

## **Broads Authority**

### **Planning Committee**

Minutes of the meeting held on 12 September 2014

Present:

Dr J M Gray – in the Chair

Mr M Barnard  
Miss S Blane  
Mrs J Brociek-Coulton  
Prof J Burgess

Mr C Gould  
Mr G W Jermany  
Dr J S Johnson  
Mr P Warner

In Attendance:

Ms N Beal – Planning Policy Officer  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – for the Solicitor  
Ms M Hammond – Planning Assistant  
Mr B Hogg – Historic Environment Manager  
Ms A Long – Director of Planning and Resources  
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

**BA/2014/0248/FUL Hoveton Great Broad, Hudsons Bay and  
Wroxham Island, Haughs End, Lower Street, Hoveton**

Chris Bielby                      Project Manager on behalf of applicant  
(Natural England)

#### **3/1 Apologies for Absence and Welcome**

The Chairman welcomed everyone to the meeting particularly members of the public, including Mr Joe Mooney, the Chairman of South Norfolk's Planning Committee, who was visiting a number of Local Planning Authority's to observe proceedings.

Apologies were received from Mr N Dixon, Mrs L Hemsall, Mr P Ollier, Mr R Stevens and Mr John Timewell. Mr Gould would be arriving late.

#### **3/2 Declarations of Interest**

Members indicated that they had no declarations of pecuniary interests other than those already registered and those set out in Appendix 1.

#### **3/3 Minutes: 15 August 2014**

The minutes of the meeting held on 15 August 2014 were agreed as a correct record and signed by the Chairman.

### **3/4 Points of Information Arising from the Minutes**

#### **(1) Minute 1/6(2) and Minute 13/6(3) Broads Site Specifics Development Planning Document (DPD)**

The Chairman drew attention to the paper copies of the now adopted Broads Site Specifics DPD available for members of the Committee. These were also available on the Authority's website and a link had been provided for all members.

<http://www.broads-authority.gov.uk/planning/planning-policies/site-specific-policies>

### **3/5 To note whether any items have been proposed as matters of urgent business**

No items had been proposed as matters of urgent business.

### **3/6 Chairman's Announcements and Introduction to Public Speaking**

#### **(1) Parish Forum – Waveney Valley**

The Chairman reported that the next Parish Forum would be for the Waveney Valley Area and would be held on 25 September 2014 at Beccles Public Hall, Smallgate, Beccles when the doors would be open from 5.30 pm to 8.30 pm. All members were invited to attend and should have received notification of the event.

#### **(2) Other Dates for Members to note:**

- **BA Finance and Accounts Briefing for all members: Friday 19 September 2014 10.00am at Yare House**
- **David Matless Lecture** – 3 November 2014 at UEA an event as part of Broads Authority 25<sup>th</sup> Anniversary celebrations. Further details to follow.

#### **(3) Salhouse Neighbourhood Plan**

Consultation on an application for a Neighbourhood Plan for Salhouse would be taking place between 15 September and 27 October 2014. A report would be brought to the November Planning Committee meeting.

#### **(4) Public Speaking**

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for members and officers.

### **3/7 Requests to Defer Applications and /or Vary the Order of the Agenda**

The Chairman reported that two requests for deferral of the application BA/2014/0248/FUL at Hoveton Great Broad had been received – one from Sir Peter Dixon, a member of the Authority, and the other from Hoveton Parish Council. The member request was on the grounds that the concerns raised by many organisations should be explored further with particular reference to the use of gabion baskets filled with stones for the proposed fish barriers and a suggested preference for the use of timber piling; and concern about the (perceived) conflicted position of Natural England providing comments on the organisation's own planning application.

The Chairman explained that he did not consider that these were relevant reasons for deferring consideration of the application at this juncture. Members needed to judge the application that was before them. The option to defer would be open to them following consideration should members feel it was appropriate. With regard to the query relating to Natural England commenting on its own application, this was usual practice for such organisations where the operational arm was separate from the advisory function. He cited the example of the flood alleviation proposals where the Environment Agency provided consultation responses on BESL applications.

The Director of Planning and Resources responded to the request from Hoveton Parish Council that the application be deferred on the basis of the lack of full and proper consultation. She explained that the application had been published in the usual way for a major application including the notices to the relevant parish councils, statutory bodies, and press notices and she was satisfied that the Authority had carried out the necessary consultation in accordance with its statutory duties. The applicant had also undertaken considerable pre-application consultation including contacting the Parish Council and explaining the proposal in detail. The letter to the Parish Council and the Parish Council's response were included within the appendices of the Environmental Statement submitted as part of the application. She was content that suitable and reasonable consultation had been undertaken.

The Solicitor referred members to the Code of Conduct for Planning Committee members in relation to deferral. This largely related to new evidence having been provided. He emphasised that the option to defer was also available following hearing the details of the application before them.

Members were satisfied with the Chairman's and the Director of Planning and Resources' comments and agreed that there was no reason to defer consideration of the application at this stage and prior to hearing the Officer's report.

### 3/8 Applications for Planning Permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decision.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

(1) **BA/2014/0248/FUL Hoveton Great Broad, Hudsons Bay and Wroxham Island, Haughs End, Lower Street, Hoveton**

The creation of reed beds by pumping lake sediment into geotextile to create bunds, back-filling the areas behind with more sediment, and planting these areas with locally sourced fen vegetation, together with the construction of temporary fish barriers

Applicant: Natural England

The Planning Assistant commented that some members of the Committee had undertaken a site visit on 29 August 2014, a note of which was attached to the report. She provided a detailed presentation on the proposal for the development which was a conservation project to facilitate lake restoration to improve the ecological status including water quality of Hoveton Great Broad and Hudson Bay, which were within the Hoveton Estate and formed part of the Bure Marshes National Nature Reserve with Ramsar, SPA, SAC and SSSI designations. The proposals involved the removal of 300mm of nutrient rich sediment and biomanipulation of the system involving the removal of fish to enable a clear water macrophyte dominated condition. As such the Planning Assistant emphasised that the elements of the project that required planning permission involved removal of sediment and the use of geotextiles to form bunds to be back filled to create new areas of fen, and the construction and installation of seven temporary fish barriers using gabion baskets filled with stones, the sites for which were noted. The two broads were not currently open to public navigation and these proposals did not involve changes to or alter the existing access arrangements which were not material considerations.

The Planning Assistant explained the details of the two phases of the works, the first involving the removal of sediment from Hudsons' Broad and a temporary pipeline on the river bed to deposit this into geotextile tubes on Wroxham island in order to restore eroded areas. She explained that the exact location of the pipeline was not yet determined but currently it was intended to be positioned in the deepest part of the river channel and that it would be removed following the pumping of sediment to Wroxham Island. The details of its position and installation to mitigate any navigation hazard could be dealt with by condition. The second phase concentrated on the removal of sediment in Hoveton

Great Broad and the temporary installation of the seven fish barriers. The Planning Assistant emphasised that these would be conditioned to ensure that they were installed and removed at an appropriate time in accordance with the phasing scheme and a monitoring plan to be agreed. It was anticipated that this would be for no more than ten years.

Since the writing of the report further consultation responses had been received:

- One of the landowners in support of the application
- Salhouse Parish Council – no objection
- Hoveton Parish Council – where details expressing concerns that insufficient time had been given for detailed consultation had been circulated to the Committee and in part dealt with under Minute 3/7.
- Further comments and concerns from the Norfolk and Suffolk Boating Association (NSBA) maintaining their objection and the Royal Yachting Association (RYA) raising concerns over the pipeline.
- Further comments from English Heritage and Norfolk Historic Environment Service following receipt of further information submitted relating to a brief for investigation and recording, advising that they have no objections in principle subject to a condition requiring further archaeological investigation and recording prior to any work commencing.

In addition comments had been received from Nigel Dixon, who was also the Local District Member for Hoveton, who was unable to be present, explaining that he did not consider that there were any material planning reasons for refusing or deferring the application. Phil Ollier had also sent in detailed comments, also sent to the Navigation Committee. These together with those of Sir Peter Dixon's comments had been circulated to all members.

The Navigation Committee had considered the navigational aspects of the project at its meeting on 4 September 2014. The Committee was not opposed to the proposals although did not fully support the project. They had had some serious reservations about the scale, type and form of the proposed "temporary" fish barriers and were therefore concerned that there should be fool proof planning conditions which would manage their construction and ensure the removal of those barriers once no longer required. They were also concerned about lack of access proposals, the application not being comprehensive enough and the perceived lack of consultation.

Members were reminded that they were required to be mindful that this was a planning matter and the main issues and material considerations for consideration were the impacts of the proposed works on the landscape and the visual appearance of the proposed works, ecology,

water quality, navigation, amenity, flood risks, heritage assets and highways.

Having provided a detailed assessment of the proposals based on the material planning considerations, the Planning Assistant concluded that the application was acceptable and in accordance with the relevant policies of the Development Plan and the National Planning Policy Framework. The application would facilitate the improvement of the ecological status of an important designated site. The concerns of the Navigation Committee were noted and it was considered that the short term impacts could be adequately mitigated and a monitoring plan would insure that the construction and implementation of the geotube bunds and fish barriers were effective and also unpredicted impacts mitigated. The Authority would be able to enforce compliance with the planning conditions and these would relate to the land, rather than the applicant. Therefore the Planning Assistant recommended approval subject to planning conditions listed in the report as well as additional conditions regarding the details of installation and removal of the pipeline and the temporary fish barriers, phasing of the scheme and the recommended archaeological condition.

Members gave careful consideration to the application and asked a number of questions.

Chris Bielby, for the applicant as Manager of the Project emphasised that the proposals were for a conservation project to improve water quality and wildlife which had been two years in preparation with the support of improved technical data including that derived from the PRISMA Project and with the support of landowners and the Environment Agency. It was intended to submit a bid for funding in October with a view to starting the project in 2016. He assured the Committee that consultation had been undertaken with a number of groups including the Broads Angling Strategy Group, the Broads Society, the Norfolk Broads Yacht Club and presentations had been provided to the Broads Forum, and Broads Local Access Forum. The applicant was aware of the concerns which had been expressed and there was nothing to prevent appropriate mitigation measures being included within the project and other factors not relevant to the planning application being discussed and resolved prior to the project's implementation. He commented that the Broads area was not just an area for boating but was also a place where people could enjoy the peace and tranquillity of nature.

In response to questions the Project Manager explained that the geotube mesh was designed to permit the flow of water out from it but stop an excess of sediment flow into the river. The depth of 300mm of sediment to be removed had been chosen following detailed surveys of the two broads. It was aimed to remove that which had been added within the 20<sup>th</sup> century and which was very fluid compared to the more compacted sediment beneath. Natural England was confident that the

removal of this would enable organisms and embedded seeds beneath to regenerate.

The design of the fish barriers was intended to be of a complex structure robust enough to enable a slow flow of water but prevent fish movements. The exact feasibility and final design had yet to be determined by technical and engineering methodology which would allow for their efficient use and also effective removal and this could be conditioned. With regard to their visual impact, the Project Manager explained that the fish barriers would be set back from the main river, fronted by timber piling within the dykes and behind the existing gates.

He offered reassurances with regard to the profiling of the banks adjacent to Wroxham Island on the basis of the detailed information that had been obtained which would contribute to the final engineering solution.

With regard to management, it was intended that the newly created fen area within Hoveton Great Broad would be species rich and managed appropriately and in accordance with the rest of the National Nature Reserve.

In response to members concerns relating to the “temporary” nature of the fish barriers and enforceability, it was explained that the period of ten years was based on advice received in order to provide sufficient time to achieve restoration. It was not intended to run beyond this time frame. However, the monitoring programme would help inform the efficiency of the barriers in order to have them removed within ten years due to their success or failure and /or prompt further discussions on alternatives.

Members considered that this was a very interesting and important project for ecological restoration and the project appeared to be fit for purpose. They were reassured on the techniques to be used for the stabilisation of Wroxham Island and the use of the sediment to be removed for the conservation purposes. They were therefore satisfied that the proposals were consistent with the National Planning Policy Framework relating to Conserving and Enhancing the Natural Environment particularly Paragraph 109. They noted the concerns of the Navigation Committee and having given consideration to each of them in turn, they were reassured on the scale, type and form of the fish barriers and the proposed conditions to ensure appropriate mitigation measures were in place. The Committee therefore considered that the proposed condition (v) and (xviii) of the report should be linked and reinforced to include the installation and removal of the fish barriers and protective fencing, within a maximum of ten years in accordance with a Monitoring Plan. In addition Condition (vi) should include the location and method of siting of the pipeline to be agreed as well as removal on cessation of use.

With regard to the NSBA's concerns relating to closing the area for navigation, closing the Broad off to fish also closed it of necessity to any kind of navigation access. In addition the area was not open to public navigation at the present time (and had not been for many years previously). This together with the concerns about the application being incomplete without reference to proposed public access, members were satisfied that these points were irrelevant to the planning matters in considering the current application.

Members gave further consideration to the requirement for monitoring and enforceability, and were assured that officers would consult with the operations team on the specific technical design details to ensure robustness.

It was RESOLVED unanimously

- (i) that the application be approved subject to the conditions as set out within the report together with reinforcement of conditions relating to the installation and removal of the fish barriers, the location and removal of the pipeline, details of the monitoring plan and phased methodology, as well as further archaeological investigation and recording prior to any work commencing.
- (ii) that the proposal is considered to be acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP5, DP11, DP12, DP13, DP28 and DP29 of the adopted Development Management Policies (2011) and Policies CS1, CS2, CS4, CS13, CS15 and CS20 of the adopted Core Strategy (2007). The proposal is also considered to be in accordance with the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

### **3/9 Broads Local Plan – Local Development Scheme**

The Committee received a report from the Planning Policy Officer on the procedures involved in the production of a comprehensive Broads Local Plan which would review the adopted planning policies and documents since 2006 to 2014. The first element in this was the production of the Local Development Scheme, effectively a timetable showing the various key stages for the Local Plan production from August 2014 to final adoption in June 2017. This involved the Statement of Community Involvement, Duty to Cooperate, Evidence Base, Issues and Options, Preferred Options, Workshop, Publication, Examination and Adoption.

Members noted the estimated financial implications and officers were confident that the Authority's finances were robust to cater for the requirements and that the duty to cooperate in providing the evidence base would help to share costs. It was also noted that the requirement of an end date for a local plan was 15 years although this was mostly related to housing requirements for local authorities.



Members were also aware that the Authority was required to review and produce a strategic Broads Plan within the next few years and were assured that this would be taken into account within the Statement of Community report and the timetable and work plans would be dovetailed with the Local Plan where appropriate.

## RESOLVED

that the Local Development Scheme be noted and endorsed.

### **3/10 Broadland Growth Triangle Area Action Plan Reg19 consultation response**

The Committee received a report and presentation from the Planning Policy Officer on the publication of the Growth Triangle Area Action Plan (GTAAP), the purpose of which was to enable and coordinate development of land to the north and east of Norwich in accordance with the requirements of the Joint Core Strategy. This included the delivery of 10,000 dwellings and tens of hectares of employment. Although this did not include the Broads Executive Area, the GTAAP was the most important development close to it and the main issues for the Broads arose from the indirect effects and the recreational impacts of the designated sites. The Authority had provided comments at previous consultation stages and the GTAAP had included some proposed mitigation measures. The current report provided members with a detailed proposed response for consideration. It was noted that at this stage any comments to be made required the status of “unsound” and that there had been close liaison with the Authority’s Senior Ecologist in providing the comments.

Members endorsed the proposed comments which sought:

- Greater appreciation of the Broads and its landscape within the text and on maps
- Greater detail with regards to Green infrastructure detail and delivery
- An additional Green Infrastructure corridor towards the River Yare.

The Committee welcomed the fact that the GTAAP sought to address the impact on the designated sites of the Broads by addressing Green Infrastructure (GI) in terms of corridors and large areas of open space and that BA officers would be involved in shaping GI proposals.

It was noted that the principles of the proposed Rackheath ecological town had been absorbed into the GTAAP. A member commented that the draft Climate Adaptation Plan had included the ten special qualities of the Broads landscape and this could be flagged up to strengthen the landscape impact as well as the Climate Change Adaptation plan.

With reference to para 3.2.5 of the report Section 4.14, it was agreed that the word “should” following Broads habitats be replaced with “must/will”.

In addition amendments within para 3.2.6 relating to Environment objectives the last paragraph should read *“Together, the Green infrastructure must offset recreational pressure on designated sensitive habitats such as those in the Broads.”*

It was noted that under para 3.2.8 of the report relating to Policy GT2, under bullet point 4 Why the wording was incomplete and should read:

*Why? Delivery of the GI is important and quoted throughout the GTAAP, but there does not seem to be detail nor indication of how the details of these parts will be worked up and or by whom.*

Members were concerned that the issue of demand for water and water flows into and out of the Broads were also addressed and were assured that these were taken into account within the Water Cycle Study produced for the Joint Core Strategy Public Examination following consultation with Anglian Water. The Planning Policy Officer undertook to provide members with further evidence of the studies undertaken in due course.

RESOLVED

that the proposed consultation response together with the comments made be endorsed.

### **3/11 Consultations Documents and proposed Response: Brundall Neighbourhood Plan**

The Committee received a report which provided the Authority’s proposed response to Broadland District Council/Brundall Parish Council’s Brundall Neighbourhood Plan Sustainability Scoping Report. In particular this pointed out the latest changes to the planning system and the documents which were relevant to the Brundall Local Plan and should be reviewed.

RESOLVED

that the proposed consultation response be endorsed.

### **3/12 Changes to the Planning System**

The Committee received a report presented by the Head of Planning which outlined a consultation by the Communities and Local Government (CLG) on proposed changes to the planning system, including the changes to the Use Classes and Permitted Development Rights regimes with the aim of making the planning system more responsive to economic drivers. These related to

- Changes to Neighbourhood Planning
- Further changes to permitted development rights
- Changes to Use Classes
- Improving the use of planning conditions

- Removing the need for Environmental Impact Assessment for certain developments
- Improving the way that major infrastructure projects are planned.

Members noted the brief commentary provided on each with detailed questions and proposed responses set out in Appendix 1 of the report and provided additional comments. They considered that within this Question and Answer form the comments should be expanded, reflecting those set out in the report.

In relation to proposed changes to permitted development rights members particularly endorsed the comments within Para 2.12 of the reports where it was noted that the Government's objective was to simplify the planning system, however, the scale and complexity of the incremental changes were such that the permitted development rights system was becoming increasingly complex and difficult to negotiate and therefore did not assist either the development industry or businesses or the public. They considered that this should also be reflected in the Q&A form. With reference to paragraph 2.11 Members considered that the changes to permitted development rights for industrial buildings could have an impact on the Broads, although it was recognised that such potential development would be covered through the flood risk policies. It was considered that this needed to be included and the Authority's comments should also be in accordance with National Parks England.

Members noted that this was the first time that proposals for a three tier planning system had been made more explicit.

With reference to Section 3 on Improving the Use of Planning Conditions, members concurred that discussions on conditions with the applicant prior to possible determination was best practice. They considered that this should not be over prescriptive. With regard to the proposed imposition of charges relating to discharging conditions, this was considered to introduce an unnecessary level of bureaucracy which would not achieve the desired speeding up of the process effectively.

Members expressed appreciation for the considerable detail in the preparation of the report and the useful information provided which helped in aiding their understanding of the complex issues involved in the planning system.

## RESOLVED

that the report be noted and the proposed responses be endorsed for submission to the CLG with an expansion of some of the comments within the Q & A form to reflect the issues raised within the report.

### **3/13 Enforcement Update**

The Committee received an updated report on enforcement matters already referred to Committee and were pleased to note that good progress was being made with compliance. In particular they noted that compliance had been achieved at:

- Fleet Farm, Acle New Road, Halvergate concerning the unauthorised construction of a stable and that the building had now been altered in accordance with approved plans.
- Adjacent to Newlands Caravan Site, Geldeston – unauthorised installation of mooring platform on former drainage dyke where the mooring platform had now been removed; and
- Land to the rear of Bishy Barneybee, Back Lane, Burgh Castle where the unauthorised buildings and structures had been removed and the site totally cleared and restored.

These three cases could now be deleted from the schedule.

A site visit to the Land at OS4299 North End, Thurlton would be undertaken in the week beginning 15 September and a report provided for a future committee meeting.

RESOLVED

that the report be noted.

### **3/14 Appeals to the Secretary of State: Update**

The Committee received a schedule showing the position regarding appeals against the Authority since May 2013 as set out in Appendix 1 to the report.

RESOLVED

that the report be noted.

### **3/15 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 5 August 2014 until 2 September 2014.

RESOLVED

that the report be noted.

### **3/16 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 10 October 2014 at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by a training session for Members of the Committee on material and non-material considerations and guidance on imposition of conditions.

The meeting concluded at 12.30 pm

CHAIRMAN

**Code of Conduct for Members****Declaration of Interests****Committee:**        **Planning** 12 September 2014

| <b>Name</b>     | <b>Agenda/<br/>Minute No(s)</b> | <b>Nature of Interest<br/>(Please describe the nature of the<br/>interest)</b> |
|-----------------|---------------------------------|--|
| Jacquie Burgess | Item 3/8                        | Application BA/2014/0248/FUL Member of<br>Norfolk Broads Yacht Club            |
| George Jermany  | Item 3/8                        | Tollpayer  |