

# Planning Committee

## Minutes of the meeting held on 28 April 2023

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## **Present**

Harry Blathwayt – in the Chair, Stephen Bolt, Nigel Brennan, Bill Dickson, Andrée Gee, Tony Grayling, Gail Harris, Tim Jickells, James Knight and Melanie Vigo di Gallidoro

## **In attendance**

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Andrea Kelly – Environment Policy Adviser, Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

## **Members of the public in attendance who spoke**

No members of the public in attendance

## **1. Apologies and welcome**

The Chair welcomed everyone to the meeting.

**Apologies** were received from Leslie Mogford, Vic Thomson and Fran Whymark

### **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. He 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 31 March 2023 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. The Chair acknowledged that this was the last Planning Committee meeting for Gail Harris, James Knight and Leslie Mogford and thanked them for their contributions.

## 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. 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:

**Blackgate Farm, High Mill Road, Cobholm:** The HoP had contacted the landowner's agent to request the removal of the remaining caravan. The agent replied that 7 caravans had been removed as per the original Enforcement Notice (EN). The HoP had responded to the agent indicating that when the appeal was determined the Planning Inspector had varied the EN to cover all caravans on the site.

**Land at the Berney Arms, Reedham:** The HoP indicated that a process server had served the EN on behalf of the Authority on 12 April 2023. Unfortunately, the server posted the EN on the wrong outbuilding which would have provided valid grounds for an appeal. The ENs were formally withdrawn and re-served on the 26 April 2023. The Broads Authority would not be charged for the initial, incorrect service.

## 8. Carlton Colville Neighbourhood Plan - agreeing to consult

The Planning Policy Officer introduced the report, which sought agreement for public consultation to go ahead on the Carlton Colville Neighbourhood Plan. It was noted that the reference to Parish Council within the report was incorrect, it should have stated Town Council.

Melanie Vigo di Gallodoro proposed, seconded by Andrée Gee and

**It was resolved unanimously to endorse the Carlton Colville Neighbourhood Plan Regulation 16 version for consultation**

## 9. Local Plan - Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed five new or amended policy areas that were proposed to form part of the Preferred Options version of the Local Plan. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

### Boat wash-down facilities

Policy DM3 had some minor changes applied.

### Rural enterprise dwellings

Policy DM38 (Permanent and temporary dwellings for rural enterprise workers) had been updated to include a change to ensure consistency with the National Planning Policy Guidance and to reference the Authority's Design Guide, Biodiversity Net Gain (BNG), Habitat Regulations Assessment (HRA) and Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GI RAMS).

### Safeguarded trackways

Policy SSTRACKS (Former rail trackways) sought to safeguard these sites for potential recreational use. The PPO explained that this policy had been updated to indicate possible need for a project level HRA.

A member supported this policy and highlighted the need to ensure landowners were successfully engaged and supportive of the proposed recreational use based on his experiences of the disused railway at Haddiscoe. The Chair suggested that this matter could be considered by the Broads Local Access Forum.

### Horning policies

No change to Policy HOR7 - Woodbastwick Fen moorings.

The PPO highlighted a correction to Policy HOR8 (Land on the Corner of Ferry Road, Horning) relating to permissible classes of use of ground floor units; an incorrect reference to B2 had been corrected to B8.

A member questioned the value of Policy HOR8 given that the ground floor properties in this location appeared, with the exception of an online fishing retailer, to be empty or being used as registered offices. He believed the policy had failed to achieve its objective and wondered whether the ground floor units could be better utilised, for example as garages to reduce on street parking.

The Head of Planning believed that all the live/work units associated with this policy, were currently occupied (although some units had been empty for periods in the past). Complaints had been received, over two years ago, indicating that the ground floor units were being used for accommodation although, following investigation by the Authority, no breach had been found.

Members noted that:

- The policy did not preclude other uses if the permitted uses were proven to be no longer financially viable.
- That this area had historically been associated with business use and...
- That there was residential encroachment from an adjacent area when former boatyards were replaced by residential properties.

A member proposed that the location be revisited to ascertain the current status of these live/work units. The PPO agreed to represent Policy HOR8 to the committee once a site visit had been completed.

### Oulton Broad policies

No change to Policy OUL1 - Boathouse Lane Leisure Plots.

The PPO indicated that Policy OUL2 (Oulton Broad - Former Pegasus/Hamptons Site) had been updated to reference the Authority's Design Guide, BNG and the Suffolk Coastal GI RAMS tariff.

The Chair thanked the PPO.

**Members' comments were noted.**

## 10. Consultation Responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to the Reedham Neighbourhood Plan (Reg 14 Version) drafted by Reedham Parish Council. The PPO had indicated that Policy 14 did not appear consistent with National Planning Policy Framework.

Tim Jickells proposed, seconded by Stephen Bolt and

**It was resolved unanimously to endorse the nature of the proposed responses to the Regulation 14 version of the Reedham Neighbourhood Plan.**

## 11. Great Yarmouth Borough Council Open Space Supplementary Planning Document - endorsement

The Planning Policy Officer (PPO) introduced the report, which detailed a summary of the Great Yarmouth Borough Council (GYBC) Open Space Supplementary Planning Document (SPD), the process required to prepare this document and an explanation of the consultation process associated with this SPD. The PPO explained that the Broads Authority defers to/has regard to district councils regarding open space policies. As GYBC adopted this SPD in February 2023 it would be appropriate for the Authority to endorse it.

Melanie Vigo di Gallidoro proposed, seconded by Andrée Gee and

**It was resolved unanimously to endorse the Great Yarmouth Borough Council Open Space Supplementary Planning Document and recommend its endorsement by the full Authority.**

## 12. Biodiversity Net Gain - Guidance for Suffolk Local Planning Authorities

The Environment Policy Adviser (EPA) introduced the report, which detailed interim guidance for Suffolk Local Planning Authorities (LPAs) regarding the government's biodiversity net gain (BNG) requirements. This guidance, the EPA explained, was an attempt to clarify the BNG provisions in the National Planning Policy Framework (NPPF) 2021 as an interim measure before BNG was mandated under the Environment Act (2021) in winter 2023 for larger sites (with the small scale metric due in April 2024).

The guide advocated at least 10% biodiversity net gain being delivered on major applications (sites of more than 10 dwellings). The EPA indicated that some LPAs had adopted a figure of 20%, the key was to ensure that the agreed target was viable. Natural England had performed a BNG study and concluded that 20% net gain was viable. The EPA believed that this assessment would be of value to the Authority when it resolved to determine a target for the Broads.

Following the mitigation hierarchy from the NPPF the guide proposed to avoid impacts in the first instance, then seek to deliver BNG on-site (within redline application boundary) and finally to deliver BNG off-site as indicated by Local Nature Recovery Strategies (LNRS).

The LNRS were being developed at county level and Norfolk and Suffolk County Councils were working in partnership. The Broads Authority were a supporting authority. Responsible Authorities (such as the county councils) must “take reasonable steps to involve” supporting authorities, “have regard” to their opinions, share information with them and seek their agreement before consultation and publication. Supporting authorities will play a key role in making sure all LNRSs are genuinely collaborative.

The delivery of off-site BNG and the use of LNRS were areas where further information was required pending further government regulations associated with the Environment Act (2021). This area provided an opportunity for the Authority to derive an income by delivering BNG on behalf of applicants or other LPAs. The EPA explained that the Authority would be conducting market research to determine who would be the key investors in BNG and other natural capital. This information would help the Authority tailor its LNRS offering. The Broads Authority would aim to have pre-determined BNG solutions to avoid delaying the delivery of developments. The EPA explained that how this BNG support related to existing agri-environment schemes and other public grants remained to be determined.

The delivery of BNG would need to be evaluated over 30 years and this had implications for LPAs in the context of monitoring and enforcement.

The EPA noted that the equivalent guidance for Norfolk LPAs was expected although, the Planning Policy Officer added, these LPAs were dealing with Nutrient Neutrality and Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy and BNG was a lower priority.

Work was underway with the Planning Advisory Service to determine how best to implement BNG nationally.

Given the state of flux of BNG regulations, ahead of the Environment Act (2021) coming into effect, it was recommended to delegate any future changes to the guidance to officers, to amend the document, if necessary, in response to new policy announcements and guidance. Members requested that any important changes to this guidance be reported to the Planning Committee.

Members welcomed this guidance and the principle of BNG for the positive benefits it would bring to the Broads. A member was supportive of the Authority adopting a higher net gain than that proposed by the guidance and for BNG to be mandated for minor developments.

A member was keen for Norfolk LPAs to adopt similar BNG guidance and to take advantage of the work already undertaken by their Suffolk counterparts. The member encouraged the Authority to influence this process to ensure the Suffolk LPAs BNG guidance was factored into the development of the Norfolk equivalent.

A member welcomed the proposed market research activity and sought clarity regarding the combination of funding via BNG and other schemes. The EPA believed that according to guidelines stated within the Peatland Code it was not possible to stack (combine) voluntary and compulsory funding sources; Nutrient Neutrality and BNG funding were classed as mandated and Peatland Carbon Units were classed as voluntary. The Broads Authority would have to assess the Broads Executive Area in the context of BNG, NN, carbon and other agri-environment payment schemes.

Tony Grayling proposed, seconded by Gail Harris and

**It was resolved unanimously to**

- i. **Endorse the Biodiversity Net Gain Planning Guidance Note for Suffolk, to be used as an informal guidance document by the Broads Authority.**
- ii. **To delegate to the Director of Strategic Services or Head of Planning any future amendments to the document.**

## **13. Notes of the Heritage Asset Review Group meeting held on 10 March 2023**

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 10 March 2023. The Head of Planning presented photographs of the trip to Mutford Lock and its associated pedestrian and road bridges that followed this meeting.

The Chair indicated that the next HARG meeting would be on Friday 16 June 2023.

## **14. Appeals to the Secretary of State**

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

The Head of Planning (HoP) highlighted that the Planning Inspectorate (PINS) had a target to determine written representations appeals within 16-20 weeks from validation. The HoP confirmed that the two most recent appeals had been lodged with PINS for 10 weeks, but they had yet to be allocated a start date. She then indicated that of the remainder, 5 had been lodged with PINS for more than 50 weeks. The HoP had written to PINS to complain and they had responded that they were short staffed and that they were processing a backlog running into the tens of thousands. The HoP confirmed that an inspector had visited the area recently as the Authority had received an appeal decision on the 24 April 2023 for Marshman's Cottage, Main Road A1064, Billockby, Fleggburgh, NR13 3AX (appeal was dismissed).

## **15. Decisions made by officers under delegated powers**

The Committee received a schedule of decisions made by officers under delegated powers from 20 March 2023 to 14 April 2023 and any Tree Preservation Orders confirmed within this period.

## 16. Date of next meeting

The next meeting of the Planning Committee would be on Friday 26 May 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 11:14am

Signed by

Chair



## Appendix 1 – Declaration of interests Planning Committee, 28 April 2023

<b>Member</b>	<b>Agenda/minute</b>	<b>Nature of interest</b>
Andrée Gee	8, 12	East Suffolk Councillor - other registerable interest
Melanie Vigo di Gallidoro	8	Suffolk County Councillor - other registerable interest