

BRECKLAND COUNCIL

At a Meeting of the

LDF TASK & FINISH GROUP

**Held on Wednesday, 1 April 2009 at 2.30 pm in
Anglia Room, Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr M.A. Kiddle-Morris (Chairman)	Mrs P. Quadling
Mrs M.P. Chapman-Allen	Mr B. Rose
Mr P.J. Duigan	Mr F.J. Sharpe
Mr A.P. Joel	Mr A.C. Stasiak
Mr K. Martin	Mrs L.S. Turner
Mr I.A.C. Monson	

Also Present

Mr W.P. Borrett	Mr J.P. Labouchere
Mr J.P. Cowen	

In Attendance

Jonathan Blathwayt	- Planning Graduate
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager
Sam Hubbard	- Planning Policy Officer
Helen McAleer	- Member Services Officer
Phil Mileham	- Senior Planning Policy Officer
David Spencer	- Principal Planning Policy Officer
James Stone	- Senior Planning Policy Officer

1/09 APOLOGIES

The Chairman welcomed the Members to the first meeting of the Group which included representatives from each of the Market towns and from rural areas in the north, south, east and west of the district.

Apologies for absence were received from Mr D Myers, Mr M Broughton and Miss E Wilkes.

2/09 VICE-CHAIRMAN

Due to the high work load which the group was expected to experience and the fact that he might therefore not always be available for meetings, the Chairman felt it was important to appoint a Vice-Chairman and he asked for volunteers.

RESOLVED that Mr F Sharpe be elected Vice-Chairman.

3/09 DECLARATION OF INTEREST

(a) Advice

The Solicitor was present to talk about the Code of Conduct and specific interests in the Local Development Framework.

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Advice had already been given, but Members could be forgiven for being confused as the Code did not relate well to this subject. The most important principle was that Members should not use their position (“improperly”) to secure an advantage for themselves or any other person (Code Para 6(a)).

The Solicitor then gave various examples of when an interest should be declared and whether it should be personal or personal and prejudicial. In each case he stressed that personal circumstances must be the deciding factor and it was up to the individual to make the decision.

He advised that no personal or prejudicial interest needed to be declared when discussions concerned:

- Policies where the Member had no connection;
- Site Specifics in their own Ward, unless their own land was involved or they had made representation on that land;
- Policies previously discussed as a Town or Parish Councillor.

Members should declare a Personal interest when:

- debating general policy where they had no immediate connection (eg by having made representations or planning applications), but from which they could benefit, eg conversion of buildings, farm diversification, etc;
- a Policy / Strategy would affect their land, but not significantly – for example, no more than it would affect most other people in the parish;
- they were on the Town / Parish Council and that Council had made strong representations on a site or policy (and they had no other connection).

Members should declare a Personal and Prejudicial interest when:

- site specific policies on which they, their family or employer had made representation;
- general or site specific policies which directly affected their land or land of their family or employer;
- general or site specific policies affecting land owned by their Town / Parish Council, if they were a member;
- any of the above where they were an agent acting for the landowner concerned.

Where a personal and prejudicial interest had been declared the Member should leave the room and not take any part in the discussion on that policy. However, provided the declaration was made and recorded they could then take part in discussions on other policies and vote on the document as a whole.

Finally he advised Members that definitions of family and close associates were available if required.

(b) Declarations

The following declarations were noted:

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Mr Cowen declared a personal interest in agenda items relating to the LDF as an architect in practice in the district.

Mr Borrett declared a personal interest by virtue of having a family member with land put forward under the LDF.

Mr Labouchere declared a personal and prejudicial interest by virtue of having land put forward under the LDF.

Mr Monson declared a personal and prejudicial interest in a site in Oxborough put forward under the LDF.

Mr Stasiak declared a personal interest by virtue of owning land and property in Attleborough.

4/09 TERMS OF REFERENCE

RECOMMEND to Overview & Scrutiny Commission that the Terms of Reference for the LDF Task & Finish Group be as follows:-

“To critically examine all aspects of the Local Development Framework, including in-depth appraisal of specific policies within the Framework, as required.”

5/09 USE OF SUBMISSION DEVELOPMENT CONTROL POLICIES

The Principal Planning Policy Officer introduced his team to the Group. There had been a few changes since the Environmental Planning Manager had left and the team now reported directly to the Development Services Manager. James Stone was on secondment from Development Control and Jonathan Blathwayt would be leaving the authority at the end of the month.

The Planning Policy Officer then presented the report and gave a brief introduction to those Policies that could be given weight in determining planning applications.

Government Guidance in PPS 1 stated that when a development plan reached the submission stage more weight could be given to its policies, depending on any representations made against their soundness.

Assessments had been carried out on all the representations received and ten policies had been identified which had received only limited representation and could be used as material considerations. They were:

DC1 – Amenity – Regard could be had to this policy

DC3 – Replacement Dwellings and Extensions in the Countryside – Considerable weight could be applied to this policy.

DC9 – Proposals for Town Centre Uses – Considerable weight could be applied to this policy.

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DC10 – Telecommunications – Considerable weight could be applied to this policy.

A Member was concerned that no representations had been noted against this policy. He had made a strong representation concerning test masts. Currently there were no restrictions on developers erecting test masts and he felt some control was required.

It was confirmed that this had not formed part of the policy and that as the document had been submitted to the Inspector, no changes could be made.

DC11 – Open Space – Because of an objection no weight could be applied to the maintenance part of this policy.

Negotiations were on-going with Sport England concerning the standard. If agreement could be reached with them, then it would be acceptable to start applying the principle of the policy.

A Member asked for clarification of the standard which referred to 2.4 hectares per 1000 people in the policy, but in the rest of the document contributions were measured against homes built.

It was pointed out that there was a table on page 94 of the Core Strategy which explained the number of people per house.

DC12 – Trees and Landscape – Weight could be applied to this policy.

A Member asked why DC13 – Flood Risk, had not been included in the list and was advised that a number of objections had been received which struck at the centre of what the policy was seeking to achieve and so the policy could not be used. In the meantime PPS 25 would be used.

DC15 – Renewable Energy – Weight could be applied to this policy.

DC17 – Historic Environment – Weight could be applied to this policy.

DC19 - Community Facilities, Recreation and Leisure – Considerable weight could be applied to this policy.

DC23 – Conversion of Buildings in the Countryside – Weight could be applied to this policy.

It was clarified that these policies were still not part of the Development Plan until the Core Strategy had been adopted and were only material considerations to which weight could be applied.

A Member asked what legal weight this gave the policies and was told that Government guidance stated that all emerging policies were material considerations and as they progressed through the stages, more weight could be applied as long as no strong representations were made against them.

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The Development Services Manager explained that for practical purposes reports to Committees would set out all the current policies and also advise on LDF policies as well.

The Chairman asked how applicants would be advised of these additional policies.

Publicity had already been given to the LDF and people interested in planning were already aware of it. Agents had attended a Forum held to give them advance notice. Members of the general public would be advised of the new policies during pre-application discussions. The Council's web pages would also be updated. It was suggested that an article could be included in the June edition of the Breckland Voice.

It was generally felt that it would be useful to all Councillors and Town and Parish Councils if a guidance note could be issued.

RECOMMEND to the Overview & Scrutiny Commission to note the report and that a guidance note is issued to inform Members and Parish Councils of the weight that can be attributed to some of the submitted policies (i.e. as referred to above) of the Core Strategy and Development Control Policies document in the determination of planning applications.

6/09 LDF WORK PROGRAMME 2008-09

The Council were required to prepare a Local Development Scheme which set out the broad timetable for the production of the LDF documents. The latest plan had been signed off in December 2008 and was attached as an appendix to the report.

The Scheme did not include Committee dates or details of when input from the Group would be needed. During the next three years the Core Strategy, Site Specifics document and Area Action Plans would be adopted. A Supplementary Planning Document relating to developer contributions; looking at a tariff mechanism or infrastructure levy would also be developed. The report outlined a suggested timetable for the Group's involvement in these processes.

Core Strategy and Development Control Policies document

This had been submitted and the Inspector's report was expected in late October, early November 2009 and would be discussed by the Group in December.

Site Specifics document

Consultations had closed on this document and about 850 sites would be appraised. Further consultation was due in September / October, however, due to work commitments it was suggested that this deadline be moved back to October / November. The document would be considered by the Group to produce a final draft document. A series of meetings would be needed to ensure all areas received a fair appraisal.

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A Member asked what criteria would be used to assess the sites and it was confirmed that the key criteria would be those contained in the Core Strategy. Officers would present these criteria for discussion.

Another Member was concerned that a fair hearing should be given to the views clearly expressed by Parish Councils.

Thetford Area Action Plan

Consultation on this would close on Friday 3 April. A final version would be presented to the Group in November 2009 before submission in February 2010 for examination.

If the Inspector did not approve the Core Strategy there might be a need to postpone consideration of the Action Plan until January / February 2010.

Various questions were asked about the infrastructure costs and the proposed developer contributions and whether they would be standard across the district.

The Principal Planning Policy Officer explained that national legislation had yet to be finalised on a district wide tariff. In the meantime different levels of development required different levels of infrastructure and to meet the funding gap a reasonable and proportionate development tariff was proposed. In the case of the Thetford Area Action Plan the suggested rate was in the range of £19,000 - £27,000 per property. This might need to be revised and was linked to land value.

The Chairman of the Overview and Scrutiny Commission was concerned at the different wording in the report for the Thetford and Attleborough Action Plans. He said that the outcomes of both depended upon the Inspector's report and he felt this should be clearly stated.

He was also concerned that the infrastructure shortfall might make the Inspector say the plans were not deliverable; that there were other shortages in health care, education etc; that contributions were not generally triggered until development was complete; and that these things needed to be in place in advance.

The Principal Planning Policy Officer advised that the Inspector would look at the evidence provided and decide if there was a reasonable prospect of the plans materialising.

Work was being done to create an Infrastructure Group linked to the Local Strategic Partnership (LSP), based on a model being used in Huntingdonshire. This group would bring together key players from health, education, highways, etc. creating a funding pool to enable some infrastructure development in advance of growth.

The Development Services Manager sympathised with Members' concerns but felt that things were slowly moving in the right direction. The LDF process was flagging up proposed growth, giving the utility companies notice of what was to come and time to plan ahead.

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Attleborough and Snetterton Heath Area Action Plan

Due to the number of comments made about Attleborough in the Core Strategy document it would be difficult to finalise proposals for this plan in advance of the Inspector's report. In the meantime more evidence would be collected. Water and energy studies would be carried out and discussions with key partners would continue. However, until clarity was provided on the direction of strategic growth it would be inappropriate to 'steam ahead'.

Review of the Regional Spatial Strategy 2031

Representations had been made on the original plan and there would be an opportunity to do the same with the review. This would provide work for the Group in September 2009 and again in early 2010.

Monitoring

This report would come to the group in September 2009.

On a general point a Member asked if there had been any changes to the timetable since last September. There had been one change in that the Site Specifics public consultation had been due to commence in September 2009 and was now proposed for early 2010 to give more time to look in detail at the sites. Although the team were still working towards the original milestones it was felt that due to team changes and the potential resource implications of the Examination in Public, it was likely that these would not be met.

In response to a question the Chairman explained that if the Inspector suggested minor amendments to the Core Strategy the Cabinet Member and Chief Executive could deal with these under delegated authority. However, if bigger amendments were required they would have to go through the Group, the Overview and Scrutiny Commission, Cabinet and Council and there would be another six week consultation period.

The Development Services Manager mentioned that he had attended a meeting the previous day at North Norfolk where they had just had to deal with the rejection of one policy by the Inspector. They had said that it would cost them £100,000 to deal with the amendment.

RECOMMEND to Overview & Scrutiny Commission to note the report.

7/09 WORK PROGRAMME

The Chairman said that there would be an extremely busy work programme for the Group from August 2009 to March 2010. He suggested that they meet on Wednesdays for the afternoons only, once every one or two weeks.

There would be no need for a meeting before the end of August, unless the Inspector rejected a policy.

It was his intention to schedule items on agendas in Ward groupings. Where possible, meetings would be held in the area which was to be discussed. Local interested parties would be invited to attend.

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8/09 NEXT MEETING

In the light of the foregoing items, arrangement for the next meeting would be made in due course.

The Chairman thanked all Members for attending.

The meeting closed at 4.08 pm

CHAIRMAN