

# **PLANNING POLICY & BUILT HERITAGE WORKING PARTY**

**Minutes of the meeting of the Planning Policy & Built Heritage Working Party held on Monday, 10 July 2023 at the Council Chamber - Council Offices at 10.00 am**

**Committee** Cllr G Bull (Vice-Chairman – deputising as Chairman for the meeting)

**Members Present:**

Cllr M Batey

Cllr N Dixon

Cllr V Holliday

Cllr J Punchard

Cllr P Heinrich

Cllr L Paterson

Cllr J Toye

**Members in attendance:**

Cllr W Fredericks

Cllr A Fitch-Tillett

**Officers in Attendance:**

Planning Policy Manager (PPM)

Democratic Services Officer - Regulatory

## **9 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Brown (Chairman), Cllr P Fisher, Cllr M Hankins and Cllr A Varley. Cllr G Bull deputised as Chairman for the meeting.

## **10 PUBLIC QUESTIONS**

None received.

## **11 MINUTES**

The minutes of the Planning Policy & Built Heritage Working Party meeting held Monday 12<sup>th</sup> June 2023 were approved as a correct record.

## **12 ITEMS OF URGENT BUSINESS**

None.

## **13 DECLARATIONS OF INTEREST**

The Chairman declared a non-pecuniary interest in Agenda Item 7, he is a Local Member for North Walsham, but confirmed that he remained open minded on this matter.

## **14 LOCAL PLAN UPDATE: EXAMINATION PROCESS**

- i. The PPM introduced the Officer's report and recommendation. Since the submission of the Local Plan the Inspector had been appointed and sought clarification on various issues. The PPM anticipated more questions would be raised in relation to other policy areas over the next few weeks leading into the examination hearings.

The PPM sought delegated authority to respond to the Planning Inspector in

the first instance, and confirmed that he intended to take soundings from the Planning Portfolio holder when responding. In approving the recommendation, this would ensure that responses were made in a timely manner, and prevent the potential challenge that the Officer responding the Inspector did not have the proper authority to do so.

The PPM affirmed that the questions provided in Appendix A were supplied as demonstratives, and it was not asked that Members respond to the Inspectors questions supplied at this meeting.

- ii. Cllr J Toye considered the approach set out by the PPM to be sensible, noting that there was huge flux within planning presently including matters of Nutrient Neutrality which the Prime Minister had indicated may be revised. He stated he would like for the Working Party to be regularly updated as to the progress of the Local Plan, as appropriate. Cllr J Toye proposed acceptance of the Officer's recommendation.
- iii. The PPM agreed that he would table a general standing item on the Local Plan for the Working Party.
- iv. Cllr P Heinrich asked, with respect of National Housing Target's, what the current government position was.
- v. The PPM advised that the Local Plan included 2 housing figures, a minimum figure based on the 2016 household forecast and a second higher figure which Officer's argued the plan was capable of delivering.

The current requirement was that Councils should use the standard government methodology to calculate the minimum figure. NNDC did not use this methodology and so were at odds with the current government guidance. One of the emerging proposals in the Levelling Up and Regeneration Bill, presently undergoing consultation, was the removal of this requirement and wording added to the NPPF to include 'unless exceptional circumstances apply'.

The PPM confirmed that the outcome of the consultation was not yet known, and it was uncertain what the future of housing targets would be. All Local Authorities were still working towards the central housing targets. The PPM remarked that by the time the hearings take place that the targets may have changed.

He commented that it was unsurprising that the Planning Inspector had raised questions about the housing figures. Officers would work to defend the lower figure, set by the Council, and justify reasons for departure from the standard methodology. The Inspector may be minded to consider alternate figures and confirm what that Councils' position would be if the housing figure was modified. The PPM advised in such instance, he would not respond to the Inspector without first speaking with the Portfolio Holder.

- vi. Cllr J Punchard stated it seemed eminently sensible to move the plan back, as questioned by the Inspector, though stressed it was important the council be conscious of the impact this may have on individual policies and matters i.e. renewable energy infrastructure.
- vii. The PPM confirmed that he would look to review each individual policy when

considering the Inspector's question about pushing back the plan dates. Certainly, the Council would not wish to be working to today's standards in 2040 with respect renewable energy, as there was an expectation that things would improve.

- viii. Cllr V Holliday expressed her support for the Officer's recommendation and for the Working Party being provided regular updates. She sought clarity whether some of the decisions would be brought back to the Working Party.
- ix. The PPM advised, as a back stop position, that he would return items to the Working Party should the Inspector recommend substantial modifications, which may otherwise find the Plan unsound. In the first instance the PPM would consult with the Portfolio Holder, before going to the Working Party for further endorsement.

In the event that the Planning Inspector considered the need for substantial modification, they would likely adjourn the hearing for a number of weeks or months to enable the Council to form a revised view. Such a shift in policy would go out to public consultation. The PPM affirmed that it was highly likely that there would be further public consultations in relation to the modifications already scheduled.

- x. Cllr N Dixon agreed with the proposed delegation to the PPM and reflected on the prior two cycles of Local Plan examination, to which he had been a Member, that there was a lot of routine matters which the PPM should be able to answer without difficulties. He stated that those issues which fell out of this scope and were far broader reaching, should not only return to the Working Party but to Cabinet also.

Cllr N Dixon noted that previously the Working Party had not been chaired by the Portfolio Holder for Planning and considered the process for referral may be more robust if wording be added to the recommendation that the PPM be delegated authority in consultation with the Portfolio Holder 'and the Chairman of the Planning Policy & Built Heritage Working Party'. This would cover off a potential scenario in which the Portfolio Holder was not the Chairman, and would allow for the Vice-Chairman of the Working Party to deputise should the Chairman be unavailable.

With regards the questions raised by the Inspector, Cllr N Dixon reserved his judgement till the full implications were known for extending the plan period. Similarly, with respect Nutrient Neutrality the plan for full mitigation delivery was work in progress. He considered more information was needed in order to form a meaningful response.

- xi. Cllr W Fredericks welcomed that the Council would be able to put forward their case to the Planning Inspector, particularly with respect of housing targets and social housing. She noted that 4 million homes needed to be built nationally to meet current demand. Cllr W Fredericks asked what support would be given to the Local Authority in delivering house building, and commented that the developer controlled whether delivery was achieved. She expressed concern that developers would not deliver on affordable homes, and may potentially block land for development until such time it was in the developer's interest.
- xii. The PPM advised the higher figure in the plan enabled a failure contingency

in the event that some sites weren't delivered. He commented that the Local Authority had some influence on build out rates of permitted decisions, in granting permission subject to delivery of the development in 18 months (by way of an example). Further, the government could incentivise development through changes to taxes, use of grants or subsidies. Ultimately, the Local Authority had little power to directly intervene in market failure. The PPM advised that the Planning Inspector would carefully consider the deliverability of sites, review the history of the site, ownership, financing and viability to determine if there was a 'realistic prospect' of the site being built in the timeframe specified.

- xiii. Cllr J Toye agreed with the principle of Cllr N Dixons amendment, but considered the inclusion of the 'Vice Chairman' was too prescriptive, rather, he would consider the Portfolio Holder should gather soundings from the Working Party or Local Members more broadly when forming a view.
- xiv. The PPM advised the wording would be for the inclusion of the 'Chairman of the Working Party' with the expectation that the Vice-Chairman would deputise in the event that the Chairman was unavailable for an extended period of time under the constitutional arrangements.

The PPM commented that that questions tabled were offered as an example, and he had not anticipated Members to form a response. Following Members commented he advised he would, if permitted, respond to the Inspector and report back to the Working Party as to how he had responded. He reiterated that there would be significant time delays without delegated power to respond.

- xv. Cllr N Dixon reflected that the situation was worse than Cllr W Fredericks described. First, there may be a situation in which no planning applications are received despite inclusion of sites in the Local Plan. Second, the delivery of approved planning applications rested with the applicant or central government, not the Local Authority. The 4 million homes figure was that required today, but this figure was likely to increase as it was being delivered and therefore was 4 million plus. Cllr N Dixon commented that the 4 million homes was the symptom, not the cause of the problem, and cautioned treating the symptoms without addressing the underlying cause. Should Central Government decide to intervene it would effectively become the market maker, a very different role and one with political difficulties. Cllr N Dixon concluded in stating that he was mindful that there were no easy solutions.
- xvi. Cllr J Toye accepted the Officers recommendation with the amendment put forward by Cllr N Dixon. Cllr P Heinrich seconded the recommendation

#### **UNANIMOUSLY RESOLVED**

**That Members of the Planning Policy & Built Heritage Working Party recommend to Cabinet that delegated authority is given to the Planning Policy Manager in consultation with the Planning Portfolio Holder and Chairman of the Planning Policy & Built Heritage Working Party to respond to the Inspectors questions prior to and during the Examination hearings.**

## 15 NORTH WALSHAM WEST DEVELOPMENT BRIEF: CONSULTATION PROPOSALS

- i. The PPM introduced the Officers report and recommendation, noting that a significant proportion of the homes proposed in the Local Plan would be achieved through the North Walsham West Development (NWWD). Should the Inspector consider the NWWD unviable, it was expected the whole Plan would fail. The PPM advised, to demonstrate to the Inspector that the NWWD was achievable, a development brief must be prepared, and this would require significant resourcing from the Local Authority and the Consortium.

The PPM confirmed Members were asked to consider the consultation arrangements and not the brief itself. He did not intend to present the full development brief to Members till after the public consultation, though would present a draft version at the next Working Party for endorsement of the public consultation only. He commented that the Consultation arrangements proposed was broadly similar to the Consultation for the Local Plan, with a timetable of events set out in the agenda pack.

- ii. Cllr P Heinrich stated he was not opposed the NWWD provided specific criteria were met. He expressed serious concern that the Working Party, nor Local Members had, to date, been provided with the proposed development brief, further North Walsham Members had not had any real input into the brief despite asking 4 years ago to be involved. He considered that the brief would therefore effectively be a creature of the Consortium, given the limited input from Members. With respect of the proposed timetable, Cllr P Heinrich detailed his reservations that the majority of the consultation would take place in August when the public may be on holiday and unable to fully engage with the process. He considered it more appropriate that the consultation be pushed back to September and early October, else the Council be accused of arranging a nominal consultation only and not a detailed evaluation of the scheme by residents.

As Local Member, and without having seen the development brief, Cllr P Heinrich stressed the critical importance of the Cromer Road linking to the Industrial Estate which had been debated in full by the Working Party and at North Walsham Town Council. Additionally, as Portfolio Holder for Economic growth he noted the economic benefits which would be enabled through the link road, in an area of the district with limited employment land. Cllr P Heinrich affirmed that the road would be at a considerable cost with estimates of 21 million, likely only go up, and commented that he would like to see that this matter be looked at totally independently.

Whilst not opposed to the consultation in principle, Cllr P Heinrich considered the timing was wrong, and affirmed that the Working Party and Local Members needed to have seen and understood the development brief before commencement of the consultation.

- iii. Cllr V Holliday agreed that the proposed timeline was inappropriate, falling in August, and expressed her concern over the use of a flyer for a complex subject matter requiring high levels of detail. Further, she noted not all residents were online, and some may not read leaflets coming through the post, therefore a multifaceted approach was required. Cllr V Holliday argued that a hard copy of the survey should be sent to all North Walsham residents

to ensure maximum participation, and that she was currently unconvinced with that proposed.

- iv. Cllr N Dixon stated he was sympathetic with the views raised by Cllr P Heinrich and sought confirmation when the development brief would be available, and when this would be a complete piece of work. He stated it was important that this be published in good time to ensure everyone could consider, digest and understand its contents, only then would individuals be able to participate in a meaningful consultation. Cllr N Dixon suggested extending the end date by another 3 weeks to increase participation.
- v. The PPM stated it would be beneficial to make available to the Inspector a development brief which had been subject to public consultation by the time examination hearings commence. The further along the process, the better the delivery credentials of the NWWD scheme would be. Officers had worked backwards from an expected examination date (end of September) to achieve a consulted upon brief. The PPM conceded that Members were being asked to go out to consultation on something they had not seen and accepted Members concerns. He advised that the development brief would have been tabled at the meeting, had it been complete, but there was still work ongoing and it was anticipated that the brief would be presented at the next meeting of the Working Party. Before the next meeting he confirmed he would arrange meetings with the Local Member's to ensure they had early sight of the brief ahead of the Working Party Meeting. The PPM acknowledged the NWWD development brief and consultation required a significant amount of work, and he was keen to get an indication from Members how to proceed. Subject to approval at the August Working Party to go out to consultation, the PPM commented it would be reasonable to start the consultation process in the middle of August and extend through to the end of September, pending engagement with Local Members and Members more broadly before the meeting, with the PPM noting that there was winder interest for NWWD. Should the brief be unavailable for the August meeting, the timetable would need to shift.
- vi. Cllr W Fredericks asked, as Chairman of the Health and Wellbeing partnership for North Norfolk, if the brief would detail what accompanying infrastructure would feature within the development including water, schools and doctors surgeries. She asked that the Health and Wellbeing partnership be consulted on the NWWD development brief.
- vii. The PPM advised the latest version was over 100 pages, though commented this would be edited down before publication, and would comprehensively cover all aspects set out by Cllr W Fredericks. The PPM stressed that the development brief was an intermediate document, not a planning application, setting out the principle for development. The consultation would be made available to all the relevant health organisations, and other key stakeholders, who would be able to contribute to a final draft.
- viii. Cllr P Heinrich thanked the PPM for his compromised solution in delaying the consultation period to avoid the summer season and to enable Members to meet with the PPM to see and discuss the draft brief.
- ix. Cllr J Toyne queried whether one half day in person afternoon and evening event would be sufficient, given working people's availability. Additionally, he commented the use of QR codes could be proliferated across the documents

to increase information sharing.

- x. The PPM noted the practical and mechanical issues raised by Members with regard the consultation, which he considered to be useful modifications to be factored in to the revised timetable. The PPM considered he had been provided clear guidance as to Member's current position, and pragmatically recommended Members defer further consideration of the NWWD and consultation until the next meeting. The PPM stressed he would not ask Member's to endorse the content of the brief till after a public consultation exercise, rather he would seek confirmation Members were comfortable to go out to consultation.
- xi. The Chairman asked whether the drafted flyers would be seen by Members before being made available. He stated he would not be comfortable endorsing the publication of the flyer without reviewing its contents. As a Local Member for North Walsham he understood the depth of feeling from residents. The Chairman commented it would be crazy for Members to agree to a consultation without first seeing the brief.
- xii. The PPM confirmed flyers would not be dispatched till Members had seen them. He advised most of the content of the flyer would remain unchanged should the recommendation be deferred till the following month. Significant resource would go into the design of the flyer and of the public documents, this preparation could be done in advance of the next meeting.
- xiii. Cllr N Dixon proposed deferment, Cllr J Toye seconded.

**IT WAS UNANIMOUSLY RESOLVED**

**That the item be deferred to the next meeting of the Planning Policy & Built Heritage Working Party.**

**16 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 11.09 am.

---

Chairman