

No	Action Point	Allocation	Timeframe	Update
1/2 5	<u>Introduction and Apologies</u>			<p>Apologies received from: Emma Nasta, Alex Patrick, Simon Jackson and Tim Slater</p> <p>Present: Dino Biagioni (DB), Sheila Black (SB) Chris Cooper (CC) Marcel Cooper (MC), Alan Davies (AD), Anne Dew (AD) Gareth Edwards (GE), Peter Harley (PH), Matthew Hall (MH), Marriyah Jabbar (MJ), Hannah Lambert (HL), Mark Jones (MJ), Jonathan Malings (JM). Kirsty Paul (KP), Shanna Penney (SP), David Rowen (DR), Cllr Dee Laws (DL) Matt Leigh (ML), Liam Lunn Towler (LLT), Peter Moore (PM), Rachel Mottram (RM), Nick Seaton (NS), Will Simpkins (WS) George Stone (GS), Ryan Taylor (RT) Michael Temple (MT), Bill Tilah (BT) Jordan Trundle (JT), Shubhankar Umran (SU), Tom Vincent (TV), George Wilkinson (GW), David Wyatt (DW)</p>
2/2 5	<u>Review of Action Schedule from Last Meeting held on 9 April 2025</u>			The Action Schedule from the last meeting was agreed. ML explained that the poll with regards to future meetings is still to be circulated.
3/2 5	<u>Local Plan Update</u>			KP stated that RM had explained at the last meeting that some additional funding had been secured from Central Government and since then work has taken place to ascertain what the technical evidence priorities need to be going forwards. These are: Landscape character assessment/sensitivity study sports and leisure needs assessment and the infrastructure delivery plan. KP explained that currently the decision has

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				<p>been taken not to update the housing needs work because there was some additional information that was due out in the Spring.KP added need to be sure that there is a decent amount of base data on that.</p> <p>KP stated at the last forum there was a discussion regarding call for sites process commencing in the Summer however this has been pushed back until the Autumn to give people the opportunity after the summer holidays to resubmit their sites. She explained that software namely 'Placemaker' by Urban Intelligence is being used and even if Agents and Developers are being asked to resubmit sites which have previous been recognised and submitted in the first call for sites in order that it can be added to the new system which will be the sites database used internally. KP added that once the call for sites data is completed then the housing land availability assessment will be able to be completed along with the employment land availability assessment.</p> <p>KP stated that she is also actively encouraging submissions for habitat banks and she explained that if there are any pieces of land where it is not felt that they are suitable for employment or housing but where they could come forward for habitat banks specifically linked to biodiversity net gain then those submissions would be welcomed.</p> <p>KP added that the 5-year land supply assessment has recently been finalised and has been published on the council's website. She explained that it confirms that the council has 6.6 years' worth of supply using the latest projections.</p>

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				<p>She explained that housing monitoring work for 24/25 which is being undertaken at the current time and over the summer additional monitoring work will be carried out concerning employment land and town centres. This information will be collected between late July and September, and a report will be taken to Full Council and Cabinet in September to provide an update on the status of the Local Plan and the next steps.</p> <p>GS stated that once the call for sites is open how long will that run for before an updated Regulation 18 plan goes out for consultation.KP explained that there are no plans to go out for an updated Regulation 18 due to tight timescales however that it determined upon what the technical evidence states and whether there are substantive changes from the 2022 consultation document which there maybe due to the time lapse. She added that she had hoped to undertake some informal consultation throughout the Autumn. KP added that it is hoped to have an up-to-date housing and employment land availability assessment by the end of the year and it is likely to be a 6-week submission period, however that could be reopened early in 2026 for it to be updated again. KP stated that the benefit of using the Placemaker software is because it is an automated assessment, and it is not as officer time intensive as it works using spatial data and mapping sets in order to work out the suitability. She added that the fact the sites are being promoted confirms the availability side of things and there just needs to be some high-level checking with regards to the achievability and then a report can be published. KP explained that as the process should be less time intensive than</p>

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				<p>has happened previously it will mean that call for sites can take place more regularly meaning that there will be an up-to-date understanding around availability.</p> <p>KP stated that with regards to the call for sites Agents and Developers will be able to register on the site and that will allow for sites to be edited with details of the sites and any updated information can be added in order to reflect a more live and fluid conversation so that officers have an up to date picture concerning the sites and the intentions associated with them.</p> <p>GS asked when Regulation 19 will be implemented and KP stated that the draft date is Summer 2026.</p>
4/25	<u>Performance</u>			<p>DR provided an update with regards to performance.</p> <p>Validation: 5 working day backlog.</p> <p>Planning Applications - April to June (2024/25)</p> <p>Majors 100% (100%) Minor 94% (87%) Other 100% (85%)</p> <p>Against the Government 24 Month Rolling Performance Requirement</p> <p>Majors 95% (designation threshold 60%) Non-major 86% (designation threshold 70%)</p>

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				Councillor Mrs Laws (DL) passed on her congratulations to the Planning Team for the significant improvement which has taken place, with regards to the figures which demonstrate the hard work and efforts of the officers in the team.
5/2 5	<u>Self Build</u>			<p>ML referred to the letter he had circulated to agents and developers.</p> <p>He explained that with regards to Biodiversity Gain Requirement (Exemptions) allow exemptions for self-build developments.</p> <p>ML added that there has been a significant increase in the number of self-build applications submitted since the BNG requirement has been introduced.</p> <p>ML stated that he has received a legal opinion on this matter which raises a couple of points mainly around the declaration and also in relation to the condition/enforceability.</p> <p>ML highlighted that any false declaration with regards to BNG is a criminal offence under the Fraud Act 2006 and knowingly submitting inaccurate information is illegal and the liability would fall to the individual who signs the paperwork which could be the Planning Agent and could also extend to the applicant as they have facilitated the Agent to make a false submission.</p> <p>ML added that if the self-build is found to be flawed or either intentionally or accidentally then the BNG condition automatically applies because</p>

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				<p>it applies to the law and is similar to the three year for planning applications and where case law has stated that if there is a legal agreement for that to be there and if it is not imposed it still sits legally on the decision. ML explained that any dwelling which turned out not to be a self-build would breach the planning condition due to the fact that the details were required prior to commencement.</p> <p>ML explained that a growing number of appeal decisions have come about recently which are being dismissed in relation to enforceability mechanism regarding BNG and self-build. He added that the appeals are being dismissed because the condition does not meet the tests and it would have to be done through a Section 106. ML added that the decisions are being looked at in order to ensure that the council are in a robust and appropriate position to protect the council and developers. He made the point that it could become necessary that there will be the requirement to do a Section 106 on all self builds and if that is the case then officers would look to produce a relatively simple template for standard Section 106 agreements which would be on the council's website which should reduce costs considering the checking and production of it.</p> <p>CC explained that he is just about to submit an application for 25 units and there will be an offer to make financial contributions, and the provision of offsite credits related to BNG. He asked whether he should be submitting an actual draft Section 106 as part of the application or could that form part of the application process. ML added that for a scheme of that size, the heads of terms are needed and if the application should progress</p>

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				to completion and approval then the Section 106 will be looked at towards the end. He added that he was referring to the far smaller applications which do not have any other contributions and would normally not require any Section 106.
6/2 5	<u>National Scheme of Delegation</u>			<p>ML stated that Central Government are looking at bringing forward a National Scheme of Delegation which is currently out for consultation which closes on 23 July. He explained that the proposal is made up of two tiers, Tier A, which would all be delegated to officers and there would be no mechanism to move them up to committee. ML stated that historically these would be quite minor applications and would include schemes of 9 and below dwellings, predominantly non majors with the odd variant.</p> <p>ML explained that Tier B is going to be for all other applications, and these will be delegated to officers unless the Chief Planning Officer and the Planning Committee Chairman agree that the application should go before the committee. He added that in theory there should be no applications which have to go before the Planning Committee once the National Scheme of Delegation is introduced.</p> <p>ML added that an employee of the council or an elected member of the Council who submitted an application would fall into Tier B but generally it is large scale major applications. He added that part of the consultation is around the introduction of a mid-category to go alongside minors and majors for housing developments and the Government are consulting on whether that needs to be Tier A or Tier B if that is introduced. ML explained that the</p>

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				<p>council will be submitting a consultation response and he encouraged members of the forum to do so.</p> <p>DW asked for clarity as to whether 9 units and below would fall under Tier A. ML confirmed that is correct.</p> <p>DW stated that Tier B appears to have no restrictions on the numbers of units. ML stated that at the moment Government is suggesting a medium level and Tier B is for larger schemes.</p> <p>DW asked whether major schemes will also go through the process where they could be delegated. ML explained that there is nothing that will have to go automatically to planning committee and it would be a decision for the Head of Planning and the Chairman of the committee to agree whether an item should go before the committee.</p> <p>ML added that a number of the applications which currently go to planning committee would fall under Tier A and would have no ability to go to committee under the suggested scheme of delegation.</p> <p>CC asked whether there was any indication as to when the changes maybe implemented. ML stated that he thinks it will be within 12 months.</p> <p>MC questioned whether he could request that an application be determined by the committee rather than under delegated powers. ML stated that would not be possible. He explained that if the new regime is introduced it will significantly</p>

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				<p>change the planning landscape in relation to planning committees He added that at the moment the percentage of planning applications across the country which are delegated is 96% and in 2024 Fenland was in the bottom 5 authorities for level of delegation. He added that as a result of that it is not going to have an impact on many authorities. ML explained that if an application is refused there will be a right of appeal.</p> <p>DW stated that he has concerns that officers could be led by a consultee opinion and in his view it is unfair because then officers will follow a consultees advice for refusal and then the procedure of appeal will need to be followed which in turn will slow the system down.ML stated that he would advise DW to submit his concerns to the Governments consultation.</p> <p>JT asked for clarity of the middle tier being 49 dwellings and ML confirmed that is correct.</p> <p>DL stated that there is an obligation to go out to Statutory Consultees such as Highways and the Environment Agency. DL made the point that she appreciates the views of Agents and Developers, but it is difficult for Planning Officers to challenge the professional opinion of those outside bodies.</p> <p>DB questioned what happens when non statutory consultees are consulted, and they object. He added that the local planning authority are the decision makers whether that be officers, members and at appeal it would be the Inspector. He added that taking into consideration consultation responses is a key part of the</p>

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				<p>decision-making process and those responses need to be given the appropriate weight. ML added that he is not aware of any authority who have automatically just taken a consultation response and included it as a reason for refusal.</p> <p>ML added that officers do take responses into account such as site history, planning merit and other material considerations however many responses are from specialists in their own field and their responses cannot be ignored.</p>
7/2 5	<u>Withdrawal of Guidance Documents</u>			<p>ML explained that a new pre application enquiry process has now gone live. This will be undertaken through an online portal on the council's website and will allow for a direct submission to the planning team and will require certain information to be provided as a minimum. He added that this should speed up dealing with, registering pre apps and ensuring that all of the required information required to progress the application is present.</p> <p>KP referred to the withdrawal of guidance documents and highlighted some of the current and future changes which have and will be made to planning policy documents which supplement the 2014 Local Plan.</p> <p>She explained that the</p> <ul style="list-style-type: none"> ➤ Fenland Flood Risk Sequential Test Methodology – has been withdrawn and the council is now defaulting to the national position. Updated information with regards to the area of search and the sequential test has been added to the website.

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				<ul style="list-style-type: none"> ➤ Report to go Cabinet and Council later in the year with regards to withdrawing the Developer Contributions SPD in order to replace it with a new guidance note. ➤ Documents to be updated include the Resource Use and Renewable Energy SPD; Delivering and Protecting High Quality Environments SPD; Shopfronts Signs and Advertisements SPG. The recommendation is to review these documents and consolidate them into a new Fenland Designs Guide. Information will include, parking, open space, general design principles, and ensuring that the council ties in with national planning policy. <p>KP added that the guide will not be too onerous and will focus on providing information located in one central place. She stated that supplementary planning documents cannot set new policy and there will be nothing new it is only supplementing the 2014 Local Plan and ensuring that it is up to date and accords with the national position.</p> <p>KP asked the Agents and Developers to advise her of any additional guidance and information which would help them when setting up new schemes which are more likely to be positively received by the council.</p> <p>Planningpolicy@fenland.gov.uk titled Developer Forum feedback.</p>
8/2 5	<u>Any other Business</u>			There was no other business raised.

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