

Notes

Planning Agents and Architects Forum (PAAF)

03 May 2024 from 10:00am to 1:00pm

Council Chamber, County Hall, Newport

1. Welcome and Introductions (OB)

Returning and new members were welcomed.

Introductions to Planning Services staff: James Brewer (JB), Planning Policy Manager; Carolyn Herbert (CH), Ecology Officer; Sarah Wilkinson (SW), Planning Development Manager; Russell Chick (RC), Planning Development Manager

2. BNG Small Sites, learnings so far from large sites and thoughts on future (JB & CH)

There was an explanation of how gardens would be considered, and the following points were made:

- Vegetated garden. Cannot count trees.
- Baseline generic.
- Have not got set answers for hedgerows around the site.
- Check guidance in the small sites metric on the website.

It was confirmed that the LPA will take a pragmatic and flexible approach, as the guidance is considered to be vague.

The LPA restated that any metric submitted in any format other than an Excel file, will not be validated, and that it should be in a macro disabled version.

Questions were asked about self and custom build exemptions and how to evidence such an exemption in the application. Officers took the view that it was likely to be controlled by condition to evidence it has been sold as a self-build plot. CIL has definitions and controls on this, so the LPA is likely to apply the same.

It was asked whether there was any way of ensuring that the off-site credit sites on the Island can be restricted to Island sites only, and it was confirmed that this would be up to the owner of individual credit site.

There were questions asked around the necessary competency of the individual undertaking an assessment when the site is close to a stream. It was confirmed that if it is within the 10m riparian zone of the stream it should be done by a competent person as there could be protected species present. It was advised that the ecologist should have conducted the relevant watercourse training.

Discretionary charging service already facilitates further BNG advice, if required, and the Council is developing FAQs to be published on its website shortly.

It was advised that the change of use from a small guest house to a dwelling, within the same building footprint would be exempt. The threshold is habitat that would be 'impacted by the development.' Also, if the habitat to be impacted will be restored in two years it does not need to be accounted for but read the guidance for specific wording.

Trading rules used to be more flexible, but there is now limited flexibility unless 'exceptional circumstances' and these are likely to be in circumstances such as when the land is being used for nature conservation. Would be dependant of the scenario of the case and might be the case when the local nature recovery strategy comes into play.

ACTION BNG best practice and examples of applications that have worked well to be added to the October PAAF agenda.

3. Proposed approach to validation moving forward (RC)

RC set out the LPA's proposals for updating local validation requirements, to ensure that the right information is provided at the right time so the LPA can determine applications as quickly as possible, and the consultation process for the proposed changes.

It was confirmed that the requirement regarding legal agreements would include UUs, with the fee being required to have been paid to enable the application to be validated.

ACTION The Council will look at how to facilitate the legal agreement fee being paid online.

A proposed change is for certain documents (such as a heritage assessment) to have been undertaken by a competent person, and competency will be dependent upon the

nature, scale and impact of the scheme and the experience of the person undertaking the assessment.

A question was asked whether the requirement to have two road names would be kept. The LPA confirmed that it was a requirement so the site could be easily identified. It was explained that in some instances it was overly costly to prepare maps at sufficient scale to allow for this requirement to be achieved.

ACTION The LPA to consider the use of alternative ways of identifying the site, such as an arrow, What3Words or a Google photo, although it was suggested that this validation requirement was a national one, not a local one.

ACTION A&As to make any suggestions regarding changes to the local validation requirements to the LPA.

4. IPS update and next steps (JB)

The decision of the Extraordinary Full Council on 1 May to proceed to publish and then submit the draft Island Planning Strategy to the Planning Inspector was confirmed.

Labour have indicated that if they come to power at the next general election, they will make housing targets mandatory. It is expected that if the Council has submitted prior to that, it will be examined under the conditions under which it was submitted. If the national picture changes in a way that could be beneficial LPA could withdraw and redo.

Questions were asked over the weight to be applied to emerging policies, given that some of them are different (the thresholds for affordable housing contributions and what those contributions should be for example). It was advised that housing policies are most contentious so likely to need to have gone past examination for weight to be applied to them, but the LPA will provide more guidance and keep the sector updated. It was advised that any applications could include a submission providing explanation of why you think weight should or should not be given to a new policy.

5. Update on the progress of the Peer Review (OB)

There have been changes to the governance of how implementing the recommendations from the Peer Review, which means greater visibility and more oversight from the Council's Corporate Management Team. The Chief Executive has set the implementation of the Peer Review recommendations as a priority objective for the Strategic Director for Communities in 24/25.

It was confirmed that the LPA will be looking to recruit additional capacity to deliver the change programme arising from the Peer Review.

The 'backlog' of undetermined applications in the system has reduced from a high of 594 in 2022 to 400 on Monday 29 April. This then reduces officer caseloads and frees up bandwidth, which allows for decisions to be issued more quickly, pre-apps to be dealt with more quickly and the ability to have more time to speak to A&As on applications and pre-apps.

A number of suggestions for further improvements were made to the LPA, including a structured bookable pre-app slot specifically for A&As and greater flexibility to hold a pre-app meeting before visiting the site. Issues around ensuring that heritage related proposals are dealt with by the right officer and the speed of those responses. It was recognised that the sector need confidence in the pre-app process.

6. New duty holder responsibilities for agents and their clients in Building Control (SS)

Update on recent changes to the Building Regulations following the introduction of The Building Safety Act 2022. Details included changes to the application process, a new definition of commencement of works, a completion declaration, and new duties for designated duty holders.

The main duty holders are defined as Client, Principal Designer and Principal Contractor. They have a responsibility to ensure that the design work and the building work are completed in accordance with the building regulations and that they are competent for the scale of project being undertaken.

Planning Portal have introduced a new integrated platform for planning and building control submissions. Alternative online submission process available via the council website. Users are encouraged to give any feedback on the new forms and submission process. Please email building.control@iow.gov.uk

The forms include some new mandatory questions and will also require a signed statement of consent from the client.

A new definition of commencement has been introduced in relation to the 3-year lapse of approval. A minimum of 15% of the work or the foundations and ground floor need to be completed for the application to have formally commenced.

Prior to a completion certificate being issued a formal signed Compliance Declaration Notice will need to be submitted including statements from the Client, Principal Designer and Principal Contractor. A standard template will be sent out to the client with the Inspection Plan to remind them.

7. Q&A

SW highlighted that changes to PD Rights for barn conversions, farm diversification schemes and agricultural development are to take effect from 21 May 2024.

8. Future Forum dates and agenda items

[Forum dates can be viewed on the PAAF web page](#) of the Council's website.

The Forum dates for 2024 into 2025 are:

- Friday 19 July 10:00 – 13:00
- Friday 18 October 10:00 – 13:00
- Friday 10 January 2025 10:00 – 13:00

9. AOB

None raised.