

MINUTES of a meeting of the **CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held on 8 October 2020

PRESENT

Cabinet Member - Councillor S Spencer

Also in attendance – Councillors T Ainsworth, G Hickton and M Wall

56/20 **PETITIONS** **RESOLVED** (1) to receive the under-mentioned petitions: -

Location/Subject	Signatures	Local Member
Glapwell, Back Lane – Request for Installation of Barriers or Gate	41	Councillor C Moesby
Stanfree, Bridle Road – Objection to proposed Double Yellow Lines	67	Councillor A Western

(2) that the Director – Economy, Transport and Environment be asked to investigate and consider the matters raised.

57/20 **MINUTES** **RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 10 September 2020 be confirmed as a correct record.

58/20 **SECTION 278/38 COMBINED AGREEMENT – LONDON BOROUGHS ESTATE, BARROW HILL, CHESTERFIELD** Chesterfield Borough Council had secured funding to undertake public realm improvements at the London Boroughs Estate, Barrow Hill, Chesterfield. The works included new paving and surfacing along with new drainage and street lighting.

Any third party (including another local authority) who wished to fund or carry out improvement works within the public highway, required the permission of the County Council as Highway Authority. This was normally formalised using an Agreement under Section 278 of the Highways Act 1980. Such agreements with commercial developers usually included a bond or other financial security to provide indemnity which would allow the County Council to complete the works on their behalf in the event that the developer ceased to trade or otherwise defaults on the acceptable completion of the works. The bond for this particular project had been calculated as £1,982,675.

The Borough Council was prepared to enter into a Section 278 Agreement but, in view of its status as a local authority, had asked whether the need for a bond or other financial security could be waived in this instance. Written confirmation had been provided by the Borough Council that it would underwrite the works and complete them to an adoptable standard.

RESOLVED to (1) note the intention to enter into a Combined Agreement under Section 278/38 of the Highways Act 1980 with Chesterfield Borough Council; and

(2) approve the proposal that, in this case, Chesterfield Borough Council, as developer be exempted from having to provide a Guarantee Bond or other financial security in respect of the cost of the highway improvement/development works.

59/20 CONSULTATION ON PLANNING WHITE PAPER: PLANNING FOR THE FUTURE On 6 August 2020, the Ministry of Housing, Communities and Local Government (MHCLG) had published a consultation on its Planning White Paper entitled '*Planning for the Future*', which set out the Government's proposed reforms to the planning system in England. The proposals sought to streamline and modernise the planning process; improve outcomes on design and sustainability; reform the system of developer contributions; and ensure more land was available for development where it was needed.

The proposed reforms were set out under three key 'pillars':

- Pillar 1: Planning for Development;
- Pillar 2: Planning for Beautiful and Sustainable Places; and
- Pillar 3: Planning for Infrastructure and Connected Places.

The final section of the White Paper, entitled 'Delivering Change', set out how the Government expected the proposed reforms to be implemented, including transitional arrangements in moving towards the introduction of the reforms. The range of proposed reforms were extensive and were likely to have significant implications for the County Council's planning functions in the future and the way in which it worked with other local authorities on strategic planning matters, particularly on the delivery of key infrastructure. A brief summary of the key proposals of the White Paper were presented.

The report explained how the Government proposed the reforms would be implemented and included the development of a 'comprehensive resources and skills strategy' for the planning sector.

National consultation on the White Paper had opened 6 August 2020 and was running to 29 October 2020. It included a total of 25 questions covering each of the main proposals under the three pillars. The full White Paper could be viewed via the link below at: <https://www.gov.uk/government/consultations/planning-for-the-future>.

The Council's Planning Service had undertaken local consultation on the White Paper between 10 August 2020 and 2 September 2020 (with internal services and

other local authorities). On the basis of detailed analysis of the proposals and the feedback received, it was clear that a number of key service areas were likely to be impacted by the proposed reforms and the Council's proposed response to Government was set out in detail in Appendix A to the report.

In principle, many of the reforms proposed in the White Paper were to be welcomed, particularly those that sought to streamline the plan making and decision making processes, which were aimed at reducing the burden on local planning authorities in terms of bureaucracy, excessive regulation and staff and financial resources. However, the key overall concern with the White Paper was that it was lacking in detail in many areas of the proposed reforms and did not provide the detail necessary to fully assess whether the proposed changes were going to deliver positive and intended outcomes for the County Council. It will be crucial, therefore, that Government gave more detailed consideration to many of the proposed reforms and consulted further with local authorities to finalise a well reformed and improved planning system. General concerns about the proposals in the White Paper were summarised as follows (and were expressed in more detail in the draft response at Appendix A to the report):

- there appeared to be a democratic deficit with reduced member and community engagement proposed as part of the reforms.
- many of the proposed reforms in the White Paper were aimed at bringing more standardisation to the new planning system, particularly with a range of nationally set, top-down, targets, standards and requirements. This did not reflect the local social, economic, environmental and financial challenges that affected many local authorities, such as in Derbyshire.
- climate change was not given sufficient prominence or priority in the reforms and there needed to be fundamental provision for supporting the delivery of good growth and creation of truly sustainable communities.
- whilst the need for housing was well understood, there was too much emphasis on housing requirement in the White Paper. Greater focus needed to be given to economic development, employment and skills, wider roll-out and coverage of superfast broadband and public health and well-being, of which there was no or little mention currently.
- the proposed abolition of Section 106 agreements and the Community Infrastructure Levy and their replacement with a new consolidated Infrastructure Levy gave great cause for concern.

In relation to the three pillars, a summary of the key issues was highlighted. Reference was made in particular to the opportunity through the White Paper to explore how National Parks, such as the Peak District National Park, could contribute more effectively to meeting local housing needs, whilst still respecting National Park purposes.

The proposals in the White Paper were likely to have significant implications for each of these core roles and responsibilities. In addition, a number of other service areas provided direct advice to the district and borough councils in the County on planning applications, particularly on highway matters as the Highway Authority for

Derbyshire; on flood risk matters as the Lead Local Flood Authority; and on ecology heritage, landscape and design matters through service level agreements. These other service areas were also likely to be significantly impacted by the proposals in the White Paper.

It was clear the proposed reforms would, if enacted and implemented, have considerable implications for local authorities generally, and the County Council specifically, in its role and responsibilities as a strategic planning authority. Whilst many of the proposed themes of reform were welcomed in principle, the lack of clarity or detail on many areas raised a wide range of issues and concerns that required careful attention by Government. Overall, it was seriously questioned whether the proposed reforms would produce the required improved outcomes for the built and natural environment, specifically around tackling and mitigating climate change.

Proposals for major reform of the developer contributions system, particularly the abolition of Section 106 agreements, raised many concerns and uncertainties for the County Council and the way it would impact the Council's ability to secure funding to deliver key infrastructure in the future. Appendix 1 attached to the report set out the Council's substantive draft response to Government on the White Paper and Appendix 2 provided the draft response to the 25 questions raised by Government. The response was welcomed particularly in relation to affordable housing and infrastructure.

It was also important that the Government understood that Derbyshire produced 50% of the nations' minerals requirement which was essential in the production of bricks and cement. Therefore, it was essential for the Authority to have a minerals policy.

RESOLVED to (1) agree the draft response as set out in the summary in the report and detailed in Appendix 1 to the report; and

(2) authorise the Director Economy, Transport & Environment to take account of any further comments and considerations (in consultation with the Cabinet Member) prior to submitting a response to Government on the White Paper 'Planning for the Future', on behalf of the County Council.