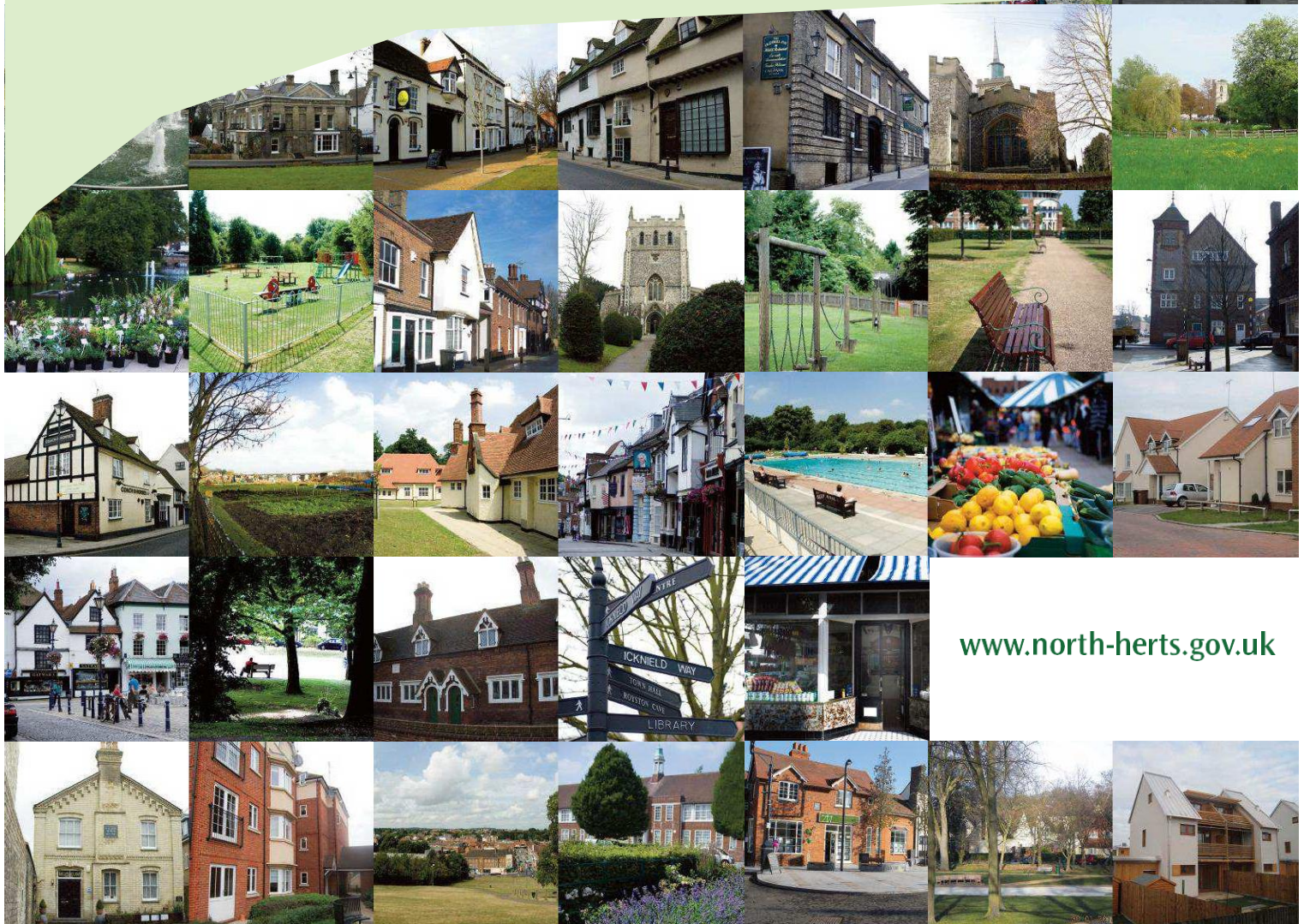


Housing Delivery Test Action Plan November 2018 – October 2019

June 2019

Strategic Planning and Enterprise



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“Making North Hertfordshire a vibrant place to live, work and prosper”

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.

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

¹ Paragraph 75 of the NPPF

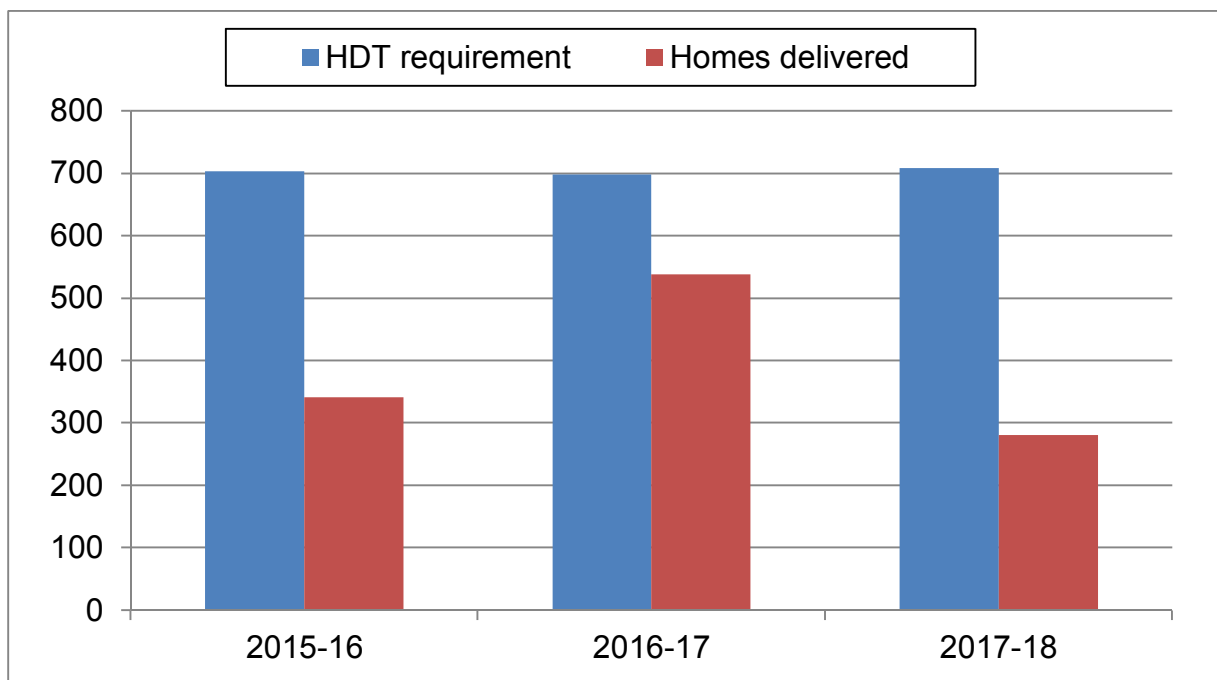
² Paragraph 73 of the NPPF

³ 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 2019⁴.
- 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
	2018 HDT result:			55%



- 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.

⁴ <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.

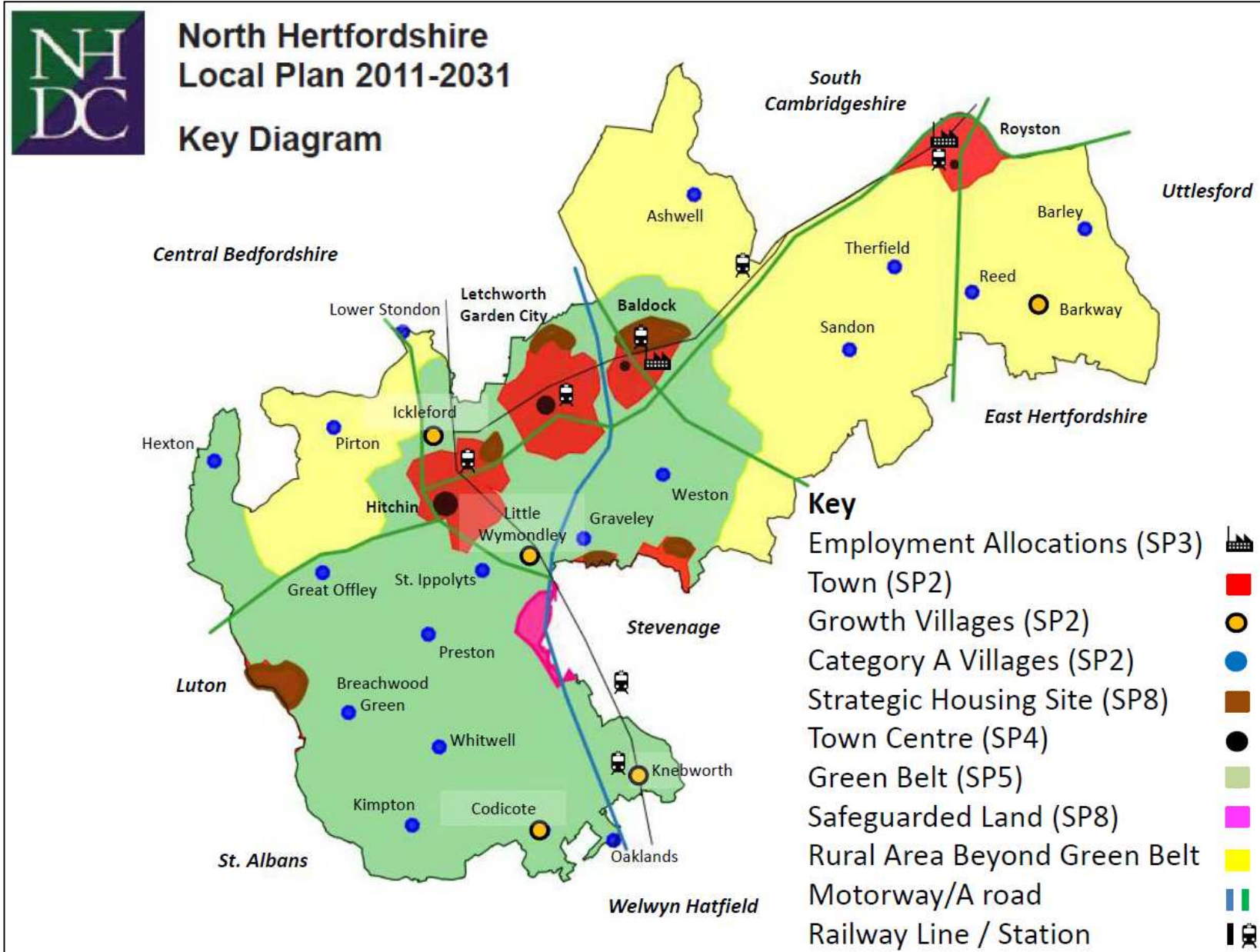
Reasons for North Hertfordshire's failure to exceed HDT thresholds

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 policy⁵;
 - 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 Ashwell⁶, Barkway⁷, Offley⁸ and Pilton⁹.

⁵ Paragraph 144 of the NPPF

⁶ Appeal reference APP/X1925/W/17/3192151

⁷ Appeal reference APP/X1925/W/18/3194048

⁸ Appeal reference APP/X1925/W/17/3187286

⁹ 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 allowed¹⁰. 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

¹⁰ 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.

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

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
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"> • Fortnightly briefing opportunities for the Leader and Executive Member for Planning; • Three briefing opportunities per year for shadow portfolio holders; and • One briefing opportunity per year for all Members
	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"> Quarterly strategic liaison meetings with HCC; Bi-annual strategic liaison meetings with NHS representatives

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