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# The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order

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## Applicant's comment on Written Representations by Gaia Shaw

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Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

*PINS Reference Number: TR010015*

*Document Reference: NCC/EX/48*

*Author: Norfolk County Council*

Version	Date	Status of Version
0	4 <sup>th</sup> August 2014	Final

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**Introduction**

This document provides the Applicant's responses in respect of selected issues raised by Gaia Shaw in her Written Representations to the Examining Authority dated 17 July 2014. Gaia Shaw also attended and raised similar issues at the Issue Specific Hearing on the Development Consent Order on 24 July 2014.

The points have been responded to where possible in the order they were raised. Each issue, or in some cases a summary of it, is shown in italics.

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## Applicant's comment on Written Representations

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### Representation

*The Great Plumstead Fuel Allotment Charity (Charity Number 231106 Date Registered 1965-04-25) was set up to serve disabled and disadvantaged people. I am concerned that the Chair of the charity is reported as having suddenly agreed to give away 298 metres of land to a national road scheme without the compensations for 3,101 square metres, originally planned for when the scheme was first drawn up.*

*Two tracts of land were offered as replacement: 3117 square metres, and 9209 square metres, which the charity has not claimed.*

*It appears that this proposed offer of replacement land is currently not included in the plan and therefore would not be made available to disadvantaged people.*

*I propose that rural land is made available to disabled people through charity, as compensation, and not lost to them, as is currently proposed.*

### Applicant's comment

- 1.1 The stated objective of the Great Plumstead Fuel Allotment Charity is “to supply fuel to such deserving poor persons as the Trustees think most deserving”. It does this by making grants to needy persons residing in the village of Great Plumstead or surrounding rural area (assumed to be the parish of Great & Little Plumstead) in the month of December each year.
- 1.2 The background behind the reduced acquisition requirement from the Charity's land from 3,101m<sup>2</sup> to 298m<sup>2</sup> is set out in the Proposed Minor Change to the Application for Development Consent: Broad Lane / Plumstead Road PMA (Document Ref 5.14).
- 1.3 That report also describes the removal of the previously proposed replacement land and the Charity's representative's comment that that he is satisfied that replacement land is not necessary given the small area of land to be lost.

- 1.4 The representative has now confirmed this position formally on behalf of the Charity by email dated 29 July 2014 – see Appendix A.
- 1.5 The Applicant does not consider that the provision of a ‘stand alone’ replacement area of 298m<sup>2</sup> for any other disabled people charity would not be practical in terms of provision, future operation or income generation.

#### Representation

*I have been unable to reach The Great Plumstead Fuel Allotment Charity on their charity registered email.*

*Charities in the name of disability aim to deliver benefit and distribute that benefit in ways likely to be helpful to their members.*

*They are obliged to do this by their charitable status.*

*The GPFAC Charity was set up to manage grants to disadvantaged people in its district. It has not been very active for some time, making very small grants annually, and no income. If the trustees are not in touch with disadvantaged people it is not because there are no disadvantaged people to be found!*

#### Applicant's comment

- 1.6 The Great Plumstead Fuel Allotment Charity owns a single arable field, extending to just over 16 acres, situated to the north west of the Plumstead Road / Broad Lane junction to the east of Thorpe End village. The entire field is rented out to a local arable farmer. Apart possibly from interest payments the Charity is not known to have any other sources of income. The Charity is managed by four Trustees, one of whom is the Rector of the Parish.

- 1.7 Over the last 5 years of accounts published on the Charity Commission website –see Appendix B - the Fuel Allotment Charity’s annual income has ranged from £1,160 to £1,310 and expenditure from £840 to £1,681. The monthly church newsletter invites applications for grants from local parishioners to be made to the Charity in the autumn.

#### Representation

*The charity was to have managed the reallocation of a tract of land intended to be absorbed in to the scheme, but at the last minute revision (May2 2014), it is reported that the Chair has agreed to no compensatory land or money being made.*

*Seeking replacement of a lost asset to benefit their charitable purpose is an obligation which the charity and the Secretary of State must not ignore.*

*The national road works is not a legitimate beneficiary of a small charity for disadvantaged people.*

*The charity should pass on benefit to those it charitably serves and not make a gift of charitable assets to the state for national road works.*

*The Secretary of State should not be satisfied with this loss to the disadvantaged sector of society. The cost benefit margins in the distribution road development are illustrated as extremely desirable and the scheme is acknowledged to be a matter of national infrastructure. There can be no justification for accepting this land without compensation.*

#### Applicant’s comment

- 1.8 Whilst the Charity have confirmed that no replacement land is to be provided at no time has it been proposed or assumed that financial consideration for the land acquired would not be paid. The Charity’s representative has confirmed that financial compensation will be required – see Appendix A.

- 1.9 This financial compensation will be income for the Charity and available for distribution through future grants in accordance with its objectives.
- 1.10 The reduced proposed acquisition area currently forms a low point in the corner of the field which forms a natural pond and also is covered in a small copse area. Whilst ultimately a matter between the Charity and their tenant it is not envisaged that there would be a reduction in the rental paid for the land if the acquisition of the 298m<sup>2</sup> took place. In this scenario there would be no future reduction in the income stream to the Charity.
- 1.11 An existing field access off Broad Lane is to remain. With the requested field access point off the new turning head and the new access to the field off Plumstead Road will result in an overall improvement to the current field access situation for the field.

## Representation

*The land to be used is for a “new turning head” and not strictly for drainage or the widening of an existing road. Compensation is legitimate and due.*

*This overall road scheme is considerably more than “road widening” and constitutes one of the largest distribution road work projects seen in Norfolk in a generation.*

*Compulsory or voluntary acquisitions of property should not be made without replacement or compensations in money or kind when the asset is in the name of a charity.*

*The president [sic] that compensation is not made by the nation when land from a charity is claimed for a national road work is entirely unacceptable. It would not be in the public interest to set a president [sic] that undermines the rights of those served by charities.*

## Applicant’s comment

- 1.12 It is the Applicant’s view that the provision of a turning head does qualify under the meaning of “widening” an existing highway as stated in s131(5) of the Planning Act 2008.
- 1.13 As stated in paragraph 1.8 above it has always been accepted that financial compensation would be payable to the Charity and that this is indeed their requirement.



## Representation

*If the GPFA charity is not able to manage this, which appears to currently to be the position, then I suggest that the many charities for disabled people currently using the Vauxhall Centre in Norwich will find excellent use for tracts of rural lands for their members' benefit. Bipolar UK being one with many members, might well be one charity not wishing to see land given away without compensation for a new turning head within this road scheme of national importance.*

## Applicant's comment

- 1.14 The Charity, as evidenced by information on the Charity Commission website – see Appendix B, would appear to actively manage its affairs as required under its Charity objectives.
- 1.15 The Charity's requirement is to make grants to needy persons residing in the village of Great Plumstead or surrounding rural area. As such it would not be appropriate for it to be allocated to any other Charity.

## Brewer, Grant

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**From:** [REDACTED]  
**Sent:** 29 July 2014 14:02  
**To:** Brewer, Grant  
**Subject:** FW: NDR - Gt. Plumstead Fuel Allotment Charity  
**Attachments:** RE: NDR - Gt. Plumstead Fuel Allotment Charity

Here it is, Grant

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**From:** Jonathan Rush [REDACTED]  
**Sent:** 29 July 2014 11:47  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: NDR - Gt. Plumstead Fuel Allotment Charity

Dear Arize

I confirm that the Great Plumstead Fuel allotment charity will not require additional land following land take for a turning head.

The conditions of this are

1. That the turning head is fenced with post and rail fencing with hedge on the inside and has a double field gate at the back of it to allow access to the field
2. A new access with field gates is provided into the Plumstead Road
3. Compensation is paid for the land taken.

Yours sincerely

Jonathan

**Jonathan Rush**  
**MRICS**  
**Divisional Partner – Land Agency**



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**For and on behalf of Brown & Co - Property & Business Consultants LLP**

[REDACTED]  
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**231106 - FUEL ALLOTMENT CHARITY**

**DUE DOCUMENTS RECEIVED**

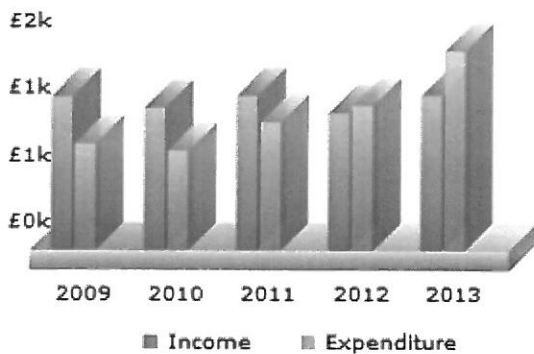
**Charity overview**

**Activities**

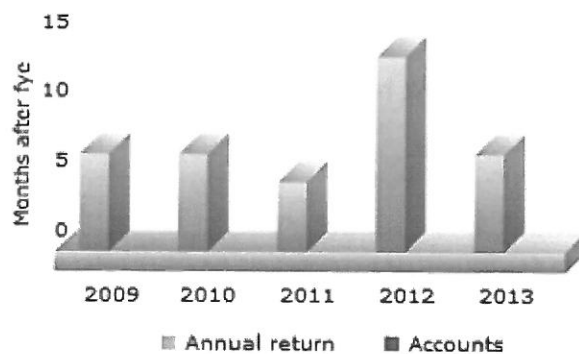
GRANTS ARE MADE TO NEEDY PERSONS RESIDING IN VILLAGE OF GREAT PLUMSTEAD, NORFOLK OR SURROUNDING RURAL AREA IN THE MONTH OF DECEMBER EACH YEAR.

**Financial history**

Financial history



Compliance history



**Financial summary**

Financial year end (FYE)	Income	Spending	Accounts received	Annual Return/Annual Update received
31 Dec 2013	£1,310	£1,681	Not Required	08 Jul 2014 **
31 Dec 2012	£1,160	£1,222	Not Required	26 Feb 2014 **
31 Dec 2011	£1,304	£1,080	Not Required	14 May 2012 **
31 Dec 2010	£1,200	£840	Not Required	27 Jul 2011 **
31 Dec 2009	£1,296	£900	Not Required	22 Jul 2010 **

\*\* Annual Update received - charity below Annual Return £10,000 threshold for this financial year

## Contact & trustees

### Contact



### Charity trustees



## Charity framework

### Date of registration

25 Apr 1965

### Other names

- GREAT PLUMSTEAD FUEL ALLOTMENT CHARITY (Working Name )

### Governing document

SCHEME OF 1ST MARCH 1957

### Organisation type

STANDARD REGISTRATION

### Registration history

25 APRIL 1965 REGISTERED

### Charitable objects

TO SUPPLY FUEL TO SUCH DESERVING POOR PERSONS AS THE TRUSTEES THINK MOST DESERVING

### Classification

#### What

- GENERAL CHARITABLE PURPOSES

#### Who

- ELDERLY/OLD PEOPLE
- PEOPLE WITH DISABILITIES

#### How

- MAKES GRANTS TO INDIVIDUALS

### Area of benefit

GREAT PLUMSTEAD

### Where the charity operates

- NORFOLK

Note: This report is compiled from public information that the Charity Commission holds on the Register of Charities on 01 August 2014.

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