

Planning Committee

Minutes of the meeting held on 29 April 2022

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Nigel Brennan, Bill Dickson, Andrée Gee, Gail Harris, Paul Hayden, Tim Jickells, James Knight, Leslie Mogford, Michael Scott and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Jason Brewster – Governance Officer (minute taker) and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

None

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

An apology was received from Vic Thomson.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. She added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest and introductions

Members provided their declarations of interest as set out in Appendix 1 to these minutes and in addition to those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 1 April 2022 were approved as a correct record and signed by the Chair.

4. Matters of urgent business

There were no items of urgent business

5. Chair's announcements and introduction to public speaking

No members of the public had registered to speak.

6. Requests to defer applications and/or vary agenda order

No requests to defer or vary the order of the agenda had been received.

7. Applications for planning permission

There were no applications for consideration. Members were reminded that application BA/2021/0248/FUL - Halls Yard, Reedham had been withdrawn by the Agent since the agenda papers had been published.

8. Governance - amendment to Scheme of Delegation to include enforcement matters

The Head of Planning (HoP) introduced the report by confirming that the proposed change would follow the same process as that employed when the Scheme of Delegation was last amended in March 2021; the Planning Committee was being asked to review this change before approval was sought at the next Broads Authority meeting.

The Scheme of Delegation required any planning applications where they involved any officer or Authority member to be determined by the Planning Committee. Currently, there was no similar provision for enforcement matters and it would seem prudent to rectify this omission in the Scheme of Delegation. Any enforcement matter involving an officer or Authority member (or their immediate family) which required action to be taken would be referred to the Planning Committee for a decision. Enforcement matters which were resolved through negotiation or those deemed not expedient to pursue would not ordinarily be brought to Committee, and would be resolved via officers alone. This change would ensure transparency of enforcement matters relating to officers and Authority members alike.

A discussion took place that clarified that all enforcement matters are reviewed by officers and any frivolous/spurious objections are dismissed at this stage and not pursued. The HoP explained that in exceptional circumstances the Committee might need to consider an enforcement matter where no action was proposed, but this was unusual. An example was given whereby a number of years ago a complaint was received about the change of engine on the trip boat on Rollesby Broad (the mandated outboard was replaced with an equivalent inboard engine). This change was deemed an improvement and it was not considered expedient to pursue the matter, but pressure was being put on the Authority to take action, so to avoid further comeback the decision **not** to pursue the matter was brought to Committee to be approved and entered into the public record. It was also confirmed that in this situation the Committee had the authority to vote against any recommended decision. A member asked that it be checked that the proposed change was legal.

Bill Dickson proposed, seconded by Tim Jickells and

It was resolved by 10 votes for, 2 against and 1 abstention to endorse the proposed change to the Scheme of Delegation and recommend it to the Broads Authority for approval.

9. Enforcement update

Members received an update report from the Head of Planning on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

Land at the Beauchamp Arms: Continued non-compliance, caravans still occupied and another caravan was on-site, albeit not occupied. A full report would be provided at the next meeting.

Blackgate Farm, High Mill Road, Cobholm: No further information had been received about occupancy. The Authority would be able to make an application for a confiscation order under the Proceeds of Crime Act 2002 if it successfully prosecuted the operator for non-compliance. If the Landowner could not profit from his actions then might choose to desist. A full report would be provided at the next meeting.

Land east of North End, Thorpe next Haddiscoe: Contractors have quoted to clear site. Landowner had been informed and had been given until the end of May to clear site and avoid becoming liable for contractor costs.

10. Nutrient Neutrality

The Planning Policy Officer (PPO) presented a summary of the report explaining what Nutrient Neutrality (NN) is, why NN is important to planning in the Broads, what lessons can be learnt from other Local Planning Authorities (LPAs), what we are doing about NN and the financial implications.

The Authority was co-ordinating with other LPAs to identify viable mitigations, lobby government regards impacts to Housing Delivery Test (HDT) and 5 Year Land Supply (5YLS) and seek extra government funding.

Norfolk LPAs were also confirming the areas covered by NN; what if site is in the catchment area but the associated Water Recycling Centre (WRC) is not? Liaising with Anglian Water Services to confirm catchment area for each WRC.

In the meantime, no new developments deemed to adversely affect nutrient levels could proceed within the Broads and Wensum SAC catchments until suitable mitigation(s) could be determined.

Members expressed dismay that Natural England (NE) had not consulted the Authority before writing to them in March (in fact no LPAs had been consulted beforehand). A number of members pointed out that this requirement conflicted with the government's levelling-up agenda; had they or NE anticipated the halting of developments where NN was required?

The Authority was a small player in this context, but Norwich's new social housing development had been delayed and future big developments were on hold with 100s of homes impacted. These delays had extended over a year in other areas where they had been dealing with NN for a few years now.

Members were concerned that there would be numerous unintended consequences associated with NN. It could push development out of the designated NN catchment areas and put pressure on less restricted/protected areas. Brownfield sites could appear less appealing as their size and nature offer less opportunities for mitigation (unlikely to have spare land to add reed beds for mitigation purposes).

NN ran the risk of undermining food security, by incentivising the change of use of agricultural land. And would jeopardise new uses such as inland aquaculture.

A member pointed out that third parties like the Broads Authority and Norfolk Wildlife Trust would be able to contribute mitigation solutions. The HoP added that the Nature Recovery Programme, Farming in Protected Landscapes and other similar projects would play a role in this context. NN would ultimately improve the water quality of the rivers flowing through the Broads.

It was noted that long term solution rested with Anglian Water and extra investment in their infrastructure. This investment would be phased over time and larger developments could be synchronised to take advantage of this ongoing mitigation. Could there be a dispensation today for pipeline improvements that deliver mitigation in the future?

The PPO also noted that NN along with upcoming new environmental focused building standards and electric vehicle charging infrastructure would all add extra cost to the process. What other planning obligations would be sacrificed?

A member pointed out that NE licenced caravan clubs “to act as their own planning authority” and asked whether NE would stop Temporary Holiday Sites in NN areas. The PPO was constantly raising questions with NE and would include this at the next opportunity.

Members thanked those involved for their hard work and wished them success in their petitions to government.

The report was noted.

11. Nature recovery green paper - protected sites and species

The Planning Policy Officer (PPO) introduced the report which summarised this green paper and highlighted potential impacts to Habitats Regulations Assessment, Environmental Impact Assessments and Strategic Environmental Assessments. The PPO confirmed that National Parks England would be drafting a unified response and we would await the results of the consultation.

The Chair thanked the PPO for their efforts on this paper.

The report was noted.

The Committee adjourned at 11.23 am and reconvened at 11.30 am.

12. Oulton Neighbourhood Plan - agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to go ahead on the Oulton Neighbourhood Plan. The PPO was pleased to inform the Committee that all her feedback had been incorporated into the plan.

Paul Hayden proposed, seconded by Fran Whymark, and

It was resolved unanimously to endorse the Oulton Neighbourhood Plan, REG16 version for consultation.

13. Local Plan - Issues and Options Bite Size Pieces

The Planning Policy Officer (PPO) introduced the report, which provided members with sections on Nutrient Neutrality, Biodiversity Net Gain and Recreation Avoidance Mitigation Strategy from the emerging draft Issues and Options stage of the Local Plan, and invited members' thoughts and comments.

Members were keen to engage the public in these matters but wanted to make it clear that the requirements were not set by the Authority. Given that the policy papers were at different stages of their lifecycle would add extra complication to the consultation. The Issues and Options needed to make it clear that this section was for information only purposes. The HoP indicated that existing Local Plan has a chapter that captured policy context so could adopt a similar approach "to highlight the direction of travel on relevant policy areas". A member suggested that it would be beneficial for the Authority to be seen to be holding Anglian Water to account on areas such as flood management and Nutrient Neutrality.

The PPO thanked members for their feedback.

The Committee's response on the NN, BNG and RAMS sections of the Issues and Options was noted.

14. Notes of the Heritage Asset Review Group meeting held on 25 March 2022

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 25 March 2022. The Chair noted the poor attendance from members and encouraged greater involvement. To this end, it was hoped to hold a future meeting at the Museum of the Broads in Stalham where members can experience some of the Broads' cultural heritage first hand.

The Chair indicated that the next HARG meeting will be on Friday 17 June and reminded everyone that it is open to all members.

15. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting.

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 21 March 2022 to 15 April 2022 and any Tree Preservation Orders confirmed within this period.

17. Date of next meeting

The next meeting of the Planning Committee would be on Friday 27 May 2022 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting ended at 11:44am.

Signed by

Chair

Appendix 1 – Declaration of interests Planning Committee, 29 April 2022

Member	Agenda/minute	Nature of interest
Harry Blathwayt, Nigel Brennan, Andrée Gee, Gail Harris, James Knight, Leslie Mogford and Fran Whymark	10	Member of a local authority impacted by the issue of nutrient neutrality – other registerable interest
Andrée Gee	12	East Suffolk Councillor - other registerable interest