

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Thursday, 12 March 2009 at 10.30 am in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S. Askew	Mr R. Kemp
Mrs J. Ball	Mr M.A. Kiddle-Morris
Mr S.G. Bambridge	Mr R.G. Kybird
Councillor Claire Bowes	Mr J.P. Labouchere (Chairman)
Mr A.J. Byrne	Mr K. Martin
Mrs M.P. Chapman-Allen	Mrs S.M. Matthews
Mr P.D. Claussen	Mrs S.R. Miller
Mr J.P. Cowen	Mr I.A.C. Monson
Mr P.J. Duigan	Mr D.G. Mortimer
Mr M. Fanthorpe	Mr J.W. Nunn
Lady Fisher	Mr J.D. Rogers (Vice-Chairman)
Mr P.S. Francis	Mr B. Rose
Mr K.S. Gilbert	Mr F.J. Sharpe
Mr R.F. Goreham	Mr I. Sherwood
Councillor E. Gould	Mr W.H.C. Smith
Mr M.J. Griffin	Mr A.C. Stasiak
Mrs T. Hewett	Mrs A.L. Steward
Mrs D.K.R. Irving	Mr N.C. Wilkin
Mr A.P. Joel	Mr D.R. Williams JP
Mr C.R. Jordan	

In Attendance

Sheila Cresswell	- Member Services Officer
Phil Daines	- Development Services Manager
Trevor Holden	- Chief Executive
Tim Leader	- Deputy Chief Executive
Helen McAleer	- Member Services Officer
Phil Mileham	- Senior Planning Policy Officer
David Spencer	- Principal Planning Policy Officer
Ian Vargeson	- Member Services Manager

22/09 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 26 February 2009 were agreed as a correct record and signed by the Chairman.

23/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr P Balaam, Mr W Borrett, Mr S Chapman-Allen, Mr R Childerhouse, Mr R Duffield, Mr J Gretton, Mr P Hewett, Mr T Lamb, Mrs K Millbank, Mrs L Monument, Mr D Myers, Mrs P Quadling, Mr M Spencer, Mrs P Spencer and Mrs L Turner.

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24/09 DECLARATION OF INTEREST (AGENDA ITEM 3)

As the Local Development Framework (LDF) had highlighted some difficulties of interpretation in this area, the Member Services Manager felt it would be helpful for Members to have a reminder of the rules concerning declarations of interest, as well as the distinctions between 'personal' and 'personal and prejudicial' interests which Councillors have to consider.

He took Members through the Code of Conduct requirements and gave some examples. It was agreed that a note should be circulated to Members, along with the flow chart which the Standards Consultant had earlier produced on this matter. It was confirmed that the Standards Consultant would speak to members of the LDF Task and Finish Group about this topic in more detail.

The Member Services Manager made clear that while officers could offer advice and guidance, they would be unaware of Members' personal circumstances and therefore the onus for any decision on interest must remain with individuals.

If a Member had any cause for doubt about their circumstances in relation to any part of a debate, they should ask advice and/or leave the room.

He also reminded Members of the procedure itself: it was not only important to make an appropriate declaration, but also to state the type and nature of that interest (i.e. "I declare a 'personal and prejudicial' interest on matters concerning because").

The following declarations of interest were then noted:

Lady Fisher Personal and Prejudicial interest in items 11, Thetford Growth Point 30/9 (a), and (b), and 13, items relating to the Core Strategy document, and policies.

Mr G Bambridge Personal interest in LDF matters by virtue of gaining part of his income from developers and builders

Mr A Joel Personal interest in Agenda item 5 item 21/09, as a member of Old Buckenham Parish Council.

Mr J Labouchere Personal and Prejudicial interest in anything to do with the LDF in North Elmham by virtue of being a landowner and Personal interest in Hermitage Ward

Mrs D Irving Personal interest in any LDF matters concerning Dereham by virtue of being a Town Councillor.

Mr R Kemp Personal and Prejudicial interest in LDF matters concerning Harling by virtue of being

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John Chinnery

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	a local landowner.
Cllr C Bowes	Personal interest in the Core Strategy and Development Control Policies Document Report as her family have put land forward through the LDF process.
Mr S Askew	Personal and Prejudicial interest in item 13 as a landowner with land put forward to the LDF adjoining the development boundary.
Mr P Cowen	Previous declaration on page 2, (Overview & Scrutiny Commission Minute 13/09) (Stow Bedon) and also Personal interest in agenda item 13 as an architect in practice in Breckland.
Mr W Smith	Personal interest in LDF matters.
Mr R Kybird	Personal and prejudicial interest in LDF matters owing to land ownership and business association.
Mrs T Hewett	Personal interest in LDF matters owing to land ownership.
Mr I Monson	Personal and Prejudicial interest due to being a member of the Parish Council and a land owner in Oxborough.
Mr J Rogers	Personal interest in LDF matters owing to land under consideration.

25/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman reminded Members that there would be a lunch immediately after the meeting, followed by a Member briefing for those who had requested Presentation Skills Training.

Engagements List – Chairman

26th February, 2009 to 11th March, 2009

Date	Event	Host
27.2.09	Civic Reception	Town Mayor of Attleborough, Councillor Vera Dale
1.3.09	The Justice Service	The High Sheriff of Norfolk, The Viscountess Knollys

Engagements List – Vice-Chairman

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26th February, 2009 to 11th March, 2009

Date	Event	Host
27.2.09	Civic Reception	Town Mayor of Attleborough, Councillor Vera Dale

26/09 CABINET MINUTES - 24 FEBRUARY 2009 (AGENDA ITEM 5)

- (a) Treasury Management and Investment Strategy (Minute Item 20/09)

RESOLVED to approve:

- i) the Prudential Indicators as Limits for 2009/2010 to 2011/12;
- ii) the Minimum Revenue Provision (MRP) Statement which sets out the Council's Policy on MRP;
- iii) the Treasury Management Strategy for 2009/10; and
- iv) the Investment Strategy 2009/10.

- (b) Business Competition (Minute Item 27/09)

- i) The Leader of the Opposition wanted to stress the point he had made about the need for a Norfolk-wide approach to this issue, with the Council working with other Norfolk Local Authorities on a job strategy and economic development policies.
- ii) This recommendation had been agreed at the Special Council meeting held on 26 February 2009. (See Minute No. 21/09.)

- (c) Proposed Externalisation of Planning & Building Control (Minute Item 28/09)

A Member expressed discontent with the consultation process and felt that it, and the level of debate on this subject, had not been as open or accessible as it should have been.

The Chairman of the Development Control Committee disagreed strongly with these comments, pointing out that during the course of the decision-making process there had been various opportunities, including a very long Overview & Scrutiny meeting. There had therefore been ample opportunity for all Members to participate in discussion on this matter. It was felt that the Council meeting that morning was neither the time nor the place to raise matters which had already been through a lengthy decision process.

The Chairman confirmed that there had been prior opportunities for debate, and reminded everyone that anything

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to be discussed at the Council meeting should either be new or pertinent to that day's meeting.

The Leader of the Council added that various points had been raised and debated on this matter during the recent Cabinet meeting.

The Member, feeling that he had not had a chance to fully express his views, left the room.

(d) Adoption

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 24 February 2009 be adopted.

27/09 OVERVIEW AND SCRUTINY COMMISSION - 12 FEBRUARY 2009
(AGENDA ITEM 6)

RESOLVED that the unconfirmed Minutes of the meeting of the Overview and Scrutiny Commission held on 12 February 2009 be adopted.

28/09 DEVELOPMENT CONTROL COMMITTEE - 26 JANUARY 2009
(AGENDA ITEM 7)

RESOLVED that the confirmed Minutes of the meeting of the Development Control Committee held on 26 January 2009 be adopted.

29/09 DEVELOPMENT CONTROL COMMITTEE - 16 FEBRUARY 2009
(AGENDA ITEM 8)

RESOLVED that the unconfirmed Minutes of the meeting of the Development Control Committee held on 16 February 2009 be adopted.

30/09 GENERAL PURPOSES COMMITTEE - 18 FEBRUARY 2009
(AGENDA ITEM 9)

RESOLVED that the unconfirmed Minutes of the meeting of the General Purposes Committee held on 18 February 2009 be adopted.

31/09 APPEALS COMMITTEE - 25 FEBRUARY 2009 (AGENDA ITEM 10)

RESOLVED that the unconfirmed Minutes of the meeting of the Appeals Committee held on 25 February 2009 be adopted.

32/09 MOVING THETFORD FORWARD BOARD - 28 JANUARY 2009
(AGENDA ITEM 11)

Having declared a personal and prejudicial interest in this matter, Lady Fisher left the room.

RESOLVED that the unconfirmed Minutes of the meeting of the Moving Thetford Forward Board held on 28 January 2009 be adopted.

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33/09 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 12)

(a) Wayland Partnership

The appointment of Councillor C Bowes to the Wayland Partnership in place of Councillor S Askew was noted.

34/09 BRECKLAND LOCAL DEVELOPMENT FRAMEWORK: SUBMISSION OF CORE STRATEGY AND DEVELOPMENT CONTROL POLICIES DEVELOPMENT PLAN DOCUMENT (AGENDA ITEM 13)

The Development Services Manager introduced the presentation, praising the Planning Policy staff involved in the preparation of the LDF document. He said that this was an excellent piece of work which had been through many stages and forms, taking into account public participation as well as other input through the various Committee processes.

The presentation had been designed to highlight key points at this stage. The document had been published on 5 January 2009 and had been available on line, as well as in libraries and Council offices across the district, for a period of six weeks. The team had gone well beyond what had been formally required for this process, having produced documentation which also showed the evidence behind the proposals submitted. Following a procedural check by the Inspectorate, the Coal Authority had also been consulted and confirmed they had no interest in this matter. Copies of the document and a CD-Rom of the evidence base had had been sent to all statutory consultees.

The Principal Planning Policy Officer pointed out that Breckland had received 583 representations from 94 individuals/organisations. Comparing this with the 800 received by North Norfolk, he said that this probably reflected the way that the Breckland team had handled this project: many Breckland issues having already been processed and dealt with before publication.

He drew Members' attention to three important points:

- the Government Office and the Regional Planning Body had both endorsed the document;
- there were no representations which had clearly demonstrated that the Council had prepared a fundamentally flawed document; and
- the representations received could be explored through the Public Examination stage, when the Inspector would decide whether or not the document should be changed.

These points confirmed that Breckland had produced a 'sound' document which would go forward for public examination by the Inspectorate in July 2009.

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A Member drew attention to the fact that of the 583 representations received, approximately two thirds had indicated that they found the document 'unsound' and were therefore looking for changes. Bearing these figures in mind, he asked if the Council was legally secure in putting the document forward in this condition for someone else to work through. He highlighted the position in relation to Attleborough, where there were unresolved concerns about drainage infrastructure. He said he would welcome a legal view on the handling procedure.

The Deputy Chief Executive confirmed that officers had looked at the substance of the representations received and were satisfied that there was no reason to change the core strategy document, or the proposed route of submitting the document to the Inspectors. He concluded by pointing out that the Inspector could challenge some of the proposals, or even suggest modifications which the Council might then be compelled to accept. However, he confirmed that he believed the document to be good enough to submit at this stage.

The Chairman then suggested that any further representations on this matter should be made direct to the team after the Council meeting.

Returning to the presentation, the Principal Planning Policy Officer highlighted a couple of key areas of interest: habitats and Attleborough. In terms of habitats, and specifically the proposed Stone Curlew Protection Zone, he referred Members to pages 46 and 47 of the report at Agenda item 13. He told Members that:

- Natural England had endorsed the Council's interpretation, use and the policy research in terms of the data used.
- The Strategy on this matter had been signed off by Council in November 2008 and there had been no new primary evidence to support an alternative approach since then.
- Neighbouring Districts and Boroughs had been informed and had not objected. Indeed some were considering a similar approach.
- An equal number of representations had been received for, and against, the proposed Stone Curlew buffer.
- This issue would be explored in front of an Inspector at the Examination in Public. At that stage, evidence would be further scrutinised and any proposed changes could be considered.

On Attleborough, there had been concerns about whether or not the strategy proposed for the town would actually be deliverable, not least as specific work was needed on water infrastructure, energy and transport. The Principal Planning Policy Officer confirmed that a detailed analysis, gathering more evidence, was currently under way. Results were due out in July. The team felt confident that, given time and resources, the issue of the Attleborough Waste Water Treatment Works could be resolved.

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The final Infrastructure Study referred to a funding gap for Attleborough of £39 million. Work done since then had reduced the gap to £31 million. Officers were confident the gap could be closed by a Development Tariff and/or contributions from strategic funding sources. The Principal Planning Policy Officer explained that it was felt that a Development Tariff of £16,000 per property could be increased to £25,000 as land values in the area increased. Also, there were potential infrastructure savings from projects which were considered to be 'desirable', as opposed to 'essential'.

With reference to the proposed Development Tariff, a Member asked if the £16,000 per property was in addition to the normal change under S.106, or instead of it.

The Principal Planning Policy Officer explained that the tariff would be introduced as part of the Attleborough Area Action Plan over the next 15-18 years. It was a levy towards community infrastructure. He acknowledged that the housing market was cyclical and added that, given current economic conditions, the Council was not expecting large numbers of houses to be built in the area until the latter end of this timescale. However, some key infrastructure would need to be in place in order to support future housing developments. He clarified that the proposed tariff would replace some parts of the S.106 arrangement, covering the more strategic, generic items. However, the tariff would not include the requested contribution towards affordable housing.

Members expressed some concern about the size of the funding gap. They wondered just how realistic the proposed property tariff would be, bearing in mind the initial price of the land itself; the need for key infrastructure to be in place at an early stage; and that new properties remained affordable for the local population. It was felt that, based on the current proposals, the inspectors might seriously challenge the document.

The Leader of the Council argued that the tariff might, in fact, serve to push the price of land downwards: bearing in mind onward costs, if landowners were not prepared to sell to developers at realistic prices, then their land would be taken out of the LDF process and other land in the area would be bought instead. As to infrastructure, he said that this was not specifically a Breckland issue, but instead affected the whole of Norfolk. Additionally, it was accepted that funding was not available from central government.

The Deputy Chief Executive concurred, saying that any proposed tariffs would need to be reviewed carefully in terms of land values at the time.

The Principal Planning Policy Officer outlined what would happen if the Council decided not to submit the document at this point, highlighting the following:

- There would be a heightened risk of planning applications pre-empting policy decisions.
- There would be delays (and associated costs) to subsequent

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Development Plan Documents, such as site specifics and Area Action Plans.

Finally, he took Members through the next stages in the LDF process. He said that, subject to the decision taken at the Council meeting, the document and the supporting evidence would be submitted to the Planning Inspectorate for examination on 30th March.

There would then be a pre-examination meeting in May, where an Inspector would hold a preliminary exploration of the issues and invite further evidence and submissions.

The examination in public was due to start in July. It would be held at Elizabeth House and the number of sessions and participants would be determined by the Inspector.

The examination process would scrutinise the evidence. The Inspector's report was due to be issued by the end of the year and, in the event that the Inspector was not satisfied with the document, there were two alternatives:

- the Inspector could delay the examination pending further evidence.
- the Inspector could direct the Council to withdraw the current document in the light of new evidence received.

Additionally, new evidence might mean that the Council itself could request that the document be withdrawn.

If, at the end of the process, the Inspector concluded that the document was sound, then the Council would be invited to formally adopt it in February 2010.

The Principal Planning Policy Officer concluded the presentation by giving a brief overview of the LDF strategy, explaining that it was the first comprehensive review of planning strategy since the mid-1990s. The LDF looked ahead to 2026. However, it recognised, through a Monitoring and Implementation Framework, that there were risks and contingencies. The team had factored some of these in to the document.

He assured Members that the LDF strategy was not set in stone: it would be under constant review, particularly over the next five years, to take account of:

- the Regional Planning Strategy to 2031 which was currently being prepared; and
- changes in central Government, as well as national and regional policy.

In addition, there would be annual monitoring via the Council's scrutiny process, to check that the plan was on track; homes were being delivered; policies were working etc. It was expected that there would need to be a degree of flexibility, with new approaches

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recommended, if, and when, necessary.

The Leader of the Labour Group praised the work done by officers and lead Members thus far. However he remained concerned that the evidence upon which the document was based had been gathered before the current economic downturn. He felt that it was important for the document to relate to the economic circumstances of the day. He particularly stressed the need to monitor, and continue to support, small-to-medium sized businesses, and to ensure that there remained opportunities for their development and expansion. In response, another Member confirmed that officers in the Economic Development team would continue to participate closely in any assessment and review process.

The Leader of the Labour Group then referred to a letter which had been received from Swanton Morley Parish Council and which had been circulated to all Members. In the absence of the Ward Member, Mr Goreham asked for confirmation that the Chief Executive would be responding to the letter, adding that it would be helpful if the response could be seen by all Members too.

The Chief Executive said that the letter had only been received recently. As was usual with such correspondence, the relevant officers had been charged to look into the matter and to produce a suitable reply. He therefore felt it would be premature for him to comment.

A Member asked if there were any contingency plans written into the document to take account of the fact that current economic conditions might lead to many more people than usual having to live in caravans and mobile homes. This could become a real problem if there were a shortage of affordable houses on the market owing to lack of development.

The Development Services Manager said that there was no direct contingency to cover this possibility. Applications for mobile homes were to be dealt with in the same way as for permanent residences.

The Executive Member for Planning and the Environment brought the discussion to a close, confirming that the document had been worked on for a number of years, having been through various stages of consultation both in the public domain and through various Committee processes, including Panel 1 and the Overview & Scrutiny Commission. The team had drawn up a document which was as "Brecklandised" as possible in terms of covering the varied interests and concerns of residents, and bearing in mind the constraints under which it had to be produced. She concluded by urging colleagues to take this forward under Option A.

The Development Services Manager added that the workload throughout had been substantial, not least as this matter had been through no less than 40 Committees. The Chairman then reiterated that the officers who had worked on this project had been very diligent, and that local residents and Members had had plenty of opportunities to give their views throughout the process. He thanked all those who had been involved.

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It was **RESOLVED** to agree Option A:

- (1) To submit to the Planning Inspectorate the Core Strategy and Development Control Policies document and the schedule of minor modifications, as listed in Appendix E to the Agenda documents.
- (2) To agree all supporting information and the Habitats Regulations Assessment for submission alongside the Core Strategy and Development Control Policies document.
- (3) To allow officers, in consultation with the Executive Member for Planning and the Leader of the Council, to make any further minor amendments as required during the examination process.

Mr Bambridge abstained from this vote.

The meeting closed at 11.52 am

CHAIRMAN