

# Planning, Transportation, Environment and Waste Overview and Scrutiny Panel

Date: **Wednesday 6 January 2010**

Time: **10.30am**

Venue: **Edwards Room, County Hall, Norwich**

**Persons attending the meeting are requested to turn off mobile phones.**

## **Membership**

Mr A D Adams	Mr T East
Mr R A Bearman	Mr B Iles
Mr S W Bett (Chairman)	Mr J M Joyce
Mr A P Boswell	Mr M C Langwade
Mr J S Bremner	Mr B W C Long
Mr A J Byrne (Vice-Chairman)	Mr J M Ward
Mrs M Chapman-Allen	Mr A M White
Mr P G Cook	Mr R J Wright
Mr N D Dixon	

## **Non Voting Cabinet Members**

Mr A J Gunson	Planning and Transportation
Mr I Monson	Waste and Environment

## **Non Voting Deputy Cabinet Member**

Mr B H A Spratt	Planning and Transportation
-----------------	-----------------------------

**For further details and general enquiries about this Agenda  
please contact the Committee Administrator:**

Jo Martin on 01603 223814  
or email [jo.martin@norfolk.gov.uk](mailto:jo.martin@norfolk.gov.uk)

## A g e n d a

1. **To receive apologies and details of any substitute members attending.**

2. **Minutes**

**To confirm the minutes of the meeting held on 4 November 2009.**

(Page **1**)

3. **Members to Declare any Interests**

Please indicate whether the interest is a personal one only or one which is prejudicial. A declaration of a personal interest should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote on the matter. Please note that if you are exempt from declaring a personal interest because it arises solely from your position on a body to which you were nominated by the County Council or a body exercising functions of a public nature (e.g. another local authority), you need only declare your interest if and when you intend to speak on a matter.

If a prejudicial interest is declared, the member should withdraw from the room whilst the matter is discussed unless members of the public are allowed to make representations, give evidence or answer questions about the matter, in which case you may attend the meeting for that purpose. You must immediately leave the room when you have finished or the meeting decides you have finished, if earlier. **These declarations apply to all those members present, whether the member is part of the meeting, attending to speak as a local member on an item or simply observing the meeting from the public seating area.**

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

5. **Public Question Time**

15 minutes for questions from members of the public of which due notice has been given.

Please note that all questions must be received by 5.00pm Thursday 31 December 2010. Please submit your question(s) to the person named on the front of this agenda. For guidance on submitting public questions, please refer to the Council Constitution Appendix 10, Council Procedure Rules or [www.norfolk.gov.uk/reviewpanelquestions](http://www.norfolk.gov.uk/reviewpanelquestions)

6. **Local Member Issues/Member Questions**

15 minutes for local members to raise issues of concern of which due notice has been given.

Please note that all questions must be received by 5.00pm Thursday 31 December 2009. Please submit your question(s) to the person named on the front of this agenda.

7. **Cabinet Member Feedback on previous Overview and Scrutiny Panel comments** (Page **13**)

Joint Report by the Cabinet Member for Planning and Transportation and the Cabinet Member for Waste Management and the Environment.

**Items for Scrutiny**

8. **The Environmental Impact of Landfill** (Page **16**)

To consider a summary of the legacy of landfill as a waste disposal method and the subsequent long term liability for the County Council.

9. **Street Lighting Policy** (Page **23**)

To consider a proposed way forward for introducing part night lighting in Norfolk.

10. **Trading on the Highway = removal and disposal of vehicles for sale on the highway** (Page **34**)

To consider the latest position in connection with the removal and disposal of vehicles for sale on the highway.

11. **Forward Work Programme: Scrutiny** (Page **39**)

To review and develop the programme for scrutiny.

**Items for Review**

12. **The Wash Shoreline Management Plan Consultation** (Page **45**)

To consider whether the Panel would like to comment on the content of the Plan as part of the formal consultation process.

13. **Planning, Transportation, Environment and Waste Integrated Performance and Finance Monitoring Report 2009/10** (Page **54**)

To comment on progress against Planning and Transportation's service plan actions, risks and budget and consider whether any aspects should be identified for further scrutiny.

14. **Service and Financial Planning 2010-13** (Page **66**)

To consider and comment on the proposals and prioritised bids for capital funding to inform the Cabinet's discussion on 25 January.

15. **Local Transport Plan Settlement and Highways Capital Programme 2010/11/12** (Page **75**)

To consider a summary of the LTP Settlement for 2010/11 and a

suggested highways capital programme for 2010/11/12.

16. **Norwich City Highways Agency Review** (Page **87**)  
To consider a preferred approach, to inform the Cabinet's discussion.
17. **To consider any items of business which the Chairman decides should be considered as a matter of urgency**

**Following the Panel meeting there will be an opportunity for all Panel members to attend a short introduction to Prism, the County Council's performance management system. Members can find how to access the system and how to interpret the information held on it. The briefing will take place in the Members IT suite and officers will be available to answer questions and demonstrate the system online.**

#### **Group Meetings**

<b>Conservative</b>	<b>9.30am</b>	<b>Colman Room</b>
<b>Liberal Democrats</b>	<b>9.30am</b>	<b>Room 504</b>
<b>Green</b>	<b>9.30am</b>	<b>Room 532</b>

Chris Walton  
Head of Democratic Services  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Date Agenda Published: Wednesday 23 December 2009



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

## **Planning, Transportation the Environment and Waste Overview and Scrutiny Panel**

### **Minutes of the Meeting held on 4 November 2009**

#### **Present:**

Mr A J Byrne (Vice-Chairman in the Chair)

Mr R A Bearman	Mr T East
Dr A P Boswell	Mr J M Joyce
Mr J S Bremner	Mr M C Langwade
Mrs M Chapman-Allen	Mr B W C Long
Mr P G Cook	Mr A M White
Mr N D Dixon	Mr R J Wright

#### **Substitute Members:**

Mr T Garrod  
Ms D Irving  
Mr P Wells

#### **Cabinet Members Present:**

Mr A Gunson	Planning and Transportation
Mr I Monson	Waste and Environment

#### **Deputy Cabinet Member Present:**

Mr B H A Spratt	Planning and Transportation
-----------------	-----------------------------

### **1. Apologies**

1.1 Apologies were received from Mr A D Adams, Mr S W Bett and Mr J M Ward.

### **2. Minutes**

2.1 The Minutes of the meeting that took place on 9 September 2009 were signed as a correct record, subject to the following amendments:

- Paragraph 9.4, fourth bullet point – To amend the date of the IPCC document to 2007.
- To add the following paragraph after paragraph 9.5: There was discussion of the above points during which some Members said they understood that there was not a consensus on the science of links between dredging and coastal and beach erosion. The NGO MARINET

had a comprehensive website of evidence that countered the Environment Agency's view. Some Members noted there was a need for a more informed debate about this issue.

- Paragraph 11.1 -To add the following sentence: The Panel's attention was drawn to the Project Board's recommendation for the shortlist.
- Paragraph 11.2 - To read:

During discussion:

- A view was expressed in favour of an applicant that was expected to probably deliver an alternative to Energy from Waste. An alternative view underlined that the interest was actually in the top four and not any particular one.
- It was explained that the evaluation process reflected the financial, legal and technical experience of the applicants and that the Applicants' Conference was for potential bidders.
- An appreciation was registered for the thoroughness and extent of the evaluation process.
- It was established that the Norfolk Waste Partnership already had a Local Area Agreement to increase recycling levels to 48% and unlike some other authorities was already well advanced with a procurement to treat residual waste supported by PFI credits.
- It was explained that separate combined heat and power studies had been provided to applicants that looked at Energy from Waste and Mechanical Biological Treatment and the benefits they could deliver.
- An intention was given to present medium term proposals, for the period up to 2015, to the Panel in November, that were likely to include proposals for smaller framework contracts.
- It was established that the bid evaluation process looked at partnership working proposals such as the approach to managing the contract or the practicalities of the timetables proposed.

2.2 In addition, the Panel agreed that the following point raised by Dr Boswell about Dutch dredging activity should be noted: The Dutch did not grant dredging within 25km (16 miles) of their coastline and only at depths greater than 20 meters, while in the UK licences were issued for dredging up to 5km off the east Norfolk and Suffolk coasts.

### **3. Declarations of Interest**

3.1 Members declared the following interests:

- Mr Borrett declared a personal interest in item 18 (A47 to A1067 Link Road) – being the Local Member for Elmham and Mattishall.
- Mr Bremner declared a personal interest in item 8 (Street Lighting) - being a Norwich City Councillor.

- Mr Byrne declared a personal interest in item 8 (Street Lighting) - being a Member of the Norfolk Police Authority.
- Mr Joyce declared a personal interest in item 18 (A47 to A1067 Link Road) – being the Local Member for Reepham.
- Mr Long declared a personal interest in item 9 (Partnership Working) – being the portfolio holder with responsibility for the environment at the Borough Council of King’s Lynn and West Norfolk.
- Mr Wells declared an interest in item 8 (Street Lighting) – being a member of the Norfolk Police Authority

#### **4. Matters of Urgent Business**

There were no matters of urgent business.

#### **5. Public Question Time**

##### **5.1 Question from Ruth Goodall (Chair, Weston Longville Parish Council)**

The scheme proposed [for the A47 to A1067 Link Road] would cost £2.4 million, it would cause damage to the environment and (since nothing is said about traffic management other than the change in priority at Wood Lane and Walnut Lane) offer fewer benefits to Weston Longville than the status quo. Indeed it is likely to increase rat-running in and around the village as commuter traffic seeks to avoid two-way HGV traffic. In its current form, Weston Longville Parish Council would not support the proposal and would ask NCC to maintain the status quo. Without a local consensus in support of the scheme, is the high price that would have to be paid by Weston, by the environment and by the County Council for removing HGV traffic from Hockering justifiable in the current economic and financial situation? "

##### **Response by the Cabinet Member for Planning and Transportation**

The Cabinet Member explained that he understood Mrs Goodall was disappointed that officers had not recommended a more extensive scheme. However, the proposed scheme, combined with additional traffic management measures within Weston Longville village, which was currently the subject of a separate feasibility study, should result in improvements for the residents of Weston Longville and a reduced traffic flow through the village. The proposals should not result in increased rat running through Weston Longville as the improved road will be suitable for two-way HGV flow and will provide a good link between the A1067 and the A47. This would be further enhanced by upgrading the route to a B road and signing it accordingly.

The scheme was expensive at a cost of between £2.1m and £3.3m, and this was the upper limit to give value for money. However, the local issues here were such that the County Council felt it was the appropriate amount to spend

to resolve the local issues. The environmental damage would be minimised by limiting the road to 6 metres wide.

Mrs Goodall went on to ask what evidence the County Council had that the current arrangement was not working and that it was not fair and equitable.

The Cabinet Member explained that funding was targeted to stop HGVs having to go through Hockering on the present one way system. It was evident from driving on that road that it was not satisfactory but it was difficult for the County Council to find the money to do more given pressures on expenditure and local priorities.

**5.2 Question from Penny Hawker, Clerk, Hockering Parish Council (put to the Panel by Stephen Ashford, Hockering Parish Councillor)**

The report [about the A47 to A1067 Link Road] makes little mention of the NDR. When that is built, traffic levels between A1067 and A47 will increase greatly. If a substantial link road is not built by then, how will NCC cater for the inevitable congestion and road damage?

**Response by the Cabinet Member for Planning and Transportation**

The Cabinet Member explained that report did not mention the Northern Distributor Road (NDR) in detail although it was referred to in the Background section. However, both the NDR and the Link Road schemes were part of the overall Norwich Area Transportation Strategy which aimed to increase accessibility through widening transport choice and enabling growth through the provision of sustainable development. It was this strategy which sought to address a variety of issues including congestion and rat running around Norwich. The link road proposal took account of the likely impact of the NDR, which was not expected to be completed until 2015.

In addition, the report recommended a scheme which in the short to medium term addressed the traffic issues in the area. It also identified a more substantial scheme if more funding became available in the longer term.

**5.3 Question from Richard Hawker (put to the Panel by Stephen Ashford, Hockering Parish Councillor)**

The report [about the A47 to A1067 Link Road] finds that the scheme may not be justified in terms of the LTP objectives of environment, casualty reduction and congestion relief. How does the committee view the concept of improving the environment for humans and prevention of accidents and congestion rather than having to react to problems after they have arisen?

**Response by the Cabinet Member for Planning and Transportation**

The Cabinet Member explained that the first section of the Overview & Scrutiny Panel report highlighted the existing levels of through traffic in Weston Longville village and HGV traffic through Hockering village centre,



and the detrimental environmental impact on local residents and their quality of life. It was the importance of these issues which had resulted in the current proposal which sought to find an affordable and buildable solution.

It was always the aim of the County Council to improve the environment, prevent accidents and reduce congestion rather than having to react to problems after they had arisen. However, given the current and anticipated future levels of funding, and the number of problems and issues around the county, it had to continually review priorities and develop solutions which were value for money and deliverable in reasonable timescales.

- 5.4 A query was raised as to why the Panel as a whole had not received notification of the questions in advance of the meeting. A discussion concluded that further advice be sought on the matter and that clarification would be circulated to Members.

## **7. Local Member Issues/Questions**

### **7.1 Question from Andrew Boswell, Local Member for Nelson Division**

What annual targets for reducing Greenhouse Gas (GHG) emissions have been set for the PFI Waste contract (contract B) – please provide the annual targets over the 25 year project period and their absolute values of tonnes of CO2 equivalents – and what are the detailed criteria for GHG emissions being given to the shortlisted bidders?

#### **Response by the Cabinet Member for Waste and Environment**

The Cabinet Member explained that specification for the waste PFI contract included amongst other performance targets, a contractual target for continuous reduction in Greenhouse Gas emissions on a rolling five year period from year 5 onwards. The County Council had not set absolute values for a Greenhouse Gas emission target as this may fail to achieve the optimum Greenhouse Gas reduction available. However, it had - with the help of the public through an extensive consultation exercise - developed an evaluation model which placed a significant weighting on environmental performance and therefore would reward those bids which offered the best Greenhouse Gas emission reduction. This incentivised bidders to offer high performing solutions that would deliver an extremely high level of waste treatment and landfill diversion and, by its nature, high performance in Greenhouse Gas reduction.

Dr Boswell went on to ask if the County Council would ask for a comprehensive carbon balance sheet to be submitted with each bid?

The Cabinet Member explained that starting at year 5 was part of the PFI contract performance target but that he would look into the matter.

- 8. Order of Business** – The Panel agreed to take item 18 as the next item.

## **9. A47 to A1067 Link Road**

- 9.1 The Panel considered the annexed report (item 18) by the Director of Environment, Transport and Development, which provided a summary of work done since January 2008 looking into two shortlisted options and recommended a way forward.
- 9.2 Mr Borrett, Local Member for Elmham and Mattishall, reported that the villagers had greeted the report with unanimous despair but understood the financial difficulties facing the County Council. He recommended the Panel should agree the proposal as a first step but that there would need to be a permanent and substantial solution. Taking traffic out of Hockering would transform residents' lives.
- 9.3 Mr Joyce, Local Member for Reepham, commented that the road was not designed for what it was doing and that a designated HGV route linking Fakenham with the A47 was needed. He asked the Panel to note the comments made by the Chair of Weston Longville Parish Council and suggested that, in the absence of sufficient funding for Option 1, making the current situation fit for purpose was the best option.
- 9.4 During discussion, the following key points were made:
- Some Members felt that spending public money on the recommended option could not be justified as it would not provide an effective solution. The only effective solution would be to build a link road and that this should be done when funding was available.
  - Some Members felt that improving the maintenance and repair of the current arrangement as part of the County Council's maintenance programme, together with traffic calming measures, would be a better option until the County Council had enough funding to build a proper link road.
  - Some Members felt that lobbying the Government to put measures in place to decrease the number and size of lorries on the road, such as improving the rail system, was key to this addressing the issue generally.

The Cabinet Member responded by emphasising that no decision had been made and that the outcome of the Panel's discussion would inform the Cabinet's decision. The purpose of the proposed reduced cost option was to take HGV traffic out of Hockering without making matters worse for Weston Longville. The solution didn't do all that he would like it to, but the proposal had to compete with other priorities across Norfolk. The Panel needed to decide whether Hockering needed relief and if so whether the proposal was the best solution given the greater shortness of funding.

- 9.5 Mr Joyce proposed, seconded by Mr East, that the current arrangement should be maintained until the County Council had got the wherewithal to build a proper link road. With four votes in favour and six votes against the motion was LOST.

- 9.6 Mr Wright then moved the recommended way forward, as outlined in the Panel report, as being the best value for money. This was duly seconded.

## **RESOLVED**

With six votes in favour and four votes against the Panel agreed that the recommended way forward, as outlined in the Panel report, was the best value for money.

## **10. Cabinet Member Feedback on Previous Overview and Scrutiny Panel Comments**

- 10.1 The Panel noted the annexed joint report (item 7) by the Cabinet Member for Planning and Transportation and the Cabinet Member for Waste and Environment, which provided some feedback on Cabinet discussion of the Panel's comments.

## **11. Street Lighting**

- 11.1 The Panel considered the annexed report (item 8) by the Director of Environment, Transport and Development, which provided an update on the review of street lighting policy with regard to the introduction of part night lighting.
- 11.2 During discussion the following key points were made:
- The street lights erected through the PFI used low wattage bulbs, particularly in streets with low traffic volume, and maximum potential savings from part-night lighting in the long term were about £170,000 per year.
  - Some Members commented that despite the fact that Norfolk was a low crime area, there were still high levels of fear of crime. For example, the recent Place Survey showed that although 46% of people living in Norwich felt safe when outside after dark, 38% did not. In certain wards the percentage of people who did not feel safe was even greater.
  - Some Members supported the policy of part night lighting but suggested that local consultation would be needed for areas where this would be proposed.
  - Some Members supported the recommendation in the Panel report but suggested that a tailored approach to implementation was needed to take into account fear of crime.
  - One Member suggested there were other options to consider that would allow further energy and financial savings to be made. He provided officers with a report that provided details of a trial that had been undertaken in Germany called "Dial a light", where residents could turn on street lights by using their mobile phones. This had provided savings of €4000 and might be an option worth considering for urban areas and market towns. Using LED lights or renewable energy to power lights were other options the County Council might consider.

- Another Member suggested that switching off traffic lights in rural areas could produce energy savings and improve air quality through preventing traffic from sitting idling unnecessarily.

11.3 The Panel agreed that a further report should be considered at the January meeting to update Members on proposals.

11.4 The Panel agreed to endorse the proposal to seek Cabinet approval to a change in street lighting policy to remove the commitment to light throughout the night when street lighting is provided.

## **12. Partnership Working**

12.1 The Panel considered the annexed report (item 9) which reviewed three health, social and well-being partnerships.

12.2 A discussion took place about whether the Panel should continue with the programme of partnership review, given that at the mid point in the two year cycle no significant areas of concern had been highlighted.

12.3 The Panel agreed to conclude the review. It also requested that, as the information had proven useful, a list of the remaining partnerships be circulated to the Panel so that Members could follow up any areas of interest.

## **13. HGV Route Hierarchy**

13.1 The Panel considered the annexed report (item 10) by the Chairman of the HGV Route Hierarchy Member Working Group which summarised the work that had been carried out to scrutinise HGV Route Hierarchy. It recommended that the scrutiny exercise should not be progressed.

13.2 The Panel noted that without dedicated funding to deal with any issues identified the expectation of local communities might be unfairly raised.

13.3 The Panel agreed that the scrutiny item should not be progressed any further and that it be removed from the forward work programme.

## **14. Forward Work Programme: Scrutiny**

14.1 The Panel noted the annexed report (item 11) by the Director of Environment, Transport and Development, which asked Members to review and develop the scrutiny work programme.

14.2 The Panel noted that 'trading on the highway' was an ongoing area of officer work and agreed that an updated report should be considered at a future meeting.

## **15. Integrated Performance and Finance Monitoring Report**

- 15.1 The Panel considered the annexed report (item 12) by the Director of Environment, Transport and Development, which provided an update on progress made against the 2009-12 service plans, mitigation of risks deemed to be of corporate significance and financial monitoring to the end of September 2009.
- 15.2 The Panel noted that performance against the Passenger Transport indicator had moved to “slightly off track”, which meant that there was no performance significantly “off track”.
- 15.3 During discussion the following key points were made:
- Highways Service – Failure to implement Northern Distributor Road (NDR): There was an ongoing dialogue with the Department for Transport and a decision on Programme Entry was expected by mid December. A decision had been requested in time for the GNDP meeting on 17 December.
  - The Street Lighting PFI sinking fund would cover ongoing payments to the PFI contractor over the next 23 years. The amount held in reserve would change depending on the amount of works undertaken.
  - The Carbon Reduction Commitment would begin on 1 April 2010. The County Council’s short-term aim was to get a reasonable ranking but providing metering in all buildings would assist the position. The report title was a standard format for reporting a potential risk.
- 15.4 The Panel agreed that an update report on the Carbon Reduction Commitment should be considered in March 2010.

## **16. Service and Budget Planning 2010-13**

- 16.1 The Panel considered the annexed report (item 13) by the Director of Environment, Transport and Development, which provided an overview of the main planning consideration for the services covered by this Panel and the context in which they were set, including the financial position and the relevant performance and improvement considerations relating to delivery of the County Council’s performance objectives.
- 16.2 The Cabinet Member for Planning and Transportation drew the Panel’s attention to the following issues:
- The cost pressures outlined at paragraph 2.6 of the Panel report would mean the County Council would need to find considerable and ongoing cost savings if it was to sustain services and budgets over the medium term.
  - The level of cash uplift for services together with savings identified was sufficient to meeting revenue pressures in Planning and Transportation but not Environment and Waste.
  - There would still be a subsidy on the Park and Ride service.
  - Savings could be realised by adopting the part night lighting policy.
  - In real terms the highway maintenance budget had reduced significantly over the last five years as it had not increased in line with inflation.

- 16.3 The Cabinet Member for Waste and Environment added that the County Council was looking closely at where it could make savings. Boosting recycling and reducing the opening hours of some Household Waste Recycling Centres (HWRCs) would reduce costs but would still leave a shortfall of £1.425m in the Environment and Waste budget.
- 16.4 During discussion the following key points were made:
- The County Council was open about its charging proposals and the Planning and Transportation department reviewed its charging annually.
  - There was no plan B if the DfT decided not to include the NDR in the Programme Entry.
  - Reducing opening hours of HWRCs should not make a difference to the level of fly-tipping in the county as the kind of what that was fly-tipped was not the kind intended for recycling.
  - The department would undertake extensive publicity to inform local people about changes to the opening times of HWRCs.
  - There was a service standard for the sighting of HWRCs to help ensure that residents did not have to travel far to access them. The future policy of creating larger, more centralised centres aimed to encourage people to reduce their carbon footprint by combining their recycling and shopping trip.
- 16.5 The Panel noted the report.
- 17. East of England Plan Review to 2031: EERA Consultation on Scenarios for housing growth**
- 17.1 The Panel considered the annexed report (item 14) by the Director of Environment, Transport and Development, which suggested a response to EERA's consultation on four growth scenarios.
- 17.2 The Panel agreed on the inadequacy of the assumptions made by EERA and that infrastructure requirements needed to be addressed before growth could happen in Norfolk. During discussion, the following points were made:
- Some Members reflected on the position of their local areas and Thetford and King's Lynn were highlighted as particular areas where existing infrastructure was already stretched to the limit.
  - Some Members challenged the assumption that rail improvement was not critical and suggested that that point needed should be revisited because it would be crucial to delivering infrastructure developments.
  - One member highlighted that the draft response to question 3 was different to the summary at paragraph 2.5 of the Panel report and suggested that the response should be strengthened to make the sure those points were made to the Government.
- 17.3 The Panel endorsed the draft response subject to a strengthened response relating to question 3 as outlined in the above minute.

## **18. Waste Procurement Strategy**

18.1 The Panel noted the annexed report (item 15) by the Director of Environment, Transport and Development, which made recommendations to adjust the County Council's Waste Procurement Strategy.

18.2 The Cabinet Member for Waste and Environment commented that he was enthusiastic about the opportunities offered by short-term contracts and that officers would work hard in the coming months to ensure some were established. He hoped the Panel would approve the recommendations in the report, which would help the County Council to avoid landfill taxes.

18.3 During discussion, the following key points were made:

- The PFI Residual Waste Treatment contract was based on the original European Union limit of 170,000 tonnes.
- The intention of a forthcoming seminar was to invite partners to come closer together to create a unified waste treatment system for Norfolk. Current contracts made this a complex issue and the loyalty of the public to their District Council would slowly need to be addressed.
- The newly established Norfolk Public Service Board had agreed that waste was one of the three priority areas for collaboration.
- The County Council was working hard to identify companies for the short-term contracts. A framework contract is limited to 14 years.

18.4 The Panel agreed that the following should be recommended to Cabinet:

1. The adjustments to the Waste Procurement Strategy outlined in the Panel report should be adopted.
2. Trading Landfill Allowances in accordance with the agreed strategy, up until 2015 and beyond
3. That a new Recycling Credit rate, for bio-degradable household kitchen waste, up to the avoided cost of disposal should be introduced from April 2010.
4. That the existing waste disposal contracts should be extended for up to one year from April 2010, with the exception of Edgefield landfill.
5. That the Edgefield landfill contract should be extended as a Service Level Agreement for 3 years from April 2010, with a gate fee agreed under an open book arrangements.

## **19. Norwich Area Transportation Strategy (NATS) update including Norwich Northern Distributor Road (NDR)**

19.1 The Panel noted the annexed report (item 16) by the Director of Environment, Transport and Development, which provided an opportunity for Members to comment on the consultation material.

19.2 The Panel also noted that it would have the opportunity to consider the results of the consultation in the new year, to inform Cabinet's decision.

## **20. Review of 'Probity in Planning' Guidance Note**

- 20.1 The Panel considered the annexed report (item 17) by the Director of Environment, Transport and Development, which made recommendations to enhance the County Council's approach to planning.
- 20.2 The Panel noted that where the report referred to a 'Planning Committee' that this meant the Planning (Regulatory) Committee.
- 20.3 Some Members commented that training was essential for Members of the Committee and that Members who were not on the Committee should also be encouraged to attend. Officers clarified that when a new committee was set up a training session was always provided and that training was provided for new Members either in advance of their first meeting or as soon as possible after their appointment.
- 20.4 The Panel endorsed the proposals to enhance the County Council's approach as set out in the Panel report.

## **21. Norfolk's 3rd Local Transport Plan (LTP3)**

- 21.1 The Panel considered the annexed report (item 19) by the Director of Environment, Transport and Development, which provided an overview of the work underway to develop LTP3.
- 21.2 Officers were thanked for the Member workshop that took place on 22 October, which had been very useful. Members endorsed the challenges and Policy Options developed to date. Some Members added that the LTP3 needed to clearly show that it covered roads and the accessibility of transport infrastructure overall as a challenge, which could be addressed through creating a more integrated transport system.
- 21.3 The Panel noted the report and the comments made by Members.

(The meeting closed at 13:00 pm)

**Chairman**



**If you need these Minutes in large print, audio, Braille, alternative format or in a different language please contact Jo Martin on 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.**



**Cabinet Member Feedback on previous Overview and  
Scrutiny Panel comments**

Report by the Director of Environment, Transport and Development

**Summary**

This short report gives feedback to Overview and Scrutiny Panel on Cabinet discussions and the outcome of Panel's comments and views on any issue that has been considered by the Panel prior to going to Cabinet.

**Planning and Transportation issues**

Report/issue	<b>A47/A1067 Link Road</b>
Date considered by O&S Panel:	4 November 2009
O&S Panel comments:	Agreed that the suggested way forward, as outlined in the report to the Panel, was the best value for money. This included undertaking the works to the southern sections (estimated to cost between £1.8m and £2.3m), plus a further £300,000 to £1m for maintenance work on Stone Road/Lyng Road route, with financial provision to take forward on a phased basis, HGV restrictions in Hockering and reclassification as a B Road.
Date considered by Cabinet:	9 November 2009
Cabinet feedback:	The suggested way forward was agreed.
Report/issue	<b>East of England Plan Review to 2031: EERA Consultation on Scenarios for housing growth</b>
Date considered by O&S Panel:	4 November 2009
O&S Panel comments:	The Panel endorsed the draft response subject to a strengthened response relating to question 3 to reflect the points raised during discussion about the inadequacy of the assumptions made by EERA and that infrastructure requirements needed to be addressed before growth could happen in Norfolk.
Date considered by Cabinet:	9 November 2009
Cabinet feedback:	The proposed response to the consultation was agreed.

## The Environment and Waste issues

Report

### **Waste procurement strategy**

Date considered by  
Review Panel:

4 November 2009

Review Panel  
comments:

The Panel agreed to recommend to Cabinet a number of changes to the County Council's Waste Procurement Strategy. It also agreed to recommend trading landfill allowances in accordance with the agreed strategy, up until 2015 and beyond, that a new Recycling Credit rate for bio-degradable household kitchen waste be introduced from April 2010, that the the existing waste disposal contracts should be extended for up to one year from 2010, with the exception of Edgefield landfill contract which should be extended as a Service Level Agreement for 3 years from April 2010.

Date considered by  
Cabinet:

9 November 2009

Cabinet feedback:

Cabinet agreed the Panel's recommendations.

Report/issue

### **Hunstanton to Kelling Shoreline Management Plan (SMP) – Consultation Response**

Date considered by  
O&S Panel:

9 September 2009

O&S Panel comments:

The Panel heard from representatives from the Environment Agency, who explained the detail of the Plan and answered questions from Panel Members. In conclusion, Panel agreed that it should wait until the consultation process had finished and local people had had a chance to consider the information before it agreed to support the overall approach taken in the SMP and the principles underpinning it.

Date considered by  
Cabinet:

9 November 2009

Cabinet feedback:

Cabinet agreed that the County Council's response needed strengthening in relation to reservations about pilot projects, such as that proposed for the Wells east bank, and to highlight local concerns. Cabinet also agreed to delegate amendment to the proposed response to the Cabinet Member for Environment and Waste.

## Officer Contact

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Sarah Rhoden	01603 222867	sarah.rhoden@norfolk.gov.uk



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

# Planning and Transportation, the Environment and Waste Overview and Scrutiny Panel/Committee

6 January 2010

Item No 8.

## The Environmental Impact of Landfill

Report by the Director of Environment, Transport and Development

### Summary

At the PTEW OSP meeting of 4 March 2009, it was agreed to bring a report back to the Panel on the long term groundwater issues. This report also covers the other environmental impacts of closed landfills. The scrutiny originally arose from the transfer of landfill sites formerly operated by NEWS, to the County Council.

This report summarises the legacy of landfill as a waste disposal method, and the subsequent long term liability for Norfolk County Council (NCC). The report covers issues including the legal position, the problems that landfills cause, how they are monitored and managed, and the current work undertaken by the Landfill Strategy Team.

NCC has liability for up to 151 closed landfill sites. These sites have been risk assessed for risk to human health and the environment. 31 of these sites are actively managed by the Landfill Strategy Team.

Landfills are a potential hazard to human health and the environment by emitting contaminated liquid (leachate) to the groundwater and landfill gas to the soil and atmosphere. The main issues with landfill gas are creation of explosive atmospheres, causing harm to humans, livestock and vegetation, and contributing significantly to climate change. Leachate can pollute the surface and groundwater systems, which are important economic and environmental resources.

Landfills therefore require careful management. The management is risk based and starts with monitoring both within the waste and off site. If a source of leachate or landfill gas is identified within the waste, then intrusive management of the waste body is required to contain and collect the landfill gas and leachate. Where possible collected landfill gas is used to generate electricity.

NCC has a number of projects ongoing with outside agencies including the Environment Agency, Natural England, Norfolk Wildlife Trust and the University of East Anglia. The aims of these projects are to increase our understanding of how landfills behave, and how we can improve our management of them to mitigate their effects. There are a number of long term challenges with this landfill legacy that the Landfill Strategy Team is currently working to solve or that will need to be addressed in the future.

Of the 151 closed landfill sites that NCC may have liability for, 7 have permits in NCC's name, and 54 were sites that NCC were directly involved with in terms of operations at the site. The legal responsibility for these is not in doubt. However who has liability for the remaining 90 sites is less clear since the National Grid Gas (NGG) v Environment Agency (27 June 07) case in the House of Lords. Further work may be required to understand the implications of this case.

### Action Required

The Panel is asked to note the contents of this report and consider whether any further scrutiny of groundwater issues is required.

## 1. **Background**

- 1.1 At the PTEW OSP meeting of 4 March 2009, it was agreed to bring a report back to the Panel on the long term groundwater issues. This report also covers the other environmental impacts of closed landfills. The scrutiny originally arose from the transfer of landfill sites formerly operated by NEWS, to the County Council.
- 1.2 Norfolk County Council (NCC) has liability for up to 151 closed landfill sites, seven of which are permitted. The origin of this liability is important, with the landfills falling in to three categories:
1. 90 sites were inherited by NCC by the 1974 Local Government reorganisation, especially in relation to former urban and rural district councils;
  2. 54 sites are sites previously operated by NCC as the waste disposal authority;
  3. 7 permitted sites (6 closed, 1 still operating) have been inherited from NCC's Local Authority Waste Disposal Company (LAWDC), Norfolk Environmental Waste Services (NEWS).
- 1.3 NCC actively manages 31 closed landfill sites. Management of the sites includes activities ranging from gas and leachate collection and treatment; construction of mitigation and remedial structures or schemes; regular monitoring of gas, leachate and groundwater at site-specific frequencies.

## 2. **Contents of Report**

### 2.1. **How do landfills cause pollution**

As waste breaks down within the landfill, contaminants are released from the waste in the liquid and gaseous phases. Contaminants in the liquid phase are termed Leachate, and those in the gaseous phase are called Landfill Gas.

Landfill gas is generally 60% methane (CH<sub>4</sub>) and 40% carbon dioxide (CO<sub>2</sub>). However it also contains trace concentrations of Volatile Organic Compounds (VOC) that can cause harm. A diagram of the conceptual model of a generic Norfolk landfill has been included for reference. The main hazards from landfill gas are:

- Landfill gas building up within the waste body is an explosion and fire risk;
- Landfill gas migrating offsite into neighbouring properties is a health hazard to humans, livestock and vegetation (see diagram);
- Methane (the main constituent of landfill gas) is a potent Greenhouse Gas, contributing to Climate Change. The Environment Agency estimates that landfill gas currently makes up 20% of global methane emissions, and that over the previous 250 years the effect of CH<sub>4</sub> to climate change is estimated to be 50% of that of CO<sub>2</sub>.<sup>1</sup>

Conventionally methane has been given a Global Warming Potential (GWP) of 21 times greater than carbon dioxide, but recent research summarised by the Environment Agency<sup>2</sup> has shown that methane has a much greater GWP, and suggests a figure of 72 times greater should be used.

Leachate is created by the breakdown of waste, and by surface and groundwater ingress in to the waste body. Its main constituents are Chloride and Ammonia, but it also contains many other toxic and harmful chemicals at high concentrations.

Leachate permeating to the groundwater pollutes aquifers which are:

- a major source of public and private drinking water;
- the main source of surface water eg rivers;
- protected due to their economic and environmental benefit.

## 2.2. **How are landfills designed**

Landfill is broadly characterised as either Dilute and Disperse or Contained Cell.

- Dilute and Disperse works on the principle that limited leachate leakage is naturally attenuated by degradation and dilution of contaminants within the soils and water below and down gradient of the landfill;
- Contained Cells are designed to contain leachate within impermeable bases and walls, preventing escape of contaminants into the surrounding environment. Leachate is then treated on or off site.

Waste disposal in Dilute and Disperse landfill has been prohibited since the early 1990's.

## 2.3. **How are the problems managed?**

For contamination to occur three components need to be present (see diagram):

1. Source
2. Pathway
3. Receptor

The Source of contamination is the waste, and the leachate or the gas derived from the waste.

The Pathway is the route by which the contaminant can travel to reach the Receptor. For leachate contamination this is normally a permeable media such as silt, sand and gravel deposits, the Chalk and the groundwater itself. For landfill gas this is through the restoration material above the waste.

The Receptor is a vulnerable target that can be detrimentally affected by contamination, such as housing (landfill gas migrating into houses and basements), the atmosphere, vegetation, water supply boreholes, surface water features such as streams, the groundwater, and the waste itself (as an explosion risk).

The first stage of management is a risk assessment to identify the presence of a source, a pathway and a receptor. This is normally a desk study but can involve some site investigation.

## 2.4. **Monitoring**

If the risk assessment identifies a possible problem, then stage 2 is to undertake a site investigation to identify and monitor the extent of contamination. A site investigation normally entails the installation of permanent monitoring boreholes, to monitor for gas migration and groundwater or soils contamination.

Gas samples are measured using calibrated field equipment, and groundwater is analysed for some parameters in the field, but mostly samples are sent to an accredited laboratory for analysis of a range of parameters. Other methods of investigation include surface monitoring for landfill-derived gas and geophysical techniques for non-intrusive identification of groundwater contamination.

Norfolk County Council currently undertakes monitoring at 31 sites.

#### 2.5. **Remediation**

If the site investigation shows that a contamination incident is occurring or is likely to occur in the future then remediation is necessary. Remediation techniques, which are long term costs which historically were not taken into account when landfill was seen as the cheap option. A list of remediation techniques currently used are included in Appendix A, and a list of ongoing or recently completed remedial projects are included in Appendix B.

#### 2.6. **Gas utilisation**

Where economically viable the collected landfill gas is used to create electricity. At present electricity is generated from landfill gas at Beetley, Blackborough End, Costessey, Edgefield, Mayton Wood and Snetterton. These 6 sites generate approximately 7.5 MWh of electricity, or enough electricity for 7,500 homes.

#### 2.7. **Restoration**

The legacy of closed landfill site within a community can be viewed negatively. However with careful restoration a closed landfill can be transformed into an important and well used local amenity. Projects have included tree planting, permitted paths and bridleways and conservation schemes.

#### 2.8. **Current projects**

NCC currently has a number of ongoing projects, either internally or in collaboration with outside organisations. There are two projects on going in collaboration with the Environment Agency:

- Bioremediation of low quality landfill gas;
- Geophysical studies through plastic impermeable caps to assess leachate levels within the waste.

Other projects include:

- Effects of landfill contamination on Dersingham Bog National Nature Reserve (NNR), in conjunction with University of East Anglia and Natural England;
- Review of groundwater sampling methodology;
- Effects of settlement on the performance of low permeability clay caps;
- In collaboration with Norfolk Wildlife Trust, using livestock as an alternative method for maintaining restored landfills and increasing biodiversity.

#### 2.9. **Long term problems**

Management of closed landfill sites constantly poses many difficulties to be overcome. These range from:

- Changing and stiffening environmental legislation moving the environmental goal posts (recent Judicial Review of the groundwater implications for permitting landfill sites);
- The heterogeneity of landfills. Each landfill has its own characteristics determined by the type of waste disposed, daily cover used, degree of compaction, rate of disposal, landfill construction etc. This is especially important for issues surrounding cap integrity, surface water management and leachate management;
- The geological and environmental setting, such as the complex nature of glacial and post glacial deposits, the dual permeability Chalk;

Gas quality dropping as landfills age making environmental treatment of landfill gases ever more difficult.

### 3. **The legal position**

- 3.1. The 7 permitted sites are legislated by the Landfill Regulations of 2002, and the Environmental Permit Regulations 2007. They are regulated by the Environment Agency for environmental protection, and also by Minerals and Waste Planning for land use and landform.
- 3.2. The Landfill Regulations 2002 sets the limits to emissions of contaminants that are acceptable, and sets out the framework within which the landfill must be operated to ensure that these emission limits are not exceeded.
- 3.3. However the legal position for the 90 sites inherited due to the 1974 Local Government reorganisation has become less clear since 2007. In National Grid Gas (NGG) v Environment Agency (27 June 07) the House of Lords decided that the Gas Act had not transferred liability from the previous gas bodies to the successor gas undertaker.
- 3.4. If that ruling could be transferred directly to a local authority situation, it might mean that NCC would not automatically be liable. However, the effect of the Lords' ruling was that as NGG were found not to be liable the remediation costs fell in any case to the public purse. NCC is currently looking at this issue with other Local Authorities.
- 3.5. There are a number of other legal issues to consider. For pollution to groundwater by leachate there are the following implications:
  - If a private water supply is contaminated, the polluter, in this case NCC, is liable to arrange for an alternative supply;
  - There are legal implications with the Groundwater Regulations 1998 and the Landfill Directive 2002 being breached at Permitted sites, and with un-permitted sites being designated as Contaminated Land under Part IIA of the Environmental Protection Act 1990.

For landfill gas emissions the legal implications are with breaching the Landfill Regulations 2002, and the Climate Change commitments of the Council.

### 4. **Other Implications**

- 4.1. **Legal Implications** : See section 3.



4.2. **Equality Impact Assessment (EqIA) :**

This report is not relevant to equality in that it is not making proposals which may have a direct impact on equality of access or outcome.

5. **Section 17 – Crime and Disorder Act**

5.1. N/A.

6. **Risk Implications/Assessment**

6.1. All sites identified that NCC may have liability for have been risk assessed, and 31 sites are monitored and managed to mitigate risk.

The risks if the sites are not managed correctly are to humans, livestock and the wider environment.

7. **Conclusion**

7.1. NCC has a potential liability with the legacy of its waste disposal by landfill. The management of this liability is currently being managed by a dedicated Landfill Strategy Team. The Team is leading on national projects with the Environment Agency on reducing the environmental impacts.

**Action Required**

The Panel is asked to note the contents of this report and consider whether any further scrutiny of groundwater issues is required.

**Background Papers**

1. Hansen, J. et al. (2005) Efficacy of climate forcings. Journal of Geophysical Research, Vol. 110, D18104, doi:10.1029/2005JD005776
2. Does methane matter? Policy implications for landfill gas. Environment Agency 2009

**Officer Contact**

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Mark Allen	01603 223222	Mark.allen@norfolk.gov.uk
Charles Wright	01603 222047	Charles.wright@norfolk.gov.uk



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

## **Appendix A**

Remediation techniques currently used by Norfolk County Council.

- Capping using a low permeability layer beneath the restored surface, to limit infiltration into the waste to reduce leachate creation and leakage;
- Construction of surface water control features;
- Gas control measures using boreholes screened in the waste to draw out gas, which is then either vented, flared or used to generate electricity;
- Leachate removal and treatment;
- Groundwater remediation such as aeration to breakdown contaminants.

## **Appendix B**

NCC have recently or are currently undertaking the following remedial projects:

- Final capping and restoration of Beetley Closed Landfill Site;
- Revisiting of the restoration surface for surface water management at Bergh Apton Closed Landfill Site;
- Leachate cut-off wall at Costessey Closed Landfill Site;
- New leachate abstraction wells at Costessey Closed Landfill Site;
- Surface water control scheme at Costessey Closed Landfill Site;
- Redesigning the back-up gas control flare at Costessey Closed Landfill Site;
- On-site leachate treatment using Reverse Osmosis at Costessey Closed Landfill Site (now complete);
- Capping and surface water control scheme at Docking Closed Landfill Site;
- Progressive capping at Edgefield Landfill Site;
- Remedial capping works at Mayton Wood Closed Landfill Site;
- Surface water control schemes at Mayton Wood Closed Landfill Site;
- Groundwater modelling at Mayton Wood Closed Landfill Site;
- New leachate abstraction wells on phase 4 at Mayton Wood Closed Landfill Site.

## **Street Lighting Policy**

Report by the Director of Environment, Transport and Development

### **Summary**

At the meeting in November, the Panel agreed to endorse a change in street lighting policy to enable part night lighting. This involves switching off lights for part of the night (midnight to 5am). This reports sets out a proposed way forward for introducing part night lighting in Norfolk.

It is proposed that part night lighting is introduced on roads which are not classed as routes with through traffic value and where crime rates are low; the vast majority of these are primarily residential areas. The proposal is to implement over the next three years as part of the existing programme of lighting replacement and maintenance.

Our 2009/10 annual street lighting energy bill is approximately £2m. The cost of implementing the change will be £274k, over the next three years. This will enable the Council to realise an annual saving of £167k, when fully implemented. The introduction of part night lighting would also help the Council achieve its target for reducing CO2 emissions and reduce light "pollution".

The evidence from other areas is that introducing part night lighting does not result in increased crime, although it may impact on perceptions of safety (the results of the Citizens Panel survey showed that 50% of respondents felt that it would lead to increased crime and road traffic accidents). There could be some local impact in terms of accessibility, particularly for those people who are visually impaired or experience problems with mobility. Careful monitoring of crime and accident data will be carried out during implementation to identify and respond to areas of concern, and there will be opportunities for those with any specific issues/needs to raise them in advance.

The current Budget consultation is relevant to this proposal and the proposal may need to be further developed if the consultation results identify significant issues.

### **Action Required**

That Panel recommend to Cabinet that, if they agree to a change in the street lighting policy to enable part night lighting, and subject to the outcome of the Budget consultation:-

- (i) Part night lighting is introduced on roads which are not classed as routes with through traffic value and where crime rates are low (lighting classes S5 and S6).
- (ii) They approve the delegation of the resolution of relevant issues, including decisions on part-night lighting exemptions, to the Director of Environment, Transport and Development in consultation with the Cabinet Member for Planning and Transportation.
- (iii) They approve the additional investment into street lighting, subject to the conditions above and sufficient funds being available from within the Planning and Transportation budget at the year end, and to set up a new reserve for this future investment.

## 1. **Background**

- 1.1. At its meeting on 4 November 2009, the Panel agreed to endorse a change to our street lighting policy to allow the introduction of part night lighting. Panel also agreed to receive a further report at this meeting to update on the proposals being developed for the introduction of part night lighting in Norfolk, should a change in Policy be agreed.

## 2. **Current considerations**

- 2.1. Part night lighting means reducing the overall amount of street lighting by switching off lights for part of the night, say midnight to 5am, on suitable streets. If we change our policy to allow part night lighting, the County Council could accommodate the necessary changes to equipment under the current PFI contract.
- 2.2. Part night lighting can be achieved by installing part night photo cells into lighting columns. The costs of installing these cells would be £7.42 if fitted as part of column replacement or upgrade during the PFI core investment period (2008 to 2013) or post-core investment period (2013 to 2023). If the cells were retro-fitted, there would be a cost of £12.44 each during routine maintenance and £20.31 if carried out as a separate operation, due to the need to provide plant and labour.
- 2.3. Whereas part night photo cells alone would provide a technically feasible solution, there would be no scope to revert to full night lighting or to change the switch off hours without replacing the cells. As these cells literally switch off in the 'middle of the night' they do not respond to artificial time changes such as British Summer Time. A 'midnight to 5am' cell will therefore become a '1am to 6am' cell during BST, although for a significant part of this period (end of March to end of October) dawn will break before 6 am in any case.
- 2.4. Flexibility to vary the part-night hours, e.g. to anticipate or to respond to concerns or events, could be achieved through the introduction of remote monitoring equipment for some or all part night areas. There would be costs estimated at approximately £59 upwards per light depending on volume and location if remote monitoring were installed.
- 2.5. Reductions in energy achieved through the introduction of part night lighting would contribute towards the Council's carbon reduction targets and its obligations under National Indicator 185, the percentage CO2 reduction from Authority operations. The level of energy reduction would be directly influenced by the extent of part-night lighting introduced but the conversion of all streets with low traffic volumes would save 850 tonnes CO2 per year. Taken in conjunction with the other measures being introduced through the Street Lighting PFI contract, the installation of modern energy efficient lamps, and the implementation of trimming and dimming, part night lighting should help to reduce the overall level of light emission from the street lighting system.
- 2.6. ESPO has been consulted upon the effect of significant energy saving measures on our energy supply contract. The supply agreement is for a period

of three years commencing October 2008 (even though the price is agreed at times throughout the contract) and is based on a consumption/demand profile – that is, a volume and associated load “shape” (how much is used and when). ESPO has advised that any material change in the volume or in the load shape could have contractual consequences as;

- it has now purchased 100% of the forecast energy requirement for the 12 months from 1<sup>st</sup> October 2009.
- the contract incorporates a risk premium corresponding to the load shape, i.e. the relationship between baseload, peak and residual volumes and how they were priced in the market at the time of settlement. This premium is fixed for the contract duration. Any material change in the load shape could also lead to a review of the associated premium.

2.7. Clearly, the extent of any changes proposed or agreed would determine whether and to what extent the contractual issues become significant. ESPO has advised that the contract provides for a tolerance around the purchased volume of + or- 10%, which should be sufficient to cater for the introduction of part night lighting during the remainder of the energy contract period (we are predicting a 10% reduction).

2.8. Since the street lighting energy price is a blended price between day and night rates, as more councils turn lights off at night it is possible that, in the longer term, the energy providers may impose a higher unit rate if the low tariff consumption is reduced whilst the day rate consumption remains relatively unaffected. This would obviously be in a competitive market environment, but could reduce the realisable financial benefits.

### 3. **Proposals**

3.1. A number of options for introducing part night lighting have been considered. These are summarised in Appendix A (technology available) and Appendix B (options for implementation).

3.2. In terms of technology, the proposal is to introduce part night lighting by converting lights by installing programmed part night lighting photocells in lights (see para 2 at Appendix A). This represents the simplest way to introduce part night light, as it can be carried out as part of the existing replacement and maintenance programme and does not require additional equipment to be purchased e.g. base stations. However, the degree of flexibility available is minimised by adopting this option as the timing on the cells cannot be changed once they have been installed. As set out in Appendix A, this option represents the most cost effective technology solution, and would require the minimum amount of investment, and therefore the shortest pay back period (see para 5.1 below).

3.3. There is a possible variation on the way that this could be implemented. The proposal is that implementation is carried out over the next three years as part of the existing replacement and maintenance programme – the pay back on

investment required would be in year 4 (see para 5.1). An alternative to this would be for the photocells to be installed as part of the replacement programme over the next three years (in the same way as for the proposal at para 3.2), but for those installed as part of maintenance to all be carried in year 1 irrespective of whether maintenance was planned for that year or not. This would mean that some lights would be converted as part of a specific operation. This alternative option is not proposed as although additional net savings of £31,000 could be achieved, an additional investment of £97,000 would be required (see para 5.2). This additional investment could only be partly funded by the predicted under-spend for the Planning and Transportation budget, leaving a £24,000 shortfall. In addition, although this approach would mean that a large volume of lights being converted would be operational at the end of year 1, it would mean additional disruption for residents because some lights would be visited twice in the three year period (once as part of a special visit to install a photocell cell, and again to carry out the maintenance already programmed for years 2 and 3).

- 3.4. In considering in which areas part night lighting could be introduced, officers consider that not all roads are suitable for the introduction of part night lighting. In particular, the busier streets in terms of pedestrian and/or vehicle traffic and roads in areas with higher crime levels should remain fully lit. Within Norfolk however, only 18 out of 530 Super Output Areas (sub-divisions of District wards and the smallest units used for demographic analysis) were agreed with the Police not to be considered to be 'low crime' when lighting standards were being determined for the PFI contract. This was based on the comparison of local and national statistics and the identification of areas of Norfolk which deviated significantly from the local average. The high and medium crime areas comprised parts of Bowthorpe, Lakenham, Mancross, Mile Cross and Thorpe Hamlet wards in Norwich, Central & Northgate and Nelson wards in Great Yarmouth, Fairstead ward in King's Lynn and Saxon ward in Thetford.
- 3.5. It is proposed that part night lighting is introduced for lighting of type S5 and S6 in low crime areas (a combination of options 3 and 4 from Appendix B). This lighting can be easily identified by officers (see Appendix D). This option enables implementation to be concentrated in those areas where it is considered that they would not be a significant adverse affect in that it would not impact on medium or high crime areas. This proposal has been developed in consultation with the Council's Community Safety Team, who confirmed that implementation in low crime areas only was appropriate, and highlighted that there is a need to ensure that the proposals did not adverse impact on existing crime prevention measures like CCTV. These type of issues are addressed in the suggested criteria and exemptions for the proposals set out in Appendix C.
- 3.6. Type S5 and S6 lighting is the lowest class of lighting in the Council's lighting stock, and is only installed in areas with low traffic volumes i.e. residential roads. The other classes of lighting used in the Council's lighting stock are of a higher standard, e.g. they have brighter bulbs and the columns are generally higher. S5 and S6 lighting is not used on principal or main distributor routes or high crime areas. Taking south Norwich adjacent to County Hall as an example, roads with this level of lighting would include Cecil Road, Grove Road and Trafford Road as well as all the smaller roads and cul de sacs. Roads

such as Martineau Lane, Bracondale, City Road, Hall Road and Southwell Road are lit to higher standards appropriate to their main and distributor road functions.

- 3.7. Roads where both traffic volumes and crime rates are low contain approximately half the County Council's lighting stock (25,000 out of 49,500), ranging from 47% in Great Yarmouth BC to 62% in North Norfolk DC. It is considered that savings of just below 10% of our total street lighting energy would be achieved by the introduction of part night lighting on all these roads. It should be noted that similar lighting across the county is the responsibility of district and parish councils and will therefore remain lit throughout unless other lighting authorities decide to implement part night lighting.
- 3.8. During 2010/11 the 2,500 suitable lights which are being replaced in the Core Investment Period (CIP) would be fitted with part night cells. At the same time, normal maintenance will be carried out on approximately 5,250 suitable lights outside the CIP and their cells would be changed as well.
- 3.9. During 2011/12 another 2,500 lights will be replaced and 5,250 will have maintenance work and their cells would also be changed. The following year, the remaining 2,500 replacements and the outstanding 7,000 lights needing maintenance would be fitted with part night light cells by the end of that year.
- 3.10. We are already consulting on the proposal for part night lighting as part of our budget consultation. In addition, we have written to the district and parish councils that have lighting that would be affected by the proposal, as well as the emergency services, transport operators and other stakeholders, to explain that the County Council has identified part night lighting as a means of contributing towards meeting both energy and cost saving targets. Any feedback received will be reported at the meeting. A list of the parishes that would be affected by this proposal to introduce part night lighting – i.e. those parishes where the existing NCC lighting stock includes S5/6 type lighting – is included at Appendix D.
- 3.11. We are liaising with the Police on these proposals and have not yet received a formal view. Officers will verbally update Panel on this at the meeting.

#### **4. Results from other Authorities**

- 4.1. Leicestershire County Council last year carried out a desk top review of part night lighting progress in other authorities across the country, and this was included as an Appendix in the November report to Panel. Some further updates on other authorities are included below.
- 4.2. Essex County Council has advised that it has realised energy savings in the predominantly rural districts of Maldon and Uttlesford where part night lighting has been introduced (the savings achieved in Maldon and Uttlesford were around 20%). This has been achieved by the introduction of part night lighting to approximately 70% of the lighting stock in those areas. During this period neither crime nor traffic collisions have increased in these areas.

- 4.3. Essex County Council has yet to decide whether the part night lighting pilot scheme in Maldon and Uttlesford should be extended to other parts of the County, made permanent, changed in other ways or abandoned. A street lighting PFI Expression of Interest is being submitted to the Department for Transport and so Essex CC will wait for that decision first. It is not yet possible therefore to provide a formal update of its experience with switching off lights.
- 4.4. Leicestershire County Council's Cabinet considered, on 15 December, a proposal to reduce street energy usage by a combination of lighting removal on dual carriageway routes except at junctions, dimming on main traffic routes (which we are already introducing) and part-night lighting.
- 4.5. Gloucestershire has recently advised that its 3 parish trial is now to be rolled out across the county. This scheme does not however involve switching off all lights in any particular street and is not therefore true part-night lighting.

## 5. Resource Implications

- 5.1. **Finance** : Our current (2009/10) annual street lighting energy bill is approximately £2m.

The unit cost of implementing the change is £7.42 where cells are being added as columns are replaced, £12.44 where lights are converted under routine maintenance and £20.31 otherwise. The financial saving through switching off for 5 hours each night at our current electricity price would be £6.70 annually per light. The total eventual financial saving is estimated at £0.167m per year.

Total investment and savings of installing photocells as part of the current maintenance and replacement programme are shown below; savings will be realised in year 4 (2013/14) onwards.

Year	Volumes (approx)	Investment (£)	Saving (£)	Total for year	Running balance
Year 1 - 2010/11	2,500 replaced 5,250 converted at maintenance cycle	84,000	26,000	-58,000	-58,000
Year 2 - 2011/12	2,500 replaced 5,250 converted at maintenance cycle	84,000	78,000	-6,000	-64,000
Year 3 – 2012/13	2,500 replaced 7,000 converted at maintenance cycle	106,000	136,000	30,000	-34,000
Year 4 – 2013/14	-	-	167,000	167,000	133,000
Year 5 – 2014/15	-	-	167,000	167,000	300,000



Total investment of £0.274m would be required over the next three years to maximise the financial and carbon savings across the service. The planning and transportation budget is currently forecasting an underspend £0.347m against its revenue budget and, subject to the outturn position being in line with the current forecast, a new reserve can be set up to allow for this future investment.

- 5.2. An alternative would be for the any lights being converted as part of maintenance to be implemented in year 1 irrespective of whether normal maintenance is due that year (see para 3.3). Total investment and savings of installing photocells in this year is shown below; savings will be realised in year 4 (2013/14) onwards.

Year	Volumes (approx)	Investment (£)	Saving (£)	Total for year	Running balance
Year 1 - 2010/11	2,500 replaced 5,250 converted at maintenance cycle 12,250 converted special operation	333,000	67,000	-266,000	-266,000
Year 2 - 2011/12	2,500 replaced	19,000	142,000	123,000	-143,000
Year 3 – 2012/13	2,500 replaced	19,000	159,000	140,000	-3,000
Year 4 – 2013/14	-	-	167,000	167,000	164,000
Year 5 – 2014/15	-	-	167,000	167,000	331,000

Acceleration of the installation of part night lighting would require additional investment of £0.097m (i.e. £0.371m instead of £0.274m) over the next three years because so many lights would require part night conversion as a special operation. Taking this into account, net additional financial savings of £0.031m would be achieved but not until year 4. As mentioned in para 5.1 above, the Planning and Transportation budget is currently forecasting an underspend of £0.347m, which can be used to offset some of this investment (a further £24k would be required to fully fund the investment).

- 5.3. **Staff** : There are no direct implications in terms of staff resource required to deliver the highway service. However, it is possible that this change may attract additional feedback and correspondence from local residents which may require workloads to be re-prioritised.
- 5.4. **Property** : None

5.5. **IT** : None

## 6. **Other Implications**

6.1. **Legal Implications** : Street lighting is a discretionary power, not a duty, and the Courts have held that no liability arises where a local authority withdraws lighting for reasons of economy. However if there are non natural obstructions in the highway introduced by the Council, such as tree guards or street furniture, then reasonable care is required to see that they are not a hazard to users of the highway. What is reasonable depends on the balance between the risk of harm from such potential hazards set against the advantages of restricting the hours of street lighting. The risk of claims cannot therefore be eliminated but it is considered that the proposal is nevertheless acceptable provided that appropriate consideration is given to potential hazards in the streets concerned.

In making decisions on individual streets the Council will also have to take into account its duty under section 39 of the Road Traffic Act to promote road safety and prevent accidents and its duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the prevention of crime and disorder.

Gloucestershire's approach of retaining partial lighting throughout the night on all streets carries a greater risk of such claims and would require particular scrutiny.

The proposals outlined in this report can be implemented by our street lighting contractor, Amey, as part of the current PFI agreement.

The recommendations in this report have implications for the Budget consultation which is already underway. Should the results of that consultation impact on the recommendations in this report then this matter would be returned to Cabinet for further consideration.

6.2. **Human Rights** : No foreseeable human rights implications have been identified (note that there are already areas of Norfolk with no street lighting provision).

6.3. **Equality Impact Assessment (EqIA)** : An assessment for the proposed change in policy has been carried out. The assessment has identified that the perceptions and feeling about safety (as mentioned in section 7 below) may be more likely or extreme for people who feel vulnerable, and this may typically be women, older people and some disabled people.

The introduction of part night lighting may also impact on the ability of some local residents to safely access their road and property during the hours when the lights are turned off. This may be a particular issue for those people who are visually impaired or experience problems with mobility; where they may rely on full lighting so that they can clearly see any hazards (e.g. uneven surfaces). There are many locations in Norfolk where street lighting is not currently provided, but those are usually areas where lighting has never been provided – the proposed policy change would affect areas where lighting is currently provided.

It will be important to ensure that, before the change to part night lighting is implemented, affected residents are made aware of the change in advance so that they have the opportunity to discuss any issues or concerns with us, and also to make appropriate adjustments personally, for example adjusting the lighting on their own property. We will review our communication processes to enable improvements in approach to be identified.

- 6.4. **Communications** : We are already consulting on the proposal for part night lighting as part of our budget consultation. We have also written to the district and parish councils that would be affected by this change – any feedback received will be reported at the meeting.

A Norfolk Citizens' Panel survey has been carried out to determine attitudes to switching off street lighting – the results of this were reported to Panel in November 2009.

In advance of the installing any night photo cells, additional general publicity will be required to make the public aware of the change and the reasons for it.

Part of the current process for the light replacement programme includes sending letters to residents a few weeks in advance of any works on site. These letters can be amended so that residents in those streets where night photo cells will be fitted are aware in advance. At present, there is no equivalent process in place for maintenance of lights – work is being done to establish a suitable way process for local residents to be informed in advance if part night lighting is introduced as part of the maintenance programme, this is likely to be by letter drop or posting notices on site.

## 7. **Section 17 – Crime and Disorder Act**

- 7.1. Switching off street lights at night could affect the perceptions and feelings of local residents for example how safe they feel. It is proposed to take this into account by limiting the extent of part night lighting to streets which do not have significant traffic flows and where both night-time pedestrian activity and crime levels are low.
- 7.2. The results of trials in other local authorities do not give any indication that the incidence of crime increases in areas where lights are turned off. In Essex, whilst overall crime figures have increased during their trial, crime has fallen between midnight and 5am. In Gloucestershire, crime has fallen slightly. We will look very carefully at crime levels and road accidents as the proposal is rolled out in Norfolk.

## 8. **Risk Implications/Assessment**

- 8.1. Street lighting can contribute towards improving road safety and reducing crime, and there is a risk that part night lighting could have an adverse affect on this. This is considered to be a low risk (see paras 7.1 and 7.2 for further information).

8.2. ESPO has been consulted to determine to what extent we could realise savings under the current energy supply contract. See paras 2.7 to 2.9 for further information, but careful monitoring will be required.

## 9. **Alternative Options**

9.1. There is no statutory requirement to amend our street lighting policy to allow part night lighting. Cabinet could decide to leave the policy unchanged so that wherever lighting is provided it has to remain illuminated throughout the night. This would not generate any cost savings or help to reduce carbon emissions.

9.2. It is possible to introduce part night lighting on a trial basis, for example in one part of the County. A change in policy would still be required, but this approach would allow this approach to be tested in one area before it is rolled out across the County. This approach means that it would take a longer period of time before the Council is able to realise significant savings. Whilst the results of the Essex trial are not yet available, in Gloucestershire a trial has been completed and their approach is now being rolled out across the county. It is unlikely that a trial in Norfolk would highlight any technical issues that could not be resolved, if they arose, during the three years it is proposed to install the required cells in the relevant lights.

9.3. The part night photo cells could be retro-fitted as a stand-alone operation, i.e. separate from replacement, upgrade or maintenance– but there would be an additional cost (see para 2.2). There would also be an additional cost if remote monitoring cells were introduced to allow flexibility in the hours of operation (see para 2.4).

9.4. A possible variation on the proposed way forward would be to for all lights that would have photocells installed during maintenance to be converted during year 1 (see para 3.3 – and costings at para 5.2). This would require an additional investment of £97,000 to achieve additional net savings of £31,000. This additional investment could be not be funded by the Department's under-spend, meaning there would be a shortfall of £24,000. There would also be additional disruption for the public as it would mean some lights would need to be visited twice.

## 10. **Conclusion**

10.1. The introduction of part night light lighting will reduce energy consumption and the extent of implementation will influence the amount of energy saving. This energy saving will contribute towards the Council's carbon reduction targets and should result in cost savings, although these cannot be guaranteed if energy providers amend their rates to reflect changes in usage patterns.

10.2. Norfolk residents have shown quite positive attitudes to switching off street lighting for part of the night, as obtained via the Citizens' Panel earlier this year.

## Action Required

That Panel recommend to Cabinet that, if they agree to a change in the street lighting policy to enable part night lighting, and subject to the outcome of the Budget consultation:-

- (i) Part night lighting is introduced on roads which are not classed as routes with through traffic value and where crime rates are low (lighting classes S5 and S6).
- (ii) They approve the delegation of the resolution of relevant issues, including decisions on part-night lighting exemptions, to the Director of Environment, Transport and Development in consultation with the Cabinet Member for Planning and Transportation.
- (iii) They approve the additional investment into street lighting, subject to the conditions above and sufficient funds being available from within the Planning and Transportation budget at the year end, and to set up a new reserve for this future investment.

## Background Papers

Report to PTEW Overview and Scrutiny Panel November 2009

## Officer Contact

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Chris Kutesko	01603 223457	chris.kutesko@norfolk.gov.uk
John Longhurst	01603 224290	John.longhurst@norfolk.gov.uk



If you need this report in large print, audio, Braille, alternative format or in a different language please contact Chris Kutesko on 01603 223457 or textphone 0844 8008011 and we will do our best to help.

## Part Night Lighting – Technology Available

1. Modern street lights are generally switched on and off by individual photocells which react to ambient light levels falling in the evening and rising again in the morning. There is no central control via timer or radio signal etc, thus there may be slight variations in the on-off times of individual lights along a street. Due to standardised manufacture of the photocells, these variations are usually insignificant however.
2. The simplest and cheapest way to introduce part night lighting in an area is to replace the standard photocell in each light with a part night photocell. These are programmed to calculate the length of night and then to switch off at the “middle of the night” for a preset period, usually 5 hours. Whatever the length of night, the “middle of the night” will always be around midnight GMT (0100 am BST) in UK. Thus the lights will be switched off by the photocells at this time and switched on again 5 hours later, provided it is not already light.
3. As street lighting energy use is unmetered, electricity is paid for by a series of codes representing the different types of lamps available. Most of these codes are for full night burning depending on the time of year, ie we pay more in the winter than the summer. There are however part night codes for a 5 hour switch off period which reflect the lower energy use when lights are switched off in the night. There are as yet no other part night codes currently available: a longer switch off period would still require us to use the 5 hour codes whereas switch off for less than 5 hours would require us to continue to use the full night codes.
4. A more sophisticated part night lighting solution is the use of a remote monitoring system to control light switching. This requires essentially 3 elements, a central system comprising a computer server and user interface located in office or depot, a switching device on each street light and a means of communication between the central server and each light.
5. The communication system can use the electrical cabling to each light, 3G mobile telephone signals or radio communication. There are innate problems with using physical cabling to transmit electronic information, particularly over longer distances such as in parts of Norfolk. A local radio system has advantages over 3G communication which is dependent on mobile telephone satellites. Radio systems do however require the installation of on-street base stations as an intermediate link between computer and street lights together with a telecell on each light instead of a photocell.
6. Remote monitoring can be used to switch lights off and on at any time, ie it is not limited to a “middle of the night” switch off. It can also be used for other purposes, most usually the identification and diagnosis of lighting faults. As each telecell contains an electricity meter, we would be able to monitor the electricity actually used and thus the energy savings achieved. However, although work is underway on this issue, coding mechanisms are not yet in place to realise financial savings from the implementation of part night lighting achieved through remote monitoring telecells.

7. Amey, our street lighting PFI service provider, is already trialling the remote monitoring of lights on the Fairstead estate in King's Lynn. It has already therefore installed at its Brooke depot the remote monitoring software which would be capable of operating part night lighting across the county.
8. Telecells could easily be fitted to street lights at the same time as replacement, upgrade or routine maintenance, at an estimated cost of £50 per unit. The cost of the base stations, per lighting unit served is much more variable however. Each base station costs about £9,000 installed (£5,000 station plus £4,000 works) and could serve up to 10,000 street lights each, provided they were within 2 to 3 km in urban areas or 5 to 8 km in rural areas. At the maximum number of lights served, the cost of the base station per street light served would be under a pound, whereas in rural areas a base station serving, say, only 100 lights would cost £90 per street light.
9. Within Norfolk it would not be possible anywhere to have a density anywhere approaching 10,000 lights capable of part night lighting within a 2-3 km radius of a base station. 1,000 lights would be a more realistic maximum, at which level the base station would cost £9 per street lamp served. In rural areas this density would fall much lower, with a consequent increase in cost per street light served.

An indication of costs of each of these options is provided below:-

<b>Technology Used</b>	<b>Cost per Street Light</b>		
	<b>Installed when light replaced</b>	<b>Installed in routine maintenance</b>	<b>Installed as special operation</b>
Part night Photocell	£7.42	£12.44	£20.31
Remote monitoring (urban area 1000 lights per base station)	£59	£64	£72
Remote monitoring (semi-urban area 500 lights per base station)	£68	£73	£81
Remote monitoring (rural area 100 lights per base station)	£140	£145	£153

## Part night lighting – implementation options considered

In developing a proposal for the implementation of part night light, a number of options for selecting the lights to be turned off have been considered. These are summarised below.

Options for implementation	Potential advantages	Potential disadvantages
<p><b>1. All lighting the County Council is responsible for.</b></p>	<p>Maximum potential to achieve savings in terms of cost and energy (maximum energy saving would be 30-35%).</p>	<p>Maximum amount of investment required.</p> <p>Will not take into account any areas of the county where lighting is considered as essential e.g. high risk accident sites, high crime areas etc.</p> <p>Unlikely to satisfy legal requirements to balance competing factors according to varying area conditions.</p>
<p><b>2. Every other light (or every third light etc)</b></p>	<p>Likely to achieve a high level of savings.</p> <p>If introduced for all lightings/streets, would mean that all those streets that currently have lighting provided would remain at least partially lit for the whole night.</p>	<p>High level of investment required, unless being introduced for specific types of light only.</p> <p>Would mean a patchy approach to street lighting – this approach would not mean whole streets remain lit, just that parts of them do. The new lights being installed as part of the replacement programme are positioned to achieve maximum spread for a minimum number of lights.</p> <p>Will not take into account any areas of the county where lighting is considered as essential e.g. high risk accident sites, high crime areas etc.</p> <p>Partial lighting considered to carry higher risk of accident claims.</p>



<b>Options for implementation</b>	<b>Potential advantages</b>	<b>Potential disadvantages</b>
<b>3. For certain types of lighting class.</b>	Although there are no hard and fast rules, the type of lighting used is generally indicative of the characteristics of the local area. For example, the lowest specification lighting (S5 and S6 type) is generally used in areas with low traffic and pedestrian volumes, with the highest specification lighting used in areas where maximum visibility is important to ensure road safety, for example.	Implementation for certain types of lighting class limits the amount of financial and energy savings that could be achieved. For example, implementation on the lowest standard of lighting (S5 and S6) would generate a 10% energy savings, compared to 30-35% if implemented for the whole of the Council's lighting stock.
<b>4. Based on area demographics e.g. crime rates.</b>	Implementing part night lighting in low crime zone would be least likely to have a negative impact on occurrences of crime.	Will not take into account any areas of the county where lighting is considered as essential e.g. high risk accident sites.
<b>5. In areas that local communities themselves identify as suitable e.g. parish councils.</b>	Likely to be the option with the most support/buy in from local communities.	May require significant officer input to manage the consultation process.  Some areas of the county may be more willing to implement than others.  Communities may not identify a sufficient volume of sites to enable savings to be realised – meaning that there would need to be a further process to identify other areas for implementation.

It is assumed that the selection of an implementation option is not dependent on the technology used (see Appendix A for information on technology available).

## Introducing part night lighting in Norfolk

It is proposed to introduce part night lighting in Norfolk in areas which meet the following criteria:-

- Where the type of lighting current provided is type S5 or S6, currently the lowest specification of lighting provided; and
- Where traffic volumes are 'low' i.e. those streets which are not classed as routes with through traffic value; and
- Are within 'low crime' areas – determined by a comparison of local and national statistics and the identification of areas of Norfolk which deviate significantly from the local average.

Unless one or more of the following possible exemptions applies:-

- Where lights have been installed specifically to aid accident prevention.
- CCTV sites.
- Sites where the Police can demonstrate that there will be an increase in crime if lights are switched off, or where they can demonstrate that switching lights off directly affects the ability to reduce crime.
- Areas with a high proportion of high security premises e.g. banks, jewellers etc.
- Remote footpaths and alleys linking residential streets.
- Unusual hazards.

Note that additional exemptions may be identified during implementation, including to address any significant issues identified by communities.

## Introducing Part Night Lighting in Norfolk - affected Parishes/Towns

The following is a list of the Parishes/Towns that would be affected by the proposal to introduce part night lighting – i.e. those parishes where the existing NCC lighting stock includes S5/6 type lighting.

### Breckland District

Parish/area	No of S5/6 units
Ashill	4
Attleborough	226
Banham	29
Bawdeswell	5
Cressingham Great	3
Croxton	22
Dereham	1128
Ellingham Great	3
Griston	22
Harling East	20
Hockham Great	14
Holme Hale	9
Mattishall	8
Mileham	5
Necton	5
Saham Toney	16
Scarning	187
Shipdham	18
Shropham	7
Swaffham	318
Thetford	1404
Watton	72
Weeting	3

### Broadland District

Parish/area	No of S5/6 units
Acle	67
Aylsham	36
Brundall	190
Burlingham (inc Lingwood)	3
Cawston	14
Coltishall	2
Drayton	36
Foulsham	8
Freethorpe	20

Hellesdon	78
Horsford	197
Horsham & Newton St. Faith	30
Old Catton	126
Plumstead	104
Postwick	14
Rackheath	87
Sprowston	132
Taverham	665
Thorpe St. Andrew	427
Witchingham Great	3

### Great Yarmouth Borough

Parish/area	No of S5/6 units
Belton	389
Bradwell	636
Caister on Sea	235
Caister West	7
Great Yarmouth (North) – unparished	396
Great Yarmouth (South) - unparished	963
Hemsby	60
Hopton	204
Martham	61
Ormesby St. Margaret with Scratby	90

### King's Lynn and West Norfolk Borough

Parish/area	No of S5/6 units
Bircham	3
Burnham Market	21
Burnham Overy	3
Clenchwarton	27
Denver	7
Dersingham	261

Docking	8
Downham Market	668
Emneth	40
Feltwell	8
Fincham	4
Gayton	33
Grimston	48
Heacham	2
Hilgay	36
Hockwold	6
Hunstanton	389
Hunstanton Old	22
King's Lynn	2553
Marham	12
Methwold	15
Middleton	19
Northwold	7
Outwell	1
Pentney	1
Sedgeford	1
Snettisham	2
Southery	4
Stoke Ferry	19
Terrington St. Clement	87
Terrington St. John	23
Thornham	3
Tilney all Saints	2
Tilney St. Lawrence	15
Upwell	25
Walpole	30
Walsoken	29
Walton West	11
Watlington	74
Wereham	6
Wiggenhall St. Germans	9
Wiggenhall St. Mary Magdalene	5
Winch East	19
Winch West	102
Wootton South	38
Wretton	4

#### North Norfolk District

Parish/area	No of S5/6 units
Bacton	3
Beeston Regis	7
Blakeney	2
Briston	60

Cromer	360
Fakenham	308
Hempton	12
Holt	183
Hoveton	15
Langham	26
Mundesley	73
Runton	7
Ryburgh Great	10
Sculthorpe	3
Sheringham	616
Southrepps	5
Stalham	79
Sutton	27
Trunch	2
Tunstead	3
Walsham North	786
Walsingham	10
Wells Next the Sea	55
Weybourne	3

#### Norwich City

Parish/area	No of S5/6 units
Norwich Central – unparished	222
Norwich East – unparished	1234
Norwich North – unparished	1398
Norwich South – unparished	1505
Norwich West - unparished	3029

#### South Norfolk District

Parish/area	No of S5/6 units
Bawburgh	2
Chedgrave	88
Colney	8
Costessey	524
Cringleford	58
Dickleburgh	14
Diss	359
Ditchingham	37
Earsham	14
Harleston	47
Hempnall	2
Hethersett	140

Keswick & Intwood	8
Loddon	293
Long Stratton	156
Mulbarton	6
Newton Flotman	28
Poringland	76
Pulham Market	18
Roydon (Diss)	71
Scole	4
Tharston	30
Thurton	5
Trowse Newton	80
Wymondham	764

## **Trading on the Highway - removal and disposal of vehicles for sale on the highway**

Report by the Director of Environment, Transport and Development

### **Summary**

This report updates Members on the latest position in connection with the removal and disposal of vehicles for sale on the highway, and for caravans for sale (which are classed as 'structures' because they are not motorised). The Council's procedure does not cover vehicles that are untaxed or uninsured as powers are available to other agencies to deal with these.

This report explains the present procedure that is being used, which includes contacting the owners of vehicles/caravans for sale in the highway to ask that they are removed, and taking legal action if necessary. Personal details of the vendor are obtained if possible but increasingly the vendor either hangs up when informed that the call is from an officer of the County Council or refuses to give the information. Without this information it is very difficult to take legal action to have the vehicle removed and having researched the available legislation, there is no easy and quick way to remove vehicles that are for sale on the highway without this.

In October 2009 an officer working group was set up to consider how best to address the current enforcement problems in terms of both vehicles and structures (like caravans) for sale. The officer group, which has representatives from Trading Standards, Planning and Transportation and Legal Services, have looked at the legal considerations and is considering some alternative solutions to current enforcement problems. These include:-

- putting in waiting restrictions using Traffic Regulation Orders (TROs) at "hot spots". This is a lengthy process and could lead to local objections as they would affect everyone in the locality, not just those wanting to sell vehicles.
- designating "no trading zones" using the Local Government (Miscellaneous Provisions) Act. Enforcement of "no trading zones" would require an additional resource.
- the introduction of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. If a penalty charge notice is served under this Act then it is possible to immobilise the vehicle by clamping. Charges can then be made for removing the clamp.

The officer group will also be contacting other Local Authorities to see how they are dealing with this issue. Discussions will also take place with the Police to look at the enforcement issues and to try to forge stronger links with the Safer Neighbourhood Teams. From this information, officers will develop some possible ways forward for consideration. An update on this work could be brought to Panel later this year.

### **Action Required**

The Panel are asked to discuss the contents of the report and consider whether any further scrutiny is necessary.

## 1. **Background**

- 1.1. At the meeting in November 2009, Panel requested a scoping report covering the removal and disposal of vehicles on the highway. In particular, the Panel raised concerns about how caravans for sale placed on the highway are dealt with.

## 2. **Current procedure**

- 2.1. The procedure for dealing with vehicles on the highway (i.e. those that do need to be taxed or insured) is that details of the vehicle including registration mark, make, model and colour are recorded. All the information displayed on the vehicle relating to the vendor including name, telephone numbers and address is noted. Photographs are taken.
- 2.2. The vendor is contacted by telephone and informed that the vehicle should be removed from the highway. Personal details of the vendor are obtained if possible but increasingly the vendor either hangs up when informed that the call is from an officer of the County Council or refuses to give the information.
- 2.3. The site is re-inspected once a week for the next 3 weeks and photographs taken. The date and time of the inspections are noted. If the problem persists after 3 weeks, details and a location plan are passed onto Head of Law for enforcement action.
- 2.4. If the vehicle is untaxed then it is reported to the DVLA. They can authorise the clamping of vehicles and charge fees for the Vehicle to be released. If the fees are not paid within 24 hours, the vehicle can be impounded and if it's not claimed it could be disposed of after seven days.
- 2.5. If the vehicle is taxed but not insured then the Police have powers under various legislation which allow them to impound the vehicle. If owners do not pay to retrieve their vehicle within seven days, it will be crushed or sold on. In Great Yarmouth there is also a Car Clear initiative in place for dealing with all issues associated with nuisance vehicles.
- 2.6. At present, items for sale on the highway that do not need to be taxed or insured are dealt with as a structure. Under Section 143 of the Highways Act a structure includes any object capable of causing an obstruction, typically rocks, boulders, etc and may include a caravan or a trailer.
- 2.7. The procedure for dealing with structures like this on the highway is similar to that for vehicles trading on the highway. Officers to contact the owner/trader direct to explain the procedure to them, usually be sending a letter to the person responsible asking for obstructions to be removed. If action is not taken, the matter can be pursued further by the Head of Law seeking a Magistrate Court Order for their removal.

### 3. **Enforcement issues**

- 3.1. For both vehicles and structures, most legislation requires the identity of the owner of the vehicle to be established before prosecutions can be followed and where court orders are being sought to remove vehicles from site. Finding the name of the owner can prove very difficult, particular for things like caravans which do not need to be registered.
- 3.2. The nature of trading on the highway has changes significantly in the last few years. Whereas it tended to be recognised traders that were using the highway to advertise cars, increasingly the sellers are unauthorised businesses, with no permanent premises, who leave a contact telephone number. These telephone numbers constantly change and can not be traced.
- 3.3. For vehicles, the registered keeper is not the owner at law. There is a presumption for road traffic offences that the registered keeper is the owner unless they can prove otherwise but this presumption does not apply for any general purpose. A vehicle can be registered as “in trade” and this is commonly done with vehicles purchased at auction.
- 3.4. One other point to note is that in some of our towns there are large migrant populations and it's apparent from our investigations that they are involved in a good proportion of the vehicle sales on the highway in these areas. It is believed that some of these activities are being carried out by organised groups. There are some challenges in terms of communicating our procedures to these communities.

### 4. **Possible solutions**

- 4.1. At trading “hotspots” it may be possible for an officer of the County Council to pose as a purchaser to try to find out who the vendors are. This would require getting consent under the Regulations of Investigatory Powers Act 2000 (RIPA) but two main criteria that would have to be met are:-
  - has a crime been committed?
  - Is the proposed action deemed proportionate?

Such action would be labour intensive and costly.

- 4.2. An alternative approach is to either put in waiting restrictions using Traffic Regulation Orders (TROs) at “hot spots” or designating “no trading zones” using the Local Government (Miscellaneous Provisions) Act. Putting in TRO's is a lengthy process and could lead to local objections as they would affect everyone in the locality, not just those wanting to sell vehicles. Enforcement of TROs is already a problem but may improve when Civil Parking Enforcement is introduced.



- 4.3. Enforcement of “no trading zones” would require an additional resource and again is something that may be better considered when Civil Parking Enforcement is brought in. Discussions are already taking place with District Councils as part of our work to develop a Strategy for taking forward Civil Parking Enforcement, and the officer group has contacted the Council’s lead officer for CPE to ensure that their findings can be considered as part of that process.
- 4.4. To be able to pursue payments of any fines / or penalty charge notices, again the owner needs to be identified.
- 4.5. One area that could be considered is The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. If a penalty charge notice is served under this Act then it is possible to immobilise the vehicle by clamping and allows charges to be made for removing the clamp.
- 4.6. Having researched the available legislation, there is no easy and quick way to remove vehicles that are for sale on the highway.
- 4.7. For caravans, the situation differs. It may be possible to deal with Caravans under the Clean Neighbourhoods and Environment Act 2005. However, for this legislation to apply the sale must be in the course of a business and there must be two within 500m.

## 5. **Way forward**

- 5.1. In October 2009 an officer working group was set up to consider how best to address the current enforcement problems for both vehicles and structures (like caravans). The Group, which has representatives from Trading Standards, Planning and Transportation and Legal Services, have looked at the legal considerations and are researching other Authorities to see how they are dealing with the issue.
- 5.2. Discussion will take place with the Police to look at the enforcement issues and to try to forge stronger links with the Safer Neighbourhood Teams. From this information, options will be produced and costed to look at possible ways forward. An update on this work could be brought to Panel later this year.

## 6. **Resource implications**

- 6.1. **Finance** : To be considered by the officer working group when developing possible ways forward.
- 6.2. **Staff** : To be considered by the officer working group when developing possible ways forward.

## 7. **Other implications**

- 7.1. **Legal Implications** : Legal Services are represented on the officer working group, any legal implications will be considered as part of that.

- 7.2. **Equality Impact Assessment (EqIA)** : When a proposed way forward has been developed an equality impact assessment will be carried out to assess potential implications. An assessment has already been carried out for the current procedure. The assessment helped in understanding that trading on the highway has an impact in terms of accessibility, particularly where vehicles are blocking footpaths – the current procedure addresses this by taking action to remove these obstructions.
- 7.3. **Communications** : The officer working group will consider how to effectively communicate the current, or any proposed new, approach to local residents, including translating literature in different languages in areas where there are large migrant populations.
8. **Section 17 – Crime and Disorder Act**
- 8.1. If action is not taken to address the number of vehicles being advertised for sale at the roadside, this practice may increase and may encourage illegal trading.

### Action Required

- (i) The Panel are asked to discuss the contents of the report and consider whether any further scrutiny is necessary.

### Background Papers

Report to PTEWED Review Panel – 16 December 2002 – Member of Understanding for Trading on the Highway

Report to PTEWED Review Panel – 18 September 2004 – Effectiveness of the Memorandum of Understanding for Trading on the Highway

### Officer Contact

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

Name	Telephone Number	Email address
John Eastgate	01553 778001	john.eastgate@norfolk.gov.uk



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

## **Forward Work Programme: Scrutiny**

Report by the Director of Environment, Transport and Development

### **Summary**

This report asks Members to review and develop the programme for scrutiny.

## **1. The Programme**

1.1. The Outline Programme for Scrutiny (Appendix A) has been updated to show progress since the 4 November 2009 Overview and Scrutiny Panel.

1.2 Members of the Overview and Scrutiny Panel can add new topics to the scrutiny programme in line with the criteria below: -

(i) High **profile** – as identified by:

- Members (through constituents, surgeries, etc)
- Public (through surveys, Citizen's Panel, etc)
- Media
- External inspection (Audit Commission, Ombudsman, Internal Audit, Inspection Bodies)

(ii) Impact – this might be significant because of:

- The scale of the issue
- The budget that it has
- The impact that it has on members of the public (this could be either a small issue that affects a large number of people or a big issue that affects a small number of people)

(iii) Quality – for instance, is it:

- Significantly under performing
- An example of good practice
- Overspending

(iv) It is a Corporate Priority

## **2. Section 17 – Crime and Disorder Act**

2.1. The crime and disorder implications of the various scrutiny topics will be considered when the scrutiny takes place

### 3 **Equality Impact Assessment**

3.1 This report is not directly relevant to equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

#### **Action Required**

- (i) The Overview and Scrutiny Panel is asked to consider the attached Outline Programme (Appendix A) and agree the scrutiny topics listed and reporting dates.
- (ii) The Overview and Scrutiny Panel is invited to consider new topics for inclusion on the scrutiny programme in line with the criteria at para 1.2.

#### **Officer Contact**

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Sarah Rhoden	01603 222867	sarah.rhoden@norfolk.gov.uk



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

## Outline Programme for Scrutiny

Standing Item for the Planning and Transportation the Environment and Waste Overview and Scrutiny Panel:

Update for **6 January 2010**

### **This is only an outline programme and will be amended as issues arise or priorities change**

Scrutiny is normally a two-stage process:

- Stage 1 of the process is the scoping stage. Draft terms of reference and intended outcomes will be developed as part of this stage.
- The Overview and Scrutiny (O&S) Panel or a Member Group will carry out the detailed scrutiny but other approaches can be considered, as appropriate (e.g. 'select committee' style by whole O&S Panel).
- On the basis that the detailed scrutiny is carried out by a Member Group, Stage 2 is reporting back to the O&S Panel by the Group.

This Panel welcomes the strategic ambitions for Norfolk. These are:

- A vibrant, strong and sustainable economy
- Aspirational people with high levels of achievement and skills
- An inspirational place with a clear sense of identity

These ambitions inform the NCC Objectives from which scrutiny topics for this Panel will develop, as well as using the outlined criteria at para 1.2 above.

Changes to Programme from that previously submitted to the Panel on 4 November 2009

#### **Added**

- Trading on the Highway – added at the 04/11/09 Panel meeting, and agreed to receive an update report at a future meeting.
- Carbon Reduction Commitment – added at the 04/11/09 Panel meeting, and agreed to receive an update report in March 2010.

#### **Deleted**

- HGV Route Hierarchy – at the 4 November 2009 meeting the Member Working Group summarised the work that they had carried out. It was agreed at the scrutiny exercise should not be progressed and it should be removed from the programme.
- Partnership Working – agreed at the 4 November 2009 meeting to remove this item from the programme as it had reached the mid point in the two year cycle and no significant areas of concern had been highlighted. Details of the partnerships that would have been covered in year two of the cycle have been included in the Member Briefing, so that Members can follow up any areas of interest.

Topic	Outline Objective	Cabinet Portfolio Area	Stage 1 (scoping report)	Stage 2 (report back to Panel by Working Group)	Requested by	Comment
<b>Scrutiny Items Outstanding/ Ongoing</b>						
1. Transfer of landfill sites to the County Council	To monitor the outcomes of the scrutiny carried out by Cabinet Scrutiny.	Environment and Waste	N/A	4 March 2009	9 July 2008 O&S Panel	Discussed 05/11/08 and 04/03/09 – agreed to receive a further report at a future meeting (on agenda for January 2010).
2. Street lighting	To review street lighting policies/procedures and to consider potential changes to the lighting arrangements to reduce the need for full lighting e.g. dimming.	Planning and Transportation	No scoping report (raised as an urgent scrutiny item)	Various reports to Panel, including January 2009 and November 2009.	30 October 2006	In November 2009, Panel agreed to endorse a proposal to amend the street lighting policy to enable part-night lighting to be introduced. It was also agreed to receive a further report in January 2010 on the proposals for implementation.
3. Use of Civilian Traffic Marshals	To review the use of civilian traffic marshals in Norwich over the Christmas period to determine whether it was successful and could be extended to other areas of	Planning and Transportation	4 March 2009		7 January 2009 Review Panel	Panel agreed to receive a further report on this in March 2010, when the use of accredited traffic marshals has been trialed.

<b>Topic</b>	<b>Outline Objective</b>	<b>Cabinet Portfolio Area</b>	<b>Stage 1</b> (scoping report)	<b>Stage 2</b> (report back to Panel by Working Group)	<b>Requested by</b>	<b>Comment</b>
	the county.					

<b>Topic</b>	<b>Outline Objective</b>	<b>Cabinet Portfolio Area</b>	<b>Stage 1</b> (scoping report)	<b>Stage 2</b> (report back to Panel by Working Group)	<b>Requested by</b>	<b>Comment</b>
4. Trading on the Highway	To consider the Council's current approach to dealing with trading on the highway.	Planning and Transportation	6 January 2010		4 November 2009 O&S Panel	Scoping report to be considered at January 2010 meeting.
5. Carbon Reduction Commitment	To receive an update on the Carbon Reduction Commitment (which comes into force on 1 April 2010) – to consider whether to scrutinise further.	Waste and Environment	To be taken to 3 March 2010 meeting		4 November 2009 O&S Panel	Update report to be considered at March 2010 meeting.
<i>Community Infrastructure Levy</i>	<i>TBC</i>	<i>Planning and Transportation</i>	<i>TBC</i>	<i>TBC</i>	<i>14 May 2008 Review Panel</i>	<i>To be considered for Scrutiny once a body of evidence becomes available</i>

#### **Completed Scrutiny Items:**

<b>Date completed</b>	<b>Topic</b>	<b>Method</b>
5 December 2002	Trading on the highway	Full Panel
5 December 2002	Safer Journeys to School	Task & finish group
23 January 2003	Norfolk Waste Partnership	Full Panel
23 January 2003	20mph speed limits	Task & finish group
14 April 2003	Draft Local Performance Indicators for 2003/04	Full Panel
14 April 2003	Accident rates for different modes of transport	Full Panel



<b>Date completed</b>	<b>Topic</b>	<b>Method</b>
4 March 2004	S106 Agreements – phase 1	Task & finish group
15 July 2004	Snow situation 28 January 2004	Full Panel
16 September 2004	Trading on the highway	Full Panel
16 September 2004	Impact of Castle Mall and future developments on city centre traffic	Task & finish group
16 September 2004	Effectiveness of walking & cycling schemes	Task & finish group
25 November 2004	Signage to local business and tourist destinations	Task & finish group
9 March 2005	County Council travel plan	Full Panel
8 June 2005	Residual waste treatment and disposal contract	Full Panel
8 November 2005	Concessionary travel schemes	Task & finish group
15 March 2006	Temporary road closures & cost implications of H&S legislation- phase 2	Task & finish group
17 May 2006	S106 Agreements – phase 2	Task & finish group
19 July 2006	Safer and Healthier Journeys to School – school travel plans	Full Panel
24 January 2007	Operation of intelligent transport systems	Full Panel
18 July 2007	Coastal protection and the Marine Bill	Task & finish group
18 July 2007	County parking standards for new development	Task & finish group
18 July 2007	Management of commuted sums	Full Panel
14 November 2007	Casualty reduction strategy	Full Panel
14 November 2007	Effectiveness of new waste recycling contracts	Full Panel
14 November 2007	Validity of financial forecasts for waste budgets	Full Panel
9 January 2008	Drainage protocol between district councils, Environment Agency and NCC	Full Panel
9 January 2008	Bus Net system cost effectiveness and use of information	Full Panel
14 May 2008	Environmental impact of grass cutting on highway verges	Full Panel
7 January 2009	Diplomas for 14-19 year olds – transport implications	Full Panel
4 March 2009	Delays occurring on county and trunk roads as a result of accidents & incidents	Task & Finish group
4 March 2009	Drainage protocol	Full Panel
8 July 2009	Waste and recycling (including business waste and recycling markets)	Full Panel

<b>Date completed</b>	<b>Topic</b>	<b>Method</b>
9 September 2009	Climate related decisions of Norfolk County Council	Full Panel
4 November 2009	Partnership Working	Full Panel
4 November 2009	HGV Route Hierarchy	Member Working Group

## **The Wash Shoreline Management Plan Consultation**

Report by the Director of Environment, Transport and Development

### **Summary**

The Shoreline Management Plan (SMP) for the Wash has reached the draft stage. It is currently out to public consultation. The Environment Agency has agreed to attend this meeting to answer questions and receive views from Members on the SMP and its recommendations. Members comments on the Plan will help to inform this Authorities formal consultation response, which needs to be received by the Environment Agency by the 15 January 2010.

### **Action Required**

Members may wish to consider whether this Panel would like to comment on the content of the SMP as part of the formal consultation process.

## **1. Background**

- 1.1. The Environment Agency made a presentation to this Panel on the 9 September 2009, and although primarily focused on the Hunstanton to Kelling draft SMP, included some information on the Wash SMP, affording Members an early opportunity to preview, ask questions and comment on this Plan and its recommendations. Since that time the draft SMP for the Wash has been finalised and the Environment Agency would welcome the opportunity to meet Members again to provide a more detailed and focused presentation.

## **2. Contents of Report**

- 2.1. Report to Cabinet, on the 4 January 2009, on the draft SMP for the Wash recommends a formal response suitable for submitting to the Environment Agency. This report also recommends that the views of the Planning and Transportation the Environment and Waste Overview and Scrutiny Panel are sought on the 6 January 2010, to help inform the final consultation response. And that responsibility for resolving any issues raised by the Panel and approving the final consultation response is delegated to the Cabinet Member for Waste and Environment. The 4 January Cabinet report is attached at Appendix 1. A verbal update on the Cabinet decision will be given at the meeting.

## **3. Resource Implications**

- 3.1. **Finance** : The preparation of the SMP and consultation exercise is funded by the Environment Agency. Norfolk County Council does not contribute towards these costs. However, as highlighted in this report, changes included in the final version of the SMP may have, as yet unquantified, cost implications for this Council.

3.2. **Staff** : None

3.3. **Property** : None

3.4. **IT** : None

#### 4. **Other Implications**

4.1. **Legal Implications** : None

4.2. **Human Rights** : None

4.3. **Equality Impact Assessment (EqIA)** : None

Although it is not yet a statutory requirement of the Environment Agency to carry out an Equality Impact Assessment they utilise a 'Building Trust with Community' Toolkit which is applied as standard to all major exercises they consult on which ensures that consultation is transparent and inclusive. Application of this toolkit to the Hunstanton to Kelling SMP consultation has meant that a stakeholder analysis has been carried out which was inclusive of local communities and key stakeholder meetings have been held, with those attending being identified through this analysis process. This process has included Local Authorities and Communication officers. This toolkit was applied from commencement of the exercise and will continue to do so throughout its 'life'. The Environment Agency have also voluntarily signed up to the national code of conduct for consultation.

4.4. **Communications** : The Environment Agency has prepared a Stakeholder Engagement Strategy to inform and direct this consultation exercise. Norfolk County Council, through the Wash SMP Client Steering Group was involved in helping to draw this strategy together.

4.5. **Health and safety implications** : None

#### 5. **Section 17 – Crime and Disorder Act**

5.1. None

#### 6. **Risk Implications/Assessment**

6.1. None

#### 7. **Alternative Options**

7.1. This consultation exercise allows this Council to help inform the final version of the drafting of this SMP. However this Council has no statutory responsibilities with regard to preparing this SMP and could decide not to support this process.

#### 8. **Conclusion**

8.1. The Environment Agency has agreed that in making its presentation to this Panel on the 6 January 2010 Members will be invited to raise issues, offer opinion and, if required, seek further detail or clarification about this Plan and its recommendations. Member's comments will feed into the consultation exercise and help inform this Council's formal response to the draft SMP.

## Recommendation

- (i) Members may wish to consider whether this Panel would like to comment on the content of the SMP as part of the formal consultation process.

## Background Papers

Report and minutes of meeting of Cabinet held on 4 January 2010.

Report and minutes of meeting of the Planning and Transportation, the Environment and Waste Overview and Scrutiny Panel held on 9 September 2009.

## Officer Contact

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
John Jones	01603 224306	<a href="mailto:john.jones@norfolk.gov.uk">john.jones@norfolk.gov.uk</a>
Mark Allen	01603 223222	<a href="mailto:mark.allen@norfolk.gov.uk">mark.allen@norfolk.gov.uk</a>



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

## APPENDIX 1

# Wash Shoreline Management Plan

Report by the Director of Environment, Transport and Development

### Summary

The draft Shoreline Management Plan (SMP) for the Wash is currently out to public consultation. This report outlines this Authorities consultation response to the Plan, as it is currently proposed; concluding that whilst the principles underpinning the SMP and overall approach to its delivery and review should be supported, it is too early for this Council to support its adoption and that much depends on how comments received during the consultation exercise influence the final form of the Plan.

### Recommendation

The report recommends that Cabinet agrees the content of this report as response to be submitted to the Environment Agency before the consultation deadline of the 15 January 2010. This is an urgent item and not subject to the call-in procedure. The item is urgent due to the consultation deadline.

## 1. Background

- 1.1. The lead organisation for this SMP is the Environment Agency. The formal consultation period runs for three months from the 12 October 2009 to the 15 January 2010. During this period a number of public events offer an open invitation for everyone to view an exhibition, allowing attendees to pick up a summary of the draft plan, ask questions and discuss the recommendations with members of the project team.

Details of these public drop in events are listed below:

- Tuesday 27 October 2009 - **Kings Lynn**, Borough Council Offices, 10am – 3pm
- Wednesday 28 October 2009 - **Hunstanton**, Town Hall, 1pm - 7pm
- Wednesday 4 November 2009 - **Boston**, Assembly Rooms, 10am – 3pm
- Friday 6 November 2009 - **Long Sutton**, Market House, 1pm - 7pm
- Monday 9 November 2009 - **Friskney**, Village Hall, 12pm - 6pm
- Tuesday 10 November 2009 - **Spalding**, South Holland Centre, 10am – 3pm
- Wednesday 11 November 2009 - **Old Leake**, Community Centre, 1pm - 7pm

- 1.2 A copy of the draft Plan with non technical summary and fact sheets is available in Members room at County Hall. The public can view the same documents in the main reception at County Hall. Interested parties can also request a paper copy of the summary document by calling 08708 506 506 (Mon – Fri, 8am – 6pm).

- 1.3 Alternatively the public will be able to view the draft SMP and its non technical summary on the Environment Agencies own web site:

<http://www.environment-agency.gov.uk/research/library/consultations/111545.aspx>

- 1.4 Additionally the Environment Agency will make a presentation to the Planning and Transportation, the Environment and Waste Overview and Scrutiny Panel on the 6 January 2010 allowing an opportunity for questions and answers and to receive views from Members on the SMP and its recommendations to help inform the County Councils formal consultation response.

## 2. **Contents of Report**

- 2.1. This SMP sets out a framework for managing the coastline which aims to identify the best ways to manage coastal flood and erosion risk to achieve the best possible balance in protecting, people, property and wildlife. Officers, in considering the draft Plan, welcome a number of the key principles which guide this approach:
- 2.2 The Environment Agency, in drafting the Plan, has recognised that a precautionary approach is needed. Making clear that policy proposals leading, in many cases, to irreversible changes need to be carefully considered with decisions based on agreed evidence, including best science but also the potential wider socio-economic impacts.
- 2.3 The Plan recommends a cautious 'no regrets' approach, based on current knowledge and understanding. Aiming to avoid compromising future decisions and properly addressing the need to take informed decisions where changes may lead to irreversible losses. The Plan also acknowledges that the impacts of climate change on sea level rise and natural processes are impossible to predict over the longer term with any degree of accuracy at present; and that the natural processes which help to shape and change the coast are dynamic and very complex. These uncertainties, combined, require a pragmatic and cautious approach, and the underlying principle of taking the right decisions, at the right time through collective agreement is supported.
- 2.4 It is helpful that the Plan acknowledges the importance of, and seeks to identify opportunities for, partnership arrangements and joint working to deliver improvements. But much depends on the outcome of the consultation exercise and the flexibility and willingness shown in adapting the Plan to deliver local solutions in response to local knowledge and opinion. The engagement process needs to build confidence, without which it will be very difficult to build consensus and agreement around a longer term vision for the coast. The SMP provides the means of opening a debate about how best to plan over time for change, rather than react to events. The timescales involved should allow sufficient time to grow understanding and gradually adapt the way we view and manage coastal defences. The cyclical nature of reviewing and updating SMP's before they reach the end of the first epoch also ensures that this Plan will not run on into actions proposed for the medium to long term without subjecting these policies to further scrutiny and public consultation. Overall its suggested that the principles of this measured approach should be cautiously supported.
- 2.5 Development of policy in this Plan, through partnership working involving stakeholders in a Client Steering Group and an Elected Members Forum, is the right approach and that this level of engagement leading through to a consultation process that seeks to engage with local interests to help further inform policy and deliver local solutions is also supported.

- 2.6 This Plan, covering about 80 kilometres of coastline from the river Steeping at Gibraltar Point in Lincolnshire to the Hunstanton Cliffs in Norfolk, is divided into four units, called Policy Development Zones (PDZ). To aid the consultation exercise a Non Technical Summary provides a very helpful and straightforward overview of the SMP. Describing in clear terms how the four PDZ units play an important part in developing the Plan because the coastal processes within each work differently and have distinctive characteristics, values and land uses. Key messages are also well communicated and importantly the Plan states unambiguously its primary aim of identifying the best ways to manage coastal flood and erosion risk to achieve the best possible balance in protecting people and their interests and the environment.
- 2.7 All four Policy Development Zones: PDZ 1, 2, 3, and 4 relate to Norfolk's coastal frontage in the Wash, though a significant proportion of PDZ 1 is within Lincolnshire. In broad terms this Plan includes sea bank defences which, between Gibraltar Point and Kings Lynn, separate internationally important salt marsh and mud flat habitats from extensive areas of low lying regionally and nationally important agricultural land. In contrast the eastern shoreline of the Wash from Kings Lynn to Hunstanton the sea defences protect land uses more focused on tourism and comprise a narrow band of shingle ridge backed by a sea bank giving way as the land rises into cliffs around Hunstanton, with additional protection afforded by promenade and a sea wall in the town itself.
- 2.8 The SMP recommends no policy changes for all four PDZ's in the short term (now to 2025), and this is welcomed. Holding the line in PDZ 1, 2 and 3 and allowing the cliffs to continue to erode naturally in PDZ 4 will allow time to monitor and evaluate the technical, economic and environmental issues and develop better informed responses for the medium (2026 to 2055) and longer term (up to 2105).
- 2.9 However within PDZ 2, Wolferton Creek to South Hunstanton, the hold the line policy does not remove the existing concerns about risk to life. It is a matter of deep concern that because the current defences in this area offer a relatively low level of protection there is already a significant risk of flooding during parts of the year which would affect a large number of people and their property. This is clearly highly undesirable and with the prospect of needing to plan for land use adaptation during the first epoch (short term) the intent of management proposed for this PDZ, is to establish a process of cooperation with local stakeholders.
- 2.10 The formation of a stakeholder sub group, led by the Borough of Kings Lynn and West Norfolk, and supported by the Environment Agency is welcomed as a positive step towards reaching a locally agreed sustainable solution. However it needs to be stressed, in the strongest possible manner, that this solution needs to give full consideration to the wide range of impacts that could potentially affect people's lives and livelihoods in the area. Moreover that in reviewing future options any cost to benefit assessment fully addresses all of these impacts before any final decision is taken on changing the current hold the line policy. Nonetheless it is very encouraging to note that the sub group has already met and that the level of stakeholder interest is high with Councillors Brian Long, for the Borough of Kings Lynn and West Norfolk and John Dobson for the County Council involved in the process as Member representatives on this group.
- 2.11 This SMP raises a number of challenging questions about how best to achieve continued defence against flooding and determining the right standard of protection. Questions surrounding accurately predicting sea level rise and the frequency and



severity of future storm events; rate and pattern of sediment movement into the Wash; the value to society of internationally important intertidal habitats and some of the best agricultural land in Britain critical to this country's future food security. This Plan confirms that these many uncertainties combined all point towards a need for a longer and more integrated decision making process than this SMP can provide. Further, that in this SMP the Environment Agency recognises that the standard policy options do not suffice and that a more flexible approach using different defence options for different parts of the frontage may be necessary. This is a refreshing and positive departure from the previous practice of rigidly adhering to national guidance on SMP policy formulation. It can only be hoped that this flexibility is supported and confirmed by the SMP Quality Review Panel who have a key role in overseeing and scrutinising this process before the Plan can be approved by the Environment Agency's Regional Director.

- 2.12 On matters more specific to Norfolk County Council we offer the following advice:
- 2.13 Norfolk Landscape Archaeology is very pleased to see a specific principle covering the historic environment (no 11, p12). However, it is very disappointing this regard is not reflected in the main body of the SMP, where the historic environment is infrequently mentioned and appears to be of less importance than some of the issues covered by other principles. This is particularly apparent in the 'Land use and environment' and 'Role of shoreline management' sections of the SMP, as well as in some of the Appendices including the policy development and appraisal documents and the Strategic Environmental Assessment.
- 2.14 Although historic environment data have been collected and some is included in the SMP, there is strong evidence it has not been thoroughly considered in assessing shoreline management and policies. Where heritage assets are mentioned, the focus is on designated features and sites identified in the Norfolk Rapid Coastal Zone Assessment Survey, rather than the historic environment as a whole. A direct consequence of this approach is the exclusion of a number of regionally and nationally significant heritage assets from the theme review, policy development and appraisal. The exclusion of highly significant non-designated features is a serious concern and is contrary to both DEFRA and English Heritage's SMP guidance documents.
- 2.15 The Port of Kings Lynn is a key feature the SMP needs to take into account. Its importance to the local economy requires that measures proposed in this SMP do not interrupt, compromise or increase the costs of the functioning of Kings Lynn's Port throughout the Plan period. Whilst it is recognised that in the short term (epoch 1) the hold the line policy will meet this objective it needs to be recognised that because the Plan has not determined a fixed policy for the medium to longer term, because of uncertainties about the development of the intertidal area, this issue needs to be properly addressed through a monitoring programme to help support firmer long term decisions for the future. The development and maintenance of channels, including their use for navigation, should play a role in the monitoring programme and inform subsequent policy decisions in the next SMP.
- 2.16 More consideration needs to be given to the potential impacts on public rights of way and recreational routes. It would appear that the new coastal access, as part of the Marine Bill, has not been taken into consideration. The current time frame for implementation of the new right is 10 years, therefore within the first Epoch (now to

2025). Whilst the actual route cannot currently be mapped there should at the very least be textual reference. This is a matter of particular concern for all the policy zones but particularly so within PDZ 2, Wolferton Creek to South Hunstanton, where this work need be fully factored in to the SMP.

- 2.17 National Trails are already high profile routes and it is likely that the new coastal trail provided for under the Marine Bill will also be high profile and an important resource for both local communities and visitors alike. With the current and growing awareness of the importance of recreational access to the economy and health of the nation both the National Trail and the new coastal trail are and will be key to providing that access. However the draft SMP does not appear to acknowledge the cost to the highway authority of any re-alignment work arising from the actions within the SMP. The new Coastal Access Bill does not provide for any future funding to support local highway authorities to action any roll back required. These costs are as yet unquantified but should be identified as a cost of the SMP.

### 3. **Resource Implications**

- 3.1. **Finance** : The preparation of the SMP and consultation exercise is funded by the Environment Agency. Norfolk County Council does not contribute towards these costs. However, as highlighted in this report, changes included in the final version of the SMP may have, as yet unquantified, cost implications for this Council.

3.2. **Staff** : None

3.3. **Property** : None

3.4. **IT** : None

### 4. **Other Implications**

4.1. **Legal Implications** : None

4.2. **Human Rights** : None

4.3. **Equality Impact Assessment (EqIA)** :

Although it is not yet a statutory requirement of the Environment Agency to carry out an Equality Impact Assessment they utilise a 'Building Trust with Community' Toolkit which is applied as standard to all major exercises they consult on which ensures that consultation is transparent and inclusive. Application of this toolkit to the Hunstanton to Kelling SMP consultation has meant that a stakeholder analysis has been carried out which was inclusive of local communities and key stakeholder meetings have been held, with those attending being identified through this analysis process. This process has included Local Authorities and Communication officers. This toolkit was applied from commencement of the exercise and will continue to do so throughout its 'life'. The Environment Agency have also voluntarily signed up to the national code of conduct for consultation.

4.4. **Communications** : The Environment Agency has prepared a Stakeholder Engagement Strategy to inform and direct this consultation exercise. Norfolk County Council, through the Wash SMP Client Steering Group was involved in helping to draw this strategy together.

4.5. **Health and safety implications** : None

5. **Section 17 – Crime and Disorder Act**

5.1. Not applicable at this strategic level

6. **Risk Implications/Assessment**

6.1. No specific risk to the Norfolk County Council.

7. **Overview and Scrutiny Panel Comments**

7.1. The views of the Planning and Transportation the Environment and Waste Overview and Scrutiny Panel will be sought on the 6 January 2010. This report recommends that responsibility for resolving any issues raised at that meeting, and approving the final consultation response, is delegated to the Cabinet Member for Waste and Environment.

8. **Alternative Options**

8.1. This consultation exercise allows this Council to help inform the final version of the drafting of this SMP. However this Council has no statutory responsibilities with regard to preparing this SMP and could decide not to support this process.

9. **Conclusion**

9.1. The draft SMP should be viewed as work in progress. It is an important document and is guided by sound principles. However much depends on the outcome of the consultation exercise and the flexibility and willingness shown in adapting the Plan to deliver local solutions in response to local knowledge and opinion. The engagement process needs to build confidence, without which it will be very difficult to build consensus and agreement around a longer term vision for the coast. The SMP provides the means of opening a debate about how best to plan over time for change, rather than react to events. The timescales involved should allow sufficient time to grow understanding and gradually adapt the way we view and manage coastal defences.

9.2. The cyclical nature of reviewing and updating SMP's before they reach the end of the first epoch also ensures that this Plan will not run on into actions proposed for the medium to long term without subjecting these policies to further scrutiny and public consultation. Overall it's suggested that the principles of this measured approach should be cautiously supported. The Environment Agency will consider all the responses from consultees on this draft SMP. The final version of the plan will be re-submitted to Cabinet in early 2010. At which time you will be asked if you are prepared to support its adoption.

**Recommendation**

- (i) This Cabinet agrees the contents of this report as the formal response to be submitted to the Environment Agency by the 15 January 2010

- (ii) Members consider whether they would like further additions to the response as written in this report.

That the views of the Planning and Transportation the Environment and Waste Overview and Scrutiny Panel are sought on the 6 January 2010, and that responsibility for resolving any issues raised and approving the final consultation response is delegated to the Cabinet Member for Waste and Environment

## Background Papers

Report and minutes of meeting of Cabinet held on 9 November 2009

Report and minutes of meeting of the Planning and Transportation, the Environment and Waste Overview and Scrutiny Panel held on 9 September 2009.

## Officer Contact

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
John Jones	01603 224306	<a href="mailto:john.jones@norfolk.gov.uk">john.jones@norfolk.gov.uk</a>
Mark Allen	01603 223222	<a href="mailto:mark.allen@norfolk.gov.uk">mark.allen@norfolk.gov.uk</a>



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

**Planning Transportation Environment and Waste Integrated  
Performance and Finance Monitoring report 2009/10**

Report by Director of Environment, Transport and Development

**Executive Summary**

The progress information included is the most up to date available at the time of writing. However, it should be noted that further updates may have occurred prior to presentation to the Panel meeting. The financial information reflects the forecast position as at the end of November (**Period 8**).

This report provides an update of the latest progress made against the 2009-12 service plan actions, risks and finances for Planning and Transportation (P&T).

- **Revenue Budget.** There is currently a £0.347M underspend against the P&T revenue budget of £101.838M. This is a reduction of £0.153m from the previous report which is in part due to an increased provision for winter maintenance costs.
- **Capital Budget.** The Highways Capital Programme is reporting an overspend of £0.755M, against a revised budget of £54.946M, however this will be managed down to a balanced outturn during the year, through effective planning of work. The Other services capital budget is on track.
- **Additional funding.** In addition to its core budget, P&T manages a range of partnerships. Some of this is from external sources. There is an increase in the forecast expenditure of the Waste Partnership fund due to increasing costs for staff cover and other contractual costs however this can be accommodated within the current balance held in the Fund.
- **Service plan actions.** Nothing of significance has changed since the last report of progress to panel in November.
- **National indicators.** Two indicators have been recorded as slightly off track, work is in progress to try and bring them back on track.
- **Risks.** The department has four risks categorised as of corporate significance. All four are being managed to mitigate, as far as practicable, any likelihood or impact of those risks occurring.

**Action Required:**

- Members are asked to comment on the progress against P&T's service plan actions, risks and budget and consider whether any aspects should be identified for further scrutiny.

## 1. Performance update

Based upon the latest information available at the time of writing, there are no significant issues or changes to service plan actions to report to this panel over those reported in November.

## 2. National Indicators

The table in appendix A shows the latest performance data available for those national indicators (NIs) relevant to the work of the Panel. Two indicators are currently recorded as slightly off track:

**NI178i** Bus services running on time (non-frequent services).

This indicator is made up of two measurements, buses on time at origin and intermediate points. First Bus will be introducing revised timetables in December following a comprehensive review of punctuality on certain Norwich city services. Officers are looking at ways to manage congestion on the road network to ensure the impact of congestion is minimised.

**NI192** Percentage of household waste sent for reuse, recycling and composting.

The countywide performance for NI192 is an amalgamation of the individual performance of the seven Norfolk Waste Collection Authorities (WCAs) plus the county council recycling centres. Overall performance for the first two quarters of 2009/10 is up when compared with the same period in 2008/09; however it is still some 1.2% percentage points (44.85%) below the target (46%) for the end of 2009/10. However, during the same period the total amount of collected household waste arisings have dropped by approximately 4%, which means that householders are not producing the same levels of waste as in previous years. Norfolk Councils continue to look at the waste services that they are providing and have recently engaged in communications campaigns aimed at encouraging householders to reduce the amount of waste produced whilst at the same time only putting acceptable materials out for recycling.

## 3. Revenue budget

The original approved budget for the Department was £101.646M . This has increased to £104.315M due to Strategic Ambitions funding as previously reported and Surface Water Management funding of £0.085M.

Division of service	Approved budget £m	Forecast Outturn £m	Forecast +Over/ Underspend £m	Forecast +Over/ Underspend as % of budget	Variance in forecast since last report £m
Planning and Transportation	68.266	67.956	-0.347	0.5%	+0.153
Environment and Waste	33.572	33.572	0.000	0.0%	0.000
<b>Total</b>	<b>101.838</b>	<b>101.528</b>	<b>-0.347</b>	<b>0.3%</b>	<b>+0.153</b>

<b>Planning and Transportation £+/-m forecast over/underspend (budget £+/-m)</b>				
Area/section/ sub group (as appropriate)	Projected Variance		Variance as % of approved budget	Reasons for movement since last report
	Total £m	Movem ent £m		
Passenger Transport	+0.486	-0.050	-6.2%	An improvement in reducing the overspend from Park & Ride and Rural Bus Services
Programme Management	-0.502	-0.214	+2.3%	The savings are due to insurance costs reducing, increased income from capital schemes and vacancy management. However, there is a risk of having to refund Land Search charges, once the Information Guidelines have been confirmed.
Highways Maintenance Budget	-0.000	+0.400	+0.0%	A potential saving of £0.400m was originally identified to offset other pressures. However, a favourable department position has enabled the release of first £0.200M into Routine Works and then a further release of the final £0.200M for Winter maintenance.
Highways Operations Budget	+0.000	+0.000	+0.0%	The Highways Operations Budget is forecast to outturn on target.
Contribution from Initiatives	-0.103	+0.035	+8.2%	Pressure on pain/gain target costed schemes
Strategy & Performance	-0.134	-0.029	+2.8%	Savings are being achieved through vacancy management and reprioritisation of work.
Business Support Services	-0.094	+0.011	+2.5%	Vacancy management
<b>Total</b>	<b>-0.347</b>	<b>+0.153</b>	<b>+0.5%</b>	

#### 4. Monitoring of budget investment decisions

All investment decisions are on track.

#### 5. Capital programme

The Highways Capital Programme is reporting an overspend of £0.755M, against a revised budget of £54.946M. This includes additional budget of £1.250M agreed through Cabinet for further development of the NDR proposal, and additional external funding. The overall programme will be managed down to a balanced

outturn during the year, through effective planning of work. Detailed spend by area of expenditure is shown in Appendix B.

The Other services capital budget is on track against a revised budget of £6.267M with an additional scheme added since the previous report.. The detail is shown in Appendix C.

## **6. Other financial information Reserves and Partnerships**

### Reserves

The opening balance at 1st April 2009 was £14.319M. The revised forecast balance for 31st March 2010 is £14.690M. This is a reduction of £0.433M from the previous report. This is due to an increased planned drawdown from the Waste Partnership Fund to cover additional staffing and the other contractual costs. In addition there has been a planned drawdown of £0.058M to offer as match funding for an Environment European grant.

### Partnerships

The County Council is involved in many partnerships with District Councils, voluntary bodies etc. In some cases it is contributing from the budget to one of the other partners who take the lead, including acting as Treasurer. However, quite often the County Council is the lead partner and deals with the accounting and financial arrangements. The Head of Finance (Corporate Finance) is concerned at the potential risk to the County Council if any problems arise with a partnership and has asked that the larger partnerships i.e. with an annual turnover in excess of £0.500m be regularly reported. Following are details on the main Partnerships within Planning and Transportation.

- **Norfolk Waste Partnership**

The cost of landfill disposal in Norfolk has increased significantly. The County Council has, as one of its eight main objectives, the aim of reducing the amount of waste produced. Working with partners, through the Norfolk Waste Partnership (comprising all eight Norfolk Authorities) a number of waste minimisation and education initiatives are aimed at first reducing the amount of waste produced and secondly increasing the recycling percentage of that which remains. The forecast expenditure for 2009/10 is £0.931M, leaving an expected balance of £0.740M. The balance of this partnership is shown in the Waste Management Partnership Fund Reserve. Whilst the expenditure will support the objectives of the waste management partnership, it also supports a number of wider County Council projects, such as the residual waste treatment contract, and therefore the fund is wholly County Council funding.

- **Norfolk Strategic Partnership**

The Norfolk Strategic Partnership (including Planning and Transportation, May Gurney and Mott MacDonald) is the main vehicle through which Planning and Transportation deliver services to the community. Following a procurement exercise separate contracts have been let between the County Council and each of the other partners. Although the other two partners do not have a contract with



each other in respect of the P&T Partnership their contracts with NCC requires a degree of interaction between them. This does not in a legal sense form a partnership but it is operated as one in order to maximise the benefit to NCC and following the principles of 'Rethinking Construction.' In terms of risk we seek to integrate activities to our mutual financial advantage whilst retaining the capability to operate independently. This is recognised by a number of mechanisms that reward cost reduction initiatives by sharing those benefits between the partners. For the year to 31 March 2010, this initiatives scheme is forecasting to generate savings of £2.200m. Partners are also paid for direct services provided e.g. design and maintenance work.

- **Norwich City Agency**

The Norwich City Agency is an agreement by which Norwich City Council has, since 1 April 1974, acted as agent of the County Council for various highways and traffic functions relating to Highways matters within the City boundary. A joint committee oversees the operation of the agency and certain other functions of the County Council and advises the County Council on various matters relating to highways and traffic in the City of Norwich. The County Council reimburses the City Council for the expenditure it properly incurs in respect of any maintenance or capital works carried out and pays the City Council its reasonable and proper fees for carrying out those functions. For 2009/10 the forecast revenue and capital expenditure of the agency is £6.492M (Capital £4.493M and Revenue £1.999M). These amounts are included within the overall spend for Planning and Transportation reported above.

- **Safety Camera Partnership**

The Safety Camera Partnership superseded the former Casualty Reduction (Safety Camera) Partnership. The new partnership is wholly funded by LTP paid to the County Council. While the partnership membership and ethos remains the same, the fundamental change in the funding arrangement makes it more appropriate for the future reporting of this partnership to be included under the revenue budget variations together with other casualty reduction expenditure. This partnership contributes to the County Council objective to reduce the number of people killed or seriously injured on roads – overall figures are on target and the steady reduction in the number of deaths and serious injuries remains positive. Increased government funding attracted as a result of our excellent LTP and is being directed at casualty reduction. Nevertheless, in line with the importance of this issue we have set ourselves demanding targets.

## **7. Corporate risk update**

The Corporate Risk Register includes four risks relating to P&T led activities. The standard overview and scrutiny panel performance and finance reporting template does not include risk, however we have historically included this information to give a fully rounded view of our 'performance'. Panel members are asked if they would like to continue to receive risk updates in this report. Current mitigation actions relating to those risks are detailed below:

<b>Risk:</b>	<b>Failure to divert biodegradable municipal waste from landfill as required</b>	
<b>Progress as of end Nov 09</b>	<p>In 2011/12 and until the benefits of the Waste PFI are secured (expected to be in 2015), the County Council could exceed its allowance for the landfill of biodegradable municipal waste if it did not mitigate the impact by a range of measures. The proposed measure for the longer term requirements is to move more waste to the Waste PFI contract from year one to around 170,000 tonnes. Proposals to meet shorter term requirements include securing small levels of waste treatment at the same time as re-procuring landfill services, reducing waste volumes further, increased recycling of biodegradable materials from within the existing waste stream (particularly kitchen waste), or purchasing additional allowances. Waste PFI: Ojeu (Official Journal of the European Union) notice placed April 2009, PQQs received on 18 June 2009, and shortlist of four approved 14 September 2009. Framework Contracts and Allowance Trading Strategy: considered by members in November 2009, yet to be fully implemented. Aspiration date for mitigation of the risk has been extended as whilst the framework approach has been adopted it has not yet been implemented.</p>	
	<b>Relevant Corporate Objective</b>	
	<p><b>Corporate Objective</b> 7 To protect and sustain the environment</p>	
	<b>Prospect of mitigation</b>	
	Improving	

<b>Risk:</b>	<b>Failure to implement Northern Distributor Route (NDR)</b>	
<b>Progress as of end Nov 09</b>	<p>Further development of NATS complementary measures, public consultation held in October/November 2009. Working with Birse to take forward the NNDR design through the Early Contractor Involvement process. Further environmental survey work progressed to inform the Planning Application. Funding for Postwick Hub scheme approved subject to acceptance of the Major Scheme Business Case for the NNDR by the Department for Transport. Liaison between NCC/Department for Transportation to resolve any outstanding points of clarification on the Major Scheme Business Case (MSBC). Decision on Programme Entry expected in December 2009. Decision on planning application for Postwick Hub expected in December 2009. Postwick Hub Side Roads Order published 13/11/09, period for representations ends on 5/01/10. Prospect of mitigation of the risk is currently seen as 'uncertain', pending expected decisions.</p>	
	<b>Relevant Corporate Objective</b>	
	<p><b>Corporate Objective</b> 1 Lead a strategic approach to the development of the Norfolk Economy</p>	
	<b>Prospect of mitigation</b>	
	Uncertain	

<b>Risk:</b>	<b>Failure to secure resources to reduce carbon footprint of operations to prepare for Carbon Reduction Commitment (CRC)</b>	
<b>Progress as of end Nov 09</b>  Recruitment of new Strategic Carbon Manager (Buildings) to be initiated shortly (Dec'09). Agreement by COG that carbon reduction should be incorporated into SLA with NPS and that Departmental Sustainability Officers should be appointed (done, but yet to meet). Sub - group of Corporate Asset Management Group established to lead operations. Corp Finance Group to be created (this met for the first time 2 Dec). Schools Forum Group has also been created. Funding identified for the next five years required to improve the building stock, including costs to install and operate AMRs (this will ensure 70% of the estate is metered). The prospect of mitigating this risk is currently seen as 'improving'.	<b>Relevant Corporate / Service Objective</b>	
	<b>Corporate Objective</b> 7 To protect and sustain the environment	
	<b>Corporate Objective</b> B Value for Money	
	<b>Prospect of mitigation</b>	
	Improving	

<b>Risk:</b>	<b>Unforeseen extreme weather event causes major disruption to NCC services and/or assets</b>	
<b>Progress as of end Nov 09</b>  A Local Climate Impacts Profile conducted April 2009 identified the main risks to council services and recommended action. Work on developing a Comprehensive Risk Assessment for Norfolk has begun. A Risk Methodology is in preparation. This will focus on key service areas, initially from a local authority perspective. Interviews with key service leads are currently underway. P&T also lead a multi-agency partnership taking forward the Pitt Report recommendations on surface water management. The work of the Partnership and the Forum is overseen by Cabinet Scrutiny as recommended by the Pitt Review. The prospect of mitigating this risk is currently seen as 'improving'.	<b>Relevant Corporate / Service Objective</b>	
	<b>Corporate Objective</b> 7 To protect and sustain the environment	
	<b>Corporate Objective</b> B Value for Money Corporate Objective 3 Help make Norfolk a safe place to live and work	
	<b>Corporate Objective</b> 5 Improve the health and well-being of Norfolk's residents	

	<b>Prospect of mitigation</b>
	Improving

## 8. Resource implications

All financial implications have been outlined in the report.

## 9. Equality Impact Assessment (EqIA)

A full programme of equality impact assessments has been carried out covering all Planning and Transportation activities, which will include those whose progress is reported here as appropriate. However, this report is not directly relevant to equality in that it is not making proposals which may have a direct impact on equality of access or outcome.

## 10. Section 17 – Crime and Disorder Act

None

## 11. Risk implications / assessment

Progress against the mitigation of those risks currently identified as of corporate significance have been detailed within the report. Other risks are managed at either departmental or group level within the department. There has not been any areas of significant change against risk mitigation; all continue to be monitored on a monthly basis.

## 12. Conclusion

The Department is currently forecasting an underspend of £0.347M; however the volatility of waste disposal budgets and the winter maintenance could adversely affect this expectation, although additional provision has been made for winter maintenance in the forecast.

## 13. Action required

Panel Members are asked to:

- i) Members are asked to comment on the progress against P&T's service plan actions, risks and budget and consider whether any aspects should be identified for further scrutiny.
- ii) Consider whether they should like to continue to receive updates on progress against P&T's corporate risks within this report.

## Background Papers

None.

## Officer Contact

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Paul Crick	01603 222728	paul.crick@norfolk.gov.uk
Simon Smith	01603 223144	simon.smith2@norfolk.gov.uk



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

# Performance Indicators

# Appendix A

National Indicator (NI)	Description	Previous year-end result (March '09 unless otherwise stated)	Current performance	Year-end target	Current Performance alert
Related to 47	People killed or seriously injured in road crashes	388 (2008)	393 (Oct)	449	★
Related to 48	Children killed or seriously injured in road crashes	33 (2008)	26 (Oct)	32	★
154	Net additional homes provided	3,182		5,250	
155	Number of affordable homes delivered (gross)	1,204 (2007/8)		1,200	
157	Processing of planning applications (County Matter) within 13 weeks	63.83%	78.57% (Nov)	76%	★
159	Supply of ready to develop housing sites				
167	Congestion - average journey time per mile during the morning peak	3:50 (2007/8)			
168	Principal roads where maintenance should be considered	3%			
169	Non-Principal classified roads where maintenance should be considered	10%			
175	Access to services and facilities by public transport, walking and cycling	78.87%	80.04% (Oct)	79%	★
176	Working age people with access to employment by public transport (and other specified modes)	76% (2008)			
177	Local bus and light rail passenger journeys originating in the authority area	30,089,235		31.2m	
178i	Bus services running on time (non-frequent services)	81.43%	82.04% (Nov)	82.5%	●
185	CO <sub>2</sub> reduction from local authority operations	N/A			
186	Per capita reduction in CO <sub>2</sub> emissions in the LA area				
188	Planning to adapt to climate change	1		2	
189	Flood and coastal erosion risk management	100%			
191	Residual household waste per household (Kg)	559.48Kg	546Kg (Sept)	557.8Kg	★
192	Percentage of household waste sent for reuse, recycling and composting	43.1%	44.85% (Sept)	46%	●
193	Percentage of municipal waste landfilled	56.8%	54.80% (Sept)	55%	★
194	Air quality - % reduction in NO <sub>x</sub> and primary PM <sub>10</sub> emissions through local authority's estate and operations	N/A			
197	Improved local biodiversity - proportion of local sites where positive conservation management has been or is being implemented	50%		56%	
198	Children travelling to school - % travelling by car	30.2%		30.4%	

**Key to symbols:** On target or better is denoted by a green star alert (★); worse than target but within 5% variance is shown by a blue circle alert (●); worse than target, by a greater amount, is shown by a red triangle alert (▲).

## Highways Capital

## Appendix B

Scheme or programme of work	Approved 2009-10 capital budget £m	Forecast 2009-10 capital outturn £m	Slippage since the previous report	Reasons
Bridge Strengthening	2.080	2.099	+0.001	Further funding / Reprioritisation of work
Bus Infrastructure Schemes	1.332	1.278	-0.146	Reprioritisation of work
Bus Priority Schemes	1.986	1.896	-0.018	Reprioritisation of work
Cycling	1.642	1.858	+0.011	Further funding / Reprioritisation of work
Local Road Schemes	3.921	4.024	-0.106	Reprioritisation of work
Local Safety	3.171	2.901	+0.045	Further funding / Reprioritisation of work
Other Schemes	0.733	0.160	+0.050	Further funding / Reprioritisation of work
Park & Ride	0.271	0.288	+0.049	Further funding / Reprioritisation of work
Public Transport Interchanges	0.735	0.546	+0.015	Further funding / Reprioritisation of work
Road Crossings	1.160	1.397	+0.024	Further funding / Reprioritisation of work
Safer & Healthier Journeys to School	1.107	1.381	-0.064	Reprioritisation of work
Structural Maintenance	26.255	26.283	-0.135	Reprioritisation of work
Traffic Management & Calming	2.295	2.290	-0.203	Reprioritisation of work
Walking Schemes	4.982	5.551	+0.573	Further funding / Reprioritisation of work
Northern Distributor Road	3.217	3.250	0	
Norwich - A47 Postwick Hub	0.059	0.500	+0.100	Further funding / Reprioritisation of work
<b>Total</b>	<b>54.946</b>	<b>55.702</b>	<b>+0.196</b>	

Note: Whilst there is a forecast overspend against the Capital programme, this will be managed down by the year end.

## Other Services Capital

## Appendix C

### Other Services

Scheme or programme of work	Approved 2009-10 capital budget £m	Forecast 2009-10 capital outturn £m	Slippage since the previous report	Reasons
IT Schemes over £20,000 each	0.355	0.355	0	
Kings Lynn HWRC Improvements	-0.011	-0.011	0	
Closed Landfill Sites- Capping & Restoration	1.126	1.126	0	
PROW Programme	-0.025	-0.025	0	
Drainage Improvements	1.496	1.496	0	
Growth Point – Catton Park	0.010	0.010	0	
Pingo trail	0.018	0.018	0	
Growth Point- Mousehold Heath	0.024	0.024	0	
Recycling Centre – Legal Compliance	0.277	0.277	0	
Mile Cross Travellers site	0.80	0.80	0	
Caister on Sea	0.10	0.10	0	
Harling	0.12	0.12	0	
Blickling Boardwalk	0.09	0.09	0	
Gapton Hall	1.340	1.340	0	
NE & SW Econets	0.090	0.090	0	
LPSA – Waste minimisation	1.381	1.381	0	
Wensum River Parkway	0.075	0.075	+0.075	New scheme
<b>Total</b>	<b>6.267</b>	<b>6.267</b>	<b>+0.075</b>	



## **Service and Financial Planning 2010-13**

Report by the Director of Environment, Transport and Development

### **Executive Summary**

At its November meeting, the Panel considered a detailed report on proposals for service and financial planning for 2010/11-2012/13. This report updates the Panel on further information and changes affecting proposals. It includes confirmation of the Provisional Grant Settlement, information from the recent Pre-Budget Report 2009, updated information on revenue budget proposals and capital funding bids and the latest information on the cash limited budget for services relevant to this Panel.

### **The main issues and areas for consideration affecting the services covered by this panel include:**

The financial position of the services relevant to this Panel has not changed substantially since reporting in November. The following were key issues reported in November which remain current and will provide challenge for service delivery.

- The savings identified in the 2010/11 budget are sufficient to meet revenue pressures in Planning and Transportation, but not Environment and Waste where it has not been possible within the service area to identify savings to cover the increased cost of landfill tax.
- The Highway Asset Management report to panel in July identified a trend of deteriorating road condition and an accompanying increase in the backlog of repairs. The purchasing power of the structural maintenance budget has reduced significantly in recent years and the County Council contribution of £7m per annum has not been increased in line with inflation. Structural Maintenance funding given by Central Government has also not increased in line with general inflation associated with Highways works.
- Challenges will arise around having sufficient resources to meet the obligations to deliver under NI186 (per capita emissions in the local authority) and NI188 (planning to adapt to climate change), which looks at the community's carbon footprint across key impact sectors and ensures that appropriate measures are in place to ensure the area is resilient to the impact of climate change now and in the future.

### **Action required**

Overview and Scrutiny Panel members are asked to consider and comment on:

- the proposals contained within this paper and to consider the prioritised bids for capital funding, in order to inform Cabinet discussion at its meeting on 25 January.

## **1. Background**

- 1.1 Budget planning is part of an integrated approach to overall service planning, including reviewing and up-dating the County Council Plan. The proposals in this paper are part of that overall approach.
- 1.2 Overview and Scrutiny Panels received service and budget planning reports in November 2009 identifying key contextual issues and service challenges together with Cabinet Member and Chief Officer proposals towards delivering the County Council's Objectives within the agreed financial planning framework. Planning carried out during the year and prior to the announcement of the Provisional Grant Settlement has been based on financial planning assumptions, which included:
  - Cash uplift for services 2.5% (adjusted for pay assumptions)
  - Price inflation - 2% general prices and 4% transport prices
  - No uplift for independent and voluntary sector care providers
  - Pay freeze for 2010/11
- 1.3 Decisions on the final allocation of resources will reflect the delivery of the County Council's Objectives and improvement priorities. At the Panel meetings in November, Members were asked to consider and comment on the revenue budgets and capital programme proposals in light of the information then provided, in order to help inform Cabinet Members' discussions.
- 1.4 This paper updates Members on the Government's financial settlement for Norfolk. It also reports further work to prioritise bids for capital funding. Overview and Scrutiny Panels are asked to consider the implications in relation to their own service areas for report back to and consideration by Cabinet at its meeting on 25 January 2010.

## **2. Council Objectives and Service Planning Preparation**

- 2.1 The Panel regularly receives relevant performance information against the current corporate objectives. In addition, progress against actions in the County Council Plan and service plans is reported regularly and the latest report is included elsewhere on this agenda.

There have been no significant changes to planned service delivery since the November panel. All key challenges relevant to the services remain. Full detail of the 2010/13 service plans will be reported to Panel in March.

As reported in November the relevant equality impact assessments have been reviewed for those areas where changes to service provision are proposed in order to meet budgetary shortfall. No inequalities in access or outcome have been identified for diverse groups, and any impacts on residents would be general.

## **3. Provisional Local Government Finance Settlement 2010/11 and the Pre-Budget Report 2009**

- 3.1 The Provisional Settlement was announced on 26<sup>th</sup> November 2009 covering the single year 2010/11. It has been issued for consultation with responses due back to Communities and Local Government by 6<sup>th</sup> January 2010. The final Settlement is usually announced towards the end of January/early February.

- 3.2 This confirms the position for Norfolk County Council announced in the three-year settlement in January 2008 and previously reported to this Panel. The only change relates to some redistribution of the funding totals for shire counties and districts reflecting local government restructuring decisions. This has not affected the Norfolk total, which for 2010/11 is £238.25m – an increase of £12m (5.3%).
- 3.3 The settlement confirmed funding for Area Based Grant and specific government grants. Changes in specific grant to Area Based Grant are shown in Appendix A.
- 3.4 One matter within the Settlement is drawn to Member's attention. A new grant formula was introduced in 2006/07 for education and social services authorities, which produced both winners and losers under the revised set of indicators. Norfolk gains under the new formula allocation. However, because there were some councils which would have suffered significant loss of grant and because of the implications on council tax levels in those 'losing' councils, the Government introduced a transitional 'damping' mechanism to phase in the impact of the new formula. The damping adjustment is self funding, with gaining Councils having their grant abated to support the 'losing' Councils.
- 3.5 In practice, the damping mechanism has not been phased out and Norfolk's grant has been abated by a total of £96.8m over the four years 2006/07 to 2009/10. The reduction in grant for 2010/11 is £21.973m. In other words, but for damping, we would receive close to £22m more grant, with that higher level of grant properly reflecting the Government's own calculation of what Norfolk should be receiving. To put this sum into context, £22m equates to over 6% on Council Tax.
- 3.6 The Chancellor's Pre-Budget Report 2009 was announced 9 December. In the report the Chancellor set a cap on public sector pay of 1% from 2011. In addition he plans to increase National Insurance contributions by a further 0.5% from April 2011. This is in addition to the 0.5% increase previously announced. Our budget plans for future years are therefore amended to reflect these changes and the total additional cost pressures shown within in Appendix A are based upon a 1% increase in pay inflation in 2011/12 and 2012/13 and a 1% increase in national insurance contributions in 2011/12.
- 3.7 The Pre-Budget Report does not provide local authority level detail of our future grant settlements. However, the prospects for public spending set out in the Report endorse the assumed grant freeze on which the Council is planning for 2011/12 onwards.

## **4. Overview and Scrutiny Panel Comments**

4.1 On the basis of the planning context and budget planning assumptions, Panels in November considered planning proposals and issues of particular significance. At that meeting, the following issues were identified as having particular impact on service delivery and achievement of the Council's priorities.

- Planning for growth both in terms of housing growth and also employment in answer to the current economic climate
- Developing the economy alongside balancing the needs of a rural county
- Meeting the challenges posed by tackling Climate Change not only for the services covered by this Panel but also engaging with other parts of the Local Authority and beyond
- Maintaining highway assets including roads despite reducing budgets

- Delivery of the Norwich Area Transport Strategy (NATS) including the Norwich Northern Distributor Route (NNDR)

These remain relevant to future service delivery. However, panel accepted the proposed way forward and did not request any further consideration of the proposed budget savings.

## **Budgetary Risks**

Areas of significant budget risk were identified in the November report to Overview and Scrutiny Panel around the Highway Asset, enhanced initiative process, eliminating the Park and Ride deficit and future disposal of waste. Work is ongoing to look at mitigation of risks and where appropriate these will be monitored as part of the departmental risk management process. However some areas of risk will remain due to decreasing budgets and rising costs in some areas of service delivery. The main areas of budgetary risk identified in November with mitigation to be addressed through 2010/13 service plans include:

- The County Council's potential to exceed its allowance for the landfill of biodegradable municipal waste if it does not mitigate the impact by a range of measures. The proposed measure for the longer term requirements is to move more waste to the Waste PFI contract from year one to around 170,000 tonnes. Proposals to meet shorter term requirements include securing small levels of waste treatment at the same time as re-procuring landfill services, reducing waste volumes further, increased recycling of biodegradable materials from within the existing waste stream (particularly kitchen waste), or purchasing additional allowances.
- Adopting Road Condition Surveys across the County is allowing the Highway service to ensure that any road maintenance undertaken is at the required level and to the required standard. The Highways Service is also working closely with the Emergency Planning Unit to determine how weather related emergencies should be dealt with. A Local Climate Impacts Profile conducted in April 2009 by Strategic Land Use and Transport Planning identified the main risks to council services and recommended action. However the reducing purchasing power of the structural maintenance budget continues to decrease requiring mitigation. The Highways service is also looking to address climate change issues through a change in Street Lighting policy to remove the commitment to light throughout the night (there is a separate report included elsewhere on the agenda).
- A key component within the Norfolk Strategic Partnership is the initiatives process, which continues to deliver efficiency savings within the Service, particularly across Highways Operations. A review has been undertaken to further enhance this process and £0.300m has been factored into budget planning for new efficiencies including further savings from better resource planning. Finding new initiatives is becoming increasingly difficult as many of the 'easy wins' have already been found. The ongoing process is to be refreshed in order to increase the emphasis upon initiatives that have the potential to realise cash savings.
- As a result of the proposed development of the Household Waste Recycling Centres (HWRCs), efficiency savings of £0.225m are expected due to the closure and reduced opening hours of some HWRCs across the County. However it is the intention to re-invest £0.200m into opening a larger, more modern Household Waste Recycling Centre in Dereham. Budgetary risk will remain against all areas of waste

disposal. Mitigation of this risk will be assisted by the proposed efficiency savings associated with HWRC's.

Earlier comments and any arising from this meeting will be reflected in the budget report to Cabinet on 25 January.

## **5. Revenue Budget Proposals**

- 5.1 The attached proposals set out the proposed cash limited budget. This is based on the cost pressures and budget savings reported to this Panel in November.

### **Appendix A shows:**

- Total Cost pressures which impact on the Council Tax
- Total Budget Savings
- Transfer of specific grants to Area Based Grant
- Transfers of responsibility from Central to Local Government
- Cost neutral changes i.e. budget changes which across the Council do not impact on the overall Council Tax, but which need to be reflected as part of each service's cash limited budget. Examples are depreciation charges, changes to area based grant and changes to office accommodation charges.

- 5.2 All budget planning proposals have been considered in light of their impact on corporate objectives, performance, risk, value for money, equalities and community cohesion and sustainability. This has included a high-level single impact assessment. Key implications for consideration were reported to this Panel in November.
- 5.3 As previously reported, there remains an overall shortfall between allocated budget uplift and identified budget pressures. Together with the overall issues affecting the financial strategy, the shortfall position will be considered by Cabinet at its meeting on 25 January 2010 and addressed within the Cabinet recommendations to County Council on 15 February 2010.

## **6. Capital Programme**

- 6.1 In accordance with the Capital Strategy, departments have submitted bids for capital funding to the Corporate Capital and Asset Management Group (CCAMG). Overview and Scrutiny Panels considered these bids at their November meeting and comments were passed to CCAMG.
- 6.2 CCAMG has prioritised these bids using the Council's Capital Prioritisation Model. The prioritised list is shown in Appendix B, including the scores achieved by each bid. Following the Government's announcement of capital grant for 2010/11 all sources of funding for capital schemes are being assessed to ensure the most cost effective use of capital funding. Any changes to the submitted bids may affect the current scores and prioritisation. Cabinet will consider the prioritised list on 25 January 2010, where the prioritisation will be reviewed (and may be amended). Cabinet will also consider, alongside revenue requirements, the level of funding that can be made available to fund the bids, and will recommend to Council which bids are included in the capital programme.

## 7. Resource Implications

7.1 The implications for resources including, financial, staff, property and IT are set out in Sections 6 and 7 of this report and within the Appendices.

## 8. Other Implications

### 8.1 Equality Impact Assessment (EqIA):

A full programme of equality impact assessments has been carried out covering all Planning and Transportation activities, and these will be reviewed during the coming service planning process to ensure that they are up to date and reflect any changes to service delivery practices. Work is carried out, as part of day to day service delivery and development, to ensure that any potential inequalities in access or outcome can be addressed.

The relevant equality impact assessments have been reviewed for those areas where changes to service provision are proposed in order to meet the shortfall. An assessment on the proposed change in Street Lighting policy has identified a potential impact in terms of local accessibility – this is covered in more detail in the Street Lighting policy report on the agenda for today’s meeting.

## 9. Section 17 – Crime and Disorder Act

The proposed change in Street Lighting policy could affect perceptions and feelings of local residents for example how safe they feel. Further information is in the Street Lighting policy report on the agenda for today’s meeting.

### Action Required

- (i) Members are asked to consider and comment on the proposals contained within this paper and to consider the prioritised bids for capital funding, in order to inform Cabinet discussion at its meeting on 25 January.

### Background Papers

None.

### Officer Contact

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

Officer Name	Telephone Number	Email address
Paul Crick	01603 222728	<a href="mailto:paul.crick@norfolk.gov.uk">paul.crick@norfolk.gov.uk</a>
Simon Smith	01603 223144	<a href="mailto:simon.smith2@norfolk.gov.uk">simon.smith2@norfolk.gov.uk</a>



If you need this report in large print, audio, Braille, alternative format or in a different language please contact Bev Herron 01603 228904 or Textphone 0844 8008011 and we will do our best to help.

Appendix A

Planning and Transportation

2010-13 Revenue Budget Estimates	2010/11	2011/12	2012/13
<b>2009/10 Original Budget</b>	<b>67,325</b>	<b>71,624</b>	<b>71,624</b>
<b>Adjustments to Base</b>	<b>-57</b>		
<i>(including)</i>			
Additional Cost Pressures reported to November Panel	2,527	1,443	1,816
Changes to Cost Pressures			
1% pay assumption		-190	-194
1% national insurance assumption		129	
<b>Total Cost Pressures</b>	<b>2,527</b>	<b>1,382</b>	<b>1,622</b>
Budget Savings reported to November Panel	-1,466		
Savings to be indentified		-1,382	-1,622
<b>Total Budget Savings</b>	<b>-1,466</b>	<b>-1,382</b>	<b>-1,622</b>
Sub-total	68,329	71,624	71,624
<b>Service Transfers</b>			
Transfer of specific grants to Area Based Grant	<b>137</b>		
<b>Cost Neutral Changes (list)</b>			
<b>incl Budget Transfers</b>			
<b>Depreciation charges</b>	1,369		
<b>REFCUS charges</b>	195		
<b>Grant on REFUS charges</b>	-115		
<b>Debt Management Expenses</b>	-6		
<b>Grant and Contributions Deferred</b>	1,711		
<b>Office Accomodation</b>	4		
<b>Cash Limited Budget</b>	<b>71,624</b>	<b>71,624</b>	<b>71,624</b>
Budget Uplift for Planning Purposes	1,061		

## Appendix A

## Environment and Waste

2010-13 Revenue Budget Estimates	2010/11	2011/12	2012/13
<b>2009/10 Original Budget</b>	<b>34,322</b>	<b>36,409</b>	<b>36,409</b>
<b>Adjustments to Base</b>			
<i>(including)</i>			
Additional Cost Pressures reported to November Panel	2,397	3,530	3,574
Changes to Cost Pressures			
1% pay assumption		-91	-93
1% national insurance assumption		18	
<b>Total Cost Pressures</b>	<b>2,397</b>	<b>3,457</b>	<b>3,481</b>
Budget Savings reported to November Panel	-225		
Savings to be indentified		-3,457	-3,481
<b>Total Budget Savings</b>	<b>-225</b>	<b>-3,457</b>	<b>-3,481</b>
Sub-total	<b>36,494</b>	<b>36,409</b>	<b>36,409</b>
<b>Service Transfers</b>			
Transfer of specific grants to Area Based Grant			
<b>Cost Neutral Changes (list)</b>			
<b>incl Budget Transfers</b>			
<b>Depreciation charges</b>	-84		
<b>Debt Management Expenses</b>	-1		
<b>Cash Limited Budget</b>	<b>36,409</b>	<b>36,409</b>	<b>36,409</b>
Budget Uplift for Planning Purposes	747		



**APPENDIX B**

**Corporate Bids considered by Corporate Capital asset management group**

Dept	Capital Bids	CCAMG moderated score	Profile of Requirements for NCC Capital (£M)				Total All years £'000
			2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14+ £'000	
Corporate Property	Corporate Minor Works 2012/13	400	-	-	1.230	-	1.230
Corporate Property	Carbon & Energy Reduction Fund (CERF)	367	2.900	3.125	3.350	4.550	13.925
Corporate Property	Disability Discrimination Act (DDA) Works	364	0.130	0.130	0.130	-	0.390
Children's Services	Norwich Professional Development Centre - Accessibility Improvements	361	0.175	-	-	-	0.175
Planning & Transportation	Hethel Engineering Centre - Extensions	294	0.950	-	-	-	0.950
Planning & Transportation	North Norfolk Centre for Enterprise	275	0.250	0.250	-	-	0.500
Corporate Property	Seven Primary School Development Projects - Supplementary Improvements in BREEAM Specification	227	0.400	0.250	-	-	0.650
Adult Social Services	Church Green & Faro Lodge Respite Care Development	210	1.000	-	-	-	1.000
Planning & Transportation	Great Yarmouth Railway Sidings	186	0.035	-	-	-	0.035
			5.840	3.755	4.710	4.550	18.855

**Planning and Transportation, the Environment  
and Waste Overview and Scrutiny Panel**

6 January 2010

Item No. 15

**Local Transport Plan Settlement and Highways Capital  
Programme for 2010/11/12**

Report by the Director of Environment, Transport and Development

**Summary**

This report summarises the Local Transport Plan (LTP) Settlement for 2010/11 and suggests a highways capital programme for 2010/11/12. The report details the main sources of funding and budget allocations, and describes how these are allocated between the main types of scheme.

The original allocations from GO East for 2010/11 were:

- £21.134m allocation to structural maintenance and bridges;
- £10.965m allocation to integrated transport schemes.

All LTP targets are on track except for air quality, which should be resolved when the St Augustine's air quality improvements are completed in 2010, NI168 (A road condition), and NI169 (B & C road condition). Therefore it is recommended that as in 2009/10, £1m of integrated transport funding be reallocated to structural maintenance to enable additional works (mainly surfacing dressing schemes) to be implemented to slow down the deterioration in two road condition National Indicators. The remaining integrated transport funding should enable the other LTP targets to remain on track.

In summary the revised recommended allocations in 2010/11 are:

- £20.434m allocation to structural maintenance;
- £1.7m allocation to bridges;
- £9.965m allocation to integrated transport schemes.

**Action Required**

That this Overview and Scrutiny Panel

- is invited to comment on the contents of this report, in particular the reallocation of £1m of integrated transport funding to structural maintenance to partially address the deterioration in highway condition, and recommend it to Cabinet for approval;
- recommends to Cabinet the use of Chief Officer delegated powers to manage the two year programme.

**1.0 Introduction**

- 1.1. The 2009/10 Local Transport Capital Settlement was confirmed on 27 November 2007 as part of a three year award. This covered allocations for road and bridge maintenance and integrated transport schemes.

- 1.2. The second Local Transport Plan (LTP) for Norfolk was submitted to Government in March 2006. Government assessed the plan as excellent, noting that a very high standard of transport planning had been evidenced. Government also highlighted that the Council's overall delivery for the first LTP was assessed as being excellent, and noted that the Council's actions resulted in a very positive impact both on local transport provision and on wider areas of policy. Our continuing record of good performance has been confirmed by GO East in their letter reporting on delivery for 2006/07 and 2007/08.
- 1.3. As agreed at Cabinet in April 2009, for the 2009/10 financial year, £1m of mainly integrated transport funding was reallocated to structural maintenance to enable additional works to be implemented to slow down the deterioration in road condition related National Indicators.

## 2.0 The Settlement

- 2.1. As detailed in the award letter from GO East, the 2010/11 allocation for Structural Maintenance and Bridges is £21.134m, of which £1.7m is proposed for Bridge schemes. This overall allocation is £886,000 more than the 2009/10 allocation. However, Members will be aware that since 2004, the structural maintenance budget has reduced by around 32% in real terms. In addition, the Department for Transport allocated £7m over 2009/10/11 for the A140 Scole Bypass reconstruction. Just over £1m spend of this is expected in 2009/10, with the remainder being planned in 2010/11.
- 2.2. The allocation for Integrated Transport in 2010/11 is £10.965m. This compares with the final 2009/10 allocation of £10.295m. The £10.965m includes a 12.5% increase in reward funding due to the quality of the Council's second LTP and a further 12.5% increase due to the Council's 'excellent' delivery of the first LTP. This total of 25% reward funding was the maximum available. Within the eastern region only Norfolk and Cambridgeshire were rated as excellent in terms of the quality of their second LTP's and received the full 25% reward funding.
- 2.3. In addition to the above, there is a further allocation of £366,000 Specific Road Safety Grant. This is paid as a direct capital grant and will fund additional road safety schemes in 2010/11.
- 2.4. The table below summarises the allocation for 2010/11, as provided by GO East. The figures for 2009/10 have also been included for comparison, along with indicative figures for the first year of the next LTP period (2011/12 onwards). However, indications are that the figures for 2011/12 and beyond could reduce significantly and these figures are in italics.

	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Structural Maintenance and Bridges	20.248	21.134	23.803
Integrated Transport Schemes	10.295	10.965	10.216
De-trunked Roads Schemes	1.250	6.000	Inc. above
<b>Sub-Total £m (see Appendix A)</b>	<b>31.793</b>	<b>38.099</b>	<b>34.019</b>
Specific Road Safety Grant (Capital)	0.368	0.366	-
<b>Total £m</b>	<b>32.161</b>	<b>38.465</b>	<b>34.019</b>

- 2.5. The above figures for Structural Maintenance & Bridges and two thirds of the Integrated Transport allocation is being provided as supported borrowing paid within the formula grant settlement. One third of the Integrated Transport allocation will be paid as direct capital grant by the Department of Transport in quarterly instalments. Funding for De-trunked Roads and the Specific Road Safety Capital Grant will also be paid as a direct capital grant.
- 2.6. The above allocations are not ring-fenced and some of the Integrated Transport allocation could be used to fund further Structural Maintenance and Bridges schemes, or vice-versa. This could have an impact on performance towards LTP or road maintenance targets and outcomes. However, all LTP targets are on track except for air quality, which should be resolved when the St Augustine's air quality improvements are completed in 2010, NI168 (A road condition), and NI169 (B & C road condition). At the proposed funding levels, NI168 is likely to deteriorate from 3% to 4%, and NI169 has already deteriorated from the 8% target. This is currently at 10% and is likely to deteriorate to 11% or 12%. Overall, the condition of carriageways and footways are deteriorating.
- 2.7. In addition, it should be noted that highway condition is critical for all road users, including cyclists, pedestrians and public transport users. Therefore it is recommended that as in 2009/10, £1m of the above integrated transport funding be reallocated to structural maintenance to enable additional works (mainly surfacing dressing schemes) to be implemented to slow down the deterioration in two road condition National Indicators.
- 2.8. Therefore, the revised recommended allocations in 2010/11 are:
- £20.434m allocation to structural maintenance;
  - £1.7m allocation to bridges;
  - £9.965m allocation to integrated transport schemes.

### 3.0 **Structural Maintenance and Bridge Strengthening**

3.1. A revised allocation of £22.134m is provided for 2010/11. It is proposed to split this allocation down to:

- Principal Roads £6.552m
- Non-Principal Roads £13.882m
- Bridges £1.7m

Further details of the allocation of this budget are given in Appendix B. The allocations reflect the priorities supported by the Overview and Scrutiny Panel in the report on the Highway Asset Performance in July 2009.

3.2. Significant maintenance schemes planned on Principal Roads in 2010/11 include the A11 Norwich St Stephens Road (£316,000), A1122 Barton Bendish Swaffham Road (£572,000), A1066 Scole Scole Road (£458,000), A149 Great Yarmouth Fullers Hill Roundabout & North Quay (£341,000) and A140 Scole bypass (£6m).

3.3. The funding for Non-Principal Roads has been supplemented by the County Council and provides for structural repairs to carriageways, footways and drainage assessed on a needs basis. This report is prepared on the basis that the contribution of £7m will be made available in 2010/11 and 2011/12 and is in addition to the above figures for 2010/11. This is reflected in the £7m figure under Structural Maintenance Other Funding in Appendix A.

3.4. At the 19 September 2007 Planning, Transportation, Environment & Waste Overview and Scrutiny Panel report on Highway Asset Performance, Members agreed an investment of £1m per year for five years from 2008/09 to ensure obsolete traffic signal equipment is replaced. As recommended in the paper, these are being funded from the Capital Structural Maintenance budget. However, due to the financial coding system (which mirrors the Government reporting system), the traffic signal replacement works will be reported as Highway Improvement schemes throughout the year. The replacement works are progressing well and so far 33 traffic signal installations have been upgraded out of the 75 installations requiring replacement work.

3.5. The bridge strengthening programme has been extended into 2011/12 to release more funding in 2010/11 for high priority road maintenance. Planned Bridge schemes for 2010/11 include strengthening five weak bridges, including West Runton, Trowse, Stracey Arms and Ketteringham.

### 4.0 **Integrated Transport**

4.1. The Integrated Transport block includes all of the expenditure on urban schemes in Norwich, Great Yarmouth, King's Lynn and other market towns. It also includes the blocks of smaller schemes such as public transport schemes, cycleways, pedestrian crossings, footways, traffic calming, safer routes to school, local safety schemes, route and junction improvements and highway improvements in towns and villages.

4.2. The revised settlement amounts to £9.965m for Integrated Transport. The budget summaries including the breakdown of the proposed programme by scheme type is detailed in Appendix A.

4.3. The £1m saving to be allocated to structural maintenance, has been possible by reducing the following allocations:

- £260,000 reduction in the local safety scheme budget, as this will be offset by the addition of the £366,000 Specific Road Safety Grant;
- £150,000 reduction in 'fees for future studies', resulting in fewer feasibility studies being produced;
- £150,000 reduction in bus infrastructure funding which will result in fewer DDA bus stop upgrade schemes being implemented. This may result in a delay in achieving the full DDA requirements by 2017;
- £125,000 reduction in the road crossing budget, as fewer high priority schemes are being identified;
- £115,000 reduction in the bus priority budget, using up unallocated funding;
- £100,000 reduction in traffic calming / traffic management budget, resulting in two schemes being deferred;
- £100,000 reduction in the local road scheme budget, which will result in no new contributions to any partnership schemes.

It is not recommended to reduce the: public transport interchange budget as this funding is all allocated to Dereham, Cromer & Watlington schemes; the walking scheme budget as this funding is all allocated to programmed schemes; and the safer & healthier journey's to school or cycling budgets as these are being used to support King's Lynn CIF and Gt Yarmouth St George's schemes, and also being used as match funding for several bids to Sustrans (as part of Cycling England's School Links grants), to build upon the success of bids in 2009.

4.4. Overall the 2010/11 integrated transport programme allocates 20% of the budget towards public transport schemes, 20% towards safety schemes, 25% towards walking, road crossings and cycling schemes, 13% towards local road schemes, and 11% towards traffic management / calming and air quality improvement schemes. The proposed programme is in line with that included within the second Local Transport Plan.

4.5. For inclusion in the programme all schemes have been assessed against their contribution towards the Local Transport Plan targets, policies and main themes, i.e. delivering sustainable growth, improving accessibility, improving road safety, reducing congestion and protecting and enhancing the environment. Each type of scheme usually contributes to several of these themes. For instance, a pedestrian crossing scheme may contribute to improved road safety and improved accessibility. Safer and healthier journeys to school schemes may contribute to improved road safety, improved accessibility, reduced congestion and an improved environment. It is important that schemes deliver the required outcomes and contribute towards LTP targets, as this should ensure our continued excellent reputation for LTP delivery.

4.6. The following list details the more significant Integrated Transport schemes or financial contributions, planned for construction in the 2010/11 programme.

- £546,000 towards the air quality improvement scheme at St Augustine's as part of the Norwich Growth Point scheme;
- £500,000 towards the A47 Postwick Interchange junction (part of CIF);
- £500,000 towards the development work of NATS to enable quick win schemes to be designed and implemented;
- £385,000 allocation towards the design and implementation of the A47 to A1067 Link Road scheme;
- £300,000 towards the capital cost for the introduction of Civil Parking Enforcement (CPE) in Norfolk;
- £280,000 towards Dereham Town centre bus interchange;
- £250,000 for pedestrian crossing facilities at the Aylsham Road / Woodcock Road Traffic Signals in Norwich (linked to traffic signal upgrade);
- £200,000 towards land purchase / leasing costs for Cromer Town centre bus interchange;
- £158,000 for Swanton Morley B1147 Mill Street road widening;
- £150,000 for Watlington Railway Station Interchange Improvements;
- £150,000 for Gt Yarmouth - Market Gates bus station improvements;
- £150,000 for BusNet development;
- £140,000 towards cycling improvements in King's Lynn as part of the CIF scheme;
- £130,000 for pedestrian improvements in Hoveton A1151 Norwich Road;
- £120,000 for Attleborough Station Road, Surrogate Street & Norwich Road cycle facility;
- £110,000 for Chedgrave - Hardley Road footway;
- £100,000 contribution towards cycling and pedestrian improvements in Gt Yarmouth as part of the Borough Council funded St Georges scheme.

In addition, there may be a requirement for integrated transport funding to cover the blight costs for the Gt Yarmouth Third River Crossing. These are expected to be around £2.1m over the next five years, and are not provided for in the suggested programmes.

## 5.0 **Other Funding**

### 5.1. **Supplementary County Council Funding**

5.1.1. County Council corporate funding for 2010/11 has been included in the Capital Programme in Appendix A. The funding has been included within the draft County Council budget, although this has not yet been approved by Cabinet. This funding has been included in the detailed Capital Programme in Appendix A under the heading Other Funding.

5.1.2. Included within Appendix A is the County Council funding for development of the Northern Distributor Road (NDR). The NDR, as a key part of NATS, sets out to solve the existing access and growing congestion problems caused by traffic being forced through Norwich and on unsuitable residential roads on the city fringe. It also provides 'elbow room' to allow new NATS measures in Norwich that will support public transport, walking and cycling. The NDR is the only scheme in Norfolk identified in the region's advice on the Regional Funding Allocation (RFA) with spending to start before 2014. Other major schemes may be suitable for consideration post 2014 and we will need to make the case for any of these as appropriate.

5.1.3. Major schemes not identified in the current RFA round where development work has either been done or is progressing include:

- Long Stratton bypass: Not identified for funding before 2014. Currently considering how best to proceed, given that planning consent expires in 2010 and Long Stratton has been identified for housing growth
- Third River Crossing: Not identified for funding before 2014. Work on determining a preferred route has been funded from the County Council's revenue budget, and so far over £1.1m has been spent since 2006. As highlighted in the December Cabinet report, following the adoption of a preferred route, Blight Notices may be submitted requiring the purchase of properties. The funding for this will need to be considered as part of the wider consideration of budget planning.

## 5.2. **Developer Funded Transport Schemes (Section 106 and 278 Agreements)**

5.2.1. During any particular year there are several schemes carried out on the highway which are as a result of planning permissions for development. The County Council has no direct influence on the timing of this expenditure, which is dependent on phasing of developments. There is also no guarantee that any of the obligations or works secured in agreements will come to fruition if, for instance, the planning permission was allowed to lapse and the development did not take place. At the present time there are no major development led highway improvements confirmed and secured in legal (Section 278) agreements in 2010/11. Current Section 106 agreements also secure just under £300,000 in contributions to Local Transport Plan measures which are expected to be delivered in 2010/11. Early indications suggest that the level of work in this category will be less than the trend in recent years.

## 5.3 **Other Sources of Funding**

### 5.3.1 **Norwich Community Infrastructure Fund (CIF)**

CIF is a fund set up by Government for councils in Growth Areas and Growth Points for a variety of services including transport. The County Council bid for £21m funding for Postwick Hub. This comprises a new junction with the A47 at Postwick and an expansion of the Park and Ride site. If the bid is successful, the programme for 2010/11 includes commencing work on the new junction with the A47 and construction of the Postwick Park and Ride expansion.



### 5.3.2 **Norwich Growth Point**

The Greater Norwich Development Partnership has so far been allocated £14.2m capital funding for the period 2008/11. Transport schemes planned for construction in 2010/11 are:

- St Augustine's Gyratory – junction and road improvements (£1.76m funded from Norwich Growth Point, with an LTP contribution of over £900,000 spread over two years);
- Postwick Park and Ride – Expansion including a new roundabout (£3.4m funded from Norwich Growth Point and £2m funded from Norwich CIF);
- £1.25m for Dereham Road bus priority measures.

### 5.3.3 **King's Lynn Growth Point / CIF2**

A bid for £5.3m of capital funding for King's Lynn was submitted October 2008 and funding was awarded in Spring 2009. The bid comprised several aspects including improvements to Southgates roundabout, bus priority measures and cycling improvements in the town centre, and a bus lane between Wisbech Road and Millfleet alongside Harding's Pit. Construction work on the ground has now seen several elements completed, with further improvements planned in 2010/11.

### 5.3.4 **Other sources of capital funding included in the proposed 2010/11 Capital Programme (included under the heading 'Other Funding' on the spreadsheets) include:**

- £250,000 of Sustrans Big Lottery Connect 2 funding for a cycle link between Watton and Griston.
- Funding from Sustrans as part Cycling England's School Link project for new cycle facilities at Burgh Road, Gorleston (£150,000), Watlington (£65,000), and Open Academy Norwich Heartsease Lane Cyclepath (£75,000).
- £85,000 possible funding from First Capital Connect to supplement LTP funding for improvements to Watlington Railway Station.

## 6.0 **Conclusion**

- 6.1. A summary of the recommended programme for 2010/11 and a provisional programme for 2011/12 is included in Appendix A. The detailed programme is available on Members Insight and a hardcopy is also available in the Members Room at County Hall. These programmes are based on those submitted as part of the second LTP although it may be subject to change depending on progress of individual schemes through the design and consultation process. In addition, the programme may vary depending on the level of contributions to the programme from other funding sources. If there are significant changes these will be reported to Cabinet. The Director of Environment, Transport and Development will manage the two year programme under Chief Officer delegated powers to maximise value for money, scheme delivery and budget utilisation.

## 7.0 **Resource Implications**

### 7.1. **Finance:**

None in this report. Cabinet will ultimately agree the overall Capital Programme which will include the contents of this report.

7.2. **Property:** Some of the schemes will require the acquisition of land.

7.3. **IT:** None.

7.4. **Staff:** None.

## 8.0 **Other Implications**

8.1. **Human rights:** The report has no Human Rights implications.

8.2. **Legal Implications :** None

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

All schemes relate well to the Local Transport Plan and should not have any adverse impacts. Schemes will be assessed individually during their development.

8.4. **Communications :** None.

## 9.0 **Section 17 – Crime & Disorder Act**

Transport schemes which are developed through the Local Transport Plan capital programme will be individually assessed for their crime and disorder implications.

## 10.0 **Risk Implications/Assessment**

10.1 There is a risk with the larger non-Local Transport Plan funded schemes (such as Norwich Growth Point, CIF, NDR) that if they overspend, any shortfall may need to be funded from the Highways Capital Programme. To accommodate this, programmed schemes may need to be deferred to prevent an overspend on the overall Highways Capital Programme.

10.2 Any scheme specific risks and implications will be assessed and mitigated during the development of each scheme.

## Action Required

That this Overview and Scrutiny Panel:

is invited to comment on the contents of this report, in particular the reallocation of £1m of integrated transport funding to structural maintenance to partially address the deterioration in highway condition, and recommend it to Cabinet for approval;

recommends to Cabinet the use of Chief Officer delegated powers to manage the two year programme.

## Background Papers

Final Second Local Transport Plan for Norfolk 2006-2011

Second Local Transport Plan 2006-2011 (Paper Presented to Cabinet on 30 January 2006)

## Officer Contact

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Grahame Bygrave	01603 638030	grahame.bygrave@norfolk.gov.uk



If you need this report in large print, audio, Braille, alternative format or in a different language please contact Grahame Bygrave on 01603 638030 or textphone 0844 8008011 and we will do our best to help.

## APPENDIX A: Highways Capital Programme 2009 - 2012

Scheme Type	2009/10	OTHER FUNDING	2010/11	OTHER FUNDING	2011/12	OTHER FUNDING
Majors Accepted	0	0	0	0	0	0
Majors Developing	107	10,309	517	20,400	0	2,800
Bus Infrastructure Schemes	1,240	187	770	0	800	0
Bus Priority Schemes	306	688	260	1,248	375	0
Public Transport Interchanges	515	185	805	85	695	3,378
Park & Ride	121	260	150	5,400	100	0
Cycling Schemes	990	508	850	475	800	450
Road Crossings	820	195	700	100	750	0
Walking Schemes (including New Footways)	1,139	3,840	910	275	900	1,000
Local Road Schemes	1,340	2,914	1,283	1,298	1,670	1,630
Safer & Healthier Journeys to School	772	300	840	65	850	0
Local Safety Schemes	1,323	2,029	1,190	125	1,350	0
Traffic Management and Traffic Calming (including Air Quality Improvement Schemes)	835	182	1,111	1,816	1,151	0
Other Schemes	130	60	30	0	125	0
Fees for future schemes	357	0	274	0	450	0
Retention / Land costs on completed schemes	300	0	275	0	300	0
Detrunked Roads & Bridges	1,250	0	6,000	0	0	0
Structural Maintenance	18,068	7,000	20,434	7,000	21,803	7,000
Bridge Strengthening / Bridge Maintenance	2,180	0	1,700	0	2,000	0
<b>Totals:</b>	<b>31,793</b>	<b>28,657</b>	<b>38,099</b>	<b>38,287</b>	<b>34,119</b>	<b>16,258</b>
Integrated transport (excluding Majors Accepted):	10,295	21,657	9,965	31,287	10,316	9,258

### Notes:

1. Above figures in £000's
2. Local Transport Plan funding detailed under main year headings i.e. 2010/11
3. Other Funding includes Specific Road Safety Grant, Section 106, Section 278, City Council, County Council & Major Scheme funding



## **Norwich City Highways Agency Review**

Report by the Director of Environment, Transport and Development

### **Summary**

This report discusses the strategy and options for the Norwich City Highways Agency from April 2011, and seeks members' views. The issue will be considered by Cabinet in March.

The current Agency Agreement runs from April 2006 to March 2010. The Agreement has been extended to March 2011. Under the agreement a year's notice must be given if there to be any changes. The Agency Agreement covers the administrative area of Norwich City Council. It is generally working well. The Norwich Joint Highways Agency Committee is the only committee with joint County and District membership that takes decisions on highway matters.

Possible ways forward are:

1. Terminate the agreement, all activities reverting to the County Council.
2. Minimum change, but renegotiate the terms of the agreement.
3. Develop a new agency agreement where some services are undertaken by the City and others by the County where there are clear benefits in changing arrangements.
4. Optimise operational efficiency by bringing together all technical and professional activities at officer level and retain the current democratic arrangements.

All options will need to consider the appropriate mechanism for democratic oversight and its relationship to the Greater Norwich Development Partnership (GNDP) arrangements. Apart from Option 1 the options envisage the continuation of a Norwich Joint Highways Agency Committee. Options 1, 3 and 4 would involve redeployment of staff. Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements would apply.

At this stage of the review process it is not possible to identify any specific savings, and significant savings are unlikely except through changes in service levels. In the medium term Option 1, 3 and 4 would appear to offer some opportunities to improve efficiency and robustness. Options 1 and 4 require more radical change and are most likely to involve significant cost and disruption of change.

### **Action Required**

Panel is asked to comment on its preferred approach to inform the discussion at Cabinet.

## 1. **Background**

- 1.1. Norwich City Council has an agency agreement with the County Council to carry out various highway and traffic functions within the City. These functions include dealing with enquiries from the community, highway inspections, maintenance works, design and construction of improvement schemes, traffic management, improvements to safety and the co-ordination of programmes and works on the city highway network.
- 1.2. The Norwich City Highways Agency Agreement has been in place since the 1974 local government re-organisation and has been renewed every four years. During this time the agreement has not significantly changed in principle although the Norwich Joint Highways Agency Committee (NJHAC) was established in 1996. This committee is chaired by the County Council, has two voting members from the County and City Councils with the Chair having the casting vote. The meeting is attended by three further County Council, and three City Council members. The current Agency Agreement runs from April 2006 to March 2010. The Agreement has been extended to March 2011 by mutual agreement pending a decision on the Local Government Review (LGR). May Gurney will carry out highway work in the City during that period.
- 1.3. Recently there has been considerable change and modernisation in the construction industry and local government. This has led to district councils, county councils and other bodies working more closely together as partners and as a result the responsibilities and relationships in any future agency agreement may need to be reviewed. It has also led to a significant reduction in the use of agency arrangements in other authorities.
- 1.4. Norwich is a key economic driver for the county. The City Council is the planning authority and therefore leads in the determination of the development of the city. All development, particularly in larger urban areas, requires a robust transport infrastructure. In Norwich that infrastructure is primarily highway. As the County Council is the highway authority, development of all sorts requires a close working relationship between the two Councils. The highways agency agreement has been a key part to such co-operation and in developing and implementing the Norwich Area Transportation Strategy. However more recently the Greater Norwich Development Partnership has emerged to consider the wider implications of development and transportation needs.
- 1.5. To continue the delivery of highways services within the City area the Agency Agreement needs to be reviewed to determine the best way of delivering the highway functions. The outcome, at a strategic level, should:
  - deliver the highways service as efficiently and effectively as possible and,
  - maintain and strengthen the relationship between the two councils.

The highway services in Norwich must ensure the County's statutory highway duties, policies, standards and practices are met and enable the targets in the Local Transport Plan and Norwich Area Transportation Strategy to be achieved.
- 1.6. The City Council undertakes the enforcement of parking restrictions on behalf of the County Council under a separate service level agreement (SLA) which is linked to, and dependant on, the Agency Agreement. The SLA will not be amended, pending proposals to extend civil parking enforcement to the rest of the County.

## 2. **Issues**

2.1. In developing a way forward there are a number of issues to consider, for example:

- Whilst the performance reports to the NJHAC show that the agreement is generally working well, officers of both Councils are aware of a shortage of some skills nationally and locally, which makes the current agreement difficult to manage at times. For some time the City Council has not had appropriately qualified staff to undertake specialist tasks e.g. developing casualty reduction schemes, undertaking safety audits, structures work and traffic signals. This work has been undertaken by County Council officers. In the medium term budgets and workloads are likely to reduce and rationalisation of teams may be necessary to ensure efficiency and robustness.
- The City Council provides the first point of contact for the majority of enquiries from the public, members and MPs on highway related matters. This appears to work well.
- There are some areas of the Agreement that do not fully cover the cost of the City Council's activities, in particular the fixed percentage fee for design and supervision of maintenance works.
- In preparing annual accounts there has been difficulty in agreeing the City's costs involved in delivering some activities, such as licences for skips and scaffolds, and hence assessing if there is an annual surplus.
- The network management activity requires co-ordination with activities outside of the Norwich City area. Works on the main roads require the placing of signs on approaches well outside the City boundary.
- Regionally other County Councils have terminated agency agreements in recent years. One Council is currently reviewing its Agreements. The reasons for termination given by authorities included:
  - More cost effective
  - More seamless service
  - More consistent service.

## 3. **Options**

3.1. Four broad options are:

Option 1 - Terminate the current agreement, with all the activities reverting to the County Council

Option 2 – Minimum change, but renegotiate the terms of the current agreement, particularly with regard to fees and clarity on overheads to enable annual accounts to be prepared more easily.

Option 3 - Develop a new agency agreement within which some services are undertaken by the City where there is a clear benefit from local accountability, for example acting as first point of contact for enquiries, but others are undertaken by the County if cost savings or robustness of skilled staff can be achieved in the medium term.



Option 4 – It would be possible to optimise operational efficiency by bringing together all technical and professional activities at officer level and retain the current democratic arrangements through the joint agency committee.

- 3.2. All options will need to consider the appropriate method for democratic oversight and its relationship to the GNDP arrangements.

#### 4. **Resource Implications**

- 4.1. The City highway network consists of 380km of road, 50km of detached footways and 14km of detached cycleways. The current agency arrangements involve the City Council in managing £3.7m of capital expenditure, £2m of routine maintenance covered by an agency fee of £550k. The City Council employs approximately 25 highways technical staff and 34 parking staff to deliver the agency programme.

- 4.2. **Finance** : The detailed financial implications will emerge during the review, the intention however is to enable the service to be undertaken at minimum cost. It is possible that some savings may be possible in the medium term

Option 1 would require significant set up costs to establish County Council teams in Norwich, notably on establishing an area office.

Option 2 costs would be broadly as now although there may be a small increase to fully cover city council design costs.

Option 3 costs would depend on the extent of change. The most likely opportunities to improve robustness could involve scheme design and construction and if so the cost change would not be likely to be significant.

Option 4 could involve significant set up costs, similar to those in option 1 above.

Options 1, 3 and 4 all appear to offer some scope to improve efficiency and robustness.

- 4.3. **Staff** : This report has no direct resource implications beyond the staff time to assess the options, which will be funded from existing budgets. Any other staff charges will depend on the option that emerges from the review, if some services transfer from the City Council to the County Council then the staff would be subject to TUPE arrangements.

- 4.4. **Property** : Nil unless a new area office is required in the Norwich area

- 4.5. **IT** : Nil

#### 5. **Other Implications**

- 5.1. **Legal Implications** : Statutory Duty to maintain the highway.

- 5.2. **Human Rights** : Nil

- 5.3. **Equality Impact Assessment (EqIA)** : No equality issues are expected to emerge from the review.

- 5.4. **Communications** : Nil

- 5.5. **Health and safety implications** : No health and safety implications are expected to emerge from the review.

6. **Section 17 – Crime and Disorder Act**

6.1. Nil

7. **Risk Implications/Assessment**

7.1. If an Agency Agreement is not in place by April 2011 the County Council will have to undertake the current activities as outlined in Option 1

8. **Alternative Options**

8.1. These are discussed in section 3, doing nothing is not an option.

9. **Conclusion**

- (i) Apart from the first option, the termination of the Agreement, all of the other options envisage the continuation of a Norwich Joint Highways Agency Committee.
- (ii) Options 1, 3 and 4 would involve redeployment of staff, although they may not be significant in option 3. TUPE arrangements would apply.
- (iii) At this stage of the review process it is not possible to identify any specific savings, and significant savings are unlikely except through changes in service levels. In the medium term Option 1, 3 and 4 would appear to offer some opportunities to improve efficiency and robustness. Options 1 and 4 require more radical change and are most likely to involve significant cost and disruption of change. Option 3 offers more potential scope for improving efficiency and robustness than option 2.

**Action Required**

- (i) The Panel is asked to comment on its preferred approach to inform the discussion at Cabinet.

**Background Papers**

Norfolk County Council and the City Council of Norwich, Highways Agency Agreement – July 2006.

Procedural Document of the Norwich City Highways Agency Agreement.

**Officer Contact**

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Paul Elliott	01603 222210	paul.elliott@norfolk.gov.uk



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