
BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 30 November 2010 at 9.30 am in
Norfolk Room, The Committee Suite, Elizabeth House, Dereham**

PRESENT

Mr J.W. Nunn (Chairman)
Mr W.H.C. Smith
Mr S. Askew
Mr P.D. Claussen

Lady Fisher
Mr M.A. Kiddle-Morris
Mr A.C. Stasiak (Vice-Chairman)

Also Present

Mr S.G. Bambridge
Mr J.P. Cowen
Mr R.G. Kybird
Mr P.J. Duigan

Mrs T. Hewett
Mrs D.K.R. Irving
Councillor Claire Bowes

In Attendance

Mark Stokes
Julie Britton
Stephen McGrath
Phil Daines

John Chinnery
Robert Walker
Ralph Burton
David Spencer

Zoe Footer
Maxine O'Mahony
Catherine Lang
Phil Mileham

Robert Leigh

Roger Wilkin
Terry Huggins
Jamie Smith

Stefan Clifford

- Deputy Chief Executive
- Senior Committee Officer
- Member Services Manager
- Development Services Manager (Capita Symonds for Breckland Council)
- Solicitor & Standards Consultant
- Director - Community Services
- Assistant Commercial Property Manager
- Principal Planning Policy Officer (Capita Symonds for Breckland)
- Land Management Officer
- Director of Corporate Resources
- Community Development Officer
- Senior Planning Policy Officer (Capita Symonds for Breckland Council)
- Assistant Director, Communications and Communities
- Interim Environmental Services Manager
- Chief Executive
- Environmental Planning Officer (Capita Symonds for Breckland Council)
- Sports Development Officer

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116/10 MINUTES (AGENDA ITEM 1)

a) **Contaminated Land Inspection Strategy (Minute No. 109/10 (a))**

Members were informed that the Contaminated Land Inspection Strategy that had been deferred from the Cabinet meeting held on 19 October 2010 would be reported to Cabinet on 22 February

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2011.

b) Review of Car Parking in Watton (Minute No. 109/10 (b))

Members were informed that the Review of Car Parking in Watton that had been deferred from the Cabinet meeting held on 19 October 2010 would be reported to Cabinet on 22 February 2011.

c) Minutes

The Minutes of the meeting held on 19 October 2010 were confirmed as a correct record and signed by the Chairman.

117/10 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Mr R Goreham.

118/10 DECLARATION OF INTEREST (AGENDA ITEM 3)

Lady K Fisher stated that she had taken advice from Conservative Central Office on her position in relation to the Code of Conduct, and that she would make declarations of interest in future based on that advice. That said, she declared personal and prejudicial interests in the following items:

- Agenda item 15: Site Specific Policies and Proposals Development Plan Document 2001-2026: Proposed Submission Document in relation to Paragraph 3.5.12.
- Agenda item 11: Annual Monitoring Report relating to the Thetford Area Action Plan.
- Agenda item 14: Impact of Housing Development and Roads on Stone Curlew – The Way Forward by virtue of her being a landowner.

Mr P Cowen personal interest in Agenda items 11, 12 and 15 by virtue of his profession as an architect in practice.

Mr P Claussen, Mr W Smith and Mr R Walker personal and prejudicial interest in Cabinet Minute No: 115/10 – Delivery of the Contract for the Housing Register and Choice Base Lettings Service.

Mr A Wright (Youth Councillor) declared a personal and prejudicial interest in Agenda item 14.

119/10 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 4)

Mesdames D. Irving, T. Hewett and C. Bowes and Messrs P. Cowen, R. Kybird, P. Duigan and G. Bambridge.

Mr S. Green and Mr A. Wright from Breckland Youth Council were welcomed to the meeting.

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120/10 NEW EXECUTIVE ARRANGEMENTS (AGENDA ITEM 7)

Members were informed of the results of the public consultation on new statutory requirements for Strong Leader/Mayor Executive Arrangements. It was suggested that the recommendation to Council should be the minimum change option with all existing Executive functions remaining the same as in the current Constitution part from the required changes stated in paragraph 2.1 of the report.

Options

Under the 2007 Act, the Council had to adopt one of the two new style executive arrangements for after May 2011 Elections. Therefore, the options open to Members were:

- a) adopt the Leader/Cabinet model; or
- b) adopt the Mayor/Cabinet model

Reasons

- a) To comply with the results of the public consultation
- b) To continue with Breckland's current choice of model
- c) To adopt the most cost effective course of action

RECOMMEND to Council that the Strong Leader and Cabinet option for Executive Arrangements from May 2011 be adopted.

121/10 MATCH FUNDING GRANT PANEL REPORT ROUND 3 (AGENDA ITEM 8)

Members were informed of the recommendations that had been made by the Grant Panel for Funding Round 3 that had been held on Friday, 22 October 2010. The report summarised the funding decisions that had been made and made recommendations to Cabinet on the allocation on Match Funding.

The Assistant Director of Communications and Community Services presented the report and advised that there were three Match Funding applications that required Cabinet approval. A Match Funding application had also been granted and approved under delegated powers towards an Arts award for JDT Music as well as successful applications under the Pride in Breckland, Activity Access Arts and Gifted & Talented Grant schemes.

Referring to the Match Funding application for Diss Rugby Club, Members were informed that 20% of the registered club members were from the Breckland area and did significant work with Breckland schools.

The Executive Member for the Corporate Development and Performance Portfolio questioned the proportion of funding as he was sure that more people from the South Norfolk area would attend the club; he did not believe that Breckland members represented a fifth of the registered club membership and felt that Breckland's contribution should be

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proportionally less. He expressed the concerns he had received from Attleborough Sports Club who felt that money should not be spent on facilities outside Breckland.

The Director of Community Services explained that £20,000 was the maximum that the club could apply for and would be put towards Phase 2 of the redevelopment of the club. In terms of funding outside the District, there was nothing in the guidelines that said to the contrary as long as the project benefited Breckland. He was positive that the same would apply to South Norfolk's Match Funding applications.

The Executive Member for the Corporate and Development Portfolio felt that an open-ended precedent could be set and reiterated his concerns about monies being spent on capital projects outside of Breckland. He suggested that the risks and values of Match Funding applications should be taken up by the Audit Committee.

Claire Bowes stated that she had also received comments from her constituents about this application benefiting South Norfolk residents more than Breckland residents.

The Overview & Scrutiny Commission Chairman had concerns with regard to the potential risks mentioned in the Proforma B and felt that the financial aspects of this particular application were unclear.

A Member suggested that more evidence was required to support the 20% of Breckland membership.

The Executive Member for the Planning, Health & Housing Portfolio disagreed with all the aforementioned concerns and pointed out that the lines on the map should not be taken into account it should be a matter of residents' choice and going where the best facilities were which he felt, for rugby, was in South Norfolk.

The Executive Member for the Corporate Development & Performance Portfolio disagreed with the above comment and felt that a protocol should be put in place so that Breckland Council did not end up with an open ended precedent.

The Executive Member for the Economic & Commercial Portfolio agreed that there was a financial risk to the Council and further agreed that the matter should be reported to the Audit Committee to ensure that Breckland was getting value for money and to further ensure that there was enough money in the pot for phase 1 of the project before the club started phase 2.

Options

- 1) To approve individual Match Funding applications for the full amount requested
- 2) To award individual Match Funding applications a lesser amount
- 3) To reject individual Match Funding applications.

Reasons

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See report.

RESOLVED that the following Match Funding applications be approved:

- a) Swanton Morley Cricket Club for the sum of £19,000, subject to:
 - i) a maximum of £19,000 or 20%, whichever is the lower from the Capital Match Funding Reserve;
 - ii) the balance of all other funding being confirmed.

- b) West Norfolk Transport for the sum of £4,295, subject to
 - i) a maximum of £4,295 or 3.5% whichever is the lower from the Revenue Match Funding Reserve;
 - ii) confirmation of the total cost of the project; and
 - iii) the balance of all other funding being confirmed.

**Catherine
Lang**

RESOLVED that the Match Funding application for Diss Rugby Club be deferred, subject to:

- i) a review by the Audit Committee to look at the number of residents from the Breckland area benefiting from these projects;
- ii) confirmation of financial commitments from other sources; and
- iii) the protocol being reviewed in terms of cross local authority boundary funding to ensure that Breckland Council is getting value for money.

**122/10 GROWTH IN RESOURCES FOR THE GROUNDS MAINTENANCE
ELEMENT OF THE ENVIRONMENTAL SERVICES CONTRACT
(AGENDA ITEM 9)**

The Environmental Services Manager presented the report that advised Members of the additional workload within the Grounds Maintenance operation due to growth in open space land, to offer options for reacting to this growth, and to make a recommendation for action going forward.

Option 2, which was the preferred option, did come in well within the existing budget but would increase with inflation year on year.

Serco had been experiencing difficulties in providing the standard of service required by the contract, including key performance targets, as additional land added to their workload over recent years had significantly exceeded the capacity of existing resources.

Responding to the concerns, as requested by Members at the Executive Board meeting held on 15 November 2010, with regard to the difference in cost if the grass cutting regime was reduced from 3 weekly to 4/5 weekly cuts and the transfer of land adopted under S106 agreements, the Environmental Services Manager explained that the adjustment to the grass cutting regime, in cost terms, had been set out in the options listed in the report. There were savings to be had if the number of cuts were reduced. However, it was pointed out that, in the summer of this year, due to the exceptionally dry weather conditions, the number of cuts had

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been reduced, but in a typical growing season, reducing the number of cuts could have a negative noticeable impact on the visual amenity and customer satisfaction.

As far as the latter was concerned, the Environmental Services Manager had engaged in detailed discussions with the Development Services Manager, the S106 Officer and the Land Management Officer. All had confirmed that no formal policy was in place to transfer land adopted under S106 Agreements to Town Councils. It was understood negotiations had taken place concerning some retrospective transfers from Breckland to the Town Council with limited success and, as yet, no back-to-back transfers had been attempted.

Notwithstanding the issues with such Agreements, the Executive Member for the Environmental Wellbeing & Communications Portfolio pointed out that the Environmental Services Team had successfully managed to reduce the potential cost of the contract by 10% whilst still delivering similar outputs.

The Executive Member for the Corporate Development & Performance Portfolio was pleased to hear that negotiations had taken place with Serco and was delighted that no additional monies were being requested. He was also pleased to note that if Members were mindful to approve the preferred option, the Council's bio-diversity schemes would be maintained.

The Overview & Scrutiny Commission Chairman reported that he had attended a recent Parish Council meeting where the reaction of taking over land in the parish had been favourable. Referring to the S106 Agreements, he felt that a policy would need to be established as much land would be coming forward over the next 15 years.

The options available to Members were as follows:

Option 1

This option would give a high level of assurance that the maintenance of public open spaces would be fully compliant with the current contract specification and performance indicators in their entirety, and at least until a further 5% growth of contracted areas was achieved. This option consisted of 2 additional full time operatives, an additional vehicle, trailer, mower and associated gardening plant/equipment. This option required an annual contract uplift of £66,200 in the year 2011-12, which was £6,200 above the budgeted amount.

Option 2

This option consisted of 1 full time operative, vehicle, trailer, mower and associated gardening plant/equipment. A further additional operative was employed during the mowing season only, i.e. April to November. This ensured that the grass maintenance element of the service was compliant with current specification and performance indicators; at least until a further 5% growth of contracted areas was achieved. However, an allowance within the specification/performance would need to be made

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with regard to other elements of the specification such as hedge and shrub bed maintenance. This option required an annual contract uplift of £55,300 in the year 2011-12, which was £4,700 below the budgeted amount.

Option 3

This option consisted of employing 1 full time operative. This would provide minimal benefit to the grass maintenance as there was no additional plant allowed for, but would assist with winter maintenance and additional works. Current specification/performance would have to be adjusted. This would mean grass maintenance regime rising from 3 weekly cuts to 4/5 weekly cuts. This was likely to have a noticeable negative impact on the visual amenity and customer satisfaction in many neighbourhoods and during periods of sustained growth. This option required an annual contract uplift of £21,800.00 in the year 2011-12, which was £38,200 below the budgeted amount.

Option 4

This option was to maintain the status quo in terms of resources (operatives and plant). Current specification/performance on all elements of the service would have to be re-negotiated with Serco to allow for a reduction in the service. For example, grass maintenance regime reducing from a 3 weekly cycle of cuts to a 4/5 weekly cycle of cuts. This was likely to have a significant impact on the visual amenity of many neighbourhoods, and an associated negative impact upon customer satisfaction during periods of sustained growth. There were no financial cost implications for this option, unless additional responsive action was sanctioned as a result of high levels of customer dissatisfaction, and it therefore represented an overall saving of £60,000 of the existing budgeted amount.

Reasons

Whilst not a statutory duty, the grounds maintenance of the Council's parks and open spaces, was one of the Council's higher profile services. Service provision was already fairly rudimentary, and it was anticipated that any reduction in service standards would be perceived as unacceptable by residents and visitors.

A reduction in service standards could lead to an increase in littering, fly-tipping etc if certain areas were perceived as unkempt – thus adding additional cost to other service areas.

The Grounds Maintenance service was a key tool in delivering aspects of the Council's Environment Strategy, particularly in relation to encouraging bio-diversity. It also had strong links to other key agendas such as health, well-being and community safety. Any reduction in service standards might have a consequential negative impact upon these agenda areas.

Option 2 did come in well within the existing budget, and substantially negated the need for very visible reductions in service quality. It had been accepted that option 1 was not viable as it required growth in the budget.

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Equally, options 3 and 4 required such significant service reductions that the sense of community pride could begin to diminish in the absence of some viable alternative mechanism for ensuring the quality of the local environment across the district.

RESOLVED that

- 1) the payment of an additional £55,300 in the Gross Annual Service Charge of the contract, as budgeted, to meet additional resource demands of the Grounds Maintenance element of the Environmental Services contract for 2011/12, be released; and
- 2) a clear policy be developed in partnership with Town and Parish Councils so that the transfer of land adopted under Section 106 Agreements can be transferred to Town and Parish Councils.

**Roger
Wilkin**

**Phil
Daines,**

123/10 ACTIVE LAND MANAGEMENT - TRANCHE 2 (AGENDA ITEM 10)

The Land Management Officer explained that the report sought decisions on the use of each of the nine sites covered, being the second tranche of the Active Land Management Programme. She then presented a summary of the main issues and constraints, potential land values, parish council comments and options available in each case.

For Beeston, the Land Management Officer reminded Members that a shortfall of open space had been identified. The Parish Council wanted the land to be developed but only as a community asset in the form of an amenity open space/nature reserve. The Executive Member for the Economic & Commercial Portfolio (also the Ward Representative for Beeston) informed Cabinet that the piece of land in question had remained in a derelict condition for many years and had lots of concrete hard-standings. He felt that the area of land, if developed as amenity space, would not be used by the residents of Beeston as it was too far out of the village. He felt that the small area of land adjacent to existing properties should be sold for the provision of affordable housing and the remainder should be offered for sale or lease to the adjacent farmland owner.

The three sites in Great Dunham (GD1, GD2, and GD3) all had potential negligible values due to various constraints on each site. The aforementioned Executive Member, who was also the Ward Representative for Gt Dunham, pointed out that GD1 was too small to do anything with, GD2 was adequate in size to accommodate two dwellings and all three options for GD3 needed to be further investigated as the site had a difficult access.

In Necton, although the majority of the site lied outside the settlement boundary and had been a former quarry, the Chairman suggested that a planning application should be submitted and any sale should include the adjacent wood. He felt that the site would have great potential for the purchaser.

Having noted that this was the largest most prime site within Breckland

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Council's portfolio, the site at Shipdham had a restrictive covenant limiting any development on the land to Breckland Council only. Shipdham Parish Council had offered a land swap so that the area could be retained as open space. A Member on behalf of the Ward Representative for Shipdham stated that over 450 residents had spoken about this piece of land. She reminded Members that the land adjacent to the site had been included in the Local Development Framework and therefore was likely to have many houses built on it. If the Breckland site was also developed Shipdham could end up being a small town rather than a village. She felt that this land was an important piece of amenity space and urged Members to support option 5 which was to swap the site with alternative village owned land.

The Chairman was aware that the people of Shipdham had strong views with regard to this piece of land and agreed that option 5 should be pursued but to come back to a future Cabinet meeting if unsuccessful.

In Sporle, the Land Management Officer advised that option 2, to offer the site to the Parish Council to be retained as open space, had already been attempted and had not taken place because the Parish Council refused to pay the Council's legal costs. The Chairman preferred option 1 - to investigate the possible development to extend existing housing on Priory Close - as the access seemed adequate and the site was inside the settlement boundary.

For Swaffham, planning consent had already been established. In response to a concern, the Land Management Officer explained that this land would not act as a ransom strip to the developers who owned land directly to the south of the site. The Chairman saw advantage in investigating a joint venture with the aforementioned land owner, if unsuccessful, the site should be offered for sale on the open market but with a current market valuation. He was also not averse in retaining the land if land values were to rise in future.

It was noted that the Ward Member, the Parish Council and the community were against any development on the site at Swanton Morley. The Executive Member for the Corporate Development & Performance Portfolio felt that option 1, to offer the site for sale for affordable housing, would complete the development. The Overview & Scrutiny Commission Chairman reminded Members that the Council had a duty to listen to the views of the Ward Member and the Parish Council. The Executive Member agreed but pointed out that the Council also had a duty to the tax payer and highlighted the housing shortage. The Chairman felt that a valid point had been made and agreed that it was all about making the best value out of the Council's assets.

The Land Management Officer pointed out that the Parish Council had expressed strong views to have the land in question transferred to them to retain as open space. She further pointed out that a community exercise to understand the residents' views for this land had been undertaken. The Chairman asked if the land would be developable if a social landlord expressed an interest. Members were informed that a quite far advanced application had already been carried out by a certain Housing Association but had not progressed following the community

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consultation.

The site at Ramsey Close, Thetford was designated open space and if put on the open market, the Council would have to provide another open space provision elsewhere. A Member said that the Town Council would prefer the site to be developed into allotment land. The Executive Member for the Corporate Development & Performance Portfolio informed Members that the land had been derelict for a long time and did not think it viable for allotments. His preference was to sell it on the open market, to purchase land elsewhere for open space and make a contribution to the Town Council towards finding somewhere else for allotments. The Overview & Scrutiny Commission Chairman agreed with the aforementioned suggestions as it was a good site for housing that met all the necessary criteria. A Member advised that the Town Council would have difficulty finding an alternative open space and reminded Members that there had been strong local support for allotments on this land.

The Executive Member for the Corporate Development & Performance Portfolio felt that the land at The Covert, Thetford would not be viable for development and suggested that the site be offered to the Town Council as an area of open space. A Member asked if Breckland Council would issue encroachment notices before the transfer. In response, the Land Management Officer explained that the issue of such notices would cause considerable delays and would not be consistent with other transfers. The Executive Member for the Economic & Commercial Portfolio asked if these encroachers would be subject to adverse possession. The Land Management Officer was unable to answer the question as she was unsure how long these violations had been there.

Members agreed that the site should be offered to the Town Council, as seen, as an area of open space.

Options

To decide on the alternative/future use of each of the nine sites processed through the second tranche of the Active Land Management Programme.

Reasons

To ensure that the diverse interests that existed around land usage were realised, and to provide a source of funding for both the Councils Revenue and Capital spending.

RESOLVED that the action indicated be taken in respect of the following sites:

- (1) **Beeston** - Herne Lane: the small area of land adjacent to the existing properties to be sold for the provision of affordable housing; and the remainder of the site to be offered for sale or lease to the adjacent farmland owner;
- (2) **Great Dunham** – Litcham Road/South Street: site reference **GD1** to be offered to Parish Council to be retained as an area of amenity

Zoe Footer

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- open space; site reference **GD2** to explore the possible extension to existing housing; and **GD3**, the site to be offered to Anglian Water as an extension to its plant facility, if not forthcoming, offer the land to adjacent owner occupier(s) the opportunity of purchasing extra car parking or garden space, if not forthcoming, the site to be offered to the Parish Council as open space or allotments;
- (3) **Necton** – Ketts Hill/St Andrews Lane: a planning application be submitted (any sale to include adjacent wood);
 - (4) **Shipdham** – Chapel Street: to swap site with alternative village owned land, if not forthcoming, the land to be retained by Breckland Council and other options be explored;
 - (5) **Sporle** – Priory Close: to investigate the possible development of extending the existing housing on Priory Close;
 - (6) **Swaffham** – Sandringham Way: to investigate a joint venture with adjacent landowner, if unsuccessful, the site to be sold on the open market;
 - (7) **Swanton Morley** – Middleton Avenue: to offer the site for sale for affordable housing;
 - (8) **Thetford** – Ramsey Close – site to be sold on the open market and a contribution be made to Thetford Town Council towards alternative land for allotments; if site is sold Breckland Council must find alternative open space;
 - (9) **Thetford** – The Covert: the site to be offered to Thetford Town Council as an area of open space (to be transferred as seen).

124/10 ANNUAL MONITORING REPORT 2010 (AGENDA ITEM 11)

The Principal Planning Policy Officer advised Members of the contents of the Annual Monitoring Report (AMR) for the 2009/10 financial year.

Performance had been monitored in line with Core Output Indicators outlined in the Government's Good Practice Guide. The Act required local authorities' AMRs to be submitted to the Secretary of State by the end of December each year. This was Breckland Council's sixth AMR and the first since the adoption of the Core Strategy and Development Control Policies which followed the strategic themes as outlined in the Strategy as below:

- Housing, Employment and Regeneration
- Natural Resources
- Environment
- Accessibility

The AMR also reported on the progress of the Local Development Framework.

Members were informed that this would most probably be the final AMR as the new Coalition Government no longer required such a document.

The Overview & Scrutiny Commission Chairman knew that in future

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years, new allocations for housing would likely to be on green-field sites and he asked if there were any former air force bases left which were classed as brown-field sites. The Principal Planning Policy Officer explained that many brown-field sites within towns had already been developed and the ones in the countryside were too remote from where any development was taking place.

Referring to the Housing Trajectory on page 71 of the agenda, the Overview & Scrutiny Chairman felt that these figures would be a challenge for the Council going forward and did not know how this was going to be tackled. He also had an interest in the Access to Work and Services with regard to General Practitioners on pages 94 & 95 of the agenda. The Principal Planning Policy Officer explained that, in terms of statistics, the data was being pulled from a number of sources, some of which related to the need to maintain existing local service centres.

The Chairman noticed that although 95 dwellings had been built in the past nine years in his Ward he felt that natural growth within these communities should still be allowed. He was against rigid policies that prevented development.

Although this could be the final AMR, the Executive Member for the Planning, Health & Housing Portfolio still wished to see some form of document that could be benchmarked in the future. The Development Services Manager said that this would be dependent on the outside sources still collecting the data but would be happy to submit a document in some form next year.

The report was otherwise noted.

125/10 ATTLEBOROUGH TRANSPORT STUDY (AGENDA ITEM 12)

The Principal Planning Policy Officer presented the report which related to the need for a Transport Study as a supporting document for the Attleborough and Snetterton Heath Area Action Plan and to request the release of up to £100,000 to complete the work.

Key to the release of the amount of housing land was a link road which would cross the railway line to serve development and mitigate traffic impacts on the town centre. The capacity of the existing road network would only allow for a very limited growth.

An initial transport study had been undertaken to satisfy the Inspector at the Examination in Public into the Core Strategy. He had found the Strategy sound on the basis of the link road which he agreed was necessary and viable.

Transport was a significant issue for the town and the scope of the Study, which would be agreed in conjunction with Norfolk County Council and the Highways Agency, would be to look in detail at transport issues and solutions for Attleborough. A similar Study was ongoing for Thetford.

Norfolk County Council had already confirmed that it was able to commit £20,000 towards the Study and the Highways Agency had indicated that it

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might be able to contribute £10,000. Notwithstanding these potential contributions it was recommended that Breckland Council took the lead role in delivering the Study to ensure outputs were managed to support the planning framework for the town and were delivered in a timely manner under Breckland Council's control.

The Vice-Chairman informed Members that the consultation process was already underway and had been well attended. He knew that with Attleborough's significant growth there would be a need for considerable change and the Transport Study would back this up.

The Overview & Scrutiny Commission Chairman agreed but stressed that as the railway line was fundamentally important to the town, Network Rail should be approached and be asked to contribute towards the Transport Study as there were always frustrations to contend with the rail network in Norfolk. He felt that the Members should adopt exactly as proposed but to stress the importance of the Network Rail link.

The Chairman pointed out this level of spend could not be sustained in the future as grants for such purposes would probably not exist. The Chief Executive reported that the Deputy Chief Executive had been tasked to investigate alternative schemes. He said that there could be a facility within the forthcoming Community Infrastructure Levy (CIL).

Options

- 1) To agree the need for the Transport Study and release up to £100,000 for that work.
- 2) Not to agree the need for the Study.

Reasons

As stated in the introduction of the report, when adopting the Core Strategy and Development Control Policies Document, this Council required that Attleborough's growth had to relate to the construction of the link road; a point accepted by the Inspector at the EiP into the Core Strategy.

The appropriate way for this issue to be properly assessed was through a detailed Transport Study, to ensure the range of factors surrounding the impact of the proposed growth could be properly considered. The Council would then be able to produce an appropriate Area Action Plan and fully assess significant planning applications submitted in the Attleborough and Snetterton Heath areas.

RECOMMEND to Council that the development and completion of a Transport Study be approved, and the funding up to the value of £100,000 be released from the Housing and Planning Delivery Grant to complete the work.

**David
Spencer,
Mark
Finch**

126/10 COMMUNITY INFRASTRUCTURE LEVY (CIL) (AGENDA ITEM 13)

The Principal Planning Policy Officer presented the report which informed

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Members about the Community Infrastructure Levy (CIL), and identified what was needed in order to implement a CIL in Breckland, including a suggested timetable for implementation.

Approval was sought for the formation of a 'Working Group' of Cabinet to lead the research and development of the CIL and make recommendations to Council accordingly.

The concept and the process to implement a CIL were explained. In simple terms a CIL would be used to help pay for infrastructure and local communities would receive a direct slice of the levy. It would be discretionary but by not implementing such a levy would have huge repercussions to the authority. If Breckland Council did not proceed, S106 Agreements and Legal Agreements would still exist but off-site contributions under CIL regulations would cease from 2014.

There had been some uncertainty around development contributions, and a real potential that CIL could be abolished but since publication of the agenda, the Government had recently confirmed that CIL would definitely go forward.

Further details had been set out in Appendix A of the report and the proposed methodology at Section 7 was explained.

The infrastructure that could be funded by the CIL included transport, flood defences, schools, hospitals, and other health and social care facilities. The Executive Member for the Environmental Wellbeing & Communications Portfolio asked if CIL would still support biodiversity and grounds maintenance. Members were informed that in terms of public open space, the starting point would be to look at on-site provision but the wider green infrastructure could be included in the levy. He pointed out that the report recommended that a Steering Group be set up in terms of what Breckland Council wanted its levy to cover. Charitable elements would need to be explored but many projects could be brought into the CIL envelope after 2014.

It was proposed that two Executive Members should sit on the proposed Officer Steering Group as some high level decisions would have to be made.

The Deputy Chief Executive reminded Members what the Chairman had said earlier about this level of spend could not be sustained in the future as this type of funding would not exist.

The Executive Member for the Corporate Development & Performance Portfolio was worried that this new levy would start to stifle people who wanted to develop. He mentioned and expressed his concern with regard to the cost of delivering affordable housing which had been excluded from CIL because the Government believed that planning obligations remained the best way forward and he asked for the meaning of non-essential contributions. In response, the Principal Planning Policy Officer explained that these were direct on-site contributions. With regard to the latter, the Chairman advised that the Government was addressing the whole social housing tenure so affordable housing issues would be

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most probably addressed.

Options

- 1) To approve the research and development of a Community Infrastructure Levy (CIL) for Breckland Council, with the formation of a Sub-Group of Cabinet.
- 2) Not to approve the research and development of a CIL.

Reasons

All local authorities would need to have CIL schedules in place by 2014 if they wanted to secure contributions from landowners and developers towards the costs of infrastructure projects.

A CIL would provide the Council with a mechanism of funding shortfalls in infrastructure to support the growth in Breckland by charging developers.

If CIL or another charge was not taken forward, the Council would need to investigate other ways of funding any shortfall in infrastructure requirements from new development.

RESOLVED that:

- 1) the research and development of a Community Infrastructure Levy (CIL) for Breckland Council be approved;
- 2) a CIL Steering Group be formed with Officers (which would be a sub-group of Cabinet, to reduce the length of the approval procedure) to lead the research and development of the CIL and make recommendations to Council accordingly;
- 3) the membership of the Steering Group to include the Executive Member for the Planning, Health and Housing Portfolio and the Executive Member for the Economic and Commercial Portfolio; and
- 4) the sum of £23,430 be released from the Organisational Development Review Reserve to cover the cost of implementing the CIL in stages.

**Phil
Daines,
David
Spencer,
Mark
Stokes,
Mark
Finch**

**127/10 IMPACT OF HOUSING DEVELOPMENT AND ROADS ON STONE
CURLEW - THE WAY FORWARD (AGENDA ITEM 14)**

The Executive Member for the Environmental Wellbeing & Communications Portfolio declared a personal & prejudicial interest as a landowner in the Stone Curlew zone and left the room whilst this item was being discussed.

The report set out the current position in terms of the research and understanding of the issues relating to the effects of development on Stone Curlew.

In order to ensure that the Breckland Core Strategy satisfied the requirements of the Habitats regulations, Breckland Council, Forest Heath

Action By

District Council and St Edmundsbury Borough Council had introduced a 1,500m buffer zone with an accompanying policy to ensure that the document aspirations of the Core Strategy could be taken forward without resulting in harm to the Special Protection Area (SPA).

The seven options were highlighted and Option 1 of the report was recommended as it was the most cost effective and least risk way forward. It was felt that Breckland Council should not shoulder the responsibility alone on this matter.

The Chairman agreed that option 1 should be further explored and be taken forward collectively before any monies were spent. A Member felt that this option did not take the Council any further in terms of mitigation issues. He further felt that if such issues could be agreed in the early stages other members of the consortium would more than likely contribute.

The Overview & Scrutiny Chairman felt that part of the evidence that the Council would need to gather was the way in which landowners managed the land. He did applaud the fact that the potential to look favourably on agricultural and employments developments was being looked in to.

The Development Services Manager said that he would talk with both the Chief Executive and the Deputy Chief Executive to determine the most appropriate way forward.

Members were happy to support the funding.

Options

See report.

Reasons

Capita Symonds had concluded that Breckland Council initiated high level discussion with adjoining authorities to jointly fund and commission Option 1 of the report. Should this approach not progress in a timely manner, the Council solely commission and fund option 1 of the report to inform (a) a review of the Core Strategy, and (b) aid the Development Management process.

RESOLVED that:

- 1) a further examination of the existing data be commissioned in respect of building classes (Appendix 2, Table 1, option 1 of the report) in respect of the future approach towards development within 1,500m of Breckland Special Protection Area (SPA) supporting Stone Curlew; subject to
- 2) a Chief Officer Group being convened from all the affected authorities to discuss whether a clear joint pathway could be found with the aim that all those local authorities that include Special Protection Areas contribute to further Stone Curlew research on a pro-rata basis.

**Phil
Daines,
David
Spencer,
Mark
Stokes**

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The above approach was consistent with the advice and recommendations of both Natural England and the Government Office (East). A broad working split of proportions for discussion would be Breckland 35%, Forest Heath 35%, St Edmundsbury 20% and Kings Lynn 10%.

128/10 SITE SPECIFIC POLICIES & PROPOSALS DEVELOPMENT PLAN
DOCUMENT 2001-2026: PROPOSED SUBMISSION DOCUMENT
(AGENDA ITEM 15)

Members' approval was sought to publish and then submit the Site Specifics Policies and Proposals document, to include any Cabinet recommendations and those changes required to satisfy the Habitats Regulations.

The majority of comments had been received with regard to sites in Dereham and Shipdham and outstanding comments needed to be reported.

The Clerk for Tuddenham Parish Council was in attendance and was allowed to speak. She said that she had taken the liberty of contacting Cabinet Members as she had concerns about the content of the document for her area. The proposals that the village had requested at the Local Development Framework (LDF) Panel meetings held in 2009, to include two parcels of land in the village envelope, had not been incorporated. What was being suggested in the document now was completely different and irrelevant. She felt that there had been a discrepancy made between the LDF meetings and what was currently being reported. The parishioners believed that they had been listened to but obviously had not.

A Ward Member for the Eynsford Ward stressed that none of his recommendations had been taken on board.

The Chairman proposed that the report should be referred back to the LDF Panel before going forward as he was keen to follow the wishes of these communities.

The Overview & Scrutiny Chairman advised that the Minutes of those meetings were available and there could have been good reasons why some of these decisions had been made. He referred to another document that accompanied these meetings and suggested taking both documents back to the LDF Panel so that the logic and reasons behind these decisions could be understood.

The Development Services Manager pointed out that such a delay could have ramifications on how this document moved forward. He assured Members that the Officers concerned had not done anything to undermine the Panel's decision. The report identified those areas mentioned ensuring that the document was consistent.

The Chairman stated that this would be a one off Panel meeting which hopefully would not create a great deal of delay. He asked for the

Action By

meeting to be held in public.

Option A

Members agree that the Council publishes the Site Specific Policies and Proposals document, including Cabinet recommendations and any amendments necessary for Appropriate Assessment, for a period of at least six weeks. Members further agree to submit the Site Specific Policies and Proposals document to the Secretary of State for an examination in Public by a Government appointed Inspector whose report would be binding on the authority unless comments received during the six weeks of pre-submission publication indicate that the document is unsound and should be withdrawn.

Option B

Members do not agree that the Council publish the Site Specifics Policies and Proposals document, including amendments. Members further not agree to submit the Site Specifics Policies and Proposals document to the Secretary of State for an Examination in Public by a Government appointed Inspector.

Reasons

Members were asked to approve Option A of the report in order to allow the timely progression of a sound development framework for the market towns, Local Service Centres and villages.

RESOLVED that the publication of the Site Specifics Policies and Proposals document be deferred and a LDF Task & Finish Group meeting be convened as quickly as possible to discuss the discrepancies raised within the document. A Special Cabinet meeting to consider the findings of the Task & Finish Group would be arranged if necessary.

**David
Spencer,
Phil
Daines,
Mark
Stokes**

129/10 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 17)

RESOLVED that the Minutes of the Anglia Revenues and Benefits Partnership meeting held on 28 October 2010 be adopted.

130/10 BUSINESS IMPROVEMENT SUB-COMMITTEE: 2 NOVEMBER 2010 (AGENDA ITEM 18)

RESOLVED that the Minutes of the Business Improvement Sub-Committee held on 2 November 2010 be adopted.

131/10 NEXT MEETING (AGENDA ITEM 19)

It was noted that the next meeting of the Cabinet would be held on Tuesday, 11 January 2010 at 9.30am in the Norfolk Room.

The meeting closed at 12.10 pm

CHAIRMAN