

No	Action Point	Allocation	Timeframe	Update
11	<b><u>Introduction and Apologies</u></b>			<p>Apologies: Julia Beeden, Lee Bevens, Dino Biagioni, Ted Brand, Eugene Cooper, Marcel Cooper, Hilary Ellis, Keith Hutchinson, Graham Moore, Nick Seaton, Councillor Will Sutton and David Wyatt</p> <p>Present: Stephen Buddle, Nick Harding, Ben Hornigold, Peter Humphrey, Shanna Jackson, Councillor Mrs Dee Laws, John Maxey (Chairman), Victoria McIlroy, Carol Pilson, David Rowen, Adam Scott, Tim Slater, David Thomas, Gemma Wildman, Martin Williams and Christian Wilson</p> <p>Observing: Councillor Ian Benney and Councillor Mrs Jan French</p>
12	<b><u>Review of Action Schedule from Last Meeting held on 10 July 2019</u></b>			<p>The Chairman asked if there was now a Flood Management Report as Gary Garford had indicated at his last update there may be one available late summer. Nick Harding said he would check and circulate if there is one.</p> <p>Peter Humphrey noted that the Schedule stated Gary Garford would be giving a presentation at this forum on the Garden Town Project. Carol Pilson said that this would be rescheduled.</p> <p>The action schedule of the meeting of 10 July 2019 was then agreed and approved.</p>

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13	<b><u>100k Homes</u></b>			This presentation was deferred to the next meeting in January at the request of East Cambs.
14	<b><u>Fenland Local Plan Review, Issues and Options Consultation</u></b>			<p>Gemma Wildman gave a presentation on the Fenland Local Plan which is now under review. The new plan will set out how Fenland will grow up until 2040. The public consultation is now open and will run until 21/11/19 and all the information and reports are available on the FDC website.</p> <p>The Chairman thanked GW for her presentation and asked if all members of the forum received her notification. GW stated that due to data protection laws it was not possible to use the same list but she had advised people on the list to register their details and believed most had.</p> <p>Martin Williams said that he had seen the evidence re the flood risk assessment. If a piece of land is in FZ3, would the report carry weight? GM said that we have to follow national policy, therefore we would have to assess sites by looking at FZ1 first and if we could not meet our requirements then we would have to assess FZ2 then FZ3. There has to be a sequential approach, however in this area it is very likely that we will be unable to meet all our housing needs in FZ1 so we will look at our water cycle and flood risk assessments to find the most appropriate sites. MW mentioned that the last action plan stated the cost of the barrier in respect of Wisbech development and that it could be removed from FZ3. The Chairman suggested that MW read the documents that GW had referred to as this would give him the information he required and showed</p>

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				<p>how sites are scored. The points MW made had been raised in a meeting that the Chairman and PH had attended with CP, GW and NH; flood zone on its own is not the best indicator of the actual risk of flood on site. FDC is constrained by national policy that says they have to look at FZ1 but if the intention is to have a strategy of growth they do have to be able to assess the individual sites as to where the lower risk points and sites that may all be in FZ3 but are not all at the same flood risk. It is a question of finding the process we can properly assess if we are going to have situations where there are villages that are all flood zone 3 and we are still going to allow a certain amount of development, scale to be determined, how we direct that development to the right areas in the village where you minimise the flood risk. GW added that the full site assessment process balances lots of issues, so flood risk is one of many; there may be other constraints on sites but we have to build on the best site based on all sorts of criteria, not just flood risk.</p> <p>Councillor Mrs Laws said that as Chairman of the working party, what we have said is that we would work any developments and she added that any proposals that have previously been refused, we want to view again and asked that the members of the forum bear that in mind.</p> <p>CW asked if there is a minimum size of site. GW said it is 0.165 hectares and 5 dwellings.</p> <p>The Chairman said that several forum members attended a seminar on the Council's viability work</p>

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				<p>on the 19<sup>th</sup> September. This was a presentation by Simon Drummond-Hay on the draft report he is putting together that shows the methodology the Council will be using. Since that date the consultation period has been extended to 5<sup>th</sup> November. The Chairman added he is putting together a report funded by a consortium of developers that will do a full study of their own as to land values, costs, and what the S106 ask is at policy level. This should be a document that produces some answers of its own, comparable with the Council's, that will hopefully lead to full and frank discussion on where the answer is. We know that the 2014 plan is not viable. It will not be possible to look at every site individually going forward and that is going to produce challenges. How will the Council produce the right numbers of affordable housing and what sort of affordable housing will we not want. The Chairman added he believes it is very important at an early stage that developers have a robust evidence document to assist the Council in getting the right answers; it should be a collaborative process and not a battle.</p> <p>The Chairman added that he is grateful to GW and her team for extending the deadline and for those who agreed to help fund this. However, we are not quite up to the required budget and if there is anyone else willing to contribute, then he would be very grateful.</p> <p>GW asked if she could attend the forum in January to provide a summary of results of the consultation. The Chairman said that whilst the Local Plan is in preparation, the hope is that she would want to come to every forum with updates.</p>

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15	<p><b><u>Update on discussions with Middle Level and regarding Local Land Charges</u></b></p>			<p>The Chairman said that members are aware a challenge was raised to FDC and KLWN over the procedure of registering local land charges where there are not full details of drainage proposed for site in place at the time consent was granted.</p> <p>Following on from this, KLWN has agreed to remove all local land charges and will not place any more on their register following on from planning consent's reliance on the drainage. The FDC position is they have never have put a local land charge on, but what they have inserted is what Middle Level have requested, which was a note on the record and they continue to maintain they can do this. The remaining disagreement is whether there is such a thing as a note on the register. Advice from a barrister is that there is either a local land charge or nothing. The reason for the disagreement is that there are a lot of these notes being interpreted by search companies as charges.</p> <p>Discussions are ongoing and if we can arrive at a condition that was put on the planning consent that made it clear that when reserve matters are submitted they need to include full drainage details that may be the satisfactory solution for everyone. There will be further discussion regarding the phrasing of such a condition and the Chairman will continue to pursue this in order to arrive at a resolution.</p> <p>Nick Harding said that in terms of FDC's position, generally we would only ask for drainage details on larger sites or where a particular drainage issue is drawn to our attention that needs resolving. We focus only on major applications</p>

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				<p>because we look to the lead local flood authority to assist us in the discharge of those surface water conditions. The IDB concern extends to smaller schemes also. If we were to request drainage details for all applications where there is a surface water discharge, we do not have the manpower or technical knowledge to deal with that workload. There is the possibility of having a compliance condition placed on these planning permissions saying that drainage should be dealt with by certain means unless it is demonstrated that a soakaway is not suitable. Alternatively, all those small schemes have a note highlighting the need for IDB approval if draining into their systems. The IDB have made it clear that for a modest fee you can apply to them with your surface water drainage proposals and they will indicate if the proposals are satisfactory or not. NH added that in his view it is more straightforward to deal directly with organisations rather than through the council as a third party, although he knows there is disagreement on that.</p> <p>David Thomas said that he found it strange that the planning authority is seen as the third party in the planning process. It has an obligation to ensure that planning is appropriate in all aspects, and he is getting the impression they want to wash their hands of the surface water aspect. It is right that consent is required where direct discharge is being made into a watercourse but we are talking about conflict with national policy that is pushing developers and planning authorities to insisting that the default position is where drainage and direct discharge is onto the hierarchy as a last resort in drainage solutions. The majority of settlement areas are clay so</p>

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				<p>infiltration is not the ideal solution and often it takes technical arrangements to make it work. It is accepted that this is an issue and although all authorities involved will be meeting to discuss and pursue an answer to this, he is concerned that we seem to be going round in circles and not coming to a resolution. It also seems to fall on building control to monitor and ensure the solutions are implemented correctly, but we know it is not working as there are currently no mechanisms in place to make it work. Therefore it is of concern to hear that building regulation controls may be removed in future. The Chairman said that the issue is not where this is discharge but those sites with soakaways or infiltration of other kinds which are then not within the statutory powers of the board to grant a discharge on. He has suggested a planning condition that says when reserve matters are submitted they are to include full details of surface water drainage with sufficient background detail to ensure they have been proposed to a satisfactory standard.</p> <p>David Thomas agreed, saying we need to get the solution right. Surface water flooding is being pushed very heavily by all councils and brought up the agenda. With climate change problems of localised flooding are going to increase and we need to address this now.</p> <p>NH said he was not abdicating FDC responsibility but was trying to say that if we were to engage with developers on the discharge of these conditions for every development that required a soakaway, they would require a financial contribution from FDC for delivering that service our behalf. FDC gets a modest fee for dealing</p>

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				<p>with discharge of conditions but it does not cover the cost of dealing with those types of applications and the point made by the Chairman was that we cannot require these applications to be made by an engineering professional. If someone says that is what they need, we cannot insist they have suitable qualifications for the submission. The Chairman said we would need to see proper calculations with the proposal. It is not perfect but it would be an improved position. DT said that sampling could be arranged, this would be at a lesser cost. The Chairman said at least this shows we are all trying to work together to find a solution.</p>
16	<p><b><u>Performance and Staffing update</u></b></p>			<p>Nick Harding provided an update on performance and staffing.</p> <p>Performance on validation has improved over the year, with 82% of validations within 5 working days now that staffing issues have been resolved. Major applications are being decided within 13 weeks. Without extensions of time being agreed we are running at 21% on these. Since April we have determined approximately 25 major applications, but the main reason why we are currently running at this level is because there has been quite a lot of ongoing dialogue on those applications and subsequent re-consultations. As members of the forum are aware, we had a change of approach earlier in the year where we agreed that when a planning application is received and it looks unfavourable, we have asked for it to be withdrawn if a significant amount of work is required to make it successful. In the long term we should see an improvement on that 21% with this new approach.</p>



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				<p>The Chairman said that his experience is we are still seeing long periods to get S106 through and this is an ongoing problem and asked if this could be shortened. NH said we are in the process of putting final touches to S106 unilateral agreements which will help move things along, we are also engaging with the County Council and potentially looking at cutting them out as a signatory to S106 where it is a cash only arrangement. The Chairman said that would help.</p> <p>In respect of staff updates, Jennifer Seaman will be leaving at the end of this month and Kathryn Brand has returned after a break.</p>
17	<u>Any other business</u>			<p>Nick Harding said that the rollout of faster broadband to all parts of the country may yet have an impact on planning. There is also the potential for a planning angle for legal obligations in respect of environmental improvements/ ecology. The new Secretary of State has announced there will be a national design guide with a consultation on a new national design code next year and also a requirement of local authorities to each have their own code in the future.</p> <p>There is currently a building regulations consultation about future home standards to drive higher the eco credentials of new residential properties, with a web link to the consultation and documents, and NH will circulate the presentation after the meeting. In the autumn there will be an accelerated planning green paper and it is suggested there will be a new tiered planning system. Detached homes will potentially be able</p>

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				<p>to add two storeys without planning permission. Upwards extensions of town centre buildings and the potential to demolish town centre buildings and replace with residential development are some of the other proposals.</p> <p>The Chairman raised a question submitted in writing by Ted Brand. He asked what the anticipated timescale is for the results of the March Area Transport Study as this appears to be delaying current major applications and is likely to affect future applications. CCC has only stated it will be completed this winter.</p> <p>NH advised the study is funded by the Combined Authority with the work being carried out by FDC officers in conjunction with CCC. Study work is underway and due to be completed at year end. The outputs from that will include some indicative junction improvement schemes and will be subject to public consultation early in 2020. Post consultation, the package of improvement schemes will be reported back to the CA to agree how they will be carried forward. The Chairman said that hopefully we would have an update for the next meeting.</p> <p>NH gave an assurance that FDC will be considering planning applications in the usual way whilst this transport study is ongoing. We can only reasonably refuse an application on the grounds that the proposal is running contrary to a transport improvement scheme that may be coming out of the study.</p> <p>Councillor Mrs Laws raised that she had spent time with the validation team and was sorry to</p>

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				<p>report that the quality of applications coming in was very poor, i.e. one application had four documents missing. Many of the errors are down to lack of proof reading or not double checking the application. The team cannot move forward with applications that contain such mistakes. There is an open approach in that staff can contact agents and advise what is missing or incorrect but this causes time delay. We offered a training session on validation but it was cancelled due to lack of support. Councillor Mrs Laws added that she was not directing this comment to anyone around the table but it needed to be noted. She requested that we all work together as she hears criticism over the length of time taken on validation but these mistakes are often what cause the delay; there were 11 applications that could not be processed because of simple errors. Nobody wants these costly time delays, staffing issues are sorted; the team is very good and approachable. Martin Williams agreed that the team are very good but in defence of developers, different authorities have different requirements.</p> <p>Councillor Mrs Laws asked if it was worthwhile arranging another session on validations for agents and developers. The Chairman said it was disappointing there was little take up last time; it is a sensible offer to make in view of the proportion of incorrect applications. Councillor Mrs Laws said she would be able to provide statistics to support this view but unfortunately those that needed to hear this are not at this meeting.</p> <p>David Thomas took the opportunity to raise how under exploited the waterways are in March and the local area. In view of the current consultation</p>

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				<p>on the local plan, he would encourage all to think about the value of the waterway system and how we can make more of it and respond to the consultation. Opportunities have been missed. This may not be the right forum to raise this but looking at the bigger picture there is uplift in property values linked with attractive navigation, figures suggest that any boats stopping in any location spend an average of £100 in the town it is stopping in. Therefore we all have a vested interest in this. Councillor Mrs Laws said this subject was very high on a working group agenda under tourism. She agreed it needs investment and promotion but people do need to respond to the consultation.</p> <p>The Chairman raised the issue of the next agenda, noting that attendance at the meeting today was poor and asked if we are covering the right things in this forum. In January we will be hearing about £100k homes and the local plan update. Forum members further suggested: any update on the Wisbech Rail Link; progress on Wisbech Garden Town; the Royal Haskoning report on drainage issues; Cambs Local Nature Partnership and an update on the Fenland Biosphere. NH offered to update on the March Transport Study if there was any news.</p> <p>The next meeting will be at 3pm in the Council Chamber on 15 January 2020.</p>

Finish: 4.20 pm