

**BRECKLAND COUNCIL**

**At a Meeting of the**

**POLICY DEVELOPMENT AND REVIEW PANEL 2**

**Held on Wednesday, 28 November 2007 at 10.00 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr C.R. Jordan (Chairman)  
Mrs J. Ball  
Mr S.G. Bambridge

Councillor Claire Bowes  
Mrs S.M. Matthews  
Mrs L.H. Monument (Vice-Chairman)

**Also Present**

Mr D. Mills

Access and Development Officer, Norfolk  
County Council

**In Attendance**

Julie Britton  
Andrew Gayton  
David Green  
Mark Broughton

- Committee Services Officer
- Historic Buildings Officer
- Project Manager
- Scrutiny Officer

**54/07 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 17 October 2007 were confirmed as a correct record and signed by the Chairman.

**55/07 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Messrs M Griffin, M Kiddle-Morris and D Mortimer.

**56/07 THE BUILT ENVIRONMENT - PROTECTION & LISTING (AGENDA ITEM 6)**

Andrew Gayton, the Historic Buildings Officer, had been invited to the meeting to report on the protection and listing of the built environment.

The Chairman stated that the reason he had brought this item to the meeting was because he and the Members of the Panel had very little knowledge of the processes involved with listing and the protection of buildings in the area. He asked whether a register of all the Listed Buildings in the area could be devised for Members' information.

One of the buildings that the Chairman wished to have an update on was Shadwell Park near Brettenham, Thetford.

The Historic Buildings Officer advised that Shadwell Park, which was seen to be a major country house of its time, had been woefully neglected for many years. The 18th century building, originally in three bays, had been extended over time and was now mainly of 19<sup>th</sup> century architecture. The Victorian Society had stated that this country house fully deserved to be placed in amongst the top ten listed buildings in

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Gayton, Sian  
Harland,  
Elaine  
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Andrew  
Gayton**

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England. The Historic Buildings Officer explained that the building had been neglected and allowed to deteriorate over the years and was no longer weather tight; Shadwell Park had dry rot and, if left, faced serious structural risk.

The owner had carried out a programme of dry rot treatments which, in the opinion of the Historic Buildings Officer, had been a pointless exercise as the ingress of water had not been stopped. One of the major problems with the building was the roof; the roofscape, in total, contained 12 different roof configurations. The owner had since been persuaded to re-roof the house to eliminate the dry rot and had until July 2008 to carry out the work otherwise further action would be taken.

A Member asked whether English Heritage had been involved. The Panel was advised that English Heritage had expressed the view that it might consider an application if the owner submitted one.

Members felt that it was imperative that the building was conserved and felt frustrated that no-one seemed to be doing anything about it. The Historic Buildings Officer stressed that Shadwell Park had been on the "saved" site for many years and that he had even been approached by a number of interested parties to buy the building. He had tried everything in his power to persuade the owner to sell but to no avail. The Chairman suggested a Compulsory Purchase Order on the building together with 10/15 acres of land. The Council could then sell it on to an interested party who would be willing to spend money on the building and restore it to its former glory. Members were advised that to go down this route would take many years, and would prove a very expensive and complicated exercise.

The Chairman felt that the Council was not doing enough to protect this building and recommended that immediate enforcement action be taken and that a Compulsory Purchase Order be authorised, with no further negotiations, unless the owner offered something tangible. The Panel was reminded that the owner had assured the Council that the remedial works to the building would be carried out and that it would be unreasonable to go down the CPO route at this time. In the interim, the District Valuer could be instructed to look into having the property valued.

In response to a question concerning the cost of reinstating Shadwell Park to its former glory, Members were advised that it had been five years since the last costing was carried out and the cost then had been estimated at £8m. Today's valuation could be in the region of £12m plus the purchase price.

The Chairman had also requested an update on the Guildhall, Dereham.

The Historic Buildings Officer advised that, following further negotiations, the owner had finally appointed an architect to prepare the Listed Building applications. The owner would not be able to sell the converted building until these permissions had been agreed. The Health and Safety Executive had also been called in and had asked for a quarterly update from the Historic Buildings Officer.

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As far as 'local lists' for Members were concerned, the Panel was informed that the Historic Buildings Officer had recently completed a district wide survey of all Listed Buildings; this was an update of the 1984/86 survey that the Department of Culture, Media and Sport (DCMS) had previously compiled. No-one else had carried out a survey of that level. The DCMS had been asked to acknowledge Breckland's updated list but had refused as it had not been compiled by themselves.

What the Council had now was a revised unofficial list, together with photographs, that could be utilised for internal use. The downside to this review had been that it had highlighted the severity of buildings in this area. Out of 1600 buildings in Breckland, 200 of them were now classed as 'buildings at risk' which, unfortunately, was the largest number in the country.

The Historic Buildings Officer then provided Members with information concerning the lack of grant funding.

A Member felt that it would be useful to have details of Listed Buildings in his Ward and of buildings that were not listed but had historic value.

The criteria for a building to be listed and protected were explained. Generally, all buildings built before 1700 were listed, most dated from 1700 - 1840 were also listed, although greater selection was necessary. After 1840, due to the increased stock of buildings, only buildings of definite quality had been listed. Buildings of less than 30 years old were not listed unless they were of outstanding quality and under threat; buildings less than 10 years old could not be listed.

In addition, unlisted buildings within conservation areas were provided with an element of protection as they could not be demolished unless formally approved. Unfortunately, following changes in the legislation from 1997, damaging interventions to traditional buildings - such as the insertion of inappropriate window joinery - could not be controlled unless permitted development rights were to be removed.

In concluding the discussions on this matter, it was

**RESOLVED** that

- 1) the Overview and Scrutiny Commission be asked to take into account the Panel's views above, and recommend to Cabinet that investigations be made on the best way forward to protect Shadwell Park from further structural damage; and
- 2) a list be compiled of all Listed Buildings in the area for all Members of the Council for information.

**57/07 FOOTPATHS AND BRIDLEWAYS (AGENDA ITEM 7)**

Mr David Mills, the Countryside Access Development Officer for Norfolk County Council, was in attendance for this item by invitation to provide information and advice in relation to footpaths and bridleways in Breckland. He provided Members with a brief overview of his responsibilities and the areas that he covered. His basic work remit

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was managing and developing a well maintained accessible network and the promotion of access.

Norfolk County Council's Environment and Waste Group developed and managed Norfolk's public rights of way, many promoted routes, and other countryside or woodland access sites.

There were over 2,300 miles of public rights of way in Norfolk. The countryside access network was important for recreation, tourism, the rural economy and health and also formed part of the County's transport network. Well signed and well maintained paths kept the countryside access network clear and helped prevent trespass. Norfolk County Council and land managers were responsible for ensuring that the public rights of way network was accessible.

A public right of way was a route of way over which the public had a legal right to pass and re-pass. All public rights of way were public highways. The land over which the right of way ran was usually private land; the surface of the path was vested in the Highway Authority but the sub-soil was the property of the landowner.

Mr Mills provided Members with the classifications and the legal uses of the different types of public rights of way that were made up as follows:

- 70% footpaths
- 15% bridleway
- 14% restricted byway; and
- 1% cycleway/byway

Public footpaths could be used by people on foot with permitted accompaniments including pushchairs or dogs.

Public bridleways could be used for walking, riding or leading a horse or cycling.

Restricted byways could be used for walking, cycling and horse riding; no motor vehicles were allowed.

A public byway was the same as a restricted byway but motor vehicles were allowed.

From this information, Members then raised a series of questions.

1. *Where did the footpath and bridleway remit fit into Breckland's Healthy Wellbeing initiative?*
2. *How closely did the authority work with landowners?*
3. *Did Norfolk County Council have a 'green bridge' initiative?*
4. *If a Parish or landowner was to gift a piece of land would Norfolk County Council sign it and maintain it?*
5. *Why was it so difficult to get a temporary diversion to an existing footpath?*

In response to the aforementioned questions, Mr Mills advised that the Healthy Wellbeing initiative fell under the Healthy Walks and Opportunities regime. He explained that Norfolk County Council was obliged to consider these issues under the Health and Disability Act and

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met the requirements under the guise of Parish Walks. The Chairman felt that, in some areas, many of the footpaths were in a poor condition and he asked whether more money could be spent on the upkeep of the footpaths. He suggested that the funding for matters of this nature should be included in the Healthy Wellbeing budget.

In response to the second question, Mr Mills explained that his department worked very closely with landowners. A new advisory booklet had been produced for landowners which provided advice on managing public rights of way on their land. Most of the 2,300 miles of footpaths and bridleways in the County passed through farmland. The booklet, which had been supported by the National Farmers Union and the Country Landowners Business Association, explained the responsibilities of farmers together with those of the walkers and riders who used the paths. The booklet reminded farmers of the importance of complying with the law when carrying out agricultural processes. The launch of the information booklet had coincided with the start of Norfolk County Council's annual path cutting contract. During the growing season, contractors acting for the Council would be cutting over 1000 miles of paths. This, combined with the cross field paths that landowners were responsible for maintaining, provided a great path network in the County. Members were informed that the farming and footpaths advice booklet was available to download on Norfolk County Council's website. Norfolk County Council was using a company called Student Force, who were interested in this field of work, and who were looking to further their experience, to follow up this promotional booklet and chase up any landowners who were not complying with the law. Farmers could lose their grant aid from DEFRA if they did not comply with the Right of Way Act.

In answer to question three, Mr Mills was not aware of Norfolk County Council having a 'green bridge' initiative; however, he did assume that such initiatives would be included more frequently in future major development schemes, particularly in Thetford. On another matter, the Chairman questioned the Norfolk County Council's decision, on a recent planning application in Shipdham, not to install any further footpaths along a busy stretch of road. Mr Mills advised that this matter fell directly to the Highway Authority.

A Member referred to the Peddars Way trail and asked what procedure he would have to follow if he felt that it should be extended. In response, the Member was informed that he would have to consult with local landowners to allow for an extension to a footway. Permissive access could be negotiated.

Referring to the fourth question, the Panel was informed that if a landowner was to gift a piece of land, he would be allowing the public to walk on it. It would be classed as a gentleman's agreement. A dedication of land would be much more difficult to obtain. However, there was not much of an incentive for a landowner to gift a piece of land particularly where public liability was concerned.

In response to the final question, Mr Mills advised that the process for moving a footpath was available. However, there was again not much of an incentive for a farmer/landowner to carry this out. If the landowner did decide to create a new path alongside his field as an alternative to the existing footpath, more of his land would be lost due to the

legislation stating that the landowner would still have an obligation to the existing footpath as well as the new one.

The Chairman thanked Mr Mills for attending the meeting.

**58/07 REVIEW OF CAR PARKING (AGENDA ITEM 8)**

David Green, the Corporate Project Manager gave an update on previous workshops. Although the original approach had been based on the operational remit working under current overarching policies, it was proving to be such a wide subject that the discussions had ended up exploring related topics such as transport studies. These were beyond the current brief and required additional resources; therefore there was a need to assess the most appropriate way for the Panel to continue with car parks improvements.

Due to the above, the Chairman on behalf of the Panel had previously spoken to the Leader of the Council and the matter was to be forwarded to Cabinet for a steer on what further direction this work should take.

**59/07 WORK PROGRAMME AND FUTURE MEETINGS (AGENDA ITEM 9)**

Members gave consideration to the proposed work programme. The Scrutiny Officer advised that there would be further reports in the future in relation to car parks and the website review; however, the review of the S17 Crime and Disorder Act, that had been included on the work programme for February 2008, would most likely be taken straight to the Overview and Scrutiny Commission rather than through this Panel.

The Chairman had always taken an interest in mental health and felt that this was a matter that could be discussed at a future Panel meeting. The Scrutiny Officer was asked to find and invite an appropriate person to attend.

Members were advised to contact the Scrutiny Officer if they had any further items that they would like the Panel to discuss.

**60/07 DATE OF THE NEXT MEETING (AGENDA ITEM 10)**

At the last meeting, it had been agreed to change the day of all future Panel meetings to Wednesdays. Unfortunately, the change of the next meeting date to 9<sup>th</sup> January 2008 clashed with the Licensing Committee meeting. Therefore, it was agreed that the next meeting be held on Wednesday, 16 January 2008 at 9.30 am in the Anglia Room, Dereham.

Members were further informed that it would be preferable to convene future meetings on Thursdays. This was agreed and a list of future meeting dates would be provided at the next meeting of the Panel.

**Action By**

**David  
Green, Sian  
Harland**

**Mark  
Broughton**

**Annalisa  
Graziano**

The meeting closed at 12.00 pm

CHAIRMAN