

Confirmed



Minutes of a Meeting of the **Strategic Planning Committee** held in the Conference Room, Riverside, Lowestoft, on **Monday, 06 June 2022 at 10.30am**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Tom Daly, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor David Ritchie, Councillor Craig Rivett

Other Members present:

Councillor David Beavan, Councillor Peter Byatt

Officers present:

Nicola Biddall (Rights of Way Officer), Cate Buck (Senior Enforcement Officer), Naomi Goold (Energy Projects Manager), Matt Makin (Democratic Services Officer), Andrea McMillan (Planning Manager (Policy, Delivery and Specialist Services)), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Robert Scrimgeour (Principal Design and Conservation Officer), Ben Woolnough (Planning Manager (Development Management)), Nicola Wotton (Deputy Democratic Services Manager)

1 Election of a Chairman

The Clerk sought nominations for the election of a Chairman for the 2022/23 Municipal Year. Councillor Paul Ashdown was nominated by Councillor Debbie McCallum and this nomination was seconded by Councillor David Ritchie. There being no other nominees, it was duly

RESOLVED

That Councillor Paul Ashdown be elected as Chairman of the Strategic Planning Committee for the 2022/23 Municipal Year.

2 Election of a Vice-Chairman

The Chairman sought nominations for a Vice-Chairman for the 2022/23 Municipal Year. Councillor Debbie McCallum was nominated by Councillor Paul Ashdown and this nomination was seconded by Councillor Stuart Bird. There being no other nominees, it was duly

RESOLVED

That Councillor Debbie McCallum be elected as Vice-Chairman of the Strategic Planning Committee for the 2022/23 Municipal Year.

3 Apologies for Absence and Substitutions

Councillor Coulam arrived at the meeting at this point (10.33am).

Apologies for Absence were received from Councillors Norman Brooks, Mike Deacon and Mark Newton. Councillor Peter Byatt attended the meeting as Councillor Deacon's substitute.

NOTE: Councillor Kay Yule submitted apologies for absence prior to the meeting, however these were not received by the Democratic Services Officer until after the conclusion of the meeting and were therefore not given to the meeting at this time.

4 Declarations of Interest

No declarations of interest were made.

5 Minutes

It was by a consensus

RESOLVED

That the minutes of the meeting held on 7 March 2022 be agreed as a correct record and signed by the Chairman.

6 Energy Projects Update

The Committee received a presentation on energy projects in East Suffolk from Councillor Craig Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development.

Councillor Rivett provided an update on the Nationally Significant Infrastructure Projects (NSIP) taking place in the district, providing a detailed update on Sizewell C. Councillor Rivett noted that a decision was still forthcoming on this project and that the Secretary of State had issued post-examination information requests; a six-week delay to the issuing of a decision was announced on 12 May 2022 and a new decision date would be no later than 8 July 2022.

The Committee was advised that the Secretary of State had approved the East Anglia One North and East Anglia Two offshore wind farms, following a recommendation of approval from the Examining Authority and the planning balance detailed by the Secretary of State was outlined. Councillor Rivett announced that the decisions were now subject to Judicial Review applications which were pending.

Councillor Rivett provided an update on the Offshore Transmission Network Review (OTNR), the British Energy Security Strategy and the Levelling Up and Regeneration Bill.

The Chairman invited questions to Councillor Rivett.

Councillor Rivett said that the goal to treble nuclear power output by 2050 was part of the government's energy strategy and further details would be forthcoming on how this would be achieved. Councillor Rivett acknowledged that the Development Consent Order (DCO) process was a slow and thorough process and was unsure how this could be sped up whilst retaining the ability for key stakeholders to contribute to the process in a meaningful way. Councillor Rivett was of the view that energy from a variety of different sources would be needed to increase capacity and noted that he and officers would be attending a briefing on the OTNR later that week.

In response to a question on modular reactors in relation to the United Kingdom's history of producing nuclear powered submarines, Councillor Rivett advised that any new reactor design needed to be rigorously tested and could take up to 10 years to be developed.

Councillor Rivett confirmed that East Anglia One North and East Anglia Two offshore wind farms remained subject to Judicial Review and decisions on these challenge were pending. Councillor Rivett advised that the Council continued to feed into the ONTR and that he had met with ministers to speak about the need for tangibles when looking at co-ordination.

Councillor Rivett answered a question on the possibility of onshore wind farms and noted the significant site area of East Anglia One North compared to the proposed final operational site area for Sizewell C. Councillor Rivett reiterated that one source of energy was not a "silver bullet" for reaching net zero and stated that the government had not approached the Council about possible onshore wind farm sites in the district. The Head of Planning and Coastal Management added that given the constraints of the district's geography it would be difficult to develop a policy to identify possible onshore wind farm sites.

Councillor Rivett outlined how floating, tethered offshore wind turbines would work, noting that it was not always possible to replace a wind turbine on the base of a previous one.

The Chairman thanked Councillor Rivett and the officers for the presentation.

7

Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022

The Committee received report **ES/1171** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Prior to introducing the report, Councillor Ritchie updated the Committee on changes to the senior structure of the Development Management team, noting that there were now three Principal Planners in the team and that Katherine Scott was now the Principal Planner with the technical lead for the team.

Councillor Ritchie considered that the statistics set out in the report showed that the Planning Referral Panel system was effective but acknowledged it had received some criticism from Members. Councillor Ritchie noted that the system was similar to the one operated by West Suffolk Council, but the chief difference was that West Suffolk Council allowed Ward Members to speak at Referral Panel meetings.

Councillor Ritchie said that the report proposed a change to the Planning Referral Panel process to allow Ward Members to answer factual questions only. Councillor Ritchie considered it was important that this was the limit of Ward Member involvement in Planning Referral Panel meetings as the Planning Referral Panel was not determining applications but only deciding the route they take for determination, either to the Head of Planning and Coastal Management for determination under his delegated authority or to the Planning Committee North or Planning Committee South for determination by Members.

Councillor Ritchie noted the thoroughness of the report presented to the Committee and invited the Principal Planner to give a presentation to the Committee on the statistics contained therein.

The Principal Planner outlined the life cycle of a planning application and highlighted the points where the Planning Referral Panel process could be triggered, as well as the process of the Referral Panel itself.

The Committee was advised that in the 2021/22 Municipal Year a total of 244 applications had been to the Planning Referral Panel, with 122 in the north area of the district and 122 in the south area of the district. 3% of these applications were majors, 42% were minors and the remaining 55% being other applications. The Principal Planner noted that there had been an increase in both the number and the proportion of applications in the south of the district going to the Planning Referral Panel compared to the previous two Municipal Years.

The Principal Planner provided an overview of the cases received at Planning Referral Panel meetings by Ward, with a further breakdown by parish and application type. It was noted that the geographical area with the most applications in the north of the district was Lowestoft and that the geographical area with the most applications in the south of the district was Felixstowe. The Principal Planner also highlighted the figures for areas adjacent to Ipswich and for market towns in the district.

The Committee was provided with the numbers and proportions of applications within each parish and how they had triggered the referral process for the previous three municipal years.

The Principal Planner outlined the Referral Panel outcomes for the previous three municipal years and noted there had been consistency over this period in the number of applications referred to either Planning Committee North or Planning Committee South for determination.

The Principal Planner provided a breakdown on the work of the Planning Committee North and the Planning Committee South and the reasons for applications being referred to Committee and detailed the proportion of business at each committee.

The Committee was shown a breakdown of public speaking at planning committees and the Principal Planner advised that the most common speaker was the applicant or their agents. The Principal Planner also noted the proportion of major, minor and other applications sent to the planning committees.

The Principal Planner outlined the determination route and effects upon time to determine applications.

Councillor McCallum left the meeting room at this point (11.23am).

The Principal Planner outlined the recommendations set out in the report.

Councillor Plummer arrived at the meeting at this point (11.24am).

The Chairman invited questions to Councillor Ritchie and the officers.

In response to questions on the changes to allow Ward Members to answer questions on factual matters, the Chairman reminded members of the Committee that they should continue make comments on applications during the consultation stage, as this would allow the Planning Referral Panel to direct questions to Ward Members when they considered a factual matter to be erroneous.

Councillor Cooper complimented the Principal Planner for the amount of work put into the report.

Councillor McCallum returned to the meeting room at this point (11.27am).

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Ritchie, seconded by Councillor Cooper it was by a majority vote

RESOLVED

1. That the content of the report be noted.
2. That it be agreed that with effect from 1 July 2022 Ward Members are invited to the Planning Referral meetings to answer questions on factual matters and this process change be reviewed by the Committee in June 2023.

NOTE: Councillor Plummer abstained from voting on this item as she had not been present for the presentation of the report.

8 Appeals Performance Report – 14 February to 19 May 2022

The Committee received report **ES/1172** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and highlighted that of the 17 appeals determined by Planning Inspectors during the period 14 February to 19 May 2022 13

had been dismissed and four allowed, which resulted in a dismissal rate of 76.5%. Councillor Ritchie invited the Planning Manager (Development Management) to comment on the report.

The Planning Manager said there were no appeal decisions of note and recommended that members of the Committee read the appeal decision summaries at Appendix A to the report.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Rivett expressed his thanks to the Head of Planning and Coastal Management and his team and was of the view that the high rate of dismissals showed that excellent advice was being provided to the Council's planning committees.

Councillor Ritchie sought an update on the backlog of appeals to be considered by the Planning Inspectorate. The Planning Manager advised that appeals were still taking some time to be determined and that although the new fast track process for public inquiries had been successful, appeals going to hearings or written representations were still taking a long time to be concluded.

In response to a question on the split decision appeal summarised in the report, the Planning Manager explained that this was an application that had been directed to the Planning Referral Panel and delegated to officers for a decision, where it was apparent that there was merit to the equestrian element of the proposals but not the residential element so a split decision was issued resulting in one part of the application being approved and the other part refused, which was then appealed by the applicant.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor McCallum, seconded by Councillor Rivett it was by a unanimous vote

RESOLVED

That the content of the report be noted.

9 Enforcement Performance Report – January to March 2022

The Committee received report **ES/1173** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and noted that in the period January to March 2022 more enforcement cases had been closed than had been opened. Councillor Ritchie informed the Committee that there was the possibility to increase the capacity in the Enforcement team to further improve its performance and invited the Planning Manager (Development Management) to comment on the report.

The Planning Manager confirmed that officers were looking to improve the processes and services the Enforcement team provided and noted that a recent review of the service by the Council's Internal Audit team had assisted in highlighting where further improvements could be made. The Planning Manager advised the Committee that a

comprehensive report would be presented at its September 2022 meeting outlining how these improvements would be achieved, including enhanced enforcement update reporting to the Planning Committee North and the Planning Committee South.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Blundell asked if reporting to committees could include information on cases where possible enforcement action was being investigated. The Planning Manager explained that reporting was currently only on cases where an enforcement notice had been served and that publicly reporting on potential enforcement cases did not take place. The Planning Manager advised that part of the improvements referred to would include how to process requests from Ward Members on possible enforcement issues outside of the committee process.

In response to a question on enforcement timeframes, the Planning Manager noted that no two cases were the same and that enforcement action is suspended when a planning application is made and this suspension can last until the application is heard on appeal by a Planning Inspector. The Planning Manager said that the focus needed to be on processing notifications of possible planning breaches and investigating them in a timely manner, adding that the priority was the quality of the investigation not the speed in which it was conducted. The Planning Manager acknowledged that the COVID-19 lockdowns of 2020/21 had created more complaints of planning breaches for the team to action.

Councillor Daly arrived at the meeting at this point (11.39am).

Councillor Bird highlighted that planning enforcement was being reviewed by the Scrutiny Committee at its meeting of 16 June 2022 and encouraged Members to visit and engage in this meeting.

In response to a further question on speeding up enforcement cases the Planning Manager reiterated the various complexities each case had and advised that future reporting would provide more detail on the status of each case. The Planning Manager noted that there were elements outside of the Council's control which delayed matters, such as court hearing dates, and said that a member of the Council's legal team would be present at the next meeting to cover this and other legal aspects of planning enforcement.

In response to a comment from Councillor Plummer, members of the Committee were advised by the Chairman to pass back enforcement issues to their town and parish councils wherever possible.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Pitchers it was by a majority vote

RESOLVED

That the content of the report be noted.

NOTE: Councillor Daly abstained from voting on this item as he had not been present for the presentation of the report.

10 Planning Performance Report - April 2021 to March 2022

The Committee received report **ES/1174** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report, which covered the whole of the 2021/22 Municipal Year, and focused on the figures for the fourth quarter of the year which showed that 90% of major applications had been determined in a timely fashion, ahead of both the national and the Council's own local stretched targets. Councillor Ritchie noted that in the case of minor and other applications this figure was lower, 64% for each, which was below the national and local targets.

Councillor Ritchie stated that 5,549 planning applications had been received in 2021/22 which represented an increased workload for the Council's planning service, particularly in relation to householder applications. Councillor Ritchie was confident that improved processes would be reflected in figures in the near future and invited the Principal Planner to give a presentation to the Committee.

The Principal Planner highlighted the quarterly returns summarised by Councillor Ritchie and provided a breakdown on the number of major, minor and other applications received in the last three municipal years; the Principal Planner noted this showed a consistent increase, particularly in other applications due to the number of householder applications received.

The Committee was shown figures on the number of planning applications validated in the previous three municipal years, the quarterly returns for the previous three years (since the formation of East Suffolk Council), the total number of applications received each municipal year, including the proportion of application types and the proportion approved and refused.

The Committee received statistics on the routes of applications to appeal, noting that 94% of applications appealed had been refused by officers under delegated authority, and the outcome of appeals in 2021/22.

The Principal Planner noted that in each of the last three municipal years the number of enforcement cases closed exceeded the number opened and there was a trend that showed the fewer received, the more closed. The Planning Manager (Development Management) added that the statistics showed that complaints peaked during the COVID-19 lockdowns of 2020/21.

The Principal Planner outlined the recommendation set out in the report.

The Chairman invited questions to Councillor Ritchie and the officers.

The Committee was advised that statistics on retrospective applications were not kept as they were not considered differently to other applications received. Councillor Ritchie advised that it was not illegal to build without planning permission and that to

do so was accepting the risk that planning permission may later be refused and development taken down.

At this point in the meeting Councillor Stuart Bird declared a Local Non-Pecuniary Interest in the item as a member of Felixstowe Town Council and Chairman of that authority's Planning and Environment Committee.

Councillor Bird sought clarity on how applications in conservation areas could be validated without this being acknowledged in the design and access statement, noting that since January 2021 Felixstowe Town Council had considered 78 such applications with 14 making no mention of the conservation area.

The Planning Manager advised that there was a more strenuous process for some applications in conservation areas, but this was not universal to every application in a conservation area, citing the example of a one-storey extension application not requiring anything additional to an application outside of a conservation area. The Planning Manager said that any discrepancies were picked up at the application stage and that officers were rigorous in ensuring applications were not validated incorrectly, advising that a piece of work was going to be undertaken to update the Council's local validation list.

In response to a question on updates on major sites, the Planning Manager noted that the statement of community involvement set out the expected engagement between a developer and the community at an earlier stage of planning but that more work was needed to encourage developers to keep the community informed when there were delays during development itself.

Councillor McCallum left the meeting room at this point (12.07pm).

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Bird it was by a unanimous vote

RESOLVED

That the content of the report be noted.

11 Planning Policy and Delivery Update

The Committee received report **ES/1175** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and welcomed Andrea McMillan as the Council's new Planning Manager (Policy, Delivery and Specialist Services), having taken over from Desi Reed who had retired after 32 years of service with East Suffolk Council and its predecessor authorities. Councillor Ritchie took the opportunity to wish Ms Reed well for her retirement.

Councillor McCallum returned to the meeting room and Councillor Rivett left the meeting room at this point (12.10pm).

Councillor Ritchie noted the ongoing work of the Policy, Delivery and Specialist Services team and highlighted the recent expansion of the service. Councillor Ritchie said it was important that this service had been strengthened ahead of proposed changes to the planning system by the government and this would also reduce the Council's reliance on consultants for specialist pieces of work. Councillor Ritchie invite the Planning Manager (Policy, Delivery and Specialist Services) to comment on the report.

The Planning Manager noted that the Council's new Design Champion and Specialist Services Manager would begin employment the following week and this would bring the Specialist Services team to full complement.

Councillor Rivett returned to the meeting room at this point (12.13pm).

The Committee was advised that both the Sustainable Construction and Affordable Housing Supplementary Planning Documents (SPDs) had recently been adopted by the Cabinet and that an initial consultation on a Healthy Environments SPD would be undertaken shortly to inform the scope of the document. Consultation was also planned for the Draft Housing in Clusters and Small Scale Residential Development in the Countryside SPD.

The Planning Manager noted that approximately seven to eight of the Neighbourhood Plans in development in the district were reaching the latter stages of the process, as set out in the report.

The Committee was reminded that the Levelling Up and Regeneration Bill was due to receive its second reading later in the week and several changes to the planning system were anticipated based on the information in the Planning White Paper published in 202 and the more recent Levelling Up White Paper, to make the planning system more genuinely plan-led. The Planning Manager expected that secondary legislation and changes to national policy documents would be forthcoming.

The Chairman invited questions to Councillor Ritchie and the officers.

The Planning Manager explained that the changes to the planning system would require any material planning considerations to 'strongly indicate otherwise' if a decision was to be taken contrary to local and national planning policies. Councillor Daly, who had posed the questions, suggested that more training on this issue would be useful when the changes came into effect.

In response to a question on street votes, The Planning Manager (Development Management) highlighted that there had been some miscommunication on this proposed change and that they would be used for streets coming together for the gentle intensification of an area.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Cooper, seconded by Councillor Bird it was by a majority vote

RESOLVED

That the content of the report be noted.

NOTE: Councillor Rivett abstained from voting on this item as he had not been present for the entire duration of the presentation of the report.

12 Strategic Planning Committee's Forward Work Programme

The Committee considered its Forward Work Programme.

It was agreed that officers would produce a major application update on Brightwell Lakes to be presented to the Committee at its meeting being held on 5 September 2022.

The meeting concluded at 12.26pm

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Chairman