

PLANNING POLICY & BUILT HERITAGE WORKING PARTY

Minutes of the meeting of the Planning Policy & Built Heritage Working Party held on Monday, 14 November 2022 at the Council Chamber - Council Offices at 10.00 am

Committee Cllr A Brown (Chairman)

Members Present:

Mr N Dixon	Mr P Fisher
Ms V Gay	Mr P Heinrich
Mr R Kershaw	Mr G Mancini-Boyle
Mr N Pearce	Mr J Punchard
Mr J Toye	

Substitute

Members Present: Cllr L Withington

Members also attending:

Cllr V Holliday
Cllr A Fitch-Tillett
Cllr W Fredericks

Officers in Attendance:

Planning Policy Manager (PPM)
Senior Planning Officer (SPO)
Coastal Transition Accelerator Programme Manager (CTAP Manager)
Democratic Services Officer - Regulatory

36 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Grove-Jones with Cllr L Withington present as a substitute.

37 PUBLIC QUESTIONS

None.

38 MINUTES

- i. The Chairman noted typographical and grammatical errors within the minutes of the Working Party held Monday 17th October, but considered the contents of the minutes broadly sound. He suggested, rather than amending each at the meeting, that delegated authority be granted to the Chairman to make minor changes to spelling and grammar as required.
- ii. Cllr V Gay commented that when referring to the design guide she implied that it should be utilised, rather than it had always been utilised. The Chairman stated that he would ensure this be reflected in the minutes.
- iii. It was agreed that the Chairman be given delegated authority to make minor grammatical and typographical amendments to the minutes of the Working Party held Monday 17th October 2022.

39 ITEMS OF URGENT BUSINESS

None.

40 DECLARATIONS OF INTEREST

None.

41 UPDATE ON MATTERS FROM THE PREVIOUS MEETING (IF ANY)

The PPM advised that work on the Infrastructure Delivery Plan (IDP) was progressing that the IDP would be brought back to the Working Party as an item when he considered the document a completed piece of work. The PPM advised this would occur within the next couple of months.

42 ANY OTHER BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

None.

43 COASTAL ADAPTATION SUPPLEMENTARY PLANNING DOCUMENT (SPD)

- i. The SPO introduced the Officers report and Coastal Adaptation Supplementary Planning Document (SPD) and advised that the Council were representatives on a joint steering group established to produce the SPD. Other representatives included officers from East Suffolk Council, Great Yarmouth Borough Council, the Broads Authority and Coastal Partnership East. The SPO commented that the SPD built on the statement of common ground agreed in September 2018 with the overarching aim to provide a whole coast approach across the various Local Authorities.

The initial consultation was undertaken in Autumn 2020, with the steering group subsequently meeting on a regular basis to progress the document based on the initial consultation feedback. Other informal stakeholder discussions including that with the Environment Agency had further informed the contents and detail of the document. The SPO advised that progress on the SPD was time sensitive with the various authorities aiming to launch a public consultation in January 2023.

- ii. The CTAP Manager affirmed that Climate Change would result in an increased impact on coastal change with an acceleration of sea level rise and an increase of storminess and rainfall; key drivers of coastal erosion. He advised that the Shoreline Management Plan was going through a refresh and commented that whilst the Council would work to protect its coastline, it may not be economically or technically viable to protect all areas. He commented that the SPD formed a key part of the transition with a good policy setting to enable the Council to move forward working with individuals, communities and businesses as they adapt. He stressed the need to work flexibly considering this an evolving situation.
- iii. Cllr N Dixon recognised the need to work flexibly but expressed concern that this may conflict with fixed policies which formed an important framework for applicants. He asked the PPM how flexibility would be demonstrated over the period of the plan.

- iv. The PPM acknowledged that if a policy incorporated a great deal of flexibility it may negate the policy itself. He stressed the 2 fundamental principles of the SPD were to 1. To manage risk, and, 2. The application of the rollback policy. He noted previous discussions on how rollback could be incentivised, and commented that unlike the prior policy, the new policy offered more flexibility with regards to the floor space of replacement dwellings. Under the new policy if a replacement dwelling was larger, provided the development was not considered harmful, it may be approved. He affirmed that it was for the Development Committee to look at the proposal and to determine whether there were harmful impacts associated with the building.

The PPM noted historic debate about whether rollback should be retained within its host community, and stated that the emerging policy would be more restrictive ensuring rollback was not relocated elsewhere in the district. He stated that the undercurrent of the policy was to sustain places and communities and that the wrong impression would be created if relocation was permitted elsewhere. The PPM referenced the success of the rollback of Happisburgh Caravan Park in continuing to sustain its community. He advised that a virtue of the SPD was that it could be updated annually unlike the Local Plan, and that the nature of the SPD allowed flexibility in the way in which policy guidance was implemented.

- v. Cllr N Dixon asked if the flexibility described was what Officers were looking for and agreed that blanket flexibility would not warrant a policy. He suggested wording could be added to amplify the intention of the policy, to enable flexibility without being prescriptive.
- vi. The CTAP Manager commented that this was the type of flexibility envisaged and stated that each case and community was different, with different expectations. He considered that there may be occasions where rollback may not be possible within its host community, and flexibility in this instance would be needed. There may be circumstances where an individual or business-owned land elsewhere in the district that it may be logical for the Development Committee to reasonably consider a departure from the policy. Case studies were included within the SPD of successful relocation outside of the settlement boundary. The CTAP Manager affirmed that there was a need to continue an open dialogue with individuals, businesses and the community to manage expectations, and that feedback received would inform future policy making.
- vii. The PPM advised that within the pre-ambule to the policy, which sets out the objective of what the policy was trying to achieve, wording could be included such as 'in the first instance priority will be given to....' or 'the policy will be flexibly applied', the use of language would create flexibility whilst not affecting the policy criteria itself. Alternatively the policy criteria could be amended, however the PPM considered this would be challenging and that this strategy was not recommended. He reminded Members that they were asked at the meeting to consider recommending to Cabinet for the SPD to be consulted on, and not to consider the policies themselves. He advised that this would come back to the Working Party following the consultation, if agreed.
- viii. Cllr N Dixon proposed that an amendment be added to the recommendation that further consideration be given as to how the policy could be flexibly implemented including use of language.

- ix. Cllr V Gay praised the document and highlighted areas which she considered to be excellent examples of interlocking plans and policies. She stated that she was less concerned about the matter of flexibility, and considered it had been covered at various points within the document that competing interests would need to be weighed by the decision maker. Cllr V Gay expressed her belief that this was more broadly a matter of social justice and commented that whilst many in the U.K may consider coastal issues a uniquely privileged area with lovely views, it was often such areas with greater levels of social inequality, lower incomes, poorer health and worse health provision, all of which should be taken into account.
- x. Cllr J Toye praised the document and supported comments made by Cllr N Dixon. He highlighted a discrepancy between officers' statements; that there would be flexibility of rollback buildings in the new policy with regards to building size, and what was included within the document; that rollback properties would be 'like for like' in size. He sought to ensure that the SPD would not undermine or challenge existing NNDC policies.
- xi. The PPM commented that there were some subtle differences of policy between the Local Authorities within the steering group, and suggested that after the consultation an editorial exercise be undertaken to better align the document with existing policies. The PPM noted Members' comments and considered the use of language was important in allowing a degree flexibility i.e. 'have regard to' vs 'comply with' or 'justify a departure from' all of which have different meanings.
- xii. Cllr L Withington commented that within the report that not enough focus had been given to responsiveness. She stated that there was a greater need to consider proactive responsiveness, as forecasting coastal erosion was not an exact science, rather it was a dynamic situation.
- xiii. The PPM noted Members' comments on use of language, and the use of the word responsive.
- xiv. Cllr A Fitch-Tillett stated that in coastal management there was a need to respond reactively. She commented that the Council were currently only able to act reactively to manage trigger-points but that the rulebook effectively went out of the window when it came to coastal erosion and risk mapping. Moving forward she affirmed the wish was for the Council to be in a position to act proactively. Cllr A Fitch-Tillett commented that one of the key drivers of coastal erosion within the district was ground water within cliffs. She affirmed that there needed to be an element of flexibility to cope with the challenges of wind and waves.
- xv. Cllr V Holliday contended that betterment should be achieved through the rollback scheme, rather than the current policy of 'like for like', and commented that she would prefer that greater emphasis be given to habitat creation.
- xvi. The PPM advised that rollback would inherently result in more sustainable development, with developments being located outside of risk areas. He noted Cllr V Holliday's comments and stated he would consider including wording for nature-based solutions and other creative thinking to benefit a proposal. In response to questions from the Chairman he commented that

there was an expectation within policy that land be returned to a natural state following rollback, and the Council were now presented with the opportunity to consider what could be done with the land with respect to bio-diversity net gain.

The PPM advised that the intent of the policy was to sustain communities and supplied an example within Happisburgh allowing for the retention of service users making use of local amenities including pubs and shops adding to the viability of the community. He noted that there would be little incentive for a landowner to give up their business to trade for something else and stressed the need to ensure rollback was economically viable.

- xvii. Cllr P Heinrich asked if there was a strategy in place that the land be returned to nature and for a process of rewilding to occur.
- xviii. The PPM advised that policy requires details of reinstatement of the existing site to be agreed, but that this was not in the prescribed manner outlined by Members. The PPM reminded Members that they were asked to consider to recommend to Cabinet the approval of the SPD for consultation, and that conversation was straying to Local Plan Policy.
- xix. The Chairman noted that Deep Coast History was not detailed within the document and asked that this be added. The PPM agreed to add this to his list.
- xx. The PPM advised that he had noted Members discussion specifically surrounding Co2 Emissions, Nature Based Solutions, Deep Coast History use of language including use of the word responsive, and the need for references in the introduction to a suite of policies. He advised that this was not a standalone document and that it would evolve over time.
- xxi. Cllr V Gay proposed and Cllr P Heinrich seconded the Officers recommendation.
- xxii. Cllr J Punchard noted that the signatory for NNDC on Appendix A was no longer a Member for NNDC and asked if a new signatory could be considered.

IT WAS UNANIMOUSLY RESOLVED that:

- a. Members of the Planning Policy & Built Heritage Working Party recommend to Cabinet that the draft Coastal Adaptation Supplementary Planning Document be published for formal consultation; and
- b. Delegated authority is given to the Planning Policy Manager in consultation with the Portfolio Holder, to make minor modifications and presentational or typographical amendments to the draft Coastal Adaptation Supplementary Planning Document that arise from other relevant Local Planning Authority sign-off committees prior to it being published for formal consultation: and
- c. The Planning Policy Manager to further consider as to how the Coastal Adaptation Supplementary Planning Document could be flexibly implemented including use of language.

44 LOCAL PLAN UPDATE (VERBAL)

- i. The PPM updated Members on the current position of the Local Plan and what the next stages would be ahead of its submission. He noted that Members were in receipt of a schedule of modifications following the Regulation-19 (Reg-19) consultation responses. As part of the submission process Members had the opportunity to consider the responses made during the Reg-19 process, and were encouraged by the PPM to do so. Any modifications agreed by Members would form a separate schedule of modification document which would be submitted to the Planning Inspector alongside the Local Plan. It would be for the Inspector to decide if the proposed modifications were acceptable or not.

He confirmed that when brought to the Working Party at the next meeting, issue matters would be grouped into policy areas and subdivided into key issues. The PPM commented that the process of aggregating responses had taken Officer time as not all responses from the public had been received in the prescribed format. It was envisioned that at the December Working Party Policy Area would be considered with Site Allocations considered at the January 2023 meeting. If supported by the Working Party the Local Plan would progress through to Cabinet and then to Full Council. Issues of a typographical nature would be added to the schedule by officers, it was not asked for Members to comment upon any grammatical or typographical errors.

The PPM cautioned Members that if any substantial changes were proposed that the Local Plan would not be submitted within the intended timeframe.

- ii. Cllr V Gay asked if the Planning Inspector would be interested in the quality of Members' discussion and if Minutes would be provided to the Inspector evidencing debate and deliberation.
- iii. The PPM advised the Planning Inspector would have access to Minutes, contents of the website and the Livestream of meetings via the Council eDemocracy YouTube page. Whilst the Inspector may be curious about Members' debate, they would largely focus on the contents of the Local Plan itself, including consultation responses and the contents of the schedule of modifications. He stressed the importance to give justice to the Reg-19 responses at the next couple of meetings.

The PPM acknowledged one area of difficulty presented since the Reg-19 Consultation was the matter of Nutrient Neutrality (N.N), and noted that the Local Plan made no reference to N.N. He contended that viability assessments regularly changed and that a new NPPF was to be published in the New Year with the Levelling Up and Regeneration Bill to follow. The PPM was satisfied with the approach to submit the Local Plan ahead of the new administration.

- iv. The Chairman stated that he was keen for the Local Plan to be submitted before May 2023, and cautioned Members that there would likely be an Extra-Ordinary Full Council Meeting required in February to address Local Plan submission. He considered it important for the sake of openness and transparency that the Local Plan be considered by Full Council rather than by Cabinet alone.

- v. Cllr N Dixon supported the approach set out by the Chairman and stated that it was important that Members discharged their duty to ensure that business and residents' interests were covered within the Local Plan.
- vi. Cllr V Gay agreed that the Local Plan should be presented to Full Council, and asked if the recommendation would be for submission. The Chairman confirmed all being well and according with the proposed timeline, the recommendation would be for submission.
- vii. Cllr J Punchard asked if the Local Plan would be considered by the Overview and Scrutiny Committee after Cabinet. The Chairman commented that as the Local Plan would be progressed through Full Council it would be considered by all Members not simply Overview and Scrutiny Committee Members.

45 EXCLUSION OF PRESS AND PUBLIC

None.

46 TO CONSIDER ANY MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

- i. Cllr N Dixon expressed his disappointment that, at the prior meeting, the item of the Infrastructure Delivery Plan (IDP) had been poorly received, with Members not having been supplied full documentation prior to the meeting which was further exacerbated by issues with technology at the meeting. He stated that he would like sight of the IDP before its inclusion on any future Agenda, ideally within the next 10 working days regardless of whether the IDP was in draft form. He stressed the importance that Members have sight of the document with the appropriate time to properly consider its contents.
- ii. The PPM advised that whilst he had seen the draft IDP document, he would like to consider and be satisfied with its contents before releasing to Members. He advised that the IDP had been included on the Agenda of the prior meeting for information purposes only and commented that Members had not been asked to approve the document.
- iii. Cllr N Dixon stated that he was surprised that the IDP had been included as an item on the Agenda if it was not ready for review by Members. He considered the contents presented to Members to be insubstantial, which had failed to enable Members the opportunity to properly consider the contents of the IDP. Cllr N Dixon commented that he would be reticent to be presented with a large document for consideration and sign off without prior sight, and reiterated his disappointment that the IDP had not been presented to Members for the last meeting or subsequently.
- iv. The Chairman advised that there would be large agendas both in December and January to address the Local Plan, irrespective of whether the IDP was included as an Agenda Item.
- v. Cllr N Dixon argued that this further justified Members being circulated the IDP before its inclusion as an Agenda Item and called on the PPM to supply the IDP within the next 10 working days.
- vi. The PPM agreed to supply the IDP within the next 10 working days. He

cautioned Members that the document was a work in progress and would be in draft form.

47 ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

None.

The meeting ended at 3.01 am.

Chairman