

Planning Committee

Minutes of the meeting held on 06 March 2020

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Julie Brociek-Coulton, Bill Dickson (Minutes 1 – 8), Andree Gee, Lana Hemsall (Minutes 1 – 9), Tim Jickells, Bruce Keith, James Knight (Minutes 1 – part of 14), Leslie Mogford (Minutes 1 – part of 14), Fran Whymark.

In attendance

Sandra Beckett – Administrative Officer (Governance), Natalie Beal – Planning Policy Officer (Minutes 9 – 15), Kate Knights– Historic Environment Manager, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services (Minutes 9 – 19).

Members of the public in attendance who spoke

Sam Bates - Visitor Services Supervisor – as applicant on behalf of Broads Authority for Application BA/2020/0013FUL Gays Staithe, Irstead Road, Neatishead.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Jacquie Burgess and Vic Thomson

Jacquie Burgess The Chairman reported that this would have been Jacquie’s last Planning Committee meeting of the Authority. She paid tribute to Jacquie’s invaluable contribution to the Authority and particularly her input to the Planning Committee which was much appreciated.

Openness of Local Government Bodies Regulations 2014

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

2. Declarations of interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered. The Chairman declared an interest on behalf of all members in relation to Item 8 Application BA/2020/0013/FUL as it was a Broads Authority application.

3. Minutes of Planning Committee meeting held on 7 February 2020

The minutes of the meeting held on 7 February 2020 were approved as a correct record and signed by the Chairman.

4. Points of information arising from the minutes

Minute 4 of 10 January 2020 and Minute 13a of 6 December 2019: Heronby Beech Road, Wroxham. Application for Listing. The Historic Environment Manager reported that she had received correspondence from Heritage England informing the Authority that a decision was likely within the next two weeks.

5. To note whether any items have been proposed as matters of urgent business

There were no items of urgent business

6. Chairman's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wished to speak were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented.

7. Requests to defer applications and/or vary the order of the agenda

No requests to defer or vary the order of the agenda had been received.

8. Applications for planning permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decision 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 officer's report, and which were given additional attention.

(1) BA/2019/0013/FUL Gays Staithe, Irstead Road, Neatishead

Use of Land for mooring of Broads Authority passenger boat. Applicant: Broads Authority

The Senior Planning Officer explained that the application was before members as it was a Broads Authority application. She provided a detailed presentation of the application to use the existing Broads Authority operated 24-hour mooring of Gays Staithe in Neatishead for the mooring of the Authority's solar electric powered passenger boat, The Ra, during the months of April through to and including October. This site had previously been used seasonally by Ra between 2002 and 2011 before it was transferred to Whitlingham for all year- round boat trips. As the use had ceased when The Ra was moved to Whitlingham 9 years ago, there was abandonment of the use. The boat would be housed in Cox's boatyard outside of the

operational period and during the winter months. Car parking facilities were available from the Broads Authority run car park behind the Old Rectory and access was down a track to the staithe.

An objection had been received from the Broads Hire Boat Federation. The Senior Planning officer informed members that since the report had been written, three further representations had been received. This included the Norfolk and Suffolk Boating Association who objected to the proposal on the grounds that the site was in an area of high demand for the mooring of boats, thus avoiding the need to go up into Lime Kiln Dyke. The use would reduce the number of mooring spaces available and would be counter to the Broads Authority's policies for providing such spaces. The Highways Authority had no objections. The Parish Council had requested that the use of the Staithe be reviewed on an annual basis and commented that there were no waste bins on the site and therefore the site should be regularly monitored.

The Senior Planning Officer commented that the representations did not raise issues that had not been addressed within the report. The mooring would still be available for overnight use and there would not be an intensification of the use. She concluded that the application could be approved as it was considered to be in accordance with the principle of sustainable tourism, and due to its limited scale would not have an adverse impact upon highway safety or access. The use of the mooring for a solar powered boat trip would encourage the public to experience and see a larger area of the Broads in a low carbon emission form of craft. It was considered to meet the relevant policy criteria of the Local Plan for the Broads.

Note: The summary of this section of the minutes could not be agreed and therefore these are included verbatim.

I must admit I am a bit confused about this application because I am not really quite sure in planning terms what the Authority is applying for. So I think I would probably question in the first place that the use has been abandoned for 2 reasons.

Unless it has been documented somewhere, I would be very surprised if the Authority had actually had the intention to abandon the use of that mooring just because it was taking the boat, the Ra, to Whitlingham. I would be very surprised if someone said that use had been abandoned. That's a particular question. On that basis, bearing in mind that there was a mooring there before the Authority used it and the Broads Authority continued to use it as a mooring and it's been used as a mooring ever since, I can't see that the use of the mooring, which is what it is, has ever been abandoned anyway. So the question, I would say that, If the Authority had not applied for permission and it decided to bring Ra back to Barton and it started embarking and disembarking passengers at that mooring, I can't imagine for a moment that we would be considering this anyway whatsoever that it was being used as a mooring for a normal sized boat not a huge great trip boat. So Firstly, I would question whether the use had been abandoned at all and secondly in planning terms what is the Authority as the applicant actually applying for, I'm not really very sure at all. I actually think that what the Authority is asking for is permission to reserve a mooring, and because that's the only difference between the way -what the way it is used now and the proposed use, so

really the Authority should be looking at the Parish Council and saying can we reserve the use of the mooring.

The Head of Planning said there were detailed legal principles involved, but explained that briefly there was now a change of use from a public mooring to a use for commercial mooring of a passenger vessel, and this was a material change of use which did require permission. It was the professional view of the LPA planning officers that there was abandonment and that planning permission was required.

Members noted that it was important that the Authority was seen to be complying with the legislation and doing everything correctly so it was appropriate that the Authority should apply if this was what they were advised to do. They were broadly happy with the principle of the use for mooring the Ra. They had some sympathy with the comments from the NSBA about the taking up of a mooring space. However, the main concern was access to the site particularly for wheelchair users since the track from the car park to the Staithe did not appear to be of a high enough standard. A member queried whether it would comply with the Disability Discrimination Act. Members considered whether it would be possible to improve the access to the site, although it was noted this was not part of the application. There was also a query as to whether another location would be more appropriate especially for wheelchair users, such as further up Lime Kiln Dyke or at Cox's boatyard where the Ra was to be moored at night. Another member commented that there could be the possibility of providing wheelchairs for rough terrain, as North Norfolk District Council was intending for certain sites. A member suggested that the application be deferred to enable some of these queries to be examined.

Sam Bates on behalf of the applicant commented that the mooring for Ra had originally been part of the integrated project for the provision of the car park and the toilets. The Staithe had previously been surfaced with a green mesh appropriate for wheelchair users but it was possible that this required replacement. He explained that in the past the aim was to locate The Ra adjacent to a visitor centre. Following the reduction in National Park Grant in 2010/11, and the decision to reduce the number of visitor centres, Ra had been moved to Whitlingham adjacent to the Flint Barn. Now that the partnership and contract with the Whitlingham Country Park was to be concluded on 31 March 2020, it was important to find a new location for the coming 2020 season. He explained that there were other alternatives being investigated as part of the Authority's overall business plan but these were not yet finalised and could not be achieved for this next season. He explained that bookings for trips were made in advance and full details of access and signage were provided. The aim of providing trips on Ra was to increase accessibility for all. If a decision on the application was deferred, this would be too late for planning for the coming season.

Members considered whether a temporary permission would be appropriate. The Head of Planning commented that temporary permission was not often recommended and was only appropriate where a trial was being proposed, so the development could be monitored so as to gauge whether the use was viable/acceptable in policy terms. It could not be given if the

use would not be acceptable. In addition, any costs associated with the implementation of a temporary permission had to be proportionate to the trial period.

Tim Jickells proposed, seconded by Andree Gee and **It was resolved by 8 votes in favour and 3 against.**

To authorise temporary approval of the application for the summer season until 31 October 2020 subject to conditions to cover monitoring and booking. The reason for a temporary permission is to allow for trial use to enable a review of the use, particularly in relation to access for disabled; to explore opportunities for improving disability access including the possible provision of suitable wheelchairs; and potential alternative sites from which to operate the RA. In principle the proposed development accords with the Local Plan for the Broads (2019) in particular Policies DM29, DM23, DM24, SSSTAITH and SP9.

9. Enforcement Update

The Committee received an updated report on enforcement matters previously referred to Committee. The Head of Planning provided further updates on the following.

Marina Quays, Great Yarmouth – an application had been received from the new owners which included demolition of the existing building and replacing with 2 new units. The application would be referred to the Committee in due course.

Blackgate Farm, High Mill Road, Cobholm - The appeal against the Enforcement Notice had now been validated and a start date was awaited.

Beauchamp Arms – the Authority was continuing to monitor the site relating to the static caravans and potential unauthorised occupation.

Members had received considerable correspondence, which had been copied widely, from a member of the family owning the Beauchamp Arms site as well as the Berney Arms and Loddon Marina, raising a number of issues concerning the sites and how the Authority had handled enquiries around the proposed development of them. The Head of Planning had provided members with a briefing note which members found helpful recognising that there was a difference of opinion between the parties. At Members' request, the Head of Planning provided a more detailed presentation with photographs to explain the context and history of the sites and the aspirations of the owner for their redevelopment.

With regards to the Berney Arms, officers had had discussions with the owner and advised him on the planning policies. The landowner had proposed the creation of a watersports centre on Breydon Water, an extension to the building, conversion of the cafe building to hostel accommodation plus camping facilities with caravans. The proposals were significant and there were issues relating to access, accessibility and landscape protection and the owner was advised that the proposals were extensive and would be unlikely to receive support as they were contrary to planning policy. No planning application had been received. The landowner then proposed to convert the pub to a residential dwelling which he supported with viability assessments. It was noted that the Authority's policies supported the use of the

site as a pub. The premises were placed on the market and although there was interest from a number of parties including a community group and offers were made, these were refused and the sale withdrawn. Complaints had been received about the state of the site and in 2019 consideration was given to issuing a Section 215 Untidy Land Notice but it was concluded that it would not be appropriate as, although the site was untidy, it did not have a significant impact on public amenity. The Head of Planning commented that with regard to policy it would be difficult to support the development of the site for tourist facilities on the scale proposed by the owner.

With reference to the Beauchamp Arms, the owner had recently come forward with proposals to convert the existing building to luxury flats, construct other buildings and provide caravan and camping facilities, lodges and yurts and establishment of a ferry. Although relatively remote, the site was more accessible than the Berney Arms. No application had been received as yet and there were policy concerns over the scale of the development proposed.

With regards to Loddon Marina, improvements had been made through the employment of a Manager, which was very much welcomed by the Town Council. The Local Plan for the Broads allocated the site for 10 residential moorings and the manager had advised that he was preparing a planning application for this. The only application submitted in recent years was for the removal of the 1998 planning permission that restricted the use of the dwelling on the north side of the site to a manager's use only. It was successfully argued by the landowner that there was no need for a manager, so this property was now privately and independently rented. The planning policies did not allow another manager's dwelling when there was already one or where one had previously been disposed of. The manager was currently occupying a static caravan on the site and therefore this was a breach of the policies. The Authority had given the manager a period of grace given the benefits of the improved works he had and was undertaking and there were discussions with him where it was hoped a resolution could be reached. A member commented that the onus of responsibility was on the landowner to provide accommodation.

Members thanked the Head of Planning for the comprehensive presentation recognising that there was a clear difference of opinion between the landowner and the Authority. They acknowledged that there was definite need for improvements to the sites and the loss of such facilities was regrettable especially as they were part of the cultural heritage of the Broads, particularly the Berney Arms. Members noted that the landowner had requested the creation of a working group. They would welcome some form of constructive engagement but there needed to be ground rules so as there would not be abuse of the planning system. However, members did not consider it would be appropriate to give preferential treatment to any particular landowner, so any group would need wide membership. They were also concerned about members of the Planning Committee or the Authority generally engaging in discussions on specific development they would then be required to consider. There was a limit on the extent to which the Authority as a Local Planning Authority and being a public body could go. The Chairman also noted that the amount of time taken by planning officers dealing with this matter needed to be acknowledged.

Members considered that the sites had raised a number of issues which highlighted that there had been a decline in the number of tourist facility businesses operating in the Southern rivers and loss of trade and there should be wider public engagement. They considered there could be a case for the Authority to facilitate a general discussion on the regeneration of this part of the Broads.

It was resolved to note the report and it was requested that officers consider taking an item to a future Broads Authority meeting on regeneration of the southern Broads to include a proposal for a potential workshop involving a range of relevant stakeholders.

10. Ditchingham Maltings – Prosecution

The Committee received a report giving details of a longstanding and persistent failure to implement the approved landscaping scheme including maintenance at Ditchingham Maltings. Planning permission had been granted for the sensitively designed and well-constructed development of Ditchingham Maltings in 2012. The Landscaping Management and Maintenance Plan was submitted in August 2016 and agreed as part of the approved scheme. One of the main benefits of the redevelopment of the Maltings, which had been built to a very high standard, was the landscaping scheme that included the provision of a public open space to the east and had access to the village. Members noted that the failure to implement the scheme was having an adverse impact on the appearance and enjoyment of the area for local residents and complaints had been received. Members noted that the officers had been endeavouring to secure compliance with the landscaping scheme on site since 2017 and despite issuing a Planning Contravention Notice (PCN) and then serving a Breach of Condition Notice (BCN) compliance had not as yet been achieved. Therefore, regrettably officers were recommending prosecution to address previous failure, emphasising that aim was for compliance.

The Head of Planning reported that having informed the developers of the proposed action, this had initiated a response from the company who had sent a revised landscape plan for consideration, a commitment to providing maintenance and a request that the report asking that Planning Committee to authorise prosecution be deferred. The plan and commitment were welcome, however, given that they had only be achieved as a result of the threat of legal action, it was considered appropriate to consider this action.

An amended recommendation was made that prosecution be authorised, but that this be deferred subject to the company making appropriate and sustained progress towards compliance. Officers would update Members next month as part of the enforcement update. Officers would also review the alternative scheme, its implementation and management.

Fran Whymark proposed, seconded by James Knight and

It was resolved unanimously to authorise prosecution but that this be stayed and delegated to the Head of Planning to proceed only if adequate measures were not undertaken by the developer to implement a satisfactory landscaping scheme and management plan.

11. Flood Risk Supplementary Planning Document for adoption

The Committee received a report on the revised Flood Risk Supplementary Planning Document (SPD) following the adoption of the Local Plan for the Broads in May 2019. The 2017 SPD had been reviewed and updated and been the subject of two rounds of public consultation, since the Planning Committee meetings in September 2019 and January 2020. The deadline for the second consultation had been 4 March 2020 and members were provided with the comments by email. Proposed amendments as a result of the consultation had also been provided and the Planning Policy Officer summarised the comments made. She explained that the Environment Agency had provided some useful clarification and advice which had resulted in changes to some wording, additional text and inclusion of links to Appendices and other documents. In the comments, reference was made to the wording taken from the Shoreline Management Plan where it was suggested certain wording concerning managed retreat be taken out. The Planning Policy Officer explained that the Flood Risk SPD para 5.9 used the position set out in the Shoreline Management Plan whose production was led by a group including technical officers and representatives from North Norfolk District Council, Great Yarmouth Borough Council, Waveney District Council, the Environment Agency, Natural England, Defra and Great Yarmouth Port Authority. Members approved of the adjustments to the wording and considered that it should be made clear that the Shoreline Management Plan was not a Broads Authority document.

Other comments referred to surface and ground water flooding and drainage in Hoveton as a result of which amendments were to be made and further clarification provided.

Members suggested that links in the document should be made to certain paragraphs, e.g. Line 177 where reference was made to Environment Agency flood maps. They also commented that reference be made in the SPD to 1995 levels and then to levels rising by 25% to 65%. The Planning Policy Officer undertook to seek further information from the Environment Agency.

Members welcomed the document as being very comprehensive and impressive.

The Chairman asked if members were happy to endorse the recommendations and unanimously

It was resolved that the revised Flood Risk SPD be endorsed and

It was recommended to the Broads Authority that the revised Flood Risk SPD be adopted.

12. Marketing and Viability Guide for consultation

The Committee received a report on the Marketing and Viability Supplementary Planning Document (SPD) that had been subject to public consultation in late 2019 and discussion at the previous Planning Committee on 7 February 2020. The report included the comments received and the proposed responses and proposed amendments to the draft. It was noted in particular that there were changes to section 3 of the report removing the phrase “stagnant

market” and that the comments received relating to the 12- month marketing period were noted for the next Local Plan.

The Chairman put the Officer’s recommendation to the vote and unanimously

It was resolved that the amended second draft of the Marketing and Viability SPD be endorsed and

It was recommended that the Broads Authority agree to the SPD being produced for a second round of consultation.

13. Residential Moorings Guide for consultation

The Committee received a report on the draft residential moorings guide which expanded on policy requirements to give guidance to applicants and addressed key points which could help make a well-run successful scheme. The Authority produced a number of guides and although not SPDs it was useful to consult on them to give them more weight in the planning system. Members were pleased to note that officers had visited a number of sites where there were established residential moorings as well as had meetings with residents and site managers of schemes to help in drafting the guide. The comments from members of the Navigation Committee were noted.

A member made reference to the expectations for the Management Plan to be included as a condition when permission was given for a residential moorings’ application. He commented that he did not consider it correct to require the owner of the land to require the owner/occupier of the residential boat to pay their toll as this was not relevant to planning and another function of the Broads Authority addressed the issue of tolls. The landowner may remind the boat owner but this would not be the responsibility of the landowner to enforce this. This came under a different system. He considered this was the responsibility of the master of the vessel. He considered that the word “toll to be paid” be removed from the list of matters to be covered in the management plan or an amendment made to the wording. He was also concerned about the wording relating to the responsibility of how the boat was secured.

The Planning Policy Officer explained that the requirement for a Management Plan and wording relating to how a boat was moored at times of flood was included in the wording of the Local Plan Policy DM37 and therefore could not be removed. (Page 118 of the Local Plan and as Appendix A of the guide). The guide had incorporated advice from those who used and managed residential moorings elsewhere in the country. The Committee agreed to remove the reference to tolls from the guide.

With reference to line 467 of the guide, The Residential Moorings Topic Paper, a member commented that for a written report the full link would be required.

Members were assured that there was reference to climate change within the Local Plan and this would be taken into account as part of the climate change check list that all applications

needed to complete. A member commented that he considered residential boat dwellers would be more resilient to the effects of climate change.

Members welcomed the document.

The Chairman put the officer's recommendation to the vote and unanimously

It was resolved to endorse the draft Residential Moorings Guide for consultation and

It was recommended that the Broads Authority approve the Guide for consultation.

14. Consultation documents and proposed responses – Rollesby Neighbourhood Plan, Norfolk County Council Rail Prospectus, Norfolk County Council Local Transport Plan, Great Yarmouth Borough Council North Quay SPD

The Committee received a report on the proposed response to planning policy consultations received since the last Planning Committee meeting. The Planning Policy Officer explained that in all four cases the Authority had been given an extension to the deadline for comments to 6 March 2020. However, draft comments had already been sent to the respective bodies and they would be informed as to whether the comments had been endorsed by this Committee together with any additional comments.

Rollesby Neighbourhood Plan Pre-Submission Consultation.

The Planning Policy Officer reported that the comments had also been sent to Great Yarmouth Borough Council. Unfortunately, Rollesby had submitted their Neighbourhood Plan for consultation before the Authority's comments on some parts of the supporting documents had been passed to the parish council. Hence the number of areas of concern. The main areas of concern were where reference was made to development possibly being acceptable outside development boundaries and the potential of promoting dwellings in isolated places and as a result being contrary to the Broads Authority's policies and potentially the NPPF. There was also concern about the reliance on the Great Yarmouth Local Plan HRA when assessing the impacts of the Neighbourhood Plan as the Local Plan HRA had not assessed the specific sites that the Neighbourhood Plan allocated for development in Rollesby. There was also the need to make better reference to the policies in the Local Plan for the Broads and to take account of those policies.

Norfolk County Council Rail Prospectus and the Norfolk County Council Local Transport Plan

A main concern was that reference should be made to the pressures of climate change and to take account of the Authority's and Norfolk County Council's climate change strategy – advocating the reduction in the use of cars and support for rail use and support for tourists to use public transport. Members considered that there should be reference to greater use of public transport and the provision of connections to buses, especially for tourism. A member referred to the Cantley Sugar factory as a major industrial complex in the heart of the Broads that made one of the greatest contributions to CO₂ emissions including transport by road. The Head of Planning referred to the Cantley River Rail Study of 2012 that took account of the

potential for transporting cargo by river.

Great Yarmouth Borough Council, North Quay SPD

Members supported the main response that reference should be made to being next to the Broads Authority Executive area and that the site was a potential gateway to the Broads Area and required sensitive attention. They also supported the suggestion that the words “consider” and “where possible” should be reconsidered when referring to the requirement for enhancing the ecology of the area.

The Chairman put the officer’s recommendation to the vote and unanimously

It was resolved to note the report and the proposed responses be endorsed.

15. Neighbourhood Plan – Designating Oulton Broad as a Neighbourhood Area

The Committee received a report introducing the proposed Neighbourhood Plan for Oulton Broad. It was proposed to include the whole parish of Oulton Broad within the plan. The nomination was received on 27 January 2020. There were no known reasons or obvious reasons not to agree the Neighbourhood Area.

It was resolved that Oulton Broad be designated a Neighbourhood Area for the purpose of producing a Neighbourhood Plan.

16. Two Tree Preservation Orders (TPO)s at Hoveton – Site Visit

The Committee received a report on two provisional Tree Preservation Orders (TPOs) which had been served, one on a Scots Pine tree in Brimbelow Road and the other an Alder and Norway Maple on Station Road, both in Hoveton. Objections had been received from the landowner and leaseholder.

It was resolved that the Committee undertake a Site visit on Thursday 26 March at 10.am to consider the objections to the TPOs. No decisions would be made at the site meeting but a report brought to a future Planning Committee.

17. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since September 2019. It was noted that five appeals had been lodged with progress being made on two. Start dates were awaited for the other appeals.

It was resolved to note the report.

18. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 25 January to 21 February 2020.

It was resolved to note the report.

19. Date of next meeting

The next meeting of the Planning Committee would be held on **Friday 3 April 2020 10.00am** at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting ended at 13.14

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 06 March 2020

Member	Agenda/minute	Nature of interest
All Members	Minute 8 Application BA/2020/0013/FUL Gays Staithe, Neatishead	Broads Authority Application.
Leslie Mogford	None (other than above)	
Harry Blathwayt	None (other than above)	
Tim Jickells	None (other than above)	
James Knight	Minute 17	Ongoing Planning Appeal Wroxham.