

## Town Clerk | Swaffham Town Council

---

**From:** Town Clerk | Swaffham Town Council  
**Sent:** 05 September 2018 09:42  
**To:** 'DON HOEY'; Deputy Clerk | Swaffham Town Council  
**Cc:** Administrator | Swaffham Town Council; Colin Houghton; Jill Skinner  
**Subject:** RE: Representation to Swaffham Town Council

Dear Mr. Hoey,

I acknowledge and thank you for your detailed response, I don't want this to turn into a competition to see who can produce more detail, so on this occasion I will be brief as I can.

Please rest assured that the Town Council will leave no stone unturned in their assessment of all encompassing risks, all their statutory duties and compliance with local government law. They will do their best to keep the general public informed through various methods i.e. local press, newsletter, website, social media and updates at meetings, whilst reserving the right to hold certain debates in private, when and where it is necessary. The balance between Data Protection and Freedom of Information is one we wrestle with every day and this project is no different. The Councillors were elected to serve the Town and their duty is to make difficult decisions on behalf of the Town, similarly at Town Clerk I am the Proper Officer of the Council and it is my duty to advise and serve the Council with the support of my staff, managing the Council's assets through the policies and decisions that give us our instructions.

The purpose of the public meeting called for Monday 8<sup>th</sup> October at 6.30pm is to present the facts to the public as they are for this project, the options considered by the Council, the options still open to the Council and to clarify any misconceptions that may exist. It will hopefully re-assure residents that the Council are acting in their best interests, not acting ultra-vires, but simply maximising an opportunity to do something very special with the Days Field site. There will also be an open forum to receive public questions. What we will not be able to do at this meeting is go through the minutiae of the planning process or what may or may not be in tender documents, neither will there be a fully worked up cost plan available for public scrutiny at that stage. The reasons being that this process has just begun, so much of this work will be in progress, a lot of the work will also be confidential for legal reasons.

Finally, I can assure you that as full a picture as possible will be painted before the Council make a decision either way. The recent urgency was only to start the process of obtaining the permission to borrow, as without it the Council cannot build out the site as the developer, so that option would cease at that point and it would revert back to the other less profitable options that we will outline on the 8<sup>th</sup> October. I look forward to seeing you at the meeting.

Best regards,

Richard Bishop  
**Town Clerk**



Swaffham Town Council, Town Hall, 4 London Street, Swaffham, Norfolk, PE37 7DQ  
 Tel 01760 722922 Fax 01760 720469 [www.swaffhamtowncouncil.gov.uk](http://www.swaffhamtowncouncil.gov.uk)



You can also follow Swaffham Town Council on Twitter

**@SwaffhamClerk** and our Traditional Market **@SwaffhamMarket**

**From:** DON HOEY <don.hoey@btinternet.com>

**Sent:** 03 September 2018 21:24

**To:** Town Clerk | Swaffham Town Council <townclerk@swaffhamtowncouncil.gov.uk>; Deputy Clerk | Swaffham Town Council <deputyclerk@swaffhamtowncouncil.gov.uk>

**Cc:** Administrator | Swaffham Town Council <administrator@swaffhamtowncouncil.gov.uk>; Colin Houghton <colin@houghton789.plus.com>; Jill Skinner <jill.skinner@me.com>

**Subject:** Re: Representation to Swaffham Town Council

Richard,

Thank you for your detailed response.

Please accept that my letter was pretty much driven by the shock of in the first instance seeing the EDP headline 'splash' outside Tesco. The headline paragraph of the press release did not to my mind adequately express your view indicated here, that the Town Council are at present in the "information gathering" process for an application to borrow. The number of residents I have spoken to, who have similarly interpreted the first paragraph of the EDP article, highlighted the number drawing a similar interpretation to myself.

I have gone to great lengths to advise people who have been in contact with me that it is early days and two specific Council resolutions are highlighted in the 'press release'.

i) That that at the moment the Town Council is only seeking consents to borrow and

ii) If consent is given then the detail of any proposed process is detailed in paragraph 3 of the 'press release'.

I think the headline figure of £6 million, coupled to the quoted loan repayments have a number of people 'spooked'.

I thank the Mayor and yourself for deciding to call a Public Meeting, as that should be very informative of the Town Councils position, and hopefully avoid any further misinterpretation in the wider world of what the Council is seeking to do. I will most certainly take the opportunity to attend.

My letter to the Council was written on the premise that some members of the Council may not be aware of the Planning and Development process in full, and so is deliberately not detailed.

To be fair to both yourself and any Councillors who wish to attend the Public Meeting, I attach a more expanded version of the possible implications of Cost Point, Lead Time, and Admin Time. Detail from which, I would wish to go through, to up to a point, at the Public Meeting.

Attached PDF The Site – Planning and Development.

Within that I detail planning and development set against three criteria of relevance –

i) Cost Point, which is relative to the amount of draw down on any loan required at a given point.

ii) Lead Time, which is critical and relative to the point of the 1st and 2nd loan interest payments.

iii) Admin Time, which is relative to the cumulative admin time required to reach any point.

Note 1: Not included in Cost Points are –

i) Agents fees if one is engaged.

ii) Solicitors fees from the drawing up of the S106 agreement and conveyancing of sales of 'Open Market Dwellings'.

iii) Fees for the Quantity Surveyor or other professional advisors as might be required.

Note 2: Possible loan interest point indicated on page 6 is based on loan draw down at CP1. Therefore it is contrary to your indicated scenario of initial costs being funded out of Council reserves.

To some unfamiliar with the development process beyond Planning Permission, I have added expected Conditions. I am sure as Paul Darby is a substitute member on Breckland Planning, he can vouch for the normal practice of inclusion of such Conditions in any permission. Major developments tend to attract more due to the complexity of any permission.

Obviously in view of your statement in paragraph 6 that *'Initial costs can be funded out of Council reserves instead of wasting the drawdown of the loan too early,'* the value of such reserves is of great relevance in terms of the indicated Cost Points particularly when you add the 'not included costs'.

Your point that I am incorrect in my assessment of 'no cost now' to the Council Tax Payer is indeed interesting. I'm not clear as to how the lost interest on any drawn funds from the reserves can be described as 'no cost now'. Still I am sure that will be explained in detail at the Public Meeting.

Please note that I am not against the Councils involvement in developing the site, I just wish to be assured that as full a picture as possible is painted before the Council make a decision either way.

Regards

Don Hoey

On Monday, 3 September 2018, 14:21, Town Clerk | Swaffham Town Council  
<[townclerk@swaffhamtowncouncil.gov.uk](mailto:townclerk@swaffhamtowncouncil.gov.uk)> wrote:

Dear Mr. Hoey,

I acknowledge receipt of your letter addressed to the Chairman of Swaffham Town Council, who is at present our current Mayor Cllr Colin Houghton, you will see that he is copied into this reply with our Deputy Mayor Cllr Jill Skinner.

I can confirm that your letter and my reply will be circulated to all Councillors. Following my weekly meeting with the Mayor this morning, it has been decided to call a Public Meeting for Monday 8<sup>th</sup> October at 6.30pm here at the Town Hall, this is to make available more details regarding this project, to give a brief factual presentation and more importantly to answer questions from the general public. I do hope you can attend.

In terms of making decisions in the private session at a Council meeting, this is quite normal procedure for issues which are deemed to be of a confidential nature. It is however common practice to inform members of the public at the earliest opportunity, hence the press release sent out in August. In regard to the public interest and attendance of Council meetings, if all members of public are counted up for the whole year, they would amount to less than 1% of our resident population who attend Council meetings.

Thank you for your information relating to the planning application and potential lead-in times etc, these of course will be factored in to any cost plan. Your comment regarding the press statement of no cost to the Council Tax Payer is not correct. The project will be three years in duration, including the six-months planning period and thirty month build out period. There is of course pump priming costs, as there is to any project, but over the three year period the Council expect to see a profit realised in cash and retained housing, with the loan and all costs repaid.

Circumstances may of course dictate the start of the project, the start of the build, the sales of houses, the transfer of affordable housing, the completion of the project and the timing of drawing down the loan in three stages. Initial costs can be funded out of Council reserves instead of wasting the drawdown of the loan too early, and the Council will be guided by various experts along the way, legal and professional, that will be employed as contractors for the life of the project; our Local and National Association, plus governmental advice will be advising too!

The eight houses to be retained by the Town Council will not be a part of the affordable housing requirement for the site, as the Council decided very early on that they did not want to become a social landlord. The social housing requirement will be met and sold to a social housing provider. The eight houses will be let at Market rent to give the Council an income as a revenue return for

the asset retention, details on how they will be let has not been finalised, this will possibly be through a local estate agent.

The process we are going through at present is 'information gathering' for the application to borrow up to £6 million, as we need the consent from the Ministry of Housing, Communities and Local Government. This is the first of many hurdles to overcome, and not in the least of these is preparing a financially sound cost plan and tender documents, both of which have to be agreed by Councillors and independently verified. There are many more decisions to make before we get to the start of the build on site.

I hope this gives you an outline of what is being proposed, further details will be released on 8<sup>th</sup> October and I will be pleased to answer any queries you may have at the meeting – thank you for your interest in this project.

Best regards,

Richard Bishop  
Town Clerk



Swaffham Town Council, Town Hall, 4 London Street, Swaffham, Norfolk, PE37 7DQ  
Tel 01760 722922 Fax 01760 720469 [www.swaffhamtowncouncil.gov.uk](http://www.swaffhamtowncouncil.gov.uk)



You can also follow Swaffham Town Council on Twitter  
[@SwaffhamClerk](https://twitter.com/SwaffhamClerk) and our Traditional Market [@SwaffhamMarket](https://twitter.com/SwaffhamMarket)

**From:** Deputy Clerk | Swaffham Town Council  
**Sent:** 21 August 2018 08:15  
**To:** 'DON HOEY' <[don.hoey@btinternet.com](mailto:don.hoey@btinternet.com)>  
**Cc:** Town Clerk | Swaffham Town Council <[townclerk@swaffhamtowncouncil.gov.uk](mailto:townclerk@swaffhamtowncouncil.gov.uk)>  
**Subject:** RE: Representation to Swaffham Town Council

Good morning Don,

In Claire & Richards absence I just wanted to confirm receipt of your letter.

This will be reviewed and responded to once Richard has returned from his annual leave – week commencing 3<sup>rd</sup> September 2018.

Kind Regards

Hannah

Hannah Duggan  
Office Administrator



Swaffham Town Council, Town Hall, 4 London Street, Swaffham, Norfolk, PE37 7DQ  
Tel 01760 722922 [www.swaffhamtowncouncil.gov.uk](http://www.swaffhamtowncouncil.gov.uk)



You can also follow Swaffham Town Council on Twitter  
[@SwaffhamClerk](https://twitter.com/SwaffhamClerk) and our Traditional Market [@SwaffhamMarket](https://twitter.com/SwaffhamMarket)

**From:** DON HOEY <[don.hoey@btinternet.com](mailto:don.hoey@btinternet.com)>

**Sent:** 20 August 2018 18:51

**To:** Deputy Clerk | Swaffham Town Council <[deputyclerk@swaffhamtowncouncil.gov.uk](mailto:deputyclerk@swaffhamtowncouncil.gov.uk)>

**Subject:** Fw: Representation to Swaffham Town Council

Hi Clair,

In the auto reply from R. Bishops mailbox, I am advised to forward this to yourself as it appears he is on holiday.

Regards  
Don

On Monday, 20 August 2018, 16:47, DON HOEY <[don.hoey@btinternet.com](mailto:don.hoey@btinternet.com)> wrote:

Hi Richard,

Attached is a personal representation for consideration by Swaffham Town Council.

Regards

Don



D.W. Hoey  
6, Ormesby Drive  
Swaffham  
PE37 7SL  
Email: [don.hoey@btinternet.com](mailto:don.hoey@btinternet.com)  
20th August 2018

The Chairman  
Swaffham Town Council  
Town Hall  
4 London Street  
Swaffham  
PE37 7DQ

Dear Sir,

I wish to make the following representation to Swaffham Town Council following publication of the press release regarding the Council seeking approval to borrow £6 million to service the development of Days Field. The full text of that release is in Appendix A.

My submission is made with regard to the fact that the Council is aware of significant detail regarding the project that are detailed as confidential in Swaffham Town Council minutes. So I am only able to raise personal questions/concerns based on the published press release, such details as are published in Swaffham Town Council minutes, and the original Outline Planning Application 3PL/2014/1355/O.

The Council's second resolution indicates the Town Clerk is to prepare a draft cost plan and projected income. For a procurement tender specification to be drawn up professionally by a Quantity Surveyor and to verify (amend) the Town Clerk's draft cost plan and projected income. For the Town Council to decide whether to proceed by drawing down a Public Works Loan in stages over a three-year period.

Given the above it might be considered that my primary concerns with lead-times and potential costs before development work might commence are premature, but for clarity I wish to at this stage present them to the Council.

I have no express experience in development matters, but judge the preliminary cost items prior to submission of a full planning application are as follows.

- \* Detailed Architect's design drawings
- \* Design and Access Statement
- \* Detailed Flood Risk and Drainage Strategy
- \* Utilities Appraisal
- \* Transport Plan
- \* Air Quality Assessment

The following items had significant comment on the outline application that would need consideration in any new application documents.

- \* Highways site access
- \* Ground Investigation Report. Breckland comments suggest a Phase II report on asbestos and other site pollutants will be required.

Documents from the Outline application that might be able to be carried over.

- \* GroundSure Environmental Assessment
- \* Ecological Survey
- \* Landscape and Visual Impact Assessment

Also prior to submission, additional costs will require to be considered for Quantity Surveyor and the Councils appointed Agent.

Lead-time for completion of the application documents will need to be added to the lead-time for the application to come to decision by Breckland Planning.

Depending on the complexity of issues to be addressed as part of the consultation period, this could be anything between 13 and 26 weeks.

There is therefore the potential for the lead-time from initial design work to a successful application to be 52 weeks.

Beyond the initial design work and successful application lead-time, there must be factored in an additional lead-time for tendering for the actual works. From that it can be seen that there is potential for significant expense over a period of up to and even beyond a year.

In financial terms I am unable to assess if the costs up to this point are anticipated to be met through draw down on the loan, or from existing Council reserves. However it should be appreciated that at this stage the Council will be faced with either lost interest on Council Reserves if that is the preferred payment option, or paying interest on the drawn down loan.

The only inference I can draw from that is that the statement in the press release of “no cost to the Council Tax Payer ‘now’ ” is factually incorrect unless interest payment on any draw down of the loan is paid from loan monies. That of course would deplete the financial assets required to develop the site.

To progress beyond the lead-times detailed above. There is inference in the Breckland Contaminated Land Officers report that potentially significant remedial measures would be required prior to any works commencing on the site. Once again lead-time is a significant factor when determining any return on developed properties before addition loan repayments are due. This is particularly applicable to year 2.

See Appendix B for the Breckland Contaminated Land Officer report and Norfolk Highways comments.

Other comments.

Noting the housing allocation as described in the outline application. This comprises –

21no 4 bed houses

13no 3 bed houses

9no 2 bed houses

8no 1 bed flats

In the Housing Enabling Officers comment the following reference is made.

*To meet Breckland's identified housing need, a large majority of the units on site should be smaller, 1- and 2-bed units. Although the D&A statement gives a rough mix for the overall site, it does not split this into market and affordable housing. We would expect all, or almost all, the 1- and 2-bed homes to be allocated to affordable housing if this mix were to be taken forward.*

While the ‘press release’ mentions a gain of 8 houses for Swaffham, it does not indicate the potential for Swaffham Town Council to be the landlord for an element of the affordable housing with the potential for higher than average maintenance costs in the longer term.



While I recognise there will always be an element of confidentiality, this represents a significant project for the town.

It is hoped that should the Council decide to proceed with the project as currently stated, that in terms of consultation with the towns residents, a copy of the draft costing's with project timescales prepared by the Town Clerk will be made available for the towns residents view.

In terms of general community consultation as the scheme progresses, I trust communication from the Council will be more than by press releases.

Yours Faithfully

Don Hoey

SWAFFHAM TOWN COUNCIL – PRESS RELEASE FOR IMMEDIATE USE

Friday 17th August 2018

It was unanimously agreed at an extraordinary meeting held at the Town Hall on 16th August 2018 for Swaffham Town Council to seek the approval of the Secretary of State to the Ministry of Housing, Communities and Local Government for the consent to borrow and apply for a Public Works Loan Board loan for up to £6,000,000 (six million pounds) up to 10 years, for the purpose of raising capital funds to service the development of Days Field into residential housing. The Council will be using the General Power of Competence to develop and manage this project. The annual loan repayments will come to around £633,375.

The Mayor Cllr Colin Houghton stated:

“This is an exciting project for the Town, which can leave a legacy in the form of capital monies received to invest back into the Town in addition to eight houses (cash + houses approx. £2 million in value) which can also bring the Town substantial revenue income for many years to come. It will be our first use of the General Power of Competence and if the consent to borrow is granted by the Ministry, it will keep the Council in total control of this project from start to finish. The main objective is to create a nice development of 51 properties on the Council’s land, costing the Council Tax Payer nothing, both now and in the future. The ultimate prize is for the Council to have assets that earn the Town money, subsidising the Council Tax Payer.”

A second resolution was also agreed at the same meeting by Swaffham Town Council to make full enquiries with their solicitors subsequent to the consent to borrow being granted by the Ministry of Housing, Communities and Local Government for £6,000,000 (six million pounds). For the Town Clerk to prepare a draft cost plan and projected income. For a procurement tender specification to be drawn up professionally by a Quantity surveyor and to verify (amend) the Town Clerk’s draft cost plan and projected income. For the Town Council to decide whether to proceed by drawing down a Public Works Loan in stages over a three-year period.

The Town Clerk Richard Bishop stated:

“There is a long way to go, but we have been working behind the scenes to cut through all the red tape. Managing the development of Days Field from beginning through to building the final house, borrowing money in the process, is in fact the least risk option considered. There are a lot of hoops to jump through before we get to start work on site, but Councillors have been brave in taking this decision. Professional advice is needed every step of the way, and the Secretary of State still must give consent to borrow the money needed, before the Council can finally decide to draw down the loan. If the aim at the outset is to not cost the Council Tax payer money to deliver this project, the bonus of delivering it, will be that the extra income will save the Council Tax payer money year after year.”



## Memorandum

**From:** Tracy Farrell

**Your ref:** 3PL/2014/1355/O

**Date:** 20<sup>th</sup> March 2015

---

**Subject:** Planning consultation

**Premises:** Swaffam, Days Field, New Spork Road

The Contaminated Land Officer has reviewed the Phase I report by Bingham Hall Associates, (project number 2918, February 2015) and comments as follows:

- The Phase I report has identified asbestos on the site, and the report proposes a full asbestos survey and further soil sampling for this pollutant
- There are further areas with fly-tipped material and other rubbish, noted in the report as: bricks, glass, wire, mesh.
- The Phase I report has not suitably addressed the potential of further contaminants associated with the former land use, such as pesticides & fertilisers. The site is thought to have been used as allotments since 1905, and many pesticides used prior to 1950 have since been banned due to their carcinogenic properties and other detrimental health effects.
- Historically greenhouses have contained lead paint, and the potential for this to be present needs further consideration,
- Particular consideration should be given to the known areas of made ground.
- The Phase 1 reports identifies the need for a Phase II report in relation to asbestos, and this intrusive investigation should be extended to include a suite of pollutants associated with the past land use.

Therefore, if the Local Planning Authority is minded to grant permission, I believe that the following condition is necessary:

**Condition:**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
  - all previous uses



- potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components requires the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To protect controlled waters from the effects of previous activities on site and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised

Please contact me if you would like to discuss this matter further.

Regards

Tracy Farrell MSc, BSc (Hons)  
Environmental Protection Officer

Nick Moys  
Breckland Council  
Elizabeth House  
Walpole Loke  
Dereham  
Norfolk  
NR19 1EE

Your Ref: 3PL/2014/1355/O  
Date: 19 March 2015

My Ref: 9/3/14/1355  
Tel No.: 01603 223274  
Email: [graham.worsfold@norfolk.gov.uk](mailto:graham.worsfold@norfolk.gov.uk)

Dear Nick Moys

**Swaffham: Application for outline planning permission for 51 dwellings including access from New Sporle Road. Days Field in New Sporle Road**

Thank you for your consultation regarding the above application.

The Highway Authority have previously been asked to comment on potential development proposals comprising the whole area of land between New Sporle Road and A47. The current site comprises only a small portion of the area that could potentially come forward for development.

It is the view of the Highway Authority that the whole area should initially be considered under one comprehensive master plan rather than just allowing piecemeal development. Without a comprehensive plan of how development in this area of Swaffham is to be brought forward there is the risk that a series of smaller independent developments will not bring with it the infrastructure linkages and improvements that may be required to mitigate their cumulative impacts.

In light of the above the Highway Authority recommends consideration of this application is deferred until such time that a comprehensive masterplan for the whole area between New Sporle Road and A47 has been agreed.

Notwithstanding the above comments should your Authority be minded to support the application then the Highway Authority offers the following comments:

1. In the vicinity of the site New Sporle Road varies in width, at the southern extremity measuring around 4.5m only. As New Sporle Road forms part of a bus route the carriageway should be widened to 6m across the entire roadside frontage.
2. The footway/cycleway should be replaced with a site frontage 2m footway with suitable crossing points to link with the existing footway on the west side of the New Sporle Road.
3. To enhance a sense of place and help re-enforce vehicle speeds there should be frontage development with these properties taking vehicular access direct from New Sporle Road.
4. Unless evidence can be provided to the contrary visibility splays of 2.4m x 59m should be provided onto New Sporle Road and included on the drawing.
5. The layout should accord with the Norfolk Residential Design Guide.
6. Layout of the proposed development should allow for links to future development to the north.
7. Bends should have inside radii of at least 10m. All junction and bend radii as shown in drawing 178-01 are unacceptable.
8. Cul-de-sacs should be provided with suitable turning heads.
9. Where footway is provided on one side only it should measure 1.8m in width.
10. Internal junctions should have visibility of 2.4m x 33m.
11. Garages should be set back at least 6m.
12. The Highway Authority does not allow carriageway to be constructed using no dig techniques. The carriageway should not conflict with the RPA of any tree.
13. There is a public right of way (PROW) that runs directly passed the north-east corner of the site (Swaffham RB36). Residents should have access to this PROW however a route in the north-east corner is unlikely to be overlooked and potentially enclosed by high hedges / fences. It is recommended pedestrian access be provided between the site and Tumbler Hill, from which multiply PROWs can be accessed.

This application marks access for consideration. Should your Authority support it then the Highway Authority would expect revised plans showing that the off-site works and the site access visibility can be secured. Until such a plan has been received the Highway Authority places a holding objection on this application.

Yours sincerely

*Graham Worsfold*

Assistant Engineer Estate Development  
for Executive Director for Community and Environmental Services