

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Thursday, 17 December 2009 at 10.30 am in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S. Askew	Mr R. Kemp
Mr G.P. Balaam	Mr M.A. Kiddle-Morris
Mrs J. Ball	Mr R.G. Kybird
Mr S.G. Bambridge	Mr J.P. Labouchere
Councillor Claire Bowes	Mr K. Martin
Mr A.J. Byrne	Mrs S.M. Matthews
Mr R.P. Childerhouse	Mrs K. Millbank
Mr P.D. Claussen	Mr I.A.C. Monson
Mr J.P. Cowen	Mrs L.H. Monument (Vice-Chairman)
Mr R.W. Duffield	Mr D.S. Myers
Mr P.J. Duigan	Mr J.W. Nunn
Lady Fisher	Mr S. J. F. Rogers
Mr P.S. Francis	Mr J.D. Rogers (Chairman)
Mr R.F. Goreham	Mr B. Rose
Councillor E. Gould	Mr F.J. Sharpe
Mr J.R. Gretton	Mr I. Sherwood
Mrs T. Hewett	Mr W.H.C. Smith
Mrs D.K.R. Irving	Mrs L.S. Turner
Mr A.P. Joel	Mr N.C. Wilkin
Mr C.R. Jordan	Mr D.R. Williams JP

Also Present

Mrs J. Jenkins	Chairman – Standards Committee
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In Attendance

Robert Barlow	- Director of Governance and Finance
Sheila Cresswell	- Member Services Officer
Phil Daines	- Development Services Manager
Sue Daniels	- Electoral Services Manager
Robert Leigh	- Marketing and Communications Manager
Stephen McGrath	- Member Services Manager
Phil Mileham	- Senior Planning Policy Officer
Maxine O'Mahony	- Director of Organisation Development
David Spencer	- Principal Planning Policy Officer
Mark Stokes	- Deputy Chief Executive
Ian Vargeson	- Principal Member Services Officer
Robert Walker	- Director of Community Services

138/09 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 12 November 2009 were confirmed as a correct record and signed by the Chairman.

Action By

139/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr B. Borrett, Mrs M. Chapman-Allen, Mr S. Chapman-Allen, Mr M. Fanthorpe, Mr M. Griffin, Mr P. Hewett, Mr T. Lamb, Mr D. Mortimer, Mrs P. Quadling, Mr M. Spencer, Mrs P. Spencer, Mr A. Stasiak and Mrs A Steward.

140/09 DECLARATION OF INTEREST (AGENDA ITEM 3)

The following declarations of interest were noted in respect of the LDF Core Strategy document. It was agreed that Members would leave the room as appropriate (i.e. if discussion touched upon their specific area of interest only), unless they judged that the prejudicial interest affected their ability to participate at all, in which case they would leave the room and take no part in the discussion.

	<u>Action By</u>
Lady Fisher	Personal & Prejudicial interest in the Core Strategy document and policies.
Mr G. Bambridge	Personal interest by virtue of gaining part of his income from building and development work.
Mr R. Kemp	Personal & Prejudicial interest by virtue of being a landowner in Harling.
Cllr C. Bowes	Personal & Prejudicial interest by virtue of family land submitted through the process, and also due to having interest in property/land within a stone curlew buffer zone.
Mr S. Askew	Personal & Prejudicial interest as a local landowner.
Mr P. Cowen	Personal & Prejudicial interest as a practicing local Architect, and specifically in the event that discussion touched areas directly impacting any clients.
Mr W. Smith	Personal & Prejudicial interest on any matters directly relating to his Ward.
Mr I. Monson	Personal & Prejudicial interest as a Parish Councillor and landowner in Oxburgh.
Mr J. Rogers	Personal & Prejudicial interest owing to having land under consideration.
Mr J. Kybird	Personal & Prejudicial interest as a local landowner with business associates in the area.
Mr R. Duffield	Personal & Prejudicial interest as a local landowner.

		<u>Action By</u>
Mr S. Rogers	Personal & Prejudicial interest for any matters relating to Besthorpe.	
Mr R. Childerhouse	Personal & Prejudicial interest for any matters relating to Weeting and stone curlews.	
Mr F. Sharpe	Personal & Prejudicial interest as a member of Swaffham Town Council but also by virtue of having land under consideration under the LDF.	
Mrs S. Matthews	Personal & Prejudicial interest as a member of Swaffham Town Council.	
Mr I. Sherwood	Personal & Prejudicial interest as a member of Swaffham Town Council.	
In addition, the following declarations of interest were made with regard to other items on the Agenda:		
Lady Fisher	Personal & Prejudicial interest in Agenda Item 7 (184/09).	
Mr K. Monson	Personal interest in Agenda Item 5 (Cabinet - 115/09) as the owner of two properties in the Ward, and particularly if the recommendation concerning Planning Policy DC19 were to be amended.	

141/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman began by announcing that Mr. M. Griffin had suffered a mini stroke and was currently in hospital. Members wished him a full and speedy recovery.

The Chairman then extended his personal thanks to Ian Vargeson, warmly echoed by Members. During his 19 years as a Councillor, the Chairman said that Ian had helped, guided and supported him in a wide variety of ways. Ian would be staying on (as Principal Member Services Officer) in a part-time capacity for the immediate future, which was welcome news.

The Chairman also took the opportunity to welcome Stephen McGrath and wish him well in his new job as Member Services Manager.

The Chairman then detailed events he had attended since the last meeting, drawing particular attention to the Welcome Home Parade for the Light Dragoons, which had been held on 4 December in Dereham. He thanked all the Officers, and everyone else, who had helped to make this event such a success.

He also highlighted the Christmas Seaside Special event, hosted by the Chairman of North Norfolk District Council on 12 December, which had been very enjoyable.

Action By

Engagements List – Chairman
12th November, 2009 to 16th December, 2009

Date	Event	Host
22 nd November, 2009	Awards Ceremony for the first Young People of the Year contest in Norfolk and Suffolk	Tony Gearing, Founder, Young People of the Year
25 th November, 2009	Thanksgiving Eve Service	Colonel Jay B. Silveria, Commander 48 th Fighter Wing, RAF Lakenheath
26 th November, 2009	Celebration of Completion – B1146 Scarning – Shared Use of Cycleway/Footway Facility	Chairman of Norfolk County Council, Councillor Shelagh Gurney
3 rd December, 2009	Reception	Mayor & Mayoress of King's Lynn & West Norfolk, Councillor & Mrs. Michael Pitcher
4 th December, 2009	Welcome Home Parade for the Light Dragoons	
4 th December, 2009	Yuletide Reception	Colonel Chad T. Manske, Commander 1200 th Air Refuelling Wing, RAF Mildenhall
12 th December, 2009	Christmas Seaside Special and pre-show fish and chips	Chairman of North Norfolk District Council, Councillor Simon Partridge
14 th December, 2009	Civic Carol Service	His Worship the Mayor and Mayoress of the Borough of Great Yarmouth, Councillor & Mrs. T. Smith, and the High Sheriff of Norfolk and his Lady, Mr. & Mrs. R. Carter DL

Engagements List – Vice-Chairman
12th November, 2009 to 16th December, 2009

Action By

Date	Event	Host
27 th November, 2009	Civic Ladies Lunch	Councillor Shelagh Gurney, Chairman, Norfolk County Council
3 rd December, 2009	Reception	Mayor & Mayoress of King's Lynn & West Norfolk, Councillor & Mrs. Michael Pitcher

142/09 CABINET MINUTES - 8 DECEMBER 2009 (AGENDA ITEM 5)

- (a) Governance & Performance Monitoring Report - Quarter 2 2009/10 (Minute No. 111/09)

RESOLVED that:

- 1) the revised Capital Programme of £7,419,569 (as per table 2 on page 8 of the Governance and Performance report) be agreed;
- 2) the virements as listed on page 11 of the Governance and Performance report be approved;
- 3) the budget for both the grant income and expenditure as detailed on page 12 of the Governance and Performance report be approved; and
- 4) the funding grants from the awarding bodies, ODPM and Norfolk County Council, as listed on page 12 of the Governance and Performance report, be accepted.

- (b) Adoption of Revised Affordable Housing Policy (Minute No. 113/09)

RESOLVED that the revised Affordable Housing Policy be adopted.

- (c) Annual Monitoring Report (Minute No. 115/09)

Several Members took the opportunity to strongly support the proposed resolution. It was widely felt that public houses, as well as post offices and small shops, formed a vital part of many rural villages, not least in terms of community support at the most local level. It was felt that the Council should continue to play a key role in ensuring the viability of as many village facilities as possible, rather than just concentrate on the key satellite towns.

Action By

RESOLVED that Planning Policy DC19 be reviewed and strengthened, particularly with regard to community facilities in villages such as public houses and shops.

(d) Adoption

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 8 December 2009 be adopted.

143/09 OVERVIEW AND SCRUTINY COMMISSION - 26 NOVEMBER 2009
(AGENDA ITEM 6)

(a) Implications on Scrutiny of Crime & Disorder Regulations 2009 (Minute No. 120/09)

The Leader of the Labour Group drew Members' attention to the news that Norfolk County Council (NCC) was looking into the possibility of turning off some of its street lights from 01.00 a.m. onwards. He was concerned that the public might be worried about this approach, not least with regard to alley ways or outside public houses or clubs etc. He believed that the Overview & Scrutiny Commission should investigate further which street lights NCC had in mind for this project, and also to formulate a response from Breckland District Council as part of NCC's consultation.

The Chairman of the Overview & Scrutiny Commission said that he had taken advice from Officers, and it had been confirmed that Overview and Scrutiny Commission was the appropriate place to oversee crime and disorder issues.

He added that he agreed that as there was a mixture of ownership with regard to street lighting, more work needed to be done on this to clarify Breckland Council's position and view on NCC's proposals.

RESOLVED to designate the Overview & Scrutiny Commission as the statutory "Crime and Disorder Committee" under the Police and Justice Act 2006.

(b) Adoption

RESOLVED that the Minutes of the meeting of the Overview and Scrutiny Commission held on 26 November 2009 be adopted.

144/09 DEVELOPMENT CONTROL COMMITTEE - 23 NOVEMBER 2009
(AGENDA ITEM 7)

RESOLVED that the Minutes of the Development Control meeting held on 23 November 2009 be adopted.

145/09 AUDIT COMMITTEE - 13 NOVEMBER 2009 (AGENDA ITEM 8)

- (a) REV (Rural Enterprise Valley) Programme Budget Review (Minute No. 73/09)

A Member thanked the Committee for supporting this programme, which had already achieved £1.2m inward investment, supporting many businesses and creating new jobs along the A11 corridor.

- (b) Adoption

RESOLVED that the unconfirmed Minutes of the Audit Committee meeting held on 13 November 2009 be adopted.

146/09 STANDARDS COMMITTEE - 8 DECEMBER 2009 (AGENDA ITEM 9)

RESOLVED that the unconfirmed Minutes of the Standards Committee meeting held on 8 December 2009 be adopted.

147/09 MOVING THETFORD FORWARD BOARD - 19 NOVEMBER 2009 (AGENDA ITEM 10)

- (a) Project Reports : The Academy Development Model (3-site "Thetford Campus" Academy (Minute No. 48/09)

The Chairman of the Overview & Scrutiny Commission commented that, until recently, he had been very critical about the approach taken towards Thetford, which he had regarded as largely piecemeal. However, he felt that things were now moving forward much more coherently, with various key elements being positively drawn together. He therefore highly commended these items to all Members.

- (b) Adoption

RESOLVED that the unconfirmed Minutes of the Moving Thetford Forward Board meeting held on 19 November 2009 be adopted.

148/09 LDF - ADOPTION OF CORE STRATEGY AND DEVELOPMENT CONTROL POLICIES DEVELOPMENT PLAN DOCUMENT (AGENDA ITEM 11)

Councillor Claire Bowes, Lady Fisher and Messrs Askew, Childerhouse, Kybird and Sharpe left the meeting and took no part in the discussions on this item.

The Development Services Manager and Principal Planning Policy Officer presented this item.

Action By

Action By

The Development Services Manager said that he was delighted to be able to present good news to the Council as the Independent Inspectors' Report had concluded that the Council's Core Strategy was a "sound" policy document. As a result of a thorough and robust examination procedure, some minor changes had been proposed. He explained that, if adopted, the document would form part of the up-to-date Development Plan for Breckland, and would form the starting point for the determination of planning applications.

Public hearings had commenced on 30 June and concluded on 17 July 2009.

Whilst most meetings had been held at Elizabeth House in Dereham, the Inspectors also held specific meetings in Attleborough and Thetford, which had proved a positive way for local communities to see the Inspectors and hear the discussion. Feedback had indicated that this approach had been much appreciated within the communities.

Breckland had produced a comprehensive and complex document, and was one of fewer than 50 (out of 326) Local Planning Authorities in England to have achieved such a sound Core Strategy. The Strategy meant that Breckland would be in a very strong position to manage development in its area.

Key points highlighted by the Development Services Manager and Principal Planning Officer in the report presented to Council included:

- Local Service Centre Villages - para 3.2.14

The Inspectors had endorsed the allocation of 50 new homes in Swanton Morley, but had advised that local details needed to be more rigorously examined and tested as part of the Site Specifics document.

The LDF Task & Finish Group had then given this further consideration, and had concluded that these 50 new homes should be delivered on one site in order to minimise the environmental impact and enable a phased approach to the release of land.

- Weeting - para 3.2.15

The Inspectors had endorsed Weeting's status as a Local Service Centre, with no allocation for housing. However, they also recommended that while further advice should be sought, and research undertaken, with regard to the possible identification of future development, the Site Specifics document should not be delayed whilst awaiting the results of further Stone Curlew research.

The Development Services Manager concluded the presentation by explaining that elements of the Breckland Local Plan dated back to 1999. The Core Strategy and Development Plan document would bring this up-to-date, as well as provide a strong basis upon which to take forward specific Area Action Plans, such as for Thetford and

Action By

Attleborough. The proposed LDF policy would remain under review and, as a sound document, having been thoroughly examined under public scrutiny, he recommended the Core Strategy and Development Control Policies Development Plan 2001-2026 to Council for adoption.

The Chairman then invited Members to raise any questions, and the following key points were discussed:

European Sites and Protected Species (para 3.2.2)

A Member highlighted para 3.1.6, reminding Members that the Inspectors' Report was binding in its entirety on the Local Planning Authority. The Council would be unable to be selective in terms of which parts of the Report it chose to accept, nor was there any scope for modification.

Bearing this in mind, and with respect to European Sites and Protected Species (para 3.2.2), he drew attention to the fact that a large part of Breckland was facing "draconian" restrictions on local development because of the extent of the 'buffer zones' of the Special Protection Areas (SPAs), and, specifically, the possible impact on Stone Curlews. The rest of that section highlighted that many expert witnesses had been called, and that the Inspectors had considered this in great detail, recommending that "urgent work" was now essential in order to have a better understanding of interactions between Stone Curlews and human settlement/boundaries. In other words, at this stage, there was insufficient evidence to prove that the proposed 1500 metre buffer zone needed to be fully endorsed. The Inspectors had proposed a cautious approach. He therefore made a proposal, which was seconded by Mr J. Labouchere, to refer this matter back to Cabinet, requesting a Report on the possibility of sponsoring urgent research over the next 2-3 years (in conjunction with the three other neighbouring Local Authorities which form part of the Brecks SPA, or buffer zone), in order to enable a better understanding of the interaction between Stone Curlews and human settlements.

Rural Communities (para 3.2.16)

The Chairman of the Overview and Scrutiny Commission expressed his disappointment in the attitude of the Inspectors, who had concluded that a strategy directing more housing to smaller villages would provide no guarantee of supporting rural services - and was more likely to reinforce unsustainable commuting patterns.

As detailed above (Minute No. 142/09(c)), he felt that the Council had a real responsibility towards its rural communities, and that such communities needed as much support as possible. It would therefore be sensible to take care to tie the Core Strategy in with the proposed review of DC19, rather than pull in different directions.

The need to support and sustain rural enterprises was warmly endorsed by another Member, who believed this should be a key area of concern for the Council.

Attleborough and Snetterton

Action By

Mr P. Francis raised the issue of the proposed link road at Attleborough (para 3.2.11). This formed part of the Core Policy 4, which the Inspectors had deemed to be undeliverable as submitted before the Examination. He was particularly anxious to stress local concerns about this issue, as there was strong local feeling that the link road was essential: it would play a vital role in ensuring that construction traffic was routed away from the town, rather than causing unnecessary and untenable congestion.

He believed that he had at some point, having been duly seconded, obtained a resolution seeking the installation of the link road as a pre-requisite to development to the south of the town. He asked if the Development Services Manager and his team felt confident that they could deliver the link road as part of a planning agreement *before* any new housing development was permitted south of the railway line.

In response, the Development Services Manager said that there had been careful consideration and much consultation with the Attleborough Task Force and other concerned bodies about how best to take this forward. Attleborough clearly had a significant number of issues in terms of roads and drainage, etc, which needed to be resolved. He acknowledged that the considerable growth proposed for Attleborough (4,000 new houses) meant that it would be essential for careful research to be done in advance, especially in terms of local traffic impact. The Inspectors had also indicated that the Area Action Plan for Attleborough needed to focus on these key areas.

Site specific issues would therefore be taken forward through the Area Action Plan process and the normal planning application process, which would include a S.106 Agreement, both of which were controlled by the Local Authority. There was a provision which enabled any proposed development to be almost entirely dependent upon the outcome of a local transport study.

Consideration also needed to be given to the fact that Norfolk County Council (NCC) might well need to be involved in any proposed fundamental changes to the transport infrastructure around Attleborough, prior to any new development.

Mr Francis remained concerned that the link road should form an intrinsic part of any planning proposal before any new properties were built south of the town.

The Development Services Manager said that he anticipated that any application for a substantial number of new houses to the south of Attleborough would indeed include a requirement for a link road, and would be dealt with under S.106. However the details of where, and when, would need considerable more work before submission to the Development Control Committee for a final decision.

He also said that there would need to be consultation with relevant agents about how to deal with the issue of construction traffic, in terms of routing agreements to ensure that the vast bulk of such traffic would be taken away from the town centre.

Action By

Another Member commented that the importance of proper preparation and consultation had been illustrated a couple of years ago in Carbrooke, when chaos had ensued owing to the lack of key agreements being in force in advance of development.

The Attleborough to Diss road was also highlighted as another case where half a new development had been built in advance of a suitable road. Again, this had proved impractical at the local level.

In conclusion, there was a strong feeling among Members that suitable transport links needed to be prioritised at an early stage of any proposed new development. Specifically with regard to the proposed new housing development for Attleborough, it was felt that the link road should form a *crucial* part of any planning process.

RESOLVED that:

- (1) Breckland's Core Strategy and Development Control Policies Development Plan Document 2001-2026, be adopted, with the amendments recommended in the Inspector's Report; and
- (2) Cabinet be asked to instigate a report into the interaction between Stone Curlews and their impact on human settlements.

David Spencer

149/09 SHARED SERVICES (AGENDA ITEM 12)

The Chief Executive reported that he had hoped to present a paper concerning a request for funding to be released in order to facilitate further discussions with South Norfolk District Council about the proposed shared services project.

It was hoped that there would be an opportunity to bring some outline proposals to Council in January.

He added that, at this stage, there was no formal decision needed by Council: it was more a case of keeping Members informed about the exploratory work being undertaken with respect to the feasibility of shared services with South Norfolk District Council.

When questioned about the timelines, the Chief Executive acknowledged that, if adopted, the end target of shared services being in place by late 2011, meant that these were fairly tight. However, that said, the various proposed timelines had an element of slippage written in to them.

150/09 SCHEME OF ALLOWANCES 2010 (AGENDA ITEM 13)

The Principal Member Services Officer summarised the proposed scheme of allowances, as recommended by the Independent Remuneration Panel, to take effect from 1 January 2010. In reaching their conclusions, the Panel had taken into account the current economic situation, as well as constraints on public expenditure and suitable comparisons with other Authorities' schemes.

Action By

Key points included:

- All allowances were to be held at their current levels (with the exception of child care allowances, where there were slight increases as detailed in the report). It was felt that other specialist care was variable and should therefore be determined on a case-by-case basis.
- The list of approved duties for which travel and subsistence was payable, which had only been updated last year, was considered to remain appropriate.
- Requests from Town and Parish Councils, who may make payments to their Members after consultation with the Panel, should be considered on their individual merits, rather than having a 'cover-all' rate imposed on them.
- The Panel believed that it remained inappropriate at this stage for Members to be admitted to the Local Government Pension Scheme. (Reasons were set out in detail at Part 11 of the report.)

The Panel, working with the Leader of the Council, had looked carefully at the "Special Responsibility" allowances. Attention was drawn to the Overview & Scrutiny Commission's Task and Finish (T&F) Groups. There were more of these than the former Panels and Members needed to give some consideration as to whether they wanted to limit the number of T&F Group Chairmen to three (as originally envisaged), or to allow individually appointed T&F Chairman to be paid "per session".

The Chairman of the Overview & Scrutiny Commission said that there had been a significant increase in the amount of work which the Commission currently had under review. However, he felt that there should remain just three Chairman to cover and share responsibility for the various Task & Finish Groups.

There was a brief discussion about index-linking and the duration of the scheme. The Principal Member Services Officer reminded Members that there had been a three year (index-linked) allowances scheme which had run from 2004 to 2007. However, in 2008 the Panel had recommended, and the Council had adopted, a one year scheme, partly in view of the volatile economic conditions.

The Panel had not dismissed returning to an index-linked or running scheme; rather they did not want to be locked-in to a longer scheme at this stage, given current economic circumstances. This was something that they could certainly consider again when they met at the end of 2010 to discuss proposals for the next scheme.

RESOLVED

- (1) to adopt the scheme of allowances from 1 January 2010 to 31 December 2010, as recommended by the report of the Independent Remuneration Panel;

and

- (2) to limit the Chair of Overview and Scrutiny Commission Task & Finish Groups to three.

151/09 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 14)

(a) Development Control Committee Membership

The Principal Member Services Officer announced that there had been a proposal that the number of seats on the Development Control Committee should be reduced.

RESOLVED that:

- (1) the relevant Standing Order concerning membership of the Development Control Committee should be amended to reduce the number of members of Development Control Committee from 19 to 16, and brought back to Council for formal approval at the next meeting.
- (2) If approved, the reduction in seats to be achieved through Mr M. Kiddle-Morris, Mr A. Byrne and Mr B. Borrett giving up their places on the Committee.

(b) GP and Standards Committee Membership

RESOLVED that Mr D. Myers be replaced on both Committees by Mrs S. Matthews.

152/09 YOUTH COUNCIL - MINUTES OF MEETING OF 17 NOVEMBER 2009 (AGENDA ITEM 15)

The Leader of the Opposition drew attention to an inaccuracy at Minute No. 4 where George Freeman had been referred to as the "MP for a new mid-Norfolk constituency", and a note was made for the Minutes to be amended appropriately.

Mrs T. Hewett confirmed that the Youth Council would be delighted to invite other prospective Parliamentary candidates to speak at their meetings.

Mrs D. Irving also drew attention to the fact that Stuart Green had recently been selected to stand as the candidate for mid Norfolk at the UK's Youth Parliamentary election. This was due to be held in February 2010. Members joined her in wishing him good luck with his campaign.

The meeting closed at 11.50 a.m..

Action By

**Sheila
Cresswell**

CHAIRMAN