

Scrutiny Committee

Date: **Wednesday 23 June 2021**

Time: **10 am**

Venue: **Norfolk Showground, NR5 0TP**

**(situated just off the A47 Norwich Southern Bypass
at the A1074 Longwater Interchange.)**

Membership:

Cllr Steve Morphew (Chair)	
Cllr Lana Hemsall (VChair)	
Cllr Carl Annison	Cllr Keith Kiddie
Cllr Lesley Bambridge	Cllr Ed Maxfield
Cllr Graham Carpenter	Cllr Jamie Osborn
Cllr Nick Daubney	Cllr Richard Price
Cllr Barry Duffin	Cllr Brian Watkins
Cllr Mark Kiddle-Morris	

Parent Governor Representatives

Mr Giles Hankinson
Vacancy

Church Representatives

Mrs Julie O'Connor
Mr Paul Dunning

Advice for members of the public:

This meeting will be held in public and in person.

It will be live streamed on YouTube and, in view of Covid-19 guidelines, we would encourage members of the public to watch remotely by clicking on the following link:

https://youtu.be/fBm_79NkObw

However, if you wish to attend in person it would be most helpful if, on this occasion, you could indicate in advance that it is your intention to do so. This can be done by emailing committees@norfolk.gov.uk where we will ask you to provide your name, address and details of how we can contact you (in the event of a Covid-19 outbreak). Please note that public seating will be limited to 30 spaces.

Councillors and Officers attending the meeting will be taking a lateral flow test in advance. They will also be required to wear face masks when they are moving around the room but may remove them once seated. We would like to request that anyone attending the meeting does the same to help make the event safe for all those attending. Information about symptom-free testing is available [here](#).

A g e n d a

1 To receive apologies and details of any substitute members attending

2. Minutes

(Page 5)

To confirm the minutes of the meeting held on 17 February 2021

3. Members to Declare any Interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4 To receive any items of business which the Chair decides should be considered as a matter of urgency

5 Public Question Time

Fifteen minutes for questions from members of the public of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Friday 11 June 2021**. For guidance on submitting a public question, please visit <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetings-decisions-and-elections/committees-agendas-and-recent-decisions/ask-a-question-to-a-committee>

6 Local Member Issues/Questions

Fifteen minutes for local member to raise issues of concern of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Friday 11 June 2021**

7 The deadline for calling-in matters for consideration at this meeting of the Scrutiny Committee from the Cabinet meeting held on Monday 7 June 2021 was 4pm on Monday 14 June 2021

8 Call in: Norwich Western Link

(Page 12)

Note: This report relates to the call-in of item 8 of the Cabinet papers of 7 June 2021 entitled, 'Norwich Western Link'.

9 Update from the Chair of the Norfolk Countywide Community Safety Partnership (NCCSP) Scrutiny Sub Panel

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10 Appointment to the Norfolk Countywide Community Safety Partnership Scrutiny Sub Panel

(Page 76)

Report by the Director of Governance

11 Scrutiny Committee Forward Work Plan

(Page 81)

Report by the Director of Governance

Tom McCabe
Head of Paid Service
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 15 June 2021



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Scrutiny Committee

Minutes of the Meeting Held on 17 February 2021
at 10 am as a virtual teams meeting

Present:

Cllr Steve Morphew (Chair)
Cllr Alison Thomas (Vice-Chair)

Cllr Steffan Aquarone
Cllr Roy Brame
Cllr Phillip Duigan
Cllr Ron Hanton
Cllr Chris Jones

Cllr Joe Mooney
Cllr Judy Oliver
Cllr Richard Price
Cllr John Timewell
Cllr Haydn Thirtle

Substitute Members present:

Cllr Terry Jermy for Cllr Emma Corlett

Parent Governor Representative

Mr Giles Hankinson

Also present (who took a part in the meeting):

Cllr Andrew Proctor
Cllr Graham Plant
Cllr Bill Borrett

Cllr Margaret Dewsbury
Cllr John Fisher
Cllr Tom FitzPatrick
Cllr Andrew Jamieson
Cllr Greg Peck
Cllr Martin Wilby
Tom McCabe

James Bullion
Simon George
Helen Edwards
Karen Haywood
Tim Shaw

Leader and Cabinet Member for Strategy & Governance
Deputy Leader and Cabinet Member for Growing the Economy
Cabinet Member for Adult Social Care, Public Health & Prevention
Cabinet Member for Communities & Partnerships
Cabinet Member for Children's Services
Cabinet Member for Innovation, Transformation & Performance
Cabinet Member for Finance
Cabinet Member for Commercial Services & Asset Management
Cabinet Member for Highways, Infrastructure & Transport
Head of Paid Service and Executive Director Community and Environmental Services
Executive Director of Adult Social Services
Executive Director of Finance and Commercial Services
Director of Governance and Monitoring Officer
Democratic Services Manager
Committee Officer

1. Apologies for Absence

- 1.1 Apologies were received from Cllr Emma Corlett (Cllr Terry Jermy substituting), Mrs Julie O' Connor (Church Representative) and Mr Paul Dunning (Church Representative). An apology was also received from Cllr Andy Grant (Cabinet Member for Environment and Waste).

2 Minutes

- 2.1 The minutes of the meeting held on 27 January 2021 were confirmed as an accurate record and signed by the Chair.

3. Declarations of Interest

- 3.1 Cllr Alison Thomas declared an "other interest" in item 8 because she was personally impacted by the flooding event that took place in December 2020 and was having to live in temporary accommodation.

4 Urgent Business

- 4.1 No urgent business was discussed.

5. Public Question Time

- 5.1 There were no public questions.

6. Local Member Issues/Questions

- 6.1 There were no local Member issues.

7 Call In

- 7.1 The Committee noted that there were no call-in items.

8 Norfolk County Council Budget 2021-22

- 8.1 The annexed reports (8) was received and noted.

- 8.2 This report provided the Committee with an overview of the Council's proposed 2021-22 Revenue Budget (considered at item 8A), Capital Programme and Annual Investment (considered at item 8B) and Treasury Strategy (considered at item 8C) as these matters were presented to Cabinet and would be considered by Full Council.

8A Norfolk County Council Revenue Budget 2021-22 and Medium-Term Financial Strategy 2021-25

- 8A.1 The annexed report (8A) was received. This report set out the Norfolk County Council Revenue Budget 2021-22 and Medium-Term Financial Strategy 2021-25.

- 8A.2 Cllr Andrew Jamieson (Cabinet Member for Finance) was present, along with other Cabinet Members, to answer Councillors questions about the budget and the actions that were being taken.

8A.3 The issues that were considered by the Committee included the following:

- The Cabinet Member for Finance explained how the medium-term financial strategy that underpinned the budget for all County Council services focused on supporting the Council's approach to the pandemic and on delivering transformational change.
- The Cabinet Member for Finance drew attention to the budgetary risk pressures that were set out on page 78 of the report and to the impact that the pandemic was having on the cost of providing adult social care. New Discharge to Assess guidance, post-COVID, and rising costs of social care packages were expected to continue to impact significantly on the budget in 2021/22.
- The Executive Director of Adult Social Services said that in the period from March 2020 to the present-day Adult Social Services had dealt with the discharge of some 13,500 people from hospital. During that period hospital discharges had risen from 700 discharges a month to an average of 1,200 discharges a month. This represented an 80% increase in the number of discharge cases. Furthermore, the reablement services were currently dealing with 600 people in a month rather than an average before the pandemic of 230 people a month. This volume of additional business placed additional cost pressures on the Adult Social Services Business Risk Reserve which was set to increase from approx. £4m to approx. £6m.
- The use of additional social care money had to be certified by the Executive Director as being used for this purpose. The Executive Director agreed to contact Cllr Jones to explain the certification process.
- The Cabinet Member for Finance pointed out that the education system at large relied to a much greater extent than it had before the start of the pandemic on the support mechanisms provided by the County Council.
- Councillors spoke about how the increased overall volumes of home-produced waste during the pandemic added to the pressures placed on the Council's waste budget.
- It was noted that the Council was not planning to reduce opening times at Norfolk's recycling centres.
- Councillors welcomed the additional funding allocated to Norfolk trails. The Cabinet Member for Finance (who was also the Walking and Cycling Champion) said that this money would be used to fund the maintenance of existing trails as well as to provide for new walking and cycling routes throughout the county. It was noted that staff redeployment as a result of the pandemic was the main reasons for the reduced level of spending in this area of the budget in 2020/21.
- Councillors spoke about how the pandemic was expected to lead to new and increased budgetary pressures that could not be fully costed until after the start of the financial year. Councillors also spoke about budgetary pressures that arose from price inflation, changes in Norfolk's population profile and increases in the number of children with special needs and disabilities.
- In reply to questions the Cabinet Member for Finance said that the County Council would continue to provide services at levels above statutory requirements.
- The County Council was looking to expand its range of library services. There were also plans for them to be used as community hubs for adult learning, and for them to provide for a wide range of children and adult

social care services.

- The Cabinet Member for Finance said that he would provide Cllr Aquarone with details after the meeting about the Council's accommodation costs for 2021/22 that were within the transformation programme.
- The Cabinet Member for Adult Social Care, Public Health & Prevention said that there were no plans to change in the next two years the NCC charging policy for adults of working age who were subject to the minimum income guarantee. The MIG would remain unchanged until there was a national solution to the funding of adult social care.
- The County Council's budget planning was based on an increase of 1.99% in general council tax and 2.00% on the Adult Social Care precept, with a further 1% Adult Social Care precept increase deferred to 2022-23. The 2% on the Adult Social Care precept met with government expectations at the time that the public consultation was published. The ability to increase by an additional 1 % next year was important.
- Councillors asked what evidence there was to show that the County Council was successful in lobbying the Government for an uplift in its funding. In reply the Cabinet Member for Finance said that while it was difficult to provide a means of measuring the Council's relationship with others the Council recognised that a good working relationship with all branches of the Government and with Norfolk MPs of all political parties was essential in balancing the Council's budget without which the Council would have to make reductions in spending that it did not wish to make.
- In reply to other questions the Cabinet Member for Finance said that he recognised that average earnings in Norfolk were significantly below national and regional levels and that the Council was taking steps to increase the number of higher paid jobs in the county. The Council was lobbying the Government regarding the effects of demographic changes on the Council's budget.
- The Cabinet Member for Finance said that the County Council was content with general balances of £19.5 m. The recently published CIPFA Financial Resilience Index showed Norfolk County Council to have the second lowest level of general reserves of all County Councils in England. However, the Council held a central reserve for tackling Covid-19 issues of £18.5m and would take steps to increase general reserves to 5% of the budget (to £22.5m) if the opportunity arose to increase the safety net in the next two years.
- Councillors spoke about how people who were suffering from long-term Covid19 and a loss of paid employment as a result of the pandemic needed to continue to be supported throughout 2021/22. A great deal more people were seeking support from the Council Tax assistance scheme than had originally been anticipated. In reply the Cabinet Member said that he fully understood the concerns expressed by Councillors of all parties about the need to support people struggling to make ends meet and the Council Tax assistance scheme would be topped up by monies held in the Covid-19 reserve.
- In reply to questions about the results of public consultation the Cabinet Member for Finance said that they were valid for all age groups but recognised that most of the respondents were over 45 years of age. The great majority of responses had come from individuals or family representatives amongst the general public (88%). Parish Councils were invited to attend a Zoom-platform webinar hosted in conjunction with the

Norfolk Association of Local Councils (NALC); The response rates from all interested parties were higher this year than last year. The Leader said that County Councillors had an important role in the public consultation process in consulting with people of all ages and backgrounds living in their divisions.

- Councillors discussed whether the Council should provide for more insourcing of care services and if this approach to social care would or would not provide better value for money and improve the quality of care. It was suggested that a different approach might be needed for the insourcing of care services for children to that for adults and that the Council could consider supporting care staff to take over the running of adult social care.
- The Cabinet Member for Adult Social Care, Public Health and Prevention said that he did not consider that a change of direction in the way that care services were provided in Norfolk would be beneficial to those who received care and he gave several examples of steps taken by the Council to support care businesses run by the Council and to make the private sector care market in Norfolk more stable and sustainable.
- In reply the Chair said that the Council should undertake an annual value for money full assessment of the care market. The Council's primary goals should be to see that children had the best start in life, to protect vulnerable people, to develop a strong and vibrant economy and to transform the way in which services were delivered, to make Norfolk a better place to live and work.
- The Cabinet Member for Adult Social Care, Public Health and Prevention said that an annual market position statement was presented to Cabinet and that he would write to the Chair about this matter after the meeting.
- In reply to questions the Cabinet Member for Finance said that he welcomed the decision of the Council to link future increases in Councillor allowances to that of staff salary increases.
- In reply to general comments in relation to the funding that was required to deal with flooding issues the Leader referred to the Norfolk Strategic Flood Alliance that had been set up under the chairmanship of Lord Dannatt which held its first meeting last week. A strategy involving all the leading agencies including the Norfolk Fire Service was expected in the next few months.
- The Chair drew the Committee's attention to the considerable uncertainty regarding Government funding of local government and said that the Administration should provide more evidence in support of their attempts to obtain fair funding for Norfolk's citizens. He also said that the Scrutiny Committee would need to address issues of funding and running of social care throughout 2021/22.

8A.4 **RESOLVED**

That the Committee note the report and thank the Cabinet Members and officers who had attended the meeting for their help in answering Councillors detailed questions.

8B **Capital Strategy and Programme 2021-2022**

- 8B.1 The Committee received a report (8B) that presented the proposed capital strategy and programme for 2021-22 and included information on the funding available to support that programme.

- 8B.2 In introducing the report Cllr Andrew Jamieson (Cabinet Member for Finance) and the Executive Director of Finance explained the aims of the Capital Strategy and how the strategy provided for improvements in broadband provision and meet the aims and aspirations of service departments as set out on pages 423 and 424 of the report.
- 8B.3 Councillors raised issues concerning future capital spending on the Council's street lighting upgrading programme, the use of capital receipts from the future sale of council assets and the number of buildings that the Council required in the medium to long term.

8B.4 **RESOLVED**

That Scrutiny Committee note the report.

8C **Annual Investment and Treasury Strategy 2021-22**

- 8C.1 The Committee received a report (8C) that set out Annual Investment and Treasury Strategy 2021-22.
- 8C.2 Cllr Andrew Jamieson (Cabinet Member for Finance) and the Executive Director answered technical questions concerning the method of calculating interest payments on the payment of Council debt.

8C.4 **RESOLVED**

That Scrutiny Committee note the report.

9 Scrutiny Committee Forward Work Programme

- 9.1 The Committee received a report that set out a draft forward work programme.
- 9.2 The Committee was fully aware that the County Council still faced a very serious Covid-19 crisis and that some Officers were likely to be redeployed from their current roles to support ongoing work during the pandemic. Councillors therefore wanted to focus the Committee's forward work programme at this time on requests for reports on essential information and to be able to adapt and change long-term areas of scrutiny work to meet constantly changing situations.
- 9.3 It was noted that when setting the agenda for the next meeting the Chair and Vice-Chair would have to keep in mind arrangements that had yet to be finalised for Cabinet consideration of the Western Link Road. Because of the size of the contract this matter might have to be considered by the Scrutiny Committee. There were also issues of future governance for local partnerships that might need to be considered by the Scrutiny Committee.

9.4 **It was then RESOLVED**

That the future shape of the Committee's forward work programme should be deferred to the Chair and Vice-Chair.

The meeting concluded at 12.50 pm

Chair

Scrutiny Committee

Decision making report title:	Call in: Norwich Western Link
Date of meeting:	23 June 2021
Responsible Cabinet Member:	Cllr Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)
Responsible Director:	Tom McCabe – Executive Director, Community and Environmental Services <input type="checkbox"/>
Introduction This report relates to the call-in of item 8 of the Cabinet papers of 7 June 2021 entitled, ‘ Norwich Western Link ’.	

1. Background and Purpose

- 1.1. At the meeting on 7 June 2021 Cabinet considered a report entitled ‘**Norwich Western Link**’ (included at **Appendix B**). Following discussion, Cabinet resolved to:

1. *Agree to the continued delivery of the project and to the submission of the Outline Business Case to the Department for Transport (DfT), to secure a total of c.£169m of government funding for the project for Norfolk.*
2. *Following the outcome of the procurement process for the project, to agree to award the contract to the bidder that has achieved the highest score in accordance with the evaluation criteria, and to delegate to the Executive Director of Community and Environmental Services in consultation with the Cabinet Member for Highways, Infrastructure & Transport, the authority to approve the finalisation and signing of the contract*
3. *Agree to the commencement of the non-statutory pre-planning application consultation in the autumn of 2021 and to delegate to the Cabinet Member for Highways, Infrastructure & Transport in consultation with the Executive Director of Community and Environmental Services, the authority to approve the details for that consultation, which will be based on the design solution developed by the successful bidder (see item 3 above).*
4. *Authorise the Executive Director of Community and Environmental Services to take all appropriate actions necessary for the purpose of negotiating the terms and conditions to acquire by agreement (in*

advance of the CPO) the land and new rights over land which are needed to allow the construction, operation and maintenance of the NWL.

- 5. Agree to acquire land required for the delivery of the NWL project by negotiated agreement and if this is not achievable in the timescales required, to agree in principle to the Council's use of compulsory purchase powers, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work (including land referencing and requisitions for information) to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission to the DfT for confirmation, of a compulsory purchase order (CPO) in support of the NWL project (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the CPO and confirming the final details therein).*
- 6. Agree in principle to the Council's making of a side roads order (SRO) under the Highways Act 1980 to authorise works necessary in connection with the delivery of the NWL project, and to the subsequent making, publication and submission of the SRO to DfT for confirmation, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission of the SRO to the DfT for confirmation (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the SRO and confirming the final details therein).*
- 7. Delegate to the Executive Director of Community and Environmental Services, the authority to approve purchase orders, employer's instructions, compensation events or other contractual instructions necessary to effect changes in contracts that are necessitated by discoveries, unexpected ground conditions, planning conditions, requirements arising from detailed design or minor changes in scope subject always to the forecast cost including works, land, fees and disbursements remaining within the agreed scheme budget.*

1.2. A copy of the full cabinet report can be found at Appendix B. This includes information around the **Evidence and Reasons for Decision** (Para. 4.1 – 4.4.1), and the **Alternative Options** proposed (Para. 5.1-5.4).

1.3. The Cabinet minutes for the 7 June 2021 can be found [here](#).

2. Call in

- 2.1. Notification was received on Monday 14 June 2021 that Cllr Emma Corlett, supported by Cllrs Ben Price, Terry Jermy and Maxine Webb wished to call in the decision of the Cabinet relating to item 9 – **Norwich Western Link**. The reasons for the call in are attached at Appendix A. The Chief Legal and Monitoring Officer has confirmed that it is valid under the requirements of the constitution.

- 2.2. The final list of witnesses to be invited to attend will be agreed by the Chair and those calling in this decision

Appendix A



Norfolk County Council

Call in Request Form

This form is to be completed and signed by any Member of the Council, with the support of at least 3 other Members and must be returned to Democratic Services at committees@norfolk.gov.uk within 5 working days of the Cabinet decisions being published or, if the decision has been taken by an individual member or Chief Officer, within five working days of the decision being published under the Access to Information Procedure Rules in Appendix 13 of the Constitution. Where education matters are involved, the Parent Governor and Church representatives together count as one Member.

Please telephone the Head of Democratic Services on 01603 222620 or Democratic Support and Scrutiny Manager on 01603 228913 to make them aware that the call-in form is on its way. You will receive a confirmation email once it has been received.

A Call-In request will only be valid if it has been received in person by the above people within the 5 working day deadline which will be specified in the decision letter. The form may be emailed or hand delivered.

Please note that the call-in procedure does not apply to urgent decisions.

Decision Title and minute number
Norwich Western Link – Minute 8.11

Decision taken by Cabinet
Cabinet Resolved to: 1) Agree to the continued delivery of the project and to the submission of the Outline Business Case to the Department for Transport (DfT), to secure a total of c.£169m of government funding for the project for Norfolk. 2) Following the outcome of the procurement process for the project, to agree to award the contract to the bidder that has achieved the highest score in accordance with the evaluation criteria, and to delegate to the Executive Director of Community and Environmental Services in consultation with the Cabinet Member for Highways, Infrastructure & Transport, the authority to approve the finalisation and signing of the contract. 3) Agree to the commencement of the non-statutory pre-planning application consultation in the autumn of 2021 and to delegate to the Cabinet Member for Highways, Infrastructure & Transport in consultation with the Executive Director of Community and Environmental Services, the authority to approve the details for that consultation, which will be based on the design solution developed by the successful bidder (see item 3 above). 4) Authorise the Executive Director of Community and Environmental Services to take all appropriate actions necessary for the purpose of negotiating the terms and conditions to acquire by agreement (in advance of the CPO) the land and new rights

over land which are needed to allow the construction, operation and maintenance of the NWL.

- 5) Agree to acquire land required for the delivery of the NWL project by negotiated agreement and if this is not achievable in the timescales required, to agree in principle to the Council's use of compulsory purchase powers, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work (including land referencing and requisitions for information) to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission to the DfT for confirmation, of a compulsory purchase order (CPO) in support of the NWL project (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the CPO and confirming the final details therein).
- 6) Agree in principle to the Council's making of a side roads order (SRO) under the Highways Act 1980 to authorise works necessary in connection with the delivery of the NWL project, and to the subsequent making, publication and submission of the SRO to DfT for confirmation, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission of the SRO to the DfT for confirmation (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the SRO and confirming the final details therein).
- 7) Delegate to the Executive Director of Community and Environmental Services, the authority to approve purchase orders, employer's instructions, compensation events or other contractual instructions necessary to effect changes in contracts that are necessitated by discoveries, unexpected ground conditions, planning conditions, requirements arising from detailed design or minor changes in scope subject always to the forecast cost including works, land, fees and disbursements remaining within the agreed scheme budget.

Date of Decision

07 June 2021

	Reasons for call in	Highlight which of the following apply and explain why you consider the process/principle has not been followed by the decision maker (as appropriate)
1.	The decision is not in accordance with the budget and policy framework	
2.	The decision is a key decision and it has not been taken in accordance with the Constitution.	Detailed reasons submitted below in respect of the call in of recommendation 2 under this reason
3.	There is evidence that the principles of decision-making (as set out in Article 12 of the Constitution) have not been	

	complied with. These principles are:	
	a) Actions agreed will be in proportion with what the Council wants to achieve.	
	b) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by Officers.	Detailed reasons submitted below in respect of the call in of recommendation 3 under this reason
	c) Decisions will reflect the spirit and requirements of Equalities and Human Rights legislation.	
	d) The presumption that information on all decisions made by the Council, the Executive and Committees should be public with only those issues that need to be exempt by virtue of the Access to Information Rules will be taken in private.	Detailed reasons submitted below in respect of the call in of recommendations 1 and 7 under this reason
	e) Decisions will be clear about what they aim to achieve and the results that can be expected.	Detailed reasons submitted below in respect of the call in of recommendations 1 and 7 under this reason

Detailed reasons for call in or any additional information in support of the call in that you wish to submit

1. In respect of recommendations 1 and 7 agreed by Cabinet, this call-in request is to ask cabinet to:
 - 1.1. review the evidence and add clarity to how the scheme funding will be found, the consequences of finding the balance from other sources, and what those sources might be.
 - 1.2. To provide and consider key information that is missing from the OBC, in particular:
 - 1.2.1. The calculations used to quantify the projected carbon impacts of the project, including carbon from construction and land use change.
 - 1.2.2. Detailed evidence, including the changes in the underlying modelling assumptions, for the substantially different traffic flows related to the

scheme since the 2019 SOBC document which was based on the NATS 2015 model.

1.2.3. A Habitats Regulation Assessment

1.2.4. Scientific evidence of the efficacy of “green bridges”, which Cabinet has decided to spend £22m on

1.2.5. Evidence of how the findings in the reports from independent ecologist’s attached to Cabinet papers into high level of barbastelle bat presence and activity on or close to the proposed route of the road have been considered.

1.2.6. Evidence of how the findings of the contractors’ report into high level of barbastelle bat presence and activity on or close to the proposed route of the road have been considered.

1.2.7. An Equalities Impact Assessment for the scheme.

1.3. further seeks to clarify the extent and parameters of the delegation to CES of contract changes. We seek from cabinet a clear statement of the parameters within which that delegation will be exercised and how events that fall outside those parameters will be managed in order to avoid council finding out only after the event.

2. In respect of recommendation 2 agreed by Cabinet, this call-in request is to ask cabinet to review the following:

2.1. Table 1 of Appendix 16 of the Constitution clarifies that

‘Appendix 15 of the Constitution sets out circumstances where a decision must be taken by the Full Council. These include any decision that commits the Council to revenue or capital expenditure of over £100m’

The notice to the special council made it clear the decision was one for the cabinet. The notice of the special meeting included a link to the recommendation in the cabinet agenda. The decision of cabinet was changed from the recommendation but the decision of cabinet in its revised form was not reported to full council at the special meeting on 7 June.

Whilst the cabinet is entitled to make the decision on the criteria for winning contract the authority to approve the contract rests with council. Financial regulations Appendix 15

‘6.7.1 Executive Directors considering projects or business cases should consult with the Executive Director of Finance and Commercial Services during the preparation of the business case for submission to the County Council or Cabinet (Cabinet if less than £100m).’

Taken with Table 1 of Appendix 16 it is clear that the final decision on letting the contract is not one for the cabinet to take and should be made by full council.

3.6 of Appendix 15 says ‘Decisions which commit the County Council to spending over £100m must be referred to Full Council’. That has been satisfied insofar as council has endorsed the decision of council but the statement on the agenda for the special council that ‘It is important to note that the decision remains an Executive decision, and cannot be taken by Full Council’ leaves the final decision on the award of the contract for council to make.

- 2.2. Notwithstanding the terms of the contract have been withheld from councillors and should be made available either in private session or redacted where necessary to protect commercially sensitivity, for scrutiny before being agreed.
3. In respect of recommendation 3 agreed by Cabinet, this call-in request is to ask cabinet to review the following:
 - 3.1. Given the controversy and gaps in evidence at the OBC stage the importance of the consultation at the non-statutory pre-planning stage has additional weight. If the consultation process can be successfully challenged it adds considerable risk to the project.
 - 3.2. councillors want to be reassured that Cabinet has taken appropriate advice, including legal advice on the following:
 - 3.2.1. planning considerations relating to the construction/operation of this road through and over the River Wensum SAC
 - 3.2.2. planning considerations in relation to carbon emissions
 - 3.2.3. planning considerations relating to the construction/operation of this road through and over the area where a nationally significant breeding barbastelle colony of bats has been found, which although not yet afforded SSSI or SAC status would otherwise qualify as such.

Please use the space below to add any further comments. You may wish to consider:

- **The outcome you would like to see as a result of this decision being called in**
- **Any further information that the Scrutiny Committee might wish to consider when assessing this call in.***
- **Any Cabinet Members/Officers you would like to attend the meeting.***

* Please note this will be at the Chair of Scrutiny Committee's discretion

Outcomes

1. In respect of recommendations 1 and 7 agreed by Cabinet the outcome we wish to see is that Cabinet to review its decision in light of the discussion arising from this call-in.
2. In respect of recommendation 2 agreed by Cabinet, Cabinet is requested to review its decision and refer the agreement to the contract to full council with a suitable mechanism for members to understand the details of the contract they are asked to approve.
3. In respect of recommendation 3 agreed by Cabinet, Cabinet is requested to review its decision and expand those involved in approving the details of the consultation to ensure stakeholders have appropriate involvement in deciding the terms, scope and reach of the pre planning consultation.

Cabinet Members/Officers we would like to attend the meeting:

1. Cllr Martin Wilby, Cabinet Member for Highways and Infrastructure
2. Tom McCabe, Executive Director of Community and Environmental Services

Although it is not a constitutional requirement you are advised to speak to the Chair of Scrutiny Committee before submitting your call in. If you wish to record any comments from the Chair please insert them below

Name (please print)	Signature	Date
Emma Corlett	Emma Corlett	14.06.2021

In accordance with the Constitution you must sign this form and obtain the signatures of at least three other Members of the Council:

Name (please print)	Signature	Date
Ben Price	Ben Price	14.06.2021
Terry Jermy	Terry Jermy	14.06.2021
Maxine Webb	Maxine Webb	14.06.2021

I have considered the above call in and confirm that it is valid under the requirements of the Constitution.

I have considered the above call in and confirm that it is not valid under the requirements of the Constitution for the following reasons.

In coming to this conclusion, I have consulted the Chair of the Scrutiny Committee.

Signed by the Chief Legal and Monitoring Officer Date
.....

Please return to Democratic Services at committees@norfolk.gov.uk

Appendix B

Cabinet

Item No: 8

Decision making report title:	Norwich Western Link
Date of meeting:	7 June 2021
Responsible Cabinet Member:	Cllr Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)
Responsible Director:	Tom McCabe – Executive Director, Community and Environmental Services
Is this a key decision?	Yes
If this is a key decision, date added to the Forward Plan of Key Decisions.	11 August 2020

Introduction from Cabinet Member

In December 2016 the Council agreed a motion which stated the ‘...Council recognises the vital importance of improving our road infrastructure and that this will help to deliver the new jobs and economic growth that is needed in the years ahead.’ The Norwich Western Link (NWL) was included as one of three priority infrastructure schemes and is highlighted in the Norfolk Infrastructure Delivery Plan 2017-2027.

The County Council has also continued to make significant investments in the ‘Transport for Norwich’ transport plans. This includes over £40m of investment currently being delivered as part of the 3 year programme of Transforming Cities Funding (TCF), which is seeing improvements in sustainable travel, more Active Travel investments and, in addition, an £18m commitment from First Bus to improve their fleet within the City.

Highways England are also bringing forward major improvements to the A47, including a dual carriageway between North Tuddenham and Easton. The delivery of this improvement further highlights the need to deliver the NWL, to connect the A47 to the Major Road Network (Broadland Northway) to the west of Norwich.

The NWL is a proposed new 3.8-mile-long dual carriageway between the western end of Broadland Northway and the A47. Traffic congestion, rat-running through local communities and delays to journeys are all significant issues on minor roads to the west of

Norwich. Without intervention, these problems are expected to get worse with anticipated population and job growth in and around the city.

If the NWL was completed and open for use, planned for late 2025, it would:

- reduce travel times and increase journey reliability through the area (including improving emergency response times);
- better connect people to key employment, retail, health, leisure and educational sites;
- support local businesses and the economy by cutting transport time and costs, improving accessibility from west Norfolk and the Midlands, including to Norwich Airport, and also improving access for Norfolk's tourism sector;
- help to improve air quality in residential areas and support people to walk, cycle and use public transport;
- improve the quality of life for those residents in these areas which suffer from high traffic levels within those communities (e.g. Weston Longville is predicted to see an approximate 80% reduction in through traffic).

Complementary measures designed to maximise these benefits and support sustainable forms of transport are also intended to be delivered as part of the NWL project.

The benefits of the project set out above and the level of support are being carefully balanced against the environmental impacts and concerns that have been raised. The council is taking its environmental responsibilities on this project very seriously and there are significant allowances, increased by £22m in the project budget, for necessary mitigation measures and for delivering biodiversity net gain - the proposed level of investment per mile is more than six times that on the Broadland Northway project. Through understanding the local landscape and habitats, and with an investment in appropriately designed measures, the project will aim to minimise and mitigate adverse effects it may have on nature and wildlife, and will seek to create new habitats for wildlife and improve existing ones across a wide area to the west of the city.

In July 2019, the project was confirmed as a regional priority by Transport East, and a Strategic Outline Business Case (SOBC) was submitted to the Department for Transport (DfT). The SOBC was approved on 15 May 2020 by the DfT giving provisional entry into the DfT's Large Local Majors programme alongside funding to support the submission of the Outline Business Case (OBC). When the Government launched its National Infrastructure Strategy in November 2020, they set out that investment in infrastructure would be a crucial part of the country's economic recovery following the coronavirus pandemic.

This report provides an update on work to date and summarises the development of the OBC and recommends its submission to the DfT. This important submission will take the project closer to delivery and support Norfolk and the region in realising the benefits of the NWL as described in this report.

The selection process to appoint a design and build contractor for the project has also been completed. The conclusions of this process are presented and a recommendation made to appoint a strong delivery partner with the necessary skills and experience who have

demonstrated quality and value for money in their tender offering through the competitive procurement exercise.

The conclusion of the procurement process has informed the budget required to complete the project, which is included in the OBC. This has resulted in an increase in the budget required from the County Council since the SOBC was submitted. As a consequence, the County Council's underwritten 'local contribution' to the project will need to increase from £23m to £30m. As a project supported by Transport East, the Council achieves very significant leverage from its contribution with the majority of the funding being provided from the DfT as the project is a regional priority. With a cost benefit ratio of 3.4, putting it in the 'high' value for money category according to DfT criteria, the NWL would create very significant benefits for Norfolk and the wider region, many of which are detailed in this report, and should be considered an investment priority for this council.

The report also sets out the intention to hold a public consultation in the autumn of 2021 on the details of the project, as part of the preparation for the submission of a planning application early next year. There are also details in the report that relate to the land acquisition Compulsory Purchase Order and highways Side Road Order processes.

Recommendations

- 1. To agree to the continued delivery of the project and to the submission of the Outline Business Case to the Department for Transport (DfT), to secure a total of c.£169m of government funding for the project for Norfolk.**
- 2. To recommend to Council to include £186.836m in the forward capital programme, funded from £167.605m of DfT Grant and £19.231m local contribution, underwritten by the County Council (which would be funded through additional prudential borrowing if necessary).**
- 3. Following the outcome of the procurement process for the project, to agree to award the contract to the bidder that has achieved the highest score in accordance with the evaluation criteria, and to delegate to the Executive Director of Community and Environmental Services in consultation with the Cabinet Member for Highways, Infrastructure & Transport, the authority to approve the finalisation and signing of the contract**
- 4. To refer this decision to Full Council at its meeting on 7 June 2021 as required by the Constitution at Appendix 15 para 3.6.1 and ask Council to endorse the decision made by Cabinet today**
- 5. To agree to the commencement of the non-statutory pre-planning application consultation in the autumn of 2021 and to delegate to the Cabinet Member for Highways, Infrastructure & Transport in consultation with the Executive Director of Community and Environmental Services, the authority to approve the details for that consultation, which will be based on the design solution developed by the successful bidder (see item 3 above).**
- 6. To authorise the Executive Director of Community and Environmental Services to take all appropriate actions necessary for the purpose of negotiating the terms and conditions to acquire by agreement (in advance of**

the CPO) the land and new rights over land which are needed to allow the construction, operation and maintenance of the NWL.

7. To agree to acquire land required for the delivery of the NWL project by negotiated agreement and if this is not achievable in the timescales required, to agree in principle to the Council's use of compulsory purchase powers, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work (including land referencing and requisitions for information) to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission to the DfT for confirmation, of a compulsory purchase order (CPO) in support of the NWL project (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the CPO and confirming the final details therein).
8. To agree in principle to the Council's making of a side roads order (SRO) under the Highways Act 1980 to authorise works necessary in connection with the delivery of the NWL project, and to the subsequent making, publication and submission of the SRO to DfT for confirmation, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission of the SRO to the DfT for confirmation (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the SRO and confirming the final details therein).
9. To delegate to the Executive Director of Community and Environmental Services, the authority to approve purchase orders, employer's instructions, compensation events or other contractual instructions necessary to effect changes in contracts that are necessitated by discoveries, unexpected ground conditions, planning conditions, requirements arising from detailed design or minor changes in scope subject always to the forecast cost including works, land, fees and disbursements remaining within the agreed scheme budget.

1. Background and Purpose

1.1. Background

- 1.1.1. There are ambitious transport plans for Norwich, developed and already being delivered as part of the adopted Norwich Area Transport Strategy (NATS) Implementation Plan, adopted in 2010 and updated in 2013, and since known as the 'Transport for Norwich' (TfN) implementation plan. This has provided focus on delivering increased levels of public transport usage and supporting people to walk and cycle where journey distances are appropriate. The TfN plans also acknowledge that Norfolk is a rural county, where car use is still often essential,

and therefore seeks to accommodate this by encouraging better use of the existing park and ride facilities between the city outskirts and centre.

- 1.1.2. Through TfN, the County Council made Tranche 1 and 2 applications to the DfT as part of the Transforming Cities Fund (TCF). The TCF aims to provide infrastructure that makes it easier for people to access jobs, training and retail, and to respond to issues around air quality. This is a major investment opportunity to continue and accelerate the delivery of TfN. The Council was successful in these applications and received significant funding towards schemes which will promote intra-city connectivity and significantly improve public and sustainable transport in Greater Norwich. In total, the TCF is providing over £40m of investment, with a further £18m commitment provided by First Bus to improve their Norwich fleet. This will be provided by 2023 and is in addition to over £40m of investment already made since the NATS implementation plan was adopted in 2010 (updated in 2013 and known as TfN). A further update to the TfN Strategy is currently being developed. This will build on the work already completed and that being delivered through TCF, and will set out future transport proposals for across the Greater Norwich area.
- 1.1.3. The Tranche 2 of TCF is an ambitious programme of works which aims to make significant improvements in the level of public transport available within the Greater Norwich area. In addition to this, a series of walking and cycling improvements across the area is proposed. In combination these improvements aim to reduce reliance on private cars and encourage more sustainable transport options to access areas of employment and education.
- 1.1.4. Part of the plan to improve the way people travel is to provide improved transport infrastructure so that trips that do not need to be routed through the city have viable alternatives, such as the outer ring road, associated radial routes and Broadland Northway (formerly known as the NDR). The NWL, a scheme to improve travel between the A47 and Broadland Northway, west of Norwich, forms part of this improved infrastructure. It is expected that the Transforming Cities funding, being delivered between 2019 and 2023, will enable the transport plans for Norwich to be accelerated during this period. To maximise the benefits of enhanced sustainable travel opportunities and achieve more active travel, the Council needs to consider and improve the wider transport infrastructure.
- 1.1.5. Large-scale housing and employment development is planned or being delivered to both the north and south west of Norwich - such as employment development at the Norwich Research Park (NRP) and in the Food Enterprise Park (FEP) and Airport areas. These locations provide a strategically significant focus for employment and business development, and major housing growth is planned or underway at Hethersett, Cringleford, Costessey and Easton. The emerging Greater Norwich Local Plan could further increase development in the area above that already planned.
- 1.1.6. There remains a significant physical barrier to traffic movements to the west of Norwich. The traffic issues highlighted by local communities that were prevalent when the 2005 decision was taken to proceed with the Broadland Northway have

become more pronounced over time, and since the completion of the Broadland Northway. There are no suitable alternative routes between Broadland Northway and the A47 and the physical and environmental challenges that the area presents have left this area without a Primary A-Road Standard route. Modelling data is indicating that there are as many as 45,000 daily trips on the wider network, crossing through the area west of Norwich between these two major roads. The NWL would provide a similar high standard route and is predicted to accommodate more than 30,000 vehicle movements a day. This would significantly and positively affect those local communities who currently have tens of thousands of trips passing through their towns and villages each day.

- 1.1.7. In 2005, the Council's Cabinet agreed an adopted route for Broadland Northway, excluding a link between the A47 (to the west of Norwich) and the A1067. Early plans to link the A47 (west) to the A47 (east), which included a link between the A1067 and A47 (west), were not progressed. This was, in part, due to the added complexity related to the environmental challenge of crossing the River Wensum with its status as a Special Area of Conservation (SAC). Alongside this it was determined that the objectives of the wider Transport for Norwich delivery plan, that included the Broadland Northway as an important distributor road, could still be delivered without the link to the A47 (west). It was also acknowledged during the delivery of the Broadland Northway (NDR) that traffic and transport issues in the west of Norwich would need to be kept under review.
- 1.1.8. In 2014 the government published its national Roads Infrastructure Strategy (RIS), including, in its first funding period, RIS1, from 2015 to 2020, improvements to the A47 around Norwich. One of those projects was the dualling of the section of the A47 from North Tuddenham to Easton. RIS1 was published as the Broadland Northway was moving to its construction phase, and further highlighted the notable gap in modern infrastructure around Norwich. In December 2016, the Council confirmed, in its motions, its desire to see key infrastructure projects delivered, including the NWL.
- 1.1.9. Following repeated calls to ease traffic problems in the area and enhance strategic connectivity via a completed link, discussions have been held with the Environment Agency and Natural England, since 2017, regarding the type and positioning of a proposed viaduct for crossing the River Wensum. Such a viaduct with sufficient clearance over the River Wensum and its flood plain is anticipated not to affect the integrity of the SAC and is a feature of the current NWL proposals.
- 1.1.10. As outlined above, as part of the RIS1 programme, and adjoining the NWL route, Highways England are currently working to deliver a scheme to dual the existing A47 between North Tuddenham and Easton with a start of construction planned in early 2023. In March 2021, Highways England submitted an application for a development consent order under the Planning Act 2008 (DCO) for the A47 North Tuddenham to Easton Improvement scheme; in April 2021 the DCO application was accepted for examination by the Planning Inspectorate. Highways England are also planning to deliver committed improvements to the A47/A11 Thickthorn

Interchange and dualling of the A47 from Blofield to North Burlingham and have also submitted – and had accepted for public examination – applications for development consent (under the Planning Act 2008) for these two schemes. The A47 Alliance, a collective of businesses, local authorities, MPs and others from across the region, have also set out their ambition to see the entire A47 completed to dual carriageway standard from Lowestoft to the A1 at Peterborough, which will remove existing constraints on traffic movements to and from Norfolk from the west.

- 1.1.1 These funded improvements to the A47 have been planned since 2015 and, when delivered, would further exacerbate the traffic problems and issues already experienced in communities to the west of Norwich, unless adequate mitigatory measures are introduced. The County Council has therefore been working closely with Highways England to ensure that the A47 improvements are integrated with the complementary measures that are part of the NWL proposals. In 2018 the DfT also announced the new designation of a Major Road Network (MRN), which provides a recognition of more significant routes within the local network that connect with the Strategic Road Network (SRN). The A1270 Broadland Northway and the A140 to the north of Norwich have been designated as part of the MRN, while the A47 forms part of the SRN, resulting in a clear gap in the network between the A47 trunk road and the western end of the A1270 Broadland Northway. The Norwich Western Link would resolve this gap between the MRN and the SRN to the west of Norwich.
- 1.1.1 The NWL is complementary to the TfN programme and would provide an important link between housing and employment sites in and around Norwich, a major growth area for the wider region. It would provide a direct, high-standard transport link between the western end of the A1270 Broadland Northway and the A47, reducing the need for traffic to enter the city and alleviating local transport issues within the western area of Greater Norwich.

1.2. Latest Position

- 1.2.1 In July 2019, the project was confirmed as a regional priority by Transport East, the sub-national transport body, and a Strategic Outline Business Case (SOBC) was submitted to the Department for Transport (DfT) along with the Regional Evidence Base developed by Transport East. DfT comments were received in the autumn of 2019 and these were addressed in an updated SOBC submission in December 2019. The SOBC was approved on 15 May 2020 by DfT which confirmed entry into their Large Local Majors programme. DfT also confirmed more than £1m of funding to support the development and submission of the Outline Business Case (OBC).
- 1.2.2 The DfT funding application process for Large Local Major (LLM) schemes has been described in the 8 March 2019 EDT Committee report [link](#). The OBC is the second of three successively more detailed business case submission stages, the final being the Full Business Case (FBC). If the OBC is approved by DfT, this would unlock up to 85% of the total funding for the project, subject to closing FBC process, which will only be possible following the completion of the statutory

approvals processes (i.e. the granting of planning permission and the confirmation of compulsory purchase and highway orders to enable land assembly and highway works).

1.2.3. The OBC is required to use the DfT's five case model as described below:

- Strategic Case – demonstrate the scheme is supported by a robust case for change that fits with wider public policy objectives;
- Economic Case – demonstrate the scheme's value for money;
- Commercial Case – demonstrate the scheme's commercial viability;
- Financial Case – demonstrate the scheme is financially affordable;
- Management Case – demonstrate the scheme is achievable.

1.2.4. The NWL scheme is being developed so that it can be delivered in an environmentally responsible way and this is reflected in the project objectives (as updated and included in the February 2020 report to Cabinet [link](#) and summarised in section 4 below). By gaining a thorough understanding of the local landscape and habitats, and the species supported by those habitats (through the process of establishing the environmental 'baseline') and by investing in appropriate design measures, we aim to minimise and mitigate adverse effects the NWL may have on nature and wildlife. The preferred route of the NWL was selected for a number of reasons, including its less pronounced effects on the environment and wildlife compared to the other options considered (further details are included in the Options Selection Report, referenced in the Cabinet report in July 2019 [link, in particular table 5.33](#)).

We are following Biodiversity Net Gain (BNG) principles, which means we will aim to leave all applicable habitats for wildlife in a measurably better state than before construction began. This approach is both aspirational and prudent, given the current passage through Parliament of the Environment Bill, which is expected to receive Royal Assent in the coming months and which is therefore likely to be in force by the time the Council submits its application for planning permission for the NWL. This would make BNG mandatory, through compulsory planning conditions requiring the discharge of a biodiversity gain plan delivering at least a 10% biodiversity net gain.

Biodiversity Net Gain is currently measured by a metric created by Defra, and it is anticipated that the same or a similar metric would be applied under the Environment Bill, if it became law; so our success in delivering BNG would be measured by nationally-set criteria. We are currently working on our proposals for how we could achieve Biodiversity Net Gain, using information gathered through our surveys and following advice from Natural England and the Environment Agency. It is likely to focus on improving and creating woodland and wetland habitats.

1.2.5. By reducing traffic congestion on the local road network, the NWL will support people to walk, cycle and use public transport. To build on these benefits, delivery of the project will include non-motorised user provision and additional sustainable transport interventions to complement the highway scheme – these measures are

set out in the Sustainable Transport Strategy (STS) which is Appended to the draft OBC [link here](#).

Consultation to date

- 1.2.6. Since Broadland Northway fully opened to traffic in April 2018 and before the preferred route for the NWL was agreed in July 2019, two public consultations (summarised below) were carried out relating to the prospect of creating the NWL. These consultations also identified similar problems and issues as had been previously raised on transport issues in the area, with some consultees also adding that they consider the situation has worsened since the delivery of Broadland Northway.
- 1.2.7. There were a high number of responses to these consultations and strong support for an NWL to be delivered. In the initial consultation in summer 2018, 86% of respondents to a question about which options they wanted the council to consider in order to tackle transport issues in the area selected the option of a new road link between the A47 and Broadland Northway. In the consultation on a shortlist of options for the NWL in winter 2018/19, 77% of respondents either agreed or mostly agreed there was a need for an NWL. Some responses to the initial consultation suggested that improvements to public transport, cycling and walking routes, together with further traffic calming were options that should be explored, and a small number preferred taking no action ('do nothing'). Many consultees set out in their responses that the existing roads are simply not able to cope with the levels of traffic that are now routinely using them. Since opening the Broadland Northway, monitoring of traffic conditions by the County Council has confirmed that there are greater levels of traffic travelling through the area west of Norwich. Many of the existing routes are exhibiting this with significant verge over-running, increased maintenance requirements and debris from non-reportable collisions.
- 1.2.8. The third public consultation; the Local Access Consultation, ran for eight weeks between Monday 27 July and Sunday 20 September 2020. The consultation asked for people's views on how the council could best support people to walk, cycle and use public transport in the area to the west of Norwich, and for opinions on proposals for local roads that cross the planned Norwich Western Link, as well as for Public Rights of Way in the vicinity of the new road. The consultation report and full details on the sustainable transport measures are included in the STS which is included in the OBC ([see link](#)).
- 1.2.9. Nearly 440 responses were received with more people agreeing with the proposals for the local roads and Public Rights of Way than disagreeing. The exception to this was the responses to the two options presented for Ringland Lane, which were fairly evenly split between keeping the road open to all traffic and restricting it to non-motorised traffic only, with slightly more support for the option which severed the route for motorised traffic.
- 1.2.10. Of the eight potential sustainable transport measures across the wider area that were consulted on, seven received a similar level of support with only the

measure to improve cycle parking at and access to the Airport Park and Ride site from Drayton receiving considerably less support.

- 1.2.1. Regarding the possible new Western Arc bus service the Norwich Western Link could help to enable, more than a third of respondents to the question selected Option A (a service to connect Thorpe Marriott to the Norfolk and Norwich University Hospital and University of East Anglia via Taverham, Queen's Hills, Longwater and Bowthorpe) as the route they would be more likely to use, compared to Option B (a service to connect Thorpe Marriott to Norfolk and Norwich University Hospital and University of East Anglia via Drayton, Norwich Airport, Hellesdon and Earlham), which was selected by fewer than a fifth of respondents. Just under half of the respondents to the question said they would be likely to use neither service.
- 1.2.1. The responses gathered from the Local Access Consultation have been used alongside further technical assessment, including consideration of synergies with the TfN / TCF and the A47 North Tuddenham to Easton dualling scheme, to determine the proposed sustainable transport measures to be taken forward as part of the NWL scheme. Decisions on the measures consulted upon in the Local Access Consultation are summarised in the Sustainable Transport Strategy section below, and more details are included the STS included in the OBC (weblink to be added).
- 1.2.1. In addition to the consultation processes set out above, there has also been significant engagement with local parish councils, both individually and via the Local Liaison Group, a group made up of parish council representatives which provides local insight on both the NWL and Highways England's A47 North Tuddenham to Easton dualling scheme. This has helped steer the details developed in relation to non-motorised users and the Sustainable Transport Strategy, and proposals for the local road network in light of the changes the NWL and A47 dualling would make to the way people travel through the area. There remains some work to complete on this, including working with Highways England as they take their A47 project through its statutory processes in 2021.

Procurement

- 1.2.1. Following approval of the SOBC the procurement process to appoint a Design and Build (D&B) Contractor commenced on 26 June 2020. Following a high level of interest, three bidders were shortlisted to tender for the NWL scheme using a competitive dialogue process. The process was set out in the February 2020 Cabinet report and is discussed further in section 2 below.

A contractor procurement strategy has been developed to manage commercial risks to the Council and also integrate with other activities required to deliver the project. Notably, in order to deal with the environmental constraints and engineering challenges of constructing a viaduct, it was recognised that contractor input into the planning process was highly desirable.

- 1.2.1. The contract is similar in its structure to that used for the Great Yarmouth 3rd River Crossing. It has been developed so that the project will be informed by the contractor's design solution at the tender stage and this will be priced by the contractor in a competitive process.

The contract has three stages, with Stage One being the design and support through the statutory approvals process, Stage Two being construction and Stage Three initial maintenance, particularly in relation to the environmental measures. It should be noted that the contract will be monitored closely during Stage One to ensure that any impacts to the tendered price for construction are managed in accordance with the contract. The contract includes provisions that safeguard the County Council, and a decision to award the contract to commence Stage One does not bind NCC to Stage Two should the project fail to achieve statutory approvals, or if the costs of the project are beyond the budget provisions.

1.3. Purpose

- 1.3.1. This report provides a project update on the work undertaken since the February 2020 Cabinet report and seeks continued support for the delivery of the NWL project, approval of the necessary capital expenditure and approval to submit the OBC for the project to the DfT. As part of the continued delivery, it also seeks agreement to undertake a public consultation this summer ahead of the planning application being submitted. This report also seeks authorisation to commence work in connection with the preparation of statutory orders (a CPO and a SRO) which will be required (in addition to the planning application) in furtherance of the NWL project.

Furthermore, the report provides a summary of the procurement process undertaken to select a suitable design and build contractor to deliver the detailed design and construction of the NWL. The report recommends appointment of the bidder that has achieved the highest score in accordance to the evaluation criteria as a result of this competitive process.

2. **Proposals**

2.1. OBC Submission

- 2.1.1. It is proposed to submit the OBC to DfT's Large Local Majors programme. This is a successive step following acceptance by DfT of the SOBC. The OBC sets out the case for the scheme in greater detail following the Government's five case business model. The case for the scheme is included in the 'Strategic Case' within the OBC and is summarised in the following section.

Case for the scheme

- 2.1.2. Throughout the development of the Broadland Northway project, particularly since its preferred route was adopted in 2005, there have been sustained calls for it to be continued to connect from its western end to the A47 trunk road. Responses to consultations frequently asked for this link to also be completed. The reasons

given were varied, with many saying that the existing network was not able to cope with the traffic levels and expressing concern that this would only get worse.

- 2.1.3. Those living in communities to the west of Norwich in particular raised concerns about traffic problems they were seeing and experiencing on a daily basis, most notably during the peak hours when their villages, and the small, often single-track rural roads running through and between them, were congested with traffic. There were concerns raised relating to the volume and speed of traffic, the severance it causes and the loss of amenity within their communities. People reported not feeling safe to walk or cycle within and between their local communities due to the level of traffic on local roads.
- 2.1.4. These issues were examined during the course of the consideration of the case for Broadland Northway by the Examining Authority and the Secretary of State for Transport and, in the context that the Broadland Northway was intended as a distributor road connecting the radial routes serving Norwich, they concluded (in agreement with the case being put forward by the County Council) that, on the evidence then available, a further link on the western side of Norwich to connect the road with the A47 was neither required for nor was precluded by the provision of Broadland Northway. They considered that issues of existing and additional traffic using rural roads to link between Broadland Northway and the A47 could be addressed by a package of traffic management/traffic calming measures and commitments to further monitoring, as set out in the Requirements of the Development Consent Order (DCO) which authorised Broadland Northway. Those measures have subsequently been implemented and monitoring has been undertaken in line with the DCO.
- 2.1.5. Since the development phases of Broadland Northway, there have also been notable changes that further strengthen the case for the NWL. These include the planned improvements to the A47, particularly the upcoming dualling of the section from North Tuddenham to Easton to the west of Norwich. This improvement, removing the associated constraints and delays at peak hours, will improve access via the strategic road network to employment, housing and leisure sites. This trunk road improvement will increase demand for a better western link between the A47 and the north of Norwich. Based on modelled data, it is anticipated that without the NWL, or other suitable mitigatory measures, the improvements to the A47 will exacerbate the issues currently experienced in the communities north of the A47, which helps to support the case for the NWL as an effective intervention to ensure these communities see their existing problems resolved.
- 2.1.6. The A47 Alliance has also set out its ambition to see the A47 SRN upgraded to dual carriageway standard from the A1 at Peterborough through to the eastern ports at Great Yarmouth and Lowestoft. The timeline is to see this funded by 2030 and they will continue to press Government for this. In the shorter term however, the existing projects already allocated funding will see the A47 dualled from Dereham (west of Norwich) to Acle (east of Norwich) and therefore it is

expected that traffic delays and constraints along the A47 corridor will be reduced.

- 2.1.7. Norwich Airport, a key asset for the region and focus for economic development, is also seeking to increase its passenger numbers from 500,000 in 2017 to 1,400,000 by 2045. Feedback from the airport has confirmed that these long term aims have not changed as a result of the Covid-19 pandemic. This will increase demand from the south and the west for high quality transport infrastructure to assist this growth. The Airport is fully supportive of the NWL and their growth plans will increase their value to the local economy from £70m to £170m by 2045.
- 2.1.8. The Food Enterprise Park (FEP) development area has been established to the west of Easton and construction is underway on a number of units. Significant growth is planned. As well as increasing general traffic wishing to access this new employment site, haulage operators will require improved links to reach the FEP from the north and west of Norwich. Evidence and feedback from the haulage industry demonstrates that the existing road network to the west of Norwich is not suitable for the size and weight of their vehicles and this is significantly slowing down the movement of HGVs, making them far less efficient, impacting profitability and growth.
- 2.1.9. The extensive option assessment work that has been undertaken as presented in the 15 July 2019 Cabinet report has shown that, whilst initiatives to encourage greater use of more sustainable modes of travel should be an integral part of the overall approach, such initiatives on their own could not realistically be expected to address the transport issues arising to the west of Norwich. It is only with the inclusion of a road-based intervention, with the ability to cater for the full range of vehicular journeys passing through the area, that it is possible to remove sufficient volumes of inappropriate traffic from the existing rural roads, to bring a meaningful measure of relief to affected communities and to non-motorised users. Therefore, it was determined that a road-based intervention is the most appropriate transport solution, in conjunction with a package of wider measures to promote sustainable/active travel choices and needs to be brought forward.

As the Government has set out in its National Infrastructure Strategy (HM Treasury, November 2020), improving our transport infrastructure has a vital role to play in the country's recovery from the coronavirus pandemic. Many of our key industries, including agriculture, tourism, manufacturing and, increasingly, the energy sector rely on good transport links. This together with planned growth, particularly in the Greater Norwich area, means getting national investment into the county to help make journeys more efficient and reliable should be prioritised in order to support Norfolk's economy and local businesses and to protect jobs.

Views from stakeholders

- 2.1.10 Letters of support for the NWL scheme are appended to the OBC to evidence the strong backing the scheme has at both a local and regional level. Individuals and organisations who have written in support include:
- Jerome Mayhew MP for Broadland, Norfolk

- Broadland District Council
- South Norfolk Council
- Breckland Council
- North Norfolk District Council
- New Anglia Local Enterprise Partnership
- Norfolk Chambers of Commerce
- Transport East
- First Eastern Counties Buses
- Norfolk Constabulary
- Norfolk and Norwich University Hospital
- The Road Haulage Association
- Norwich Research Park
- Norwich Airport
- Chantry Place (formerly Chapelfield shopping centre)
- Food Enterprise Park at Easton

2.1.1: Common reasons cited in these letters for why an NWL is needed include traffic congestion on the existing road network in the area and the potential for improved journey times and reliability, road safety benefits for all road users, the project's potential to encourage take-up of more sustainable forms of transport, shorter response times for emergency services, improved air quality in residential areas, better access to business and employment sites and to the hospital, associated economic benefits and improved quality of life for local residents in communities that have lived with significant traffic issues for many years.

2.1.1: Norwich City Council are not included in the above list. They have set out that their support for the NWL project has always been conditional and that "the NWL needs to be set in the context of a clear and environmentally progressive strategy for the development of transport in Norwich". The County Council is continuing to work closely with the City Council in relation to the development of the updated Transport for Norwich Strategy in order to identify and take forward further measures to deliver a sustainable transport strategy across all modes for travel in the City.

The council has also received representations expressing concerns and/or objecting to the project, with concerns about the NWL's impact on the environment and wildlife most commonly cited. Individuals and organisations who have written to the council with their concerns include:

- Clive Lewis MP
- Norfolk Wildlife Trust
- Norfolk Rivers Trust
- CPRE Norfolk
- Bat Conservation Trust
- Stop the Wensum Link Campaign Group
- The Green Party
- Norfolk Labour Group
- Norwich Friends of the Earth
- Wensum Valley Alliance
- Friends of North Norfolk
- Wild Wings Ecology

The issues raised by these organisations include concerns about the project's impact on woodland and trees, the River Wensum Special Area of Conservation and wildlife in the Wensum Valley, particularly the protected barbastelle bat. Although the majority of negative comments so far have centred on barbastelle bats and ancient / veteran trees / woodland, the Council is committed to minimising the impact of the NWL on all ecological aspects.

The Council recently received two 'open letters' [linked here](#). These letters raise concerns about the potential effects of the NWL on the Barbastelle bat species; they make a number of comments about the ecological surveys carried out by the Council to date, about the findings of ecological surveys carried out by third parties; and about the potential effects of the NWL on protected species of bats and their supporting habitat. The letters are considered further in section 3.1.4 of this report.

Concerns also commonly raised relate to the investment in road-building, both through the Wensum Valley and in general, and the detrimental environmental impact this may create in its construction and in its use, with views expressed that road-building creates more traffic.

Economic Case

- 2.1.1: The adjusted benefit to cost ratio (BCR) is 3.4 based on the latest assumed overall budget position, which means it is considered to be in the 'high' value for money category (BCR between 2.0 and 4.0) according to DfT criteria for a transport infrastructure project.

The Norwich Western Link is expected to significantly reduce journey times for vehicles travelling north to south or south to north to the west of Norwich, with some journey times more than halving.

Three journeys to the west of Norwich during the morning rush hour (8 – 9am) have been plotted in the traffic model using the 2025 road network without the Norwich Western Link. These are:

- A) Easton (junction of Dereham Road and Marlingford Road) to Fir Covert Road roundabout on Broadland Northway via Ringland Hills and Taverham;
- B) South of Honingham (junction of Berrys Lane and Mattishall Road) to Fir Covert Road roundabout on Broadland Northway via Weston Longville;
- C) The A47 junction north-west of Honingham to the Cromer Road roundabout on Broadland Northway via Dereham Road and the outer ring road.

The expected reductions in time spent travelling for these three journeys if the Norwich Western Link is built are shown below:

Journey	Without NWL in 2025 (journey time in minutes)	Using NWL in 2025 (journey time in minutes)	Reduction in journey time in minutes
A northbound	17	10	-7
A southbound	16	9	-7
B northbound	15	9	-6
B southbound	15	9	-6
C northbound	29	10	-19
C southbound	27	9	-18

In addition, in providing traffic relief on the local road network, including in the city, journey times and reliability on other routes are also forecast to improve if the NWL is delivered.

The economic benefits the NWL is expected to create for Norfolk, at 2020 prices, include:

- £315million worth of travel time benefits over 60 years, an average of just over £5million a year. This figure includes efficiencies and cost savings for businesses, people commuting to work and people travelling for all other purposes as well as reduced vehicle operating costs.
- £31million worth of journey reliability benefits over 60 years, an average of £517,000 a year. More certainty over journey times allows for greater efficiency, with less time allowed for the journey which increases the number of journeys that can be made in a day (a significant benefit for businesses that rely on transporting goods or people).
- Productivity gains of £107 million over 60 years, an average of £1.8 million a year, as a result of workers becoming more productive due to improvements in connectivity, leading to improved labour market interactions and knowledge sharing and linkages between intermediate and final goods suppliers.

The NWL is also expected to lead to improvements in road safety, with 515 fewer accidents involving a motor vehicle over 60 years, an average

of nine accidents a year. This in turn would create a saving worth £22million in costs associated with road traffic collisions.

2.1.1. The cost of the NWL project has increased compared with the figures that were forecast previously in the SOBC submission. Based on the tendered submissions from bidders, we are anticipating that the budget provision required to deliver the project will be in the order of £198m. The details of this increase and explanation are provided in the Finance section of this report below.

2.1.1. The final details within the OBC submission will be based on the actual tendered prices from the successful bidder. This provides a significant advantage, in that at this crucial budget setting stage there is a construction price that is based on a design developed and costed by the contractor that will ultimately deliver the project. Whilst this does not provide price certainty, it does give far more confidence to the budget allocation at this stage. It should be noted that once the OBC is approved by DfT, the allocation of funding from them will not change, so it is important to get this figure as accurate as possible at this stage.

2.2. Sustainable Transport / Active Travel

2.2.1. The wider NWL project has been developed to enable active and healthy travel and uptake of public transport within the western Greater Norwich area, focussing on stimulating more sustainable modes for shorter distance trips, particularly between the local communities.

2.2.2. Proposed measures encourage mode shift away from private car use by providing the means to travel sustainably by bike, on foot or by bus, as well as linking up the existing network of Public Rights of Way to maximise local connectivity for pedestrians, cyclists and equestrians. An Equalities Impact Assessment is being carried out at each stage of the project to ensure that the proposals do not discriminate against those with protected characteristics.

2.2.3. This work is detailed in the Sustainable Transport Strategy (STS) which is an important aspect of the scheme and will be incorporated in the OBC. The proposals fit with the aspirations of the TfN which seeks a mode shift away from private cars and improvements in air quality. There are opportunities for geographical linkage where the NWL and TfN interface at the western fringe of Norwich. This offers an integrated approach which offers good synergy with wider sustainable transport proposals across Norwich.

2.2.4. Key interfacing projects to the west of Norwich have also been recognised as part of the work, seeking to maximise the synergy between the proposals being brought forward in parallel. These projects include the A47 North Tuddenham to Easton Dualling, the Food Enterprise Zone and TfN / TCF.

2.2.5. The STS has been shaped by stakeholder liaison including access groups, public transport operators and communities that may be affected by the scheme, with the initial proposals being shared in the Local Access public consultation and plans developed as a result of the feedback received.

2.2.6. The measures would ensure that enhanced access to Public Rights of Way is achieved, with the standard of routes following latest design guidance. Routes would connect from the Broadland Northway at the northern end, to the A47 at the south, providing a continuous route connecting the villages of Honingham, Ringland and Weston Longville. The measures are forecast to increase the number of walking and cycling trips across the study area by making the route attractive and safe for users, as well as logically placed to connect key amenities. The local roads across the study area are also expected to receive levels of traffic reduction and therefore also benefit from the scheme.

2.2.7. The Side Road Strategy has been developed under the umbrella of the STS to deter rat-running through local villages close to the scheme and protect residential amenity. The proposed strategy has been tested with local residents via a Local Access Consultation in July 2020 which indicated good levels of support for the closure of existing roads crossing the NWL, other than Ringland Lane.

2.2.8. Cycle friendly routes across the wider network are incorporated into the measures and the following have been identified for development:

- Cycle friendly on existing side road link from Attlebridge and Weston Longville and towards Norwich via Ringland and Taverham.
- New pedestrian and cycle crossing on Drayton High Road to improve connectivity with the well-used and traffic free Marriott's Way route.
- Cycle friendly on existing side road link from Ringland to Easton.
- Cycle-friendly on existing side road link south of A47 from Easton to the Norfolk and Norwich University Hospital & University of East Anglia.
- New pedestrian and cycle crossing on the A1067 Fakenham Road at Attlebridge.

2.2.9. The STS document describing the principles, work done and proposals in full has been included with the draft OBC (weblink to be added).

2.3. Design and Build Contractor Appointment

2.3.1. At its meeting of 3 February 2020, Council resolved to:

- Approve the contracting strategy outlined in the report and agree that an OJEU (Official Journal of the European Union) contract notice should be published in due course.
- Agree the proposed approach to social value.
- Agree the proposed high-level evaluation criteria set out in the report.
- Delegate to the Executive Director of Community & Environmental Services authority to approve the detailed evaluation criteria and weightings, in consultation with the Cabinet Member for Highways, Infrastructure & Transport

and the Head of Procurement, taking account of the views of the Norwich Western Link Working Group.

The details of the evaluation criteria and results are included in Appendix A. This appendix contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure to the public would prejudice the position of the authority during the negotiation of the contract.

The OJEU contract notice was submitted on 26 June 2020 and seven contractors returned the pre-qualification questionnaire. These were reviewed and three preferred bidders were shortlisted and taken forward to the next stages of the procurement process. They entered the 'competitive dialogue' stage, whereby each bidder developed their design solution for the project, taking into account the reference design and constraints provided, and they were able to discuss their proposals and the contract requirements during the dialogue sessions with the project team and procurement leads.

2.3.2. The evaluation criteria was fixed at the start of the process and it includes the assessment of:

- Construction Methodology;
- Engineering Design;
- Architectural Design;
- Programme;
- Supply Chain;
- Price;
- Robustness of Price.

In addition, the financial status (credit-worthiness) of each of the bidders, evaluated at the shortlisting stage, was evaluated again at this tender submission stage and the bidders' status was considered to be satisfactory.

2.3.3. All of the three bidders provided compliant tender submissions and all were evaluated and scored using the previously agreed criteria. The highest scoring bidder has a score that is a sufficient margin ahead of the other two bidders. There was however one area of their submission that did require further evaluation, and this was related to the 'robustness of the price'. The further work necessary by the project team to assess this further and seek clarifications from the highest scoring bidder did result in a need to extend the tender evaluation

process. The conclusion of this further work is that the project team has determined that the award of the contract to the highest scoring bidder is appropriate. The further work completed ensures sufficient confidence regarding the quality and scope of detail provided and will ensure the various stages of the contract can be adequately managed and administered.

2.3.4. The procurement has resulted in a proposed contract which is higher than the budget set out in the SOBC. There are a number of reasons for this which include:

- Additional ecological mitigation, such as additional green bridges;
- Changes in the market's appetite for risk;
- Market conditions – other projects, labour and material supply, Covid-19.

2.3.5. The contract is not for a fixed price and is subject to:

- indexation for inflation;
- budget events (change before works start);
- compensation events (e.g. Client change in Stage Two, severe weather encountered in Stage Two, the effect of COVID-19 after the starting date for Stage Two, flooding in the Wensum Valley outside a defined area);
- the standard NEC pain/gain share mechanism.

It is necessary therefore to consider the risks associated with the award of the contract and the potential for change. The contract will be subject to robust management, in terms of delivery and costs.

2.3.6. Contract Assurance

The contract was drafted based on the contract for the Great Yarmouth Third River Crossing and the experience gained from that project. It was quality assured by a third party, who were appointed following a competition which included a need for specialist experience in the NEC ("New Engineering Contract") contract. Specialist insurance advice was also obtained from insurance brokers following a competitive exercise.

2.3.7. The proposal is for Cabinet to consider whether to award the contract following completion of the evaluation process. In considering this, there are implications that are set out in the Risk and Finance sections of this report below.

2.4. Planning Process and Project Timescales

- 2.4.1. Further to Regulation 3 of the Town and Country Planning General Regulations 1992, the relevant Planning Authority and decision maker on the NWL is Norfolk County Council, unless the application is called-in by the Secretary of State.

As a matter of standard practice, but also as required by Regulation 64(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Council has put in place appropriate administrative arrangements to ensure that there is a functional separation between the officers and their external advisors bringing forward a proposal for development, and the officers (and any external advisors) responsible for determining that proposal. In this context, a note explaining the formal administrative arrangements that have been put in place in respect of the NWL proposal will be published on the Council's NWL project webpage shortly.

Discussions with the Local Planning Authority by the NWL project team have continued to define the requirements of the planning application. This has included receipt of a Scoping Opinion from the Local Planning Authority on the Environmental Impact Assessment (EIA) in October 2020 and the NWL project team's work on the EIA has now commenced. The purpose of an EIA is to ensure that the environmental effects of a proposed development are properly considered. The findings of the EIA will inform the Environmental Statement which is required to be submitted with the planning application for the NWL.

Further discussions have been held with consultees on specific elements of the scheme, and these will continue in the run up to submission of the planning application as the design and related assessments are further developed.

- 2.4.2. The current project milestones / programme is given below and includes provision for a public inquiry should this be required as part of the statutory process.

- Transport East endorsement of NWL OBC for submission to DfT – November 2020
- D&B Contractor Appointment - June 2021
- Formal OBC submission to DfT – June 2021
- Pre-application public consultation – Autumn 2021
- Cabinet approval to submit planning application – Early 2022
- Confirmation of all statutory orders / consents and Full Business Case (FBC) submission – mid 2023
- Completion of Stage One (design) of D&B contract – late 2023
- Start of construction work – late 2023
- Scheme open to public – late 2025

- 2.4.3. It can be seen in the above programme that a pre-planning application public consultation is proposed during autumn 2021. The details that will form the basis of the consultation are to be developed based on the design provided by the successful contractor. Assuming the recommendation to award the contract is made by Cabinet, there is limited time to develop the details for the consultation and therefore it is requested that Cabinet agree to go ahead with the consultation, with exact timescales and the details to be agreed with the Cabinet Member for

Highways, Infrastructure & Transport in consultation with the Executive Director of Community and Environmental Services.

- 2.4.4. The programme allows for a period to assess the feedback from the consultation before finalising the details for the planning application, which is currently intended to be submitted in early 2022.

2.5. Member Group

- 2.5.1. A cross-party Member Group receives updates on project progress and key issues such as statutory processes, procurement/commercial, contract/legal, programme/budget position of the project, and risks. The Group provides questions and comments to the NWL Project Team and also draws on experience from other major projects to identify best practice and ongoing learning. It also provides opportunities to highlight and discuss the benefits of the project, including for the local communities and businesses.
- 2.5.2. A recent review of the Member Group processes has been completed and the findings of that review and actions from it were reported separately to Cabinet at the 8 March 2021 meeting.

3. **Impact of the Proposal**

- 3.1.1. **Economic:** The NWL would improve overall access to and around Norwich, the primary economic and major urban centre for the wider sub-region. It would improve access and journey times and journey reliability to the wider western area which would support the delivery of new and expanded business sites by providing the necessary highway infrastructure. Quicker more reliable journeys will reduce business costs, increase labour market catchments, improve access to key strategic growth sites and support the visitor economy, both in and around Norwich, but also to major tourism areas to the north of Norwich. The project would also provide greater connectivity between employment and housing areas, which is a consideration for employers planning to locate to new areas. While no housing development is dependent upon the NWL being delivered, increasing capacity on Norfolk's transport networks also supports the county to reach its targets for the provision of new housing.
- 3.1.2. **Local Communities:** The NWL would provide traffic relief to rural and suburban communities to the west of Norwich, improving local residents' quality of life, environment and wellbeing. It is expected that there would be significant reductions in traffic through the existing communities to the west of Norwich. There would be a need for some mitigation measures to be introduced to ensure that traffic is re-routed to more appropriate roads and work will continue to develop these proposals with those communities. Benefits would also be seen on the radial routes into the city and on the outer ring road. These benefits align well with the ongoing Transforming Cities work and longer-term Transport for Norwich programme. The changes in traffic flows across the network result in benefits in terms of greenhouse gas emissions and localised air quality benefits within communities. In addition, there would be significant improvements to local

walking and cycling links, to enable more active and sustainable transport options to be realised.

- 3.1.3. **Active Travel/Sustainable Transport:** The NWL project has been developed to enable active and healthy travel and uptake of public transport within the western Greater Norwich area, focussing on stimulating more sustainable modes for shorter distance trips, particularly between the local communities.
- 3.1.4. **Environment:** The effects of the NWL scheme on the environment have been a key consideration throughout its development. Assessments at each stage of the project have been undertaken to understand the potential effects of the scheme on the environment, and how they can be minimised and mitigated. The appointment of the design and build contractor at this stage in the project would enable the contractor's developing design and construction proposals to inform the Environmental Impact Assessment (EIA). The findings of the EIA will be reported in the Environmental Statement that will be provided as part of the planning application. The findings of the EIA will also influence the scheme design, particularly in terms of the environmental mitigation measures which the scheme will need to include. There is a wide range of environmental considerations including designated sites, noise and air quality, protected species, heritage, climate change and sustainability. These considerations, their impact on the project and their impact on the optioneering process, will also be set out in the Environmental Statement, to meet the statutory requirement to describe the reasonable alternatives considered, including a comparison of the environmental effects of those alternatives.

For example, significant work has been undertaken with regards to bats in the vicinity of the scheme, particularly the Barbastelle bat. It should be noted that, in the context of the statements about conservation status which are made in the open letters received ([see link here](#)), whilst the Barbastelle bat is a European protected species, unless or until steps are taken by the relevant regulatory bodies to make the relevant designations, their habitat has no status as a Special Area of Conservation or Site of Scientific Special Interest (and accordingly, the legal and policy considerations associated with those designations are not applicable).

Nevertheless, survey work is ongoing in order to ensure that the considerable mitigation and enhancement measures we are planning can be optimally designed to support local bat populations as part of the project, including green bridges and underpasses which should help bats to safely cross the new road. Careful consideration is also being given to mitigation and enhancement measures to support foraging and roosting habitats. These measures, and the consideration of whether alternatives to the proposals could have been brought forward, will also need to be considered by Natural England in determining whether a European Protected Species Licence can be granted in respect of impacts to Barbastelle bats; and, at the planning decision stage, the Council, in its capacity as planning application decision-maker, will have to take into account the views of Natural England on whether an EPS licence is likely to be granted.

The environmental assessment work (including the consideration of alternatives) and proposed mitigation for the NWL will be underpinned by the continued development of the Council's understanding of the environmental baseline of the land that will be affected by the preferred route, including in respect of Barbastelle bats and ancient/veteran trees/woodland, as well as other species present in the area.

In doing so, the Council will continue to ensure that environmental / ecological surveys and assessments are carried out in a manner that involves appropriate methodologies and techniques, in line with current best practice. It will also endeavour to work collaboratively with interested parties to ensure that its understanding of the environmental baseline, which is to be gained through these surveys and assessments, is as robust and well informed as possible. In furtherance of this objective, the NWL project team will endeavour to work with the signatories of the open letters whose views on the potential impacts of the NWL scheme on Barbastelle bats are noted. However, for the Council's assessments to be robust, they must be based on available scientific data (whether collected from surveys carried out by the Council's project team or by third parties). The Council cannot rely on or give significant weight to assertions, summaries or interpretations of data where the data on which those assertions, summaries or interpretations are based is not made available, irrespective of the reasons why that is the case (as outlined in the open letters).

The Council's environmental assessment work will be examined through the planning application and all interested parties will have the opportunity to scrutinise the proposals and submit their views to Norfolk County Council's Planning Authority, as the determining authority, as part of the planning application process. As set out in para 2.4.1, administrative arrangements are in place to ensure that the role of the County Council as Planning Authority is kept completely separate from its role as the NWL scheme promoter.

The Council are committed to building the Norwich Western Link in an environmentally responsible way and as part of this, will seek opportunities to enhance the biodiversity of the area, for example by transforming arable land, which is of low ecological value, into woodland and wetland. While the road is clearly a significant focus, considerable effort is being put into wider measures around the road too, such as those that will support ecology and sustainable travel across the area. To maximise the benefits created by the project the Council are working with independent groups and advisors, including local communities, to achieve this and get the best end result.

The analysis undertaken to date, following the latest guidance, is indicating that overall, when considering both construction and operation, it is expected the Norwich Western Link will be beneficial in achieving reductions in carbon emissions, supporting national and regional policy (more detail is provided in section 8.5 below).

- 3.1.5. **International Gateways:** The NWL will provide enhanced connectivity to Norwich Airport, vital to existing businesses and residents as well as supporting the

Norwich Aeropark proposals for aviation-related enterprises adjoining the airport, and around 30 hectares of other employment uses in the new Airport Business Parks. Norwich Airport, a key international gateway and employment hub for the region and the UK, is also seeking to increase its passenger numbers from 500,000 in 2017 to 1,400,000 by 2045 which will increase demand from the south and the west for high quality infrastructure to enable this growth. The Airport is fully supportive of the NWL and their growth plans will increase their value to the local economy from £70m to £170m by 2045.

- 3.1.6. **Norwich:** The NWL will support existing businesses and unlock opportunities for economic growth in Norwich by reducing traffic movements in and around the city. The NWL would reduce through movements from the outer ring road freeing up capacity to accommodate planned housing and employment growth, improve public transport journey times and reliability and the conditions for active travel. The sustainable travel proposals fit with the aspirations of TfN which seeks a mode shift away from private cars and improvement in air quality, including the geographical linkage where the NWL and TfN schemes interface at the western fringe of Norwich. This offers an integrated approach which offers good synergy with wider sustainable transport proposals across Norwich.
- 3.1.7. **Emergency response times:** The NWL will also help to improve emergency response times by providing a higher quality, more resilient link through the area to the west of Norwich.
- 3.1.8. **Broadland and North Norfolk:** The NWL will provide better access and improved journey time reliability to the A47 and A11 strategic road corridors from market towns such as Fakenham, Aylsham and North Walsham, and large parts of Broadland and North Norfolk, avoiding the need for slow and congested journeys.
- 3.1.9. **Public Transport:** The NWL will provide opportunities for improvements in public transport routes and bus journey time reliability due to reduced traffic along existing routes. This will complement the wider TfN and TCF objectives for enhancing public transport.
- 3.1.10 **Resilience:** The NWL will provide resilience to the road network, as it will provide a high standard alternative route at times of maintenance and incidents on the network.

4. Evidence and Reasons for Decision

4.1. OBC Submission

- 4.1.1. The DfT needs to ensure that when decisions are made by Ministers regarding funding, they are done so on an evidence-based approach in line with Treasury advice. The Transport Business Case process requires that schemes demonstrate they:
- are supported by a robust case for change that fits with wider public policy objectives – the ‘strategic case’;

- demonstrate value for money – the ‘economic case’;
- are commercially viable – the ‘commercial case’;
- are financially affordable – the ‘financial case’; and
- are achievable – the ‘management case’.

4.1.2. The OBC sets out the reasons why the Council believe the proposed NWL should receive funding from the DfT’s Large Local Major (LLM) fund. The NWL would provide an essential link between the Broadland Northway, which forms part of the Major Road Network (MRN) and the A47 Strategic Road Network (SRN). The MRN is the highest classification of local authority roads in England and the middle tier of England’s busiest and most economically important A-road network. The MRN has been developed to provide the important link between the Highways England controlled SRN and the other local authority-controlled A-roads.

4.1.3. The five cases within the OBC (Strategic, Economic, Financial, Commercial and Management) follow DfT guidance, and are based on the development work completed since submission of the SOBC and are therefore consistent with each other. This includes consideration of the design of the scheme, preparation of cost estimates, traffic modelling, economic appraisal and consideration of constraints and environmental impacts.

4.1.4. The strategic case includes a range of topic areas that comprise the overall strategic evidence for the scheme. The background to the scheme, geographical context and fit with national, regional and local strategies and policies are described.

The strategic case provides detail of the opportunities for growth / inward investment, the existing problems and the impact of not changing. It considers the project objectives (set out further below), measures for success, and constraints / interdependencies (such as the various environmental designations and the A47 North Tuddenham to Easton dualling project).

4.1.5. The strategic case demonstrates that:

- A review of policy and guidance indicates a large amount of planned development in and around Norwich; therefore there will be increases in traffic on the road network. There are locations that already suffer from congestion in the peak periods. The additional traffic at these congested locations caused by development will exacerbate the existing delay and queuing issues and could lead to more traffic diverting onto less appropriate routes, including the north-south routes that connect with the A47.
- Expected increases in traffic and associated congestion will hamper potential investment due to perceived issues with connectivity and the NWL will help to address these accessibility issues and increase the potential for investment. It will provide a connection with business and economic growth areas both regionally and nationally.
- The NWL also provides an important link between housing and employment sites in and around Norwich, which is a major growth area for the East of

England. Significant new housing is being delivered to the north of Norwich while major employment centres exist in the south-west of Norwich, including the key Norwich Research Park (NRP) development, which encompasses Norfolk and Norwich University Hospital (NNUH) and the University of East Anglia (UEA). The growth potential for Norwich, in both housing and employment, will become constrained without adequate infrastructure. This is recognised by the business community in particular where there is good support for the delivery of the NWL.

- The NWL will improve the resilience of both the strategic and local road network, providing an alternative route around Norwich to the existing A47 (which orbits Norwich to the south) and the outer ring road. The outer ring road has residential properties located in close proximity and Noise Important Areas – ‘hotspots’ of transport noise, according to DEFRA criteria - are defined on the outer ring road. By providing an alternative route, traffic levels on the existing roads would reduce and journey time reliability would improve for all modes. This is important for business as it improves efficiency and contributes towards improved profitability.

4.1.6. The OBC and its strategic case has been developed taking into account the High-Level (H) and Specific Objectives (S) for the project, that remain as set out in the report to Cabinet in February 2020. These are:

- H1 Support sustainable economic growth;
- H2 Improve the quality of life for local communities;
- H3 Promote an improved environment;
- H4 Improve strategic connectivity with the national road network;
- S1 Improve connectivity and journey times on key routes in Greater Norwich;
- S2 Reduce the impacts of traffic on people and places within the western area of Greater Norwich;
- S3 Encourage and support walking, cycling and public transport use;
- S4 Improve safety on and near the road network, especially for pedestrians and cyclists;
- S5 Protect the natural and built environment, including the integrity of the River Wensum SAC;
- S6 To improve accessibility to key sites in Greater Norwich.

4.2. Procurement

4.2.1. The procurement process was previously agreed by Cabinet, including the evaluation criteria. That process has now been undertaken and three compliant bids have been submitted and evaluated. The details are captured in Appendix A. This appendix contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public

interest in disclosing the information because disclosure to the public would prejudice the position of the authority during the negotiation of the contract.

- 4.2.2. The procurement process has identified a successful bidder, being the bidder that has achieved the highest score in accordance with the evaluation criteria. They have provided the highest scoring submission taking into account the price and quality components of the evaluation process. The financial implications of this successful bid are set out in more detail below in the Finance section of this report.
- 4.2.3. In order to maintain the project delivery programme, it is important to make the award of contract now. The next steps are to commence the planning application process and this involves a pre-application consultation which will provide more details of the proposals for the project based on the contractor's design solution. In order to achieve this, further work with the contractor will be necessary to develop the details for the consultation, and this work will need to start as soon as possible if the planned consultation in the autumn of this year is to be achieved. For the reasons set out in paragraph 3.1.4 above, there are also benefits to be gained from enabling the scheme design development and the environmental surveys and assessment work to progress simultaneously.
- 4.2.4. The contract award will effectively be instructing the contractor to enter into the three phases of the contract (1. Design; 2. Construction; 3. Maintenance). However, there are necessary safeguards within the contract that do not require the County Council to enter into Stage 2 of the contract if certain criteria are not achieved, most notably if the overall budget is exceeded, if funding is no longer available or if the statutory approvals are not confirmed. There is also a short-term risk of entering into the contract without the approval of the OBC, however this risk is discussed in the Risk section below.

4.3. Planning Process

- 4.3.1. The NWL is being developed in accordance with the legal process under the Town and County Planning Act 1990 rather than as a Development Consent Order under the Planning Act 2008, which was the consenting process that was recently used for the Great Yarmouth Third River Crossing scheme. The NWL planning application is due to be submitted in early 2022, incorporating the chosen Design and Build Contractor's design and construction proposals. As set out in para 2.4.1, arrangements are in place to ensure that the role of the County Council as Planning Authority is kept completely separate from its role as the NWL scheme promoter. In order to be able to carry out the project, Compulsory Purchase Order (if the acquisition of land for the project cannot be negotiated through agreement), Side Road Order and Traffic Regulation Order procedures will also be undertaken.

4.4. Statutory Orders – CPO and SRO

- 4.4.1. This report seeks approval for the acquisition of land and new rights over land by agreement, and agreement in principle to the making, publication and submission to DfT for confirmation of a compulsory purchase order (CPO) and a side roads

order (SRO), required to facilitate the land assembly and highway works necessary in connection with the delivery of the NWL.

Whilst it is prudent to make CPO in parallel with carrying out negotiations to acquire land by agreement, the compulsory purchase powers in the CPO would only be used where attempts to buy the necessary land by agreement were unsuccessful. Given the number of affected landowners and nature and extent of the acquisitions which will be necessary, resolving all of this by agreement is considered unlikely. It is therefore prudent for the Council to make a CPO, to ensure the deliverability of the NWL scheme in the event that some, but not all, of the land is acquired by agreement. All landowners whose land, or a portion of it, will need to be purchased in order to deliver the NWL have already been made aware of this acquisition requirement.

Whilst negotiations have been held with some landowners a more formal approach to commence discussions on all outstanding affected landowners will be made if Cabinet agree to proceed as recommended in this report. The Council prefers to acquire land by agreement wherever possible, and indeed evidence of genuine attempts to acquire land by agreement will be necessary as part of the CPO process. It should be noted that one parcel of woodland together with the two residential properties directly affected by the route have already been purchased by the Council – no other residential properties are required.

A Side Roads Order will be necessary in any event due to the changes required to the existing highway network and for the creation of new highway rights (and changes to private means of access) resulting from the scheme.

There is a need to progress the NWL scheme in a timely way. Cabinet is recommended to agree to the Council carrying out the necessary preparatory work towards making a CPO and SRO for the NWL as the most appropriate way of ensuring this infrastructure scheme can be delivered at the earliest opportunity at the same time as continuing discussions with all directly affected landowners.

It is anticipated that the CPO would be made under the Highways Act 1980, which provides powers to acquire land compulsorily for the purposes of constructing new highways and improving existing highways, for improving frontages to a highway or improving land adjoining or adjacent to a highway; for carrying out works authorised by a SRO (including creating new means of access to premises, using land in connection with the construction and improvement of highways, including for the provision of working space and access to construction sites, and for the diversion of non-navigable watercourses); and for mitigating the adverse effects of the existence or use of highways.

In addition to the CPO, the scheme design for the NWL also has implications for existing highways, side roads, public rights of way and private means of access and therefore requires the making of a Side Roads Order (SRO). The SRO will need to be made by the Council and confirmed by the Secretary of State for Transport to authorise the stopping up, alteration, creation and improvement of highways which will connect with the new classified road (NWL mainline) to be

delivered as part of the NWL scheme, and also to authorise the construction of new highways, the stopping up of private means of access, the provision of new private means of access and other associated works, including alterations to public rights of way.

Once the CPO and SRO (together, 'the Orders') are made by the Council (authorisation for which will be sought via a further Cabinet resolution in due course), they will need to be publicised in accordance with legislation, prior to being submitted to the DfT (c/o its National Transport Casework Team) for confirmation by the Secretary of State for Transport. In the event that objections are received in relation to one or both of the Orders, it is likely that the Secretary of State for Transport will require a public local inquiry to be held so that the Orders and any objections to them can be considered by an Inspector (independently appointed by the Planning Inspectorate). Either the Inspector or the Secretary of State for Transport will make the final determination upon whether or not to confirm the Orders (and if to confirm the Orders, whether with or without modifications).

The confirmation of the Orders will be dependent on the Council demonstrating the following:

- that there is a clear need for the NWL scheme;
- that alternative options have been considered (including alternative options to the NWL scheme as now proposed, and alternatives to the compulsory acquisition of land);
- that there is a compelling case in the public interest (where the public benefits to which the NWL scheme would give rise outweigh the private losses that would be suffered if the NWL scheme was delivered) justifying the use of CPO powers;
- that human rights and equalities impacts have been considered and the impact of the NWL scheme on persons affected by it is lawful, justified and proportionate, and that the private losses would, on balance, be outweighed by the benefits that the NWL scheme would deliver;
- that there is clarity and certainty on the funding and viability of the NWL (including availability of funding to enable the acquisition of land which is proposed to be acquired, either compulsorily or by agreement);
- that the Council has a clear idea of how it intends to use the land which is proposed to be compulsorily acquired and would do so within a reasonable timescale;
- that the Council has made genuine efforts to acquire land by agreement for the purposes of delivering the NWL;
- that CPO powers would only be used to acquire land as a last resort, where the Council's efforts to acquire land or rights over land by agreement are ultimately unsuccessful within the requisite timescale;
- that planning permission for the NWL scheme is, or can be, secured;

- that the presence of any special category land (enjoying statutory protection from CPO) does not constitute an impediment to the implementation of the NWL scheme; and
- that the statutory tests associated with the SRO have been met.

The above matters will need to be addressed in the Council's Statement of Reasons in support of the CPO and SRO, preparatory work towards which is intended to commence in the event that the authorisation sought in this report is granted. When authorisation to make the Orders is sought via a further Cabinet resolution in due course, a draft Statement of Reasons will be submitted alongside the relevant Cabinet Report, together with a plan showing the boundary of the land which is proposed to be included in the CPO.

5. Alternative Options

- 5.1. The preferred route decision at 15 July 2019 Cabinet was made as a result of extensive studies and consultation to deal with the transport issues in the area, whilst also having regard to environmental constraints. This included details of the Options Assessment Report (OAR), which considered a wide range of interventions and determined a shortlist that best met the transport issues and the objectives of the scheme. The Options Selection Report (OSR), which assessed the shortlisted options in more detail, including weighing up the environmental impacts of the options, before arriving at the preferred route recommendation, was also considered by Cabinet.
- 5.2. Since the preferred route decision was made, the Council's understanding of both the economic and environmental baseline has developed, in the context of both the impacts of Covid-19 and on-going developments in the understanding of the presence and movements of Barbastelle bats, particularly in light of the Council's own surveys. Correspondence from third parties is also noted, in particular where, as in the case of the open letters received, [link here](#), reference is made to independent assessments having been carried out, although, as explained in paragraph 3.1.4 above, the Council's reliance on third party information is necessarily limited in the absence of supporting data.

The likely impacts of the NWL scheme on these matters will be considered in the material prepared in support of the NWL planning application. In considering the NWL planning application, the Council as decision-maker will be required to:

- weigh the identified benefits against the likely adverse impacts of the scheme;
- take into account material considerations, which can include alternative sites, where there are clear planning objections to development on a particular site, for reasons such as impacts on biodiversity, and in doing so, may have regard to submissions made by interested parties presenting evidence-based objections to the chosen site;
- consider whether the Environmental Statement is 'adequate' in terms of explaining the reasons for the selection of the preferred route, including a comparison of the environmental impacts of each alternative option; and

- consider whether an EPS Licence is likely to be granted by Natural England.

Given that the NWL planning application will need to address the matters outlined above, it is not considered necessary at this stage (notwithstanding the evolving economic and environmental baseline) for the Council to re-examine the options selection decision that it made in July 2019 on the basis of the information available to it at that time. In developing the NWL proposals the Council is following industry standard good practice for the development of a scheme of this significance – from initial feasibility studies, through to the development of a planning application and supporting statutory orders. This standard practice has involved identifying the need for an intervention, assessing potential options to address that need, identifying the optimal intervention (in this case, the principle of a highway link between the SRN/A47 and MRN/Broadland Northway) and then considering alternative route options for that intervention, leading to the selection of the NWL preferred route, which is now proposed to be the subject of a planning application.

The planning application process will provide an opportunity for further scrutiny by the decision-maker, and by third parties, of the options selection process and the consideration of alternatives, including consideration of the environmental factors influencing the decisions made during that process as well as the environmental acceptability of the chosen route itself, including any mitigation and compensatory measures proposed.

- 5.3. As a large proportion (85%) of the scheme cost is being sought from DfT through the LLM programme, delivery of the project is reliant on this. The NWL was established as a priority for LLM by Transport East who have re-affirmed their support for and endorsement of the OBC submission at their meeting on 3 November 2020.

If the OBC is not submitted to the DfT in accordance with the timeline described in this report then there is likely to be a delay in the delivery of the NWL scheme.

- 5.4. No decision to award the contract at this stage could be taken and there would be the option to go back to the market and start the procurement process again. However, it is unclear that this would generate a lower cost outcome. The scope of the project and the contract would be unlikely to change, and it is considered that the procurement process has been appropriate for the scale and complexity of the project. Therefore, going back to the market would bring a significant delay to the project (of approximately 9 months), but it is considered that it would be unlikely to provide a notably different outcome.

6. Financial Implications

- 6.1. The previous sections of this report describe the need for and benefits of the NWL scheme along with its financial viability / value for money. The DfT guidance requires a minimum of 15% local funding contribution. The NWL project has been included in the LLM programme for the 2020-25 period with funding from

the National Roads Fund. With the approval of the SOBC DfT provided £1.024m toward the development of the OBC.

- 6.2. The scheme cost estimates are below and are based on the spend profile included in the draft OBC document (weblink to be added), which is based on an estimated project cost. The current scheme cost estimate gives an adjusted benefit to cost ratio (BCR) of 3.4, which is high value for money as defined by DfT's criteria and provides excellent leverage from the Council's own investment.

The overall budget allowance has increased to £198.4m (compared with the £152.7m included in the SOBC), and the reasons for the increase are included in the budget increase section below.

Table: Breakdown of Scheme Costs (£000's)

Scheme element	pre 20/21	20/21	21/22	22/23	23/24	24/25	25/26	26/27	T
Design, Investigations, Surveys, Procurement, Supervision and Client Costs	4,890	4,066	8,869	5,373	566	17	0	0	
Statutory Undertakers Works	0	0	0	549	0	183	0	0	
Land	1,466	1,069	327	129	8,638	2,888	-1,774	0	
Construction Contracts	7	52	5	595	8,431	63,045	31,190	188	
Total Cost (excluding risk)	6,364	5,187	9,201	6,646	17,634	66,134	29,416	188	
Risk	0	0	3,094	4,765	6,315	17,441	8,310	8	
Total Cost at 2020:Q3 Prices	6,364	5,187	12,295	11,411	23,950	83,575	37,727	196	
Adjustment to outturn (inflation)	0	0	1	64	1,884	10,245	5,489	0	
Scheme Cost (outturn prices)	6,364	5,187	12,296	11,475	25,834	93,819	43,216	196	

Table: funding profile (£000's)

	17-20	20/21	21/22	22/23	23/24	24/25	25/26	26/27
Government/ DfT funding		1,024	12,245	9,754	21,959	86,746	36,734	167
Local contribution	6,364	4,163	51	1,721	3,875	7,073	6,482	29
Total	6,364	5,187	12,296	11,475	25,834	93,819	43,216	196

The scheme estimates now have the benefit of including a review of tendered construction pricing information provided by bidders as part of the design and build contractor procurement process. Other elements of the scheme estimate

related to fees and risk are consistent with the proportions allowed for in the Great Yarmouth Third River Crossing project, which was recently approved by the Secretary of State for Transport.

It is recommended in this report that the future schemes costs of £186.836m and spend profile as set out above is included in the forward capital programme.

The base costs and risk stated include an allowance for land costs / blight. Some land costs have already been realised as properties impacted by the preferred route decision in July 2019 have been acquired under the rules associated with statutory blight. To date, the Council has assessed blight notices received to ensure their compliance with the guidance related to blight, and has moved quickly to work with the property owners to resolve their purchase. It should be noted that all purchases to date include a residual resale value that will be realised on completion of the project. They have also been within the allowances made when setting the land acquisition budget. More details on purchases to date are given below in the property implications section.

- 6.3. The cost estimates for the development of the scheme exclude Part 1 Claims under the Land Compensation Act 1973 in accordance with DfT guidance as they cannot be quantified at this stage and do not form part of the direct capital cost of the project that is assessed using the DfT guidance. The Part 1 claims process is primarily there to protect property owners in terms of any demonstrable loss of value or amenity that is suffered as a consequence of new highway infrastructure.
- 6.4. Engagement with potential funding sources is underway to identify opportunities to meet the 15% local funding contribution (which the total is estimated to be c.£30m). This has included Business Rates Pool matched contributions of £0.974m in 2019-20 and £1.657m 2020-21. We will also work with others to pursue funding including via the New Anglia Local Enterprise Partnership Norfolk and Suffolk Infrastructure Fund and the Greater Norwich Infrastructure Investment Fund.
- 6.5. A requirement of the OBC application process is that the local contribution (c.£30m) is underwritten by the scheme promoter, which is the County Council. Therefore, any shortfall in local funding obtained would need to be met by the County Council and a likely source would be prudential borrowing, the annual cost of borrowing would be £0.543m, which offers good value for money in terms of its investment in the project.

6.6. Budget increase

6.6.1. SOBC budget estimate (£152.7m)

In order to explain the budget increase it is important to assess the basis of the original estimated £152.7m budget used for the SOBC. This was developed based on the information that was known at that time and was considered to be appropriate. In terms of the options evaluation completed when the preferred route was selected (see previous Cabinet reports listed earlier), the original

pricing provided a comparative basis on which to evaluate the options. The increased budget required for the project would have applied to all options. Current budget assessment has been carried out on the basis of information known now, and whilst the Council has done and will continue to do what it can to minimise any increases, there is the possibility of unforeseen events increasing the budgets.

- 6.6.2. To assess the original estimated NWL SOBC budget, and to better understand the reasons for the budget increase, a high-level comparison of cost per kilometre with the Broadland Northway (BNW), based on the known out-turn cost for that project, shows that the original budget allowance of £152.7m for the NWL was reasonable. However, there are a number of reasons why the budget for the NWL has increased to £198m, which are set out below.

Reasons for budget increase compared with original SOBC estimate

- 6.6.3. **Environment (c.£22.2m increase):** One of the elements of cost that has significantly increased since the SOBC budget was developed is in respect of environmental mitigation, compensation and delivering Biodiversity Net Gain (more details are provided in section 8 below). There is a significant increase in provision and this has developed further as we have more details following ongoing survey work and discussions with stakeholders. Given the prevailing concerns about climate change and conservation of biodiversity, the project is being developed on the basis of adopting a highly robust approach to the Council's environmental responsibilities and this approach has driven the need to consider further mitigation measures. The project proposals now include more green bridges, now three in total, as well as bat underpasses, along with other allowances for significant improvements to woodland and wetland habitats and other potential mitigation measures in respect of Barbastelle bats and other European protected species. To provide an indication of the magnitude of this commitment, the budget for environmental elements is almost double that for the Broadland Northway project, which to put in context is three times the length of the NWL project.

- 6.6.4. **COVID-19, Inflation and external factors (c.£17.7m increase):** COVID-19 has affected the construction industry. Compliance with the Site Operating Procedures issued by the Construction Leadership Council in conjunction with guidance from Government and the Health and Safety Executive has manifested itself in increased site welfare, site running costs, increased travel requirements, accommodation costs and reduced productivity leading to programme delays and additional costs.

The Stage 2 works (construction phase) are not due to commence until November 2023 and it would be reasonable to conclude that many of the effects of COVID-19 should have passed before construction starts. Notwithstanding this, the timing of the current NWL procurement and the uncertainty surrounding COVID-19 at this time will have impacted on contractors' tender pricing, with key

supply chain members providing quotations at current rates which will be impacted by the effects of COVID-19.

In addition to the indirect effects noted above, COVID-19 has had a direct effect on the project to date, including impacting site investigation and survey works, with delay and additional costs associated with travel arrangements and landowners' permissions affecting seasonal surveys and additional specific COVID-19 sensitivity analysis/modelling being required for the Outline Business Case (OBC) and Final Business Case (FBC).

The impact of COVID-19 to the future year economy is generating significant uncertainty in terms of allowances for inflation and therefore an increased provision has been included.

Uncertainty related to labour and material supplies will impact and influence contractors' risk pricing. This will also include considerations of exchange rate uncertainty, where applicable, and delays that could occur due to changes in border controls and customs.

- 6.6.5. **Market Forces (c.£11.4m increase):** There is currently considerable work within the construction sector (e.g. HS2), which is also fuelled by the Government's response to the coronavirus pandemic (COVID-19) and the stated delivery of investment in infrastructure projects to boost the economy.

Significant recent events within the construction industry, such as the collapse of Carillion in January 2018, the collapse of Interserve in March 2019, and losses incurred by major contractors on the A465 (design and build project) and on the Aberdeen bypass, as well as repeated profit warnings issued by multiple contractors in prior years, appears to have driven contractors to introduce more robust corporate governance measures. These are directly related to their tendering processes, with specific focus on contractual provisions that could affect their financial performance through the delivery of the associated contract.

Contractors' managerial, supervisory and general running costs (preliminaries) are greater than anticipated, with the indicative costs being notably in excess of preliminaries costs seen on previous projects such as the Broadland Northway (which is directly comparable) and the Great Yarmouth Third River Crossing. Whilst increases are primarily driven by the events outlined above, increases can also be attributed to increased rigour to manage major projects from a corporate level, the contractual risk allocation, the nature and extent of temporary works required for a sensitive site and the associated environmental mitigation measures required in the Wensum Valley, given the designated status of the river as a Special Area of Conservation (SAC).

The contracting strategy and transferring of risk to contractors has resulted in risk pricing that is higher than anticipated, as described above.

- 6.6.6. **Programme and other effects (c.£2.0m increase):** The events set out above introduce delay, prolongation and disruption by comparison to the programme contemplated in the SOBC. The primary effect is a delay to the commencement of

construction by 12 months. Notwithstanding this, the delay to construction starting can be mitigated (in part) by adopting a traditional construction methodology for the viaduct to reduce the construction period. The overall delay is therefore around 9 months. The delay and prolongation of the works attracts an increased inflationary burden.

Other impacts relate to traffic model updating and development of the design resulting in readjustments to the project to take account of changes/impacts by 3rd parties, including for example the Highways England A47 project.

6.6.7. **Project development savings (c.£7.6m reduction):** Change driven by design development of the preferred route has resulted in savings linked to further investigation, including revised estimates from statutory undertakers achieving a reduction in the estimated costs; the stopping up of Weston Road and Breck Road following consultation, that has enabled a reduction in bridge structures; and changes to the viaduct design and construction methodology.

6.6.8. The above details of cost increases and reductions equate to the £45.7m increase in overall budget allowances (summarised in the table below) from the previously estimated £152.7m to £198.4m. The County Councils local contribution to this has therefore increased from £22.9m to £29.8m, an increase of £6.9m. By undertaking the procurement process at this earlier stage in the project's development, it has enabled a review of the project costs to ensure a more accurate budget based on a contractor proposed design and their associated tendered pricing for the construction works. This has provided the ability to include this more accurate assessment of costs within the OBC submission to DfT. This provides for improved cost information at this early stage and ensures that 85% of the required funding will be provided by the DfT, if they approve the OBC.

Element	Cost effect (£000's)
Environmental Mitigation	£ 22,200
COVID-19, Inflation and external factors	£ 17,700
Market Forces	£ 11,400
Programme and other effects	£ 2,000
Project development savings	-£ 7,600
Net total effect	45,700

7. Resource Implications

7.1. **Staff:** The project has a dedicated delivery team. This has been developed utilising specialist input provided by the in-house Infrastructure Delivery Team, supported by WSP (the highways service term consultants), specialist legal advisors (including nplaw), and contract administration and cost specialists.

7.2. **Property:** None directly, but the identification of the preferred route in July 2019 opened up two lines of potential land acquisition for landowners affected by the NWL scheme, by virtue of owning land either on or adjacent to the route corridor.

These are Blight, where land is required for the scheme itself, and discretionary purchase where no land is required.

Any land or properties acquired under either Blight Notice or Discretionary Purchase have to be managed by the Council during the period between acquisition and either their use for the Scheme or disposal through re-sale afterwards.

A Land Acquisition Audit Assurance Group was established for the NWL in 2019 in order to ensure the appropriate assurance and oversight of land related matters in regard to the scheme. The group comprises NCC Corporate Property and Finance and Commercial services teams alongside the Project Team and the land agents NPS acting on behalf of the Council. All decisions are presented to and made by the Project Board.

To date three parcels of land have been acquired, two via the acceptance of valid blight notices, and the other being a directly affected woodland plot, following discussions with the landowner. All purchases to date have been within the allowances made when setting the land acquisition budget.

The project is anticipating the potential need to acquire land by compulsory purchase order (CPO) and time has been allowed for this in the delivery programme. The case for CPO will be made as part of that process, however it is also important that the project has also tried where possible to acquire all necessary land by agreement. Accordingly, this report recommends that Cabinet agrees in principle to the Council's use of CPO powers and agrees to its taking the necessary preparatory steps towards making a CPO in parallel with acquiring land for the scheme by agreement wherever possible.

7.3. **IT:** None.

8. Other Implications

8.1. **Legal Implications :** None directly, the project has been and will continue to be supported by the Council's procurement team as well as nplaw and such external legal advisers (including Counsel) as necessary.

As well as a CPO (see property section above), a Side Roads Order (SRO), promoted by Norfolk County Council, under Sections 14 and 125 of the Highways Act 1980, will be required to make all the necessary changes to existing highways and private means of access (PMA), as well as incorporating any new highway and PMA provision required to accommodate the NWL itself. The SRO will also include any changes to Public Rights of Way required as a consequence of delivering the project. The SRO will be promoted in parallel with the CPO for the scheme, following the submission of the planning application. It is anticipated that the CPO and SRO (together, 'the Orders') will be made by the Council and submitted to the DfT in the spring of 2022 for confirmation by the Secretary of State for Transport. If objections to either or both of the Orders are received, it is likely that the DfT, in conjunction with the Planning Inspectorate (MHCLG), will hold a public local inquiry into the Orders before the Secretary of State decides

whether to refuse the Orders or to confirm them either with or without modifications.

8.2. Human Rights implications

The submission of the OBC does not directly have any implications. However, the delivery of the scheme will by its nature have some implications for the human rights of those affected by it, for example via the Compulsory Purchase Order process. Where human rights will be impacted these impacts will only be justifiable if they are legitimate, proportionate and outweighed by the public benefits the scheme will provide. Further details on any proposed infringements of human rights, in connection with the scheme, will need to be considered in this context, and a balancing judgment made; the implications of this exercise would be provided in future relevant reports that are provided in respect of the processes involved in bringing forward the NWL project, in particular the CPO and SRO.

8.2. Aarhus Convention implications

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The decision to deliver the NWL project has been established by the Council since December 2016. The project has since been the subject of three wide scale public consultation processes (as outlined earlier in this Report) and, in addition, the Council plans to carry out further non-statutory consultation before the submission of the planning application. There will also be public consultation as part of the formal planning process once the planning application has been submitted.

8.2. 2 The NWL project is being progressed through the planning system regulated through the Town and Country Planning Act 1990. When submitted, the planning application will be located on the Planning Authorities planning portal and will include environmental assessment documents and associated evidence. The Aarhus Convention is implemented in the UK through domestic legislation, where this provides for public participation in planning and environmental decision-making. In this context, the Council's approach to public consultation (as outlined above) has already provided opportunities for communities, stakeholders and statutory consultees to be involved in and consulted on the NWL proposals. As those proposals are progressed further (as the scheme develops) there will be further consultation opportunities, including a public consultation exercise in Autumn 2021 which will include environmental information, thereby allowing the public, communities, stakeholders and statutory consultees to provide input and allowing the Council to have regard to that input, in advance of the submission of the planning application.

8.2. 3 As noted, NCC has already carried out significant formal consultations associated with the development of the project, and details of those consultations have been published on the county council's project website.

8.2. 4 The requirement for the scheme has already therefore been consulted on in public and the planning application documentation will be subject to further consultation and all documents, including those related to the environmental

statements, will be updated and available to view via the Council's planning portal. Given the case for the scheme that is set out in the OBC documents, the public availability of the OBC and planning documents and details, the consultations already completed and to be completed for the planning application process, and the public decision-making process that exists via the planning decision making process, we consider that the provisions within the Aarhus Convention will have been satisfied.

- 8.2. There will be Human Rights implications associated with the Compulsory Purchase Order required to safeguard the delivery of the proposal. The CPO is likely to engage Article 1 of the First Protocol - right to peaceful enjoyment of one's property and Article 8 - right to a private and family life. In the event that a public local inquiry is held into the CPO and SRO, Article 6 – right to a fair and public hearing by an independent and impartial tribunal – will also be engaged. Impacts on Human Rights will need to be justified, as part of the process of the Council being able to demonstrate that there is a compelling case in the public interest in support of the CPO. In that context, the Council will need to consider how the impacts of the scheme could lead to private losses being suffered by individuals; it will also need to consider the public benefits to which the scheme, if delivered, would give rise. It must then weigh those public benefits against those private losses, which would only be justified if, on a proportionate basis, the losses are outweighed by the benefits. In any event, compulsory purchase is a tool of last resort and the Council will only pursue the Compulsory Purchase if negotiations to acquire land by agreement cannot be concluded voluntarily within an appropriate timescale for timely delivery of the project. The Council's interference with human rights would need to be entirely lawful, proportionate and justifiable in the circumstances. In the event that the Council makes a CPO, the Statement of Reasons in support of the CPO will need to address the human rights considerations outlined above. In seeking future Cabinet authority to make a CPO, the Council's NWL project team would submit a draft CPO Statement of Reasons to Cabinet alongside the relevant Cabinet report.

8.3. **Equality Impact Assessment (EqIA)**

It is recognised that there could be equality implications arising from the construction and operation of the NWL scheme. These implications are addressed through appropriate actions within the EqIA that has been developed for each stage of the project so far and will continue through the delivery of the scheme.

It is anticipated that when the proposed scheme progresses through key delivery milestones (Detailed Design, Stage 2 Safety Audit, and during the production of a Construction Management Plan), the EqIA will be revisited to ensure that the proposals and assessment are still complimentary.

The Public Sector Equality Duty will continue to be considered at all stages in the process.

8.4. **Health and Safety implications**

The NWL would encourage a reassignment of traffic away from existing lower standard routes onto the new high standard highway link proposed between the A47 and A1067. It is expected that this would produce an overall reduction in accidents in the study area and deliver a beneficial outcome.

The removal of some through traffic from villages in the study area has the potential to realise further health benefits, through local improvements in air quality and by making cycling and walking more attractive.

As proposals develop the health and safety implications will be a key factor in design to ensure risks are eliminated or reduced as far as practicable for the construction and operation / maintenance of the scheme.

8.5. Sustainability implications

By taking traffic off the existing road network, the NWL is expected to enable people to choose more sustainable forms of travel, particularly across shorter distances. With less traffic, local roads and communities will be safer and more pleasant places to walk and cycle, and bus services will be more efficient and reliable.

To build on these benefits, additional measures in the area to the west of Norwich are proposed to be included as part of the NWL project to support more sustainable forms of transport, particularly for journeys over shorter distances. These are described in the Sustainable Transport Strategy outlined previously in the report. These include introducing or improving road crossings for pedestrians and cyclists on busy routes and improving cycle priority and safety between residential areas and key sites and onward routes, such as retail and employment sites and the Marriott's Way into central Norwich.

In November 2019, Norfolk County Council adopted a Corporate Environmental Policy which contains broad environmental themes, reflective of the Government's 25-year Environmental Plan. The NWL project team are working closely with the environment team to ensure the project contributes to the policy's aims and that its delivery is taken account of as part of the council's wider work.

The forthcoming updates to the Local Transport Plan will consider the recent carbon reduction target adopted by Norfolk County Council, which seeks to work toward carbon neutrality within the County by 2030. This is set against a backdrop of the government's own 'net zero' target by 2050 which is now a statutory obligation within the Climate Change Act 2008.

The latest guidance for the calculation of emissions for transport schemes, as given in the DfT's Greenhouse Gas Workbook has been used to assess changes to vehicle carbon emissions as a result of the NWL. The projections show that delivery of the Norwich Western Link would result in a reduction of over 450 000 tCO₂e (equivalent tonnes of carbon dioxide) over the 60 year appraisal period, supporting local and national carbon reduction targets.

These figures incorporate DfT's current projections for future uptake of electric vehicles. Given the government's recent announcement that sales of new petrol and diesel cars will be banned after 2030, and the developing transport and

electric vehicle strategies locally, the assumptions made for the assessment are likely to be an under estimate. The figures also do not take account of the sustainable / active travel measures proposed as part of the scheme, which - in addition to the above - are expected to result in a significant reduction in vehicle miles travelled.

Carbon emissions resulting from the construction, operation and decommissioning of the road will be further developed once a Contractor has been appointed. Contractors will adhere to the principles set out in Carbon Management in Infrastructure guidance (PAS 2080), the leading specification for quantifying carbon infrastructure in the UK, when designing and constructing the project, minimising emissions where practicable. Significant levels of planting, included as part of the project's environmental mitigation and enhancement aims, will also help to offset carbon emissions. Overall, when considering both construction and operation, it is anticipated the Norwich Western Link will be beneficial in achieving reductions in carbon emissions, again supporting national and regional policy. Details will be provided in the Environmental Statement submitted as part of the planning application.

Current national planning policy and the Council's own Environmental Policy encourages new or proposed development to demonstrate Biodiversity Net Gain, and, through the Environment Bill, the government has committed to making this mandatory. Biodiversity Net Gain involves leaving habitats in a measurably better state than before development took place. The national policy produced by Defra for biodiversity net gain seeks a 10% uplift in biodiversity after development and is based on the area of habitats directly and indirectly affected by a scheme. If the Environment Bill receives Royal Assent in the coming months (as it is expected to do) it will likely be in force by the time the Council submits its application for planning permission for the NWL. This would make Biodiversity Net Gain mandatory, through compulsory planning conditions requiring the discharge of a biodiversity gain plan delivering at least a 10% biodiversity net gain,

Regardless of this, the County Council is already aiming to achieve biodiversity net gain on all applicable habitats, as set out by Defra, as an integral part of the NWL scheme. This will see new habitats created and existing ones improved in the local area to support a wide range of ecology and wildlife. It is likely that this will focus on creating and improving significant areas of woodland and wetland habitat.

The NWL design seeks, as far as possible, to avoid impacts on designated ancient woodland and veteran trees, however some individual ancient and veteran tree loss will be unavoidable. A separate compensation strategy is being developed for any ancient and veteran trees that will be impacted by the project, which is likely to see a significant number of trees planted.

The impacts of the NWL on biodiversity and climate, along with other environmental topics, will be robustly assessed as part of the Environmental Impact Assessment. Surveys are being carried out to establish a robust baseline

and the Contractor's design will be used to inform the assessment of likely scheme impacts. The findings of the assessment will be reported in the Environmental Statement submitted as part of the planning application and will be subject to public scrutiny as part of the planning application process.

In addition to the above as part of the planning application, the appointed Contractor will develop a sustainability statement which will set out how the project complies with sustainability principles and promotes sustainable design and construction practices.

Any Other implications

8.6. None applicable.

9. Risk Implications/Assessment

9.1. The contract is not for a fixed price and is subject to:

1. indexation for inflation
2. budget events (design/scope changes before works start)
3. compensation events (e.g. significant flooding in the Wensum Valley outside of the usual seasonal periods)
4. the contract pain/gain share mechanism.

The contract is developed such that it follows industry good practice and allows for a balance of risk ownership between the client and the contractor. For this contract responsibility for the design and construction rests with the contractor and they have an allowance in their pricing for these risks should they occur. Equally, the client also has a risk allocation within the budget (this is £40m) for those risks that are not 'owned' by the contractor – such as the need to instruct a change to the scope of the work required (e.g. as a result of the statutory approvals processes).

9.2. The submission of the OBC sets in motion the approvals process by the DfT. By awarding the contract before the approval of the OBC there is a financial risk to NCC, particularly if DfT do not approve the OBC and confirm the necessary funding for the project. It is a short-term risk, and the costs during that period would be in the order of £3.5m (including fees, land and risk). However, this risk needs to be balanced against the risk of delay to the project. If the contract is not awarded until after the DfT approval this could delay the project by a number of months, which will inevitably increase costs.

As the funding from DfT is subject to final approvals of all statutory processes, there is an overarching risk in any case, so it is considered prudent to continue the project programme as planned whilst waiting for DfT approval. It should be noted that by entering into the contract, NCC is not obliged to continue to the next stages of the contract, and during Stage One would only be paying the project development fees incurred by the contractor. Whilst this provides reassurance

that there are no penalties under the contract for not progressing to the construction stage, if ultimately the project does not get constructed there is a risk that any funding already provided by DfT would need to be repaid and that the capital expenditure up to that stage could need to be repaid from revenue funds (as there would be no capital asset to justify the use of capital funding). The value of this, based on the table in section 6.2 above, would be in the order of £11.5m up to the end of 2020/21, and a further £12m to the end of 2021/22.”

- 9.3. Construction of the NWL is currently scheduled to begin shortly after the stated start of works on the A47 North Tuddenham to Easton improvement scheme. The DCO submission for the scheme made by Highways England was accepted by the Planning Inspectorate in April 2021. Should the A47 DCO application be unsuccessful or the A47 DCO scheme not be brought forward for delivery, this would have an effect on the NWL scheme in its present form as Highways England have included in their A47 DCO application provision for the improvements to the A47 Wood Lane junction and the NWL’s future connection with that improved junction. It will remain important for the project team to continue to work closely with Highways England to ensure the successful management of the interface between the two schemes and the potential overlap in construction periods.
- 9.4. Within the NWL study area there are a number of important environmental considerations. Engagement is continuing with statutory environmental bodies to ensure any proposals meet the scheme objectives and minimise impacts on the environment and incorporate any necessary environmental mitigation, particularly taking account of the points already made in discussion with the Environment Agency and Natural England and the issues raised by interested third parties, such as the signatories of the open letters [see link here](#).
- 9.5. Ecological surveys to establish the environmental baseline for the NWL scheme have in the past been disrupted by objectors to the scheme. This risk will be monitored going forward and preventative measures put in place to ensure the project team is able to collect the survey data required.

As noted in paragraph 3.1.4, environmental assessment can only be based on the survey data that is available to inform it (it would be inappropriate for the Council to place reliance on data it had been unable to observe, or which had only been reported to it). Where data is currently held, but not made available by, third parties, there is a risk that such data, if made publicly available at a later stage in the consenting programme, could cause delay whilst its implications were considered. To mitigate this risk, the Council is seeking to ensure that comprehensive surveys are undertaken by the project team, that robust assumptions are made and that the NWL scheme is sensitively designed, incorporating suitable mitigation measures to account for known ecological species present in the area, and for their specific requirements in terms of facilitating movement and accessing foraging and breeding habitat.

- 9.6. As work on understanding the ecological baseline continues, this will also affect the requirements for Biodiversity Net Gain as the ‘biodiversity value’ of the land

affected by the NWL is able to be calculated and confirmed, thereby informing what a 10% gain will require in terms of land assembly and associated costs.

It is important to note, however, that a 10% gain in value does not necessarily mean a 10% gain in land itself, compared to the baseline but a gain in the value of biodiversity as calculated using the Defra metric. As such, the focus is on the nature of the biodiversity provision on the land that is utilised for net gain purposes to ensure that gain can be realised. As such, the Council will be working with stakeholders and landowners to ensure that the land and cost implications of the Biodiversity Net Gain requirement are minimised even as the baseline understanding develops.

- 9.7. Covid-19 restrictions have had an impact on the way we and our stakeholders work. Along with the rest of the Council, we have adapted to remote working practices, which have shown benefits, particularly during the procurement process. Furthermore, allowances have been made within the scheme cost estimate for impacts to construction activities, should the effects of the pandemic continue.
- 9.8. When considering the impacts of the NWL on carbon emissions, the scope of the recent case law in respect of Heathrow Expansion has been considered. In the Heathrow Expansion litigation, the Courts' decisions related to the Airports National Policy Statement (ANPS) and were focused on a legal point specific to the application of the Planning Act 2008 and the legal requirements that apply to the Secretary of State when designating (or adopting) National Policy Statements. The 2008 Act requires the Secretary of State to take account of Government policy on climate change when designating National Policy Statements and the question before the Court of Appeal was whether the Paris Climate Agreement constituted 'Government policy' for these purposes. In the Court of Appeal, the claimant successfully argued that the Paris Climate Agreement did form Government Policy; and because the Paris Climate Agreement had not been considered by the Secretary of State when designating the ANPS, the ANPS was declared unlawful by the Court of Appeal. However, the Supreme Court subsequently reversed the Court of Appeal's decision, considering that the net zero commitment was not Government policy at the time when the National Policy Statement was designated. It is therefore not the case that in the light of the Heathrow Expansion litigation, projects with potential or perceived negative carbon impacts cannot be brought forward.

The Government's Energy White Paper: Powering our Net Zero Future outlines the path to net zero emissions by 2050. In addition, the Government is preparing to set legally binding targets to cut carbon emissions in line with the recommendations of the Climate Change Committee in the UK's Sixth Carbon Budget. Notwithstanding this trajectory, a judicial review challenge is being pursued against the Secretary of State for Transport relating to Highways England's Road Investment Strategy 2 (RIS2) on grounds that when setting that strategy, the Secretary of State failed to take account of the impact of RIS2 on achieving the UK's climate change objectives.

The above-mentioned legal challenges to the ANPS and to the Department for Transport's RIS2 are all founded on matters which specifically relate to National Policy Statements, NSIPs, DCOs and the Planning Act 2008 regime, and therefore not specifically related to the NWL. That said, all of these legal challenges seek to demonstrate that infrastructure development is incompatible with the achievement of the UK's current environmental objectives and climate change obligations. Against this backdrop, it will be key for the Council, in bringing the NWL forward, to be able to demonstrate that, if planning permission for the NWL is granted, delivery of the NWL would not impede the Government's ability to meet the relevant Carbon Budgets, to achieve the target of net zero by 2050, and to meet its international obligations in that regard.

The planning application for the NWL will therefore need to demonstrate that in bringing forward the NWL, the Council is compliant with national and local policy; it will also need to have regard to any other material considerations relevant to the NWL scheme, carefully weighing up the potential benefits and adverse impacts, including any positive or negative carbon emission impacts forecast to arise during both the construction and operation of the NWL scheme, and considering those impacts in the context of the relevant Carbon Budgets set by the Climate Change Committee.

- 9.9. The transitional arrangements put in place when the UK left the EU were resolved by an agreement being completed by the 31 December 2020 deadline. The implications of Brexit and the transitional arrangements have been discussed in the Finance section above, which has been informed by the completion of the procurement process. Allowances have therefore been incorporated within the scheme cost estimate.

10. Select Committee comments

- 10.1. Not applicable, however as set out in section 2.5 the Project Team report regularly to the project Member Group.

11. Recommendations

- 11.1. **1. To agree to the continued delivery of the project and to the submission of the Outline Business Case to the Department for Transport (DfT), to secure a total of c.£169m of government funding for the project for Norfolk.**
- 2. To recommend to Council to include £186.836m in the forward capital programme, funded from £167.605m of DfT Grant and £19.231m local contribution, underwritten by the County Council (which would be funded through additional prudential borrowing if necessary).**
- 3. Following the outcome of the procurement process for the project, to agree to award the contract to the bidder that has achieved the highest score in accordance with the evaluation criteria, and to delegate to the Executive Director of Community and Environmental Services in consultation with the Cabinet Member for Highways,**

Infrastructure & Transport, the authority to approve the finalisation and signing of the contract

- 4. To refer this decision to Full Council at its meeting on 7 June 2021 as required by the Constitution at Appendix 15 para 3.6.1 and ask Council to endorse the decision made by Cabinet today**
- 5. To agree to the commencement of the non-statutory pre-planning application consultation in the autumn of 2021 and to delegate to the Cabinet Member for Highways, Infrastructure & Transport in consultation with the Executive Director of Community and Environmental Services, the authority to approve the details for that consultation, which will be based on the design solution developed by the successful bidder (see item 3 above).**
- 6. To authorise the Executive Director of Community and Environmental Services to take all appropriate actions necessary for the purpose of negotiating the terms and conditions to acquire by agreement (in advance of the CPO) the land and new rights over land which are needed to allow the construction, operation and maintenance of the NWL.**
- 7. To agree to acquire land required for the delivery of the NWL project by negotiated agreement and if this is not achievable in the timescales required, to agree in principle to the Council's use of compulsory purchase powers, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work (including land referencing and requisitions for information) to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission to the DfT for confirmation, of a compulsory purchase order (CPO) in support of the NWL project (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the CPO and confirming the final details therein).**
- 8. To agree in principle to the Council's making of a side roads order (SRO) under the Highways Act 1980 to authorise works necessary in connection with the delivery of the NWL project, and to the subsequent making, publication and submission of the SRO to DfT for confirmation, and for authority to be delegated to the Executive Director of Community and Environmental Services to proceed with preparatory work to facilitate the drafting of, and all necessary steps to prepare for the making, publication and submission of the SRO to the DfT for confirmation (noting that a further Cabinet resolution will be sought in due course, to authorise the making, publication and submission of the SRO and confirming the final details therein).**
- 9. To delegate to the Executive Director of Community and Environmental Services, the authority to approve purchase orders, employer's instructions, compensation events or other contractual instructions necessary to effect changes in contracts that are**

necessitated by discoveries, unexpected ground conditions, planning conditions, requirements arising from detailed design or minor changes in scope subject always to the forecast cost including works, land, fees and disbursements remaining within the agreed scheme budget.

12. Background Papers

12.1. Links to previous committee papers:

- Cabinet 3 February 2020 – Follow this [link](#)
- Cabinet 15 July 2019 – Follow this [link](#)
- EDT Committee 8 March 2019 – Follow this [link](#)
- EDT Committee 09 November 2018 – Follow this [link](#)
- EDT Committee 12 October 2018 – Follow this [link](#)
- EDT Committee 20 October 2017 – Follow this [link](#) (Reports tab)
- EDT Committee 15 September 2017 – Follow this [link](#) (item 15, page 98)
- Business and Property Committee 08 September 2017 – Follow this [link](#) (see item 10)
- Council Meeting December 2016 - Follow this [link](#) (see section 5.4)
- EDT Committee 08 July 2016 – Follow this [link](#) (see item 9, page 25)
- EDT Committee 18 September 2014 – Follow this [link](#) (see item 11, page 28)

Links to supporting information:

- Norwich Area Transport Strategy Implementation Plan Update 2013 – Follow this [link](#)
- Transforming Cities Fund May 2020 – Follow this [link](#)

Link to Highways England Information:

- A47 North Tuddenham to Easton Improvement Scheme via this [link](#)
- DCO application for A47 North Tuddenham to Easton Improvement Scheme via this [link](#)

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Scrutiny Committee

Report title:	Update from the Chair of the Norfolk Countywide Community Safety Partnership (NCCSP) Scrutiny Sub Panel
Date of meeting:	23 June 2021
Responsible Cabinet Member:	Cabinet Member for Communities and Partnerships
Responsible Director:	Executive Director of Community & Environmental Services
Is this a key decision?	N/A
<p>Action required</p> <p>The Scrutiny Committee is asked to consider an update from the Chair of the NCCSP Scrutiny Sub Panel, Cllr Mark Kiddle-Morris.</p> <p>Recommendations</p> <p>To consider the progress being made by the Scrutiny Sub Panel and what recommendations (if any) it might make for its future work.</p>	

1. Background and Purpose

- 1.1. In June 2011 the Home Secretary gave permission for the seven Community Safety Partnerships (CSPs) in Norfolk to formally merge into one CSP for the whole of the county. Responsibility for scrutiny of the Norfolk Countywide Community Safety Partnership (NCCSP or “the Partnership”) lies with the County Council and this statutory scrutiny function is set out at paragraph 4 of Appendix 2A of the County Council’s Constitution, which can be viewed [here](#). Since the change of governance arrangements at the County Council in May 2019 this role has been undertaken by the Scrutiny Committee, through a dedicated Scrutiny Sub Panel.
- 1.2. The NCCSP Scrutiny Sub Panel (the “Sub Panel”) met on 23 February 2021. The agenda and unconfirmed minutes for that meeting can be viewed [here](#). This was the second Sub Panel meeting to be convened since the start of the civic year and provided an opportunity for Members to consider the additional information that had previously been requested and the progress being made with the development of a new Partnership strategy.

2. Actions arising from the meeting held on 27 November 2020

- 2.1. The Sub Panel received a report that set out responses from the Partnership to the requests for additional information made by the Scrutiny Sub Panel on 27 November 2020.
- 2.2. Members welcomed and noted the additional information and clarification that had been provided on a variety of matters spanning the breadth of the Partnership's work. Being mindful of the pressures that the Covid-19 pandemic is placing on local services, we agreed that any further requests for detailed information should be limited to those matters that are essential in holding the Partnership to account for its actions. To that end, we requested that the following matters be addressed in future reports:
 - a) How the complex relationships between services covered by the Vulnerable Adolescent Group were being managed and what those services felt like for vulnerable young people in the community.
 - b) The contribution being made by housing teams to identifying and protecting vulnerable people at risk of exploitation.
 - c) Waiting times for people requiring medically managed detox services and the outcomes.

3. Norfolk Countywide Community Safety Partnership Strategy 2021-24

- 3.1. The Scrutiny Sub Panel received a report that summarised the progress being made with developing a new Partnership Strategy and the steps that were planned to achieve local agreement.
- 3.2. Gavin Thompson, Director of Policy and Commissioning, Office of the Police and Crime Commissioner for Norfolk (OPCCN) gave the Scrutiny Sub Panel a presentation that explained the progress being made in developing the new Strategy and set out the planned next steps. The presentation also set out the new Partnership team structure.
- 3.3. The timelines for the actions going forward were summarised as follows:
 - Agree Strategic Themes/Priorities – 20/01/21
 - Feedback from strategic leads/organisations/Districts - per priority – 10/02/21
 - Review of feedback – aggregate county/district priorities – 24/02/21
 - Draft strategy – 14/03/21
 - NCCSP Scrutiny Sub Panel – Engagement on outline strategy – 21/02/21
 - Norfolk Chief Executives – Engagement on outline strategy – to be confirmed
 - Norfolk Leaders Board – Engagement on outline strategy – to be confirmed
 - Safeguarding Board Engagement – March/April 21
 - Public Consultation – 29 Mar - 12 April 21 – subject to pre-election guidance
 - Final strategy sign-off – NCCSP – 19 April 21
- 3.4. Sub Panel Members were asked to ensure that their local authority had contributed to the discussion about a new Strategy.
- 3.5. The Sub Panel will keep under review the development of the new Partnership Strategy and subsequently monitor the Partnership's performance in delivering the stated outcomes. A forward work programme has been developed accordingly. It focuses initially on what the new Strategy will look like, how it will

be implemented and how progress will be monitored. The focus would then move on to regular performance updates and an in-depth review of the Partnership's priorities, one or two at a time on a rolling basis.

4. Proposals

- 4.1. That Members consider the progress being made by the Scrutiny Sub Panel and what recommendations (if any) the Scrutiny Committee might make for its future work.

5. Resource Implications

- 5.1. **Staff:**

None.

- 5.2. **Property:**

None

- 5.3. **IT:**

None

6. Other Implications

- 6.1. **Legal Implications:**

None.

- 6.2. **Human Rights implications**

None

- 6.3. **Equality Impact Assessment (EqIA)**

None

- 6.4. **Health and Safety implications**

None

- 6.5. **Sustainability implications**

None

- 6.6. **Any other implications**

None

7. Risk Implications/Assessment

- 7.1. None

8. Select Committee comments

- 8.1. None

9. Recommendation

- 9.1. To consider the progress being made by the Scrutiny Sub Panel and what recommendations (if any) it might make for its future work.

10. Background Papers

- 10.1. None

Officer Contact

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Terms of Reference of the Norfolk Countywide Community Safety Partnership Scrutiny Sub Panel (updated May 2019)

Role of the Sub Panel

The role of the Norfolk Countywide Community Safety Partnership Scrutiny Sub Panel is to:

- Scrutinise on a quarterly basis the Community Safety Partnership Plan and on such other occasions as are required to scrutinise the actions, decisions and priorities of the Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder.
- Scrutinise the priorities as set out in the annual Countywide Community Safety Partnership Plan.
- Make any reports or recommendations to the Countywide Community Safety Partnership and/or where considered appropriate to Norfolk County Council's Scrutiny Committee.

Membership

- 3 County Councillors (politically balanced and can be drawn from the Police and Crime Panel).
- 7 District Council members – one co-opted from each District.
- Each member of the Sub Panel to have one named substitute. No other substitutes are acceptable.
- The Sub Panel may wish to consider co-opting additional non-voting members onto it if appropriate.
- The Chair to be elected from the County Council members on the Sub Panel on an annual basis.
- The Vice Chair to be elected from other members on the Sub Panel on an annual basis.

Working Style

- The Community Safety Scrutiny Sub Panel meetings will be held quarterly to scrutinise the progress being made with delivering the Partnership Plan and on such other occasions as are required.
- The Chair will provide regular update reports to the Scrutiny Committee.
- The quorum for the Sub Panel will be five members.
- Unless otherwise stated meetings of the Sub Panel will be held in accordance with Appendix 8 of the County Council's constitution.

General issues

- Democratic support to the Sub Panel will be provided by the County Council.

Report to Scrutiny Committee

Item No. 10

Report title:	Appointment to the Norfolk Countywide Community Safety Partnership Scrutiny Sub Panel
Date of meeting:	23 June 2021
Responsible Cabinet Member:	Cabinet member for Communities and Partnerships
Responsible Director:	Director of Governance
Is this a key decision?	No
Executive Summary <p>The County Council has a statutory duty to ensure that it has a Crime and Disorder Committee to review, scrutinise and make reports and recommendations regarding the functions of the responsible authorities. This role is currently undertaken by the Countywide Community Safety Partnership Scrutiny Sub Panel which under the new governance arrangements is now a sub panel of the Scrutiny Committee.</p> Action required <p>The Scrutiny Committee is asked to consider appointing three Members (politically balanced: 2 Conservative and 1 Labour) onto the Countywide Community Safety Partnership Scrutiny Sub Panel.</p>	

1. Background and Purpose

- 1.1. In June 2011 the Home Secretary gave permission for the seven Community Safety Partnerships (CSPs) in Norfolk to formally merge into one CSP for the whole of the county. Responsibility for scrutiny of the County Community Safety Partnership (CCSP) lies with the County Council.
- 1.2. The County Council agreed in 2011 to the formation of a Scrutiny Sub Panel to scrutinise the Community Safety Partnership (CCSP) and until May 2019 this role has been undertaken by a sub panel of the Communities Committee.
- 1.3. The Scrutiny Committee has the power to scrutinise and make reports and recommendations regarding decisions taken by the 'responsible authorities' in connection with the discharge of their crime and disorder functions. Responsibility for the Sub Panel therefore now rests with this Committee.
- 1.4. The role of the Countywide Community Safety Partnership Scrutiny Sub Panel is to:
 - scrutinise the actions, decisions and priorities of the Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder on behalf of the Scrutiny Committee.
 - Scrutinise the priorities as set out in the annual Countywide Community Safety Partnership Plan.

- Make any reports or recommendations to the Countywide Community Safety Partnership and/or where considered appropriate to the Scrutiny Committee.

2. Proposals

- 2.1. The Scrutiny Committee is asked to appoint 3 County Council members (2 Conservative and 1 Labour) to represent the County Council on the Countywide Community Safety Partnership Scrutiny Sub Panel. A copy of the terms of reference for the Sub Panel are attached at Appendix A.

3. Impact of the Proposal

- 3.1. Appointing Members to the Scrutiny Sub Panel will ensure that the County Council is meeting its statutory duty under Section 19 of the Police and Justice Act 2006.
- 3.2. The Scrutiny Sub Panel and the Police and Crime Panel have the complementary aims of supporting the delivery of local measures to reduce crime and disorder and enhance public safety. Both Panels have therefore agreed a Protocol to ensure that mechanisms are in place to exchange information while ensuring that their individual roles and functions are delivered, without duplicating effort and resources.

4. Evidence and Reasons for Decision

- 4.1. The County Council has a statutory duty to ensure that it has a Crime and Disorder Committee and has determined that the Countywide Community Safety Partnership Scrutiny Sub Panel undertakes this role on behalf of the Scrutiny Committee.

5. Alternative Options

- 5.1. There are no alternative options for the Scrutiny Committee to consider.

6. Financial Implications

- 6.1. None

7. Resource Implications

- 7.1. **Staff:**
Support to the Sub Panel is provided by Norfolk County Council's Democratic Services.
- 7.2. **Property:**
None
- 7.3. **IT:**
None

8. Other Implications

- 8.1. **Legal Implications:**

Section 19 of the Police and Justice Act 2006 requires every local authority to have a Crime and Disorder Committee to review, scrutinise and make reports and recommendations regarding the functions of the responsible authorities.

- 8.2. **Human Rights implications**
None

8.3. **Equality Impact Assessment (EqIA) (this must be included)**

None

8.4. **Health and Safety implications** (where appropriate)

N/A

8.5. **Sustainability implications** (where appropriate)

N/A

8.6. **Any other implications**

9. Risk Implications/Assessment

9.1. None.

10. Select Committee comments

10.1. This report does not need to be considered by a Select Committee.

11. Action required

11.1. The Scrutiny Committee is asked to consider appointing three Members (politically balanced: 2 Conservative and 1 Labour) onto the Countywide Community Safety Partnership Scrutiny Sub Panel.

12. Background Papers

12.1. [Police and Justice Act 2006 – Section 19 Local Authority Scrutiny of Crime and Disorder Matters](#)

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Countywide Community Safety Partnership - Terms of Reference

(Excerpt from constitution)

4. Scrutiny of the Norfolk Countywide Community Safety Partnership

- 4.1** The Scrutiny Committee has the power to scrutinise and make reports and recommendations, regarding decisions taken by the 'responsible authorities' in connection with the discharge of their crime and disorder functions. For this purpose, the Committee has established a Norfolk Countywide Community Safety Partnership Sub Panel.

The 'responsible authorities' in Norfolk are: -

- The County Council
- District Councils
- Norfolk Constabulary
- Norfolk Fire and Rescue Service
- Health – Clinical Commissioning Groups
- Probation service

4.2 Role of the Sub Panel

The role of the Norfolk Countywide Community Safety Partnership Scrutiny Sub Panel is to:

- Scrutinise on a quarterly basis the Community Safety Partnership Plan and on such other occasions as are required to scrutinise the actions, decisions and priorities of the Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder.
- Scrutinise the priorities as set out in the annual Norfolk Countywide Community Safety Partnership Plan.
- Make any reports or recommendations to the Norfolk Countywide Community Safety Partnership and/or where considered appropriate to Norfolk County Council's Scrutiny Committee.

4.3 Membership

- 3 County Councillors (politically balanced and can be drawn from the Police and Crime Panel).
- 7 District Council members – one co-opted from each District.
- Each member of the Sub Panel to have one named substitute. No other substitutes are acceptable.
- The Sub Panel may wish to consider co-opting additional non-voting members onto it if appropriate.
- The Chair to be elected from the County Council members on the Sub Panel on an annual basis.

- The Vice Chair to be elected from other members on the Sub Panel on an annual basis.

4.4 Working Style

- The Community Safety Scrutiny Sub Panel meetings will be held quarterly to scrutinise the progress being made with delivering the Partnership Plan and on such other occasions as are required.
- The Chair will provide regular update reports to the Scrutiny Committee.
- The quorum for the Sub Panel will be five members.
- Unless otherwise stated meetings of the Sub Panel will be held in accordance with Appendix 8 of the County Council's constitution.

4.5 General issues

- Democratic support to the Sub Panel will be provided by the County Council.

Report to Scrutiny Committee

Report title:	Forward Work Plan
Date of meeting:	23 June 2021
Responsible Cabinet Member:	N/A
Responsible Director:	Director of Governance and Monitoring Officer
Is this a key decision?	N/A
Actions required <p>The Scrutiny Committee is asked to consider any items that might benefit from being added to the committee's forward work programme, and agree to hold an informal work programming session in early July.</p>	

1. Background and Purpose

- 1.1. Following the Annual General Meeting of the council in May 2021, the new membership of the committee is responsible for determining a new forward programme of work.
- 1.2. The current work programme is blank until filled by the new committee.

2. Proposals

- 2.1. Members are asked to agree to hold an informal work-programming session ahead of the meeting of the Scrutiny Committee on the 21st July.
- 2.2. In considering any potential item for the work programme the Committee should consider the following:
 - Is this something that the County Council has the power to change or influence
 - How this work could engage with the activity of the Cabinet and other decision makers, including partners such as the Norfolk Resilience Forum
 - What the benefits are that scrutiny could bring to this issue?
 - How the committee can best carry out work on this subject?
 - What the best outcomes of this work would be?
- 2.3. The Centre for Governance and Scrutiny has recently published a '[Guide to Work Planning](#)' which the Committee may wish to consider when looking at future topics for scrutiny.

3. Resource Implications

3.1. Staff:

The County Council is still dealing with the COVID crisis and the focus for Officers will be in supporting this work. Some Officers may be redeployed from their current roles elsewhere to support ongoing work during the pandemic and the Committee may need to be mindful of focusing requests on essential information at this time.

3.2. Property:

None

3.3. IT:

None

4. Other Implications

4.1. Legal Implications:

None

4.2. Human Rights implications

None

4.3. Equality Impact Assessment (EqIA) (this must be included)

None

4.4. Health and Safety implications (where appropriate)

None

4.5. Sustainability implications (where appropriate)

None

4.6. Any other implications

None

5. Risk Implications/Assessment

5.1. None

6. Select Committee comments

6.1. None

7. Recommendation

7.1. The Scrutiny Committee is asked to consider

8. Background Papers

8.1. [Centre for Governance and Scrutiny- 'Guide to Work Planning' – published November 2020](#)

[Cabinet Forward Plan of Key Decisions](#)

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Scrutiny Committee Forward Work Programme

Date	Report	Issues for consideration	Cabinet Member	Exec Director
21 July 21				
18 August 21				
22 September 21				

Issues to be considered for addition to work programme:

- **Regional Schools Commissioner** - Report postponed from 17 March 2020 meeting
- **Flooding** – Update on issues raised at meeting on 27th January 2021 for consideration in Autumn 2021
- **Update on COVID** – Chair and Vice Chair to bring a programme back to Committee for consideration.
- **Children's Services Sub-Committee** – The committee to consider the role and remit of the sub-panel, as part of a wider conversation around Children's Services scrutiny.