

# LEATHES PRIOR

SOLICITORS

Leathes Prior  
74 The Close  
Norwich  
NR1 4DR

DX: 5205 NORWICH  
Tel: 01603 610911  
Fax: 01603 610088

Mr Adrian Gunson  
Cabinet Member for Planning & Transportation  
Norfolk County Council  
County Hall  
Martineau Lane  
Norwich NR1 2SG

**Our Ref:** 108/RJC/leathesprior.co.uk

**Your Ref:**

**Ask for:** Mr Chadd

**Direct Dial (01603) 281102**

**Direct Fax (01603) 762109**

06 April 2006

Dear Sir,

**RE: THE DITCHINGHAM QUARRY (LAND OFF NORWICH ROAD B1332).**

This firm acts for the local objectors group ENRAGED (Norfolk Residents Against Gravel Extraction in Ditchingham).

We are aware that you have been copied into various correspondence between ENRAGED and NCC over recent months in your capacity as the Cabinet Member for Planning and Transportation. We understand that given the timing and nature of the correspondence and with the topic matter concerning an active application, your involvement in any debate at that time would have been inappropriate. However, the Applicant (Lafarge Aggregates Ltd) has now withdrawn this application: (no. P/C/7/2005/7019; The Ditchingham Quarry) and given that there is no longer potential for a conflict of interest, ENRAGED has requested that we assist them in establishing, with you, the propriety of the application process and the procedures applied to its consideration.

### **The Norfolk Minerals Local Plan.**

In accordance with central government requirements minerals development is plan based. The Norfolk Minerals Local Plan (adopted 2004) takes into account national and regional policies and provides an amplification of this guidance including site and area specific policies.

The main functions of the Plan are to take into account and develop structure plan policies to a detailed level, to establish a clear and comprehensive basis for co-ordinating and controlling mineral workings and related developments, to identify potential sites for minerals extraction, and, of some particular relevance, to provide an opportunity for the public to express their views, and for those views to be taken into account in drawing up the Plan. Hence the plan is an output of the public consultation process.

The application by Lafarge at Ditchingham was allowed, indeed our client would argue encouraged, by officers acting for the minerals planning authority, to proceed beyond the scoping opinion phase, even though it concerned a site not designated as an "Investigation Area" within the Plan, no evidence was provided by the applicant that such sites had been considered and found to be unsuitable and furthermore it was clearly evident that the application was in direct contravention of very many of the policies contained within the Minerals Plan.

### **Procedural Propriety.**

You will be aware that our client has made a number of requests for NCC to provide information: either in the course of 'normal business' or under the Publication Scheme; or more formally, for provision of information under statute, in which case these requests cited the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

NCC has now responded to two of these requests, and based on the information provided, and in the context of the Ditchingham application, it is apparent that: with regard to the Highways department, defined procedure was not followed; and that with regard to the Minerals and Waste department, they were operating (at that time) without defined procedures.

It is also evident that with regard to the working practices of the Highways and of the Minerals and Waste departments that there is a marked absence of recorded file notes, and that there is little evidence in the rigour of the maintenance of the files and public record.

### **Planning based objection.**

Our client, ENRAGED, represents local residents and other users of the B1332. It is fully endorsed by Ditchingham Parish Council, Hedenham Parish Meeting, and has the acknowledged support of: County Cllr. Alan Burrell; District Cllr. Richard Carden; and the MP for Norfolk South, Richard Bacon.

The group has retained the services of, and commissioned reports from, acknowledged professionals on key aspects impacted by the application, including: Town and Country Planning; Landscape; Historic Landscape; and Highways. All these reports clearly identify that the application runs contrary to the Norfolk Minerals Local Plan and other planning policy.

In analysing the application, our client has identified a catalogue of inaccuracies, omissions and misleading statements contained within the Environmental Impact Statement filed by Lafarge in support of the application. These do not appear to have been investigated nor the applicant challenged by officer enquiry on the points in the manner that might be expected on an application of this sort.

Responses from the statutory consultees including DEFRA, the Environment Agency, the Campaign for the Protection of Rural England and NCC's own Landscape and Historic Buildings Departments also indicate strong objections to the proposals, and whilst South Norfolk District Council had not formally voted on its response to the application prior to its withdrawal, planning officers have informed objectors (and their written opinion on file confirms the fact) that they would have been recommending to members vigorous objection to the application on landscape and amenity grounds, determining the proposals to be contrary to both national guidance and local development plan policies.

### **Request for Meeting.**

Our client is, understandably, alarmed that NCC has conducted and progressed the Ditchingham application in circumstances that do not protect their, or the broader public interest. Hence, while our client has not at this time made enquiries beyond the remit of the two departments identified above, it is concerned that this lack of rigour may be more widespread. Our client believes that this conduct is not consistent with the procedural efficiency promoted by the recent award of "Beacon" status.

The applicant (as evidenced by NCC's own files) has indicated its intention to resubmit the application 'when the time is right', -clearly a reference to the 7-year land bank threshold. Our

client is further concerned that unless there is urgent intervention to ensure that appropriate measures are introduced to the rigour of NCC planning activities that this application will be allowed to proceed to committee possibly unchallenged (contrary to procedure) or at the very least without the necessary detailed and rigorous consideration by officers and consultees of all relevant issues.

Our client requests that you, acting in your capacity as Cabinet Member for Planning and Transportation, and the Director of Planning and Transportation meet with them to allow them the opportunity to brief you more fully and to discuss with them the seriousness of the situation which places in jeopardy public confidence in the planning process . We would suggest that this meeting is held at County Hall as soon as the practicalities of synchronising diaries can be accommodated.

**B1332 generally.**

Our client wishes to bring to your attention a meeting already scheduled with Tim Edmunds of the Highways department to meet with ENRAGED and Ditchingham Parish Council to discuss specific concerns over the planning merits of the B1332 as a primary distributor route, and while a common thread runs between that meeting and the meeting requested above, the issues raised herein should be considered as 'strategic' as opposed to 'operational', and hence should (at this time) stand independent.

We look forward to hearing from you.

Yours faithfully

**LEATHES PRIOR**