

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**PLANNING COMMITTEE**

Minutes from the Meeting of the Planning Committee held on Monday, 4th April, 2022 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor Mrs V Spikings (Chair)
Councillors Miss L Bambridge (sub), F Bone, C Bower, A Bubb, G Hipperson,
A Holmes, M Howland (sub), C Hudson, B Lawton, C Manning, E Nockolds,
T Parish, C Rose, J Rust, M Storey, D Tyler and D Whitby

PC46: **WELCOME**

The Chairman, Councillor Mrs Spikings welcomed everyone to the meeting. She advised that the meeting was being recorded and streamed live on You Tube.

The Chairman then invited the Democratic Services Officer carried out a roll call to determine attendees.

PC47: **APOLOGIES**

Apologies for absence were received from Councillor Patel (Cllr Bambridge sub) and Councillor Squire (Cllr Howland sub).

The Chairman thanked the substitutes for attending the meeting.

PC48: **MINUTES**

The minutes of the meeting held on 7 March 2022 were agreed as a correct record and signed by the Chairman, Councillor Mrs Spikings.

PC49: **DECLARATIONS OF INTEREST**

Councillor Bone declared an interest in relation to items 8/3(a) and 8/3(b), Downham Market. He explained that during 2018 and 2019 he worked for Purfleet Trust, but he had not visited the sites since that time. He considered that he had not pre-determined the application an interest in the items.

Councillor Holmes declared an interest in relation to item 8/2(a) Downham Market, and addressed the Committee in relation to Standing Order 34.

PC50: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to consider.

PC51: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors addressed the Committee under Standing Order 34:

Cllr Holmes	8/1(a)	Downham Market
Cllr Ryves	8/1(a)	Downham Market
Cllr J Ratcliffe	8/1(a)	Downham Market
Cllr A Ryves	8/2(b)	Downham Market
Cllr A Ryves	8/3(c)	Heacham
Cllr J Moriarty	8/3(d)	Hillington
*Cllr J Kirk	8/3(g)	Walpole

*The Democratic Services Officer read out a statement from Councillor Kirk.

PC52: **CHAIRMAN'S CORRESPONDENCE**

The Chairman, Councillor Mrs Spikings reported that any correspondence received had been read and passed to the appropriate officer.

PC53: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the late correspondence received after the publication of the agenda, which had been previously circulated, was tabled. A copy of the agenda would be held for public inspection with a list of background papers.

PC54: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

a **Decisions on Applications**

The Committee considered schedules of applications for planning permission submitted by the Executive Director for Planning & Environment (copies of the schedules are published with the agenda). Any changes to the schedules are recorded in the minutes.

RESOLVED: That the applications be determined, as set out at (i) – (viii) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

(i) 21/01781/F

West Walton: Land north-east of Thurston Farm, Common Road, Walton Highway: Change of use of land and stables to commercial livery yard (retrospective) and siting of temporary dwelling in connection with commercial livery: Mrs D Glover

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Members were reminded that this application had been deferred at Planning Committee on 7 March 2022 to allow discussions with the applicant relating to temporary consent.

The description of the development had been agreed with the agent, referring to the siting of a temporary dwelling in connection with the livery business. Updated comments relating to the impact of Policy DM6 of the SDMPP (2016) had been included within the report in bold.

Full planning permission was sought for a new business tied dwelling in association with a proposed change of use of existing stables to use as a commercial livery. The site was accessed via Common Road, Walton Highway.

The site was located outside of the development boundary on land, which was considered to be within the wider countryside for the purposes of planning policy.

The application had been referred to the Committee for determination as it was deferred from the meeting held on 7 March 2022.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Liam Lunn-Towler (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, after having been put to the vote, was carried (13 votes for, 3 against and 2 abstentions).

RESOLVED: That the application be refused as recommended.

(ii) 20/01893/FM

Downham Market: Land east of 160 and west of roundabout, Bexwell Road: Erection of a new Lidl food

store (Use Class E) with associated car parking and landscaping: Lidl Great Britain Limited

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Councillor Howland advised that he would not be taking part in this item.

Councillor Holmes left the meeting and addressed the Committee under Standing Order 34.

The Principal Planner introduced the report and explained that full planning permission was sought for the construction of a Lidl food store with associated car parking and landscaping. The store would have a gross internal floorspace of 2175 m² with a net sales area of 1414 m².

The site comprised of 0.93 hectares of land on the southern side of Bexwell Road and to the south-west of the roundabout junction with the A10. The site was in agricultural use. To the west and north of the site residential development was located and to the south and east agricultural fields.

Access was proposed off Bexwell Road via a new priority junction that linked to the eastern side of the site. The scheme would provide 136 car parking spaces and space for 22 customer bicycles.

The site was located outside the development boundary for Downham Market and was classed as countryside with respect to Local Plan policies. The western boundary of the site abuts the development boundary of Downham Market.

The application had been referred to the Committee for determination as the view of the Town Council was contrary to the officer recommendation and at the request of the Assistant Director.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the public speaking protocol, Richard Huteson (supporting) and Kate Bueloch (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor A Holmes, Councillor Ryves and Councillor Ratcliffe addressed the Committee in relation to the application.

Councillor Bone stated that he could see that the application would have benefits for residents off Downham Market as a discount retailer and would deliver employment opportunities. He also welcomed the green proposals put forward however with McDonalds and Starbucks he could see the creation of a retail park. He added that Downham

Market was an area of growth and perhaps there could be the need for a small retail park for the growing town.

Councillor Rust added that this was a finely balanced application, and it was important that consideration was given to the countryside and loss of trees, but consideration had to be given to the growing area of Downham Market and to fact that it was really well supported by local residents. The Town Council also had no objection to the proposal. She added that most shoppers that used the discount retailers also used other supermarkets too and did not feel that it would have a such a detrimental impact. She also felt that the £50,000 offered to Downham Market should be considered further and tied down legally. She therefore supported the application.

The Chairman, Councillor Mrs Spikings added that the Chair of Downham Market Town Council had advised that there was a forthcoming election for 10 Councillors and there had not been time to call an emergency meeting to discuss this and there could have been a different view.

Councillor Bubb stated that the Starbucks and McDonalds were clearly there to catch passing trade along the A10. This site was not suitable and was out to the east of the town. He added that a site more central might be acceptable. Where it was currently situated, everyone would have to drive to get too it, causing more pollution. The site was in the countryside and would spoil the view for the residents of the care home that had been given permission.

Councillor Bambridge explained that the R&D Panel was considering how the Panel could develop a strategy policy on the long-term visions for town centres and Downham Market was one of the towns included in that proposal. It was on the Panel's work programme. Last year, Councillors Collingham, Crofts and herself went and had a look round Downham Market and came up with some potential ideas to apply for some funding and there were other opportunities such as the Townscape Heritage Initiative, so it was on the minds of the R&D Panel to help the residents of Downham Market with some public realm improvements, so if the applicant was offering £50,000 that would help with that.

Councillor Tyler added that there were already three well supported supermarkets trading in Downham Market, together with two bakeries many other various outlets including the excellent outdoor market. Many residents including himself would love to see a development which sold good quality products at affordable prices. However, he believed that if this development was permitted, it could be detrimental to the supermarkets and all business that depended on footfall generated by the existing supermarkets. He added that it was a finely balanced application.

Councillor Parish informed the Committee that he agreed with the comments from Councillors Tyler and Bubb. He added that he thought the era of out-of-town shopping centres was over partly because it did require cars to move to and from them and also the emphasis recently pre-covid and during covid to ensure that town centres remained healthy. He added that the Lidl's in Heacham did impact on an existing small supermarket, which was well used, and contributed to the closure of the butchers and it had been documented that there would be no impact on Heacham. However, in this case, it had been investigated and the findings were that there would be an impact on services. He added that supermarkets these days were competitive in any case. There would be an impact on the countryside and seemed odd that the site was an agricultural field, which would be covered by a building. He added that agricultural fields were needed to grow food as there would be supply issues with food and associated rising costs. Some landscaping at Lidl's in Heacham had died and had not been replaced, so this Borough Council had to apply a breach of condition notice to them to move them forward to rectify the situation.

The Chairman added that Downham Market had a good shop offer, which was what made the town centre vibrant. However, to add this to the outskirts with the increase in traffic that it would cause was too much. She added that the £50,000 that had been offered would not achieve much. She also had concerns about the impact the proposal would have on 160 Bexwell Road.

Councillor Hipperson proposed that this application should be deferred until after Downham Market Town Council had held their election, however there was no seconder for the proposal.

The Executive Director advised the Committee that Downham Market Town Council were a consultee, and their views were helpful but ultimately it was up to the Committee to determine the application against national planning policy guidance and local planning guidance.

Councillor Hudson added the Committee was representing the people who lived in Downham Market and were not in a position to tell them how and where to shop.

Councillor Storey added that if Lidl's were to get permission, people from other villages would also use the store and might go into Downham Market town centre and spend money. The proposal would also create 40 jobs. He also referred to the fact that there had been pre-application advice and asked what had changed since then. He supported the application.

The Principal Planner responded to the issue around the pre-application advice, which was 'likely to approve' but at that time they did not have the information which related to the impact on the town centre.

She also referred to page 33 of the report – delivery hours, which should be amended to read: 07:00 – 22:00 hours.

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, after having been put to the vote, was lost (3 votes for, 12 votes against and 1 abstention).

The Executive Director referred to page 30 of the report, second bullet point where it stated that 'Should the Council be minded to approve the application, it would be worthwhile allowing time for a suitable financial contribution to be negotiated to deliver benefits to the town centre ...' He asked if the Committee wanted to defer the application to allow investigation into the contributions and bring back to the Committee or to approve the application with conditions.

The Chairman asked for comments from the Committee in relation to this.

The Executive Director advised the Committee on the proposal which was:

That the Committee was minded to approve the application, subject to discussions taking place with the applicant to identify both the scale of the financial contribution and what it would be used for. That package would come back to Planning Committee for ratification and formal confirmation of the Committee's decision to approve. Any mitigation measures would need to be subject to a Section 106 and appropriate conditions imposed.

The Democratic Services Officer then carried out a roll call on the proposal above and, after having been put to the vote, was carried unanimously.

RESOLVED: That the Committee was minded to approve the application, subject to discussions taking place with the applicant to identify both the scale of the financial contribution and what it would be used for. That package would come back to Planning Committee for ratification and formal confirmation of the Committee's decision to approve. Any mitigation measures would need to be subject to a Section 106 and appropriate conditions imposed.

The Committee then adjourned for a comfort break at 10.55 am and reconvened at 11.05 am.

(iii) 21/00152/RMM

Downham Market / Denver: Land south of Denver Hill, north of Southern Bypass, East of Nightingale Lane: Reserved matters: Up to 300 dwellings and associated infrastructure and access: Prosperity Homes Broadoaks Limited and Koto Limited

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The Senior Planner introduced the report and explained that the site was located to the south-east of Downham Market bounded by the A1122 on the south boundary, Ravensway and Denver Hill to the north-east boundaries, Nightingale Lane and Crow Hall Cottages to the north and open farmland to the east boundary. Nightingale Lane was a Restricted Byway and ran from the north boundary south through the site to the footbridge crossing over the A1122 and south towards Denver.

The site was an allocation for Downham Market under Policy F1.4 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 140 dwellings.

The outline application for up to 300 dwellings was considered by Members at Committee in April 2017 and subsequently refused but then consent was granted on appeal by the Planning Inspectorate in May 2018. The outline consent was for up to 300 dwellings and associated infrastructure and access, with the red line in accordance with Policy F1.4.

This application sought reserved matters consent for 300 dwellings plus associated infrastructure and access. The matters for consideration were appearance, landscaping, layout and scale.

The application had been referred to the Committee for determination at the request of Councillor Tyler.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Chris Calvert (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order, Cllr A Ryves addressed the Committee in relation to the application.

The Senior Planner responded to questions raised by Councillor Ryves.

The Senior Planner also outlined the position of the affordable housing and confirmed that it was in accordance with policy. They advised that they were of a similar design to the open market housing.

Councillor Parish outlined his concerns to the application in relation to design, ecology and drainage.

In relation to the boundary treatments, he proposed an additional condition in relation to ecology including hedgehog highways, which was agreed by the Committee.

The Chairman also drew the Committee's attention late correspondence and the need to amend conditions 12 and 14, to delete condition 16 and then renumber 1-16 and to amend condition 1 to delete the boundary treatment plan.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to conditions 12 and 14 being amended, condition 16 being deleted and then the remaining conditions 1-16 being renumbered, condition 1 being amended to delete reference to the boundary treatment plan, and the imposition of an additional condition relating to ecology including hedgehog highways, and, after having been put to the vote, was carried (15 votes for, 2 against and 1 abstention).

RESOLVED: That the application be approved as recommended subject to:

Conditions 12 and 14 being amended, condition 16 being deleted and then the remaining conditions 1-16 being renumbered, condition 1 being amended to delete reference to the boundary treatment plan, and the imposition of an additional condition relating to ecology including hedgehog highways

(iv) 21/01148/F

Downham Market: Castle Hotel, High Street: Conversion of hotel to 7 flats and HMO, amenity and parking area: c/o Agent

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The Principal Planner introduced the report and explained that the application site was that of The Castle Hotel, which was a Grade 2 listed building on the northern corner of the mini-roundabout junction of High Street, Paradise Road and Lynn Road at the centre of Downham Market. The property was also located within the Conservation Area of the town.

Members may recall a recent planning application and associated Listed Building application were permitted to convert the existing 12 bedroomed hotel into 6 flats, convert the single storey brewhouse in the rear yard into a 1 bedroomed dwelling and extend it to create a further similar unit. This effectively created a total of 8 no. dwellings. In the interim, a variation to the plans had been permitted to accommodate minor alterations to the internal layout of the flats.

The brewhouse and extension were to be implemented under the earlier permissions, however it was a new proposal to convert the main hotel building into 7 flats and a small House in Multiple Occupancy (HMO) containing 5 bedrooms, with associated parking and amenity area.

The application was accompanied by a Planning Statement & Design and Access Statement, Heritage Statement and Tree Survey.

There was an associated Listed Building application submitted under ref: 21/01150/LB, which was also on the agenda.

The application had been referred to the Committee for determination as the views of the Town Council were contrary to the officer recommendation and at the request of the Planning Sifting Panel.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, the Democratic Services Officer read out comments from Julian Kerkham (supporting), who could not attend the meeting because of illness for this application and the associated Listed Building application.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and the following Listed Building application, and after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved as recommended.

(v) 21/01150/LB
Downham Market: Castle Hotel, High Street: Conversion of hotel to 7 flats and HMO, amenity and parking area: C/o Agent

RESOLVED: That the application be approved as recommended.

The Committee then adjourned at 12.24 pm and reconvened at 1.05 pm

Councillor Howland left the meeting at 12.24 pm.

(vi) 21/00943/F
Heacham: Church Farm, Church Farm Road: Conversion of 1 no. existing building and erection of 6 no. replacement buildings (following demolition of existing derelict buildings) for use as holiday accommodation: Mel-Able Farming Ltd

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The Principal Planner introduced the report and explained that the application sought the conversion and repair of 1 no two-storey, detached building and the construction of 6 no. single storey, semi and

terrace replacement buildings for use as 1 and 2-bed units of holiday accommodation.

The site was located outside of the development boundary for Heacham (countryside) within the Norfolk Coast Area of Outstanding Beauty (AONB).

The site was located within the 2km buffer zone of an SSSI and was ranked as 'Medium' in terms of groundwater risk.

The land was agricultural and was therefore not classed as previously developed land in planning terms.

The existing highway access via the B1454 would provide access to both the existing and continued agricultural operations on Mel-Able Farm as well as the proposed development of holiday lets.

The application was accompanied by a Design and Access Statement, Business Plan and Structural Survey.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of the Parish Council and by the Planning Sifting Panel.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with Standing Order 34, Councillor Ryves addressed the Committee in relation to the application.

It was proposed by Councillor Rust and seconded by Councillor Bone that the application be refused as she considered that the application would not enhance, conserve or enhance the AONB.

Later in the debate an additional reason for refusal was added with regards to the relationship of farm activities and potential for conflict with the holiday use.

Councillor Hudson referred to the comments made by Councillor Ryves who had suggested that the Committee should see the site. She therefore proposed that a site visit be carried out however there was no seconder for the proposal.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application and, after having been put to the vote, was carried (11 votes for, 3 against and 3 abstentions).

RESOLVED: That the application be refused, contrary to recommendation for the following reasons:

1. *The proposed development, by reason of the already wide provision for tourist accommodation within the locality and the impact on beautiful views, fails to preserve or enhance the AONB, and is therefore contrary to paragraphs 174 and 176 of the NPPF, Policy CS12 of the Core Strategy 2011 and Policy DM11 of the SADMPP 2016.*
2. *The proposed development by virtue of the proximity of the holiday accommodation to the existing farm buildings, would fail to provide safe and high quality layout. The proposal therefore fails to accord with paragraphs 97 and 130 of the National Planning Policy Framework, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP 2016.*

(vii) 21/02371/O

Hillington: Land south of 14 and 15 Pasture Close: Outline application: Site for construction of residential properties: Williams Farms Ltd

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The Planning Control Manager introduced the report and explained that the application sought outline planning permission for residential development with all matters reserved for future consideration. The site was located to the south-east of Pasture Close, Hillington and was located at the end of the existing cul-de-sac. An indicative layout plan had been submitted giving the quantum of development the applicant was seeking to achieve which indicated 4 pairs of semi-detached dwellings.

The site was located in open countryside but represented the housing allocation for Hillington in the Site Allocations and Development Management Policies Plan (SADMP).

The application had been referred to the Committee for determination at the request of Councillor Moriarty and the officer recommendation was contrary to the views of the Parish Council.

In accordance with the adopted public speaking protocol, Graham Rogerson (objecting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor J Moriarty addressed the Committee in relation the application.

It was proposed by Councillor Bone and seconded by Councillor Rust that an additional condition be imposed requiring the dwellings to be single storey, which was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application with an additional condition

requiring the dwellings to be single storey and, after having been put to the vote, was carried (15 votes for and 2 against).

RESOLVED: That the application be approved, be recommended, subject to the completion of a Section 106 Agreement securing affordable housing financial contribution within four months of the date of the resolution to approve, and the imposition of an additional condition requiring the dwellings to be single storey.

(viii) 21/01004/F

South Wootton: Land accessed west of 90 Grimston Road and west of 4 & 6 Green Lane, Grimston Road: 2 no. dwellings: MBN Property Developments Ltd

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The Principal Planner introduced the report and explained that the application site comprised a parcel of semi-pastured land, measuring approximately 2140 m² and was situated to the west of Green Lane, South Wootton. The land was currently unused and was accessed via an existing track located on the southern side of Grimston Road.

Full planning permission was sought for the construction of 2 no. two storey dwellings. The site benefitted from an extant outline consent (20/01124/0 – all matters reserved) for the construction of 2 no. dwellings.

The application site was within the development boundary outlined in both the Local Plan and the South Wootton Neighbourhood Plan (SWNP).

The application had been referred to the Committee for determination as the officer recommendation was at view with the comments of the Parish Council and by the Planning Sifting Panel.

The Planning Control Manager highlighted the need to amend Condition 2 and add conditions 8 and 9, as detailed in late correspondence. She also proposed that condition 4 be amended to include wildlife corridors to be erected or such like.

The Committee noted the key issues for consideration when determining the application, as outlined in the report.

Reference was made to the lack of a shadowing diagram.

It was proposed by the Chairman, Councillor Mrs Spikings and seconded by Councillor Storey that the application be deferred for further information, which was agreed by the Committee.

RESOLVED: That the application be deferred for further information.

- (ix) **21/01411/F**
Tilney St Lawrence: Land north of Ifields, 46 High Road,
Tilney cum Islington: Proposed residential bungalow: Mr
Vincent

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The Principal Planner introduced the report and explained that the application related to a site on the eastern side of High Road, Tilney cum Islington. Tilney cum Islington was defined as a 'Smaller Village and Hamlet' within the settlement hierarchy of the Core Strategy.

Full planning permission was sought for a single storey detached dwelling.

The application had been referred to the Committee for determination as the officer recommendation was at variance to the views of the Parish Council, who objected to the proposal.

The Committee also noted the key issues for consideration when determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Karen Stone (objecting) addressed the Committee in relation to the application.

Councillor Parish proposed that the application should be refused on the grounds that the proposal would be detrimental to the residential amenity of the neighbouring property, design and it would constitute a cramped form of development. This was seconded by Councillor Rust.

The Democratic Services Officer then carried out a roll call on the proposal to refuse the application and, after having been put to the vote, was carried (14 votes for and 3 abstentions).

RESOLVED: That the application be refused, contrary to recommendation for the following reasons:

1. *The design of the proposed dwelling and proximity to the common boundary with No.50 High Road, would result in overshadowing to the detriment of the amenity of the residents, contrary to the provisions of the NPPF, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).*
2. *The proposal constitutes a cramped form of development not in keeping with the street-scene, contrary to the provisions of the NPPF, Policies CS06 & CS08 of the Core Strategy (2011) and Policies DM3 & DM15 of the SADMPP (2016).*

- (x) **21/02499/O**
Walpole: Land adjacent Roseville, Chalk Road, Walpole St Peter: Outline application for a new residential development: Mr J Heavy

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The Principal Planner introduced the report and explained that the application site was a strip of land on the western side of Chalk Road comprising 0.35 ha of mostly paddock land.

The application sought outline planning permission with all matters reserved for future consideration, for new residential development. Indicative plans accompanied the application which showed 7 dwellings (pair of semis and 5 no. detached units).

The site was located outside the village development area for Walpole St Peter and in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment.

The application had been referred to the Committee for determination at the request of Councillor Kirk.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

The Democratic Services Officer then read out a statement from Councillor Kirk (in support of the application).

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be refused as recommended.

PC55: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 2.46 pm