

No	Action Point	Allocation	Timeframe	Update
1	<u>Introduction and Apologies</u>			<p>Apologies received from: Lee Bevens, Stephen Buddle, Mark Greenwood, Emma Nasta, David Rowen, Anna Goodall and Councillor Will Sutton</p> <p>Present: Dino Biagioni, Matthew Hall, Nick Harding (Chair), Councillor Mrs Dee Laws, John Maxey, Tim Slater, Will Hodgson. Shanna Jackson, David Thomas, Jordan Trundle, Graham Moore and David Wyatt.</p>
2	<u>Review of Action Schedule from Last Meeting held on 13 April 2022</u>			The action schedule was agreed.
3	<u>Local Plan Update</u>			<p>Nick Harding gave an update to the Forum with regards to the Local Plan.</p> <p>He explained that the draft plan went to Cabinet in June and that document with some revisions was approved for public consultation.</p> <p>This consultation will be for 8 weeks which will be in August and September and when it is published alongside it as part of the evidence base there will be the assessment that was undertaken at each of the sites that were put forward and for allocation in the plan with an explanation of why it was included. Those sites which were not successful will also have an explanation as to the</p>

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				<p>reasons why and if any assessments need to be challenged by Agents and Developers then this document should be consulted in order to ask the Council to reconsider whether to allocate that particular site or not.</p> <p>Nick Harding referred to the rest of the Local Plan timetable and stated that once the consultation has been completed, all the comments that have been received will be reviewed and they will be published on the website and then an assessment will take place of any additional sites that get passed to officers for reconsideration.</p> <p>This information will be published in November /December 2022 and in early 2023 the public consultation on the submission version of the plan will take place, which is then submitted to the Government for public examination in late Summer 2023 and the Inspectors report should be published in early 2024 and following this the plan should then go on to be adopted.</p> <p>Nick Harding explained that the consultation exercise will take place through the council's website and all of the documentation such as the maps, evidence base and consultation information can be found on the website in the document library.</p>
4	<u>Changes to the Planning System</u>			Nick Harding explained that nothing has been implemented since the last meeting of the forum.

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				<p>He explained that the Levelling up and Regeneration Act has reached bill stage and has been published in May 2022.</p> <p>The key points contained within that bill are:</p> <p>There is going to be a national set of development management policies and the scope of Local Plans will be brought down so that it is only dealing with particular local matters and in doing so the local plans can be prepared more expediently than has currently been the case.</p> <p>Other proposals include digitisation of the planning system and the Government expectation that from start to finish on the preparation of a plan to its adoption within 30 months. Nick Harding stated that in his opinion that is optimistic, unless significant changes are made to the system and most local plans contain policies which are local issues and, in his view, he does not feel that it will much be as much of a time saver as is being suggested.</p> <p>Nick Harding explained that the Government are also considering the removal of the requirement for local planning authorities to maintain a 5-year land supply in order to expedite the preparation of their new local plans where the authority already has an up-to-date local plan. He expressed the view that it makes sense in terms of the five-year rolling review of the local plans but it should not be forgotten that there will always be a housing delivery target.</p> <p>Nick Harding explained that each local authority is expected to have a design code which will act as</p>

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				<p>a framework from which subsequent detailed design codes will come forward on specific areas or sites. He added that he has looked at what is coming out nationally on the issue of design and in his opinion, he finds it quite bland in terms of content and very general and not very specific. He added that it must be very difficult generally to know how to apply the statements that have been published to any particular site because whatever is written could mean different things to different people. Nick Harding expressed the view that what is need is something that is straight to the point and identifies boundaries on particular design issues in order for it to make progress as there will always be certain situations whereby subjectivity on design matters is going to vary from one case officer to another.</p> <p>Nick Harding referred to applications being determined in accordance with the development plan, and he explained that the principle concerning that is not proposed to be changed except for the insertion of the word strongly which in his opinion is not likely to make any meaningful difference.</p> <p>He referred to the next item concerning street votes, which is around the community getting together to allow for greater flexibility on what gets built in their local area and he has interpreted it to mean that it is potentially going to be a local development order which allows more development to go ahead than is currently allowed for under permitted development.</p> <p>Nick Harding explained that planning application fees are likely to increase by more than a third and he added that he would hope that it will also</p>

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				<p>include the stipulation that any income should be ring fenced for investment into the planning services.</p> <p>He advised that Environmental Impact Assessments are going to be replaced by Environmental Outcome Reports and the intention that these will be clearer and simpler to produce.</p> <p>Government are looking to replace the current CIL regime with a locally set mandatory levy and that will be based on the gross development value. This levy would be chargeable once the property is sold for the first time and then the pressure does fall directly on the developer and upfront. The idea is that it will be a more measured approach.</p> <p>Section 106 agreements are likely to continue but their scope will be narrowed down from what they currently cover.</p> <p>Infrastructure delivery strategies will have to be produced by local authorities so that there is transparency to show where local authorities are spending the money that is being brought into the new levy.</p> <p>Nick Harding explained that with regards to enforcement, Central Government are looking to extend the time period within which Local Authorities can take enforcement action from 4 years to 10 years. He added that there are also changes to the system, so that enforcement warning notices can be issued to encourage people to submit planning applications where there is a reasonable prospect of permission</p>

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				<p>being granted and those application would need to be submitted within a specified period as set out in the notice. He expressed the opinion that he does see the merit in this proposal and added that if a case should arise it is sieved, and a decision is made as to whether it needs planning permission or it does not and if it does not then no further action would be taken and if it needed planning permission and needs no conditions controlling the activity then no enforcement action would be taken. Nick Harding explained that enforcement action would only be taken if whatever has been done is inappropriate or if it is appropriate development, but it needs controlling conditions then a notice would be served.</p> <p>David Thomas asked with regard to the payment for the replacement of CIL's and he presumed it would be due when properties were sold and if they are not sold the replacement CIL would never be paid. He asked whether there is any protection is in place to stop properties being sold for ridiculously low amounts. Nick Harding confirmed that the David's assumption is correct as to when the monies would be due, and he added that with regards to protection measures he has not seen any steps included but that does not mean that there will not be a mechanism put in place going forward.</p> <p>Nick Harding explained that Central Government are looking New clause 73B into the TCPA to allow more flexibility to vary non-substantial changes to planning permissions (including the description of development). This will enable changes to planning permissions without the submission of multiple applications either under</p>

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				<p>section 73 (to vary a condition) or section 96A (to amend the description) which will be cheaper and easier for local authorities to use their compulsory purchase powers by reducing the level of compensation they have to pay landowners. He added that a new power is proposed to require landlords to put units that had been vacant for over a year into “rental auctions” so that local community groups, charities and start-ups can bid on them.</p> <p>Tim Slater stated that he thinks that the 73b I sensible to make the modifications simpler. He added that the compulsory purchase order is such a rare event it will not make much difference to most thing and with a lot of the proposed changes it is very difficult to see how they are going to work in practice.</p> <p>Nick Harding explained that he has been to a few sessions with the Government and they have spoken on hoe the planning system could be streamlined and made better and one of the points he has raised is that when it comes to prior approval applications for the fee that is obtained compared to the amount of work that has to be undertaken is hugely disproportionate and in his view then it should be permitted development rather than the prior notification process, as it costs too much and takes too much time.</p>
5	<u>General Introduction to Biodiversity net gain</u>			Nick Harding explained that from November

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				<p>2023 developers must demonstrate that their scheme will deliver biodiversity net gain of at least 10% which must be maintained for 30 years or more.</p> <p>He referred members of the forum to the link below which provided a training session which he recommended to all, and he referred members of the forum to the notes of the April meeting which contained other weblinks which show the detail of how the spreadsheet works for both small and large sites.</p> <p><u>Biodiversity Metric 3 Training for Planners Local Government Association</u></p> <p>Tim Slater asked whether it included all developments excluding householders and is it for major applications only. Nick Harding explained that it is for all developments excluding minor development and it also includes a standalone single property. Tim Slater asked whether it was going to be a validation requirement or a determination requirement as in his view it is going to mean a lot of extra work which will need to be undertaken. Nick Harding explained that the legislation looks as though it will be a conditional or Section 106 requirement to sign up to the 10% biodiversity net gain and he added that when considering large developments, it will be difficult to simply add a condition on an application for 10% biodiversity to be achieved when there is no context at all with regards to what the percentage actually relates to and how achievable it is. He added that it is something that will need to be considered as to how it will fit into the application process in terms of content of the submission from a validation perspective and</p>

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				<p>determination perspective.</p> <p>Tim Slater expressed the view that it will be a difficult subject to explain to clients because on a generic outline application there are a large number of questions to answer before the topic of biodiversity net gain. He asked whether the council are pooling contributions and enhancing facilities elsewhere such as country parks and he questioned whether Fenland has any plans to create its own biodiversity pool.</p> <p>John Maxey stated that very often proposals get varied during the course of the determination process and it may not be possible to identify what 10% biodiversity net gain looks like until the final form of the proposal is known and in his view there needs to be a clear intent for it to be provided at the application stage and an indication on how it needs to be provided. He added that the detail could be something that has to wait until the final form of the application and then rerun the calculations at that stage to demonstrate that it is meeting 10%. Nick Harding explained that he agrees and added that making the calculation will be challenging, however as a developer or land owner he appreciates that they will want to know what the level of commitment is going to have to be as it is an important consideration. John Maxey stated that it would be sensible to have a requirement for the base line assessment to be submitted with an application, and he stated that as part of an outline application it would have to be a condition as part of the reserved matter that it has to include details of the biodiversity net gain meeting at least 10% and with full applications in his view it may have to be a discharge condition.</p> <p>Nick Harding stated that in meeting the 10%</p>

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				<p>gain, the condition of the legal agreement will only be satisfied if the number of bio diversity units that are being provided, either on or off site, represents 10% gain of what the site is delivering in its undeveloped state.</p> <p>Nick Harding explained that the Biodiversity Plan must cover:</p> <ul style="list-style-type: none"> • Information about the steps taken / to be taken to minimise the adverse effect the development on the biodiversity of the onsite habitat and any other habitat; • the pre-development biodiversity value of the onsite habitat. • the post-development biodiversity value of the onsite habitat. • any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development. • and any biodiversity credits purchased for the development. • What is the preapplication value ? Biodiversity value of the onsite habitat on the date on which the application was made. This must be calculated in accordance with the biodiversity metric • If any works undertaken on or after 30 January 2020 that have devalued the site then an adjustment is made add in any lost biodiversity units • Where the biodiversity gain objective cannot be achieved through onsite habitat enhancements, any shortfall may be met through a "registered offsite biodiversity gain" which is allocated to the development or through the buying of 'credits' through a Government scheme.

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				<p>He added that if a Developer goes in and strips a site, the assessment is based on the pre-development biodiversity value of the onsite habitat, which helps to prevent the stripping of sites in order to get round the problem.</p> <p>Tim Slater asked how the Local Authority will enforce this and questioned what the comeback is against the biodiversity net gain not having been maintained. Nick Harding stated that in terms of the base date that is set out, the planners are in the hands of the ecologists who do the base line survey and adhering to their code of conduct to accurately portray what the situation was or would have been. He added that there is access to historic mapping an aerial photograph and he expressed the point that it will only reflect part of the history, and there will be situations which come forward where stripping of sites has taken place historically and the assessment does not give a true picture of the worth of the site at the appointed base date.</p> <p>Nick Harding stated that with regards to enforcement, he would expect that there will be a reliance on planning enforcement to ensure that any conditions are complied with.</p> <p>He explained that with regards to biodiversity net gain, he is undertaking communication with other local authorities in Cambridgeshire with a view to sharing an Ecologist resource between three or four other councils in order to be able to process the biodiversity net gain data sheets which are going to be submitted as part of the process.</p> <p>Tim Slater expressed the view that the capacity for an ecologist within the local authority system is going to be stretched and he added that from a resource point of view in his opinion it is going to</p>

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				<p>prove very challenging in terms of resources. Nick Harding agreed that it will be challenging and, in his view, he think it is likely that the councils attention will be focussed on particular scales of development proposal that will merit significant scrutiny and have a lighter touch approach to the smaller developments as that is a practical way forward. Tim Slater stated that he is aware that it does apply to commercial and industrial development but it is a very difficult target to reach given that warehouse is essentially a big box with a car or lorry park with it and therefore unless a significant portion of a site is hived off to offset it, there will be the need to look off site or there would need to be an allocation of 20% more employment land in the Local Plan to provide enough active land to allow it to be offset the additional biodiversity. He expressed the view that it is an ill-thought-out proposal. Nick Harding stated that whilst the concerns and worries are evident, it is not going to stop the proposal from being brought in.</p> <p>Councillor Mrs Laws asked whether it would be worth considering a partnership approach when looking for ecologists. Nick Harding explained that each local authority was given £10,000 in the last financial year to address the burden of biodiversity and it his understanding that it is a one-off payment and if four authorities got together there would be £40,000 which may cover a one-year appointment for an Ecologist. He added that if that appointment was to act for four authorities, then careful consideration would need to be given as to which applications you would want that person to get involved in. He added that the ongoing salary costs for that position would also need to be considered and that is going to be considered by the Councils management team in due course. Councillor Mrs Laws added that she would have concerns on who would take priority out of the four</p>

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				<p>authorities when dealing with applications. Nick Harding stated that there would not be any prioritisation of one council over another and each council would have to ensure that they received a fair proportion of the officers time.</p>
6	<p><u>Staffing and Performance update</u></p>			<p>Nick Harding provided an up date with regards to performance and staffing situation in the Planning department.</p> <p><u>Validation</u></p> <p>3 week backlog</p> <p><u>Planning Applications</u></p> <p>Major - 80%</p> <p>Minor - 66%</p> <p>Other - 85%</p> <p>He added that all of the vacant Senior Posts have now been filled apart from one and a vacancy for a Principal Planning Officer is being readvertised.</p> <p>John Maxey stated that he has been made aware of the delays being caused with major applications and Section 106 agreements appears to be due to the Legal Team. Nick Harding explained that PCC have vacancies in their Legal Team and the team at PCC are providing a spreadsheet on a monthly basis which will detail the progress on applications that they are dealing with on behalf of Fenland. He explained that Fenland have written to the Executive Director that covers the legal service at</p>

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				<p>the County Council to relate the concerns that Fenland has with regards to the County Council over complicating matters and this is being looked into.</p> <p>Councillor Mrs Laws stated that the County Council appears to be the main issue which she knows is being addressed.</p> <p>Councillor Mrs Laws referred to validation and praised the staff who have been working hard to reduce the delays with validation.</p> <p>She asked Nick Harding to provide data on how agents and developers are performing with regards to validation, and she added that at one point it was 4% right first time and then it increased to 9%, however Fenland has the lowest figure for local councils getting it right first time. Nick Harding agreed to provide the data and share it.</p> <p>Tim Slater referred to a recent Planning Committee meeting where members had made it clear that applications would be refused where information was missing to enable them to be determined. He added that it was stated that agents and developers would not be contacted to request the missing information and he explained that it is his view that if information is required then it should be on the validation list and if it is not present, It should not be validated. He added that it is his understanding that there is 28 day time period following a submission of an application in which information that is required can be provided and he was very concerned to hear the statement made by the Committee.</p>

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				<p>Nick Harding stated that the actions taken need to be measured and considered and there are number of elements that need to be looked at.</p> <p>He explained that there may be an application which is submitted, and it contains enough information which means it is sufficient to be made valid but it is an application where it is felt that the best course of action is to determine it sooner rather than later. He added that there are other applications which is almost in an approvable condition and in those cases, officers would look to work with and resolve the issues as much as possible.</p> <p>Nick Harding explained that there are also those applications which fall into the middle of the spectrum and there is no way around that. He added that he needs to review this issue further with a look to devising a solution which is acceptable to members and currently any application which is recommended for refusal is consulted on with the Chairman of Planning Committee.</p> <p>John Maxey stated if an application is going to be refused because a particular piece of information has not been submitted and it has not been asked for, regardless of what side of the scale it is on, he does not agree with the situation. He added that if it is an application which is going to be refused anyway, he agrees that there is no point in asking for the document and officers should say that it is not an acceptable form of development and it is refused, but you don't refuse it because the extra information has not been provided. He expressed the view that if there is an application is submitted</p>

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				<p>and officers feel that the extra information would make the proposal more approvable then an extension of time could be considered to receive the information and then determine the application once the information is presented. He stated that just to refuse an application be because the information has not been provided and the application is valid is not an acceptable position.</p>
7	<p><u>Any other business</u></p>			<p>Nick Harding explained that the Whittlesey Neighbourhood Plan has been submitted and it is out for consultation until 1 Sept 22- <u>Whittlesey Neighbourhood Plan Examination - Fenland District Council</u></p> <p>The Wisbech Energy from Waste proposal has been submitted to the Inspectorate (NSIP project) to see whether they are going to accept the application and the decision is due by the 4 August. If it is accepted, a consultation on the documentation will take place along with the examination.</p>

Finish: 4.15 pm