

# CABINET MEMBERS REPORT TO COUNCIL

28 November 2024

## COUNCILLOR JIM MORIARTY - CABINET MEMBER FOR PLANNING AND LICENSING

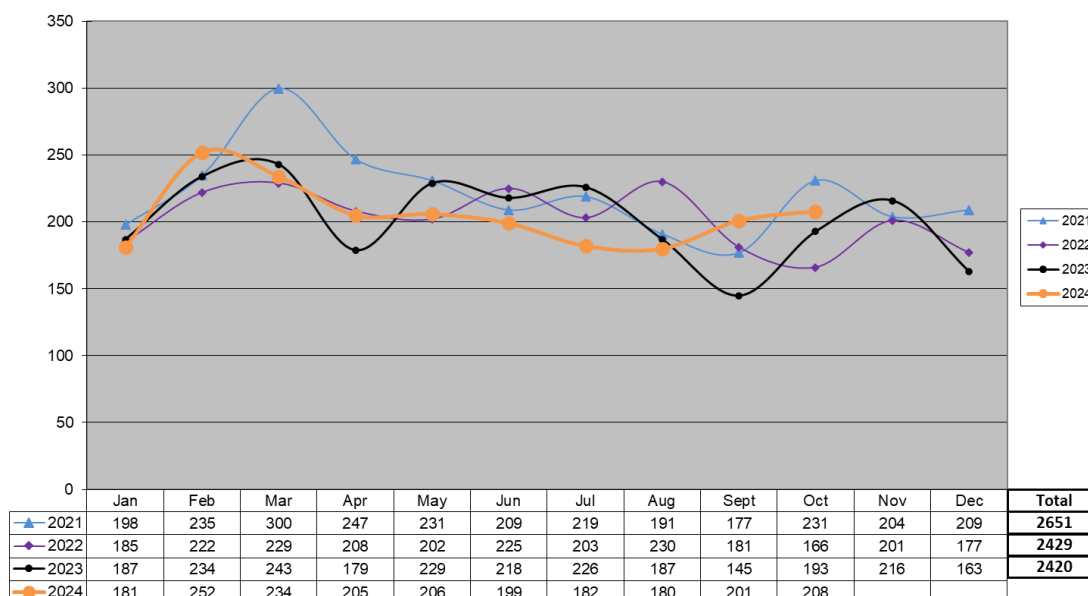
For the period 24<sup>th</sup> October to 15<sup>th</sup> November 2024

### 1 Progress on Portfolio Matters.

#### Planning and Discharge of Conditions applications received

Application numbers at the end of October 2024 are almost identical compared to the same period last year (+7 applications).

Planning and discharge of condition applications received



#### Major and Minor dwelling applications and householder applications received comparison

	1/11/21 – 31/10/22	1/11/22 – 31/10/23	1/11/23 – 31/10/24
No. of Major dwelling applications rec'd	17	19	16
No. of Minor dwelling	300	283	229

applications rec'd			
No. of Householder applications rec'd	779	644	617
<b>Total</b>	<b>1096</b>	<b>946</b>	<b>862</b>

\*Minor dwelling applications = up to 10 units                      Major dwelling applications = over 10 units

**2023/24 performance for determining planning applications 1/11/23 – 31/10/24. This measure is different to the**

	<b>National target</b>	<b>Performance</b>
<b>Major</b>	60%	96%
<b>Non – Major</b>	70%	92%

**Appeal Performance – appeal decisions made by The Planning Inspectorate between 1/11/23 – 31/10/24. This measure is different to the ‘quality of decision’ measure.**

	<b>Officer delegated</b>		<b>Committee overturns</b>		<b>Total</b>	
	Dismissed	Allowed	Dismissed	Allowed	Dismissed	Allowed
Appeals						
Planning	38	14	3	7	41	21
	73%	27%	30%	70%	66%	34%
Planning Enforcement	5	2				
	71%	29%				

### **Quality of decision**

This measure calculates the percentage of the total number of decisions made by the Local Planning Authority on applications that are then overturned at Appeal.

The Assessment period for this measure is the two years up to and including the most recent quarter plus 9 months. Therefore, the performance for Q3 (end of September 2024) is calculated as follows:

Planning applications determined by the Local Planning Authority between 01/2/2022 to 31/1/2024 (not the date the Local Planning Authority receives the appeal decision from the Inspectorate) plus 9 months to allow appeals to be determined by the Planning Inspectorate = 31/10/2024.

The threshold for designation for both Major and Non-Major is 10% - this is the figure that should not be exceeded, otherwise there is a risk of the Authority being

designated by Ministry of Housing, Communities and Local Government (MHCLG).

<b>MAJOR</b>		
No. of Decisions Issued	No. Allowed on Appeal	% Overturned
96	4	4.17%

<b>NON-MAJOR</b>		
No. of Decisions Issued	No. Allowed on Appeal	% Overturned
2983	25	0.84%

### **Revenue income for financial year 2024/25 (Planning and Discharge income)**

Figures are based on a full year projected income budget of £1,100,000.

<b>Projected</b>	<b>Actual</b>	<b>Variance with projected</b>
April 24 – Oct 24	April 24 – Oct 24	
£641,667	£497,300	<b>-£144,367</b>

### **Development Management staff update**

Unfortunately, I need to report that the Principal Planning Officer is leaving to join another Council and a Planning Officer is leaving to join the Projects and Regeneration Service within the Council. Authorisation has been given to appoint to the vacant posts and the recruitment process will commence. This could be challenging as we know appointing profession positions across the Council is proving difficult.

### **Planning Policy staff update**

Following a successful recruitment process the Graduate Planner is now in post.

### **Nationally Significant Infrastructure Projects (NSIPs)**

We are now the host authority for 3 NSIPs.

#### EGL 3 & 4 and Walpole to Grimsby (National Grid)

We have recently had a briefing regarding the National Grid projects which connect into Walpole Bank substation and officers are in discussion to arrange a further briefing in Q1 2025.

#### Fens Reservoir (Anglian Water)

The non statutory consultation on Fens Reservoir occurred in Summer 2024 and Anglian Water are currently assessing all comments. The super reservoir would be located in Cambridgeshire between Wimblington and Chatteris however a water transfer pipeline and holding reservoir would be located in the south west of the Borough (Welney / Nordelph / Downham Market areas). The formal Environmental Impact Assessment (EIA) Scoping Request has been submitted to the Council by the

Planning Inspectorate and officers will be submitting comments by 20<sup>th</sup> November 2024.

### Other NSIPs

We have also been consulted on an NSIP project, The Drovers Solar Farm, which is located to the south of Castle Acre, in Breckland. However, we are a “neighbouring local authority” and have therefore been requested by the Planning Inspectorate to make comments on the Environmental Impact Assessment (EIA) Scoping Request by 6<sup>th</sup> December 2024.

### **Community Infrastructure Levy (CIL)**

The Infrastructure Funding Statement (IFS) Yr 23/24 which provides information of developer contributions that are used to provide infrastructure to support development and mitigate its impact, will be published in December.

### **Local Plan**

The Borough Council formally submitted its Local Plan in March 2022 for Examination. In doing so we made a formal request to the Secretary of State for the Department for Levelling Up, Housing & Communities (now the Ministry of Housing, Communities and Local Government) that the appointed Inspectors recommend any modifications required to make the Local Plan legally compliant and sound.

Although the scheduled Local Plan Examination Hearings have now concluded we remain at examination until the Inspectors’ final Local Plan Report has been received. The agreed accelerated timetable through to adoption (please see the Local Development Scheme available to view [here](#)) will result in the Local Plan being adopted before the conclusion of this financial year (March 2025).

The Main Modification consultation on the majority of the Local Plan, known as Part 1 has closed. The Main Modification consultation, which relates solely to Gypsy and Travellers and Travelling Showpeople policies, known as Part 2, commenced on 17 October and will close 29 November.

All representations received will be sent to the Inspectors and will inform their Local Plan Report.

When we receive the Inspectors’ Local Plan Report, anticipated early in the new year, a report will be prepared and taken to Cabinet and Full Council recommending that the Local Plan be formally adopted (February / March 2025).

### **Neighbourhood Planning Update**

As of November 2024, there are 20 “made” (adopted) neighbourhood plans in place, including 5 which were made during the previous financial year (2023-24). Details of recently made (during 2024-25 financial year) and emerging neighbourhood plans are set out below:

### Recently “Made” Neighbourhood Plans

	Current position
Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036	Passed at referendum, 22 August 2024; “made” <b>27 August 2024</b>

### Emerging Neighbourhood Plans

	Current position
Docking	Preliminary draft Plan Strategic Environmental Assessment/ Habitat Regulations Assessment consultation with Environment Agency/ Historic England/ Natural England (December 2024/ January 2025)  1 <sup>st</sup> draft Plan (Regulation 14) consultation anticipated early-2025
Marshland St James	Preliminary draft Plan Strategic Environmental Assessment/ Habitat Regulations Assessment consultation with Environment Agency/ Historic England/ Natural England (June/ July 2024)  1 <sup>st</sup> draft Plan (Regulation 14) consultation, 1 November – 13 December 2024 (inclusive)
North Wootton Neighbourhood Plan 2022-2036	Submitted, 12 September 2023; followed by pre-examination (Regulation 16) consultation (finished 24 November 2023).  Examiner’s Report published 23 July 2024. Referendum date: 14 November 2024; anticipated adoption, end-November 2024
Pentney Neighbourhood Plan	1 <sup>st</sup> draft Plan (Regulation 14) consultation March-May 2023; Plan submission anticipated spring/ summer 2025
Ringstead Neighbourhood Plan 2021-2036	Submitted 22 April 2024. Pre-examination (Regulation 16) consultation, 14 June – 26 July 2024 (inclusive).  Examination concluded 21 October 2024. Referendum anticipated early-2025.
Syderstone	Preliminary draft Plan Strategic Environmental Assessment/ Habitat Regulations Assessment consultation with Environment Agency/ Historic England/ Natural England (September/ October 2024)  1 <sup>st</sup> draft Plan (Regulation 14) consultation, 4 November – 16 December 2024 (inclusive)
Walpole	Preliminary draft Plan Strategic Environmental Assessment/ Habitat Regulations Assessment consultation with Environment Agency/ Historic England/ Natural England (June/ July

	2024) 1 <sup>st</sup> draft Plan (Regulation 14) consultation, 21 October – 2 December 2024 (inclusive)
Walpole Cross Keys (review of 2017 Neighbourhood Plan)	Preliminary draft Plan Strategic Environmental Assessment/ Habitat Regulations Assessment consultation with Environment Agency/ Historic England/ Natural England (June/ July 2024)  1 <sup>st</sup> draft Plan (Regulation 14) consultation, 21 October – 2 December 2024 (inclusive)
In addition, several other Parishes are designated Neighbourhood Areas, but progress with plan-making is unknown or at an early stage	Burnham Overy (designated 5 December 2023); Dersingham; Downham Market; Great Massingham; Ingoldisthorpe; Outwell; Shouldham; Tilney St Lawrence; West Dereham
Expressions of interest	King's Lynn Area Committee; Little Massingham Parish Council; Titchwell Parish Meeting

### Licensing

- Taxi fee level calculations and changes to the Hackney Carriage & Private Hire licensing procedures and conditions booklet have been finalised and are out for consultation until 18<sup>th</sup> December 2024. Reports will be produced through E+C, Cabinet and then Full Council in January 2025. Consultation meetings have been offered to all of the licensed trade and are taking place in the coming weeks.
- The 2 prosecution cases have both been heard at Magistrates Court – unlicensed taxi/unlicensed dog breeder. Unlicensed dog breeder pleaded guilty and was awaiting sentencing at your last update. Good result with that one. Total of £4700 costs and fine, 300 hours unpaid work and banned from keeping animals for 3 years. Both been publicised in local press, and dog breeder hit BBC News.
- The revised Gambling Act Statement of Principles consultation ended on 16<sup>th</sup> September 2024. Been through E+C, been to Cabinet on 5<sup>th</sup> Nov and next to Full Council on 28<sup>th</sup> Nov – to be effective from 31<sup>st</sup> Jan 2025.

### Hearings

A taxi driver appeared before Licensing & Appeals Panel for having 9 DVLA points (speeding). Decision was to require driver to undertake a speed awareness course.

Licensing Sub-Committee, The Buck Inn, Tilney St Lawrence.

### Written Answer to Question at previous Full Council

At the last Full Council Cllr Richard Coates asked me about the numbers of appeals allowed by the Planning Inspectorate in the last year. In particular he was concerned that the figures quoted implied of 29 appeals, 23 were in the last year and thus just six were from the previous year and three quarters.

Appeal performance – decisions made by The Planning Inspectorate 1/10/23 – 30/9/24.

We calculate this based on appeal decisions for the application types (codes) detailed below and also other application types such as Prior Notifications, Lawful Development Certificates, Telecommunications etc. We do not use the date the planning decision was issued, we use the appeal decision date.

**PS codes – reported to Government each quarter**

**Major developments, excluding public service infrastructure development**

Code	Description
1	Dwellings
2	Offices / R&D / light industry
3	Heavy industrial / storage / warehousing
4	Retail and service
5	Traveller caravan pitches
6	All other major developments

**Public Service Infrastructure Development**

Code	Description
7	Public service infrastructure development

**Minor Developments**

Code	Description
13	Dwellings
14	Offices / R&D / light industry
15	Heavy industrial / storage / warehousing
16	Retail and service
17	Traveller caravan pitches
18	All other major developments

**Other Developments**

Code	Description
20	Change of use
21	Householder developments
22	Advertisement
23	Listed building consents (to alter / extend)
24	Listed building consent (to demolish)
25	Relevant demolition in a conservation area

**Quality of Decisions.**

The figures only relate to the application types (codes) as detailed above and no other application type. Also, the figures are based on planning decisions made in the 2 year period (in your report 1/2/22 – 31/12/23) and not the actual appeal decision date. If a planning refusal decision is issued in the period 1/2/22 – 31/12/23 and the applicant appeals then the planning decision date is used, not the appeal decision date.

Finally, we have seen a significant increase in planning appeals as detailed below, based on the application types (codes) above. This will be another factor as to why the figures are very similar because we didn't receive as many planning appeals in

2022.

2022 = 31 planning appeals

2023 = 49 planning appeals

1/1/24 – 7/11/24 = 59 planning appeals

It's a bit confusing but we are assessing like for like figures / application types. The Quality of Decisions KPI is a very different measure. I am going to tweak the wording in my report to make the distinction between the two measuring exercises more apparent.
