

Meeting of the Joint Meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

**Monday, 9 December 2024, 10.00
am**

Committee Members present

Councillor Ian Selby
Councillor Emma Baker
Councillor Pam Byrd
Councillor Barry Dobson
Councillor Gloria Johnson
Councillor Robert Leadenham
Councillor Bridget Ley
Councillor Paul Martin
Councillor Habibur Rahman
Councillor Ian Selby
Councillor Sarah Trotter
Councillor Mark Whittington

Officers

Amy Bonfield, Planning Policy Officer
Karen Bradford, Chief Executive
Shaza Brannon, Planning Policy
Manager
Emma Whittaker, Assistant Director of
Planning
James Welbourn, Democratic Services
Manager
Shaza Brannon, Planning Policy
Manager
Phil Jordan, Principal Planning Officer
Amy Bonfield, Planning Policy Officer
Joshua Mann, Democratic Services
Officer

Cabinet Members

Councillor Ashley Baxter
Councillor Phil Dilks
James Welbourn

21. Election of Chairman

It was proposed, seconded and AGREED that Councillor Ian Selby would Chair the meeting.

22. Election of Vice-Chairman

It was proposed, seconded and AGREED that Councillor Emma Baker would Vice-Chair the meeting.

23. Public Speaking

There were none.

24. Apologies for absence

Apologies for absence was received from Councillor Vanessa Smith, substituted by Councillor Bridget Ley.

Apologies for absence was received from Councillor Richard Dixon-Warren, substituted by Councillor Sarah Trotter.

Apologies for absence was received from Councillor Nikki Manterfield.

Apologies for absence was received from Councillor Harrish Bisnauthsing.

Apologies for absence was received from Councillor Paul Wood.

Apologies for absence was received from Councillor Steven Cunnington.

25. Disclosure of interests

There were none.

26. Background Presentation about Planning Policy/strategic planning

The Background Presentation about Planning Policy/Strategic Planning was introduced by the Cabinet Member for Planning and presented by the Planning Policy Manager.

It was outlined that Planning in England was policy led comprising of national policy and guidance, local policy, and neighbourhood policies. This framework requires a Statutory Development Plan consisting of the following four key components:

- Local Plan (2011-36),
- Lincolnshire Minerals and Waste Local Plan (LMWLP),
- Neighbourhood Planning,
- Supplementary Planning Documents.

With these fundamental components in mind, the presentation detailed the 2011-36 Local Plan which encapsulated the vision and framework for South Kesteven's future development until 2036. This Plan proposed locations for sustainable growth and investment, confirmed policies for individual development proposals, established key guiding principles, and protected key areas and open countryside from inappropriate development.

During discussions, Members commented on the following:

- The impact that the national planning framework would have upon the open countryside within the district. It was confirmed that the development was steered towards the towns and larger villages within the Local Plan. However, additional land would need to be sourced within the scope of the Plan to meet the Local Plan's building targets. The Assistant Director of Planning confirmed that there were site assessments as part of the process for determining a development site but conceded that whilst developing rural areas was a difficult decision, development needed to go somewhere.
- It was confirmed that the Local Plan would take precedence over Neighbourhood Plans because it was the most recently updated document.
- A Member suggested engaging with Parish Councils during the planning process given their knowledge of the local areas.
- It was noted by a Member that they were receiving numerous approaches regarding development opportunities within their ward, both employment and residential. However, the residential development approach was regarding an area where planning permission was previously rejected due to being on a flood plain. It was noted by the Assistant Director of Planning that further planning approaches were likely to continue and possibly increase given the central government's proposed planning reform.
- Clarity was sought about the scope and process of enforcement in respect of developers. It was confirmed that enforcement notices were served as a draconian last resort following investigations. Between October 2023 – September 2024, 42% of all cases investigated found there to be no breaches, 27% received subsequent planning permissions and 17% were voluntarily resolved, highlighting the low proportion of enforcement notices served.
- It was noted that cash flow issues with developers could have a knock-on effect on SKDC's planning matters.
- It was queried whether the garden villages proposed outside of Grantham would be classified as being independent from Grantham.. This raised the question of whether the houses would count towards the housebuilding targets for villages or for Grantham. It was confirmed that the Vistry site did not fit within the special strategy that SKDC Planning needed to adhere to as it was not under the Grantham housing allocation.
- Given that the Local Plan covered the provisions of both employment and residential allocations, it was queried whether it contained provisions for matters such as green spaces, sports fields or solar farms. It was confirmed that the Local Plan did not contain exclusive provisions for the examples given but there was an open space provision within the Local Plan in the context of developments.

- It was confirmed that Members would be updated regarding National Planning Policy Framework (NPPF) changes in the New Year once SKDC had liaised with external consultants.

The Committee noted the background presentation about Planning Policy/Strategic Planning.

27. Annual Infrastructure Funding Statement (2023-2024) and Section 106 Update (as of November 2024)

The Annual Infrastructure Funding Statement (2023-2024) and Section 106 Update (as of November 2024) was presented by the Cabinet Member for Planning.

The report clarified that planning objections were to be legal agreements between developers and Local Authorities, used to mitigate the impacts of a proposed development where it was not possible to do so by condition. Regulation 122 of the Community Infrastructure Levy Regulations (2010) set out three legal tests that must be complied with when entering a planning obligation. Essentially, any obligation must be:

- Necessary to make the development acceptable in planning terms,
- Directly related to the development,
- Fairly and reasonably related in scale and kind to the development.

The NPPF reiterated these tests and confirmed planning obligations should only be used where it was not possible to address unacceptable impacts through conditions.

The report confirmed the commencement of an Infrastructure Delivery Officer (IDO) in 2023-24. This role involved monitoring and recording obligations, liaising with stakeholders, and robustly monitoring all receipts and expenditure of contributions.

Planning obligations were also pivotal in the provision of affordable housing, with the Infrastructure Funding Statement confirming that, in 2023/24, a closing balance of £2,167,647.24 was spent on the provision of affordable dwellings.

At the time of the report's publication, SKDC's Local Plan was undergoing a review with a draft plan anticipated to be submitted for examination in the Summer of 2025. In the meantime, up-to-date evidence and information could be used to justify planning obligations and this was to be carried out on a case-by-case basis.

During discussions, Members commented on the following:

- The process for which Section 106 funding from development schemes could be used on local infrastructure. An example was given of Section 106 funding from the Poplar Farm Scheme being used to enhance the local leisure centre within the vicinity of the development. Addressing the specific example given, the Assistant Director of Planning confirmed that the next stage of the Poplar Farm development was to include sports pitches. To address the wider question, the Assistant Director of Planning confirmed that Section 106 funds cannot be diverted after the declaration of their initial use. If the initial use were to be declared for an institution such as a leisure centre, then this would have to be to increase the capacity.
- The process for dealing with remaining or disused Section 106 funds. It was confirmed that these funds had to be returned were they not required.
- A Member noted their view that some developers were retrospectively submitting Section 73 requests to attempt to mitigate prior agreements and conditions under Section 106. The Assistant Director of Planning confirmed that any Section 73 requests received were robustly investigated by an independent third-party. However, they were satisfied that with the work being carried out by Planning Officers to liaise with stakeholders to ensure relevant mitigations.
- Given the impact of developments upon those residents living in the immediate vicinity, it was the view of several Members that Town Council's should be involved in the process.
- A Member suggested codifying a wish list of Section 106 agreements within the Local Plan or relevant Neighbourhood Plans. It was the view of the Assistant Director of Planning that this wish list should be a living document rather than being codified. It was noted that SKDC's Supplementary Planning Document was also to be updated following the adoption of the upcoming Local Plan.
- The term 'health services' was queried within the context of the report. This was confirmed to be any NHS services.
- Clarification was sought about protectionary measures against inflation for Section 106 funding. It was confirmed that there were indexation clauses within the funding agreement, usually provided through BCIS Ltd.
- The nature of the interest secured on the funding was queried. It was confirmed that the returns of the interest have been favourable and more detailed updates were provided to Full Council.

The Committee noted the Annual Infrastructure Funding Statement (2023-2024) and Section 106 Update (as of November 2024).

28. Revisions and Amendments to Planning Applications and Extensions of Time Procedure for Planning Applications

The Revisions and Amendments to Planning Applications and Extensions of Time Procedure for Planning Applications was presented by the Cabinet Member for Planning.

Statutory time limits for applications for planning permission were set out in Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). There were different time limits for different types of application, however the most common were 13 weeks for major applications (unless an application is subject to an Environmental Impact Assessment, in which case a 16-week limit applies) and 8 weeks for most other types of applications.

Where a planning application took longer than the statutory period to decide the Council was able to agree a new deadline through an Extension of Time (EoT) agreed with the applicant.

Where an application takes longer than the statutory time limits and no EoT was agreed, an applicant could lodge an appeal with the Planning Inspectorate against non-determination.

In comparison with other neighbouring authorities, the percentage of South Kesteven's 2023-24 decisions that required an EoT was 67%, significantly higher than the CIPFA Peers Average of 47%. The report notes that the average EoT across Lincolnshire authorities was 43%.

During discussions, Members commented on the following:

- The number of Planning Officers at SKDC compared to other Local Authorities was queried. It was confirmed that the level of staffing was deemed to be similar at the last national review.
- A Member noted that they had read an article written by the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, in which the Member inferred the article to suggest that it was the government's position to reduce the input by Councillors during the planning process.
- Regarding the disparity between the level of applications that required an EoT at SKDC compared to other authorities, it was queried whether this was because the quality of applications was higher in other districts, or whether more pre-applications were used. It was confirmed that both may have contributed.
- The level of charge for pre-applications was queried. It was confirmed that charges depended on the type of application, however they started from £80.

It was proposed, seconded, and AGREED to review the proposed Revisions and Amendments to Planning Applications and Extensions of Time Procedure, and recommend to Cabinet that the procedure is adopted.

29. 2023/2024 Authority Monitoring Report

The 2023/2024 Authority Monitoring Report was presented by the Cabinet Member for Planning.

The report included information on the implementation of the Local Development Scheme, the Local Plan Review, Supplementary Planning Documents, Neighbourhood Plans, and information relating to co-operation under the Duty to Cooperate.

The Local Development Scheme (LDS) was of particular prevalence, establishing the timetable for the production of new or revised development plan documents required to form SKDC's Local Development Plan. In accordance with the LDS published in May 2023, a Regulation 18 Draft Local Plan was published for consultation in February 2024 for a period of 8 weeks.

At the time of the report's publication, SKDC was continuing to progress with the Local Plan Review, with the next consultation on the Regulation 19 Pre-Submission Local Plan planned for Winter 2024/2025.

Regarding housing delivery, a total of 575 new homes (net) were completed between 1 April 2023 and 31 March 2024, against an annual requirement of 650 homes. Completions in the four market towns (Bourne, Grantham, Stamford, and The Deepings) accounted for 71% of all completions. Grantham accounted for 16% of all completions.

During discussions, Members commented on the following:

- Measures in place for the protection of Grantham in the absence of a Neighbourhood Plan was queried. It was confirmed that there were provisions within the Local Plan to protect the area and that the Charter Trustees could initiate the process of a Neighbourhood Plan should they wish to do so in their Councillor capacity.
- It was queried whether the boundaries for Grantham could be reviewed and amended to reflect the developments encroaching on the surrounding villages. It was noted that this was not within the scope of the Committee.
- The Cabinet Member for Planning invited Members to attend a Design Officer Workshop being held later that week.

The Committee noted and endorsed the 2023/2024 Authority Monitoring Report.

30. Any other business which the Chairman, by reason of special circumstances, decides is urgent

Councillor Sarah Trotter provided an update as a representative from the Lincolnshire Police & Crime Panel.

The update informed the Committee that Lincolnshire Police has been put into special measures, resulting in an extraordinary meeting of the Lincolnshire Police & Crime Panel being called to sit on 10 January 2025. Whilst there were several factors contributing to this, Councillor Trotter cited a lack of funding as a significant factor and suggested that the funding formula be reviewed.

The Chief Executive noted that the working relationship between SKDC and Lincolnshire Police had improved in the previous four years, with direct meetings held between the Chief Executive and the Chief Inspector held every other month.

The meeting concluded at 12:13 PM.