Minutes of a meeting of the Scrutiny Committee of South Norfolk District Council held at South Norfolk House, Long Stratton on 10 May 2017 at 9.30am.

Committee Members Present: Councillors: L Neal (Chairman), B Bernard, B Duffin, D Fulcher, C Gould, T Lewis, G Minshull and J Wilby

Apologies: Councillor: K Kiddie

Substitute Member: Councillor: T Palmer

Other Members in Attendance: Councillors: Y Bendle, D Bills, M Dewsbury, F Ellis and M Gray

Officers in Attendance: The Director of Growth and Localism (T Horspole) and the Senior Governance Officer (E Goddard)

Also in Attendance: Broadland District Council:  
Mr P Courtier – Head of Planning, Broadland District Council  
Mr S Scowen – Economic Development Manager, Broadland District Council

Public Speaking:  
Mr P Milliken – Chairman, Easton Parish Council  
Dr A Boswell  
Mr B Walker – Wensum Valley Alliance

10 members of the public were also in attendance
MINUTES

The minutes of the meetings of the Scrutiny Committee held on 25 January and 8 February 2017 were confirmed as a correct record and signed by the Chairman.

LDO GREATER NORWICH FOOD ENTERPRISE ZONE: BROADLAND DISTRICT COUNCIL

The Chairman welcomed Mr Courtier and Mr Scowen from Broadland District Council and outlined the procedure for the meeting. Members were reminded that, at its meeting on 6 February 2017, Cabinet had requested that the Scrutiny Committee invite officers from Broadland District Council to attend a meeting of the Committee to provide further clarity as to how Broadland District Council had taken account of the representation from South Norfolk Council regarding the proposed Local Development Order (LDO) for the Greater Norwich Food Enterprise Zone. The Committee noted that their agenda papers contained the original report considered by Cabinet which had been annotated by Broadland District Council with their responses to the comments raised. Members were reminded that South Norfolk Council's Cabinet had already resolved to support, in principle, the draft LDO on the condition that Broadland District Council incorporate all the amendments to the order, as detailed in the report. The Chairman therefore advised members that the purpose of this meeting was only to consider whether the Scrutiny Committee was satisfied that the points raised by Cabinet had been satisfactorily addressed.

The Director of Growth and Localism provided members with an overview of the planning history relating to the food hub, advising that the development of a flagship food and farming hub serving the needs of Norfolk was supported within Policy 5 of the Joint Core Strategy. He further advised that, during the South Norfolk Local Plan call for sites, the site at Honingham was the only land put forward for such development. The Committee was advised that the purpose of an LDO was to allow development to proceed without the need for further planning permission, subject to it meeting the conditions of the Order, as detailed in the report. Members were reassured that any proposed development which did not meet the necessary criteria for the LDO would be subject to normal planning permission requirements.

The Chairman invited questions and comments, to Broadland District Council's officers, from members of the Scrutiny Committee. In response to various members’ enquiries, officers confirmed the following points:

- There were no plans to reduce business rates or offer any other incentives to attract businesses to the Food Hub. The only added benefit to potential users would be the surety that they would not need to go through the planning permission process if their development met the conditions of the LDO;
The ratio of buildings to plot area would not normally exceed 40% due to the rural setting and the desire to minimise the visual impact of the buildings;

The LDO reflected the Joint Core Strategy that required that at least 10% of the development’s energy would be secured from renewable sources;

The provision of broadband, while desirable on the site, would be the responsibility of the developer;

The requirement for all vehicles, in excess of 7.5 tonnes, associated with the construction and operation to access the site only via the permitted route would be policed by a legal agreement under Section 106, which would authorise strict enforcement action for any ongoing breaches;

As A1 retail usage was not to be permitted as a primary use and would be restricted to 10% of the area by floor space, only limited retail business was envisaged at the hub.

The Local Member for Easton Ward, Cllr Dewsbury, addressed the Committee and spoke of her concerns regarding several issues including road safety in neighbouring villages, drainage and surface-water impacts, the lack of an Environmental Impact Assessment, and the reports that DONG Energy planned to lay cables under the site. In response, Mr Courtier advised the following:

Road safety – as detailed in bullet point 5 above, construction traffic would only be permitted to access the site via the permitted route;

Drainage – as confirmed in the amended LDO, as the site overlaid a principal aquifer, it was essential that early contact was made with the Environment Agency, and where deep infiltration was considered, a permit from the Environment Agency may be required;

Environmental Impact Assessment (EIA) – Broadland District Council undertook screening to ascertain whether an EIA was required and concluded it was not. South Nofok Council made representations to the consultation draft of the LDO asking that Broadland District Council reassess the need. Consequently, Broadland officers wrote to the Secretary of State to obtain his opinion on the matter. In response, a letter was received from the Secretary of State which declined to issue a screening direction, advising that the District Council itself should determine whether an EIA was required. After amendments had been made, following the consultation, a re-screening request had been drafted and submitted to the Council’s barristers. The
outcome of this request was still awaited but, as the restrictions had been tightened since the original plans, it was felt unlikely that an EIA would now be required. It was however noted that any individual was permitted to carry out an EIA on the site;

- DONG Energy – it was the officers’ understanding that DONG Energy’s plans were still not finalised but it was noted that utilities were generally third-party agreements between the utility company and the land owner, and were not under the control of the LDO.

Cllr Gray raised a query regarding a possible expansion of the site in the future and questioned whether the fact that the land had been put forward for development in smaller stages had made a difference to the decision on whether an EIA would be required. Officers advised that, in the event of future sites being put forward, the cumulative effect on the whole site would be considered. To Cllr Gray’s suggestion that other sites in Norfolk might be better placed to accommodate the Food Hub, officers noted that no other sites had been put forward and that while there may be land owners whose sites might be better placed a willingness from any land owner to accept this type of development had to exist.

The Chairman of Easton Parish Council, Mr Milliken, addressed the Committee and expressed his concerns regarding Broadland District Council’s letter to the Secretary of State, suggesting that the request had been limited to only asking who would need to decide whether an EIA was required for the site. Mr Courtier responded, stating that the letter to the Secretary of State asking for a screening direction was a specific request, in light of South Norfolk Council’s request that Broadland District Council reassess whether an EIA was required. In response to a comment regarding Community Infrastructure Levy (CIL), the Director of Growth and Localism clarified that CIL monies from the development would not only benefit the Broadland District, but South Norfolk’s area also as it would be paid into a central ‘pot’ for the Greater Norwich Area. Mr Milliken stated that there had been a ‘unique opportunity’ at Little Melton for the development of a food hub where the land owner had been happy for a hub to be built. Mr Horspole assured the Committee that land at Little Melton had not put been forward either during or since the call for sites. In closing, Mr Milliken suggested that the wording on the LDO was too subjective and should be more specific.

Dr Boswell addressed the Committee and stated that he believed an EIA was necessary. He advised members that, historically, the development had always required an EIA until the present proposal, and he requested that the Committee consider why this precedent had been overturned. In response, Mr Courtier advised the Committee that it was ill-advised to compare the current proposals to those considered historically as, when screened previously, the site was double the size and included a wider range of users, so the schemes could not be compared on a like-for-like basis. Dr Boswell also reminded members that South Norfolk Council’s Cabinet had raised the request for the re-assessment of the EIA requirements and he expressed his surprise that the matter was not being reconsidered by Cabinet. The Chairman reminded members that the Scrutiny Committee had been asked to focus on the comments raised by Cabinet and consider whether the points raised had been satisfactorily addressed. She drew members’ attention to the resolution by Cabinet which asked Broadland District Council to assess the need to undertake a full EIA of
the proposals, and in making the reassessment, to take into account the responses received from the consultation exercise. Members were therefore requested to consider whether they were satisfied that, by Broadland District Council writing to the Secretary of State to ask they revisit the request for a screening direction, they had satisfied Cabinet’s request. In closing, Dr Boswell spoke of his concerns that the site’s proximity to a major conservation river, the River Tud, might harm the water quality in Norwich, and that this, together with concerns around DONG Energy pipes, and the potential for size creepage of the site would encourage South Norfolk Council’s members to report their concerns back to their Cabinet. Mr Courtier agreed that the River Tud was of major importance and, whilst he did not believe that the scheme would be reliant upon discharge into the River Tud but, if this was the case, a Water Framework Directive (WFD) assessment would be required and this must adequately demonstrate that there would be no deterioration in status or quality of the water.

Mr Walker, Wensum Valley Alliance, addressed the Committee and spoke of his concerns that once approved, the LDO would not be able to restrict many types of undesirable business activities. He also stated that there was no management plan for surface water, no masterplan for the development, and that the Environment Agency, Highways Agency and Historic England had various concerns. Officers reassured the Committee that the Environment Agency had reviewed the amended plans and were satisfied with the scheme. Mr Courtier advised that many of the business activities listed by Mr Walker would be classed as ‘rendering’ and would therefore not be permitted by the LDO, and that others carried a degree of pollution so would be restricted by the requirement of an Environment Agency permit. He added that officers were satisfied that sufficient controls would be in place to ensure that conditions would not be eroded, and repeated that officers were satisfied that the development did not require an EIA.

Mr Courtier addressed the Committee and spoke of the benefits of the Food Hub, stating that a significant percentage of the country’s food and drink was grown in Norfolk but that only around a half of that remained in the county to be further processed, therefore it was important, for the local economy and employment, to capture that lost business. He reassured the Committee that although the development would have an impact on the surrounding area, the intention was to seek to minimise that as far as possible.

Members were advised that the LDO would be considered by Broadland District Council’s Scrutiny Committee before their Cabinet made the final decision. Officers advised that public speaking would be permitted at both of these Committees, so parish councillors and members of the public were welcome to attend.

Mr Milliken advised the Committee that Easton Parish Council had passed a motion on 8 May 2017 to request that the Secretary of State be asked for an EIA screening direction. He confirmed that a formal request would be forwarded to South Norfolk Council and urged that members supported this request.
The Chairman thanked members of the public and Broadland District Council’s officers for attending before requesting that members consider the comments from Cabinet to determine whether they were satisfied that the points raised had been satisfactorily addressed. After a short discussion, it was:

**RESOLVED:**

that Broadland District Council had satisfactorily assessed and addressed all the points raised by Cabinet on 6 February 2017 and that no further recommendations were required.

### 1198 SCRUTINY COMMITTEE WORK PROGRAMME AND TRACKER, AND CABINET CORE AGENDA

The Committee noted the Work Programme, Tracker and Cabinet Core Agenda.

It was noted that, an additional meeting of the Scrutiny Committee had been arranged for 25 May 2017 to consider a review of the Council’s Compliance and Enforcement Policy.

Cllr Lewis suggested that a review of the effectiveness of the Council’s Customer Services and Call Centre Operation be considered at a future meeting of the Scrutiny Committee. Members were informed that the service was already the subject of an internal review and that the matter would be discussed further, outside of the meeting.

(The meeting concluded at 11:15 am)

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Chairman