

MINUTES

Dacorum Borough Council

Strategic Planning and Environment Tuesday 10th January 2023

Councillors:

Neil Harden (Chair)
Mark Rogers (Vice-Chair)
Jane Timmis
Garrick Stevens
Adrian England
Stewart Riddick
Rob Beauchamp
Sheron Wilkie
Rosie Sutton
Penny Hearn
Nigel Taylor

Also in attendance: Julie Banks (Cllr)

Officers: (6)

Alex Robinson – Assistant Director Planning
Emma Walker – Head of Environmental and Community Protection
Sarah Stefano – Environmental Team Leader
Rebecca Connolly – Environmental Lead Officer
Claire Covington – Strategic Planning and Regeneration Assistant Team Leader

1 MINUTES

It was noted that Cllr Wyatt-Lowe was present at the previous meeting and was then seconded to another meeting and should therefore be recorded as present.

The minutes of the previous meeting were formally approved as an accurate record, subject to the agreed amendment.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from, Councillor Anderson, Councillor Wyatt-Lowe and Cllr Foster

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PUBLIC PARTICIPATION

There was no public participation.

5 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO A CALL-IN

None.

6 ACTION POINTS FROM THE PREVIOUS MEETING

The actions from the previous meeting were noted, LFowell to chase officers on any outstanding actions.

7 FOOD SERVICE RECOVERY PLAN

SStefano took the paper as read and provided an overview of the report, noting that the Food Standards Agency has provided a roadmap for recovery for all local authorities post-Covid and requires that the food service plan be suitably approved. The service plan is to ensure that DBC meets the framework requirements and resources are allocated. Priorities changed in early 2022 and resources that were diverted to the pandemic have now returned to the team, and the team will continue to follow the Covid recovery guidance issued by the Food Standards Agency. The guidance covers the period from 1st July 2021 to 2023-24. There is a small level of uncertainty regarding the ongoing impact of Covid-19 and objectives may need to change throughout the year, though the food team is generally returning to business as usual on food controls rather than focusing on recovery.

SStefano advised that the team continues to meet or exceed the timeframes for objectives within the recovery plan and asked approval from the Committee on the continued use of the Food Standards Agency Covid-19 Recovery Plan to guide the work of the Food Safety team, as detailed in the Food Service Recovery Plan.

A comment was raised regarding Covid-19 as detailed on page 12 of the report and what requirements are missing from the Food Safety Service Authority Recovery Plan by continuing with the Covid-19 Local Authority Recovery Plan, and if this includes the hygiene safety certification of the businesses providing food services to the public. SStefano advised that they are now in the position where they are exceeding the recovery plan and are now fully staffed in the Food Safety team. SStefano continued that they are using containment outbreak management funding to fund additional contractors to assist with inspections. The report was written in June 2022 and the service has moved on considerably, and SStefano confirmed that they are looking to return to business as usual as early as June 2023. If a complaint is received, this will be followed up in the usual manner, and all A, B and C premises are prioritised for inspection due to their higher risk, and D premises are being inspected where possible. With regards to the impact to public health, SStefano advised that the situation is being managed well, particularly in comparison to other local authorities.

In response to a question regarding the Food Hygiene Rating, SStefano confirmed that they follow the Food Hygiene Rating Scheme and that these inspections are continuing.

A question was asked on if there is a proactive programme to re-test existing businesses given that many businesses have changed during Covid. SStefano explained that whilst they are working towards the Recovery Plan, they are still running their usual regime alongside, though they are slightly behind. There is no expectation in the Recovery Plan for D-rated premises to be inspected, though they are still being inspected. On re-testing premises, it was noted that businesses would need to re-register and they would be inspected when their inspection is due. SStefano confirmed that the legal requirement is for the business to register 28 days before trading.

The Chair referred to paragraph 2.8 in the report and queried the statement that they would be following the Covid-19 Local Recovery Plan instead of the full Food Safety Plan. SStefano explained that each premises inspected will receive an intervention rating based on risk with A-rated premises inspected every 6 months and D-rated every 2 years. The FSA have set certain timelines that have to be met and the team is working towards these in parallel.

Cllr Stevens commented on the Recovery Plan on page 16 of the report and asked for examples for the different categories detailed. SStefano advised that category A could be a very good manufacturer with high-risk processes or a premises that is non-compliant. Category B could be a premises that is non-compliant, such as not having a food safety management system, and a premises that has good compliance but serves food to a vulnerable group, thereby increasing the need for inspection. C-rated premises are typically cafes or kebab shops, with D-rated premises being typically schools and larger supermarkets.

Cllr Riddick referred to item 2.5 on page 12 of the report regarding the Covid-19 impact on the food service recovery plan and the comment that objectives have not been fully met due to the diversion of resources to help the council with the Covid-19 response. Cllr Riddick noted his concerns that if the report is not accepted then there would be serious problems and asked how they would ensure there are the resources to address the issues. SStefano advised that progress has been made since the report was written and they now have a full team as well as additional contractors. SStefano noted that they are focusing on more higher-risk premises that are registering with the council, which may mean they are not visiting lower-risk premises.

Cllr Riddick noted that a number of complaints have reduced as members of the public tend to take their complaints to the manufacturers and advised that this doesn't help address the issue. It was advised that some issues are with the manufacturer and would therefore need to be handled by them.

A question was asked on if the team carries out any sampling of food. SStefano confirmed that DBC handle hygiene and that HCC Trading Standards handle food standards. HCC have a team that will randomly sample premises to check the quality of food. If DBC receive complaints then they will liaise with the HCC team to then follow up.

Cllr Timmis queried how markets are checked. SStefano advised that this would depend on if the business is registered with DBC as food businesses will typically register where they live. The team will follow-up on complaints and are looking to return to more proactive inspections at events, though the current focus is on fixed premises and stalls that are registered with DBC. It was also noted that there is communication between local authorities to follow-up on any concerns.

The Chair asked what the offence is if a business does not register with the local authority. SStefano stated that a graduated approach is taken with the first step being to advise and educate. If a business continues to not comply then this will be graduated up to more formal action.

In response to a question on farmers' markets, SStefano noted that these are usually treated in the same ways as mobile traders. For farmers' markets that take place in community centres, if the organiser has registered as a fixed premises then they are likely to fall under the inspection regime.

Cllr Riddick referred to page 16 of the report and the comment that urgent reactive food safety work will increase as restrictions in the hospitality sector are lifted and that a number of revisits have been undertaken. On the increased activity, SStefano advised that they have received service complaints from customers, such as pests being present in premises. It was noted that this is a national issue. EWalker advised that they have struggled in previous years to find fully qualified environmental health officers, though the team is currently fully staffed and they are also working with three consultants to assist with the backlog. EWalker stated that the team is in a strong position and she noted her optimism on being able to deliver the service plan.

Cllr Riddick commented that the report suggests only one member of staff has received specialist training. SStefano confirmed that all staff have to do relevant training to ensure they are up to date and comply with the competency framework in the Food Law Code of Practice. Cllr Riddick asked if officers receiving additional training were doing it during their own time or were being released from work to do so. EWalker confirmed that there is department training where staff are on day release, and other training is completed in their own time whether they are studying for their Bachelors or Masters degree. On CPD training, 20 hours per year is completed in work time as this is required for the role and staff can't prove their food competency without it. SStefano added that they will ensure the service is fully covered when people are undergoing training.

Cllr Rogers commented on online food ordering, noting page 31 of the report and the increased pressure on the team due to the FHRs qualification rating requirement. SStefano stated that if a premises receives a low score then this will put pressure on the team as the premises may appeal the rating or apply for a re-score revisit, which has to be completed within 3 months. SStefano confirmed that they will only carry out a revisit if they are satisfied that the work has been undertaken to comply with the legislation. It was confirmed that premises have to pay £185 for a re-score revisit.

Cllr Rogers noted the 213 new applicants and asked how long they can trade without being approved by the team. SStefano stated that applicants should register 28 days before they trade and that the team should visit them within a 28-day or 6-week period, and whilst this is not happening for all applicants, it is for high-risk premises and the aim is to bring this back for all businesses. It was noted that, with Covid-19 and now the cost-of-living crisis, people are looking to diversify and the team is therefore seeing an increase in home catering.

The Chair asked if all complaints are responded to. SStefano confirmed that the complaint would be risk-rated.

Cllr Riddick referred to page 38 of the report and the table regarding the enforcement action taken in 2021-22. Cllr Riddick noted that 247 written warnings were issued and asked if these were followed up. SStefano advised that it will depend on the nature of the warning and that compliance revisits are typically carried out when a premises scores less than 3. EWalker added that premises that score higher tend to be more responsive.

EWalker, SStefano and RConnolly left the meeting.

8 BIODIVERSITY NET GAIN SPD

ARobinson took the report as read and presented an overview of the paper. The paper seeks to update members on work in the planning department to ready itself for the Environment Act biodiversity net gains and also set out a number of opportunities for discussion. The paper was originally intended to be a formal supplementary planning document before the biodiversity net gain became mandatory. Given that the window of

opportunity is closing, it was proposed that they do not pursue with a formal SPD and instead dedicate resources to getting operational items ready. It was noted that the work was still suitable for scrutiny as the department will be looking at items over and above the mandatory requirements.

Cllr Timmis first referred to item 1.2, bullet point 4, on page 59 regarding the net gain being delivered onsite, offsite or via statutory biodiversity credits. Cllr Timmis commented that it appears to be offsetting and asked what credits are in this case, stating that the net gain should be more closely related. Cllr Timmis queried who decides the biodiversity level.

ARobinson explained that when the biodiversity net gain becomes mandatory, all development will have to deliver 10% net gain above the existing base. An assessment will be conducted on the biodiversity of the site, which will then become a credit, and a developer will need to provide a number of credits of biodiversity to offset their development. As part of the planning application, the developer will need to find the additional biodiversity credits, and whilst this would ideally be via the site itself, the system does also allow for offsetting to take place. If the developer is unable to do this then the local authority can provide a local system of sites, which DBC doesn't currently have, or they can be provided by a third party. If this is not possible then payment will be provided to government to deliver the biodiversity elsewhere.

Cllr Timmis challenged the delivery of biodiversity elsewhere as it will not have any impact on the local area, adding that there is currently no description of what biodiversity currently means.

ARobinson advised that the legislation is seeking to deliver a net improvement in biodiversity and that the system is in place to help quantify this.

Cllr Timmis commented on SANGs, noting that these are to offer recreational leisure facilities and that unless they can fence some of this off then the impact of human beings will mean less opportunity for biodiversity. ARobinson advised that the SANG provision is in addition to biodiversity net gains and can't be double-counted. Dacorum can have significant amounts of recreation space as well as the requirement for biodiversity net gains and they should therefore have more open spaces compared to other local authorities. CCovington added that the biodiversity net gain will need to show additionality, though they are waiting for more advice from the government on how to combine elements.

CCovington referred to Cllr Timmis' earlier comment on offsite, onsite and statutory biodiversity credits, noting that there is a proximity principle that applies and that onsite will be considered first and will have a higher value.

Cllr Timmis commented on 2.7 and asked for clarification on habitat banks. CCovington explained that this is when a landowner decides to create habitat units in advance and have them ready to sell to developers.

The Chair asked if there is a standard measure for a credit. CCovington advised that Natural England have devised the biodiversity metric calculator and this will be used nationally. It is a complicated calculation and considers different habitat types. Different types of habitat

have different values, with areas such as woodland having more value than modified grassland. Habitat units must be of the type on the development site or higher and can't be traded down. There is a cost associated with units and HCC advise on what this cost should be.

The Chair noted that the developer would be determining how much credit is required and asked if they would need to research this with Natural England. ARobinson explained that developers will need to undertake an assessment of their site to determine its biodiversity value and they will use the Natural England calculator to establish this. Developers can then see what additional work they need to do onsite, and if this can't be done onsite then they will look at other solutions. Whilst the developer will collect the evidence, Natural England will then provide the direction on what action developers need to take.

Cllr Timmis commented on the impact of land being built on. ARobinson advised that the biodiversity net gains are a small piece of a much bigger planning assessment and a developer would have to develop that the loss of a particular species would be mitigated with additional legal processes to demonstrate that protected species will continue to be protected.

Cllr Stevens referred to 2.7.3 and the national statutory credit, asking if the +10% is from day one or is expected to grow over time. ARobinson confirmed that the 10% will need to be secured at the point of planning permission and should be assessed when the application is being considered so it would then be locked in. On whether the 10% would be achieved from day one, ARobinson suggested that the 10% would be quantified at the end of implementation and should be achieved over the course of 30 years.

Cllr Stevens asked who would audit the developer's plan for a 10% gain. ARobinson confirmed they have an agreement with HCC who provide ecological support and they will look to extend this to ensure it covers biodiversity net gains. Cllr Stevens queried if HCC have the capacity to support this. ARobinson acknowledged that resourcing is a wider issue given the new legislative requirements coming in and that they are now in the process of building up the capacity with the county to ensure the correct resources are in place. ARobinson confirmed that DBC will be providing a financial contribution to ensure the resources are ready.

Cllr Beauchamp asked if biodiversity net gains will apply to all developments. ARobinson advised that it will cover most developments, though there is a threshold, which will be provided to the Committee. CCovington stated that there would be some exemptions, though these are yet to be confirmed by government and may include brownfield sites.

Cllr Banks asked if local residents or members would be able to challenge the developer's application for credits. ARobinson confirmed that the planning application process remains unchanged and that any information provided by the developer can be challenged.

Cllr Wilkie agreed with the recommendation to not proceed with an SPD.

Cllr Wilkie commented on delivery of the 10% taking place over a 30-year period and asked how this would be monitored. Cllr Wilkie also noted that some local authorities may be looking at 20% and asked if DBC are also considering this.

ARobinson advised that there is an opportunity for DBC to look at going above the 10% and that will be the next stage of the local plan. If members feel they should go above and beyond the 10%, this can be secured as part of the local plan, though there will be practicality issues in achieving 20%. With regards to monitoring delivery, ARobinson explained that the council confirms a commitment to deliver the 10% uplift and it will be checked when the 10% needs to be delivered, though it should be within a realistic period of time with strict timescales for delivery. CCovington added that, before commencement, the developer will have to have their biodiversity net gain management plan approved, which will set out how the site will be managed, maintained and monitored. The provider of the habitat units will be expected to provide periodic reports on implementation and the monitoring of this will be discussed with HCC.

Cllr Wilkie asked if it is the developer's responsibility to monitor biodiversity. CCovington confirmed that whoever the developer has entered into the Section 106 agreement to provide the habitat unit will need to provide the data.

Cllr Wilkie referred to the CSG and noted that they would not have the same responsibilities and asked if this would stop biodiversity efforts. CCovington stated that she would expect it to continue in parallel, though the initiatives may not qualify as a habitat unit due to the dual use of spaces.

A question was raised on SANG being double-counted. CCovington advised that it could be counted if additionality can be demonstrated and that a habitat can be secured for 30 years for that purpose.

The risk of companies going out of business during the 30-year period was noted. ARobinson advised that as the management plans will be secured through the Section 106 agreement, this will run with the land, and if a developer goes out of business then the obligation will be transferred to the subsequent owner of the property.

On the payment of credits, ARobinson advised that they would expect money to be paid upfront and that a deferred payment plan would not be accepted.

Cllr Riddick suggested that developers should identify and secure credits required to support planning applications and that it should not be submitted until this has been done. ARobinson noted that whilst some planning policies are negotiable, biodiversity net gain is mandatory and developers should meet the legal requirement before submitting an application. ARobinson stated that they need to look at how to prepare themselves for this and whether applications should not be validated if the net gain is not demonstrated. Developers are aware of the requirement and it is expected that the majority will ensure the net gains are demonstrated before submitting their applications.

Cllr Riddick queried if the requirement would help reduce predatory or particularly large applications. ARobinson advised that most speculative applications do include the net gain,

noting that it is easier to complete on a larger strategic site due to the additional space. ARobinson noted that there is concern amongst developers as very few local authorities have land to offer up for this, meaning that if credits can't be offered onsite then developers will need to pay.

Cllr Taylor referred to comments on working with HCC and asked how they can ensure that they will deliver on these obligations given current resourcing issues. ARobinson stated that they could look at an in-house or external resource as well as the role that HCC can play given that they have an existing team in place. Other authorities are stating that they are looking at HCC to provide this resource and they will ensure there are robust plans in place to ensure that HCC can manage staff leaving or a drop in performance.

Cllr Timmis noted that HCC are required to comment on planning applications and suggested that they have not provided greenfield site measurements. ARobinson acknowledged the issues with previous applications and advised that the system being developed is a national system, and whilst local authorities will be required to assess sites, planning officers will rely on expert ecologists to assist with this and a good service is expected. If it is felt that the service being provided is not satisfactory then this should be raised and DBC need to ensure whoever is undertaking the assessment is thoroughly checking the developer's work.

The Committee noted the report.

ACTION: ARobinson to provide Committee with threshold for which developments biodiversity net gains applies to.

ACTION: ARobinson to check timelines for 10% uplift delivery.

9 SKILLS AND APPRENTICESHIPS SUPPLEMENTARY PLANNING DOCUMENT

ARobinson referred to the draft Employment and Skills Planning document, noting that the consultation has now taken place with comments received and that the document has now been revised. The report is now in for final review before going to Cabinet and Council for adoption. Once in place, the document will require developers to provide social value strategies and will be required to put in place a number of measures around skills and apprenticeships for local people to access training and employment opportunities.

The Chair referred to 3.7 and policy CS14 that sufficient land will be allocated to accommodate growth in the economy of approximately 10,000 jobs between 2006 and 2031. The Chair noted that Hemel Garden Communities also states the potential to create 10,000 jobs and queried if there would be over 10,000 jobs by 2031. ARobinson advised that the policy was adopted in 2011-12 and was the trajectory at this point in time with Hemel Garden Communities coming in later. ARobinson suggested that there would be an overlap in the

numbers and it was unlikely that a further 10,000 jobs would be created on top of those within the core strategy and agreed to look into the numbers further.

Cllr Taylor asked for further information on what types of work the 10,000 jobs would cover. ARobinson advised that the SPD will not create 10,000 jobs and stated that they will compel developers of developments of over 30 dwellings to provide training and apprenticeships. The reference to 10,000 is regarding a broader target across all sectors.

Cllr Taylor queried how many dwellings will be affordable for those in the jobs created. ARobinson stated that housing affordability sits outside the SPD, though there is a policy for 30% affordable housing and DBC is looking at a new affordable housing policy as part of the local plan. The standalone requirement to provide affordable homes is separate to the SPD. Cllr Taylor suggested that they look at how the two areas could work together in future. ARobinson agreed that the local plan should look at employment, housing and affordability to ensure that objectives are being balanced correctly.

Cllr Taylor recommended that a context diagram be created to demonstrate the different policies and how they are connected to allow for further discussion.

On job creation, ARobinson advised that the developer will discuss with DBC what opportunities they can offer. For residential developments, opportunities are likely to be mainly in construction. For commercial operations, there will be potential opportunities for ongoing employment and DBC will work with the developer on what opportunities they would like to see.

Cllr Stevens commented that he did not feel this would be well received by developer industries and that developers will require skilled people to be able to proceed.

The Chair asked if all local authorities are completing SPDs to do their local plans.

ARobinson advised that a number of local authorities develop SPDs, though they are not required to develop a local plan, and they are completed to help provide additional guidance and ensure that developers are giving the best possible products to Dacorum.

The Chair asked if a neighbouring authority not having an SPD would be an easier development scenario compared to Dacorum. ARobinson said it was unlikely that a developer would make an investment decision on the basis of an SPD.

ARobinson advised that there is a national shortage in construction skills and therefore a number of developers already have initiatives in place. The SPD highlights that Dacorum expects the scheme to be in line with what is required in the area and that DBC wants more influence on the types of training and apprenticeship programmes on offer. The Chair suggested that a developer would naturally look at where to locally acquire skills and asked why DBC was involved in the process. ARobinson stated that it would depend on how proactive they want to be and that they would risk there being an unmet need in the area.

Cllr Stevens commented on section 5.6 and 5.7 on page 91 of the report and suggested that they are adding another burden on developers. ARobinson explained that the council will

appoint a delivery partner who will talk to developers to secure skills and apprenticeships and developing the strategy, noting that they would need to look at whether this will be a DBC employee or an external delivery partner.

Cllr Stevens noted that companies have been set up to procure apprenticeships and fail to deliver and asked how this would be avoided. ARobinson stated that if they go with an external partner then any contract would ensure there are clear delivery requirements to mitigate the risk of a contractual breach. ARobinson stated that the option of outsourcing this work is currently being considered.

Cllr Wilkie noted that the SPD includes residents who want to work but are unable to do so due to factors outside their control, such as disability, sickness or caring responsibilities, and asked if they could compel a developer to include these residents. ARobinson advised that they could not insist upon a percentage with developers and that the intention is particular needs would be discussed with the developer, such as opportunities for disabled or younger residents, though this will depend on when and where the development takes place.

Cllr Wilkie commented on delivery and asked what the consequences would be on developers not delivering on the agreed strategy. ARobinson explained that the developer will sign up to the 106 agreement, including the skills strategy, and if they are not complying the DBC will have the ability to enforce against this. The Section 106 agreement is standard in planning and there is a good monitoring system in place to monitor obligations. The monitoring will be an additional burden though it is hoped that delivery of this through existing systems can take place.

Cllr Beauchamp commented on article 4 directions and asked if they expected to expand this into more localised areas to allow those who have developed skills to continue to work locally. ARobinson confirmed that they regularly review article 4 directions though there are no immediate plans to roll out further article 4s at this stage as there is no current justification to do so and this will be reconsidered when necessary. Cllr Beauchamp commented on the loss of Amazon, to which ARobinson stated that the space could be repurposed by another company.

Cllr Timmis referred to the consultations and noted how impressed she was on how the consultation was publicised, though it received a low level of responses with 16 comments, of which 8 stated that they had no specific comments to make. ARobinson confirmed that the consultation was much wider than this. Cllr Timmis acknowledged this and noted that there were only 16 respondents. Referring to the comments, Cllr Timmis asked how they would ensure jobs are offered across the whole of the borough and asked for further clarification on the response to the query regarding operational staged outcomes.

ARobinson acknowledged the lack of response and suggested that higher levels of responses tend to indicate a negative reaction, though it was disappointing that not many residents had chosen to engage.

Cllr Hearn noted the Dacorum Economic Recovery Plan, which was given approval by Cabinet in October, and asked how this is developing. ARobinson advised that he is not in charge of the recovery plan and could ask for an update.

The Chair stated that he was unsure on the next steps and that this was not covered in the report. ARobinson noted that they are still undecided on whether the service will be offered in-house, noting that doing so would allow them to have control of the process and ensure direct interaction, however there isn't an identified resource that is trained in this area. It will take time to build up the funds to train and pay a member of staff. An external resource would be ready from day one but the risk would be the loss of institutional memory. ARobinson confirmed that the SPD can be adopted, though they would like a full recommendation in place by the time it is taken to full Council. ARobinson noted that they could also look to hire an external consultant for a year whilst they build up their own internal capacity.

ACTION: ARobinson to look into policy CS14 and creation of 10,000 jobs alongside claim from Hemel Garden Communities of 10,000 jobs.

ACTION: ARobinson to request an update on the Dacorum Economic Recovery Plan.

10 WORK PROGRAMME

The Chair noted that an additional item may be added to the Work Programme.

There being no further business, the Chair closed the meeting at 21:28