONS**

- 11.1 There are no direct risk implications from this report but Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. The HDT Action Plan includes pro-active measures to help address these.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

### **13. SOCIAL VALUE IMPLICATIONS**

13.1 The Social Value Act and “go local” policy do not apply to this report.

### **14. HUMAN RESOURCE IMPLICATIONS**

14.1 A number of appointments have been made within the planning service since the implementation of the directorate restructure in 2018. Workload and vacancies are monitored on an on-going basis. There are currently two vacancies within the Strategic Planning & Enterprise team and one vacancy within the Development Management team.

### **15. APPENDICES**

15.1 Appendix A – Housing Delivery Test Action Plan 2018/19

### **16. CONTACT OFFICERS**

16.1 Ian Fullstone, Service Director of Regulatory  
01462 474480 [ian.fullstone@north-herts.gov.uk](mailto:ian.fullstone@north-herts.gov.uk)

#### ***Contributors***

16.2 Nigel Smith, Strategic Planning Manager  
01462 474847 [nigel.smith@north-herts.gov.uk](mailto:nigel.smith@north-herts.gov.uk)

16.3 Simon Ellis, Development & Conservation Manager  
01462 474264 [simon.ellis@north-herts.gov.uk](mailto:simon.ellis@north-herts.gov.uk)

16.4 Nurainatta Katevu, Property & Planning Lawyer  
01462 474364 [nurainatta.katevu@north-herts.gov.uk](mailto:nurainatta.katevu@north-herts.gov.uk)

16.5 Ian Couper, Service Director of Resources  
01462 474243 [ian.couper@north-herts.gov.uk](mailto:ian.couper@north-herts.gov.uk)

16.6 Kerry Shorrocks, Corporate Human Resources Manager  
01462 474224 [kerry.shorrocks@north-herts.gov.uk](mailto:kerry.shorrocks@north-herts.gov.uk)

### **17. BACKGROUND PAPERS**

[National Planning Policy Framework](#)

[Planning Practice Guidance – Housing Delivery Test](#)

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# **NORTH HERTFORDSHIRE DISTRICT COUNCIL**

## **HOUSING DELIVERY TEST ACTION PLAN**

**November 2018 to October 2019**

**June 2019**

## **Background**

1. The Government is committed to increasing rates of house building. It has set a target to deliver 300,000 new homes a year across the country by the mid-2020s. A range of measures have been identified to help achieve this.
2. The new National Planning Policy Framework (NPPF) introduces the Housing Delivery Test (HDT). This will be an annual measurement of housing delivery in the area of relevant plan-making authorities.
3. North Hertfordshire is a relevant plan-making authority for the purposes of the HDT.
4. The HDT results will be published annually by the Ministry for Housing, Communities and Local Government (MHCLG). The first HDT results were published by MHCLG in February 2019 (the 2018 results).
5. The NPPF sets out the consequences of not meeting the HDT. The table below summarises the actions to be taken.

<b>Action</b>	<b>Threshold for action (where HDT results for the year are less than...)</b>		
	<b>2018</b>	<b>2019</b>	<b>2020</b>
Produce an Action Plan <sup>1</sup>	95%		
Apply maximum buffer in five-year land supply calculations <sup>2</sup>	85%		
Apply the 'presumption in favour of sustainable development' in planning decisions <sup>3</sup>	25%	45%	75%

6. The thresholds for producing an Action Plan and applying the maximum buffer are in place from the publication of the 2018 results. The application of the presumption in favour of development is subject to transitional arrangements. The threshold increases over the first three years' results.

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<sup>1</sup> Paragraph 75 of the NPPF

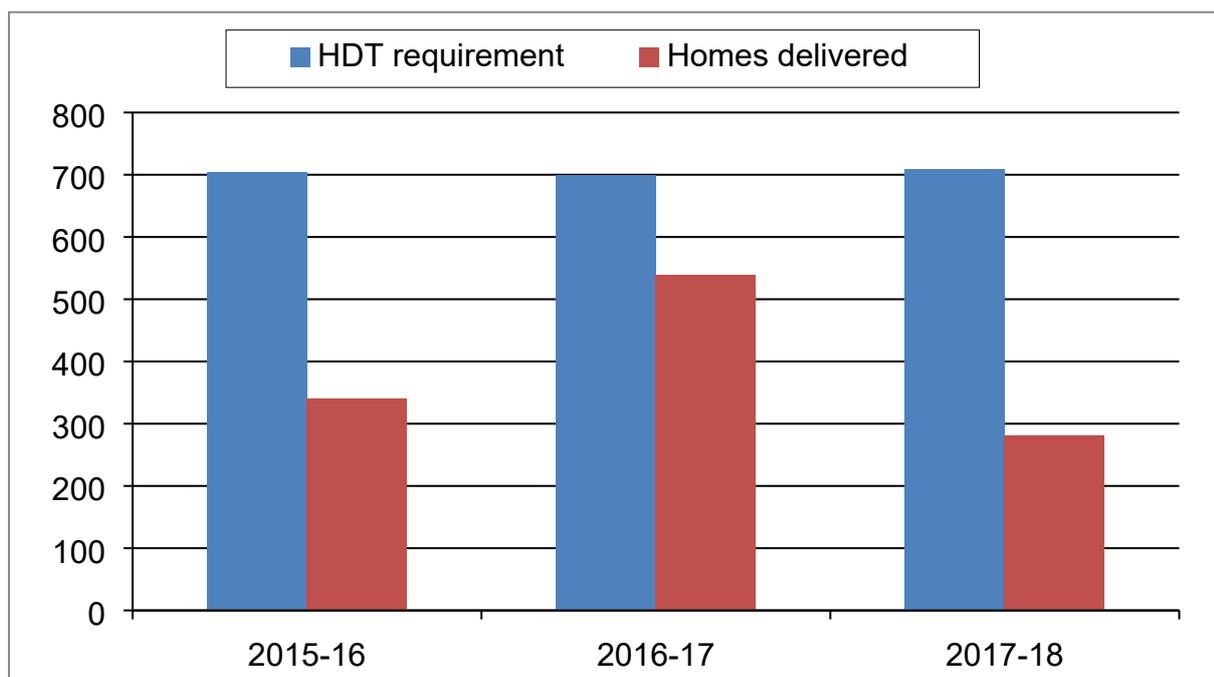
<sup>2</sup> Paragraph 73 of the NPPF

<sup>3</sup> Paragraph 11 of the NPPF, including footnote 7; Paragraph 215 contains transitional arrangements.

### HDT result for North Hertfordshire

7. The 2018 HDT results were published by MHCLG on 19 February 2019<sup>4</sup>.
8. The Council does not presently have an up-to-date Local Plan. This means the Government’s household projections have been used to determine the number of homes required under the HDT. The number of homes required by the HDT in North Hertfordshire for the three year period 2015-2018 was **2,111**.
9. In the same three year period 2015-2018, **1,161** homes were delivered in the District.
10. North Hertfordshire therefore delivered **55%** of the homes required (1,161 / 2,111).
11. The results are summarised in the table and graph below.

	2015-16	2016-17	2017-18	Total
Homes required under HDT	704	699	709	2,111
New homes delivered	341	539	281	1,161
<b>2018 HDT result:</b>				<b>55%</b>



12. As a consequence of these results, North Hertfordshire must produce this Action Plan detailing what steps are being taken to improve performance. The Council must also apply the most generous 20% buffer to its calculations when working out land supply.
13. The Council has already been using a 20% buffer in its land calculations for a number of years. The assessment of land supply for the current Local Plan Examination has been carried out in this way.

<sup>4</sup> <https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

14. The HDT result does not require the presumption in favour of sustainable development to be applied. However, at the point of the 2018 results, the Council could not demonstrate a five-year land supply. This is a separate test in the NPPF. The presumption in favour of sustainable development is applied to relevant decisions in North Hertfordshire in any case as a result of this separate test.

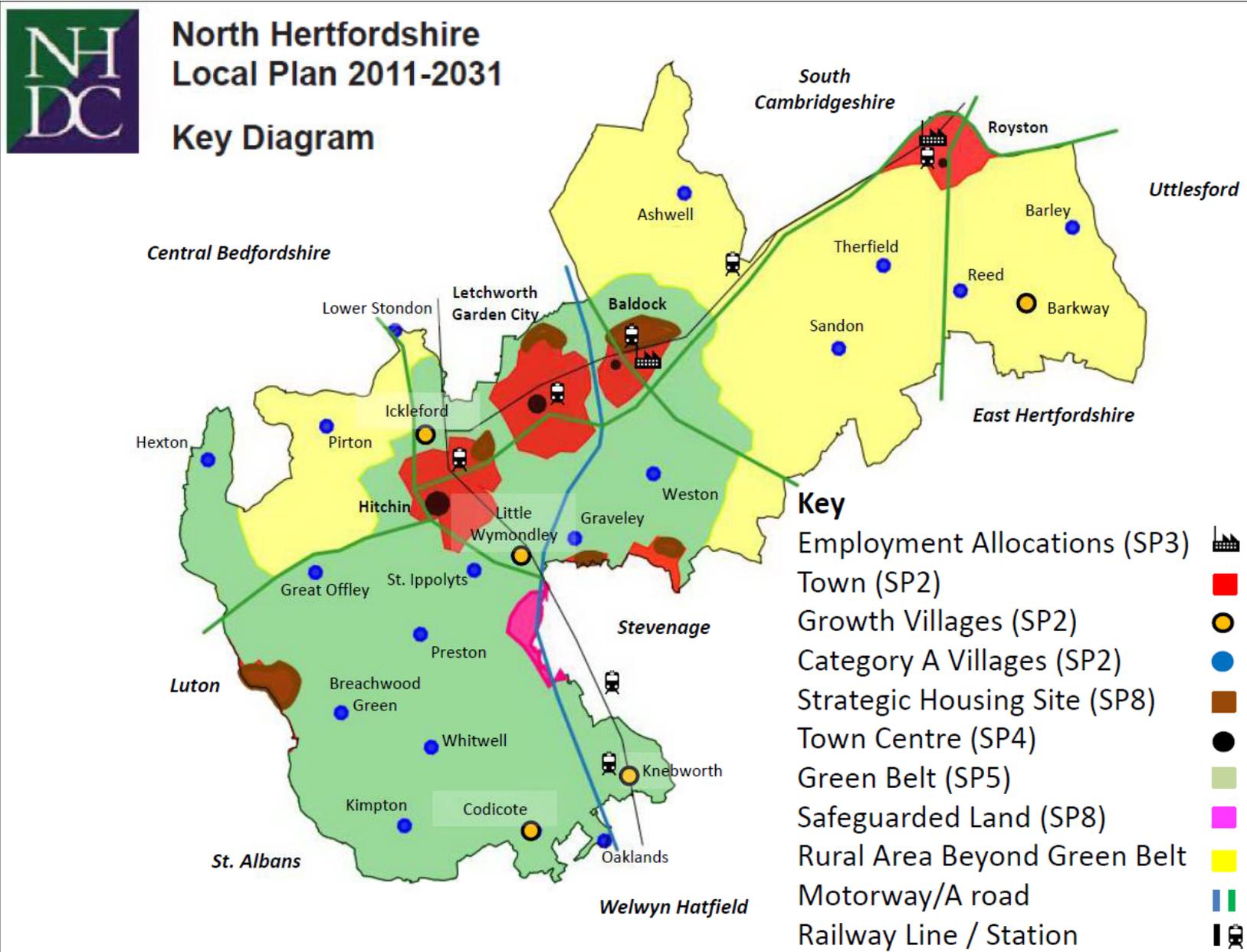
## **Reasons for North Hertfordshire's failure to exceed HDT thresholds**

15. This section of the Action Plan identifies some of the key issues which have impacted upon the Council's 2018 HDT results. This analysis informs the Action Plan set out in the following section.
16. Although a wide range of issues could potentially have been identified, this Action Plan focuses on three key themes identified below. These are presently considered to be the most significant constraints to accelerating housing delivery in the District as well as the areas where the Council can most effectively take action to the benefit of future HDT results.

### Policy constraints

17. North Hertfordshire is a tightly constrained authority. The current District Plan was adopted in 1996 and set a framework for development over the period to 2001. The significant majority of development allocations have long-since been built out.
18. Under the current Plan, development boundaries are drawn tightly around the current urban limits of the main towns and villages. There are limited opportunities to deliver policy-compliant development outside of existing settlement limits. Nearly 40% of the District is covered by the Metropolitan Green Belt. This surrounds all of the main towns in and adjoining North Hertfordshire, with the exception of Royston. A number of villages are 'washed over' by either Green Belt or Rural Area designations.
19. Previous attempts to produce an up-to-date Plan for the District were frustrated by frequent changes in national policy; particularly the replacement of Structure Plans with regional planning and the subsequent introduction and revocation of the East of England Plan.
20. Since the East of England Plan was revoked in 2013, the Council has pro-actively brought forward a new Plan which positively addresses the requirements of national policy. This was submitted to the Secretary of State for Examination in June 2017. It seeks to meet identified development needs in full over the period 2011-2031. It also makes a significant contribution towards unmet housing needs within the Luton Housing Market Area.
21. The Plan proposes a comprehensive review of Green Belt and settlement boundaries to achieve this. The Plan and its associated evidence base sets out the Council's view that the necessary '*exceptional circumstances*' exist to review the Green Belt boundaries through the plan-making process.
22. The proposed Key Diagram for the new Plan is reproduced on the following page showing key directions of growth and constraints.

Key Diagram: North Hertfordshire Local Plan 2011-2031 (as proposed to be modified)



23. Scheduled hearing sessions were completed in March 2018. Proposed Main Modifications to the Plan were published in November 2018. Consultation on the modifications ran from January to April 2019. The next steps of the examination are in the hands of the Inspector.
24. Planning applications have been received on a number of proposed allocations in the Plan. The Council has positively determined a number of applications on proposed housing allocation sites within settlements and adjoining towns and villages in the Rural Area beyond the Green Belt to deliver much needed new homes.
25. However, more than 75% of future planned development is upon sites that are presently within the Green Belt. This includes the six largest strategic sites that, together, will deliver more than 7,500 new homes in the Plan. Two of these allocations are for in excess of 2,000 new homes.
26. The Council considers that it is unable to positively determine applications within the current Green Belt without risk of challenge until such time that the Local Plan Inspector issues an indication that the '*exceptional circumstances*' test in national policy has been met. Even then, affected development sites will remain within the Green Belt until the date any new Plan is adopted. As such, any planning applications on these sites presently remain subject to:
- The *very special circumstances test* set out in national policy<sup>5</sup>;
  - A requirement to refer applications to the Secretary of State where the Council resolves to approve development; and
  - The associated prospect of the Secretary of State calling in such applications for his own determination. This could result in a call-in inquiry.
27. The Council has found there is limited incentive for developers to seek a determination of applications in advance of the Plan progressing. Waiting for the adoption of the new Plan, or a clear indication from the examination Inspector as to the likely outcome, provides greater certainty for all parties.
28. In this context, the Council has not been able to demonstrate a five-year land supply and the presumption in favour of sustainable development is applied to relevant decisions. In doing so, the Council also gives appropriate weight to the benefits and potential harms arising from proposed development.
29. The Council's approach has been consistently supported by the Planning Inspectorate. During 2018, appeals were successfully defended and dismissed on sites adjoining the villages of Ashwell<sup>6</sup>, Barkway<sup>7</sup>, Offley<sup>8</sup> and Pirton<sup>9</sup>.

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<sup>5</sup> Paragraph 144 of the NPPF

<sup>6</sup> Appeal reference APP/X1925/W/17/3192151

<sup>7</sup> Appeal reference APP/X1925/W/18/3194048

<sup>8</sup> Appeal reference APP/X1925/W/17/3187286

<sup>9</sup> Appeal reference APP/X1925/W/17/3184846

30. The prospect of the continued progress of the new Local Plan has been an important factor in these Inspector decisions.

#### Process constraints

31. In addition to the policy environment outlined above, the Council has also identified a number of process constraints to accelerating the delivery of new homes.

32. The Strategic Planning team has experienced staff vacancies and relied on the recruitment of temporary staff for support in the run-up to and during the examination of the Local Plan.

33. The Development Management team has retained a high level of permanent staff. Despite this, there is currently limited experience at dealing with the largest-scale, strategic sites; Given the absence of an up-to-date Plan, the current suite of emerging allocations represents the first time in a generation that North Hertfordshire has had to deal with applications of this scale and number.

34. The Council has maintained a high-level of performance in positively determining major applications within agreed determination dates. However, it is recognised that many of these are subject to frequent and repeated extensions of time, far beyond the initial 13-week statutory period. A number of factors have been identified for this.

35. One key identified issue is the capacity of statutory and technical consultees to respond promptly and with clarity to planning application consultations. In particular, the Council has experienced delays in receiving comprehensive comments from Hertfordshire County Council on key applications. The NHS has limited capacity to respond at all. Planning officers are reluctant to progress schemes where there is no solution to, or support from these agencies for, key local infrastructure issues such as education, transport or GP provision.

36. The approach to the identification of (prospective) requirements and / or projects to be included within Section 106 legal agreements (s106) is not always consistent. This is an issue both within the Council and with other parties who may request contributions from new developments, such as Parish Councils.

37. Linked to this are the protracted nature of many s106 negotiations. There is limited legal capacity to progress the detailed wording of agreements even once broad heads of terms are agreed. This is compounded by the two-tier nature of local government in the area. The county of Hertfordshire contains ten constituent District and Borough authorities, all of whom are seeking to deliver a substantive uplift in development. This means that resources of statutory and advisory organisations spanning the County (and beyond) are stretched. Hertfordshire County Council and other parties with a prospective interest in s106 agreements are not bound by the same obligations and performance measures as the District Council as local planning authority.

38. Community Infrastructure Levy (CIL) does, in theory, provide one means of resolving these issues. Under CIL, extensive negotiations could be replaced by the application of a standard charge. However, many sites would still require a s106 to secure affordable housing or other on-site infrastructure. A number of sites in the Plan have been selected based on their individual or cumulative capability to secure specific infrastructure requirements (notably schools provision or expansion). CIL would not provide the same guarantee of delivery and would risk unsustainable development in the District. Given the above, and the proposed relaxation of pooling limits on contributions secured in s106, the Council is not currently proposing to introduce CIL.
39. North Hertfordshire has a well-educated and well-engaged local population. There are frequently large numbers of responses to planning applications, often co-ordinated through social media groups. It is recognised that the public and other stakeholders have an important role to play in the planning system. However, in these interactions, the Council has identified an under-current of public mistrust in both officer recommendations and the statutory and technical consultee responses which inform these. Consequently, planning committees can take place within an adversarial atmosphere which, in turn, can feed political resistance to schemes which are considered technically acceptable by the relevant professional officers.
40. Finally, it must be recognised that not all blame for delays in the planning system should be attributed to the public sector. Some delays arise as a consequence of developers submitting inappropriate schemes which the Council is unable to positively determine. In some instances, insufficient information is submitted alongside the application. In others, schemes are progressed despite the Council pro-actively identifying potential issues through its pre-application service. This causes delay while necessary reports are prepared, submitted and considered, schemes are (extensively) negotiated or revised planning applications are prepared and submitted.
41. Three case studies are presented below to help illustrate these issues.

### **Case study 1: Bendish Lane, Whitwell**

Application type:	Full
Number of homes:	41
Identified in emerging Local Plan:	Yes
Method of determination:	Planning committee refusal / Appeal allowed
Time (submission to approval):	114 weeks

Whitwell is identified as a Category A village in the emerging Plan. In common with a number of such villages, a single housing allocation allowing for modest expansion is proposed. This is a non-Green Belt site. A full planning application was received in September 2015, following its identification in the 'preferred options' Local Plan and receipt of pre-application advice.

A substantial number of public representations were received including upon highway safety and flood risk and drainage. The highway authority did not object to the development, subject to conditions. The Lead Local Flood Authority (LLFA) initially objected due to the absence of an acceptable Flood Risk Report. The production and analysis of this report contributed to the initial delay in seeking to determine this application.

Parts of Whitwell lie along the valley of the River Mimram and are at risk from flooding. The scheme itself lay within Flood Zone 1 though had identified surface water flood risks. The scheme proposed to alleviate the risks arising from the scheme itself as well as achieving a wider 'betterment' by reducing flood risk through the village as a whole. This was to be achieved through the provision of two flood storage ponds within the site.

Upon submission of a revised report, the LLFA considered the approach acceptable subject to conditions. The visual impacts of the flood alleviation measures and the scheme as a whole were considered acceptable by Officers and the application was presented to the planning committee with a positive recommendation in July 2016.

A LLFA representative attended the committee and addressed a number of technical points raised by Committee Members and representors. Despite there being no outstanding technical objections, the application was deferred. The LLFA representative was not present at the subsequent meeting. The application was refused in August 2016, contrary to officer advice. The reason for refusal was given as the landscape impact of the proposed flood risk mitigation measures.

The refusal was subsequently appealed and allowed<sup>10</sup>. However, well over a year elapsed between the refusal and the appeal decision. The Inspector further awarded costs against the Council for the pursuit of its reason for refusal. From submission of the application to determination of the appeal took 26 months.

**Key factors:** Insufficient information accompanying initial application; refusal contrary to advice of technical consultee; appeal timetable

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<sup>10</sup> Appeal Reference APP/X1925/W/17/3168114

## **Case study 2: Land north of Baldock Road, Royston**

Application type:	Outline
Number of homes:	Up to 279
Identified in emerging Local Plan:	Yes
Method of determination:	Planning committee
Time (submission to determination):	154 weeks

Royston is one of the main towns in the District. As the only town beyond the Green Belt, it has been the focus of (applications for) larger developments in recent years. An outline planning application was received in February 2016, following the site's identification in the 'preferred options' Local Plan.

The site lies opposite a designated Site of Special Scientific Interest (SSSI) which also contains a series of scheduled barrows. The initial consultation on the planning application led to objections from English Heritage (now Historic England) and Natural England. In order to address concerns raised it was necessary to carry out further assessment, including detailed survey work within the SSSI. This was necessarily seasonal in nature. Additional green space had to be provided within a redesigned indicative scheme to help mitigate impacts.

Given the scale of the site, it was additionally necessary to secure land for a new first school site to serve the needs of the development and also deliver a solution for the broader development strategy for the town. Further contributions were sought towards health provision and sustainable transport measures. The site adjoined the railway and it was necessary to consider mitigation measures and the potential diversion of a footpath in consultation with Network Rail. There were delays in receiving clear consultation responses from the relevant consultees.

Following resolution of the key issues, the application was presented to the planning committee with a positive recommendation to approve subject to the completion of the legal agreement in January 2018.

This resolution was secured. However, further negotiations upon the detail of the legal agreement with the numerous interested parties (including upon the various issues outlined above) meant that this took a further year to complete.

From submission of the application to issuing of the outline decision took 36 months. This accepts the principle of development on this site. The detailed matters remain subject to a further reserved matters application(s) before development can proceed.

**Key factors:** Insufficient information accompanying original application; input from numerous parties relating to the scheme and s106; consideration of competing s106 & policy requirements; completion of legal agreement

### **Case study 3: Land at Old Ramerick Manor, Lower Stondon**

Application type:	Full
Number of homes:	180 (first application) 144 (second application as proposed)
Identified in emerging Local Plan:	Yes
Method of determination:	Planning committee (first application) Second application awaiting determination
Time elapsed to date:	84 weeks*

Lower Stondon is a settlement in Central Bedfordshire adjoining the District boundary. Following an increase in the objectively assessed need for housing within a cross-border housing market area, land within North Hertfordshire was identified in the Proposed Submission version of the Local Plan as a potential early delivery (first five years) site. The Plan contains a dwelling estimate of 120 homes for this site, recognising the presence of potential constraints including flood risk on part of the site and an adjoining Grade II\* listed building.

The applicant submitted a first application for 180 homes in September 2017. This followed pre-application advice on a similar scheme for 173 homes which had advised that the development would have a significant urbanising impact and there was a need to re-consider density, height and open space provision.

The Council sought to negotiate the application, but the applicant was not willing to make substantive alterations to the scheme. The application was presented to the Planning Committee in March 2018 with a recommendation for refusal which was supported.

A revised planning application seeking to address the reasons for refusal was submitted in July 2018. For this second application, Hertfordshire County Council in its role as education authority submitted a revised request for s106 contributions following a change in the nominated projects. There was a delay in the submission of this revised request which was more than five-times the amount that had been provisionally agreed for the higher number of homes contained in the first application.

This has led to delay as further justification for the increase in contribution was sought and the applicant considered the potential implications for other aspects of the scheme.

This application is currently awaiting determination

**Key factors:** First application did not comply with policy or address concerns raised at pre-application stage; requirement for second planning application; consultee response time; significant change in s106 request

\*As at 30/04/2019. Measured from submission of the first application.

## **Housing Delivery Test Actions**

42. This section sets out the actions North Hertfordshire District Council has taken or will take to improve its performance under the Housing Delivery Test. As with the previous section, the Council has chosen to focus upon the three key themes which are considered a priority. These are the areas where the Council is most able and likely to deliver beneficial impacts in the short-term.
43. Appendix 1 contains a detailed Action Plan. This contains the actions identified in this section along with responsibilities, timescales and monitoring arrangements.
44. Publication of the first HDT results by the Government was delayed. They were originally anticipated in November 2018. The results were published in February 2019. Any Action Plan is to be produced within six months of publication of the HDT results.
45. Notwithstanding the above, the Actions identified are for the period to 1 November 2018 - 31 October 2019 to tie in with the annual HDT measurement cycle. This will allow the Action Plan's effectiveness to be monitored in line with the anticipated publication of future results. Some actions in this Plan have already been completed.

## Theme 1: Local Plan

### Priorities

46. The following priorities have been identified under this theme:

- To continue to progress the new Local Plan to adoption;
- To provide an up-to-date policy framework for the District; and
- To maximise opportunities for policy-compliant 'windfall' development to supplement planned supply

### Anticipated outcomes

47. Progressing the proposed new Local Plan to adoption would result in the relaxation of the current, restrictive policy boundaries around the towns and villages in and adjoining the District. It would result in the release of new land for development and allow for the positive consideration of existing and anticipated applications

48. Once any new Plan is adopted, its targets would also be applied to the HDT results. The emerging Plan recognises that a large proportion of future development is reliant on strategic and / or Green Belt sites. It therefore proposes a stepped approach to delivery. A target of 500 homes per year is proposed for the first ten years of the Plan. Should this proceed to adoption, the Council's 2018 HDT result would improve. This is illustrated in the table below. Should the Plan be adopted prior to the release of the next results, the Council will be able to request its 2018 result is revised.

	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>Total</b>
Homes required under proposed stepped approach	500	500	500	1,500
New homes delivered	341	539	281	1,161
<b>Illustrative HDT result under stepped approach proposed in Local Plan:</b>				<b>77%</b>

49. Alongside the new Local Plan, the Council is required to produce and annually update a Brownfield Register. This identifies previously developed land which the Council considers suitable for development. The new Plan places a modest, but important, reliance on windfall development. This is development that comes forward on sites not identified in the Plan because of, for example, a change in circumstances. Regularly updating the Brownfield Register provides the opportunity for additional windfall housing sites within the District to be identified, potentially reinforcing the five-year land supply and boosting housing delivery.

### Potential barriers

50. The following potential barriers to successful outcomes were identified under this theme:

- The potential for a significant level of response to the Main Modifications consultation exceeds the Council's administrative capacity to process them for the Inspector's attention;

- Issues raised during the Main Modifications consultation require further evidence and / or hearing sessions further lengthening the Examination process;
- Other factors may delay the examination, receipt of a positive Inspector's report and / or adoption of the Plan. This might include the Inspector's commitments in relation to other Local Plan Examinations or duties;
- The Plans of neighbouring Stevenage and East Hertfordshire have both previously been subject to Holding Directions by the Secretary of State. There is a similar risk of intervention to our own Plan;
- Local Elections in May 2019 may result in political change potentially resulting in delay as new Councillors are 'brought up to speed' or a change in direction;
- The production of detailed Supplementary Planning Documents (SPDs) supporting the Plan are delayed. These cannot be adopted until the new Local Plan is in place. There is a risk that SPDs are 'playing catch-up' with, or come too late to influence, planning applications already in the system;
- Measures to identify new sites through the Brownfield Register identify substantial new, or more sustainable sites disrupting the Local Plan examination

### Actions

51. The Council has, to date:

- Put in place 'stand-by' measures to ensure the necessary administrative capacity was available to handle responses to the Main Modifications consultation;
- Sought to appoint to the vacant posts within the Strategic Planning function through a recruitment round in Spring 2019;
- Provided regular briefings to the Leader, Executive Member for Planning, Local Plan Project Board, shadow Portfolio Holders and all Members to provide continuity in the event of political change
- Maintained an up-to-date brownfield land register, including a call for sites; and
- Published the Inspector's proposed Main Modifications which make clear that the targets in the Plan are minimums which might be exceeded.

52. To ensure successful outcomes under this theme, the Council will:

- Seek to appoint to the remaining vacant posts within the Strategic Planning function at the earliest opportunity to provide additional, permanent staff capacity;
- Maintain an ongoing dialogue with the Inspector via the Programme Officer to identify any further issues arising from the Examination at an early stage;
- Provide prompt responses any further queries arising from the Local Plan Inspector;
- Seek to maintain political liaison with local Members of Parliament;
- Provide regular briefings to the Leader, Executive Member and other relevant internal groups.

## **Theme 2: Developer contributions and infrastructure delivery**

### Priorities

53. The following priorities have been identified under this theme:

- To provide greater clarity to developers and decision makers, allowing issues to be identified and dealt with up-front wherever possible;
- To ensure that s106 requests meet the relevant regulations from the outset to reduce protracted negotiations and manage expectations;
- To increase capacity to progress agreements within the District Council;
- To maintain frank and open dialogue with departments within the Council and third-party infrastructure providers to ensure all parties appreciate;
  - the implications of delay arising from slow or unclear consultation responses; and
  - the potential implications of s106 demands on other planning outcomes.

### Anticipated outcomes

54. Providing greater guidance and capacity in relation to s106 requirements should lead to the speedier determination of applications. As the case studies above show, applications can be significantly delayed as legal agreements are negotiated and prepared. Delays in the production and agreement of s106 are recognised as a significant barrier to the delivery of housing in the District.

55. Linked to this, the Council's existing guidance on developer contributions is significantly out-of-date. This means that some s106 requirements are applied inconsistently or on an ad-hoc basis. It is necessary to update Council guidance to provide clarity to prospective applicants, infrastructure providers and decision makers. A revised Supplementary Planning Document linked to the new Local Plan is a priority.

56. In turn, this should lead to a more consistent corporate approach. Planned new development will be a major driver of the Council's activities over coming years. It will lead to the provision of new affordable homes, open spaces and community facilities. Alongside this physical provision, there will be increased requirements for day-to-day services such as housing and waste. There will be a substantial increase in the Council Tax revenue base if existing Local Government finance arrangements continue in the future. It will be necessary to ensure there is a shared corporate vision on how the Council will respond to these challenges and changes.

57. Through greater engagement with third-party infrastructure providers, the Council also wishes to deliver a more holistic approach to development with better shared understandings of infrastructure priorities and desired planning outcomes.

58. Enhanced monitoring arrangements will ensure the delivery of necessary infrastructure alongside the provision of new homes.

## Potential barriers

59. The following potential barriers were identified under this theme:

- Delays in the examination and / or adoption of the new Local Plan impacts upon the Council's ability to produce and adopt an up-to-date Developer Contributions SPD (see Theme 1);
- Ad-hoc or inconsistent approaches continue to be applied by individual Council departments or third-party providers;
- Individual Council departments or third-party providers adopt a 'silo mentality', focussing only on pursuit of their own requirements regardless of the implications for other s106 requirements or the progress of the application(s);
- Insufficient capacity within third-party infrastructure providers, notably the County Council, to efficiently progress legal agreements;
- Requests for s106 contributions are not supported by adequate evidence or do not meet regulatory requirements;
- Delays in the proposed changes to the CIL regulations, which would lift the existing pooling restrictions, inhibit the Council's ability to efficiently address the infrastructure requirements arising from new development;
- Requirements relating to the reporting and monitoring exceed capacity.

## Actions

60. The Council has, to date:

- Fed into long-term corporate planning to raise awareness of the impacts of future growth on service planning;
- Continued to provide a pro-active pre-application service to identify s106 issues in advance of applications being submitted, recognising that some third-party infrastructure providers operate their own pre-application services and charges;
- Streamlined and provided consistency in the s106 process by introducing a new template for contribution requests at the pre-application and planning application stages
- Offered training for Members and Parish Councils on s106 matters
- Increased capacity to deal with planning matters in the Council's legal services;
- Held regular meetings with Hertfordshire County Council and other infrastructure providers to discuss key issues;
- Participated in a county-wide process led by the Planning Advisory Service (PAS) to understand approaches to developer contributions and constraints to timely decision-making;
- Increased the Council's capacity to monitor the implementation of permissions and s106

61. To ensure successful outcomes under this theme, the Council will:

- Prepare a new Developer Contributions SPD to be adopted alongside, or shortly after, any adoption of the new Local Plan;

- Seek buy-in to the proposed approach(es) within the SPD from Senior Management and Members;
- Continue to provide a pro-active pre-application service;
- Hold regular meetings with Hertfordshire County Council and other infrastructure providers to discuss key issues; and
- Monitor the outcomes and any recommendations from the PAS process to determine whether further action(s) need to be taken.

### **Theme 3: Development Management**

#### Priorities

62. The following priorities have been identified under this theme:

- To enable the early identification of key issues on schemes and pro-active identification of solutions;
- To speed up decision-making on major applications;
- To ensure sound and robust decisions;
- To secure the capacity and skills necessary to deal with 'once in a generation' set of strategic schemes;
- To ensure the presence of key consultees at Planning Committee where technical concerns have been raised by objectors.

#### Anticipated outcomes

63. By pursuing the priorities above, it is intended that there will be less outstanding or unknown issues when planning applications are submitted. The Council operates a paid pre-application service. This normally provides written officer feedback on a proposed scheme. In turn, this incorporates feedback from consultation with internal departments and Hertfordshire County Council's Growth and Infrastructure team.

64. The above approach allows for early identification of potential s106 requirements and costs. The proposed measures in relation to Development Contributions (see Theme 2 above) will provide further benefit. Pre-application also allows for consideration of detailed Development Management issues such as design and layout and the identification of potential impacts which may require mitigation such as heritage or landscape.

65. It is recognised that some third-parties offer their own pre-application advice service. This includes Hertfordshire County Council as Highway and Lead Local Flood Authority respectively. This can lead to a fragmented approach where issues are considered by the applicant to be resolved with a key technical or statutory consultee. However, these responses will not necessarily have been provided having regard to wider planning issues. We will explore ways in which a more holistic approach can be secured.

66. Where issues are identified (and preferably resolved) prior to the submission of a planning application, all parties can have reasonable expectations that a faster decision, that is still robust, can be made.

67. Inviting technical consultees to relevant Planning Committees will enable detailed issues to be explored in public prior to a decision being made. It will manage the risks associated with refusals issued contrary to technical expert advice. This includes the risk of cost awards at appeal.

68. Taken together, the identified priorities should deliver development that provides high-quality placemaking, in accordance with Government policy.

## Potential barriers

69. The following potential barriers were identified under this theme:

- Delays in the examination and / or adoption of the new Local Plan impacts upon the Council's ability to determine schemes (see Theme 1);
- A lack of resources inhibits decision-making resulting in delay and / or poor-quality outcomes;
- Continued public opposition to development schemes maintains pressure on decision-makers;
- Multi-agency involvement in planning applications limits the effectiveness of measures that might assist faster decision making, such as Planning Performance Agreements;
- Wider economic conditions affect developer confidence, fee income and / or departmental budgets;
- Public sector or institutional landowners – who hold a number of key sites in the Council's proposed future development strategy – are not under the same pressures to realise short- term commercial return as (e.g.) volume housebuilders and are willing to bide their time over the submission and determination of schemes;
- The Council's lack of prior experience at dealing with the largest sites both individually and simultaneously.

## Actions

70. To ensure successful outcomes under this theme, the Council has, to date:

- Continued to provide a paid pre-application advice service to help identify and resolve issues prior to the determination of planning applications;
- Provided additional capacity within its new Strategic Sites Team whilst maintaining the flexibility to respond to changing circumstances.
- Offered training for Members and Parish Councils on planning decision-making;
- Sought to engage the assistance of Homes England, the Government's housing delivery agency;
- Improved day-to-day monitoring procedures of Major Planning Applications.

71. To ensure successful outcomes under this theme, the Council will:

- Continue to provide a paid pre-application advice service to help identify and resolve issues prior to the determination of planning applications;
- Seek to work more closely with third-party providers of pre-application advice without breaching the confidentiality of such applications;
- Update Supplementary Planning Documents including on Developer Contributions (see Theme 2), Design and Transport to inform detailed decision-making;
- Continue to develop a relationship with Homes England;
- Invest the income derived from the optional 20% fee increase within the planning service, including upon the securing of additional expert advice on strategic sites;

## Appendix 1 – Housing Delivery Test Action Plan

Actions completed to date are shaded green

Theme	Action	Lead Officer(s)	Key Partners	Target date(s)	Performance measure(s) / frequency / notes
Local Plan 1: Local Plan	Ensure the administrative capacity to process Main Modifications consultation responses	Strategic Planning Manager; Technical Support Manager	-	March 2019	All responses provided to Inspector within one calendar month of consultation close
	Seek to appoint to vacant posts within the Strategic Planning function	Strategic Planning Manager; Strategic Projects & Infrastructure Manager	-	June 2019	Number of vacant posts within team  Target: 0
	Maintain dialogue with Local Plan Inspector	Strategic Planning Manager	Local Plan Programme Officer	None – ongoing	None – ongoing
	Respond promptly to Local Plan Inspector queries	Strategic Planning Manager	Local Plan Programme Officer	None – ongoing	None – ongoing
	Maintain political liaison with Local MPs	Chief Executive; Director of Regulatory Services	Council Leader; Executive Member for Planning; MPs	None – to be arranged as required	None – to be arranged as required
	Provide regular political briefings	Chief Executive; Director of Regulatory Services; Strategic Planning Manager	All Members	None – ongoing	To provide at least: <ul style="list-style-type: none"> <li>Fortnightly briefing opportunities for the Leader and Executive Member for Planning;</li> <li>Three briefing opportunities per year for shadow portfolio holders; and</li> <li>One briefing opportunity per year for all Members</li> </ul>
	Maintain Brownfield Register	Graduate Planning Officer	-	December 2018	To update the brownfield register following a suitable 'call for sites' exercise

Theme	Action	Lead Officer(s)	Key Partners	Target date(s)	Performance measure(s) / frequency / notes
2: Developer Contributions	Prepare new Developer Contributions SPD	Senior Planning Officer	Internal departments; HCC; NHS	July 2019 (draft SPD) Adoption subject to Local Plan	Approval of draft SPD for consultation in line with target date
	Ensure long-term Corporate Planning acknowledges impacts of planned growth	Chief Executive; Director of Regulatory Services	Senior Management Team	None – ongoing	None – ongoing
	Provide pre-application service	Development & Conservation Manager	Internal departments; HCC	None – ongoing	Pre-applications vary significantly in scale and complexity so a standard measure is not considered appropriate. To be monitored on a case-by-case basis
	Introduce s106 pro-forma	Principal Planning Officer (Strategic Sites)	Internal departments; HCC; Parish Councils	May 2019	SPD pro-forma introduced by target date
	Provide regular training / briefing on s106 matters	Development & Conservation Manager; Strategic Planning Manager; Planning Lawyer	Councillors; Parish Councils	None – ongoing	To provide at least one formal briefing opportunity per year for all Members and Parish Councils
	Seek to appoint to new Planning & Litigation Lawyer post	Legal Regulatory Team Manager & Deputy Monitoring Officer	-	May 2019	Number of vacant posts within team  Target: 0
	Hold regular liaison meetings with infrastructure providers	Development & Conservation manager; Strategic Planning Manager	HCC; NHS	None – ongoing	To hold at least: <ul style="list-style-type: none"> <li>Quarterly strategic liaison meetings with HCC;</li> <li>Bi-annual strategic liaison meetings with NHS representatives</li> </ul>

Theme	Action	Lead Officer(s)	Key Partners	Target date(s)	Performance measure(s) / frequency / notes
	Participate in county-wide processes to develop understanding of developer contributions	Development & Conservation Manager; Senior Planning Officer	HCC, District Councils, Planning Advisory Service (PAS)	July 2019	Production of advisory report by PAS
	Seek to appoint to new Planning Obligation and Compliance Officer post	Development & Conservation Manager; Senior Compliance Officer	-	January 2019	Appointment of officer
3: Development Management	Provide pre-application service	Development & Conservation Manager	Internal departments; HCC	None – ongoing	Pre-applications vary significantly in scale and complexity so a standard measure is not considered appropriate. To be monitored on a case-by-case basis
	Liaison with third-party providers of pre-application advice	Development & Conservation Manager	HCC; Environment Agency	None – ongoing	
	Appoint to new Strategic Sites Officer Post	Development & Conservation Manager; Principal Planning Officer (Strategic Sites)	-	March 2019	Number of vacant posts within Strategic Sites team  Target: 0
	Update Supplementary Planning Documents	Strategic Planning Manager	-	None – ongoing	See Theme 2 for Developer Contributions SPD; other SPDs to follow
	Provide regular training / briefing on planning decision-making	Development & Conservation Manager; Strategic Planning Manager; Planning Lawyer	Councillors; Parish Councils	None – ongoing	To provide at least one formal briefing opportunity per year for all Members and Parish Councils

Theme	Action	Lead Officer(s)	Key Partners	Target date(s)	Performance measure(s) / frequency / notes
	Engage with Homes England on delivery of proposed major sites	Principal Strategic Sites Officer; Strategic Planning Manager	Homes England	May 2019	Initial meeting to determine programme of possible actions
	Re-invest increased fee income within planning service	Director of Regulatory Services; Development & Conservation Manager	-	None – ongoing	None – ongoing monitoring of budget income and expenditure
	Establish informal officer Major Applications group	Development & Conservation Manager	-	March 2019	Membership to vary depending on case load

**CABINET**  
**11 JUNE 2019**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: REVENUE BUDGET OUTTURN 2018/19**

REPORT OF: THE SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR FINANCE AND IT

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

**1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to inform Cabinet of the summary position on General Fund income and expenditure as at the end of the financial year 2018/19. The net outturn of £14.626m represents a **£555k decrease** from the working budget of £15.181million. There are corresponding requests to carry forward **£474k** (of underspends) to fund specific projects that will now take place in 2019/20. There is a further forecast impact on the 2019/20 base budget of a **£7k decrease**. Within these summary totals there are several budget areas with more significant variances, which are detailed and explained in table 3. The report also provides an update on;
- the delivery of planned efficiencies (paragraph 8.3)
  - the use of budget approved to be carried forward from 2017/18 (table 4)
  - performance against the four key corporate 'financial health' indicators (paras 8.6-8.10)
  - confirmation of the funding position as the end of 2018/19 (table 6)
  - details of earmarked reserves movements and balances (table 8)

**2. RECOMMENDATIONS**

- 2.1 That Cabinet notes this report.
- 2.2 That Cabinet approves a decrease of £555k in the 2018/19 net General Fund expenditure, as identified in table 3 and paragraph 8.1, to a total of £14.626million.
- 2.3 That Cabinet approves the adjustments to the 2019/20 General Fund budget, as identified in table 3 and paragraph 8.2, a £467k increase in net expenditure.
- 2.4 That, as referred to in paragraph 8.3, Cabinet approves the transfer of £48k from the underspend on the General Fund to the Strategic Priority fund to enable the Senior Management Team to undertake invest to save and/or continuous improvement projects
- 2.5 That Cabinet recommend that Council approves the net transfer to earmarked reserves, as identified in table 8, of £1.504million.

### 3. REASONS FOR RECOMMENDATIONS

3.1 Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.

3.2 Changes to the Council's balances are monitored and approved.

### 4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Budget holders have considered the options to manage within the existing budget but consider the variances reported here necessary and appropriate.

### 5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Consultation on the budget monitoring report is not required. Members will be aware that there is wider consultation on budget estimates during the corporate business planning process each year.

### 6. FORWARD PLAN

6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 18<sup>th</sup> March 2019.

### 7. BACKGROUND

7.1. Council approved the revenue budget for 2018/19 of £14.747 million in February 2018. The working budget at financial year-end has increased to £15.181 million. Table 1 below details the approved changes to this budget to get to the current working budget:

**Table 1 - Current Working Budget**

	<b>£k</b>
Original approved budget for 2018/19	14,747
Quarter 3 2017/18 Revenue Monitoring report - 2018/19 budget changes approved by Cabinet (March 2018)	85
2017/18 Revenue Outturn Report - 2017/18 budget changes approved by Cabinet (June 2018)	346
Quarter 1 2018/19 Revenue Monitoring report - 2018/19 variances approved by Cabinet (July 2018)	30
Waste Collection Service in North Hertfordshire report – 2018/19 income implication from 3 month extension to payment period for green waste collection – approved by Council (November 2018)	85
Quarter 2 2018/19 Revenue Monitoring report – 2018/19 variances approved by Cabinet (December 2018)	(17)
Revenue monitoring included within 2019/20 budget report – 2018/19 variances approved by Cabinet (January 2019)	116
Quarter 3 2018/19 Revenue Monitoring report - 2018/19 variances approved by Cabinet (March 2019)	(211)
<b>Working budget at Financial Year End 2018/19</b>	<b>15,181</b>

- 7.2. The Council is managed under Service Directorates. Table 2 below confirms the current net direct resource allocation of each Service Directorate in 2018/19 and how this has changed from the allocations published in the quarter three monitoring report.

**Table 2 – Service Directorate Budget Allocations**

Service Directorate	Net Direct Working Budget at Q3	Forecast Variances approved at Q3	Budget Transfers in Q3	Current Net Direct Working Budget
	£k	£k	£k	£k
Chief Executive	1,525	13	168	1,706
Commercialisation	(510)	7	83	(420)
Customers	3,610	(5)	(57)	3,548
Legal & Community	2,035	(4)	(59)	1,972
Place	4,521	(257)	150	4,414
Regulatory Services	1,713	35	(228)	1,520
Resources	2,498	0	(57)	2,441
<b>TOTAL</b>	<b>15,392</b>	<b>(211)</b>	<b>0</b>	<b>15,181</b>

## 8. RELEVANT CONSIDERATIONS

### REVENUE INCOME AND EXPENDITURE FORECASTS

- 3.1 Cabinet are asked to approve the net expenditure on the General Fund in 2018/19 of £14.626million (recommendation 2.2). This is a net decrease of £555k on the working budget of £15.181million. Table 3 below highlights the most significant variances, which are generally more than £25k, and contains an explanation for each. The final columns detail if a carry forward into 2019/20 is requested and the estimated ongoing impact of any variances:

**Table 3 - Summary of significant variances**

Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2019/20 £k
Employee Costs - Apprenticeships	173	63	(110)	Unspent amount reflects the timing in year of appointments to apprenticeship posts. It is therefore requested to carry this budget forward to meet the remaining contract commitments. There is now a regular update to the Council's Senior Management Team and Apprentice recruitment is planned to coincide with Apprentice leavers, which should reduce variances going forward.	+110	0
Strategic Priorities Fund	52	0	(52)	A budget of £100k was approved for the Strategic Priorities Fund in 2018/19, of which a total of £48k was allocated to successful investment bids. It is requested that the remaining £52k goes towards a new allocation of £100k for 2019/20.	+52	0

Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2019/20 £k
Commercialisation Projects	94	9	(85)	It is expected that the recent appointment of a Commercial Projects manager will lead to the ongoing development of commercialisation opportunities. It is therefore requested that the remaining resource unspent in 2018/19 be carried forward into 2019/20 as this funding will be used for the up-front costs of exploiting these opportunities.	+85	0
Waste Minimisation Expenditure	76	+14	(62)	Unspent budget relates to projects earmarked for, but not completed, in 2018/19. £53k is requested to be carried forward to fund the purchase of food waste caddy liners that will now be distributed to residents as part of the new collection times being introduced in May. A further £6k is also required to install water fountains to encourage residents to avoid single use plastic bottles.	+59	0
Income from Activities at Hitchin Town Hall	(150)	(101)	+49	The under-achievement of income in 2018/19 is due to a combination of several factors. The Council has put in place various measures to address these factors over the course of the next financial year. The full opening of the museum should improve visibility and footfall. The capital investment allocated for improving the acoustics and the installation of a second bar should address some of the negative PR experienced. Similarly, recruitment to vacancies means that there is greater capacity to promote and facilitate a larger number of events.	0	0
<b>Housing Benefits</b>						
Benefit Payments	+32,604	+32,381	(223)	The reduction in the net cost of Housing Benefits is attributed to the impact of Universal Credit (UC), which has significantly reduced the number of claimants (those affected will now be assessed under the DWP administered UC instead). This fall in claimants has reduced the gross level of housing benefit payments, with a consequent impact on the level of overpayments identified. The reduction in the level of overpayments raised this year has however helped to reduce the contribution required to the corresponding bad debt provision.	0	(6,563)
Subsidy Grant	(32,159)	(32,010)	+59		0	+6,563
Overpayments Bad Debt Provision	+300	+233	(67)		0	0
Overpayments Income	(488)	(387)	+101		0	0
<b>Net Total</b>	<b>+257</b>	<b>+127</b>	<b>(130)</b>		<b>0</b>	<b>0</b>
Waste Services – Client Team Staffing	+43	0	-43	It was reported at Q2 that the staff restructure had delivered greater savings in 18/19 than estimated. At that point it was expected that this over-achievement would be absorbed by temporary staffing pressures associated	+43	0

Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2019/20 £k
				with the new waste contract. In the event the anticipated cost pressure did not materialise. There are however additional pressures expected in 2019/20, which will require additional staff and support. This will include consultancy work on a jointly provided commercial waste service; review of back office functions; and potential works required for the flats collection service. It is therefore requested that the unspent resource is carried forward to 2019/20.		
Waste Services – Contract Variation Orders	+164	+71	(93)	The anticipated volume of work outside of the core contract did not materialise through the first year of the contract. The budget will be reviewed in June to determine the required budget level.	0	0
Waste Services – Income from paper collected for recycling	(476)	(449)	+27	Shortfall in income achieved for 2018/19 is indicative of the continuing fall in paper tonnages collected. Tonnages in this year were 14% lower than the prior year. The ongoing impact is mitigated slightly by the full year effect of a small increase in the price per ton achieved following the retender of the contract.	0	+26
Planning Services – Planning Applications Income	-806	-521	+285	Reduction in planning application income recorded for 2018/19 is as a result of a change to the Council's accounting policy. This is a result of changes to the accounting standards that the Council is required to follow. In accordance with this, the Council will now only recognise income from those planning applications resolved in the year, with all other receipts received held as income in advance. The accounting adjustment required for 2018/19 reduced the level of income charged to the General Fund by £335k. This does not affect the actual cash that the Council will receive.	0	0

Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2019/20 £k
Parking Services – Car Park Season Ticket Income	(284)	(309)	(25)	Over-achievement of the income budget follows significantly higher than expected sales in the last two months of the financial year. While some increase in this period is expected, as some commuters seek to purchase tickets in advance of an anticipated April price increase, the number of season tickets sold in February and March 2019 was nearly 40% higher than the equivalent period in the prior year.	0	0
Council Property General Maintenance	179	128	(51)	This underspend is primarily due to delays to a number of planned projects and a carry forward of £51k in respect of these works is requested. This comprises £28k for the external redecoration of the main building at Hitchin Swimming Centre, which was delayed for better weather; £6k for the redecoration of Hitchin Museum, which was delayed due to identifying structural repairs; and £17k for the replacement of pump and controls at Hitchin Swim Centre, which it had not been possible to install to due manufacturing delays.	+51	0
Brexit Preparations	18	0	(18)	A carry forward is requested for the first instalment of the Central Government grant awarded for Brexit preparations. £500 has been spent to date on a Food Resilience work plan and the remainder of the grant will be used to fund specific costs relating to Brexit.	+18	0
Local Plan – Consultants Costs and Legal Fees	125	67	(58)	Expenditure is lower than anticipated as the Local Plan did not proceed to adoption during the financial year as originally anticipated. While the Inspector's proposed Main Modifications were published in November 2018 and the consultation began in January 2019, no further examination hearing days were held during 2018/19, which helped to limit the costs incurred. Council officers also completed some additional tasks associated with the examination in-house, which reduced the requirement for external consultant assistance. However, the costs associated with the anticipated completion of the examination and adoption of the Plan are expected to be incurred during 2019/20 and as such a carry forward is requested.	+58	0
<b>Total of explained variances</b>	<b>(535)</b>	<b>(901)</b>	<b>(366)</b>		<b>+475</b>	<b>+26</b>
Other minor balances	+15,716	+15,527	(162)		(1)	(33)
<b>Overall Total</b>	<b>+15,181</b>	<b>+14,626</b>	<b>(555)</b>		<b>+474</b>	<b>(7)</b>

- 3.2 Cabinet are asked to approve the estimated net impact on the 2019/20 budget, a **£467k increase** in budget (recommendation 2.3), which includes:
- **£474k** of budget carry-forwards from 2018/19 to 2019/20 for projects that were not completed by the end of the financial year. These are shown in the penultimate column of table 3 above. This will take the total carry-forward to £689k (i.e. including those reported and approved at quarter 2, month 8 and quarter 3).
  - **£7k** decrease in budget to reflect the estimated ongoing net impact in 2019/20 of variances identified in Q4. These are shown in the final column of table 3 above.
- 3.3 Cabinet are asked to approve the transfer of £48k from the underspend in 2018/19 into the Strategic Priorities Fund in the following year (recommendation 2.4). Along with the Strategic Priorities Fund carry forward of £52k requested, this will bring the total amount in the fund next year to £100k. The fund provides the Council's Senior Management Team with authority to approve the allocation of the funds during the year for invest to save or continuous improvement projects as the opportunity arises.
- 3.4 The original approved budget for 2018/19 (and therefore working budget) included efficiencies totalling £2,706k, which were agreed by Council in February 2018. Progress in delivering the efficiencies identified has been monitored throughout the year and reported at each quarter. The efficiency total has been overachieved in the year by £166k, which is the same as the forecast overachievement reported at quarter 3. This total excludes the accounting adjustment for planning income detailed in table 3.
- 3.5 The working budget for 2018/19 included budgets totalling £515k that were carried forward from the previous year. These are generally carried forward so that they can be spent for a particular purpose that had been due to happen in 2017/18 but was delayed into 2018/19. At the end of the year a total of £307k of the budget carried forward has not been spent in 2018/19, as detailed in Table 4 below, of which £295k has been requested to be carried forward into 2019/20.

**Table 4 – Unspent Carry Forward Budget in 2018/19**

Monitoring Report	Carry Forward Budget in 18/19 (£k)	Project	Underspend reported (£k)
Q2	87	Potential implementation of a Community Infrastructure Levy	87
Month 8	60	Area Committee Grants	9
Q3	55	Parking Services Lines and Signs Maintenance	39
Q3	18	Economic Development Officer post	10
Q3	13	Herts Warmer Home Project	13
Q3	12	Review of Housing Strategy	12
<b>Outturn</b>	100	Strategic Priorities Fund (SPF); £48k of the £100k funding available was allocated to successful bids in 2018/19 with the remaining £52k requested to be carried forward into 2019/20 (as highlighted in table 3 above).	52
<b>Outturn</b>	95	Commercialisation project; £9k of this £94k carry forward budget has been spent in 2018/19, with the remainder requested to be carried forward into 2019/20 (as highlighted in table 3 above).	85
<b>Total Underspend 2018/19</b>			<b>307</b>

- 3.6 There are 4 key corporate 'financial health' indicators identified in relation to key sources of income for the Council. Table 5 below shows the performance for the year. A comparison is made to the original budget to give the complete picture for the year. Each indicator is given a status of red, amber or green. A green indicator means that income recorded matched or exceeded the budgeted level of income. A red indicator means that the outturn has not met the budgeted level of income. An amber indicator is only used during the year to highlight that there is a risk that the budgeted level of income may not be met.
- 3.7 At the end of the year, one indicator is green and three indicators are red.
- 3.8 Having been flagged as amber at quarter 1, the red indicator in relation to car parking fees was highlighted within the revenue monitoring report at quarter 2. This relates to measures to generate additional parking fee income anticipated from the Parking Strategy review, which have not been implemented.
- 3.9 The red indicator in relation to land charges income was also highlighted within the revenue monitoring report at quarter 2. The number of searches requested to be undertaken by the authority has reduced in comparison to the prior financial year.
- 3.10 The red indicator in relation to income from planning applications was highlighted within the revenue monitoring report at quarter 3, with a lower number of applications received in the second half of the year. The actual income figure for the year has also been affected by the change in accounting policy relating to the recognition of the planning income (as detailed in table 3 above), with the relevant accounting adjustments reducing the income total charged to the General Fund for 2018/19 by £335k.

**Table 5 - Corporate financial health indicators**

<b>Indicator</b>	<b>Status</b>	<b>Original Budget £k</b>	<b>Actual income for the year £k</b>	<b>Variance £k</b>
Planning Application Fees (including fees for pre-application advice)	Red	(940)	(522)	419
Land Charges	Red	(174)	(145)	30
Car Parking Fees	Red	(1,906)	(1,867)	39
Parking Penalty Charge Notices	Green	(532)	(535)	(3)

## **FUNDING, RISK AND GENERAL FUND BALANCE**

- 3.11 The Council's revenue budget is funded from the following main sources; Council Tax, New Homes Bonus and Retained Business Rates income. The Council was notified by Central Government in February 2018 of the amount of New Homes Bonus it could expect to receive in 2018/19 and planned accordingly.
- 3.12 Council Tax and Business Rates are accounted for in the Collection Fund rather than directly in our accounts, as we also collect them on behalf of other bodies. Each organisation has a share of the balance on the Collection Fund account. At the end of 2018/19 there is a surplus on the NHDC share of the Council Tax Collection Fund of £279k and a deficit on the Business Rates Collection Fund of £604k.

- 3.13 The Central Government return submitted in January 2019 estimated a Business Rates Collection Fund deficit for 2018/19 of £58k. The contribution to the Collection Fund required in 2019/20 in respect of the deficit for 2018/19 is based on this January estimate. The £546k difference between the actual deficit of £604k and the January estimate of £58k will be included in the calculation of the estimated surplus/deficit for 2019/20 (submitted to Central Government in January 2020), and hence will affect the calculation of the Council's retained business rates income for 2020/21.
- 3.14 The Council also receives compensation in the form of a grant from Central Government for business rate reliefs introduced, which goes in to our funds rather than the Collection Fund. We are holding this amount in a reserve to fund the repayment of deficits recorded in future years. Some of the amount held in reserve will therefore be used in the next financial year to fund the repayment of the £58k deficit highlighted above.
- 3.15 The Council is also subject to a business rates levy from Central Government as NHDC collects more in business rates than the baseline need determined by Central Government. In 2018/19 the Council was a member of the Hertfordshire Business Rates Pool, with the expectation that this would reduce the levy amount required. This has proved to be the case, with the Council benefiting from a pooling gain of £368k in the form of a reduced levy contribution, with the calculated levy for 2018/19 reduced from a total of £528k to £160k. The pooling gain has been retained in the reserve. Current forecasts suggest that the pooling gain amount could be released to fund General Fund expenditure.
- 3.16 The Ministry for Housing, Communities and Local Government announced in the provisional Local Government Finance Settlement for 2019/20 in December 2018 that their Business Rates levy account, from which safety net payments are made to eligible authorities, was in a surplus position of £195million and that £185million of the surplus would be distributed to local authorities. The published schedule of provisional allocated amounts, which included £41k for NHDC, was headed as 'Levy account surplus allocations for 2019 to 2020'. When the final settlement was published on January 29 2019, however, the equivalent schedule was headed 'Levy account surplus final allocations for 2018 to 2019'. As such the additional £41k income, received in March 2019, has been charged to the General Fund in 2018/19 and explains the increase in the funding total in table 6 below.
- 3.17 Table 6 below summarises the impact on the general fund balance of the outturn position detailed in this report. It should however be noted at this point that the Statement of Accounts is yet to be audited and changes to the General Fund balance may arise as a result of the final accounts audit.

**Table 6 – General Fund impact**

	<b>Working Budget £k</b>	<b>Outturn £k</b>	<b>Difference £k</b>
<b>Brought Forward balance (1<sup>st</sup> April 2018)</b>	<b>(7,403)</b>	<b>(7,403)</b>	<b>-</b>
Net Expenditure	15,181	14,626	(555)
Funding (Council Tax, Business Rates, RSG)	(15,044)	(15,085)	(41)
Contribution to Collection Fund	656	656	0
Funding from Reserves (including Business Rate Relief Grant)	(656)	(656)	0
<b>Carried Forward balance (31<sup>st</sup> March 2019)</b>	<b>(7,266)</b>	<b>(7,862)</b>	<b>(596)</b>

3.18 The minimum level of General Fund balance is determined based on known and unknown risks. Known risks are those things that we think could happen and we can forecast both a potential cost if they happen, and percentage likelihood. The notional amount is based on multiplying the cost by the potential likelihood. The notional amount for unknown risks is based on 5% of net expenditure. There is not an actual budget set aside for either of these risk types, so when they occur they are reflected as budget variances (see table 3). We monitor the level of known risks that actually happen, as it highlights whether there might be further variances. This would be likely if a number of risks come to fruition during the early part of the year. We also use this monitoring to inform the assessment of risks in future years. The notional amount calculated at the start of the year for known risks was £1,424k, and at the end of the year a total of £853k have come to fruition. The two identified risks realised in the final quarter relate to;

- Hitchin Town Hall income (as highlighted in table 3). £49k
- Increase in the net cost of recycling services (paper income variance highlighted in table 3 with other offsetting variances included in the 'other minor variances' total in table 3). £17k

**Table 7 – Known financial risks**

	£'000
<b>Original allowance for known financial risks</b>	<b>1,424</b>
Known financial risks realised in Quarter 1	(243)
Known financial risks realised in Quarter 2	(466)
Known financial risks realised in Quarter 3	(77)
Known financial risks realised in Quarter 4	(66)
<b>Remaining allowance for known financial risks</b>	<b>571</b>

## **EARMARKED RESERVES**

3.19 The Council has a number of earmarked reserves, which can be used to fund revenue expenditure. These are detailed in Table 8 below. A total of £2.892million has been contributed to the reserves in 2018/19 and a total of £1.388million has been used to fund expenditure.

3.20 Cabinet are asked to recommend to Council that the net contribution to reserves of £1.504million be approved (recommendation 2.5), which leaves a total balance in earmarked reserves at 31 March 2019 of £7.183million.

**Table 8 – Earmarked Reserves**

	Balance at 1 April 2018	Contributions to reserve	Transfers out to fund expenditure	Balance at 31 March 2019
	£'000	£'000	£'000	£'000
Cemetery Mausoleum Reserve	140	21	0	161
Childrens Services Reserve	8	0	(1)	7
Climate Change Grant Reserve	30	0	(2)	28
Community Development Reserve	1	0	(1)	0
Community Right to Challenge Reserve	45	0	0	45
MHCLG Grants Reserve	868	1,763	(817)	1,814
DWP Additional Grants Reserve	129	117	(56)	190
Environmental Warranty Reserve	209	0	0	209

	Balance at 1 April 2018	Contributions to reserve	Transfers out to fund expenditure	Balance at 31 March 2019
	£'000	£'000	£'000	£'000
Growth Area Fund Reserve	53	0	0	53
Homelessness Grants Reserve	203	204	(145)	262
Housing & Planning Delivery Reserve	768	387	(13)	1,142
Information Technology Reserve	82	0	0	82
Insurance Reserve	34	0	0	34
Land Charges Reserve	104	0	(10)	94
Leisure Management Maintenance Reserve	47	0	0	47
Museum Exhibits Reserve	12	0	0	12
Neighbourhood Plan Reserve	41	0	0	41
Office Move IT Works	7	0	0	7
Paintings Conservation Reserve	11	0	0	11
Property Maintenance Reserve	62	10	0	72
S106 Monitoring Reserve	53	0	(17)	36
Special Reserve	1,720	0	(325)	1,395
Street Furniture	17	4	0	21
Street Name Plates	16	0	0	16
Syrian Refugee Project	87	28	0	115
Taxi Licences Reserve	13	0	0	13
Town Centre Maintenance	38	8	(1)	45
Traffic Regulation Orders	296	51	0	347
Waste Reserve	585	46	0	631
Waste Vehicles Reserve	0	253	0	253
<b>Total Revenue Reserves</b>	<b>5,679</b>	<b>2,892</b>	<b>(1,388)</b>	<b>7,183</b>

## 9. LEGAL IMPLICATIONS

- 1.2 The Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. Specifically 5.6.8 of Cabinet's terms of reference state that it has remit "*to monitor quarterly revenue expenditure and agree adjustments within the overall budgetary framework*". By considering monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. The Council is under a duty to maintain a balanced budget and to maintain a prudent balance.
- 1.3 The Accounts and Audit Regulations 2015 require that the Annual Statement of Accounts be approved and published by the deadline date of 31 July 2018. Members are reminded of the duty to set a balanced budget and to maintain a prudent level of reserves.

## 2. FINANCIAL IMPLICATIONS

- 2.1 Members have been advised of any variations from the budgets in the body of this report and of any action taken by officers.
- 2.2 The general fund balance of £7.862million (table 6) meets the recommended minimum balance of General Fund reserves agreed when the budget was set. The Statement of Accounts is however yet to be audited and changes to the General Fund balance may arise as a result of the final audit. As the Housing Benefit claim is also yet to be audited, the relevant values included in the reported outturn are based on un-audited figures.

### **3. RISK IMPLICATIONS**

- 3.1 As outlined in the body of the report. The process of quarterly monitoring to Cabinet is a control mechanism to help to mitigate the risk of an unplanned overspend of the overall Council budget.

### **4. EQUALITIES IMPLICATIONS**

- 4.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 4.2 For any individual new revenue investment proposal of £50k or more, or affecting more than two wards, a brief equality analysis is required to be carried out to demonstrate that the authority has taken full account of any negative, or positive, equalities implications; this will take place following agreement of the investment.

### **5. SOCIAL VALUE IMPLICATIONS**

- 5.1 The Social Value Act and “go local” policy do not apply to this report.

### **6. HUMAN RESOURCE IMPLICATIONS**

- 6.1 Although there are no direct human resource implications at this stage, care is taken to ensure that where efficiency proposals or service reviews may effect staff, appropriate communication and consultation is provided in line with HR policy.

### **7. APPENDICES**

- 7.1 None.

### **8. CONTACT OFFICERS**

- 8.1 Antonio Ciampa, Accountancy Manager  
[antonio.ciampa@north-herts.gov.uk](mailto:antonio.ciampa@north-herts.gov.uk); ext 4566
- 8.2 Ian Couper, Service Director - Resources  
[ian.couper@north-herts.gov.uk](mailto:ian.couper@north-herts.gov.uk); ext 4243
- 8.3 Kerry Shorrocks, Corporate Human Resources Manager  
[kerry.shorrocks@north-herts.gov.uk](mailto:kerry.shorrocks@north-herts.gov.uk); ext 4224
- 8.4 Jeanette Thompson, Service Director – Legal & Community  
[jeanette.thompson@north-herts.gov.uk](mailto:jeanette.thompson@north-herts.gov.uk); ext 4370
- 8.5 Reuben Ayavoo, Senior Policy Officer  
[reuben.ayavoo@north-herts.gov.uk](mailto:reuben.ayavoo@north-herts.gov.uk); ext 4212

**CABINET  
11 JUNE 2019**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: CAPITAL PROGRAMME OUTTURN 2018/19**

REPORT OF : SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER : FINANCE AND I.T.

COUNCIL PRIORITY : RESPONSIVE AND EFFICIENT

**1. EXECUTIVE SUMMARY**

1.1 As at the end of financial year 2018/19, there is a reduction in spend compared to quarter 3 of **£1.162million**. The majority of this change is for project underspends **£0.676million** and expenditure that will now be incurred in 2018/19. The forecast increase in spend in future years is **£0.542million**.

**2. Recommendations**

2.1 That Cabinet notes expenditure of **£5.574million** in 2018/19 on the capital programme, paragraph 8.2 refers, and in particular the changes detailed in table 3 which resulted in a net decrease on the working estimate of **£0.620million**.

2.2 That Cabinet approves the adjustments to the capital programme for 2019/20 as a result of the revised timetable of schemes detailed in table 2, increasing the estimated spend in 2019/20 by **£0.541million** (re-profiled from 2018/19).

2.3 That Cabinet notes the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability.

2.4 That Cabinet approves the application of **£0.626million** of capital receipts towards the 2018/19 capital programme and the drawdown of **£4.431million** from set aside receipts, paragraph 8.6 refers.

**3. REASONS FOR RECOMMENDATIONS**

3.1 Cabinet is required to approve adjustments to the capital programme.

3.2 Cabinet is required to ensure that the capital programme is fully funded.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 Options for capital investment are considered as part of the Corporate Business Planning process.

## 5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation on the capital expenditure report is not required. Members will be aware that consultation is incorporated into project plans of individual capital schemes as they are progressed.

## 6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 18th March 2019.

## 7. BACKGROUND

- 7.1 In February 2018, Council approved the capital programme for 2018/19 to 2021/22. This was subsequently amended by reprogramming from 2017/18 and changes in forecasts at quarter 1, 2 and 3. In February 2019, Council approved the capital programme for 2019/20 to 2022/23.
- 7.2 The Medium Term Financial Strategy for 2019 to 2024 confirmed that the Council will seek opportunities to utilise capital funding (including set aside receipts) for invest to save schemes and proposals that generate higher rates of return than standard treasury investments. This is one way the Council will allocate resources to support organisational transformation that will reduce revenue expenditure.

## 8. RELEVANT CONSIDERATIONS

### Capital Programme 2018/19

- 8.1 Summaries of the capital programme by Council priority and service are shown in appendix A together with the overall funding analysis and projected availability of capital funding balances (set aside and capital receipts). The full programme is detailed in Appendix B and shows the revised costs to date, together with the expected spend from 2019/20 to 2022/23 and the funding source for each capital scheme.
- 8.2 The outturn capital expenditure for 2018/19 is **£5.574million**. This is a reduction of **£1.162million** on that reported at the end of the third quarter. The decrease in spend is largely due to re-profiling spend in to future years and underspend on projects. Table 1 below details the changes from what was reported at Quarter 3.

**Table 1- Current Capital Estimates (compared to Quarter 3 forecasts)**

	2018/19 £M	2019/20 £M	2020/21 to 2022/23 £M
<b>Estimate as at Q3 2018/19</b>	<b>6.736</b>	<b>8.679</b>	<b>1.890</b>
<b>Change from Q3 Estimate</b>	<b>-1.162</b>	<b>0.541</b>	<b>0</b>
<b>Outturn 2018/19</b>	<b>5.574</b>	<b>9.220</b>	<b>1.890</b>

8.3 Table 2 lists the schemes in the 2018/19 Capital Programme that will start or continue in 2019/20:

**Table 2: Scheme Timetable Revision:**

(Key: - = reduction in capital expenditure, + = increase in capital expenditure)

Scheme	2018/19 Working Budget £'000	2018/19 Outturn £'000	Variance £'000	Comments	Estimated impact on 2019/20 onwards £'000
Provide Housing at Market Rents	500	18	-482	Work is in progress to redevelop a Council office building (Harkness Court) in to residential. Planning permission and Building Regulation approval have been obtained. Tenders have now been received for the building work and the estimated spend in 2019/20 is £208,000. The Council is in the process of setting up a property company, which will enable the letting of residential properties.	482
Museum Services Development	80	50	-30	The land formerly known as 14/15 Brand Street was secured in February 2019. The Museum Team has been working hard to complete these areas but some works are still to be carried out. As a result, this budget will still be required in the 2019/20 financial year as we move towards full opening of the facility this summer.	30
Other minor slippage			-30		30
<b>Total Revision to Budget Profile</b>			<b>-542</b>		

8.4 There are also changes to the overall costs of schemes in 2018/19. These changes total a net decrease of £0.620million and are detailed in Table 3:

**Table 3: Changes to Capital Schemes Commencing in 2018/19:**

(Key: - = reduction in capital expenditure, + = increase in capital expenditure)

Scheme	2018/19 Working Budget £'000	2018/19 Outturn £'000	Increase/ Decrease £'000	Comments
Waste and Street Cleansing Vehicles	3,600	3,178	-422	The budget was an estimate prior to the commencement of the new shared service contract. The outturn reflects both the actual vehicles being used by the contractor and how they have been procured. Only those vehicles that have been purchased or leased on a long-term basis will be reflected as a capital cost.
Disabled Facility Grants (DFG)	300	122	-178	Some grants did not proceed or were cancelled. There were also delays in undertaking certain works and other cases were funded from other sources.
<b>Other minor changes</b>			<b>-20</b>	
<b>Total revision to scheme spend</b>			<b>-620</b>	

8.5 The following capital schemes have been completed during 2018/19:

- Waste and Street Cleansing Vehicles
- Purchase of 14 & 15 Brand Street
- Hitchin Swim Centre lift
- Ultra Violet Water System
- Hitchin Outdoor Pool Showers and WCs
- Letchworth Outdoor Pool Showers and WCs
- Food Waste Caddies purchase
- Wilbury Hills Cemetery Paths
- Bancroft Recreation Ground Pathways Renewal
- Various IT Projects

## Capital Programme 2018/19 Funding onwards

8.6 Table 4 below shows how the Council will fund the 2018/19 capital programme.

**Table 4: Funding the Capital Programme:**

	2018/19 Balance at start of year £M	2018/19 Additions £M	2018/19 Funding Used £M	2018/19 Balance at end of year £M
Useable Capital Receipts	3.090	0.116	(0.626)	2.580
Set-aside Receipts	10.252		(4.342)	5.910
S106 receipts			(0.235)	
Other third party grants and contributions			(0.371)	
<b>Total</b>	<b>13.342</b>		<b>(5.574)</b>	

8.7 The availability of third party contributions and grants to fund capital investment is continuously sought in order to reduce pressure on the Council's available capital receipts and allow for further investment.

## 9. LEGAL IMPLICATIONS

9.1 Cabinet's terms of reference under 5.6.7 specifically includes "to monitor expenditure on the capital programme and agree adjustments within the overall budgetary framework". The Cabinet also has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. By considering monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. The Council is under a duty to maintain a balanced budget.

9.2 Asset disposals must be handled in accordance with the Council's Contract Procurement Rules.

## 10. FINANCIAL IMPLICATIONS

10.1 The main financial implications are covered in section 8 of the report.

10.2 The Authority operates a tolerance limit on capital projects that depends on the value of the scheme and on this basis over the next four-year programme it should be anticipated that the total spend over the period could have been £1.313million higher than the originally budgeted £11.11million.

10.3 The capital programme will need to remain under close review due to the limited availability of capital resources and the affordability in the general fund of the cost of using the Council's capital receipts. When capital receipts are used and not replaced the availability of cash for investment reduces. Consequently interest income from investments reduces. £1.0million currently earns the Authority approximately £10k a year in interest. The general fund estimates are routinely updated to reflect the reduced income from investments. When the Capital Financing Requirement (CFR) reaches zero the Council will need to start charging a minimum revenue provision to the general fund for the cost of capital and will need to consider external borrowing for further capital spend. The CFR at the 31 March 2019 is negative £6million.

- 10.4 The Council also aims to ensure that the level of planned capital spending in any one-year matches the capacity of the organisation to deliver the schemes to ensure that the impact on the revenue budget of loss of cash-flow investment income is minimised.

## **11. RISK IMPLICATIONS**

- 11.1 The inherent risks in undertaking a capital project are managed by the project manager of each individual scheme. These are recorded on a project risk log which will be considered by the Project Board (if applicable). The key risks arising from the project may be recorded on Pentana (the Council's Performance & Risk management software). Some of the major capital projects have been included as the Council's Top Risks (such as the new North Hertfordshire Museum). The Top Risks are monitored by the Finance, Audit and Risk Committee.
- 11.2 Cabinet receives quarterly reports on project progress and forecast spend

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 For any individual new capital investment proposal of £50k or more, or affecting more than two wards, an equality analysis is required to be carried out; this will take place following Cabinet agreement of the investment. A sound management of funds ensures that the Council has sufficient monies to support the improvement of district facilities.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12. Any individual capital scheme which is subject to the award of a public service contract will be evaluated in terms of its social value through the Council's procurement processes.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 There are no direct human resource implications.

## **15. APPENDICES**

- 15.1 Appendix A, Capital Programme Summary 2018/19 onwards.  
Appendix B, Capital Programme Detail including Funding 2018/19 onwards,

**16. CONTACT OFFICERS**

16.1 Report Writer – Dean Fury, Corporate Support Accountant, Tel 474509,  
[Dean.fury@north-herts.gov.uk](mailto:Dean.fury@north-herts.gov.uk)

Ian Couper, Service Director: Resources, Tel 474243, email  
[ian.couper@north-herts.gov.uk](mailto:ian.couper@north-herts.gov.uk)

Antonio Ciampa, Accountancy Manager, Tel 474566, email,  
[Antonio.ciampa@north-herts.gov.uk](mailto:Antonio.ciampa@north-herts.gov.uk)

Reuben Ayavoo, Policy and Community Engagement Manager, Tel  
47212, email,  
[Reuben.ayavoo@north-herts.gov.uk](mailto:Reuben.ayavoo@north-herts.gov.uk)

**17. BACKGROUND PAPERS**

17.1 2018/19 Budget Estimates Book.

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**By Council Priority**

Priority	2017/18		2018/19 Working		2018/19		2018/19 Movement	2019/20 Revised Estimate	2020/21 Revised Estimate	2021/22 Revised Estimate	2022/23 Revised Estimate
	Outturn	£	Estimate	£	Outturn	£					
Attractive & Thriving	2,501,300		694,600		692,300		-2,300	2,221,800	578,000	255,000	39,000
Prosper & Protect	335,600		1,335,900		839,700		-496,200	5,117,800		0	0
Responsive & Efficient	6,646,800		4,705,400		4,042,400		-663,000	1,880,800	384,000	124,000	510,000
<b>Grand Total</b>	<b>9,483,700</b>		<b>6,735,900</b>		<b>5,574,400</b>		<b>-1,161,500</b>	<b>9,220,400</b>	<b>962,000</b>	<b>379,000</b>	<b>549,000</b>

**By Service Group**

Service Group	2017/18		2018/19 Working		2018/19		2018/19 Movement	2019/20 Revised Estimate	2020/21 Revised Estimate	2021/22 Revised Estimate	2022/23 Revised Estimate
	Outturn	£	Estimate	£	Outturn	£					
Advances & Cash Incentives	0		0		0		0	1,096,000	0	0	0
Asset Management	5,532,300		1,145,500		665,800		-479,700	3,316,500	255,000	255,000	0
Building Control	0		0		0		0	0	0	0	0
CCTV	21,700		0		0		0	0	0	0	0
Community Services	364,000		506,500		492,800		-13,700	790,400	120,000	0	0
Computer Software and Equipment	142,600		149,300		134,200		-15,100	839,800	119,000	64,000	450,000
Corporate Items	0		0		0		0	10,600	0	0	0
Growth Fund Projects	0		0		0		0	713,000	0	0	0
Leisure Facilities	2,600,300		746,700		727,000		-19,700	1,148,700	408,000	0	39,000
Museum & Arts	141,700		105,900		69,100		-36,800	149,800	0	0	0
Parking	11,300		0		24,200		24,200	1,095,600	0	0	0
Renovation & Reinstatement Grant Expenditure	669,800		350,000		156,200		-193,800	60,000	60,000	60,000	60,000
Town Centre Enhancement	0		0		0		0	0	0	0	0
Waste Disposal	0		0		0		0	0	0	0	0
Waste collection	0		3,732,000		3,305,100		-426,900	0	0	0	0
<b>Grand Total</b>	<b>9,483,700</b>		<b>6,735,900</b>		<b>5,574,400</b>		<b>-1,161,500</b>	<b>9,220,400</b>	<b>962,000</b>	<b>379,000</b>	<b>549,000</b>

**Capital Funding Source**

Service Group	2017/18		2018/19 Working		2018/19		2018/19 Movement	2019/20 Revised Estimate	2020/21 Revised Estimate	2021/22 Revised Estimate	2022/23 Revised Estimate
	Outturn	£	Estimate	£	Outturn	£					
Capital Receipt	1,436,700		326,400		625,600		299,200	2,664,900	675,000	379,000	549,000
Government Grant	704,900		300,000		122,000		-178,000	763,000	0	0	0
IT Reserve	0		0		0		0	0	0	0	0
Revenue Contribution / Borrowing	0		0		0		0	0	0	0	0
Other Capital Contributions	480,900		273,400		249,500		-23,900	172,800	250,000	0	0
S106 Funding	471,000		197,100		235,600		38,500	488,900	37,000	0	0
Drawdown of cash investments	6,390,200		5,639,000		4,341,700		-1,297,300	5,130,800	0	0	0
<b>Grand Total</b>	<b>9,483,700</b>		<b>6,735,900</b>		<b>5,574,400</b>		<b>-1,161,500</b>	<b>9,220,400</b>	<b>962,000</b>	<b>379,000</b>	<b>549,000</b>

**Capital Receipt Analysis**

	2017/18 Outturn	2018/19 Working Budget	2018/19 Revised Funding		2019/20 Estimate	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate
	£	£	£		£	£	£	£
B/fwd Capital Receipt Funding	-3,223,516	-3,090,265	-3,090,265		-2,580,229	-4,865,329	-7,190,329	-9,061,329
Add: Capital Receipts Received in Year	-1,303,449	0	-115,564	-115,564	-4,950,000	-3,000,000	-2,250,000	-1,250,000
Less: Capital Receipts Used in Year	1,436,700	326,400	625,600	299,200	2,664,900	675,000	379,000	549,000
<b>C/Fwd Capital Receipt Funding</b>	<b>-3,090,265</b>	<b>-2,763,865</b>	<b>-2,580,229</b>	<b>183,636</b>	<b>-4,865,329</b>	<b>-7,190,329</b>	<b>-9,061,329</b>	<b>-9,762,329</b>

**Set-Aside Receipts Analysis**

	2017/18 Outturn	2018/19 Working Budget	2018/19 Revised Funding		2019/20 Estimate	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate
	£'000	£'000	£'000		£'000	£'000	£'000	£'000
B/fwd Set-Aside Receipt Funding	-16,642,400	-10,252,200	-10,252,200		-5,910,500	-779,700	-779,700	-779,700
Set-Aside Receipts Received in Year	0	0	0	0	0	0	0	0
Set -Aside Receipts Used in Year	6,390,200	5,639,000	4,341,700	-1,297,300	5,130,800	0	0	0
<b>C/Fwd Set-Aside Receipt Funding</b>	<b>-10,252,200</b>	<b>-4,613,200</b>	<b>-5,910,500</b>	<b>-1,297,300</b>	<b>-779,700</b>	<b>-779,700</b>	<b>-779,700</b>	<b>-779,700</b>

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		2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
		Funding	Funding	Funding	Funding	Funding	Funding
		£	£	£	£	£	£
Project							
40 KVA UPS Device or Battery Replacement	Capital Receipt			7,000			
<b>40 KVA UPS Device or Battery Replacement Total</b>		<b>0</b>	<b>0</b>	<b>7,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Additional PC's - Support Home Working/OAP	Capital Receipt			13,000			
Additional PC's - Support Home Working/OAP	Drawdown of cash investments	12,700					
<b>Additional PC's - Support Home Working/OAP Total</b>		<b>12,700</b>	<b>0</b>	<b>13,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Additional Storage	Capital Receipt			13,000			
Additional Storage	Drawdown of cash investments			12,000			
<b>Additional Storage Total</b>		<b>0</b>	<b>0</b>	<b>25,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Alternative to safeword tokens for staff/members working	Capital Receipt			8,000			
<b>Alternative to safeword tokens for staff/members working</b>		<b>0</b>	<b>0</b>	<b>8,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Area Visioning	Drawdown of cash investments	26,400					
<b>Area Visioning Total</b>		<b>26,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Baldock Road Recreation Grounds	Capital Receipt			20,000			
<b>Baldock Road Recreation Grounds Total</b>		<b>0</b>	<b>0</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Baldock Town Hall project	Drawdown of cash investments		26,600	47,900			
Baldock Town Hall project	S106 Funding	1,500		800			
<b>Baldock Town Hall project Total</b>		<b>1,500</b>	<b>26,600</b>	<b>48,700</b>	<b>0</b>	<b>0</b>	<b>0</b>
Bancroft Gardens Play Area	Capital Receipt	36,800	3,100				
Bancroft Gardens Play Area	S106 Funding	11,500					
<b>Bancroft Gardens Play Area Total</b>		<b>48,300</b>	<b>3,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Bancroft Recreation Ground, Hitchin, Multi Use Games Area	Capital Receipt			44,100			
Bancroft Recreation Ground, Hitchin, Multi Use Games Area	Other Capital Contributions			60,000			
Bancroft Recreation Ground, Hitchin, Multi Use Games Area	S106 Funding		5,800	60,100			
<b>Bancroft Recreation Ground, Hitchin, Multi Use Games Area</b>		<b>0</b>	<b>5,800</b>	<b>164,200</b>	<b>0</b>	<b>0</b>	<b>0</b>
Cabinet Switches - 4 Floors	Capital Receipt					18,000	
Cabinet Switches - 4 Floors	Drawdown of cash investments	6,700					
<b>Cabinet Switches - 4 Floors Total</b>		<b>6,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18,000</b>	<b>0</b>
Cadcorp Local Knowledge & Notice Board Software	Capital Receipt		8,300	5,200			

Project		2017/18 Funding £	2018/19 Funding £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £	2022/23 Funding £
<b>Cadcorp Local Knowledge &amp; Notice Board Software Total</b>		0	8,300	5,200	0	0	0
Channel shift - processing of housing register applications	Drawdown of cash investments			40,000			
<b>Channel shift - processing of housing register applications Total</b>		0	0	40,000	0	0	0
Construction of pathway and roadway, Wilbury Hills Cemetery, Letchworth	Drawdown of cash investments		32,100				
<b>Construction of pathway and roadway, Wilbury Hills Cemetery, Letchworth Total</b>		0	32,100	0	0	0	0
Core Backbone Switch	Capital Receipt			20,000			
<b>Core Backbone Switch Total</b>		0	0	20,000	0	0	0
Council property improvements following condition surveys	Capital Receipt	63,600	14,200	265,800	255,000	255,000	
Council property improvements following condition surveys	Drawdown of cash investments		63,000	12,000			
<b>Council property improvements following condition surveys Total</b>		63,600	77,200	277,800	255,000	255,000	0
Customer Self Serve Module	Capital Receipt			3,000			
<b>Customer Self Serve Module Total</b>		0	0	3,000	0	0	0
Cyber Attacks - Events Monitoring Software Solution	Capital Receipt			30,000			
<b>Cyber Attacks - Events Monitoring Software Solution Total</b>		0	0	30,000	0	0	0
Cycle Strategy implementation (GAF)	Government Grant			278,000			
<b>Cycle Strategy implementation (GAF) Total</b>		0	0	278,000	0	0	0
Decommissioning of Pavilions	Capital Receipt		48,000				
<b>Decommissioning of Pavilions Total</b>		0	48,000	0	0	0	0
Decommissioning of Play Areas	Capital Receipt		26,200	103,800			
<b>Decommissioning of Play Areas Total</b>		0	26,200	103,800	0	0	0
Dell Servers	Capital Receipt			65,000			
<b>Dell Servers Total</b>		0	0	65,000	0	0	0

		2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
		Funding	Funding	Funding	Funding	Funding	Funding
		£	£	£	£	£	£
Project							
Dog / Litter Bins	Capital Receipt	32,600					
<b>Dog / Litter Bins Total</b>		<b>32,600</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DR Set-up	Capital Receipt			27,400			
DR Set-up	Drawdown of cash investments		22,600	22,400			
<b>DR Set-up Total</b>		<b>0</b>	<b>22,600</b>	<b>49,800</b>	<b>0</b>	<b>0</b>	<b>0</b>
EA Agreement (MS EA) TN agreed funded within 4571 Account	Capital Receipt	-5,200					450,000
EA Agreement (MS EA) TN agreed funded within 4571 Account	Drawdown of cash investments						
<b>EA Agreement (MS EA) TN agreed funded within 4571 Account Total</b>		<b>-5,200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>450,000</b>
Email / Web Gateway with SPAM Filtering Software Solution - License 3 Year Contract	Capital Receipt	28,000			39,000		
<b>Email / Web Gateway with SPAM Filtering Software Solution - License 3 Year Contract Total</b>		<b>28,000</b>	<b>0</b>	<b>0</b>	<b>39,000</b>	<b>0</b>	<b>0</b>
Email Encryption Software Solution	Capital Receipt				45,000		
<b>Email Encryption Software Solution Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>45,000</b>	<b>0</b>	<b>0</b>
Energy efficiency measures	Drawdown of cash investments	51,500		8,500			
<b>Energy efficiency measures Total</b>		<b>51,500</b>	<b>0</b>	<b>8,500</b>	<b>0</b>	<b>0</b>	<b>0</b>
Financial System upgrade - E-series	Drawdown of cash investments	4,400					
<b>Financial System upgrade - E-series Total</b>		<b>4,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Food Waste Caddies	Drawdown of cash investments		127,500				
<b>Food Waste Caddies Total</b>		<b>0</b>	<b>127,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Green Infrastructure implementation (GAF)	Government Grant			185,000			
<b>Green Infrastructure implementation (GAF) Total</b>		<b>0</b>	<b>0</b>	<b>185,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin & Letchworth Outdoor Pool Automatic Chemical Dosing Pumps	Capital Receipt			20,000			
<b>Hitchin &amp; Letchworth Outdoor Pool Automatic Chemical Dosing Pumps Total</b>		<b>0</b>	<b>0</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin & Royston Fitness Equipment	Other Capital Contributions	480,900	27,700				

Project		2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
		Funding	Funding	Funding	Funding	Funding	Funding
		£	£	£	£	£	£
<b>Hitchin &amp; Royston Fitness Equipment Total</b>		<b>480,900</b>	<b>27,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin Multi Storey Safety and Equalities Act improvements	Drawdown of cash investments	700		39,300			
<b>Hitchin Multi Storey Safety and Equalities Act improvements Total</b>		<b>700</b>	<b>0</b>	<b>39,300</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin Outdoor Pool Showers and Toilets	Drawdown of cash investments		40,600				
Hitchin Outdoor Pool Showers and Toilets	S106 Funding		60,400				
<b>Hitchin Outdoor Pool Showers and Toilets Total</b>		<b>0</b>	<b>101,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin Swimming Centre Lift	Drawdown of cash investments	3,100	65,800				
<b>Hitchin Swimming Centre Lift Total</b>		<b>3,100</b>	<b>65,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin Swimming Pool Car Park extension	Capital Receipt	28,200		497,700			
<b>Hitchin Swimming Pool Car Park extension Total</b>		<b>28,200</b>	<b>0</b>	<b>497,700</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin Town Hall Acoustic Panelling	Capital Receipt			30,000			
<b>Hitchin Swimming Pool Car Park extension Total</b>		<b>0</b>	<b>0</b>	<b>30,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin Town Hall Additional Bar Facility	Capital Receipt			15,000			
<b>Hitchin Town Hall Additional Bar Facility</b>		<b>0</b>	<b>0</b>	<b>15,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hitchin Town Hall Sprung Floor Replacement	Capital Receipt			75,000			
<b>Hitchin Town Hall Sprung Floor Replacement</b>		<b>0</b>	<b>0</b>	<b>75,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Installation of trial on-street charging (GAF)	Government Grant			50,000			
<b>Installation of trial on-street charging (GAF) Total</b>		<b>0</b>	<b>0</b>	<b>50,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Jackmans Central Play Area Renovation	Capital Receipt	64,500	-2,800				
Jackmans Central Play Area Renovation	S106 Funding	10,500					
<b>Jackmans Central Play Area Renovation Total</b>		<b>75,000</b>	<b>-2,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Jackmans Creamery, Letchworth	Capital Receipt		-12,000				
<b>Jackmans Creamery, Letchworth Total</b>		<b>0</b>	<b>-12,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
John Barker Place, Hitchin	Drawdown of cash investments			825,600			
John Barker Place, Hitchin	S106 Funding			270,400			
<b>John Barker Place, Hitchin Total</b>		<b>0</b>	<b>0</b>	<b>1,096,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Jontek Database Server	Government Grant	33,800					
<b>Jontek Database Server Total</b>		<b>33,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

		2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
		Funding	Funding	Funding	Funding	Funding	Funding
Project		£	£	£	£	£	£
Lairage Multi-Storey Car Par - Structural wall repairs	Capital Receipt			120,000			
Lairage Multi-Storey Car Par - Structural wall repairs	Drawdown of cash investments	1,700	3,300	700			
<b>Lairage Multi-Storey Car Par - Structural wall repairs Total</b>		<b>1,700</b>	<b>3,300</b>	<b>120,700</b>	<b>0</b>	<b>0</b>	<b>0</b>
Laptops - Refresh Programme	Capital Receipt		6,500		6,000		
<b>Laptops - Refresh Programme Total</b>		<b>0</b>	<b>6,500</b>	<b>0</b>	<b>6,000</b>	<b>0</b>	<b>0</b>
Leisure Condition Survey Enhancements	Capital Receipt			64,000	23,000		39,000
<b>Leisure Condition Survey Enhancements</b>		<b>0</b>	<b>0</b>	<b>64,000</b>	<b>23,000</b>	<b>0</b>	<b>39,000</b>
Letchworth Multi_storey Car Park - parapet walls, soffit & decoration	Capital Receipt	8,900	3,800	133,800			
<b>Letchworth Multi_storey Car Park - parapet walls, soffit &amp; decoration Total</b>		<b>8,900</b>	<b>3,800</b>	<b>133,800</b>	<b>0</b>	<b>0</b>	<b>0</b>
Letchworth multi-storey car park - lighting	Drawdown of cash investments		3,000	19,700			
<b>Letchworth multi-storey car park - lighting Total</b>		<b>0</b>	<b>3,000</b>	<b>19,700</b>	<b>0</b>	<b>0</b>	<b>0</b>
Letchworth Outdoor Pool safety surface	Capital Receipt	3,500	46,500	10,000			
<b>Letchworth Outdoor Pool safety surface Total</b>		<b>3,500</b>	<b>46,500</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Letchworth Outdoor Pool Showers and Toilets	Drawdown of cash investments		97,000				
<b>Letchworth Outdoor Pool Showers and Toilets Total</b>		<b>0</b>	<b>97,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Mandatory Disabled Facility Grants	Government Grant	645,800	122,000				
<b>Mandatory Disabled Facility Grants Total</b>		<b>645,800</b>	<b>122,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Microsoft Enterprise Software Assurance	Capital Receipt			358,000			
<b>Microsoft Enterprise Software Assurance</b>		<b>0</b>	<b>0</b>	<b>358,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Museum/Town Hall Lift	Drawdown of cash investments		19,000				
<b>Museum/Town Hall Lift</b>		<b>0</b>	<b>19,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
New Blade Enclosure	Capital Receipt			32,000			
<b>New Blade Enclosure Total</b>		<b>0</b>	<b>0</b>	<b>32,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
NH Museum & Community Facility	Drawdown of cash investments	92,700					
NH Museum & Community Facility	Other Capital Contributions		50,100	29,800			
NH Museum & Community Facility	S106 Funding	49,000					
<b>NH Museum &amp; Community Facility Total</b>		<b>141,700</b>	<b>50,100</b>	<b>29,800</b>	<b>0</b>	<b>0</b>	<b>0</b>

Project		2017/18 Funding £	2018/19 Funding £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £	2022/23 Funding £
North Herts Leisure Centre Development	Capital Receipt	892,400					
North Herts Leisure Centre Development	Drawdown of cash investments	744,100					
North Herts Leisure Centre Development	Other Capital Contributions		171,700				
North Herts Leisure Centre Development	S106 Funding	65,600					
<b>North Herts Leisure Centre Development Total</b>		<b>1,702,100</b>	<b>171,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Norton Common Wheeled Sports improvements	Drawdown of cash investments	7,600					
Norton Common Wheeled Sports improvements	S106 Funding	142,100	400	26,500			
<b>Norton Common Wheeled Sports improvements Total</b>		<b>149,700</b>	<b>400</b>	<b>26,500</b>	<b>0</b>	<b>0</b>	<b>0</b>
Off Street Car Parks resurfacing and enhancement	Capital Receipt		14,100	77,100			
<b>Off Street Car Parks resurfacing and enhancement Total</b>		<b>0</b>	<b>14,100</b>	<b>77,100</b>	<b>0</b>	<b>0</b>	<b>0</b>
PC's - Refresh Programme	Capital Receipt		11,200	19,800	17,000	17,000	
PC's Refresh Programme	Drawdown of cash investments	20,000					
<b>PC's Refresh Programme Total</b>		<b>20,000</b>	<b>11,200</b>	<b>19,800</b>	<b>17,000</b>	<b>17,000</b>	<b>0</b>
Permit gateway Citizen - to enable customers to renew permits on line	Capital Receipt		-3,900				
<b>Permit gateway Citizen - to enable customers to renew permits on line Total</b>		<b>0</b>	<b>-3,900</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Portable Pendants	Government Grant	15,000					
<b>Portable Pendants Total</b>		<b>15,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Premises compliance enhancements	Drawdown of cash investments						
<b>Premises compliance enhancements Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Private Sector Grants	Capital Receipt	24,000		60,000	60,000	60,000	60,000
Private Sector Grants	Drawdown of cash investments		34,200				
<b>Private Sector Grants Total</b>		<b>24,000</b>	<b>34,200</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>
Provide housing at market rents.	Capital Receipt						
Provide housing at market rents.	Drawdown of cash investments		18,500	2,981,500			
<b>Provide housing at market rents. Total</b>		<b>0</b>	<b>18,500</b>	<b>2,981,500</b>	<b>0</b>	<b>0</b>	<b>0</b>
Purchase of 14 & 15 Brand Street	Drawdown of cash investments		567,000				
<b>Purchase of 14 &amp; 15 Brand Street Total</b>		<b>0</b>	<b>567,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recording of Council Meetings	Capital Receipt		80,200				

Project		2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
		Funding	Funding	Funding	Funding	Funding	Funding
		£	£	£	£	£	£
<b>Recording of Council Meetings Total</b>		0	80,200	0	0	0	0
Refurbishment and improvement of community facilities	Capital Receipt	165,400	307,700		120,000		
Refurbishment and improvement of community facilities	Drawdown of cash investments			612,900			
<b>Refurbishment and improvement of community facilities Total</b>		<b>165,400</b>	<b>307,700</b>	<b>612,900</b>	<b>120,000</b>	<b>0</b>	<b>0</b>
Refurbishment of DCO	Drawdown of cash investments	5,288,100	3,700				
<b>Refurbishment of DCO Total</b>		<b>5,288,100</b>	<b>3,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Refurbishment of lifts at Lairage Car Park	Drawdown of cash investments			360,000			
<b>Refurbishment of lifts at Lairage Car Park Total</b>		<b>0</b>	<b>0</b>	<b>360,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Relay concrete slabs that surround the Hitchin outdoor pool.	Capital Receipt	30,600	100				
<b>Relay concrete slabs that surround the Hitchin outdoor pool. Total</b>		<b>30,600</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Renew pathways at Bancroft Recreation Ground, Hitchin	Capital Receipt	14,600	22,900				
Renew pathways at Bancroft Recreation Ground, Hitchin	S106 Funding	12,300					
<b>Renew pathways at Bancroft Recreation Ground, Hitchin Total</b>		<b>26,900</b>	<b>22,900</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Renovate play area Howard Park, Letchworth	Capital Receipt				75,000		
<b>Renovate play area Howard Park, Letchworth Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>75,000</b>	<b>0</b>	<b>0</b>
Renovate play area King George V Recreation Ground, Hitchin	Capital Receipt			75,000			
<b>Renovate play area King George V Recreation Ground, Hitchin Total</b>		<b>0</b>	<b>0</b>	<b>75,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Renovate play area, District Park, Gt. Ashby	Drawdown of cash investments			75,000			
<b>Renovate play area, District Park, Gt. Ashby Total</b>		<b>0</b>	<b>0</b>	<b>75,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Replace and enhance lighting at St Mary's Car Park	Capital Receipt			60,000			
<b>Replace and enhance lighting at St Mary's Car Park Total</b>		<b>0</b>	<b>0</b>	<b>60,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Replace items of equipment, Brook View, Hitchin	Capital Receipt	10,000	900				
<b>Replace items of equipment, Brook View, Hitchin Total</b>		<b>10,000</b>	<b>900</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Replace items of play equipment Holroyd Cres, Baldock	Capital Receipt				10,000		

Project		2017/18 Funding £	2018/19 Funding £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £	2022/23 Funding £
<b>Replace items of play equipment Holroyd Cres, Baldock Total</b>		0	0	0	10,000	0	0
Replace items of play equipment Wilbury Recreation Ground, Letchworth	Capital Receipt			10,000			
<b>Replace items of play equipment Wilbury Recreation Ground, Letchworth Total</b>		0	0	10,000	0	0	0
Replace items of play equipment, Chiltern Road, Baldock	Capital Receipt			10,000			
<b>Replace items of play equipment, Chiltern Road, Baldock Total</b>		0	0	10,000	0	0	0
Replace main pool grating and overflow gullies at Hitchin Swim Centre	Capital Receipt	1,100					
<b>Replace main pool grating and overflow gullies at Hitchin Swim Centre Total</b>		1,100	0	0	0	0	0
Replace seating at Hitchin Swimming Centre	Drawdown of cash investments						
<b>Replace seating at Hitchin Swimming Centre Total</b>		0	0	0	0	0	0
Replacement of neighbourhood CCTV equipment	Capital Receipt	21,700					
<b>Replacement of neighbourhood CCTV equipment Total</b>		21,700	0	0	0	0	0
Replacement of Walsworth Common Access Bridge	Drawdown of cash investments	113,600	-1,900				
<b>Replacement of Walsworth Common Access Bridge Total</b>		113,600	-1,900	0	0	0	0
Replacement SAN	Capital Receipt			110,000			
<b>Replacement SAN Total</b>		0	0	110,000	0	0	0
S106 Projects	S106 Funding	170,740	158,500	128,800			
<b>S106 Projects Total</b>		170,740	158,500	128,800	0	0	0
Scheme Alarms	Government Grant	10,300					
<b>Scheme Alarms Total</b>		10,300	0	0	0	0	0
Security - Firewalls	Capital Receipt					14,000	
Security - Firewalls	Drawdown of cash investments	9,900		14,000			
<b>Security - Firewalls Total</b>		9,900	0	14,000	0	14,000	0
Serby Avenue Play Area renovation, Royston	Capital Receipt						
Serby Avenue Play Area renovation, Royston	S106 Funding	7,800					

Project		2017/18 Funding £	2018/19 Funding £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £	2022/23 Funding £
<b>Serby Avenue Play Area renovation, Royston Total</b>		<b>7,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Server / Infrastructure Refresh	Capital Receipt						
<b>Server / Infrastructure Refresh Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Smithsons Recreation Ground	Capital Receipt	500					
Smithsons Recreation Ground	S106 Funding						
<b>Smithsons Recreation Ground Total</b>		<b>500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Software for personalised bills and annual billing.	Capital Receipt			6,000			
<b>Software for personalised bills and annual billing. Total</b>		<b>0</b>	<b>0</b>	<b>6,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Storage Facilities	Capital Receipt	15,500	1,300				
Storage Facilities	Drawdown of cash investments			48,700			
<b>Storage Facilities Total</b>		<b>15,500</b>	<b>1,300</b>	<b>48,700</b>	<b>0</b>	<b>0</b>	<b>0</b>
Tablets - Android Devices	Capital Receipt		6,400	14,000	12,000	15,000	
Tablets - Android Devices	Drawdown of cash investments	7,000	2,900				
<b>Tablets - Android Devices Total</b>		<b>7,000</b>	<b>9,300</b>	<b>14,000</b>	<b>12,000</b>	<b>15,000</b>	<b>0</b>
Telephony system	Drawdown of cash investments			10,600			
<b>Telephony system Total</b>		<b>0</b>	<b>0</b>	<b>10,600</b>	<b>0</b>	<b>0</b>	<b>0</b>
Town Centre pay & display machines for on-street charging	Capital Receipt			235,000			
<b>Town Centre pay &amp; display machines for on-street charging Total</b>		<b>0</b>	<b>0</b>	<b>235,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Transport Plans implementation (GAF)	Government Grant			250,000			
<b>Transport Plans implementation (GAF) Total</b>		<b>0</b>	<b>0</b>	<b>250,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Ultra Violet water disinfection system	Capital Receipt		42,900				
<b>Ultra Violet water disinfection system Total</b>		<b>0</b>	<b>42,900</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Walsworth Common Pavilion - contribution to scheme	Capital Receipt				13,000		
Walsworth Common Pavilion - contribution to scheme	Other Capital Contributions				250,000		
Walsworth Common Pavilion - contribution to scheme	S106 Funding				37,000		
<b>Walsworth Common Pavilion - contribution to scheme Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>300,000</b>	<b>0</b>	<b>0</b>
Walsworth Common Pitch Improvements	Capital Receipt			7,200			

Project		2017/18 Funding £	2018/19 Funding £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £	2022/23 Funding £
Walsworth Common Pitch Improvements	Other Capital Contributions			83,000			
Walsworth Common Pitch Improvements	S106 Funding		10,500	2,300			
<b>Walsworth Common Pitch Improvements Total</b>		<b>0</b>	<b>10,500</b>	<b>92,500</b>	<b>0</b>	<b>0</b>	<b>0</b>
Walsworth Common Reconstruction of Car Park	Drawdown of cash investments		39,200				
<b>Walsworth Common Reconstruction of Car Park Total</b>		<b>0</b>	<b>39,200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Waste and Street Cleansing Vehicles	Drawdown of cash investments		3,177,600				
<b>Waste and Street Cleansing Vehicles Total</b>		<b>0</b>	<b>3,177,600</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total</b>		<b>9,483,740</b>	<b>5,574,400</b>	<b>9,220,400</b>	<b>962,000</b>	<b>379,000</b>	<b>549,000</b>

#### Summary

Capital Receipt	1,436,700	625,600	2,664,900	675,000	379,000	549,000
Government Grant	704,900	122,000	763,000	0	0	0
Revenue Contribution / Borrowing						
Other Capital Contributions	480,900	249,500	172,800	250,000	0	0
S106 Funding	471,040	235,600	488,900	37,000	0	0
Drawdown of cash investments	6,390,200	4,341,700	5,130,800	0	0	0
	<b>9,483,740</b>	<b>5,574,400</b>	<b>9,220,400</b>	<b>962,000</b>	<b>379,000</b>	<b>549,000</b>

**CABINET  
11 JUNE 2019**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: ANNUAL TREASURY MANAGEMENT REVIEW 2018/19**

REPORT OF : SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER : FINANCE AND IT

COUNCIL PRIORITY : RESPONSIVE AND EFFICIENT

## **1. EXECUTIVE SUMMARY**

- 1.1 During the year the Council has generated **£0.353million** of interest from its investments. This is slightly below the budgeted total of £0.358million. The Council continued to invest in smaller Building Societies (subject to checks that compare the size of the Society with that of the investment) but did not invest outside of the UK.
- 1.2 The Council has repaid £0.015million of borrowing during the year as it has matured. The Council has £0.440million of remaining borrowing. This borrowing is at a fixed rate for a fixed period. The premium incurred from repaying this borrowing early means that it is not worthwhile to do so.
- 1.3 The Council complied with its legislative and regulatory requirements throughout the year.
- 1.4 The forecast for 2019/20 is that investment income will continue to reduce due to both market conditions and the use of cash balances to fund the capital programme.

## **2. Recommendations**

- 2.1 Cabinet is asked to note the position of Treasury Management activity as at the end of March 2019.
- 2.2 Cabinet is asked to recommend this report to Council and ask Council to:
  - 1) Approve the actual 2018/19 prudential and treasury indicators.
  - 2) Note the annual Treasury Report for 2018/19.

## **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure the Council's continued compliance with both the CIPFA code of Practice on Treasury Management and the Local Government Act 2003, and that the Council manages its exposure to interest and capital risk.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 In general there is a relationship between the risk of an investment and the level of interest that is received (yield). Risk can be summarised under the headings of credit, liquidity and market. The risk appetite and approach of the Council determines what strategy it adopts. Whilst the focus is on managing risk, the interest received is an important income stream for the Council's General Fund.
- 4.2 Our Treasury advisors from Link Asset Services promote a different risk approach, particularly in relation to smaller Building Societies. This option has been dismissed on the basis of Members' different view of risk and the impact on the general fund.

#### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 There is ongoing dialogue with the Authority's Cash Manager, Tradition and regular meetings with Treasury advisors (Link). The Link service includes regular updates on economic and political changes that may impact on the Council's borrowing and investment strategies, advice on rescheduling, information and prudent parameters in respect of investment counterparty creditworthiness, document templates, access to technical updates and to the Technical Advisory Group. The Executive Member for Finance and IT is also regularly briefed.

#### **6. FORWARD PLAN**

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 18th March 2019.

#### **7. BACKGROUND**

- 7.1 Members adopted the 2018/19 Treasury Strategy at the meeting of full Council on the 8th February 2018. There were minor changes from the 2017/18 Strategy relating to borrowing limits.
- 7.2 Members received updates on treasury activity at quarterly intervals during 2018/19, and this report represents the final quarterly update.

#### **8. RELEVANT CONSIDERATIONS**

- 8.1 In summary, the Council has operated both within the treasury and prudential indicators set out in the Treasury Management Strategy Statement and in compliance with the Treasury Management Practices.
- 8.2 The Council generated £0.354M of interest during 2018/19. The average interest rate agreed on new deals during the year was 0.96%. The average interest rate on all outstanding investments at the 31<sup>st</sup> March was 1.16%.
- 8.3 The Council's activities expose it to a variety of risks (credit, liquidity and market). The Treasury Strategy sets out the Authority's appetite for the level of exposure to these risks.
- 8.4 **Credit Risk** – The possibility that other parties fail to pay amounts due to the Authority.

- 8.5 The Council's counterparty list comprises mostly UK building societies and UK banks with a Fitch (a credit rating agency) credit rating greater than BBB but also includes other Local Authorities and Public Corporations. It also includes smaller Building Societies that do not have a credit rating.
- 8.6 **Liquidity Risk** – the possibility that the Authority may not have funds available to meet its commitments to make payments.
- 8.7 **Market Risk** - the possibility that financial loss might arise as a result of changes in interest rates.
- 8.8 Investing long term (greater than one year) currently achieves higher interest rates than short term deals. The risks of long term deals are:
- (i) The longer the time period the longer the investment is exposed to default.
  - (ii) If the investment has a fixed interest rate, interest rates could rise and the potential to invest at a higher rate will be lost until the investment matures.
- 8.9 Members have indicated that they are prepared to accept this risk within the limits expressed in the Treasury Strategy which allows no more than 40% of outstanding investments to be invested for longer than 365 days at any one time. At the end of the year the Council had £1.5M (4.6%) invested for longer than 365 days.
- 8.10 **Interest (Yield)** - This year has continued to prove challenging to find counterparties willing to pay a reasonable return on cash investments, either long or short term. The uncertainty around interest rate changes has continued in 18/19, with the latest predictions signalling the first increase to the base rate around March 2020.
- 8.11 The investments outstanding at the 31 March 2019 were £32.4million. This compares to a balance of £32.8million at 31 March 2018. Investment in capital projects will continue during 2019/20 and combined with declining returns for new investments means that the estimated investment interest for 2019/20 is expected to be in the region of £0.300M.

## 9. LEGAL IMPLICATIONS

- 9.1 The Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council.
- 9.2 Section 151 of the Local Government Act 1972 states that:  
“every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.”
- 9.3 The Prudential Indicators comply with the Local Government Act 2003.

## 10. FINANCIAL IMPLICATIONS

- 10.1 These are covered in section 8.

## **11. RISK IMPLICATIONS**

- 11.1 Risks associated with treasury management and procedures to minimise risk are outlined in the Treasury Management Practices document, TMP1, which was adopted by Cabinet in July 2003 and is revisited annually as part of the Treasury Strategy review. The risk on the General Fund of a fall of investment interest below the budgeted level is dependant on banks and building societies need for borrowing. The introduction of the Funding for Lending Scheme which allows financial institutions access to low cost funding from Government for an extended period has impacted on their need to borrow and the rates at which they are prepared to borrow.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equalities implications arising from this report.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 There are no direct human resource or equality implications.

## **15. CONTACT OFFICERS**

### Author

- 15.1 Dean Fury, Corporate Support Accountant, Tel 474509, email, [dean.fury@north-herts.gov.uk](mailto:dean.fury@north-herts.gov.uk)

### Contributors

- 15.2 Ian Couper, Service Director: Resources, Tel 474243, email [ian.couper@north-herts.gov.uk](mailto:ian.couper@north-herts.gov.uk)
- 15.3 Antonio Ciampa, Accountancy Manager, Tel 474566, email, [Antonio.ciampa@north-herts.gov.uk](mailto:Antonio.ciampa@north-herts.gov.uk)
- 15.4 Reuben Ayavoo, Policy and Community Engagement Manager, Tel 47212, email, [Reuben.ayavoo@north-herts.gov.uk](mailto:Reuben.ayavoo@north-herts.gov.uk)

## **16. BACKGROUND PAPERS**

Treasury Strategy 2018/19  
CIPFA Prudential Code for Capital Finance in Local Authorities