

Minutes of the Economic, Planning and Housing Committee meeting held on Thursday, 14 January 2021 in Virtual Meeting - Zoom Webinar, Basingstoke and Deane Borough Council at 6.30 pm

Members of the Economic, Planning and Housing Committee in attendance: ,
Councillor A Konieczko (Chair), Councillor O Cubitt, Councillor P Gaskell,
Councillor D George, Councillor P Harvey, Councillor G James, Councillor L James,
Councillor P Miller, Councillor J Vaux, Councillor G Watts and Councillor C Wooldridge

37/20 Apologies for absence and substitutions

Apologies were received from Cllr Frost.

38/20 Declarations of interest

In relation to item 6 of the Agenda, Cllr Wooldridge declared a personal interest as an employee of Sovereign Housing, Cllr Watts declared a personal interest as a member and player of Basingstoke Cricket Club, and Cllr Harvey declared a personal interest in relation to nitrates.

39/20 Urgent matters

There were no urgent items.

40/20 Minutes of the meeting held on 7 January

It was noted that the minutes of the meeting held on 7th January would be approved at the next EPH meeting to be held on 4th March.

41/20 Infrastructure Funding Statement

The Portfolio Holder for Planning, Infrastructure and Natural Environment introduced the Infrastructure Funding Statement (IFS), noting that it had been produced in fulfilment of a new statutory annual requirement.

The Design, Sustainability and Infrastructure Manager clarified that the report outlined Community Infrastructure Levy (CIL) and section 106 planning obligations received in the year 2019-20, and specified how BDBC intend to spend CIL in the future. It was noted that the IFS had been adopted by Cabinet in December 2020 and was based on the Regulation 123 list adopted by Council in 2018.

The Design, Sustainability and Infrastructure Manager commented that there was a minor inconsistency between the IFS and Authority Monitoring Report (AMR) in relation to the sum recorded for CIL liability notices issued, but that this had been corrected on the website version of the AMR.

Members were reminded that the report was based on the previous year's figures and that the council had only been collecting CIL for a year.

The committee made the following observations and comments:-

- It was clarified that the infrastructure deficit gap of £197M recorded in 2015 had been identified originally to meet the tests of the CIL Examiner and to justify the introduction of CIL. It was highlighted that it was recorded as a snapshot in time, and that whilst difficult to estimate the current gap, it had definitely reduced.
- It was clarified that 'surcharges' were levied where applicants had failed to follow the CIL regulations, and that such compliance was a government requirement. Any sums collected as a surcharge would be retained by the council and used to fund infrastructure.
- It was clarified that CIL rates had been established nationally for all forms of development (that were liable for CIL), and were consequently non-negotiable. Developments with associated s106 agreements may be subject to a degree of flexibility, on the basis of viability, where policies and the Local Plan allowed for consideration of this issue.
- It was clarified that decisions in relation to CIL spend were made by BDBC.
- It was clarified that s106 planning obligations were site specific legal agreements that could not be altered, other than by legal variation to the deed of agreement.
- It was clarified that there was some scope for amending the Infrastructure List. The Design, Sustainability and Infrastructure Manager informed members that it was likely that officers would bring back an updated list to committee later in the year for discussion prior to further stakeholder consultation.
- Members requested that future versions of the report contain greater forensic record of finances allocated and paid against each site in order to provide more of an overall strategic view of the infrastructure.

Agreed Actions

- Design, Sustainability and Infrastructure Manager to circulate a copy of the risk assessment undertaken to support the IFS.
- Design, Sustainability and Infrastructure Manager to circulate a briefing note providing a breakdown in relation to the variety of methods of infrastructure payments made by developers.
- It was agreed that future versions of the IFS report brought to committee would contain comparisons to previous years in order for the committee to build up a picture of allocations and expenditure.
- Design, Sustainability and Infrastructure Manager to clarify how s106 funds were monitored where specific projects had slipped and monies been

transferred to the 'general needs' fund.

- It was agreed that future versions of the IFS presented to committee would clarify that 'Exclusions' detailed on the Infrastructure List referred to projects delivered by developers via s106 agreements. It was further agreed that **obsolete** items would be removed from the Infrastructure List in future versions.

Resolved: the Committee

- Note the report;
- Request the above actions be taken; and
- Note the requirement to prepare an Infrastructure Funding Statement on an annual basis.

42/20 **Authority Monitoring Report for Planning, 2019/20**

The Portfolio Holder for Planning, Infrastructure and Natural Environment introduced the Authority Monitoring Report for Planning (2019/20), noting that it had already been published.

The Planning Policy Manager commented that the report was a useful document to use as a basis for the Local Plan update, as whilst a number of policies still remained fit for purpose, there were also a number that required amendment.

The committee made the following comments and observations:

- It was suggested that despite 1,600 houses being built, this accounted for only 13% of houses due to be delivered from allocated sites by the Local Plan. It was commented that a large percentage of the allocated sites were owned by the public sector (either BDBC or HCC), and that not one of these had produced any housing. This had impacted figures so that the borough no longer had a 5 year housing supply. Widespread frustration was voiced at the inactivity of HCC.
- Disappointment was expressed that for the 3rd year running no regeneration schemes had been delivered. The Planning Policy Manager commented that the Winklebury scheme would constitute regeneration, but had not sufficiently advanced to be included within the 2019/20 figures.
- In relation to concern raised at the high number of windfall sites completed, the Planning Policy Manager explained that small windfall sites were expected and welcomed, and that larger sites were not necessarily a negative if still in line with policy and the Local Plan.
- Concern was expressed that the land supply situation was having a negative impact on localism and on the morale of neighbourhood planning teams throughout the borough. It was agreed that the issue was frustrating and would

be considered as part of the Local Plan update.

- A number of committee members queried the legitimacy of the RAG rating colours awarded to specific targets of the Local Plan, and it was suggested that the colour ratings be revised in some instances. It was clarified that the RAG ratings were based on factual results against factual targets, that the AMR had already been published and that consequently it would be disingenuous to change. It was agreed that the issue would be considered when preparing the next AMR.
- Concern was raised at the number of completions from permitted development sites and it was queried whether any action could be taken to prevent them. Further it was suggested that the issue could form a future EPH agenda item. It was clarified that the council was subject to central government rules and that unfortunately nothing could be done, however it was suggested that there were signs that government may be looking to address aspects of this issue through required adherence to space standards and affordable housing provision. It was further commented that EPH had received papers looking particularly at permitted development rights in the past couple of years.
- It was explained that the current Article 4 Direction was focused on a number of prime office based business areas within the borough and aimed to protect these Strategic Employment Areas areas rather than as a general instrument to prevent permitted development. It was clarified that widespread use of Article 4 Directions would be disproportionate and open to legal challenge at this time although officers were requested to continue to keep a watching brief on this issue.
- It was suggested that the revised Local Plan should take account of the perceived failings of the current plan; notably the lack of regeneration, lack of older people's accommodation, the increasing density of developments being delivered, the high proportion of windfall sites and the high number of permitted development schemes in the borough. It was commented that the Local Plan Update MAP would consider such issues in future policy making.
- It was suggested that the Water Quality RAG rating should be red, as it was in breach of policies set by the Local Plan. It was clarified that the most recent Environment Agency figures could put the rating at red, however the monitoring was published outside the AMR timescales and was included for information only.
- It was queried why 'Nitrate neutrality' appeared as a specific target, given that it wasn't policy within the Local Plan, and further argued that Natural England's consultation should not take precedence over legislation already in place. It was explained that the subject had been included as it was such a significant issue and that responsibilities both nationally and internationally needed to be met to ensure that there would be no future degradation of the Solent.
- It was queried why the habitat enhancement figures were so low. The Planning Policy Manager commented that opportunities had been taken where suitable but

that not all applications presented the opportunity for enhancement. Also it was hoped that the Environment bill would be passed prior to the next Local Plan, to allow for greater powers to require developers to include enhancements in future applications.

- There was a request to conduct a thorough analysis of future employment land requirements given the impact of the Covid pandemic, and a warning that disused office blocks would lend themselves to further permitted developments. The Planning Policy Manager commented that this would be considered through the Economic Needs Assessment which was due to be commissioned soon.
- In relation to section 2.11 of the report it was requested that future versions of the Local Plan utilise Ministry of Housing, Community and Local Government (MHCLG) deprivation indices in addition to Census figures. It was suggested that this would provide a broader, clearer view of the health of residents across the borough.
- A member suggested that HCC was not a sufficiently independent party to add any additional robust oversight in relation to evaluating extant housing.
- It was requested that information be provided in relation to the Retail and Town Centre Study and the Landscape Character Assessment and Landscape Sensitivity Assessment. The Head of Planning, Sustainability and Infrastructure outlined that these could be dealt with at future MAPs.
- It was requested that housing for older people and people with support needs be added to a future Local Plan MAP discussion.

Agreed Actions

- Planning Policy Manager to provide a written response to the following queries raised on behalf of Cllr Tomblin:
 1. At a recent appeal hearing for Silchester Road, Bramley, the Inspector criticised the Neighbourhood Plan and used it to justify his allowance of the appeal. Can it be explained why Neighbourhood Plans don't seem to be offering the defences originally anticipated?
 2. With the 5 year land supply reducing, the number of new homes delivered on allocated sites has reduced with the majority deriving from windfalls, appeals and permitted developments. As a consequence, Bramley is likely to face two major new developments of 300 and up to 900 new homes over two sites which may be expected not to be in the new Local Plan. What action can be taken to counter this?
- Portfolio Holder for Planning, Infrastructure and Natural Environment to consider writing to central government expressing dissatisfaction with the local land supply position caused by the impasse with HCC, and to share the letter with committee members if sent.
- Planning Policy Manager to liaise with the Head of Environmental Services to

clarify when the annual air quality update was likely to be produced.

- Planning Policy Manager to provide clarification on the population figures used in the AMR (2.1).
- Planning Policy Manager to provide a breakdown to show how much affordable housing delivered was socially rented accommodation.
- Planning Policy Manager to raise members concerns at the policy of housing families in flatted accommodation with the Housing Team.
- Planning Policy Manager to circulate information relating to the affordable housing decision at Kennel Farm.
- Committee members to email any further questions or comments to officers, with replies to be circulated to the full committee.

Resolved: the Committee

- Note the contents of the report;
- Request that the views expressed above are taken into consideration by the Portfolio Holder for Planning, Infrastructure and Natural Environment;
- Request that the above actions are undertaken.

43/20 **Review of work programme**

To be reviewed by the committee at its next meeting on 4th March 2021.

The meeting ended at 10.20 pm.

Chairman