

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 29 September 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Mrs P Grove-Jones (Chairman) Mr P Heinrich (Vice-Chairman)
Members Present:
Mr A Brown Mr P Fisher
Dr V Holliday Mr R Kershaw
Mr N Lloyd Mr G Mancini-Boyle
Mr N Pearce Mr M Taylor
Ms L Withington

Officers in Attendance: Development Manager (DM)
Development Management Team Leader (DMTL)
Senior Planning Officer (SPO)
Principle Lawyer (PL)
Democratic Services Officer – Regulatory

40 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Fitch-Tillett, Cllr A Yiasimi and Cllr A Varley.

41 SUBSTITUTES

There were no substitutes in attendance at the meeting.

42 MINUTES

The minutes of the Development Committee meeting held Thursday 1st September 2022 were approved as a correct record.

43 ITEMS OF URGENT BUSINESS

None.

44 DECLARATIONS OF INTEREST

Cllr V Holliday declared a non-pecuniary interest in agenda Item 8, PF/21/1878. She advised that she had taken guidance on this matter and had been informed that she could participate in the meeting and that could vote on the application.

Cllr A Brown declared a non-pecuniary interest in agenda Item 8, PF/21/1878, for the same reasons as outlined by Cllr V Holliday.

45 BACTON PF/21/1878 - PROPOSED GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY AND ASSOCIATED INFRASTRUCTURE; LAND EAST OF BACTON GAS TERMINAL (KNOWN AS SEAGULL'S FIELD), PASTON RD, BACTON.

The DMTL introduced the Officers report and recommendation for approval subject to the outlined conditions. He advised that since the publication of the Agenda, the

pre-commencement conditions set out on p.39 had been agreed and signed on 20th September.

Further, the DMTL advised that the Officers recommendations had been updated to reflect feedback from the Highways Authority with the inclusion of an additional condition which would mitigate against glint and glare from the solar farm on larger vehicles. Should Members be minded to approve, final wording would be delegated to the Assistant Director for Planning.

The DMTL noted following the agenda publication questions had been received regarding the detailed contained therein. He clarified that the 12% figure detailed related to the electric generated by the Solar Project resulting in a 12% forecasted decrease in the amount of energy supplied to the gas terminal from the National Grid. Additionally, he informed Members that an online petition on change.org objecting to the proposal been received with 580 signatories, the basis of the objection was detailed in p.21 – 23 of the Officer report.

Public Speakers

Fiona Hollis – Objecting

Damian Baker (RenEnergy Ltd)– Supporting

- i. The DM relayed a statement from Cllr W Fredricks who was unable to attend the meeting. Cllr W Fredricks welcomed the opportunity for residents to give their views on Seagulls Field and noted it had been a long process. She affirmed that the local authority wished to work with residents and ensure their voices were heard by decision makers.
- ii. Cllr G Mancini-Boyle commented that his concerns regarding the anti-glint coating applied to the panels had been addressed, and that he considered the solution acceptable. He noted that objections had been raised relating to unwanted criminal activity and asked if Officers had any knowledge of theft or damage to other Solar Arrays.
- iii. The DM affirmed that he was not aware of any criminal damage to the 150mw of Solar Arrays located within the District, including any theft of cables. He advised that the project would make a significant difference to the site and that the proposal was supported by NNDC Policies and aligned with the Councils Climate Emergency declaration.
- iv. Cllr V Holliday noted that there had been much opposition from the community and considered that the benefit of the 12% energy generation was quite small. She stated that she did not agree with Officers assessment that the proposal was supported by NNDC Core Policies nor did she agree that the proposal required its specific setting within the undeveloped coast.
- v. Cllr N Lloyd provided clarity over the concerns surrounding the potential for criminal activity, and stated that the site was protected by armed Ministry of Defence Police 24/7. He thanked Officers for their comprehensive report and commended Officers and the Applicant for working together to produce the proposal, noting it was perhaps the longest set of conditions he had ever seen for a planning proposal. Cllr N Lloyd considered that the 12% energy use figure was a significant reduction when considering the large amount of energy the site draws from the National Grid. He acknowledged the net bio-diversity gain through the scheme, and commented whilst the affect to Skylarks was disappointing, the enhancements to attract other rare species

was valuable and worth merit. Further, Cllr N Lloyd considered all concerns and issues raised had been addressed or mitigated against. The land was not used for agricultural purposes and he contended that once the planting was established, most passing individuals would not be aware of the Solar Array, as it was quiet, unobtrusive and well shielded. Cllr N Lloyd proposed acceptance of the Officers recommendation for approval subject to conditions.

- vi. Cllr N Pearce thanked Officers for their comprehensive report and affirmed the need for renewable energy sites. He commented that it was a finely balanced application and accepted the comments and objections from neighbouring businesses, which he conceded may be negatively impacted by the proposal, as well as broader public opposition. Cllr N Pearce expressed the importance of Bacton Gas terminal to the Country and the need to support the terminal.
- vii. Cllr P Heinrich recalled the history of the area and noted the proposal was the last remaining open field in the immediate area. He considered that the Officers report was well argued and clearly stated that the proposal would not breach NNDC or National Planning Policy if approved. He expressed his support for the proposal and commented that it was well designed and that it was increasingly critical to consider green energy schemes as Fossil Fuels could not be burned indefinitely. Cllr P Heinrich commended the applicant for providing a high quality scheme including landscaping and shielding. Further, he commented that the gas terminal would remain visible from the neighbouring Caravan site, and the use of Solar Array would not have a significant impact by contrast. Cllr P Heinrich seconded the proposal to accept the Officers Recommendation.

RESOLVED by 10 votes for and 1 against;

That Planning Application PF/21/1878 be APPROVED subject to conditions outlined in the Officers report and any others considered necessary by the Assist Director for Planning. Final wording of conditions to be delegated to the Assistant Director for Planning.

46 WALCOTT - PF/22/0738 - USE OF AGRICULTURAL LAND AS A SEASONAL CAR PARK FROM JUNE TO OCTOBER (INCLUSIVE) EACH YEAR FOR MR AND MRS H BARRINGER. WALCOTT BEACH CAR PARK, COAST ROAD, WALCOTT.

The SPO introduced the Officers Report and recommendation for approval subject to conditions. He advised of a slight amendment to the wording of the proposal for the seasonal car park to start operation from May, and not June as detailed.

The SPO took Members through aerial images of the site, site plans including entrance and egress routes, flood risk maps, and photographs of the area. He advised that the site was estimated to provide 138 spaces as agreed with NCC Highways. Whilst the site was located within a flood zone, Officers had worked with the Environment Agency who were satisfied that there would be no significant risk to life by consequence of the proposal.

The SPO reiterated the highways conditions stipulated in the recommendation and assured Members that if they were minded to grant permission, all conditions must be satisfied before the applicant would be able to commence operation in 2023.

Public Speakers:

Rebecca Barringer – Supporting

- i. The Chairman expressed her disappointment that the Local Member, who had called the item to Committee, was absent and had failed to submit a written statement in his absence. She reminded Members of the expectation to attend or submit a written representation for applications they refer to Committee.
- ii. Cllr R Kershaw commented that he was familiar with the site located on a busy part of the coast and of the challenges surrounding on street parking. He stated he was surprised that this item had been called to Committee, as he considered the proposal to be sensible, remedying an existing problem, and it had the support of the local village. Cllr R Kershaw proposed acceptance of the Officers recommendation for approval subject to the outlined conditions.
- iii. Cllr P Heinrich seconded the proposal and stated that it was a desperately needed facility in Walcott, in an acceptable location, well designed and well managed.
- iv. Cllr L Withington spoke in support of the application, and acknowledged the community support it had received. She recounted her experiences at Walcott helping eldering relatives in and out the car during busy periods, and affirmed that this was a much needed facility which would benefit the local economy.
- v. Cllr V Holliday noted the positive aspects of the proposal but considered that as the Council was working towards being carbon-neutral, the number of car journeys to the coast should be discouraged. Instead the Council should consider operation of a park and ride facility into Walcott as the long-term vision was for fewer car movements and not more.
- vi. Cllr N Pearce noted that car parks often sparked controversy, but agreed with Members that there was a need for a carpark in Walcott.
- vii. Cllr A Brown expressed his support for the scheme which he considered to benefit the community, and concurred with Members experiences of the chaos along that section of road during the high season. He asked if Highways were considering a review of parking restrictions on the road, particularly opposite the proposed entry and exit points.
- viii. Cllr G Mancini-Boyle asked if electric charging points had been considered and noted the remote location of the site may present challenges for such infrastructure.
- ix. The Chairman stated that the only sensible location for an electric charging point would be by the post office shop, and that as the proposed site was an open field which would only operate during the summer months, it was not an appropriate location for charging points.

UNANIMOUSLY RESOLVED by 11 votes for;

That Planning Application PF/22/0738 be APPROVED subject to conditions

outlined in the Officers report, and an amendment to the start date from June to May, and any others considered necessary by the Assist Director for Planning. Final wording of conditions to be delegated to the Assistant Director for Planning.

47 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the Development Management Performance report and spoke to improvements of both Major and Non-Major Performance with 95% of Non-Major performance agreed within time and 92% of Majors agreed in time.
- ii. The PL updated Members of the S106 obligations detailed within the report and confirmed that both the Sea Marge and West Raynham agreements had been completed, with revised paperwork sent out to Scottow Enterprise Park. She advised that those appeals shaded at the top of the report were held in abeyance due to Nutrient Neutrality.

48 APPEALS SECTION

- i. The DM introduced the appeals report and invited Members questions. He advised that the Planning Inspectorate had not reached many decisions within the last few weeks and the Council were awaiting the outcome of several cases. With regards to those appeals which had been decided, one of which had been withdrawn, and the other dismissed by the Planning Inspectorate as the appeal had been considered to be out of time. This decision was made weeks later after the Council had already dedicated resources in defending its decision.
- ii. Cllr A Brown stated that the delays within the Planning Inspectorate Service were dire, and noted that this was not getting much attention within the press.
- iii. The DM advised that the Planning Inspectorate were addressing resourcing issues but there was a backlog due to capacity issues. He commented that NNDC were limited in what it could do to remedy the situation and that it was in the best interest of the local authority, applicants and interested parties, who were increasingly frustrated, that these matters be resolved.
- iv. Cllr R Kershaw commented that he could not see the situation improving given that the government were seeking spending efficiencies in the short and medium term.
- v. Cllr L Withington noted that at the Overview and Scrutiny meeting held the day prior, it was established that the public often didn't know the role of the planning authority and the Planning Inspectorate. She considered it would be beneficial to explain the process and clarify that the delays were caused by the Planning Inspectorate and not by NNDC.
- vi. Cllr N Pearce agreed that there was millage in explaining the decision making process to the public, particularly given the increase in the number of appeals.
- vii. The Chairman affirmed that it was the democratic right for those who had their applications refused to appeal the decision, and noted the growing

number of appeals where applicants did not like or understand why their application had been refused. She reiterated the challenges of the Planning Inspectorate in being understaffed, and inundated with appeals. The Chairman expressed her support in the Council producing an explanation document to broadly outline what happens with planning applications.

- viii. The ADP drew comparisons with the Planning Inspectorate to that of an apex predator. He reminded Members that the number of applications approved by the local authority was extraordinarily high, the statistics of which would be provided to Members as evidence in an enhanced update. He commented that the increase in the number of appeals was symptomatic of the problem and that the current planning system was sick and ailing, and did not have the capacity of the experienced members within the profession to support the complexities it was dealing with. He affirmed that a review and investment was needed in the planning process, and noted the increasing number of issues. The ADP remarked that the Arcady appeal had been very poorly handled by the Planning Inspectorate, and such a situation was likely to repeat itself. The ADP stated his frustrations of the Planning system were shared also with the Planning Inspectorate and reiterated that revision and change were needed.
- ix. Cllr A Brown thanked the ADP for his update and asked whether a commission should be established to look into the failing system, as he did not recall much detail in the White Paper outlining reform to the Planning Inspectorate.
- x. The ADP commented that the situation had been exacerbated in the 18 months since the publication of the White Paper, and reaffirmed the need for investment within the planning system which would continue to struggle without it.
- xi. Cllr V Holliday noted the appeal for Arcady was due to be heard in January 2023, but that this was not reflected within the report. She asked that this be included within future reporting.

49 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 10.31 am.

Chairman