

CABINET MEMBERS REPORT TO COUNCIL

22 February 2024

COUNCILLOR JIM MORIARTY - CABINET MEMBER FOR DEVELOPMENT AND REGENERATION

For the period 1st to 11th February

1 Progress on Portfolio Matters.

Planning Performance

Just before Christmas, the Secretary of State set out his ambitions for planning performance, namely that planning decisions must be taken on time and should be robust in their reasoning, and all authorities must have an up-to-date local plan.

In order to support authorities in meeting those expectations, the Secretary of State made a number of announcements, including the following:

Greater transparency

- **Developing a new planning performance dashboard** that will provide greater transparency and accountability for local authority performance, including exposing performance without Extension of Time agreements.
- **Reviewing the use of Extension of Time agreements in managing performance issues**, considering proposals to limit their use on minor and householder applications. DLUHC intend to consult on this in early 2024.

Faster processes

- **Establishing Accelerated Planning Services**, improving on the patchwork approach of Planning Performance Agreements by regularising arrangements so that they're offered across England, that clear milestones have to be agreed, that fees are set at an appropriate level, and that those fees have to be refunded where milestones are missed.
- **Reviewing Statutory Consultees**, which will scope and examine the operation of statutory consultees in the planning application process, in particular their role in providing advice to local planning authorities. This will not cover the role of statutory bodies in plan-making or the Nationally Significant Infrastructure Planning regimes.
- **Focusing on planning committee decisions**, with the Planning Inspectorate being asked to start reporting to the department about cases where a successful appeal is made against a planning committee decision, and the final decision is the same as the original officer's recommendation.

Some of these initiatives are already underway with the planning guarantee for non-major applications now set at 16 weeks, major applications remain at 26 weeks.

We are taking a proactive approach to meeting the new performance standards set by DLUHC, such as:

- Invalid applications will need to be made valid within 21 days of the invalid letter, otherwise the application will be returned.
- There will be a need to reduce the number of EOTs put in place. To achieve this, we will have to be much firmer with making decisions based on what has been submitted with the application, and unless any suggested changes are negotiated and received in a timely manner then the application will be determined. We will be working up clear and transparent processes so that expectations are managed and decisions are issued expeditiously.
- The government has made it clear that in improving the efficiency and effectiveness of the planning system, pre-application engagement and front loading applications is necessary. Whilst LPAs cannot insist that agents/developers submit for pre-application advice, it is strongly encouraged. Further, recent appeal decisions have confirmed that there is no legal requirement for the Council to negotiate on live planning applications and that the time for negotiation is through pre-application discussions. As a result, we will be reviewing our pre-application advice service to ensure that it is fit for purpose and to provide advice in a timely manner.
- If EOTs are removed for householder applications, then a decision will have to be made within the statutory 8 week period.

There will need to be a significant shift in the way planners and agents work together, and we will provide more information at the next informal and formal agents meetings.

DLUHC will also be reviewing statutory consultee responses to planning applications as there is a recognition many consultees provide a holding response to meet the 21 day response time but this doesn't enable the application to be determined until the detailed response is received.

The key message is that DLUHC are introducing more stringent performance measures, and we will need to change the way we work to meet the new measures.

Local Plan

We have recruited Alex Fradley to the Planning Policy Manager role.

Dates for the reconvened Local Plan Hearing Sessions have also now been agreed and will be held at Knights Hill Hotel on the following dates:

- 26-28 March 2024
- 16-19 April 2024
- Further hearings dates for the Gypsy and Traveller policy examination are set for 3-4 September 2024.

This would be followed by a formal consultation period on Proposed Main Modifications to the Local Plan during autumn 2024.

Mayors Design Awards

Applications are being invited for the Mayor's Design Awards to celebrate local architectural excellence and craftsmanship. The closing date for receipt of applications is Tuesday 30th April 2024. The ceremony will take place on Tuesday 17th September 2024 https://www.west-norfolk.gov.uk/info/20081/conservation_and_listed_buildings/312/mayors_design_awards

Progress with recruitment

Planning Control – officers will shortly be engaging with Personnel on a new recruitment strategy for the remaining vacant Principal Planner post.

Planning Enforcement – as reported previously one of the Enforcement Officers has left, and

another retired early February. Both were on part-time hours and the posts have now been merged to create one full-time post. Following the recruitment process the current enforcement customer support officer has been appointed to the vacant enforcement officer post.

Planning validation – following the recruitment process the vacant position has been offered and subject to satisfactory references they will commence in March.

Planning Control update

In my previous report I reported that officers had been successful in securing £100,000 grant from the Planning Delivery Skills Fund. DLUHC have since notified officers that DLUHC had made a mistake and only £25,000 grant has been secured. Officers will be challenging this decision with DLUHC.

Biodiversity Net Gain (BNG)

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

- **Ways to achieve BNG: on-site units, off-site units and statutory biodiversity credits**

Through site selection and layout, developers should avoid or reduce any negative impact on biodiversity. They must deliver 10% BNG, as measured by the statutory biodiversity metric.

There are 3 ways a developer can achieve 10% BNG:

1. They can enhance and restore biodiversity on-site (within the red line boundary of a development site).
2. If developers can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site, or buy off-site biodiversity units on the market.
3. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers can combine all 3 options, but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

- **Creating, enhancing and maintaining habitats to deliver BNG**

The land manager is legally responsible for creating or enhancing habitat, and managing that habitat for at least 30 years to achieve the target condition.

If you make on-site gains or sell off-site gains on a site you own, you are the land manager. If you buy off-site units, you are paying the land manager to manage the land for 30 years to achieve the target condition.

The local planning authority will be required to monitor sites over a 30 year period.

BNG is effective from:

- Major planning applications (large sites) – 12th February 2024
- Non-major planning applications (small sites) – 2nd April 2024
- National Infrastructure Projects – November 2025

More information is available at: [Understanding biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-biodiversity-net-gain)

Local Plan Update (ongoing examination of the replacement Local Plan 2021-2039)

The Inspectors' Matters Issues & Questions are expected during early to mid-February. These will inform the Local Plan Hearing Sessions.

Since November 2023, the Planning Policy team has been focused upon the need to put forward land allocations to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople (GTTS), identified in the Gypsy and Traveller Accommodation Assessment (GTAA), June 2023. A programme/ timeframe for the ongoing GTTS work for the Local Plan examination is set out below:

- 26 January – 8 March 2024 (inclusive) – GTTS Potential Sites and Policy Consultation document consultation (with draft Full Sites Assessment, Sustainability Appraisal and Level 2 Strategic Flood Risk Assessment supporting documents).
- March 2024 – review and process representations/ preparation of finalised Proposed Gypsy, Traveller and Travelling Showpeople Sites and Policies paper and supporting documents.
- w/c 8 April 2024 – Special Cabinet Meeting, to approve finalised Proposed Gypsy, Traveller and Travelling Showpeople Sites and Policies paper and supporting documents for consultation and submission to the Planning Inspectors.
- w/c 22 April 2024 – meeting of Full Council, to approve GTTS site allocations and policies for submission to the Planning Inspectors.
- 10 May – 21 June 2024 – consultation on Proposed Gypsy, Traveller and Travelling Showpeople Sites and Policies paper and supporting documents.
- End of June 2024 – submission of Proposed Gypsy, Traveller and Travelling Showpeople Sites and Policies paper and supporting documents to Planning Inspectors.

Dates for Local Plan Hearing Sessions have also now been agreed as follows:

- 26-28 March 2024
- 16-19 April 2024
- Further hearings dates for the Gypsy and Traveller policy examination are set for 3-4 September 2024.

This would be followed by consultation on Proposed Main Modifications to the Local Plan during autumn 2024.

Housing Delivery Test

The 2022 Housing Delivery Test results were published by Government on the 19 December 2023. This is an annual measurement of housing delivery in the local planning authority area and looks back over the previous 3 financial years - 2019/20, 2020/21 and 2021/22. The result for King's Lynn & West Norfolk is 90%. The minimum target is 95%.

The consequence of the result is the requirement for the preparation of a Housing Delivery Test Action Plan. It does not mean that the presumption in favour of sustainable development is engaged. It is important to recognise that this is not the same as a 5-year housing land supply, which looks forward over a period of 5 years to establish if there is a supply of deliverable sites sufficient to provide 5 years' worth of housing land against the housing need figure. The Housing Delivery Test is concerned with actual housing delivery over the previous 3 years.

Total Number of Homes Required (FY 2019 -20, 2020 - 21, & 2021 -22)	Total Number of Homes Delivered (FY 2019 -20, 2020 - 21, & 2021 -22)	Housing Delivery Test 2022 Result	Housing Delivery Test 2022 Consequence
1413	1271	90%	Action Plan

CIL

This will be the 6th round of CIL funding allocations.

We received 24 CIL Funding Applications, which will be reviewed by the CIL Spending Panel on 19 Feb:

- **£829K available to be allocated;**
- £850k requested with 35% match funding;
- £20k shortfall – not all applications will receive funding;
- 21 Applications will be reviewed and funding allocated up to £50k by Panel;
- 3 Applications over £50k will be reviewed by Panel and go to Cabinet for a formal decision in April.

Update on CIL funded Infrastructure Projects ,already allocated CIL Funding to date: by Financial Year:

	Allocated	Spend	Allocated Not Spent
FY21/22 Totals	£1,207,813.47	£116,354.13	£1,091,459.34
FY22/23 Totals	£1,369,740.31	£1,010,410.50	£1,521,441.15
FY23/24 Totals	£1,325,419.89	£812,874.86	£1,981,516.20
TOTALS	£3,902,973.67	£1,939,639.49	£1,963,334.18

Project Progress by Application Rounds:

		Completed Projects	Active/Part Paid	Open Projects started not paid	Not yet started
17	Total No Apps				
18	FY21 48	44	2	1	1
19	FY22_1 28	26	1	0	1
20	FY22_2 39	28	0	4	7
21	FY23_1 39	28	0	4	7
22	FY23_2 47	36	3	0	8
24	Totals 201	162	6	9	24

To date, CIL has been allocated, to the 3 main towns as follows:

- Kings Lynn - £941k (40 applications)
- Downham Market - £189k (9 applications)
- Hunstanton - £83,757 (11 applications)

Parishes allocated over £100k

- Brancaster £303k
- North Wootton £147k
- Snettisham £113k
- Shouldham £109k
- Watlington £104k
- Denver £100k

Funding has been allocated to 64 Parish Areas in the Borough, the chart shows how many Parishes have received funding within each category:

