





## **Background**

1. This is the second Housing Delivery Test (HDT) Action Plan for North Hertfordshire.
2. 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.
3. The revised National Planning Policy Framework (NPPF), first published in 2018, introduced the Housing Delivery Test (HDT). This is 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.
4. HDT results are 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). The second set of HDT results were published in February 2020 (the 2019 results). Each set of results considers performance over a three-year period. The 2019 results cover the period from 2016 to 2019.
5. The NPPF sets out the consequences of not meeting the requirements of 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 have been in place since publication of the first 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.
7. Since the publication of the 2019 results, the COVID-19 pandemic has had a profound impact upon development activity, the economy and society. This action plan has been produced in the context of that pandemic, whilst also recognising the Council's role as a facilitator of future economic and social recovery.

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

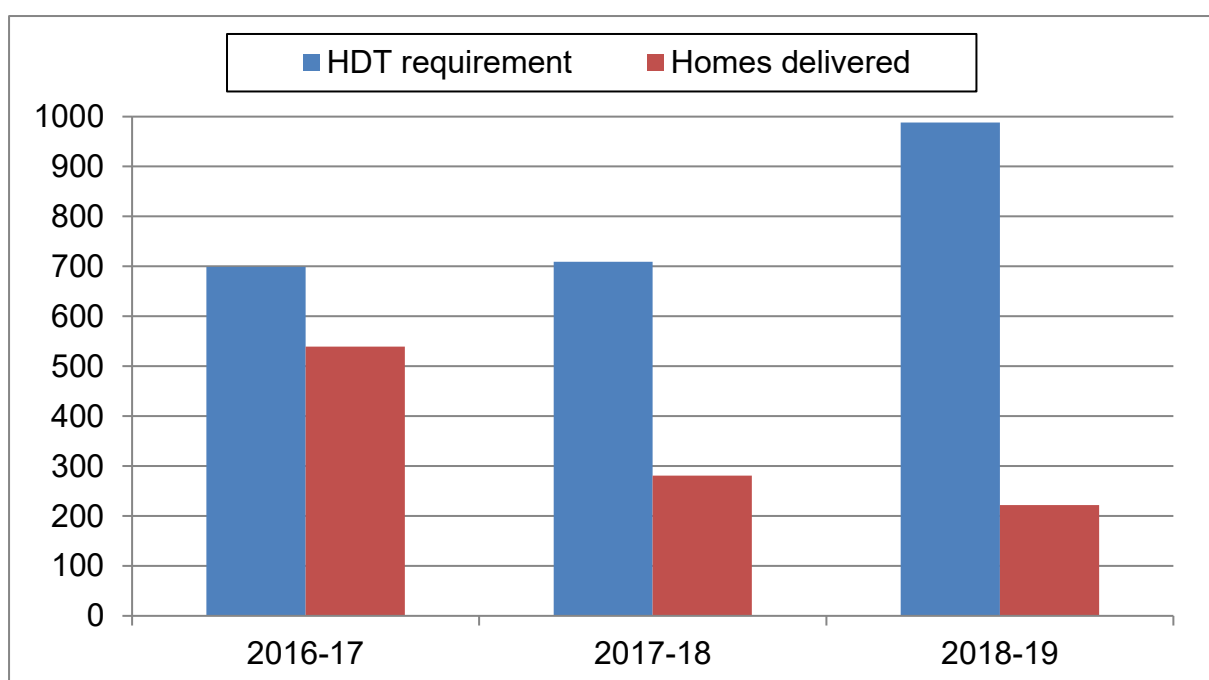
<sup>2</sup> Paragraph 73 of the NPPF

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

## HDT result for North Hertfordshire

8. The 2019 HDT results were published by MHCLG on 13 February 2020<sup>4</sup>.
9. The Council does not presently have an up-to-date Local Plan. This means the number of homes required under the HDT is calculated using a combination of the Government's household projections and local housing need calculation. The number of homes required by the HDT in North Hertfordshire for the three-year period 2016-2019 was **2,395**.
10. In the same three-year period 2016-2019, **1,042** homes were delivered in the District. North Hertfordshire therefore delivered **44%** of the homes required (1,042 / 2,395). The results are summarised in the table and graph below.

	2016-17	2017-18	2018-19	Total
Homes required under HDT	699	709	988	2,395
New homes delivered	539	281	222	1,042
<b>2019 HDT result:</b>				<b>44%</b>



11. North Hertfordshire's HDT result is lower than in 2018. This is because the HDT requirement for 2018-19 was significantly higher than in previous years while the number of homes built was lower. Our performance over the two HDT periods to date is shown in the table below.

	2018	2019
Homes required under HDT	2,111	2,395
New homes delivered	1,161	1,042
HDT result	<b>55%</b>	<b>44%</b>

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

12. Because 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. The 2019 HDT result additionally means the presumption in favour of sustainable development must be applied when considering relevant planning applications.
13. The Council has already been using a 20% buffer in its land calculations for several years. The assessment of land supply for the current Local Plan Examination has been carried out in this way. Similarly, the presumption in favour of sustainable development is applied to relevant decisions in North Hertfordshire as the Council cannot demonstrate a five-year land supply.
14. The latest HDT results for North Hertfordshire places it amongst the ten lowest performing authorities in England, out of a total of more than 300. It is therefore essential that we critically review the reasons for this and establish actions that will drive increased delivery of new homes in future years. This includes evaluating the findings of a recent peer review which recommends that we realign corporate activity towards placemaking and recognise the potential benefits of growth.



## **Review of first HDT Action Plan and present situation**

16. The Council's first Action Plan was published in June 2019. This identified some of the key issues which had impacted upon the Council's 2018 HDT results. This analysis informed the measures set out in the first Action Plan, which should be referred to for further information<sup>5</sup>.
17. Our first Action Plan focused upon three key themes. These were considered the most significant constraints to accelerating housing delivery in the District as well as the areas where the Council could most effectively act to the benefit of future HDT results:
- Reviewing existing policy constraints, notably tightly drawn Green Belt boundaries around many of the main settlements in and adjoining the District. This was primarily to be addressed through progressing the Council's new Local Plan;
  - Providing greater clarity to developers and stakeholders, particularly in relation to the negotiating and securing of planning contributions; and
  - Addressing process constraints within the Council's Development Management function.

### **Progress in meeting 2018 HDT Actions**

18. The first Action Plan reflected that the release of the first HDT results had been delayed. Although it was adopted in June 2019, the plan set measures intended for implementation in the period November 2018 to October 2019. This was to tie in with the HDT results cycle and on an assumption this would synchronise with future releases.
19. However, the 2019 results were similarly delayed in their publication and were released in February 2020. It is now considered more effective to set measures for the 12-month period from the date the results were released.
20. In order to ensure continuous coverage between the two Plans, the extent to which measures from the 2018 Action Plan had been met by February 2020 are set out on the following pages with a 'RAG' (red, amber or green) rating and a brief commentary.
21. It can be seen that, notwithstanding the deterioration in the Council's HDT result, a number of measures have been successfully completed. This is to be welcomed. However, it does not necessarily mean there is no need to include them in future plans; many actions will be recurring or require ongoing monitoring.
22. Similarly, several actions have, upon review, only been implemented in part or led to limited success. It is therefore necessary to consider whether these measures should be retained and / or amended in this Plan.

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<sup>5</sup> <https://www.north-herts.gov.uk/home/planning/planning-policy/monitoring>

**Review of measures in 2018 Housing Delivery Test Action Plan over period November 2018 to February 2020**

Theme	Action	Assessment	Commentary
1: Local Plan	Ensure the administrative capacity to process Main Modifications consultation responses	Successful	This action had been completed at the time of the Action Plan's publication in June 2019.
	Seek to appoint to vacant posts within the Strategic Planning function	Partially successful	Two attempts at recruitment yielded no viable applicants; one post partially filled (0.5FTE) through secondment of staff from Development Management.
	Maintain dialogue with Local Plan Inspector	Successful	The Council successfully maintained ongoing communication with the Inspector via the appointed Programme Officer
	Respond promptly to Local Plan Inspector queries	Partially successful	The Inspector issued additional questions in July and August 2019. These resulted in significant further work which was substantively submitted in November 2019.
	Maintain political liaison with Local MPs	Partially successful	Ad-hoc email contact with individual MPs on an issues basis.
	Provide regular political briefings	Successful	Regular briefings have been held. The change of political administration in May 2019 meant extra steps were taken to ensure Members with new responsibilities were appropriately briefed and able to make informed decisions.
	Maintain Brownfield Register	Successful	This action had been completed at the time of the Action Plan's publication in June 2019.
2: Developer contributions	Prepare new Developer Contributions SPD	Partially successful	Consultation on draft SPD commenced January 2020.
	Ensure long-term Corporate Planning acknowledges impacts of planned growth	Partially successful	Corporate Peer Challenge conducted in January 2020 with a specific focus on planning leading to a series of recommendations. Action Plan currently being developed.
	Provide pre-application service	Successful	A range of pre-application enquiries have been received leading to the provision of written advice and / or ongoing dialogue in anticipation of future applications. Bespoke solutions have also been developed outside of the formal pre-application process.

Theme	Action	Assessment	Commentary
	Introduce s106 pro-forma	Partially successful	Pro-forma had been introduced at the time of the Action Plan's publication in June 2019 though take-up and quality of responses have been mixed.
	Provide regular training / briefing on s106 matters	Partially successful	Training has been held. However, this should move to a rolling programme rather than an annual, one-off event.
	Seek to appoint to new Planning & Litigation Lawyer post	Successful	Post had been filled at time of the Action Plan's publications in June 2019
	Hold regular liaison meetings with infrastructure providers	Partially successful	Regular meetings held with the County Council. However, contact with the NHS remains inconsistent due to their lack of dedicated resource.
	Participate in county-wide processes to develop understanding of developer contributions	Successful	HCC and PAS-led process completed. Cabinet requested a review of the pros and cons of introducing a Community Infrastructure Levy for North Hertfordshire in January 2020.
	Seek to appoint to new Planning Obligation and Compliance Officer post	Successful	Post had been filled at the time of the Action Plan's publication in June 2019.
3: Development Management	Provide pre-application service	Successful	See earlier entry
	Liaison with third-party providers of pre-application advice	Partially successful	Recognition of need to ensure consistent and holistic responses on significant schemes has improved.
	Appoint to new Strategic Sites Officer Post	Successful	Post had been filled at time of the Action Plan's publication in June 2019.
	Update Supplementary Planning Documents	Partially successful	See Developer Contributions SPD above. Design SPD in development.
	Provide regular training / briefing on decision-making	Successful	Training had been held at the time of the Action Plan's publication in June 2019
	Engage with Homes England on delivery of proposed major sites	Successful	Dialogue with Homes England had been established at the time of the Action Plan's publication in June 2019 and remains ongoing.
	Re-invest increased fee income within planning service	Successful	New posts in Development Management, Compliance and Legal teams funded from reinvested income.
	Establish informal officer Major Applications group	Partially successful	This had been established at the time of the Action Plan's publication in June 2019. Ongoing monitoring and review of processes have led to the conclusion a wider corporate approach is required (see Action Plan)



## Theme 1: Local Plan

23. As set out in the previous Action Plan, the lack of an up-to-date Local Plan for the District is probably the single biggest factor inhibiting delivery. That Action Plan set out our hope that we would be able to progress this Plan to adoption but also recognised the risk that any requirement for further evidence or hearing sessions could delay this.
24. In July and August 2019, the Inspector wrote to the Council outlining a series of issues, reservations and questions relating to the Plan. This necessitated significant additional work including the commissioning of new evidence. Responses to most of these queries were supplied to the Inspector in November 2019. A response to the one remaining issue was submitted in December 2019 with the Council then proactively supplying additional information on housing delivery in January 2020.
25. As at February 2020, dates for further hearings had been set and were due to take place in March. These were subsequently postponed due to COVID-19. At the time of writing, it has not been possible to identify alternate dates when the hearings may resume. Recently published Planning Inspectorate guidance encourages the use of technology to facilitate a resumption of hearings<sup>6</sup>. It is understood that hearings proposed for South Oxfordshire in July 2020 will act as a pilot for other authorities.
26. The Council has maintained a positive dialogue with the Inspector through the Programme Officer and is committed to resuming the hearings and completing the examination at the earliest opportunity once circumstances allow.
27. The Council submitted updated information on housing delivery and five-year supply to the examination in January 2020. This showed that the amount of development now considered deliverable by 2031 had reduced compared to the figures contained in the Plan submitted for examination in June 2017. The shutdown of the construction industry and housing market due to COVID-19 may further impact upon the Council's ability to deliver new homes over the Plan period. However, liaison with key developers to date suggests they retain a positive, pro-development outlook.
28. Planning applications have been submitted on a number of proposed Local Plan allocations. Officers are engaged in early stage discussions on other sites in anticipation of future planning applications. However, these negotiations require clear and consistent messaging from the Council on its aims and aspirations for future development., as identified by the Peer Review.
29. The delay in progressing the Local Plan has had a significant impact on Government measures of housing delivery. As well as the deterioration in HDT results set out in this Plan, the Council's monitoring report demonstrated a deliverable land supply of just 1.3 years as at 1 April 2019. This is particularly acute position when compared against the requirement in national policy to maintain five years' supply<sup>7</sup>.

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<sup>6</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>, accessed May 2020

<sup>7</sup> Paragraph 73 of the NPPF

30. Substantial improvement in HDT and five-year supply performance cannot occur without progressing the Plan to adoption or granting planning permission for appropriate schemes on proposed Local Plan sites in advance of the examination's conclusion (see Theme 3 of the Action Plan).
31. Alongside the new Local Plan, the Council has produced and annually updated its Brownfield Register<sup>8</sup>. As an area of high housing demand, and with a limited (former) industrial base, there is very little brownfield land in the District that has remained vacant and undeveloped. The brownfield register therefore largely reflects known planning activity as there is relatively little in the way of 'hard-to-develop' sites requiring pro-active Council intervention within the District.
32. The Strategic Planning function has been temporarily bolstered by an internal secondment, given that two periods of recruitment failed to attract suitable candidates for qualified, professional posts. This is presently due to end in June 2020. The Council budget for 2020/21, agreed in February 2020, includes a new, permanently funded Principal Strategic Planning Officer post funded through ring-fenced fee income.

#### Theme 2: Developer contributions

33. Alongside the progression of the Local Plan, the first Action Plan identified several measures that could be implemented to aid the effectiveness of the Development Management service.
34. The production of new or updated Supplementary Planning Documents (SPDs) experienced some delays, linked in part to the progression of the new Plan. However, consultation upon an updated Developer Contributions SPD began in January 2020.
35. Linked to this, a new pro-forma for Parish Councils and other stakeholders has been introduced for s106 contributions. This is intended to ensure that requests meet regulatory requirements and reduce the need for clarifications and / or extensive negotiations. Uptake to date has been patchy, in part due to a lack of resources or specific expertise to identify and cost projects.
36. Some parish councils in the District have suggested they would support the introduction of a Community Infrastructure Levy (CIL) as this gives them greater certainty over receipts without the same requirements for the up-front identification and costing of projects. There are arguments both for and against the potential introduction of a CIL for North Hertfordshire. In January 2020, the Council's Cabinet requested that a further review be conducted to explore this issue. This work is ongoing and is due to report a recommendation in the second half of the calendar year.
37. Officers have been appointed within the strategic sites team to progress significant applications though progress on a number of these has been slow. This can partly be attributed to delays associated with the Local Plan as these sites are presently within the

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<sup>8</sup> <https://www.north-herts.gov.uk/home/planning/planning-policy/brownfield-land-register>, accessed May 2020

Green Belt. However, it has also become clear that these schemes are presently being negotiated on an individual, ad-hoc basis led by the planning case officer.

38. The uncertainty around the corporate approach to major planning applications has led to the identification of new risk on the Council register in relation to open space. There is presently an absence of (semi-)formal environments for corporate and political issues to be raised and considered in a balanced way as applications are progressed. This includes setting a holistic vision of the Council's role during and after scheme delivery.
39. This approach leads to inconsistencies in how applications are treated, the 'ask' in terms of on- and off-site developer contributions and a lack of clarity for prospective developers when generating their schemes. These issues are broadly reflected in the findings and recommendations of the Corporate Peer Challenge which provides a platform to implement change going forward (see Action Plan)
40. For those sites where permission has been granted, the new Planning Obligations & Compliance Officer (funded through ringfenced fee income) has quickly established effective relationships with the developers of major sites in the District. Regular site visits are conducted to ensure schemes are progressing in accordance with agreed conditions and triggers.

### Theme 3: Development Management

41. Significant permissions for housing development in the District were granted permission on proposed Local Plan sites in the period between November 2018 and February 2020. These included:
- Outline planning permission for up to 325 homes on land at Newmarket Road, Royston. This is site RY10 in the emerging Local Plan (planning application reference [17/00110/OP](#));
  - Reserved matters for 279 homes at Baldock Road, Royston. This is site RY1 in the emerging Local Plan ([19/00386/RM](#)); and
  - Full planning permission for 144 homes on land at Lower Stondon, site LS1 in the emerging Local Plan ([19/01758/FP](#)).
42. However, this also means that many of largest sites in urban areas and in the rural area beyond the Green Belt anticipated over the Plan period to 2031 now have permission. Most anticipated future development is upon sites that remain within the Green Belt pending the outcomes of the Local Plan examination. Planning applications have been received on a number of these sites and, in some instances, negotiations are well advanced.
43. Legal capacity and liaison with key internal and external partners have been enhanced. This has led to a greater shared understanding of key issues, though some concerns remain and there are challenges around recruitment and retention to professional posts (see below). In particular, the provision of separate pre-application services by a number of parties involved in the planning process – the District Council, the County Council as

the Highway Authority, the County Council as Lead Local Flood Authority and the Environment Agency – risks fragmented responses that do not lead to the best overall scheme in planning terms. Similarly, there remains a lack of co-ordination, clarity and / or consistency to internal responses within the Council.

44. Training on planning issues was offered to all Councillors and Parish Councils in 2019. This provided the opportunity to provide an update on key matters and discuss planning issues in an informal setting. However, Members and Officers recognise there would be greater benefits if training moved to a more responsive, rolling programme of events covering a variety of topics.
45. At the time of writing, physical planning committee meetings have been suspended due to COVID-19 restrictions. This position will be kept under review as Government guidance on public gatherings evolves.

#### Other relevant processes and factors

46. Recruitment remains a key issue across planning and associated services in terms of both personnel and finance. Following a senior management reorganisation in 2018, the planning service was restructured in anticipation of the significant schemes arising from the new local plan. Three new graduate planning officers were appointed in August 2019 and are being supported through accredited planning courses.
47. However, the ongoing nature of the local plan examination has impacted upon work programmes, the submission of (pre-)applications and associated fee income. The full impacts of COVID-19 on planning activity remain to be seen. Consequently, decisions around recruitment now also need careful consideration to ensure the service is financially and operationally sustainable. As such to date, vacancies in the strategic planning function have been partially filled through a temporary secondment from the Development Management team rather than permanent recruitment. However, it is recognised that this approach is not sustainable going forward as the plan progresses and with any future growth agenda locally or nationally.
48. There are many local planning authorities close to North Hertfordshire and there is a recognised shortage of qualified staff to fill permanent professional positions in the public sector. This leads to significant competition for employees from a relatively limited pool. For North Hertfordshire this is potentially compounded by the (perception of) better and more exciting opportunities for career progression being available in nearby authorities, particularly where Local Plans have been adopted and/ or less restrictive policies or attitudes to growth exist.
49. A Corporate Peer Challenge (CPC) was carried out by the Council in January 2020. The CPC is designed by the Local Government Association to provide a robust and effective improvement tool. Peers are at the heart of the challenge process and consist of councillors and senior officers from other District/Borough Councils who provide a 'practitioner perspective' and 'critical friend' challenge. Although the CPC looked across

the whole organisation, it also specifically reviewed approaches to planning decision-making. Key issues identified by Peer Review team included:

- A clear perception that the Council is risk averse;
- A lack of clarity around future ambitions or direction for the District; and
- The need for a corporate and strategic approach to transformation;

50. Recommendations include:

- Broadening the council's focus to an ambitious place shaping agenda;
- Aligning resources, policies and capacity to achieve priorities;
- Developing a narrative for place; and
- Taking a corporate approach to transformation – top down and programme managed.

51. Planning projects, including the Local Plan and the associated major development schemes, are a good 'fit' to the Peer Review recommendations. A corporate action plan is currently being developed. There are measures contained in this Plan relevant to that process and vice versa.

52. Since 2018, North Hertfordshire has worked collaboratively with the other nine district local planning authorities in Hertfordshire, the County Council and the Local Enterprise Partnership through the Hertfordshire Growth Board. The main purpose of the Growth Board is to respond to key challenges facing the county over the coming years. It provides leadership and governance, while also being the single point-of-contact for central government over funding opportunities in the future.

53. In early conversations with Government officials it became clear that a more formal working arrangement needed to be documented to demonstrate the authorities' commitment to work together in formulating and delivering a growth deal for Hertfordshire. In November 2019, the Council agreed to sign a Memorandum of Understanding outlining a shared understanding of key growth challenges and ambitions and a commitment to their delivery.

54. More recently, the impacts of COVID-19 on the economy and development have been profound. The future pathway out of the pandemic will be defined over coming months. There are likely to be structural changes in the ways we work, spend our leisure time and interact with the built and natural environment. However, it seems likely that Councils and their local planning authorities will have a vital role to play in this recovery by facilitating proposals for suitable and sustainable growth in a timely fashion.



## **Housing Delivery Test Action Plan 2020 – 2021.**

55. This section sets out the actions the Council will take to improve performance under the Housing Delivery Test. Following a review of the measures implemented to date and updated consideration of the factors affecting performance, the three key themes identified in the first Action Plan have been revised and updated to reflect current circumstances and priorities:
- Theme One: Local Plan
  - Theme Two: Ensuring corporate readiness to successfully deliver major Local Plan schemes
  - Theme Three: To facilitate development and economic recovering following Covid-19
56. As with the previous Action Plan, these are the themes which are considered a priority and the areas where the Council is most able and likely to deliver beneficial impacts in the short-term. Further detail on each theme is set out on the following pages. Appendix 1 contains the actions identified in this section along with responsibilities, timescales and monitoring arrangements.
57. As set out in previous sections, the actions identified are for the period February 2020 to February 2021. This makes for a more effective plan as it requires a greater number of actions to be implemented following approval, rather than reported in retrospect. Updates on progress with these actions will be provided through regular planning reports to Cabinet.
58. Given current global and local circumstances, it is highly likely that the Council will be required to produce a further Action Plan following the publication of the third set of HDT results. The Actions set out in this plan will be further reviewed and updated as required at that time.

## **Theme 1: Local Plan**

### **Priorities**

- To continue to progress the new Local Plan to adoption;
- To provide an up-to-date policy framework for the District;
- To foster more positive and progressive attitudes towards the proposed development strategy in the Plan; and
- To maximise opportunities for policy-compliant 'windfall' development to supplement planned supply

### **Anticipated outcomes**

59. 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
60. 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. Should this proceed to adoption, the Council's HDT results would improve; albeit in the first instance this would be as a result of a change in the way in which the results are calculated rather than through the provision of additional homes. The Council's proposed approach to this matter will be examined when the hearings resume.
61. Increased capacity within the Strategic Planning function will help ensure timely progress on the new Local Plan, discharge Duty to Co-operate obligations with surrounding authorities commencing reviews of their own plans and initiate preliminary work that could inform the proposed early review of the new Local Plan.
62. 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. Subject to successful recruitment to currently vacant posts, we will consider using 'additional burden' funding from Government to drive forward a small number of schemes where more proactive intervention may be required to deliver regeneration in the medium term.

### **Potential barriers**

63. The following potential barriers to successful outcomes are identified under this theme:
- Technological and / or social barriers to the resumption of Local Plan hearings;
  - New information (e.g. 2018-based household projections) may 'overtake', or lead to challenges of, evidence currently submitted to the examination;
  - Issues raised at resumed hearing sessions require further additional work;
  - Capacity within the Strategic Planning & Enterprise team, particularly where any emerging proposals for future joint working leads to competition for resources;

- Reduced capacity of housebuilding industry following COVID-19;
- Inconsistent corporate messaging of the Plan's proposals inhibits officer ability to pro-actively and openly negotiate with developers, agents, Government agencies etc.;
- Intervention(s) by Secretary of State on the Local Plan;

### Actions

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

- Maintain an ongoing dialogue with the Inspector (via the Programme Officer) on the potential timing and scope of future hearings. This includes early identification of any further work or support (e.g. IT infrastructure) that may be required to support them;
- Provide prompt responses any further queries arising from the Local Plan Inspector and proactively seek additional expert assistance on key topics;
- Subject to the extent to which Government social distancing measures (or equivalent) remain in place, ensure PINS / MHCLG are aware of the impact that continued postponement has on relevant measures of housing delivery;
- Seek to appoint to the remaining vacant posts within the Strategic Planning function to provide additional, permanent staff capacity;
- Secure greater internal 'buy-in' to Local Plan strategy by linking to Corporate Peer Challenge outcomes and post-CV19 economic recovery strategies;
- Ensure ongoing, cross-party political support allowing a more open pursuit and negotiation of key schemes;
- Provide regular briefings to the Leader, Executive Member and other relevant internal groups;
- Seek to maintain political liaison with local Members of Parliament where required; and
- Maintain and enhance where possible (processes informing) the Brownfield Register

## **Theme 2: Ensure corporate readiness to deliver major Local Plan schemes**

### Priorities

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

- To identify key sites and schemes from the proposed Local Plan as priority, corporate delivery projects and adapt or create internal structures and policies necessary to facilitate these;
- To provide greater clarity to developers and decision makers, allowing issues to be identified and dealt with up-front wherever possible. This includes ensuring that s106 requests are clearly communicated and meet the relevant regulations from the outset to reduce protracted negotiations and manage expectations;
- To increase capacity to progress and deliver high-quality, major schemes within the District Council.

### Anticipated outcomes

66. Once new Local Plan is in place, it is critical that the Council can rapidly drive forward key schemes to realise delivery if it is to secure and maintain improvement in its HDT results. Some, predominantly smaller, schemes will achieve this through normal planning processes and with minimal additional interventions. The larger, strategic sites will still take time to come to fruition and will require a concerted effort, and consistent support, from across the authority.

67. Finalising and adopting clearer guidance in relation to s106 requirements should lead to the speedier determination of applications. Delays in the production and agreement of s106 were recognised as a significant barrier to the delivery of housing in the District and work on a new Supplementary Planning Document is well progressed. We will continue to build on our generally positive working relationships with the County Council and other key stakeholders.

68. Concluding the ongoing CIL review will provide clarity for all parties on the Council's approach for the foreseeable future. Providing clearly evidenced justification and a balanced consideration of the alternatives will ensure the rationale behind any decision is transparent and publicly available for all to see.

69. The planning enforcement team will build on the strong start and good relations developed to date in relation to condition and s106 monitoring allowing any issues to be quickly and amicably resolved without unnecessary disruption to delivery.

70. As well as reviewing planning processes and guidance, it is also necessary to take a more fundamental look at the ways in which the authority approaches and views proposals for growth. The recommendations of the Corporate Peer Challenge ask the Council to critically review its attitudes to risk and the proposed approach of creating a place narrative around sustainability could provide that clarity.

71. Viewing major schemes as more than 'just' the determination of relevant planning applications will be central to this. Positioning growth and placemaking as drivers of corporate activity is likely to require new internal structures and regular liaison with key partners. This should allow for more open debates, particularly where competing demands (e.g. provision of affordable housing vs. management of open space vs. other social infrastructure provision vs. viable scheme delivery) need to be balanced. Embedding design review as a key requirement for significant residential applications will drive high-quality placemaking. In turn this will lead to a more holistic and consistent approach and empower planning case officers to negotiate schemes and reach clear recommendations.

### Potential barriers

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

- Delays in the examination and / or adoption of the new Local Plan impact upon the Council's ability to progress major schemes (see Theme 1);
- Ad-hoc or inconsistent approaches continue to be applied by individual Council departments or third-party providers;
- Recommendations of CIL review create uncertainty;
- Peer Review Action Plan fails to translate recommendations into sufficiently challenging or required measures;
- Reluctance to embrace, or difficulties in implementing, recommended cultural change needed to successfully deliver on objectives;
- Failure to grasp corporate implications of growth;
- Requirements relating to reporting and monitoring exceed capacity.

### Actions

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

- Present the Developer Contributions SPD for adoption;
- Provide a clear recommendation(s) on Community Infrastructure Levy by the end of 2020 providing clarity for all parties;
- Keep condition and s106 monitoring capacity under review;
- Ensure the Peer Review Action Plan recognises the significant planning and delivery challenges facing the Council and reinforces the actions suggested by this Plan;
- Progress the new Design SPD to support the new Local Plan, including establishing requirements for design review on larger schemes;
- Establish corporate consultation group, 'sounding boards' (or equivalent) to allow consideration of (emerging) schemes for strategic sites and provide guidance to case officers on key issues. To include training as required on key planning issues (see Theme 3)



### **Theme 3: To facilitate development and economic recovery following COVID-19**

#### Priorities

74. 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 make decisions on key schemes in a timely fashion to address our housing supply shortfall and facilitate economic recovery following COVID-19;
- To seek and secure external assistance where this will facilitate or accelerate the delivery of key sites and schemes identified in the new Local Plan.

#### Anticipated outcomes

75. A number of actions have been rolled forward from the previous action plan and will make use of existing services and processes.

76. The Council's paid pre-application service aims to ensure there will be less outstanding or unknown issues when planning applications are submitted. We have sought to increase co-ordination with third parties that offer their own pre-application advice service and will continue to do so. This includes Hertfordshire County Council as Highway and Lead Local Flood Authority respectively. Separate pre-app processes can lead to fragmented responses. We continue to explore ways in which a more holistic approach can be secured, particularly where there are potentially competing demands. In addition to the paid pre-application process the Council is now exploring the use of Planning Performance Agreements for evolving schemes in order to explore issues at an even earlier stage on major and complex schemes.

77. 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.

78. A number of sites in urban areas and the rural area beyond the Green Belt included in the new Local Plan have been granted planning permission in advance of the new Local Plan being adopted. Planning applications are under consideration for a number of proposed allocations presently in the Green Belt.

79. As set out in the previous Action Plan, proposed housing sites currently within the Green Belt generally remain subject to the *very special circumstances* tests set out in National Policy and potential ministerial call-in. It may now be appropriate, subject to an open and balanced consideration of all relevant factors, to determine some planning applications on these sites in advance of the Plan examination being concluded. This position has been reached having regard to the various factors outlined in this Action Plan, the potential for early delivery of key infrastructure and the acute shortfall of housing provision against Government measures.

80. Continuing to grant permission for suitable schemes in advance of the new Plan's adoption will ensure an ongoing supply of new homes until such time as the largest, strategic sites come on stream. Taking greater ownership of the Council's growth agenda and proposals would allow for more proactive negotiation of (prospective) schemes to ensure they can proceed through the planning system without unnecessary delay.
81. Actively engaging with both Homes England and the Hertfordshire Growth Board (and, through them, MHCLG) will maximise opportunities for the Council to seek external funding, assistance and / or planning freedoms to bring forward the larger sites in the Plan. Taken together, the identified priorities should deliver development that provides high-quality placemaking, in accordance with Government policy, whilst also contributing to the recovery of the local and national economies following the current pandemic.

### Potential barriers

82. 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);
  - Continued public opposition to development 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 arising from the COVID-19 pandemic 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 as experienced in the formulation and delivery of strategic schemes as commercial counterparts;
  - The Council's lack of prior experience at dealing with the largest sites both individually and simultaneously.

### Actions

83. To ensure successful outcomes under this theme, the Council will continue to:
- Provide a pro-active pre-application service and seek to enhance co-ordination of advice with other parties;
  - Monitor progress on key applications to ensure they are presenting for determination in an appropriate and timely fashion;
  - Offer training for Members and Parish Councils on planning decision-making through a rolling programme of more focussed / topic-based events;
  - Engage the advice and assistance of Homes England, the Government's housing delivery agency, on key sites in partnership with site owners and promoters;
  - Participate in shared planning initiatives across Hertfordshire to ensure the county can fulfil targets set through local plans and approach Government (and other relevant agencies) for funding and support with a shared voice.

## Appendix 1 – Housing Delivery Test Action Plan

Note: In April 2020, the Council approved the creation of a new Managing Director post that will replace the existing posts of Chief Executive and Deputy Chief Executive. This structure will take effect from July 2020. This table refers to the new structure.

Theme	Action	Lead Officer(s)	Key Partners	Target date(s)	Performance measure(s) / frequency / notes
1: Local Plan	Maintain dialogue with Local Plan Inspector and / or Planning Inspectorate	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
	Proceed to a prompt decision on the Local Plan following receipt of any Inspector's report	Director of Regulatory Services;	Leader of the Council; Democratic Services Manager	Tbc – dependent on Inspector	Meeting held within 28 days of receipt of report
	Seek to appoint to vacant posts within the Strategic Planning function	Strategic Planning Manager; Strategic Projects & Infrastructure Manager	-	September 2020	Number of vacant posts within team  Target: 0
	Embed actions relevant to Local Plan within Corporate Peer Challenge Action Plan	Managing Director; Director of Regulatory Services	All Members	July 2020	Approval of Action Plan containing relevant measures (see Theme 2)
	Provide regular political briefings	Managing Director; Director of Regulatory Services; Strategic Planning Manager	All Members	None – ongoing	To provide at least: <ul style="list-style-type: none"> <li>• Monthly 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>

Theme	Action	Lead Officer(s)	Key Partners	Target date(s)	Performance measure(s) / frequency / notes
	Maintain political liaison with Local MPs	Managing Director; Director of Regulatory Services	Council Leader; Executive Member for Planning and deputy; MPs	None – to be arranged as required	None – to be arranged as required
	Maintain and enhance Brownfield Register	Graduate Planning Officer	-	December 2020	To update the brownfield register following a 'call for sites' exercise
2: Ensure corporate readiness to deliver growth	Present Developer Contributions SPD for adoption	Senior Planning Officer	Internal departments; HCC; NHS	July 2020	Approval of SPD in line with target date
	Present recommendations of CIL review	Senior Planning Officer	Internal departments; HCC; NHS	December 2020	Presentation of report to Cabinet in line with target date
	Provide regular training / briefing on s106 matters	Development & Conservation Manager; Strategic Planning Manager; Planning Lawyer	Councillors; Parish Councils	September 2020 and ongoing	To provide at least four formal briefing or training opportunities per year for all Members and Officers and at least twice per year for Parish Councils
	Update Supplementary Planning Documents	Strategic Planning Manager	Principal Landscape & Urban Design Officer	July 2020 and ongoing	Target for presentation of draft Design SPD to Cabinet See also Developer Contributions SPD above; other SPDs to follow
	Ensure review(s) arising from Corporate Peer Challenge acknowledge impacts and challenges of planned growth	Managing Director; Director of Regulatory Services	Senior Management Team; Executive Member for Planning and deputy	July 2020	Approval of Corporate Peer Challenge Action Plan incorporating appropriate measures
	Establish internal structures / groups to consider strategic sites and other major schemes	Director of Regulatory Services; Principal Strategic Sites Officer	Senior Management Team; Executive Member for Planning and deputy	September 2020	Agree membership of group(s) and Terms of Reference in line with target date

Theme	Action	Lead Officer(s)	Key Partners	Target date(s)	Performance measure(s) / frequency / notes
3: To facilitate development and economic recovery following COVID-19	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
	Prepare DM team for delivering major housing applications by reviewing team structure.	Development & Conservation Manager		From April 2021 by April 2022	Combine with succession planning
	Hold regular liaison meetings with infrastructure providers / third-party providers of pre-application advice	Development & Conservation manager; Strategic Planning Manager; Principal Strategic Sites Officer	HCC; NHS	None – ongoing September 2020	To continue to hold at least Quarterly strategic liaison meetings with HCC; Establish strategic liaison meeting with NHS representative(s)
	Monitor progress of key (Green Belt) applications against statutory determination and expiry dates and progress of Local Plan	Development & Conservation Manager; Principal Strategic Sites Officer	Director of Regulatory Services; Executive Member for Planning and deputy; Chair of Planning Committee	None – ongoing	Appeals for non-determination on major applications;  Target: 0
	Provide regular training / briefing on planning decision-making	Development & Conservation Manager; Strategic Planning Manager; Planning Lawyer	Councillors; Parish Councils	September 2020 and ongoing	To provide at least four formal briefing or training opportunities per year for all Members and Officers and at least twice per year for Parish Councils



<b>Theme</b>	<b>Action</b>	<b>Lead Officer(s)</b>	<b>Key Partners</b>	<b>Target date(s)</b>	<b>Performance measure(s) / frequency / notes</b>
	Continue to engage with Homes England on delivery of proposed major sites	Principal Strategic Sites Officer; Strategic Planning Manager	Homes England	None – ongoing	Maintain regular programme of meetings
	Engage with MHCLG via Hertfordshire Growth Board on potential funding to accelerate or ensure delivery of key schemes	Managing Director; Director of Regulatory Services	Leader of the Council; Executive Member for Planning and deputy	None – ongoing	Maintain regular programme of meetings