

Re: RE: Broadland Council Planning Application 20180471

From: chair@eastonparishcouncil.co.uk
To: "Heather Byrne" <Heather.Byrne@broadland.gov.uk>
Cc: "Matthew Rooke" <matthew.rooke@broadland.gov.uk>, "martin.wilby.cllr@norfolk.gov.uk" <martin.wilby.cllr@norfolk.gov.uk>, "Margaret Dewsbury" <mdewsbury@s-norfolk.gov.uk>, "David Wildon" <dwildon@hotmail.com>, "Janet Hudson" <janHUDSON22@icloud.com>, "mike jobling" <mikejobling@icloud.com>, "Easton Clerk" <clerk@eastonparishcouncil.co.uk>, "andrew cawdron" <andcaw@btinternet.com>, "John Fuller" <jfuller@s-norfolk.gov.uk>, "Liz Poole" <liz.poole@norfolk.gov.uk>, "eastofengland@HistoricEngland.org.uk" <eastofengland@HistoricEngland.org.uk>

Bcc:

Date: May 4, 2018 11:28:00 AM

Dear Heather,

I have the 4 drawings which have been displayed on BDC planning website, where are the reports referred to in the drawings, where is the completed application form. There seems to be a cultural difference in openness between what SNDC provides compared to the very limited information that BDC makes available why is BDC failing to provide full disclosure.

Can you confirm if any formal discussions had taken place with Historic England in relation to this application and the potential adverse impact it may have on the Grade 1 Listed Church of St Peter.

So there is no misunderstanding I want a copy of all the reports that supported this planning application, I am finding it hard to believe that if this application had not been noticed in time a decision may have been made to allowed this flawed application.

I am astounded that the highways triggers have not been adopted, is this normal planning policy at BDC to what would seem as a making it up as you go along approach. How can anyone have confidence in moving forward if this is the way BDC planning department operates.

I ask again can you please advise the measures that have now been adopted at BDC following the discovery of the flawed decision making process that was made in the way in which this application has been handled, so that it can not happen again.

Can you please comment on the follow statement "A Section 106 planning obligation cannot be required under an LDO as the LDO constitutes the grant of planning permission" source Great Yarmouth and Lowestoft Enterprise Zone General Information Guide March 2012 p5 s6.1. The current LDO has a s106 routing agreement as a condition this seems to be at odds with the above statement. Who is correct and if it is not BDC what other mistakes have been made in the preparation of this Local Development Order.

Can you please advise why no public comments have been uploaded to your planning portal in relation to this matter, transparency and openness are a must if confidence is to be rebuilt with the public. It may be worth BDC officers and Councillors seeing the more open and transparent approach taken by South Norfolk District Council planning department. We can only hope as our two district councils continue to work together the good practices at South Norfolk in relation to transparency and openness will rub off on Broadland Council.

I understand that BDC is now obtaining further legal advice on aspects of the interpretation of the LDO, I hope that BDC will share this advice in full so that public confidence may be restored.

I look forward to receiving a reply

Peter Milliken
Chair Easton Parish Council

Sent: Thursday, May 03, 2018 at 4:32 PM

From: "Heather Byrne" <Heather.Byrne@broadland.gov.uk>

To: "'Peter Milliken'" <chair@eastonparishcouncil.co.uk>, "Matthew Rooke" <matthew.rooke@broadland.gov.uk>

Cc: "martin.wilby.cllr@norfolk.gov.uk" <martin.wilby.cllr@norfolk.gov.uk>, "Margaret Dewsbury" <mdewsbury@s-norfolk.gov.uk>, "David Wildon" <dwildon@hotmail.com>, "Janet Hudson" <janHUDSON22@icloud.com>, "mike jobling" <mikejobling@icloud.com>, "Easton Clerk" <clerk@eastonparishcouncil.co.uk>, "andrew cawdron" <andcaw@btinternet.com>, "John Fuller" <jfuller@s-norfolk.gov.uk>, "Liz Poole" <liz.poole@norfolk.gov.uk>, "eastofengland@HistoricEngland.org.uk" <eastofengland@HistoricEngland.org.uk>

Subject: RE: Broadland Council Planning Application 20180471

Dear Peter,

Thank you for your email and I apologise for the delay in our response.

We are currently seeking further legal advice from our Solicitor in regards to the type of application and process and will advise further in due course.

In regards to the triggers for the highways works, these details are yet to be agreed.

In regards to the plans submitted with application 20180471, these are all viewable on the Council website. No further plans have been submitted.

I trust this is of assistance; however if you have any further queries in the meantime please do not hesitate to contact me.

Kind regards,

Heather

Heather Byrne

Senior Planning Officer (East)

Broadland District Council

Tel: 01603 430628

www.broadland.gov.uk

heather.byrne@broadland.gov.uk

This email and any attachments are intended for the addressee only and may be confidential. If they come to you in error you must take no action based on them, nor must you copy or show them to anyone. Please advise the sender by replying to this email immediately and then delete the original from your computer. Unless this email relates to Broadland District Council business it will be regarded by the council as personal and will not be authorised by or sent on behalf of the council. The sender will have sole responsibility for any legal actions or disputes that may arise. We have taken steps to ensure that this email and any attachments are free from known viruses but in keeping with good computing practice, you should ensure they are virus free. Emails sent from and received by members and employees of Broadland District Council may be monitored.

From: Peter Milliken [mailto:chair@eastonparishcouncil.co.uk]

Sent: 03 May 2018 15:37

To: Matthew Rooke

Cc: martin.wilby.cllr@norfolk.gov.uk; Margaret Dewsbury; David Wildon; Janet Hudson; mike jobling; Easton Clerk; andrew cawdron; Heather Byrne; John Fuller; Liz Poole; eastofengland@HistoricEngland.org.uk

Subject: Broadland Council Planning Application 20180471

Dear Matthew,

I write further to my email below sent on the 25 April 2018, I had hoped that I would have received the reports that were requested in this time scale as they should be with the planning application.

If 7 days is not long enough time to provide the information which should be on file, please advise me when you will be forwarding this information together with full details of all trigger points, which should have been formally adopted.

Can you also confirm if it is BDC legal position that an LDO can stipulate conditions outside of its red line, you have already confirmed that an LDO is restricted to solely development within its red line boundary as per your most recent legal advice. As it is now clear that Officer interpretations re application 2018/0471 taken on the basis of the Aug '17 legal opinion were manifestly incorrect, what other flaws and decisions have been made which may also be questionable. If the LDO can only set conditions within its own boundary then as it stands the current LDO has the possibility of being factually flawed and may need to be reconsidered as to its current legal standing.

Regards

Peter Milliken

Chair Easton Parish Council

Dear Matthew,

Thank you for taking the time to meet with us yesterday, as you have established we have concerns that too much of what has taken place to date has been done in a way that was less than open and transparent, this may be the culture at Broadland District Council (BDC) however we are more acquainted with the more open and transparent approach that is adopted by South Norfolk District Council (SNDC).

I have not included Phil Courtier into this communication as I feel as he has a dual role at both BDC and SNDC he should no longer play a part in the process of this application as this may lead to a conflict of interest.

I am still very unsure that conditions based on an application in another district can be legally imposed on a different District Council area of responsibility further clarity I believe needs to be sought in that regard. As part of the application requires the movement of the second entrance gate as marked in passing bay 2, this in itself must require a separate application to SNDC planning for approval and to be considered under cumulative effect principles.

Can you please advise the measures that have now been adopted at BDC following the discovery of the flawed decision making process that was made in the way in which this application has been handled up until you have taken over this matter so that it can not happen again.

I am hoping that BDC will consider adopting a more open approach to discovery in that it will make available all documentation that relates to planning application 20180471 and as the proposals move forward in regard to the LDO site a more open approach to document sharing and close consultation with the local parish's effected by the LDO. The gold standard that BDC should be aiming for is that of full public disclosure so that no part of the planning process is shrouded in secretary as that is not helpful in the promotion of openness and transparency. It would seem ludicrous that on the Friday of each week a fresh FOI is requested as the means to keep appraised of how matters are progressing.

Can you please provide the TOPOGRAPHICAL SURVEY carried out by TOWER SURVEYS as depicted on their drawings R-N4185 201 TO 205 together with any other documents held to date in relation to planning application 20180471 this should include any document that relates to drainage and flooding along Church Lane. As very limited information has been provided in relation to this planning application it would be our understanding that as full public scrutiny of the planning application can not take place at this time a full round of consultation will be undertake which will include all the statutory consultees as well as the parish councils affected by the development once all documents have been provided for public scrutiny.

From what we understand to date, is that a building is proposed that will accommodate 20 employees and no more than three HGV movements a day and this unit will be situated close to the proposed entrance identified under planning application 20180471.

It was my understanding from the discussion that as key trigger points are reached then further improvements will be made to Church Lane.

For the sake of clarity, can you please provide detailed descriptors of these trigger points and what work on Church Lane will be required before each point is reached by way of employee numbers, area coverage and commercial vehicle movements. At the present time all seems very vague. I understand that all improvements are difficult to implement before development starts however there must be a minimum standard to allow safe usage of Church Lane by local residents.

The following were mentioned at the meeting and as more detail is provided these may expand.

1. Extension of the 30mph zone, Liz Pooles argument does not stack up under scrutiny to give the example of Ringland Road between Taverham and the village of Ringland which is now a 30mph zone.
2. A safe pedestrian crossing between the church and the rest of the village established prior to any development starting.
3. Improved safe parking next to the church entrance needs to be clearly identified for the use of Bridal cars, hearses etc.
4. Compliance with policy 1 and 4 of the Easton Neighbourhood Plan adopted 2017 which deals with protection and preservation of heritage assets within the parish of Easton.
5. Any exit from the site should not allow a right turn towards Marlingford and Colton.
6. A suitable Footpath (we may consider a trod) which is adjoining Church Lane the whole length of the road with a commitment to deliver a full cycle/pathway abutting the highway before further employment either directly or indirectly employed or self-employed contractors which conduct for or on behalf of any organisation having direct or indirect use of the LDO site or physical development more than the minimum needed to service this initial proposal which is above that stated at the meeting.
7. Clear noise reduction measures need to be identified and implemented before commencement of development near the church, along the area near the allotments and for those living along or in line of sight of the proposed changes to Church Lane.
8. A full ecological survey of the area surrounding the proposed improvements to Church Lane with details of the mitigation measures that will be implemented to protect the natural habitat of the local wildlife and fauna.
9. Measures need to be identified that contain the extra pollution heavy vehicles especially diesel cars and lorries will have on the local environment.
10. An environmentally sound proven drainage system for the highway which will ensure protection of the aquifers and does not allow runoff that has the possibility of contaminating the local protected waterways.
- 11 Mitigation provision along the Dereham Road, Easton and Ringland Road Lower Easton, that will discourage HGV though traffic, a routing agreement which is not policed will be of little use. Measures deployed in Old Costessey and West End would be more appropriate and should be funded by the developer.
12. Mitigation on the roundabout in consultation with Highways England (HE) to safe guard users of the A47 as an increased number of commercial vehicles use this to enter and exit the village due to the development of the LDO site. After the recent consultation process with HE the consultants regularly remarked how dangerous the current roundabout was.

I have attached a number of images to help you better understand the safety concerns that we have around increase HGV usage near the church.

I look forward to developing with you a more open and transparent approach in dealing with these matters.

Regards

Peter Milliken

Chair Easton Parish Council