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MINUTES

STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

11 JANUARY 2022

Present:

Councillors: Beauchamp
Birnie (Chairman)
Harden
Rogers
Silwal (Vice-
Chairman)
Taylor
Timmis
Wilkie
C Wyatt-Lowe

Officers:

Layla Fowell (Corporate and democratic support officers) (LF)
Russell Ham (Corporate Health, Safety and Resilience team leader) (RH)
Emma Cooper (Strategic Planning Officer) (EC)
Elisabeth Griffiths (Strategic Planning Officer) (EC)
Alex Robinson (Interim Group Manager – Planning) (AR)

The meeting began at 7.30 pm

9 **MINUTES**

The minutes from the last meeting were approved.

10 **APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Mcdowell, Cllr Stevens, Cllr Hearn and Cllr England.

11 **ACTION POINTS FROM LAST MEETING**

LF confirmed that the action points that had been the responsibility of Chris Taylor have now been sent to Sara Whelan. Those that are outstanding continue to be chased up. They will be dealt with in due course and everyone updated.

All other action points had been dealt with and circulated to members.

12 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13 **PUBLIC PARTICIPATION**

There was no public participation.

14 **CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**

None.

15 **FIRE SAFETY POLICY**

R Ham introduced himself as the Corporate Health, Safety & Resilience Team Leader. Dacorum Borough Council uses safety policies to ensure a corporate approach is taken across all services and to guide and instruct the management and staff to comply with relevant legislation. The Corporate Health, Safety & Resilience Team has provided a range of documents and team news feeds to achieve legal compliance and to provide reassurance to senior managers and highlight any potential risks. The fire policy is an internal staff policy which sets out principles by which the DBC management will share a common and corporate approach to fire management, detailing roles and responsibilities. The policy layout and areas covered are mandatory in accordance with legislation and guidance. The document will be accessible internally and will not be published externally. Once in place the policy will be under review and significant findings will be considered in Corporate Health and Safety Committee meetings and SLT meetings. This will include a formal policy review and an update annually taking into account any legislative change and lessons to be learned.

Cllr Wyatt-Lowe queried whether regulations concerning cladding of council owned properties were included in this policy. RH explained that cladding came under building control's remit and not this policy.

Cllr Birnie questioned why the policy only related to the forum and why it did not include other council owned buildings. RH confirmed that this policy relates to all DBC staff and managed buildings. The responsibility under this policy is about ensuring staff are trained and risk assessments are in place. Any risk assessment that identified cladding would then be for building control to deal with. JB remained concerned that cladding may not be reviewed thoroughly enough in the borough. JB was assured that there are specific risk assessments around cladding.

The report was noted.

16 **DEVELOPER CONTRIBUTIONS**

A Robinson presented the report to the committee, explaining it covers the financial period between April 2020 and March 2021. There are 2 elements to the report, (1) the community infrastructure levy ("CIL") and (2) the section 106 update. CIL is a charge imposed on development and is calculated on a square metre basis for additional floor space added by a development. It ranges from £150-£200 per square metre in the borough depending on the area being developed. In the financial year 2020-2021 the council collected £4.7 million in CIL broken down as follows:

- £236,000 - administration costs of CIL.

- £710,000 - earmarked for the neighbourhood proportion, which goes towards the town and parish councils and wards, including those with a neighbourhood plan. (See appendix 1 for more details).
- £3.7 million - core CIL funds, which can be used to contribute to infrastructure costs anywhere in the borough.

At the time of publishing the report the council held just over £9 million in CIL funds but as noted in appendix 2, as of November 2021, that figure is nearer £14 million overall. For those wards that have a neighbourhood plan 25% of CIL from a development in that ward is allocated directly to those wards and the allocation is 15% in other wards. It is for ward counsellors have an open discussion about how the money is spent on infrastructure in their ward. An example of recent spending in a ward using this money was the updating of a play area in Adeyfield east. Cllr Rogers noted that in Bennett's end there is only £2,000 available.

CIL has only been in existence in the borough since 2015.

A Robinson added that the council is in the process of preparing the infrastructure delivery plan (IDP) to support the local plan. Looking at CIL against the IDP, CIL is unlikely to cover all infrastructure costs required by development in the borough.

A Robinson explained that a section 106 agreement is a legal agreement negotiated with developers to make planning applications acceptable. During the financial year 2020-2021 the council collected £184,000 in section 106 funding. The previous years' unspent and unallocated funding is rolled over and in that financial year the council allocated £880,000 to projects with a total of just over £900,000 being spent (see appendix 2 for more details). Section 106 agreement funds need to be spent specifically on infrastructure related to the development on which they are drawn. When asked, Alex explained that section 106 obligations run with the land so, if a developer becomes insolvent, the same obligations will apply to the development under a different developer. Cllr Timmis will provide Alex with the details offline that relate to the doctor's surgery that wasn't fit for purpose that was built as a result of a section 106 obligation in Markyate so that lessons can be learned to ensure this doesn't happen again. Lessons have been learned from mistakes in the past, it was noted, and section 106 obligations need to be delivered throughout a development and certain development milestones cannot be met unless s106 obligations, financial or non-financial, are met by the developer.

The IDP is still years away from being implemented and no significant infrastructure expense will be made until the IDP is ready for implementation. This is why councillors need more information about the requests they can make for infrastructure spends in their wards.

It was queried why the percentages were so small for Wards when so much money is collected. A Robinson explained this was to ensure that there was money pulled into 1 pot for larger infrastructure spends across the borough, but Cllr Timmis felt this was unfortunate as this often resulted in larger spends in the town centre and not in other areas. A Robinson clarified that it is the borough council with authority on CIL.

A Robinson encouraged members to get involved with the preparation of the local plan, through committees, etc. The government's planning white paper was first

published in August 2020. The secretary of state is examining the proposed reform currently, so the borough is not doing any further work on it at the minute until more is known from government.

Cllr Birnie noted that the draft IDP shows a figure of £49.4 million on spend from CIL and s106 alone, leaving aside infrastructure to be funded by other designated bodies such as HCC and the LEP. As only £14 million has been collected over several years, he queried where money to cover the shortfall would come from. A Robinson explained CIL was never intended to cover all infrastructure expense. There are other sources of funding for infrastructure, such as government bids and Homes England funding, for example. There is also LEP and direct government intervention where there is a gap in funding.

Publishing the IDP so early and in a draft form is unusual and therefore the council accepts that it is incomplete and there are gaps. Officers do need to fill in the gaps to have a more rounded conversation on the IDP. A Robinson explained that the 85% CIL portion is retained and to secure that money for an infrastructure scheme it needs to be included in the IDP to be prioritised. The process for the IDP is that it is submitted with the local plan to the secretary of state for approval once it is in its final draft.

Cllr Birnie asked what a Grampian condition means and A Robinson explained that it refers to where a development cannot proceed until something else happens elsewhere. This needs to be prevented from stalling developments.

It was confirmed to Cllr Silwal that in Grovehill to spend that ward's 25% share he needed to engage with the neighbourhood forum on future infrastructure requests.

ACTION:

- A Robinson to provide guidance to members about how CIL money can be spent in their wards.
- A Robinson to review whether it is possible for the committee to discuss the draft IDP separately. The IDP will be part of this committee's future programme and reviewed regularly.
- Cllr Taylor queried infrastructure in Berkhamsted that did not take place but was due to following a local development. A Robinson is to review this offline and answer Cllr Taylor's specific queries on this point.
- A Robinson to provide figures for outstanding monies from developers for CIL and section 106 payments.

The report was noted.

17 WORK PROGRAMME

- The IDP will be added to the work programme. '

- “Air quality management” will also be re-added to the programme to be scheduled as soon as the outstanding amended results for air quality from monitors throughout the borough are confirmed by DEFRA.

18 ANY OTHER BUSINESS

Cllr Timmis provided an update on the Luton airport expansion and confirmed that the current expansion is to increase numbers from 18 million passengers to 19 million. There have been 3 consultations on this which resulted in 1,000 objections but it has been passed by Luton borough council. This decision is now with various MP's and the minister for levelling up to review by the end of January.

The airport also has a plan to expand to 32 million passengers by 2040. Cllr Timmis is keen that this should become a future agenda item. Whilst the February meeting is too early and it can be removed from that agenda, it needs to remain a discussion point with updates in future meetings. Cllr Timmis is keen that Dacorum continues to look at this as it is so important for the borough, in particular those areas that are under the flight path. Cllr Barrett or Cllr Anderson are the relevant portfolio holders to discuss this at a future meeting.

It was agreed that the skills supplementary planning document would also be deferred to a future meeting and would not be on the February agenda.

The Meeting ended at 8.59 pm