

# Planning Committee

## Minutes of the meeting held on 08 December 2023

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## **Present**

Harry Blathwayt – in the Chair, Stephen Bolt, Bill Dickson, Tony Grayling, Martyn Hooton, Tim Jickells, Kevin Maguire, Vic Thomson and Fran Whymark.

## **In attendance**

Natalie Beal – Planning Policy Officer (items 10-13), Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer (item 7.2), Stephen Hayden – Arboricultural Advisor, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer.

## **Members of the public in attendance who spoke**

Andrew Alston, representing the applicant, and Councillor Adam Varley, North Norfolk District Councillor, for item 7(1) – application BA/2022/0357/FUL – Ludham - Water storage reservoir for agriculture.

Jane Black and Julie Hunn, as objectors, and David Lilley, the applicant, for item 7(2) – application BA/2023/0290/FUL – Geldeston - Angling platforms on river.

## **1. Apologies and welcome**

The Chair welcomed everyone to the meeting.

**Apologies** were received from James Harvey, Leslie Mogford and Keith Patience.

### **Openness of Local Government Bodies Regulations 2014**

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

## **2. Declarations of interest and introductions**

Members indicated that they had no further declarations of interest other than those already registered.

## **3. Minutes of last meeting**

The minutes of the meeting held on 10 November 2023 were approved as a correct record and signed by the Chair.

## **4. Matters of urgent business**

There were no items of urgent business

## 5. Chair'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 Practice for members of the Planning Committee and officers. Those who wished to speak were invited to come to the Public Speaking desk when the application they wished to comment on was being presented.

The Chair acknowledged that this was the last Planning Committee meeting for the Senior Planning Officer and thanked her for her thorough reports and presentations for the committee.

## 6. Requests to defer applications and/or vary agenda order

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

## 7. Applications for planning permission

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

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

### (1) BA/2022/0357/FUL – Ludham - Water storage reservoir for agriculture

**A balanced cut and fill earth moving operation to create an irrigation reservoir for the storing of winter abstractions.**

**Applicant: Nicholas Collier.**

The Senior Planning Officer (SPO) provided a detailed presentation of the application that involved the creation of an irrigation reservoir within a field 500m west of Limes Farm, Blind Lane, Ludham. The SPO reminded Members that there had been a site visit on 17 April 2023.

The presentation included a location map, a site map, an aerial photograph of the site with the reservoir marked, a map showing the proposed reservoir and associated site compound marked within the applicant's land ownership boundary, a diagram showing a plan view of the bunds of the reservoir including the location of the pumphouse and a typical cross section of the bund, an annotated aerial photograph showing the proposed reservoir and its fill and irrigation pipelines, a diagram showing front and side elevations of the pumphouse, various photographs of the site and a photograph showing the site when viewed from the floodbank to the west.

The SPO explained that the application was for the creation of a water irrigation reservoir for the storing of winter abstractions from the river Ant (to the west of the site). The site itself was situated to the west of Ludham village, to the south of the How Hill estate and to the north of How Hill Fen Nature Reserve. Much of the land to the northwest and south of the site was covered by a number of statutory designations, including as part of the Ant Broads and

Marshes Site of Special Scientific Interest which forms part of the Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and was a County Wildlife Site (CWS).

The site had a public footpath (Ludham FP10) running along its southern boundary which was itself bordered by a wooded slope leading down to fen marsh and then to the eastern bank of the river Ant. The site's northern boundary was adjacent to another area of woodland. There were open fields to the east and west of the site, with the eastern field sloping away to fen marsh and the river Ant.

The SPO confirmed that the application site was currently an arable field and not a grassed field as stated in section 1.2 of report. The proposed reservoir would encompass the whole field except for a 2m grass margin. The existing tree and hedgerow boundaries to the east and west of the site respectively would be retained. The boundary treatment would be 2.4m high green fencing enclosing the grassed bunds of the reservoir. The fill pipe leading from the abstraction point would be buried within a trench dug using hand tools, except where the pipe passed through woodland to the north of the site, where the pipework would be above ground.

The pumphouse would be located at the south-eastern end of the reservoir at the bottom of the bund. The pumphouse, measuring 3.9m long, 2.7m wide and 3m high, would consist of concrete block walls and a pan tile roof.

The SPO explained that in June 2021 the Environment Agency (EA) announced major changes to water abstraction licences held by businesses in the Ant Valley, reducing both the volume and the timings of abstraction. This had meant that farmers and local businesses have had to develop alternative and more sustainable sources of water, rather than continuing to take it from rivers, lakes or groundwater. The EA had adopted a phased programme to revoke, reduce and/or constrain licences used by businesses in order to bring abstraction back to sustainable levels. Farmers within the Ant catchment had therefore been looking at the construction of reservoirs so that they could store winter rainfall for use in the growing season.

In assessing the application, the SPO noted that there were no specific policies within the Local Plan for the Broads which related to the development of water abstraction reservoirs. Given that the site was surrounded by marshes that were nationally and internationally important wetland habitats for many species and large areas had been designated as a result, Strategic Policy SP6 (Biodiversity) was relevant. This policy required developments to protect the value and integrity of nature conservation interest and objectives of national and local nature conservation designations. The proposed application sought to secure a more sustainable water supply and thereby contribute to reducing the water pressures in the Ant Valley. The principle of the development was therefore in accordance with SP6 and was considered acceptable.

A key consideration was the potential impact on the designated sites. As the competent authority under the Conservation of Species and Habitats Regulations 2017 (as amended), the

Broads Authority had completed an Appropriate Assessment (AA) and this was attached in Appendix 3 of the report.

Considering the potential impact on habitats and species in the SAC, the conclusion of the AA was that there would be no adverse impact on the protected sites as a consequence of the development, subject to mitigation measures.

Considering the potential impact on the SPA, the conclusion of the AA was that there would be no adverse impact on the protected sites as a consequence of the development, subject to additional mitigation measures that had been noted in the submitted Construction Environment Management Plan (CEMP) report.

Natural England supported the conclusions of the AA subject to the mitigation measures.

There remained an objection from the RSPB relating to the abstraction licences issued by the EA in February 2023. This objection had been forwarded to the EA and they had responded by stating that the proposals had been advertised in October 2022 and they had received no objections to the abstraction licence applications. The EA had subsequently performed a Habitats Regulation Assessment AA with respect to all three abstraction licences and concluded that the in-combination effects of the abstractions were acceptable given the hands-off flow constraint applied as a condition of these licences.

There remained an objection from the owners of a neighbouring property who had concerns regarding the scale of mitigations required and believed that there were more suitable locations for this development. The SPO highlighted that if a proposed development was in accordance with planning policy or could be made acceptable through the use of planning conditions, then permission should be granted. The number of planning conditions imposed was not a consideration. Similarly, the Local Planning Authority (LPA) was required to determine the application that had been submitted and could give little weight to an argument that there may be a better site elsewhere.

The objection also raised other issues requiring resolution, including archaeology, noise implications and the effect on the Public Right Of Way, however conditions could be imposed to cover the first two issues and there was no change proposed in respect of the footpath.

In terms of impact to the landscape, the proposal would introduce an engineered form into an open landscape. However, the site was quite isolated in terms of views from the wider area and the existing vegetation to the boundaries would be protected.

An objection from the Authority's Landscape Officer remained concerning the potential adverse impacts of the proposals on the sensitive landscape. However, a detailed Landscape Scheme and Management Plan would be conditioned.

Norfolk County Council's Archaeology Team had requested a written scheme of investigation prior to the commencement of development, and this had been included in the conditions.

Based on the information submitted, the principle of development was in accordance with all relevant planning policy and it was recommended that planning permission was granted

subject to conditions as stated in section 8.1 of the report with the addition of “unless otherwise agreed in writing” to the conditions relating to the timing of the works.

In response to a question, the SPO confirmed that this application was not eligible for Biodiversity Net Gain as it predated this requirement.

A Member asked whether renewable energy sources had been considered for the pumps required to abstract and distribute the water. Mr Andrew Alston, the representative of the applicant, indicated that diesel powered pumps had been specified at this stage of the application. Mr Alston was aware of examples of equivalent pumps using solar panels as the main power source, with diesel as a backup, and was keen to investigate this further in the context of this application, but he was not able at this point to guarantee that this technology would be used here.

Another Member was concerned that the fill pipe, being above ground when passing through the woodland to the north of the site, might appear intrusive and asked for if there was more information relating to its construction/specification. The SPO indicated that this information would be requested as part of the Landscape Scheme and Management Plan.

Members were concerned about the risk associated with the reservoir being breached. Mr Alston confirmed that the reservoir would be lined and indicated that reservoir safety was regulated through the Reservoirs Act 1975, as amended by the Flood and Water Management Act 2010. This legislation stipulated regular inspections of reservoirs to be performed by specially licensed civil engineers. The EA would not permit water abstraction without the corresponding reports confirming the successful outcome of these inspections. Mr Alston also confirmed that steps would be taken to prevent badgers from burrowing under the western boundary fence including burying the boundary fence 1 metre underground.

In response to a question Mr Alston confirmed that the reservoir licencing process mandated the need for lifebelts in the event of someone falling into the water.

Councillor (Cllr) Adam Varley provided a statement in support of the application. Cllr Varley thanked the SPO and the planning team for a comprehensive report. Given a post-Brexit economy there appeared to be a greater emphasis on food security with farmers expected to produce more locally grown crops. Given the change to water abstraction licences in the Ant Valley this application appeared to be the only viable option to ensure a sustainable water supply for the three farms covered by this application. With summers being described as a season of unrelenting heat resulting in significant pressure on our farmers and making the lack of a water supply more apparent. This reservoir would ensure that crops survived and the resulting steady supply of water would ensure they are harvested at their fullest potential.

The siting of this application was important and Cllr Varley acknowledged the importance of the Planning Committee’s site visit in understanding the visual impact of the site more fully via the public rights of way adjacent to the site and beside the river Ant. Cllr Varley believed the natural screening of the existing mature trees would help protect the beauty of the space when viewed from river. The unbroken views, available from the site, across the Ant Valley would change if Members were minded to approve this application. However, suitable

mitigations of extra screenings would soften the bunds and the rather imposing boundary fencing and Cllr Varley urged Members to condition this screening.

Cllr Varley believed this application sought to balance the need to address the scarcity of water supply while ensuring this special landscape and environment were protected. He was content with the conditions stipulated in 8.1 of the report and believed this development would have a positive impact on local farming communities and would act as an example for future equivalent applications. Cllr Varley thanked the Chair for the opportunity to speak.

Members spoke in support of the application acknowledging its importance in ensuring a sustainable water supply within the Ant Valley.

A Member welcomed the contribution of Cllr Varley especially in highlighting the importance of food security and the role this development had to play in ensuring locally produced crops. The Member went on to acknowledge the numerous objections but clarified that the committee could only address those that were relevant to the planning process. The Member added that they had initial reservations regarding the risk to Buttle's Marsh and these had been allayed by the content of the report and the contributions of the SPO and Mr Alston.

A Member had been concerned by a possible impact to wildlife during the construction phase of the development and welcomed the proposed mitigations and associated supervisions. The Member wondered whether information boards could be provided to explain the purpose of the reservoir and the mitigations undertaken to protect the wildlife and habitats during its construction.

A Member noted that the bunds of the reservoir provided an opportunity to promote biodiversity by the sowing of wildflowers for example and encouraged the applicant to take this opportunity. The SPO confirmed that a Landscape Scheme and Management Plan had been conditioned and this would be submitted before construction commenced.

A Member asked for a renewable energy source to be conditioned as part of the pumphouse plans.

Tony Grayling proposed, seconded by Bill Dickson and

**It was resolved unanimously to approve the application subject to the following conditions:**

- **Time limit.**
- **In accordance with submitted plans.**
- **Mitigation in accordance with the submitted CEMP.**
- **Submission of a Landscape Scheme and Management Plan.**
- **Archaeological conditions.**
- **Construction only during the winter period (November – February) unless otherwise agreed in writing.**
- **Vegetation ground clearance only outside of breeding bird season.**

- **Pre-construction watching brief surveys for wintering birds.**
- **No lighting.**
- **Reservoir generator operation 1 November – 31 March unless otherwise agreed in writing.**
- **Ecological enhancements as per the Ecology Report.**

**(2) BA/2023/0290/FUL – Geldeston - Angling platforms on river**

**Install 18 wooden angling platforms for use 39 weeks per year in conjunction with Environment Agency closed season.**

**Applicant: Mr David Lilley, Bungay Cherry Tree Angling Club.**

The Planning Officer (PO) provided a detailed presentation of the application that involved the installation of 18 timber angling platforms sited at specific points along a 660 metre length of the northern riverbank of the River Waveney where it passed to the south of the village of Dunburgh.

The presentation included a location map, a site map, a diagram showing the access track in relation to the fishing lake and riverbank with the location of the 18 platforms marked, a diagram showing the front and side elevations of an angling platform and its support posts, a map showing this application site relative to the recently approved fishing lake and the 2017 permission for 16 platforms further upstream, an aerial photograph showing the same information, an aerial photograph of the site, an aerial photograph of the site with annotations included to denote the scope of the proposed Woodland TPO, various photographs depicting the riverbank from the riverside footpath, a couple of photographs of example angling platforms, photographs depicting a sample of proposed platform locations as viewed when walking downstream along the river (west to east) and finally three photographs illustrating examples of tree works from the submitted Arboricultural Impact Assessment (AIA).

The site was accessed via a track leading south from Dunburgh Road, the opening of which was between two residential dwellings. The track led to a car park providing 20 parking spaces for the Bungay Cherry Tree Angling Club (BCTAC), applicants for this proposal. From the car park was a further track which led down towards the river and access to the application site. The car park currently served a fishing lake, leased by the BCTAC, that provided 20 fishing platforms and was located to the west of the car park and to the north of the riverbank where platforms 1 to 7 would be installed. The intention was for this car park to be shared for access to the lake and the river.

There was a public footpath running along the top of the floodbank adjacent to the site. The site included the riverbank between the raised floodbank and the river, also known as ronds, the width of which varied, with the upstream western bank narrower than the ronds at the downstream end. The site was predominately vegetated with a mix of self-seeded saplings and mature trees. The trees were sometimes in groups with various lengths of separation between groupings, with less trees where the ronds narrowed at the upstream end of the



site. The trees within the site were the subject of a provisional Tree Preservation Order (BA/2023/0022/TPO).

The 18 fishing platforms would be installed within existing gaps between trees or groups of trees (as indicated in the diagram shown), with the front of each platform in line with the existing quay heading or riverbank without extending into the river itself. Each timber platform would be supported on wooden posts with the 1.5 metres wide platform facing the river and 1.2 metres extending bank onto the riverbank.

The PO provided a summary of his assessment (section 6 of the report) by explaining that the principle of the development was considered acceptable as it contributed to the provision of recreational facilities in the Broads, and angling in particular. The specified use would contribute to the management and maintenance of the site. The platforms were considered to be modest in size, of a simple unfussy design and, located within the existing riverbank vegetation, their presence would not be detrimental to the landscape.

The presence of anglers on this section of riverbank, with a reasonable level of access, would not be unexpected and would not be considered detrimental to the character and appearance of the landscape or river scene. Anglers could currently access the riverbank for three-quarters of the year and their presence was not limited by a lack of platforms although the provision of platforms would encourage anglers to visit when ground conditions were less favourable. The number of anglers would be limited in the most part by the number of spaces available in the car park, with a maximum of 20 spaces provided.

Considering the cumulative impact of this new section of riverbank angling platforms with the existing section of 16 platforms further upstream to the west of the site, the resulting concentration of platforms was not unacceptable given the distance between these two sections and the spread of platform locations within the new section.

In terms of impacts to the navigation, this stretch of river supported various leisure activities including boating, canoeing, kayaking, and paddleboarding and angling was an established activity at this location. The navigation channel would not be reduced by the provision of these new angling platforms. The applicant proposed to limit any match fishing, which might result in up to 18 anglers present for the duration of an event, to be limited to five in total and for these events to only be organised outside the peak season. However, assuming all 18 platforms were to be utilised in this context, their use was not deemed detrimental to any particular user group.

An Ecological Impact Assessment (EIA) had been performed by Norfolk Wildlife Services and, subject to proposed mitigations being implemented, the Authority's Ecologist had raised no objections.

The trees within the site were protected by a provisional Tree Preservation Order and a Tree Survey and a Tree Protection Plan had been undertaken by Norfolk Wildlife Services. The Authority's Tree Officer had confirmed that the impact of the development on the existing trees would be negligible and would not compromise the health of the riverside woodland belt and there were no objections.

The PO confirmed that no objections had been raised regarding the flood risk. The PO explained that the report did not address the National Planning Policy Framework (NPPF) sequential test that states that a development should not be permitted if there were reasonably available alternative sites appropriate for the proposed development purpose in areas with a lower risk of flooding. Taking into account the necessity of providing angling platforms on a riverside location, the proposal was considered to pass the NPPF sequential test.

The Highway Authority had raised no objections and had acknowledged the 20-space car park for use in conjunction with the 20 angling platforms on the lake and the 18 platforms on the river. The applicant had provided a Parking Management Plan which was considered to be acceptable and would be conditioned.

The proposed platforms were in close proximity to the Public Right Of Way (PROW) at the western end of the site although there was adequate space for angling without impacting users of the footpath. The location of the platforms would provide a degree of control as to where people could fish and the club had bailiffs to monitor the behaviour of anglers.

The PO concluded that the proposed provision of 18 angling platforms along a 660 metre length of riverbank was considered acceptable in principle. The platforms and their use would not have an unacceptable impact on landscape and river scene, or navigation. Sufficient information had been provided to ensure that there would not be any unacceptable harm to ecology, protected species and the trees on the riverbank. There would be no impact on residential amenity through access to the site and the parking provision had been assessed as being sufficient, with no detrimental impact on highway safety, nor the PROW. The proposal was considered to be in accordance with the Local Plan for the Broads and the NPPF and the recommendation was to approve the application subject to the conditions described in section 8.1 of the report.

A Member asked how far the old quay heading, shown in a photograph, extended along the riverbank. The PO responded that he believed it was only located at the very western end of the site as shown in the photograph.

A Member noted that the platforms would only cover a small area of riverbank and asked whether there would be any mitigation to avoid possible degradation of the bank between the platform and the footpath. The PO indicated that the platform would provide some protection to the riverbank by formalising where an angler could fish and the access to the platform was no different to that currently provided.

A Member asked how the Parking Management Plan addressed the lack of car parking spaces required to cater for both the fishing lake and river platforms. The PO explained that when a match was planned the angling club would close the fishing lake. Anyone wishing to enter a fishing match on the river would have to book beforehand and this would enable the club to manage the number of anglers and their associated cars attending this type of event.

Two people had registered to object to this application and the first to provide a statement was Ms Jane Black. Ms Black believed that the riverbank had been built up 40 years ago and

the only time she had seen it flood was at the far end of the site where there were fewer trees. She believed that cutting trees down for this development would increase the flood risk. Most of the riverbank was populated by dense vegetation and mature trees and Ms Black did not believe the PO's photographs demonstrated this effectively. The applicant had stated that no trees would be cut down to facilitate this application. Ms Black did not understand how this would be possible given the wooded nature of the site. Ms Black believed that given the raised floodbank and the tidal nature of the river there would need to be raised walkways to facilitate anglers reaching the platforms. This major construction would require the removal of mature trees and result in the destruction of valuable habitat and the ongoing disturbance of the riverbank's rich and varied wildlife. At a time when nature needed to be preserved it seemed perverse to allow this development to cause so much damage for the benefit of so few people. Was this development not contrary to the Broads Authority's objective to conserve and enhance wildlife and improve the landscape for biodiversity. Given the lack of use of the platforms further upstream, Ms Black believed that this development was not necessary.

Mrs Julie Hunn provided her statement and noted that the Planning Committee had not undertaken a site visit for this application and trusted that Members of the committee were aware of the many concerns raised by local residents of which Mrs Hunn was one. Mrs Hunn believed that many people visiting the fishing lake and river approached from Dunburgh which was accessed via a single-track road. This road was widely used for walking, cycling and horse-riding and formed part of the Beccles to Geldeston circular walk and was included in two cycling routes. There were limited passing places on this road and Mrs Hunn indicated that walkers had to shelter in driveways or up the inclined verges to avoid oncoming traffic. Given recent changes to the Highway Code to safeguard vulnerable road users was it not incumbent on all the relevant authorities to ensure these protections were fulfilled.

Mrs Hunn drew Members' attention to comments made by the Authority's Rangers, who know this stretch very well, and had recommended that the number of platforms be limited to a maximum of 10 to avoid severe disruption to river users. The applicant states that the use of all 18 platforms would be very rare and asserted that any reduction in the number of platforms would undermine the viability of the fishing club. She wondered whether this assertion contradicted the applicant's statement regarding the usage of the club's other stretch of riverbank where the applicant had stated that in the last 6 years, he had only seen the associated 6 space car park full on one occasion. If that location was deemed viable by the club, then would not a reduced number of platforms on this site be equally viable. Mrs Hunn indicated that the pumping station, opposite where platforms 13 and 14 had been proposed, would discharge water into the river without warning. Mrs Hunn believed that small craft, paddleboards and swimmers could not safely pass this influx of water without moving onto the side of the river where platforms 12 to 18 would be located. Mrs Hunn believed that the scale and concentration of fishing in such a small and special area was totally unacceptable.

The Chair thanked Ms Black and Mrs Hunn for their contributions.

Members sought clarification on the proposed development following Ms Black's assertions regarding the building of walkways and the removal of trees. The PO confirmed that the only structures being installed would be the wooden platforms and their size and materials had been conditioned. The PO confirmed that no trees would be removed as part of this development and the provisional TPO, covering all the trees on the site, required any proposed tree works to be submitted to and agreed by the Authority beforehand.

A Member sought further clarification following Mrs Hunn's statement regarding the impact of the drainage pump on river users and her reference to comments by the Authority's Rangers. The PO explained that if craft and/or swimmers were swept across the river into the path of anglers then anglers would retrieve their lines rather than run the risk of losing their fishing tackle. This proposed response was predicated on the reasonable behaviour of anglers and the PO re-iterated that the club employed bailiffs who would be able to oversee their members' behaviour. The PO confirmed that the Rangers' comments relayed by Mrs Hunn were correct and could be found in section 3.21 of the report.

A Member asked what would happen if voles were discovered during the development. The PO explained that if evidence of voles was discovered at a given location on the riverbank, then that element of the development work would cease. A full survey would be undertaken and, if the presence of voles were confirmed then the appropriate licence would be sought. This licence would mandate that a suitable alternative site for the voles be identified. If no alternative site could be identified then the proposed development at that location would no longer be permitted.

In response to a question, the applicant Mr David Lilley confirmed that the platforms would be constructed from tanalised wood and that no further chemical treatments/preservatives would be applied to them.

A Member acknowledged the objections of the local residents and indicated that these had to be balanced with the principle of development as stated in section 6.1 of the report. Given the extent of conditions imposed on the application Members believed there was no reason not to approve this application. A Member welcomed the fact that the club provided bailiffs and believed it was in the interest of club members to maintain good relations with the other users of the site. Members supported the development and its role in extending access to the river for more people to enjoy.

Kevin Maguire proposed, seconded by Bill Dickson and

**It was resolved unanimously to approve the application subject to the following conditions:**

- i. Time limit**
- ii. In accordance with approved plans and supporting documents**
- iii. In accordance with the submitted Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in particular Appendix 5, the Arboricultural Method Statement (AMS)**
- iv. Timber preservatives only**

- v. Daylight only, no night fishing
- vi. Only for angling club members use
- vii. No day tickets
- viii. No obstructing the public footpath with persons or equipment
- ix. Submission of a scheme of monitoring and enforcing approved use
- x. Matches limited to 5 per fishing season and not between 16th June and 15th September
- xi. Parking within designated car park area only, maximum 20 vehicles
- xii. No vehicle access beyond car park
- xiii. Details of flood response plan
- xiv. Details of Water Safety Plan
- xv. Vegetation clearance not to be undertaken during breeding bird season (1st March - 31st August, inclusive)
- xvi. Platforms must be micro-sited to avoid any potential water vole burrows and overseen by a qualified Ecological Clerk of Works (ECoW)
- xvii. Pre-works checks for otters by qualified Ecological Clerk of Works (ECoW)
- xviii. Biodiversity enhancement as per section 6 of the Ecological Impact Assessment, submission of management plan for maintenance and construction

Meeting adjourned at 11:22am and reconvened at 11:31am.

## 8. Enforcement update

Members received an update report from the Head of Planning/Planning Officer (Compliance and Implementation) on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

**Land at the Beauchamp Arms Public House (Unauthorised static caravans)** – The Hearing at Norwich Crown Court was scheduled for 22 December 2023 and the Court would hear the defendant’s case to dismiss the prosecution.

**Blackgate Farm, High Mill Road, Cobholm** – The Gypsy and Traveller Accommodation Needs Assessment for this site had been undertaken and the Authority, in conjunction with Great Yarmouth Borough Council, were awaiting the written assessment.

## 9. BA/2023/0012/TPO - Butterfield House, 1 The Score, Northgate, Beccles

The Head of Planning (HoP) presented the report recommending confirmation of a provisional Tree Preservation Order (TPO) for an Ash tree at Butterfield House, 1 The Score, Northgate, Beccles. The owner had submitted an application for Works to Trees in a Conservation Area (a Section 211 notice) proposing to pollard the Ash tree to approximately 3 metres above the

initial union at the top of the trunk and to remove 8 metres of canopy with a finished height of approximately 12 metres. The Local Planning Authority for the Broads had an obligation to serve TPOs on trees that are under threat and considered of amenity value. The tree had been assessed by the Authority's Arboricultural Advisor (AAA) using the Tree Evaluation Method for Preservation Orders (TEMPO), a standard, recognised and widely adopted tree assessment methodology. The TEMPO assessment had indicated that a TPO was justified and a provisional TPO (BA/2023/0012/TPO) had been served on 13 July 2023 and this would need to be confirmed by 13 January 2024.

An objection to the provisional TPO had been received from a neighbour stating that the tree was huge (around 30-40m high) and that it stood only 2m from the neighbour's boundary. Its branches hung more than halfway across the neighbour's lawn. As such it blotted out the sun for most of the day and in autumn there were branches blown down on to the neighbour's lawn and clusters of leaves that covered it. The neighbour considered the tree to be a health and safety hazard and believed it should be reduced in height. The objection had been received within the 28-day consultation period and in accordance with the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee.

The HoP indicated that the Planning Committee had undertaken a site visit on 22 November 2023 and, in accordance with the process associated with these visits, a Beccles Town Councillor and an observer from the Broads Society had been present.

The HoP presented a map showing the location of the tree within Beccles and a more detailed map showing the tree within the surroundings of The Score and the river Waveney. The HoP then presented a series of photographs of the subject tree, a large mature Ash tree, from various points along the western bank of the river and from Northgate demonstrating its prominence in the landscape from these vantage points.

The HoP presented a map showing the location of the tree relative to the neighbour's property which was along the northern boundary of Butterfield House. The HoP then showed photographs of the subject tree from the entrance to The Score and from various points within the curtilage of Butterfield House and then from the neighbour's property.

The HoP appreciated the concerns of the neighbouring property and acknowledged that there were grounds to them. However, it was considered that the amenity value of the tree to the wider area outweighed the individual concerns. The tree was not considered to pose an unnecessary risk to persons or property and was deemed to be in good condition. It was considered that the proposed works would cause unnecessary damage to the tree for little or no reason. Pollarding the tree, as proposed, could make the tree more susceptible to Ash dieback disease as the resulting new growth was more vulnerable to this fungal disease. The loss of this tree due to this disease would be detrimental to the area and, if the tree was not affected by Ash dieback, the large reduction in its height would significantly reduce its amenity value. The HoP concluded that the recommendation was to confirm the TPO.

The HoP confirmed that the TPO did not preclude any works to the tree, what it did require was for an application for any proposed works to the tree to be submitted to the Authority. The Authority in conjunction with the applicant would then agree works commensurate with the necessary and reasonable management of the tree.

A Member asked how significant the shading of the tree was on the neighbouring property. The AAA confirmed that tree's location to the south-west of the neighbouring property would result in shading of the garden in the late afternoon. However, given the open foliage associated with the crown of the Ash tree, this shading would consist of dappled light rather than casting a uniform shadow.

A Member, having attended the site visit, disagreed with the objector's assessment that the Ash tree had an aggressive overhang and given its good condition, the loss of amenity value that would result from pollarding the tree, not to mention the resulting risk of Ash dieback disease, he believed it was incumbent on the Authority to protect this tree. Members supported the protection of the amenity value of the tree.

Tim Jickells proposed, seconded by Martyn Hooton and

**It was resolved unanimously to confirm Tree Preservation Order BA/2023/0012/TPO for the Ash tree at Butterfield House, 1 The Score, Northgate, Beccles.**

## 10. Chet Neighbourhood Plan – Agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to proceed on the Chet Neighbourhood Plan.

Stephen Bolt proposed, seconded by Fran Whymark, and

**It was resolved unanimously to endorse the Chet Neighbourhood Plan, Regulation 16 version for consultation.**

## 11. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to a consultation on the Greater Norwich Local Plan Main Modifications. The PPO explained that this Local Plan had been through Examination and the Inspectors had deliberated on the resulting responses and the Local Plan had been modified accordingly. These modifications had been issued for consultation and an extension had been granted for the Local Planning Authority (LPA) for the Broads to enable a response from this committee meeting to be confirmed.

The PPO indicated that along with comments seeking clarification on a number of points she had raised a number of objections:

- **MM8** – a section of the Local Plan Policy 2 (Sustainable Communities) was proposed to be removed that would result in all references to the Broads being removed from this strategic policy.

- **Table8, row 5** – this change corresponded to MM8 above and the proposed change to Local Plan Policy 2.
- **MM9** – Policy 3 was about Environmental Protection and Enhancement however it had failed to reference the Broads as a Natural Environment. The PPO had provided a reasoned justification why the Broads should be included in Policy 3.
- **Lack of consistency between policies** – The PPO had provided a table listing the relevant policies, all of which were for sites next to the river in Norwich, and then indicated whether the Broads was referenced in the policy, whether the supporting text considered the Broads and whether the supporting text indicated early engagement with the LPA for the Broads. These entries were colour coded red, amber and green where red signified no mention of the Broads, amber signified an inaccurate or inconsistent reference to the Broads and green signified a correct reference to the Broads. In the context of red and amber entries the PPO had then provided corresponding entries explaining the associated changes to the policy and/or supporting text to correct the related omissions, inaccuracies or inconsistencies. Every row in the table that did not show 3 consecutive green entries highlighted a policy that failed to provide consistent and correct references to the Broads.

Members supported this thorough response and thanked for the PPO for her diligence.

Tony Grayling proposed, seconded by Martyn Hooton and

**It was resolved unanimously to endorse the nature of the proposed response.**

## 12. Annual Monitoring Report

The Planning Policy Officer (PPO) introduced the report, which detailed key metrics associated with planning activity from 1 April 2022 to 31 March 2023, as well as an assessment on how policies in the Local Plan for the Broads were utilised. The PPO indicated that section 2.1 of the report provided the headline results from the Annual Monitoring Report (AMR).

The PPO noted that only a few units of market dwellings and holiday accommodation had been granted during this period and explained that Nutrient Neutrality had reduced the number of permissions granted for this category. The PPO highlighted that the Self-build exemption from the duty continued as per previous AMRs and that this year's Infrastructure Funding Statement and Brownfield register had been completed.

Tony Grayling proposed, seconded by Fran Whymark and

**It was resolved unanimously to endorse the Annual Monitoring Report 2022/23.**

Fran Whymark left the meeting.

## 13. Local Plan - Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed thirteen new or amended policy areas that were proposed to form part of the Preferred Options version of



the Local Plan. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

#### Trajectories and Call for sites section

The PPO indicated that another Call for Sites would be undertaken during the Preferred Options consultation and this would include gypsy and traveller sites for the entire area (whereas the Issues and Options Local Plan call for sites for gypsy and traveller sites had related only to the Great Yarmouth part of the Broads), residential moorings, and residential dwellings. This section detailed the current allocations per each category and when it was expected that the allocations for residential dwellings and residential moorings would come forward.

A Member noted the importance of the Utilities site to the number of residential dwellings. The PPO confirmed that the Utilities site was important and as it was within the East Norwich Regeneration Area required the collaboration of Local Planning Authorities (LPAs) for Norwich City Council, South Norfolk Council and the Broads Authority. The PPO explained that the Authority's residential dwellings need was not additional to the need identified by the Authority's neighbouring Local Planning Authorities but was part of their need. If the Authority's need for sites was not met then the PPO would liaise with her counterparts in the neighbouring LPAs, under the National Planning Policy Framework duty to co-operate guidelines, to arrange for the neighbouring LPAs to meet the need of the Broads.

#### Major Development in the Broads

The PPO explained that within a planning context there were 3 possible definitions for major developments; one referring to the size of schemes, one relating to a development's flood risk and one specific to protected landscapes. Policy DM1 sought to address the latter as per National Planning Policy Framework (NPPF) guidance although the policy was not limited to this interpretation. This policy had been updated to clarify some elements and to reflect the terminology adopted in the latest version of the NPPF.

A Member questioned the removal of "adverse" in the context of "effects on proposed or designated European Sites for nature conservation..." (at line 17 item d of the policy). The PPO agreed to cross reference this change against the relevant NPPF guidance.

#### Water section

Policy DM2 (Water quality and foul drainage) had been updated to ask for a statement explaining and justifying the approach taken when a development proposed an alternative solution when a connection to a foul sewer was proven to not be feasible. The supporting text had been updated to reflect the latest position regarding the Knackers Wood Water Recycling Centre.

A Member questioned references to the Water Framework Directive and indicated that they should be updated to reflect The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 as per recent changes to policy DM31. The PPO agreed to ensure that this update was applied consistently across the relevant Local Plan policies.

Policy DM4 (Water efficiency) had been updated to reflect comments received during the Issues and Options consultation and research into water efficiency standards required by other Local Planning Authorities. The PPO confirmed that the Authority's standard would continue to be a water demand equivalent to 110 litres per head per day however the policy would support further reduced water demand. The policy had been updated to include greywater recycling and rainwater harvesting and references to camping and caravanning to ensure these sites considered water efficiency. The requirement to perform a water consumption assessment using the BREEAM assessment model had been removed; this assessment model was intended to be performed as a whole building assessment and was not suitable in the context of assessing only water consumption. An appendix had been introduced to provide further guidance on how to implement this policy.

Members supported the changes and welcomed its focus on reducing water consumption.

### **Natural Environment**

The comments received during the Issues and Options consultation had been included and the PPO summarised this feedback as relating to the provision of Biodiversity Net Gain (BNG) of 10% or more. The PPO indicated that, given this requirement was still to be implemented, it was premature to commit the Authority to a more ambitious BNG target.

A Member was keen to adopt a higher BNG target as he believed this would be commensurate with the Authority's statutory objectives. The Head of Planning confirmed that the BNG Officer had started in this new role and he would be considering the BNG regulations and related responses from other LPAs and a related report would be presented to this committee for the consideration of Members.

The PPO indicated that Biodiversity Strategic Policy (SP6) had been updated to strengthen it and to include new elements to its remit such as the Local Nature Recovery Strategy (LNRS).

Policy DM13 (Natural Environment) had been updated to include titles for readability and references to LNRS and Non-native species.

A new policy for BNG had been drafted and the PPO indicated that this was adequate for this stage of the Local Plan although this policy would require a further review once the BNG regulations were better understood.

Further new policies had been drafted to address Mitigating Nutrient Enrichment Impacts and Mitigating Recreational Impacts.

Bill Dickson left the meeting.

### **Affordable housing**

Policy DM34 (Affordable housing) had been updated to refer to Major Developments in the context of the size of scheme, to highlight the need for on-site provision, the associated need to cross reference to the equivalent policies of another LPA when the Authority deferred to that the relevant LPA and minor changes relating to rural exception sites .

### Custom/self-build

Policy DM42 (Custom/self-build) had been updated to better support multi-dwelling sites such as those proposed by the East Norwich Regeneration Plan, to define a process for responding to unsold plots and to encourage the adoption of design principles.

### Design section

A new Strategic Design Policy had been drafted that provided 3 overarching principles for design. Policy DM43(Design) had been updated to reflect comments received during the Issues and Options consultation and to strengthen and respond to the experiences of using this policy since it was adopted 4 years ago.

A Member asked whether the first of the strategic policy's overarching principles could be used to protect thatched properties within the Broads. The PPO indicated that each development would be considered on a case by case basis and indicated that line 115 of DM43 did support the replacement of a thatched property with another new thatched property.

The Member supported this update.

### Visitor and community facilities and services

The PPO indicated that there was no significant change to Strategic Policy SP16 with a change to its title to remove the reference to "New" community facilities.

Policy DM44 (Visitor and community facilities and services) had been updated for consistency with other recently changed policies and to incorporate the experiences of using this policy over the previous 4 years.

### Re-use, conversion or change of use of buildings

Policy DM48 had been relabelled to better reflect its purpose in supporting the re-use, conversion or change of use of buildings and the policy's narrative had been updated to better reflect this clarified scope.

### Leisure plots, amenity plots and mooring plots

Policy DM50 had been relabelled to included amenity plots and the policy updated to reflect the need for the Dark Skies policy to be considered when including electric hook up/charging points.

A Member questioned whether the Local Plan policies considered the long term use of motor homes and how their associated waste water would be managed. The Head of Planning believed that this matter was beyond the scope of the Local Plan and suggested that if this situation occurred it might be more appropriate to address it as an enforcement matter.

### Hoveton Town Centre and areas adjacent to the Town Centre

The PPO explained that policy HOV5 (Hoveton Town Centre and areas adjacent to the Town Centre) had been produced with reference to the relevant North Norfolk Local Plan policies and updated to reflect changes in Use Class definitions.

### Oulton Broad District Shopping Centre

The PPO indicated that policy OUL3 (Oulton Broad District Shopping Centre) was another policy shared with a partner LPA and therefore reflected the relevant Waveney Local Plan policies. The policy had been updated to reflect changes in Use Class definitions and to better support sustainability.

### Tranquillity

The new Strategic Tranquillity Policy had been created to reflect comments received during the Issues and Options consultation and provided 2 overarching principles to conserve and/or enhance tranquillity and protect the dark skies of the Broads.

Members welcomed this new strategic policy.

**Members' comments were noted.**

## 14. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting.

## 15. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 30 October 2023 to 24 November 2023 and any Tree Preservation Orders confirmed within this period.

## 16. Date of next meeting

The next meeting of the Planning Committee would be on Friday 05 January 2024 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 12:29pm.

Signed by

Chair