



Norfolk County Council

Environment, Development and Transport Committee

Date: **Friday, 12 October 2018**

Time: **10:00**

Venue: **Edwards Room, County Hall,
Martineau Lane, Norwich, Norfolk, NR1 2DH**

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

Membership

Mr M Wilby (Chairman)

Mr M Castle

Mr S Clancy (Vice-Chairman)

Mr P Duigan

Mr T East

Mr S Eyre

Mr C Foulger

Mr A Grant

Mr T Jermy

Ms J Oliver

Mr B Spratt

Mrs C Walker

Mr T White

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

Hollie Adams on 01603 223029
or email committees@norfolk.gov.uk

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A g e n d a

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

2. Minutes

Page 5

To confirm the minutes of the meeting held on the 7 September 2018

3. Declarations of Interest

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

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

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

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

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

4. Any items of business the Chairman decides should be considered as a matter of urgency

5. Public QuestionTime

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

Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm Tuesday 9 October 2018**.

For guidance on submitting a public question, please visit www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetings-decisions-and-elections/committees-agendas-and-recent-decisions/ask-a-question-to-a-committee

6. Local Member Issues/ Member Questions

Fifteen minutes for local member to raise issues of concern of which due

notice has been given.

Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Tuesday 9 October 2018**

- 7. Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies that they sit on.**

- 8. Norfolk County Council Statement of Community Involvement** **Page 15**
A report by the Executive Director of Community and Environmental Services

- 9. Annual review of the Enforcement Policy** **Page 49**
A report by the Executive Director of Community and Environmental Services

- 10. Strategic and Financial Planning 2019-20 to 2021-22** **Page 113**
A report by the Executive Director of Community and Environmental Services

- 11. Annual Local Levy Setting for the Regional Flood and Coastal Committee** **Page 128**
A report by the Executive Director of Community and Environmental Services

- 12. Consultation by the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy on Planning and Shale Gas** **Page 133**
A report by the Executive Director of Community and Environmental Services

- 13. Recommendations of the Greater Norwich Development Partnership Board** **Page 140**
A report by the Executive Director of Community and Environmental Services

- 14. Norwich Western Link Update and Consultation Proposal** **Page 143**
A report by the Executive Director of Community and Environmental Services

- 15. Concessionary travel scheme for older and disabled people** **Page 226**
A report by the Executive Director of Community and Environmental Services

- 16. A47 Blofield to North Burlingham Dualling** **Page 230**
A report by the Executive Director of Community and Environmental Services

- 17. Performance management** **Page 241**
A report by the Executive Director of Community and Environmental

- 18. Risk Management** **Page 251**
- A report by the Executive Director of Community and Environmental Services
- 19. Finance monitoring** **Page 259**
- A report by the Executive Director of Community and Environmental Services
- 20. Forward Plan and decisions taken under delegated authority** **Page 265**
- A report by the Executive Director of Community and Environmental Services

Group Meetings

- | | |
|-------------------|---|
| Conservative | 9:00am Conservative Group Room, Ground Floor |
| Labour | 9:00am Labour Group Room, Ground Floor |
| Liberal Democrats | 9:00am Liberal Democrats Group Room, Ground Floor |

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

Date Agenda Published: 08 October 2018



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Environment, Development and Transport Committee

**Minutes of the Meeting held on Friday, 07 September 2018
at 10am in the Edwards Room, County Hall**

Present:

Mr M Wilby - Chair

Mr M Castle

Mr S Clancy (Vice-Chairman)

Ms E Corlett

Mr P Duigan

Mr F Eagle

Mr T East

Mr C Foulger

Mr A Grant

Mr T Jermy

Mr B Spratt

Mr A White

1. Apologies and Substitutions

- 1.1 Apologies were received from Mrs C Walker (Ms E Corlett substituting) and Mrs J Oliver (Mr F Eagle substituting).

2. Minutes

- 2.1 The minutes of the meeting held on 06 July 2018 were agreed as an accurate record and signed by the Chairman.

3. Members to Declare any Interests

- 3.1 No interests were declared

4. Urgent Business

- 4.1 No urgent business was discussed.

5. Public Questions

- 5.1 One public question was received and the answer circulated; see Appendix A.

6. Member Questions

- 6.1 No Member questions were received in advance of the meeting; the following questions were asked in the meeting.

- 6.2 Mr B Spratt asked if Officers would consider providing toilet facilities for lorry drivers on some roads, following a discussion at Bressingham Parish Council meeting, where lorry drivers had discussed the lack of toilet facilities on some routes. The Executive Director of Community and Environmental Services replied to Mr Spratt that Highways England worked with motorway station providers on the network to provide facilities at some cafes, restaurants and petrol stations. Norfolk County Council did not operate toilet facilities on roads, and he suggested that lorry drivers

could plan their routes based on the location of facilities.

- 6.3 Mr T Jermy raised issues about Nun's Bridge in Thetford; repair work had been completed to poor quality and with the wrong colour bricks. The Assistant Director of Highways and Waste accepted that the wrong bricks were used through error and confirmed the correct bricks would be put back in the structure

7. Update from Members of the Committee about Member Working Groups or bodies that they sit on.

- 7.1 An update from the Norwich Western Link working group was circulated; Appendix B.

8. Fly Tip Campaign

- 8.1.1 The Committee received the report providing an update on fly tipping and proposing a co-ordinated campaign to bring together stakeholders and the Norfolk Waste Partnership to deliver interventions based on best practice elsewhere in the Country.
- 8.1.2 The Head of Waste reported that the cost to local authorities in Norfolk was over £1m a year and £400k per year to the Council.
- 8.2.1 A Member felt the campaign did not tackle the core issues and that an action plan and change of legislation through lobbying would be more effective. The Head of Waste reported that the first stage of the campaign was to get authorities and partners to agree to work together; the next stage was intended to involve prosecution logs, identifying successes & effective legal teams, working with the judicial system and lobbying for legislation change.
- 8.2.2 It was noted that there was some confusion about charges for some waste items.
- 8.2.3 A Member was concerned about the number of incidents in Norfolk and the capacity of Councils in dealing with it. The Head of Waste reported that the Norfolk Waste Enforcement Group would bring together Local Authority Enforcement Officers dealing with fly tipping and Environment Officers to address this.
- 8.2.4 The Head of Waste confirmed that the future campaign would include authorities working together to publicise prosecution successes and scale of fines issued. A Member noted that the "Don't Be a Tosser" campaign in Braintree was successful. A Broadland District Council event on fly tipping was due to be held the following week and Officers were attending.
- 8.2.5 The Vice-Chairman noted that the model in Great Yarmouth had been effective, with more prosecutions than other districts, and this was an opportunity for learning.
- 8.2.6 The Head of Waste agreed that public confidence over what was free to dispose of needed to increase. An explanation was given that fly tipping was defined differently across the country which could distort data and that because Great Yarmouth Borough Council had recently changed its definition some of its data was not included in comparisons in the report; a need for a single definition was identified.
- 8.2.7 The Head of Waste confirmed that the Environment Agency was the lead organisation for incidents involving large scale criminal activity or hazardous waste.
- 8.2.8 The Chairman thanked staff at recycling centres for their hard work and for their work to get the centre at Mile Cross back up and running after the recent fire.
- 8.2.9 At paragraph 1.2, various organisations were mentioned. It was suggested that the

CLA (Country Land and Business Association Limited) should also be included.

- 8.3 The Committee **SUPPORTED** the delivery of a co-ordinated campaign to address the illegal dumping of waste delivered by working with stakeholders and as part of the Norfolk Waste Partnership.

9. Norwich River Wensum Strategy - Adoption

- 9.1 The Committee considered the report outlining the proposed final version of the River Wensum Strategy
- 9.2.1 A Member felt the report was focussed on economic development and wondered whether it gave equal weight give to enhancing and preserving environmental aspects of the river. The Environment Manager (Green Infrastructure Strategy & Advice) felt there was equal emphasis on environmental concerns within the report.
- 9.2.2 A Member asked how the Council would encourage active participation of local communities & stakeholders in project delivery. Officers agreed that involving the local community and businesses was important; a public launch of the strategy was planned.
- 9.2.3 A Member was concerned that there was not protection of the Wensum built into the strategy or discussion of the tributaries. The Head of Waste referred to the section on environment in the report, which covered protection of the river. The strategy was focussed on the Norwich City area and only extended as far as the City Council border, meaning the tributaries were not covered.
- 9.2.4 The Vice-Chairman was happy that environmental benefits were adequately discussed in the report and was happy that consultation would occur.
- 9.3 The Committee **AGREED** to adopt the River Wensum Strategy on behalf of Norfolk County Council.

10. Finance Monitoring

- 10.1 The Committee received the report detailing financial monitoring information for the services reporting to the Committee for the financial year 2018-19.
- 10.2.1 The current forecast underspend relating to support and development were queried; the Head of Support and Development for Community and Environmental Services confirmed that the underspend was achieved through vacancy management; there was a relatively high turnover caused by staff moving on to other roles within the Council. This meant the service and processes could be regularly reviewed and changed to enable posts to be left vacant, which could provide a future saving.
- 10.2.2 A small variance for household waste recycling was seen on the forward plan however paragraph 2.5 showed a significant variance and extra information; the Finance Business Partner for Community and Environmental Services clarified that an accurate forecast could not be based on data at this early stage of the year. An over-delivery had been seen so far but, to be accurate, more data was needed so it could not be reflected in the forecast.
- 10.2.3 The Vice-Chairman congratulated the Head of Support and Development for Community and Environmental Services on the use of professional vacancy management to enable savings to put into frontline service delivery; he hoped this could be shared across the Council to deliver more savings.

- 10.2.4 The collapse in recycling markets was suggested as a risk. The Head of Waste replied that this was always a potential risk however this was being addressed by the good work of district councils, the Council and the public to provide materials that were suitable for the market.
- 10.2.5 A member asked how staff redundancies through the vacancy management process would be recorded, and what the impact was on existing staff of not recruiting to vacant posts; the Head of Support and Development for Community and Environmental Services clarified that no redundancies were made as only vacant posts were deleted; staff had the opportunity to comment through a consultation before any decision to delete vacant posts was made and that this approach had been in place for 4-5 years. Staff sickness levels had fallen over the same period and metrics had not identified that the approach is causing any problems.
- 10.3 The Committee **NOTED**:
- a) The 2018-19 revenue budget the Environment, Development and Transport Committee and the current forecast outturn position
 - b) The Capital programme for this Committee
 - c) The balance of reserves brought forward to 2018-19.

11. Strategic and Financial Planning 2019-20 to 2021-22

- 11.1 The committee received the report with an update on the Council's overall budget planning position, the forecast budget gap for 2019-20 to 2021-22, and details of the strategic and financial planning framework for Service Committees agreed by Policy and Resources Committee.
- 11.2.1 It was queried whether failure of local bus routes would be included as a risk. The Executive Director of Community and Environmental Services confirmed this would not be added as there were no proposals to remove bus subsidy at that time.
- 11.2.2 A Member was concerned that cuts to services were being reported as savings.
- 11.2.3 The large, one-off saving in 2021-22 was queried; the Executive Director of Community and Environmental Services confirmed this was required due to the £39m loss of the Revenue Support Grant. If this could be spread over a number of years it would be more achievable.
- 11.2.4 Mr B Spratt was shocked by the amount of concessionary fare subsidisation by the Council. He **PROPOSED** that the Chairman write to Government or discuss with MPs.
- 11.2.5 The Chairman **PROPOSED** that the matter was brought back to Committee to decide how to move forward this. The Committee **AGREED** the Chairman's proposal.
- 11.3 The Committee:
- 1) **NOTED** the Council's budget assumptions and the budget planning principles for 2019-20 which had been approved by Policy and Resources Committee
 - 2) **NOTED** the forecast budget gap of £94.696m which reflects the changes from the 2018-22 Medium Term Financial Strategy, and the resulting indicative savings targets for the Committee over the period 2019-20 to 2021-22
 - 3) **CONSIDERED** key areas of risk in relation to 2019-22 budget planning for the Committee's budgets, including any extra/more pressures and the robustness of existing planned savings as set out in section 5 of the report, noting that any changes may impact on the overall budget gap and would require extra/more offsetting savings to be found
 - 4) **AGREED** the proposed approach and key themes to focus on in developing

savings proposals for 2019-20 to 2021-22, including how the principles of the Council's Strategy, Norfolk Futures, would inform and shape budget planning activity set out in section 5, having regard to the existing savings for 2019-20 and beyond which were agreed as part of the 2018-19 budget round

- 5) **AGREED** to **COMMISSION** officers to develop detailed savings proposals to be presented to the Committee for consideration at the October meeting in order to help close the forecast 2019-20 to 2021-22 budget gap; and
- 6) **NOTED** the budget planning timetable
- 7) **AGREED** that a report would be brought back to committee on subsidisation of concessionary fares by the Council for the Committee to decide a way forward

12. Norfolk Vanguard Offshore Windfarm Consultation

- 12.1.1 The Committee received the report detailing the formal Development Consent Order (DCO) consultation by the Planning Inspectorate on a proposal by Vattenfall (Swedish Energy Company) for an offshore wind farm 47 km off the Norfolk coast comprising up to 200 turbines and onshore supporting infrastructure.
- 12.1.2 The Principal Planner updated the Committee that authorities had raised a number of issues with the applicant, mainly in respect of favouring the use of high voltage direct current (HVDC) technology, which would remove the need for Cable Relay Stations near the coast. The applicant had taken on board these comments and those of other stakeholders and put in an HVDC solution as part of the DCO application.
- 12.1.3 The Principal Planner and County Council officers had been working with the applicant on economic development matters and a memorandum of understanding had been signed with regard to the use of the Port facilities at Great Yarmouth. Regarding potential disruption to businesses and community, discussions would be held with the local community; the HVDC solution would take away much of the disruption by removing a lot of infrastructure near the coast; the applicant would also compensate local businesses and the fishing community.
- 2.1.4 There were still issues related to highway matters which would be brought about by construction, including at Oulton Airfield but discussions were underway; temporary access arrangements may be possible here.
- 12.2.1 Councillor E Seward contacted the Principal Planner and Committee in advance of the meeting in respect of compensation for local communities and mitigation of coastal erosion.
- 12.2.2 Councillor M Kiddle-Morris also contacted the Principal Planner in support of the information laid out in the report.
- 12.2.3 Councillor R Price spoke on the matter as Local Member; his division included East Ruston which was a proposed site for a relay station. He asked for the following issues to be raised with the applicant:
 - That Vattenfall **confirm** their commitment to HVDC and would they in line with this remove mention of and drawings of the relay stations from their papers
 - That Vattenfall were **committed** to helping with sea defences at Happisburgh
 - That Vattenfall would **ensure** that the maximum possible replanting of hedgerows after work was undertaken
 - That Traffic Management plans were **agreed** with County and District councils with the **establishment** of a road safety committee made up of Vattenfall, contractors and local councillors to enable traffic issues during construction

raised by the public to be discussed and resolved. Such a Committee had worked very well with the Bacton Gas terminal

- 12.3.1 The investment this would bring into the Yarmouth area was noted.
- 12.3.2 The Vice-Chairman was **supportive** of local liaison groups being set up to discuss and raise traffic issues; he felt they should be professionally managed by the planning department at Norfolk County Council.
- 12.3.3 The Principal Planner confirmed that issues related to sea defences at Happisburgh would be covered by the Environment Agency and North Norfolk District Council. He **AGREED** to include in the response to Vattenfall confirmation that mitigation would be put in place where offshore cables made landfall. Cllr Price reported that at the previous meeting with Vattenfall, erosion at Happisburgh and need for sea defences was raised.
- 13.3.4 Vattenfall had agreed to put down fibre cables to support East Ruston residents with Better Broadband for Norfolk (BBfN).
- 13.4 The Committee:
- (a) **SUPPORTED** the principle of this offshore renewable energy proposal, which was consistent with national renewable energy targets and objectives subject to:
1. The holding highway objection set out in the report being satisfactorily resolved
 2. The implementation of appropriate highway; historic environment; and surface water conditions / requirements being resolved through the DCO and
 3. The detailed comments set out in the report and Appendix 1 being addressed through the DCO process.
- (b) **SUPPORTED** the use of HVDC technology which removes the need for an extra/more HVAC Booster / Cable Relay Station near Happisburgh.

From discussion in the meeting, the Committee **AGREED** to:

- **ASK** Vattenfall to ensure maximum possible replanting / mitigation of hedgerows after works were undertaken
- **ASK** Vattenfall that sea defence safeguards and mitigation measures were put in place where the offshore cable route makes landfall to the south of Happisburgh (as a planning requirement), to ensure work did not exacerbate existing coastal erosion in the area
- **NOTE** that the County Council would address all local highway issues arising from construction by seeking suitable planning requirements (conditions), in particular with regard to updating the outline Construction Traffic Management Plans. In addition, the County Council would **EXPECT** the developer to:
 - (A) enter into a legal agreement with the Highway Authority to make sure any damage was rectified;
 - (B) set up local stakeholder involvement group/s to enable any traffic issues arising during the construction phase to be discussed and resolved.

14. **Forward Plan**

- 14.1 The Committee reviewed the forward plan and delegated decisions taken by Officers.
- 14.2.1 As agreed at paragraph 11.2.5, a report on concessionary fares would be brought to the next meeting; it was noted that it was important to record that this was not about removing concessionary fares.
- 14.2.2 The item on fracking on the Forward Plan was discussed; the Head of Support and Development for Community and Environmental Services (CES) confirmed that consultation responses would be brought to Committee to agree before being sent.

15. Commercialisation of highways

15.1 Mr S Clancy in the Chair

15.2.1 The Committee had previously considered a report detailing eight alternative service models offering the potential to create opportunities to expand to other markets on a commercial basis and reduce the net cost of delivering the Highways Service.

15.2.2 The Assistant Director of Highways and Waste reported to Members that the paper was about commercialising highway works, such as road workers who undertook highway maintenance and gritting, Fastlane training, and the-highways laboratory; it would not include highway technicians and managers, or teams who managed budgets, liaised with the public and ordered works.

15.3 In response to a query, the Assistant Director of Highways and Waste replied that he did not think any model would give a change in response speed as a Service Level Agreement would be in place and client staff would order works in the same way as at present. There would be no change to the Local member protocol.

15.4 Mr M Wilby in the chair.

15.5.1 The Group Director for Norse Commercial Services reported that 1000 hours of modelling had been undertaken; there was a proposal to save £0.5m a year through savings that would not impact on service delivery but would give better mobile working, and commercialise the operation.

15.5.2 He confirmed that, since 2016, costing work had been carried out by employees of NCC & Norse, and staff costs absorbed by both parties; the Assistant Director of Highways and Waste confirmed in response to a question that the laboratory was successful but after the changes there would be greater scope to do external trading.

15.5.3 There was concern that, after transfer, services may perform more poorly; the Executive Director of Community and Environmental Services reported that, having learned from the experiences of other authorities who had externalised their client function, Norfolk County Council had chosen to keep the client function in-house and have other services on contract with Norse. This meant if services did not perform as expected, they could be bought back in-house. The Assistant Director of Highways and Waste added that this would help maintain a culture of the workforce of being pro-Norfolk.

15.5.4 The Assistant Director of Highways and Waste reported that under the new structure, use of sub-contractors could be made more efficient.

15.5.5 A Member felt that arms lengths services could be helpful for companies and the Council to offset loss of funding from government. The Assistant Director of Highways and Waste agreed that the Council was currently limited in how much external work could be taken on due to restrictions under law; under the Norse model there would be less constraints to bring back more profit.

15.5.6 The Assistant Director of Highways and Waste confirmed that staff would transfer over on the same terms and conditions but new employees would have different, more flexible terms and conditions. The Group Director for Norse Commercial Services noted that there may be a reduction in Local Government Pension Scheme however an increase in some rates of pay would be seen; changes to staffing would mostly be better use of staff hours through better use of technology and IT.

15.5.7 The Assistant Director of Highways and Waste clarified that the winter service arrangements decision making process would remain with the internal client service

at Norfolk County Council and the works team would carry out the work.

- 15.5.8 The budget for replacement of gritter vehicles remained with Norfolk County Council.
- 15.5.9 The Vice-Chairman felt that extra reports should be brought back to the Committee with more information on proposals for the service as the plan moved forward. Mr Jermy felt a small group should review the proposals.
- 15.5.10 The Chairman, seconded by the Vice-Chairman, **PROPOSED** that the Chairman and Vice-Chairman would meet with the Assistant Director of Highways and Waste, the Executive Director of Community and Environmental Services and Norse to find out detail on the proposals and report back to Committee when they were satisfied the proposals were ready. Committee Members could feed in questions to the Assistant Director of Highways and Waste.
- 15.6 The Committee:
- **CONSIDERED** the opportunities, benefits and risks outlined in this paper and agreed above proposal
 - **AGREED** that the Chairman and Vice-Chairman would meet with the Assistant Director of Highways and Waste, the Executive Director of Community and Environmental Services and Norse to find out detail about the proposals and report back to Environment, Development and Transport Committee when they were satisfied the proposals were ready to come back to Committee.

16. Exclusion of the public.

- 16.1 The Committee **AGREED** to exclude the public.

17. Commercialisation of Highway Services – Business Case

- 17.1 The Committee received the report by the Executive Director of Community and Environmental Services.
- 17.2 The Committee **REVIEWED** the business case.

The meeting closed at 11.41

**Mr Martin Wilby, Chairman,
Environment Development and Transport Committee**



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MEMBER/PUBLIC QUESTIONS TO ENVIRONMENT, TRANSPORT AND DEVELOPMENT COMMITTEE: FRIDAY 7 SEPTEMBER 2018

5. PUBLIC QUESTIONS

5.1 Question from Ms Suzy Levy

As a resident of Heacham in Norfolk I am extremely concerned about coastal kiosks and seafront businesses still being allowed to use plastic straws, cups and polystyrene cartons . Many seafront kiosks still use these environmentally unsafe and unjust materials. Is there anything that can be done to ban coastal seafront business from using environmentally damaging plastics and foams? It's not enough to encourage recycling as recycling only works if the products are placed in a recycling bin clean. On most beach litter picks we find plastic straws, plastic cups and styrofoam. Maybe businesses can be encouraged to ditch the plastic for a reduction in rates?

Response by Chairman of EDT Committee

Unfortunately, single use plastics are still widely available in the UK and neither the County or District Councils can ban their commercial use. Working together as the Norfolk Waste Partnership, the County and District Councils encourage recycling of many materials including plastics and discourage littering.

At a national level, the Department for the Environment, Food, and Rural Affairs (DEFRA) are due to release a new 'Resources Strategy' in late 2018. Information on this to date suggests financial measures to reduce single use plastics (along similar lines to the charge for single use carrier bags).

Norwich Western Link Project - Update for EDT Committee from Working Group**(for 7 September 2018)**

Further to previous meetings of the Norwich Western Link (NWL) project Member Working Group, the following provides a brief summary of the most recent meeting of the Group held on 29 August 2018:

1. The Group received a general progress update for the project. The delivery team provided more details of the options assessment work being undertaken, using the Department for Transport's sifting tool. This process will include a review of ecology and environmental details to inform the options assessment process. A significant range and number of options are currently being assessed and the process will reduce these down in number.
2. The team set out proposals to bring reports to EDT Committee in October and November, which will include details of the options assessment process, the shortlisted options to consider and the planned consultation. The team confirmed the project remains on programme and, subject to agreement by Committee, would like to start the next consultation on preferred solutions in late-November 2018. Allowing for the Christmas and New Year period, the consultation would extend through to late January 2019. Exhibitions and events would be planned accordingly.
3. The Group received further details from the delivery team on the previous consultation for the project. The mapping option enabled individual comments to be added and was well used with around 750 comments received. All of the responses are being reviewed and details will be used to inform the ongoing options assessment work.
4. The Local Plan Review process and programme was briefly discussed and the broad timescales for that process were set out.
5. Funding options were also considered and the Group provided their views on this. The project team also discussed funding options for the fees required for the project during 2019. The Group requested to see details of any funding bids.

For more details, please contact David Allfrey (Infrastructure Delivery Manager).
Tel 01603 223292

Environment, Development and Transport Committee

Report title:	Norfolk County Council Statement of Community Involvement
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact Norfolk County Council, as a County Planning Authority (CPA), has a statutory duty to prepare a Statement of Community Involvement (SCI) and to review it every five years. The SCI sets out how the CPA will involve the community in the preparation and review of minerals and waste planning policy documents and in the consideration of planning applications being determined by the CPA.	

Executive summary

There is an existing Norfolk County Council Statement of Community Involvement (SCI) which was adopted in September 2012. As over five years have passed since the adoption of the SCI in 2012, it has been reviewed in accordance with the timetable contained in Norfolk County Council's adopted Minerals and Waste Development Scheme (MWDS), to ensure that it remains up-to-date. The revised 2018 SCI for adoption is attached as Appendix 1.

Recommendations:

EDT Committee is asked to recommend Full Council to:

1. Resolve to formally adopt the 2018 Norfolk Statement of Community Involvement (Appendix 1 to this report)

1. Proposal

- 1.1. Under the Planning and Compulsory Purchase Act 2004 (as amended) Norfolk County Council, as a County Planning Authority (CPA), is required to prepare a Statement of Community Involvement (SCI). The SCI sets out how the County Planning Authority will involve the community in the preparation and review of minerals and waste planning policy documents (local development documents) and in the consideration of planning applications being determined by the CPA.
- 1.2. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended in December 2017) require SCIs to be reviewed every five years, starting with the date of adoption of the SCI. Over five years have passed since the adoption of the existing SCI in 2012 and there have been a number of changes to the Council Constitution, national planning legislation, policy and guidance. Appendix 2 to this report details the main changes between the existing 2012 SCI and the 2018 SCI recommended for adoption.
- 1.3. A draft Statement of Community Involvement was published for consultation over a six week period from 29 June to 13 August 2018. The consultation was publicised on the Norfolk County Council website and a notice in the EDP. The draft SCI was available for inspection at the main offices of Norfolk's Local Planning Authorities and at each of Norfolk's public libraries. The following

organisations were contacted directly by email or letter to inform them of the consultation: all parish councils in Norfolk and adjacent to Norfolk, all Local Planning Authorities in Norfolk and adjacent to Norfolk, Historic England, Natural England, Highways England, minerals and waste operators and their agents; as well as all of the other consultees listed in Appendix 1 of the SCI.

- 1.4. Five responses were received to the consultation on the draft Statement of Community Involvement. The respondents were: Cheshire East Council, Natural England, Historic England, NCC Lead Local Flood Authority and one individual. The comments received are contained in Appendix 3 to this report, along with the Planning Policy Officer's response to the comments made.
- 1.5. Whilst only five responses were received to the consultation on the draft SCI, the document was consulted on at the same time, using the same methods as the Initial Consultation on the Norfolk Minerals and Waste Local Plan Review. Over eight hundred responses have been received to the Initial Consultation on the Norfolk Minerals and Waste Local Plan Review. Therefore, it is considered that the low response to the SCI consultation was due to stakeholders not having any comments to make on the draft document, rather than a lack of awareness of the consultation.
- 1.6. The revised 2018 SCI is therefore recommended for adoption and is attached as Appendix 1 to this report. Following adoption by full Council, as soon as reasonably practicable the 2018 SCI will be published on Norfolk County Council's website and be made available for inspection as required by the relevant legislation.

2. Evidence

- 2.1. The revised SCI takes into account changes in the County Council's constitution, national planning regulations, national and local planning policy and guidance that have taken place since 2012.
- 2.2. The alternative options would be either to not adopt the revised SCI, or to amend the SCI prior to adoption.
- 2.3. Not adopting the revised SCI would result in the existing 2012 SCI, which is now out-of-date in a number of places, remaining in place; therefore this option is not recommended.
- 2.4. Members could decide to amend the contents of the 2018 SCI prior to adoption, as long as the 2018 SCI was still consistent with the Council constitution, relevant legislation, planning policy and guidance.

3. Financial Implications

- 3.1. None. The costs of producing the Minerals and Waste Local Plan Review were contained in the May 2018 EDT Committee report and no additional costs will be incurred from the consultation standards in the revised SCI. No additional costs will be incurred in the determination of planning applications from the consultation standards in the 2018 SCI.

4. Issues, risks and innovation

- 4.1. There is a legal duty under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") to prepare a Statement of Community Involvement. In addition, the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended in December 2017) also require SCIs to be reviewed every five years, starting with the date of adoption of the SCI.
- 4.2. The SCI will be published on Norfolk County Council's website and made available for inspection as required by the relevant legislation.

- 4.3. As part of the examination of the Minerals and Waste Local Plan Review a Planning Inspector will assess not only whether the M&WLPR is sound, but also whether it satisfies various statutory requirements imposed by the 2004 Act. These include a requirement that it has been prepared in accordance with the adopted SCI.

5. Background

- 5.1. The current Norfolk Minerals and Waste Development Scheme (MWDS) came into effect on 1 June 2018, as resolved at the May 2018 EDT Committee meeting. The MWDS contains the timetable for the review of the SCI. The timetable states that public consultation on the draft document will take place during June and July 2018 and that adoption of the SCI will take place in October 2018.
- 5.2. The Planning and Compulsory Purchase Act 2004 states that the SCI must be adopted by resolution of the local planning authority.

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

Officer name : Caroline Jeffery

Tel No. : 01603 222193

Email address : Caroline.Jeffery@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 or 0344 800 8011 (textphone) and we will do our best to help.



Norfolk County Council

Statement of Community Involvement

October 2018

www.norfolk.gov.uk

Statement of Community Involvement

October 2018

T. McCabe - Executive Director
Community and Environmental Services
Norfolk County Council
Martineau Lane
Norwich
NR1 2SG

www.norfolk.gov.uk/nmwdf



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1 Introduction

- 1.1 In accordance with the Planning and Compulsory Purchase Act 2004, Norfolk County Council must produce and maintain a planning policy framework for minerals and waste development in Norfolk. More detailed information on the planning policy framework is included on the Norfolk County Council website www.norfolk.gov.uk/nmwdf and in the 'Norfolk Minerals and Waste Development Scheme' (NMWDS).
- 1.2 Norfolk's planning policy framework includes a Statement of Community Involvement (SCI) (this document) setting out the standards to be achieved by Norfolk County Council in involving the community in the following:
- Preparation, alteration and continuing review of Norfolk's minerals and waste Local Development Documents. Related information is contained in section 2 of the SCI.
 - Consultations on planning applications determined by the County Council (representing planning applications on minerals and waste and the County Council's own development e.g. relating to schools, libraries, fire stations and non-trunk roads, where planning permission is required). Information on this aspect of the process is contained in section 3 of the SCI.
- 1.3 If you have any queries on this document, please contact the Planning Services Section on telephone number 0344 800 8020 or at the following email address: LDF@norfolk.gov.uk.

Principles for Community Involvement

- 1.4 Our key principles for involving the public include the following:

Accountable

- 1.5 The County Council will ensure that citizens' views are taken into account in relation to decisions, policies and service developments and demonstrate and communicate what has changed as a result of public involvement.
- 1.6 The County Council will publish details of all consultations, including those relating to Norfolk's minerals and waste planning policy documents, on the County Council website: www.norfolk.gov.uk. This website is home to Norfolk County Council's Consultation Finder – a tool that enables citizens to sign-up for future consultations, have their say on current consultations and find out the results of past consultations.

Accessible

- 1.7 The County Council will make sure that public involvement is accessible by doing the following:
- Using plain English in any published documents.
 - Using the right methods of involvement for the right audiences.
 - Making sure any publications follow County Council guidelines (at the time of publication of this SCI shown in "Guidelines for Published Information")
 - Making any Norfolk minerals and waste planning policy document available, on request, in alternative formats such as audio, Braille or a language other than English.
 - Arranging meetings in venues that are easy to get to and at times that are appropriate to the participants.

Inclusive

- 1.8 The County Council recognises that many of the communities that are perceived to be difficult to access are not actually that 'hard-to-reach' and do not consider themselves to be such. It is just that organisations have not put enough effort or resources into seeking their views.
- 1.9 The County Council will be inclusive by:
- Making extra efforts to involve people whose views have been under-represented in the past.
 - Making sure that people are not excluded from public involvement processes through circumstances. This might mean providing crèches or carer support, hearing loop systems, language signers and holding meetings at appropriate times and in appropriate venues.
 - Making sure, in defined circumstances, that participants are not out-of-pocket as a result of taking part in community involvement activities.
- 1.10 In addition, certain Norfolk citizens can be under-represented in any consultation, such as young people and black and minority ethnic residents. Before each stage of consultation an assessment will be made of how such groups are affected and consultation approaches will be tailored accordingly.
- 1.11 The RTPI Planning Aid England service offers assistance and advice on the planning system to individuals and groups who are unable to pay for independent professional planning advice. Planning Aid encourages people to get involved in the planning system to help shape their own environment.
- 1.12 The contact details for RTPI Planning Aid England are:
Planning Aid England, RTPI, 41 Botolph Lane, LONDON, EC3R 8DL
Tel: 020 7929 8338
Email: advice@planningaid.rtpi.org.uk
www.rtpi.org.uk/planningaid

Efficient

- 1.13 The County Council will coordinate and link public involvement activities, where appropriate, to help avoid duplication of effort, time and resources.
- 1.14 Norfolk's minerals and waste planning policy documents do not exist in a vacuum; they link with other major strategies, in particular Norfolk County Council's 'Caring for Our County: A Vision for Norfolk in 2021'. Under the banner of 'Norfolk Futures' the Council Strategy 2018-2021 seeks to deliver sustainable and affordable services for the people of Norfolk who need them most.
- 1.15 The council has identified the following ambitions for the county across all its activities
- Building communities we can be proud of
 - Installing infrastructure first
 - Building new homes to help young people get on the housing ladder
 - Developing the skills of our people through training and apprenticeships
 - Nurturing our growing digital economy
 - Making the most of our heritage, culture and environment
- 1.16 Norfolk's minerals and waste planning policies will have a role in delivering parts of the County Council Strategy, especially in relation to the themes of "Building communities we can be proud of" "Building new homes to help young people get on the housing ladder" and "Making the most of our heritage, culture and environment".

Neighbourhood Plans

- 1.17 Minerals and waste planning matters are outside the remit of Neighbourhood Plans. The first point of contact for those communities interested in preparing a neighbourhood plan is the local planning authority. In Norfolk this means the district or borough council.

Review of the SCI

- 1.18 Minor changes to the approach to community involvement shown in the adopted SCI, for instance additional helpful information on the approaches to community involvement, will not trigger a formal review of the SCI. Any minor changes will be shown in a 'live' and amended version of the SCI on the County Council's website. This 'live' SCI will show the current position with respect to community involvement as opposed to the approach it was considered should be followed at the time the SCI was adopted. The County Council's website will show both the adopted and 'live' versions of the SCIs and make the different functions of the two documents very clear.
- 1.19 The County Council will check the effectiveness of the consultation methods set out in this SCI. The effectiveness of any consultation methods used will be reported in the Annual Monitoring Report. If it is considered that the approaches to community involvement shown in the SCI are clearly failing and need fundamental revision then the SCI will be reviewed in an attempt to rectify the situation.

Resources

- 1.20 The SCI will be funded from budget within the County Council.
- 1.21 Community involvement on most planning applications will be dealt with by relevant case officers supported by administration staff and senior management as appropriate. For more significant and controversial planning applications where use of some of the more involved techniques outlined in section 3 of this SCI are appropriate, additional resources and skills may be needed and this is provided for via a contingency allowance.

2	Community involvement: Emerging minerals and waste local development documents
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Introduction

- 2.1 Section 2 of the SCI includes information on community involvement on emerging minerals and waste local development documents.
- 2.2 The existing adopted Norfolk Minerals and Waste Local Plan consists of three documents which cover the period to the end of 2026:
- 2.3 The Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) (the 'Core Strategy') was adopted by Norfolk County Council in 2011. It contains a vision, strategic objectives and policies to be used in the determination of planning applications for minerals extraction and associated development and waste management facilities in Norfolk.
- 2.4 The Norfolk Minerals Site Specific Allocations DPD and the Norfolk Waste Site Specific Allocations DPD were adopted in 2013. The Minerals Site Specific Allocations DPD was subsequently amended by the adoption of the Single Issue Silica Sand Review in December 2017.
- 2.5 The Norfolk Minerals Site Specific Allocations DPD (including the Silica Sand Review) allocated one specific sites for carstone extraction, 26 specific sites for sand and gravel extraction, two specific sites for silica sand extraction and four areas of search for future silica sand extraction. Ten of the sites allocated for sand and gravel extraction have subsequently received planning permission.
- 2.6 The Norfolk Waste Site Specific Allocations DPD allocated 29 sites for waste management facilities. However, only one of the allocated sites has been granted planning permission since the adoption of the Waste SSA, whilst a number of unallocated sites have been approved.
- 2.7 These adopted minerals and waste planning policy documents are accompanied by a Policies Map which illustrates geographically the application of the policies contained in the adopted planning policy documents.

Draft local development documents subject to community involvement shown in this SCI

The Minerals and Waste Local Plan Review (M&WLPR)

- 2.8 As the Core Strategy was adopted over five years ago, a joint review of the three adopted DPDs is being carried out to ensure that the policies within them remain up-to-date, to extend the Plan period to the end of 2036 and to consolidate them into one Norfolk Minerals and Waste Local Plan (M&WLP).

- 2.9 The M&WLP will include a vision and strategic objectives for waste management and minerals development for the Plan period to 2036. The M&WLP will include a forecast of the quantities of waste to be planned for, a spatial strategy for new waste management facilities, and a policy detailing the land uses considered to be potentially suitable for waste management facilities. It will also include criteria based policies for the determination of planning applications for the following types of waste management facilities: inert waste recycling, waste transfer and treatment, composting, anaerobic digestion, household waste recycling centres, residual waste treatment, landfill and water recycling centres. Specific policies will also cover the design of waste management facilities, landfill mining and safeguarding waste management facilities and water recycling centres.
- 2.10 The M&WLP will contain a forecast of the quantities of minerals to be planned for and a spatial strategy for minerals development. Policies relevant to the determination of applications for minerals development will cover the following topics: borrow pits for highway schemes, agricultural reservoirs, protection of core river valleys, cumulative impacts and phasing of workings, progressing working and restoration, aftercare, concrete batching and asphalt plants, energy minerals, safeguarding mineral resources, safeguarding mineral sites and safeguarding infrastructure.
- 2.11 The M&WLP will also include policies relevant to both minerals and waste management development covering the following issues: the presumption in favour of sustainable development, development management criteria, transport, climate change mitigation and adaptation, The Brecks and agricultural soils.
- 2.12 The M&WLP will also allocate specific sites and areas for mineral extraction in Norfolk during the Plan period.
- 2.13 As the content of Norfolk’s minerals and waste planning policy framework may change over time, please visit our website www.norfolk.gov.uk/nmwdf for the latest version.

Consultation stages on emerging development plan documents

- 2.14 At the very least, the community will be consulted on draft development plan documents at the following stages:

1. The Plan Preparation stage

This stage of the process will contain two rounds of public consultation referred to as the “Initial Consultation” and the “Preferred Options”. In both rounds members of the public, along with statutory consultees, will be invited to comment over a six week period on a draft version of the Minerals and Waste Local Plan. The County Council will use the feedback from the “Initial Consultation” to inform its “Preferred Options”. This will include clear reasons for selecting the preferred options, together with a summary of the alternatives that were considered. Both rounds of consultation will include a Sustainability Appraisal Report and a Habitats Regulations Assessment.

2. The Pre-Submission stage

The County Council will use feedback from consultation on the plan preparation stages to produce a Pre-Submission version of the development plan document (together with a final copy of the Sustainability Appraisal Report and Habitats Regulations Assessment Report). The Pre-Submission version of the DPD (and supporting documents) will be published to enable representations to be made on the 'soundness' and legal compliance of the document. The County Council will publicise the fact that representations on the Pre-Submission version of the DPD can be made over a defined period of at least 6 weeks.

At the end of the representations period, representations will be shown on the County Council's website. Representations will be considered by the County Council and sent, along with the Pre-Submission version of the DPD, supporting documents (such as Sustainability Appraisal and Habitats Regulations Assessment) and summaries of the main issues raised during both the plan preparation stages and the Pre-Submission representations period, to the Secretary of State, for consideration by an independent Planning Inspector in an examination of the DPD.

- 2.15 Following independent examination, the Secretary of State produces a report containing comments the County Council is required to reflect in a finally adopted Development Plan Document.

Methods of community involvement on emerging development plan documents

- 2.16 The tables below set out the community involvement methods to be used when consulting on Norfolk's emerging minerals and waste development plan documents. Table 1 refers to community involvement methods at the plan preparation stage and table 2 refers to community involvement methods at the Pre-Submission publication Stage. Further information on each of these community involvement methods is shown below the tables.

Table 1: Community involvement methods at the plan preparation stage				
Community Involvement method on draft local development documents		Method will be used = √	Community involved in the method:	
			General public	A
		Method may be used = ?	Those shown in Appendix 1	B
			Specific groups/individuals	C
			Hard to reach groups	D
1	Available for inspection	√	A	
2	Written consultation	√	B, C	
3	Internet	√	A	
4	Mass media	√	A	
5	One to one meetings	?	A (and possibly certain of those in B, C and D, if necessary by arrangement)	
6	Public exhibitions	?		
7	Public meetings	?		
8	Public questions at Committee	√		

Table 2: Community involvement methods at the Pre-Submission publication stage				
Community Involvement method on draft local development documents		Method will be used = √	Community involved in the method:	
			General public	A
		Method may be used = ?	Those shown in Appendix 1	B
			Specific groups/individuals	C
			Hard to reach groups	D
1	Available for inspection	√	A	
2	Written consultation	√	B, C	
3	Internet	√	A	
4	Mass media	√	A	
5	One to one meetings	?	A (and possibly certain of those in B, C and D, if necessary by arrangement)	
6	Public exhibitions	?		
7	Public meetings	?		
8	Public questions at Committee	√		

1. Available for inspection

The County Council will make draft local development documents available for inspection at County Hall in Norwich and at the main office of each of the eight local planning authorities in Norfolk.

2. Written consultation

The County Council will contact the list of consultees shown in Appendix 1, to provide information about consultation arrangements on Norfolk's draft minerals and waste local development documents, allowing them at least six weeks to comment.

3. Internet

The County Council will make Norfolk's draft minerals and waste local development documents, available for inspection on the County Council's website and will enable consultation responses to be made via a consultation website. Future use of the internet for community involvement purposes will at the very least accord with any related Government requirements.

4. Mass media

The County Council will arrange for statutory notices to be placed in local newspapers at the Pre-Submission stage. At key stages the County Council will issue press/radio releases.

5. One to one meetings with people and/or organisations

Where appropriate (and by arrangement), County Council staff will meet with organisations or individuals to discuss particular issues.

6. Public exhibitions/displays

Where appropriate, the County Council will hold public exhibitions.

7. Public meetings

Where appropriate, the County Council will hold public meetings as a means of allowing people to debate issues raised by a particular draft minerals and waste local development document.

8. Asking public questions at Committee

The protocol applicable to asking public questions at the committee most likely to consider draft minerals and waste local development documents (Environment, Development and Transport Committee) at the time of publication of this SCI is shown in Appendix 2. The most up-to-date position on asking public questions at committees is shown on the County Council's website: www.norfolk.gov.uk.

How comments on emerging local development documents will be taken into account

- 2.17 Comments received during the key consultation stages shown under paragraph 2.3 will be considered by the County Council and will in some cases result in changes to the contents of draft local development documents. Reports on the results of community involvement will be made available on the County Council's website, at County Hall in Norwich and at the main office of each of the eight local planning authorities in Norfolk.

List of consultees to be sent copies of draft local development documents

- 2.18 Appendix 1 lists the consultees on Norfolk's draft minerals and waste local development documents.

Area Action Plans

- 2.19 Currently, the County Council has not identified any areas for which an area action plan would be suitable. If work on the Minerals and Waste Local Plan Review identifies a need for an area action plan or plans then details would be included in an amended 'Norfolk Minerals and Waste Development Scheme'. Area action plans are development plan documents and any of the methods of community involvement set out in this section of the SCI are applicable.

Supplementary Planning Documents

- 2.20 Currently, the County Council has no plans to produce any supplementary planning documents to provide further guidance on issues or policies in a Development Plan Document. Community involvement on any supplementary planning documents will at the very least seek to ensure that the level of community involvement required by Government Regulations takes place. In most cases a supplementary planning document will not require a sustainability appraisal. If the County Council decides to produce a Supplementary Planning Document, the County Council will use, or consider using, the community involvement methods shown in table 1 and consult those shown in Appendix 1. A supplementary planning document must be adopted by council resolution.

Retention of information submitted to the County Council in response to emerging Plans

- 2.21 The information you provide to Norfolk County Council in response to a consultation, or a formal representations period, on a draft plan will be used in order to inform our plan. We will also use the information to contact you about any subsequent consultation or formal representations period on the plan. We will therefore continue to hold the information until the plan has been adopted and the 6 week time period for a legal challenge to the plan has expired. Based on the current timescale for the Minerals and Waste Local Plan Review this will be the Autumn of 2020. In the event of a legal challenge we will hold the information until the completion of the legal process.

3 Community involvement: Planning applications

Introduction

- 3.1 Section 3 of the SCI includes information on community involvement on planning applications determined by the County Council.

Types of planning application determined by the County Council

- 3.2 At the time of publication of this SCI, the County Council determines two types of planning application:
- Planning applications for the County Council's own developments e.g. schools, libraries, fire stations and non-trunk roads.
 - Planning applications for minerals or waste development in the County.

Methods of community involvement on planning applications

Summary of all methods of community involvement on planning applications

- 3.3 The County Council will involve host communities on planning applications it determines in accordance with the duties placed on it by planning legislation. The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council. Community involvement proposed includes:

1. Access to information

Making planning applications, including any supporting documentation, available for inspection, tracking and comment at local authority offices and electronically on the County Council's website: www.norfolk.gov.uk. Future use of the internet for community involvement purposes will at the very least accord with any related Government requirements.

2. Availability of officers

Planning officers are often available, without an appointment, to discuss matters relating to planning applications. However, to ensure that you are able to speak to the relevant case officer it is recommended that you book up to 3 working days ahead.

3. Consulting

District, parish and neighbouring councils (where relevant), the local member and relevant bodies in the authority's area (see fuller list of consultees in Appendix 3) will be notified of relevant planning applications by email.

4. Media

Inviting comments on planning applications through advertising in relevant newspapers, where statutorily required (see Appendix 4).

5. Notifying neighbours

Our standard approach for notifying neighbours and residents in the vicinity of the site that a planning application has been submitted, and inviting comments (see Appendix 4) is by a site notice (see section 12 below). At the officer's discretion we may also write to occupiers of immediate adjoining residential and commercial properties, informing them that a planning application has been submitted where the officer considers it necessary. The statutory time periods for responses to be received are within 21 days of the date of the notification letter on planning applications, and within 14 days in relation to subsequent minor amendments to a planning application. However, responses received after this time period will still be taken into account until a decision is made on the planning application.

6. Public and One-to-one meetings

Upon request, officers from the County Council will attend one public meeting in relation to a planning application. At a meeting officers will be able to advise the public on how to effectively engage within the planning process and facilitate discussion on issues surrounding the application. Officers will not, normally, attend meetings at the request of private individuals or organisations.

7. Pre-application discussions

Norfolk County Council invites prospective applicants to consult with the County Council during the early stages of formulating a development proposal before a planning application is submitted. Such consultations can be on a confidential basis where requested by an applicant, for example where commercial confidentiality must be preserved, at least initially.

For larger developments, once a proposal has reached the stage where a planning application is likely to be submitted, the County Council expects developers to engage with the public, for instance by holding local exhibitions. Where a planning application is for new development at an existing site (e.g. an extension), it is expected that draft proposals will be brought to a liaison meeting.

Benefits of pre-application discussions can include:

- Increased likelihood that submitted planning applications will address relevant planning issues.
- Reduced time taken by the County Council in determining planning applications.
- Increased chances of planning applications being approved.
- Improved understanding of what is proposed thereby enabling people to respond more easily and quickly to consultations.
- Allowing local concerns and expertise to influence aspects of a proposal.

8. Public exhibitions/displays

For major planning applications, the County Council will encourage developers to hold public exhibitions (preferably combined with community consultation at a pre-application stage). In accordance with Norfolk County Council's 'Adopted Local List of Validation Requirements', all major applications (developments that create over 1,000m² of floor space or where development is carried out on a site of over 1ha) will need to be submitted with their own Statement of Community Involvement, explaining how the views of the local community have been taken into account in the formulation of development proposals.

9. Public Inquiries

Site notices will be placed at the site to which the planning application relates and a press notice placed in the local newspaper(s) to publicise the date, time and location of the Public Inquiry.

10. Public speaking at committee

The most up-to-date position on public speaking at committees is shown on the County Council's website (at the time of publication of this SCI the position was as set out in Appendix 5).

11. Site Notice

A site notice will be placed at sites to which any planning application relates in order to inform people of the proposal and provide details on how to view the planning application (see Appendix 4).

Community involvement where planning applications are determined by the County Council

3.4 Most decisions as to whether or not to grant planning permission will be made by officers, under delegated powers given by the County Council. This allows members to focus on the most complex and contentious proposals. Decisions will be made by the planning committee in the following circumstances:

- Applications where a specified number of objections (currently three or more) have been received on material planning grounds, or where an objection has been received from a statutory consultee
- Applications accompanied by an Environmental Impact Assessment Statement
- Any decision that does not accord with the development plan.

The Scheme of Delegated Powers to Officers (Non-Executive Functions) is contained in Part 6.2 of the County Council's Constitution, which can be viewed on the Council's website at www.norfolk.gov.uk. The Planning (Regulatory) Committee meets approximately once a month at County Hall and details of the protocol for public speaking at this Committee are outlined in Appendix 5.

Community involvement where planning applications are determined by the Secretary of State following a Planning Appeal

- 3.5 All those persons or organisations who sent in comments, along with parish/town councils and local interest groups will be sent notification of Planning Appeals. The original comments will be copied and forwarded to the Planning Inspectorate.

Community involvement after a planning application is determined

- 3.6 The outcome of decisions on planning applications (in the form of a Decision Notice), whether made by officers under delegated powers or by committee, will be sent (via post or email) to all those who comment on the proposal i.e. those that contact the County Council with objections or support. Any other person wishing to view a copy of the Decision Notice will be able to do so by contacting the Council. The decision notices for applications determined since September 2011 can be viewed on the County Council's website: www.norfolk.gov.uk.

Retention of information submitted to the County Council in response to a consultation on a planning application

- 3.7 The information you provide to Norfolk County Council in response to a consultation on a planning application will be used in order to determine the application. It may also be used to determine an appeal or complaint lodged in relation to the application. We will therefore continue to hold the information until the time period for lodging an appeal or complaint via the local government ombudsman has expired; and in the event of an appeal or complaint being lodged, until the completion of that process. This means we cannot be exact on the period of time we will hold your information, but typically this will be 12 months from the date the planning decision is issued. Our current practice is to remove data from our records on specific dates in the year allocated for that task. This means that your information will be removed from our records on the date allocated following the expiry of the appeal/complaints process. We only use information supplied in relation to a consultation on an application for determining that application, this means that if you make a comment on an application you will not be directly notified of any future proposals on or in the immediate vicinity of the site, as was our previous practise.

Appendix 1

Consultees on Norfolk's minerals and waste Development Plan Documents

Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur.

Specific consultation bodies

The Coal Authority
The Environment Agency
Historic England
East of England Local Government Association
Natural England
The Secretary of State for Transport
Parish and town councils in Norfolk
District and borough councils in Norfolk
County, district, borough, town and parish councils adjoining Norfolk
Broads Authority
Relevant electricity and gas companies
Relevant sewerage and water undertakers
Relevant telecommunications companies
Homes and Communities Agency
Norfolk Police Authority

General Consultation Bodies

- (a) Voluntary bodies some or all of whose activities benefit any part of the authority's area;
- (b) Bodies which represent the interests of different racial, ethnic or national groups in the authority's area.
- (c) Bodies which represent the interests of different religious groups in the authority's area;
- (d) Bodies which represent the interests of disabled persons in the authority's area;
- (e) Bodies which represent the interests of persons carrying on business in the authority's area.

Other Consultation Bodies

Campaign to Protect Rural England
Civil Aviation Authority
Country Land and Business Association
Countryside projects
Defence Infrastructure Organisation
Environmental Services Association
Equality and Human Rights Commission
Friends of the Earth
Greenpeace
Health and Safety Executive
Highways England

Minerals and waste operators
Minerals and waste trade associations
Mineral Products Association
National Farmers Union
National Trust
Network Rail
Norfolk Coast Partnership
Norfolk Association of Local Councils
Norfolk Farming and Wildlife Advisory Group
Norfolk County Council Historic Environment Service
Norfolk Rural Community Council
Norfolk Wildlife Trust
Norfolk's Clinical Commissioning Groups
Norwich International Airport
Abellio Greater Anglia
Planning agents who work for the minerals and waste industry
The Ramblers
Royal Society for the Protection of Birds
Visit East Anglia
Visit Norfolk

Duty to Cooperate bodies

(as specified in the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011))

Environment Agency
Natural England
Local Nature Partnerships
Mayor of London (where applicable)
Civil Aviation Authority
Homes and Communities Agency
Clinical Commissioning Groups
The NHS Commissioning Board
Historic England
The Office of Rail Regulation
Highways Agency
Transport for London (where applicable)
Integrated Transport Authorities
Highway Authorities
Local Enterprise Partnerships
Marine Management Organisation
Local Planning Authorities

Appendix 2

Norfolk County Council's procedure for asking public questions at Committee – applicable to consideration of draft local development documents

For the up-to-date protocol on public speaking at committees please refer to the County Council's website: www.norfolk.gov.uk. The protocol for public speaking at Environment, Transport and Development Committee meetings as at the time of publication of this SCI is reproduced below.

Anyone who is a resident in Norfolk, a non-domestic ratepayer in Norfolk, or who pays Council Tax in Norfolk may ask a question through the Chairman about a matter for which the Committee or the Council has a responsibility for or that particularly affects Norfolk.

Public questions may be asked at Environment, Development and Transport Committee; one of the specific functions of EDT Committee is Planning and Development Strategy and Management.

The Head of Democratic Services may reject a question if it:

- a. Is not a matter for which the Council has a responsibility or particularly affects the County
- b. Is defamatory, frivolous or offensive or has been the subject of a similar question in the last 6 months or the same one already submitted under this provision
- c. Requires the disclosure of confidential or exempt information (as defined in the Council's Access to Information Procedure Rules)

Notice

A question may only be put if either:

- i. At least 2 working days' notice of the question is given in writing to the Head of Democratic Services; e.g. by 5pm on the Wednesday preceding a Service Committee meeting on Monday; or
- ii. The question relates to urgent matters and it has the consent of the Chairman to whom the question is to be put, and the content of the question is given to the Head of Democratic Services by 9.30am on the day of the meeting

Number and length of questions

The number of questions which can be asked will be limited to 1 question per person plus a supplementary.

No more than 1 question plus a supplementary may be asked on behalf of any organisation.

You may only ask 1 question and 1 supplementary question in any 6 month period

Questions are subject to a maximum word limit of 110 words. Questions that are in excess of 110 words will be disqualified.

A supplementary question may be asked without notice and should be brief (fewer than 75 words and take less than 20 seconds to ask). It should relate directly to the original

question or reply. The Chairman may reject any supplementary questions s/he does not consider compliant with this requirement.

The total time for public questions is 15 minutes.

Questions will be put in the order in which they are received.

Responses

The Chairman shall exercise their discretion as to the response given to the question and any supplementary questions.

If the person asking the question has indicated they will attend, responses to questions will be made available in the Committee Room in writing before the start of the meeting and copies of the questions and answers will be available to all in attendance.

If the person asking the question indicates they will not be attending the Committee, a written response will simply be sent.

The responses to questions will not be read out at the meeting.

The Chairman may give an oral response to a supplementary question or may require another Member or Officer to answer it. If an oral answer cannot be conveniently given, a written response will be sent to the questioner within 7 days of the meeting.

If the person who has given notice of the question is not present at the meeting or if any questions remain unanswered within the 15 minutes allowed for questions, a written response will be sent within 7 working days of the meeting.

Appendix 3

Consultees on planning applications

Community involvement will include notification of the district and parish councils, local members, and County Councillors and any relevant statutory bodies or consultees which could include one or more of the following:

Civil Aviation Authority
Country Land and Business Association
Countryside projects
Defence Infrastructure Organisation
Department for Environment, Food and Rural Affairs
Visit East of England
Environment Agency
Equality and Human Rights Commission
Friends of the Earth
Forest Enterprise (England)
Greenpeace
Health and Safety Executive
Highways England
Historic Buildings and Monuments Commission for England (Historic England)
Minerals and waste operators
Minerals and waste trade associations
National Farmers Union
National Trust
Natural England
Network Rail
Norfolk Wildlife Trust
Norfolk's Clinical Commissioning Groups
Planning agents who work for the minerals and waste industry
The Ramblers
Relevant electricity and gas companies
Relevant sewerage and water undertakers
Relevant telecommunications companies
Royal Society for the Protection of Birds
Secretary of State for Transport
Sport England

Appendix 4

Publicity on planning applications

The County Council will comply with the statutory publicity requirements, which vary according to the type of development/planning application:

Type of development	Publicity		
	Advertisement in local newspaper/s	Site Notice	Neighbour Notification ¹
All minerals and waste planning applications	✓	✓	✓
Major planning applications for development by the County Council	✓	✓	✓
Other (not major) planning applications for development by the County Council		✓	✓

It should be noted that it is the responsibility of the applicant to post the site notice(s) for applications for prior approval.

¹ At the discretion of Officers.

Appendix 5

Norfolk County Council's protocol for public speaking at Planning (Regulatory) Committee in relation to planning applications

For the up-to-date protocol on public speaking at committees please refer to the County Council's website: www.norfolk.gov.uk. The protocol for public speaking at Planning (Regulatory) Committee meetings as at the time of publication of this SCI is reproduced below.

At meetings of Norfolk County Council's Planning (Regulatory) Committee, the public are able to speak before decisions are made on planning applications.

Who can speak at meetings?

Anybody who wishes to object to, or support, a planning application which will be decided by Norfolk County Council's Planning (Regulatory) Committee. These meetings are usually held in one of our committee rooms at County Hall.

How do I state my point of view?

You must give written notice that you intend to speak about an item to the Head of Democratic Services 48 hours before the Committee meets, together with a short note of the points to be raised, if not previously done.

How long can I speak for – and when will I be called?

At the start of the meeting, the Committee Chair will ask members of the public if they wish to speak, and if so, to what items.

A total of 15 minutes of public speaking on each item is provided for, but in exceptional circumstances this may be amended at the discretion of the Chair of the Committee.

Objectors to the application will speak first, followed by District, Parish or Town Council representatives, and those from any other public body, and then the finally the applicant/agent or any supporters of the application.

Five minutes will be allowed for each group. Therefore, if you are one of a group of objectors or supporters, it would be extremely helpful if you could nominate one person to speak on your behalf.

It may be possible to change the order of the agenda in cases that have aroused particular public interest.

Will a decision be made at the meeting?

Most applications will be discussed and a decision made at the meeting, but occasionally the Committee may defer a decision, to allow time to visit the site, or to get further information.

Note that some applications of a non-controversial nature may not be reported to the Committee.

Glossary

(Note: terms in *italics* are explained elsewhere in the glossary)

Annual monitoring report - assesses the implementation of the *Local Development Scheme* and the extent to which policies in *Local Development Documents* are being successfully implemented.

Development plan – statutory documents described in the Planning and Compulsory Purchase Act 2004 (as amended) that set out the planning policies and proposals for the development and use of an areas. Decisions on planning applications must conform to the development plan unless material considerations indicate otherwise.

Development plan documents – set out the spatial planning policies and proposals for an area. DPDs are also referred to as local plans.

Local development document - the collective term for *Development Plan Documents*, *Supplementary Planning Documents* and the Statement of Community Involvement.

Local development scheme – describes the *Local Development Documents* which the authority intends to prepare and the timetable for their preparation.

Supplementary planning documents - provide supplementary information in respect of the policies in *Development Plan Documents*. They do not form part of the *Development Plan* and are not subject to independent examination. However, they are subject to *Sustainability Appraisal*.

Sustainability appraisal - An evaluation process for assessing the environmental, social, economic and other sustainability effects of plans a programmes. This is a statutory requirement.

Appendix 2 - Key Changes between the 2012 SCI and 2018 SCI

Section 1 – Introduction

- Update paragraphs 1.1 and 1.2 to reflect the current Norfolk minerals and waste planning policy documents.
- Update details for the RTP1 Planning Aid service (paragraph 1.12).
- Update paragraphs 1.14 – 1.16 on relevant major strategies to replace references to ‘Norfolk Ambition’, with references to ‘Caring for our County: A vision for Norfolk in 2021’ and the Council Strategy 2018-2021.
- Add a new paragraph 1.17 regarding Neighbourhood Plans.
- Delete existing paragraphs 1.17 – 1.19 on the Compact in Norfolk because there is no longer a Compact in Norfolk.
- Update paragraph 1.19 on resources to reflect the current situation.
- Amend paragraph 1.21 to delete the reference to contacting individuals for feedback on the effectiveness of consultation methods because there is no requirement to do this and it would have limited benefits for the resources required. The effectiveness of consultation methods can be assessed in other ways.

Section 2 – community involvement on draft local development documents

- Replace paragraphs 2.2 and 2.3 with new paragraphs 2.2-2.7 to reflect the fact that there are currently three adopted minerals and waste DPDs and to summarise the content of these documents.
- Insert new paragraphs 2.8-2.13 to refer to the Minerals and Waste Local Plan Review and summarise the proposed content of the Local Plan.
- Amend paragraph 2.5 (1) (now paragraph 2.14 (1) in the 2018 SCI) to refer to the ‘plan preparation stage’ instead of the ‘public participation stage’ in line with the relevant legislation.
- Update tables 1 and 2 to delete references to focus groups and pre-existing panels and forums as they are not the most appropriate methods to gather consultation responses on the site specific issues and technical matters raised in the Minerals and Waste Local Plan.
- Update paragraph 2.7 (1) (now paragraph 2.16 (1) in the 2018 SCI) to delete references to Council Information Centres as there are no longer Council Information Centres. The statement that draft local development documents will be made available at public libraries will also be deleted. Draft local development documents will be available to view on Norfolk County Council’s website, which can be accessed at libraries, therefore it is not considered necessary to also provide hard copies to the libraries.
- Delete paragraphs 2.7 (9) and (10) regarding focus groups and pre-existing panels and forums as they are not the most appropriate methods to gather consultation responses on the site specific issues and technical matters raised in the Minerals and Waste Local Plan.
- Amend paragraph 2.8 (now paragraph 2.17 in 2018 SCI) to delete the statement that reports on the results of community involvement will be made available at libraries throughout Norfolk. Reports on the results of community involvement will be available to view on Norfolk County Council’s website, which can be accessed at libraries, therefore it is not considered necessary to also provide hard copies to the libraries.
- Add a new paragraph 2.21 about the retention of information submitted to the County Council in response to consultations on Local Development Documents.

Section 3 – community involvement in planning applications

- Update paragraph 3.3 (1) to delete references to Council Information Centres as there are no longer Council Information Centres.
- Amend paragraph 3.3 (2) to recommend that, to ensure that a person is able to speak to the relevant case officer, an appointment should be booked up to 3 working days ahead.
- Amend paragraph 3.3 (3) to state that consultees will be notified of relevant planning applications by email, instead of being sent a copy of the application. Hard copies of planning applications are no longer provided to consultees, as they are available on the e-planning website.
- Amend paragraph 3.3 (5) to clarify that the standard approach to notifying neighbours and residents in the vicinity of the site that a planning application has been submitted, and inviting comments, is by a site notice. Amend paragraph to clarify that, at the officer's discretion, we may also write to occupiers of immediate adjoining residential and commercial properties, where the officer considers it necessary. This is in accordance with statutory requirements.
- Amend paragraph 3.3 (6) to refer to both one-to-one and public meetings. Amend to specify that, upon request, officers will attend one public meeting in relation to a planning application. Amend to specify that officers will not normally attend meetings at the request of private individuals or organisations.
- Delete paragraph 3.3 (10) on public meetings as this is now included in paragraph 3.3 (6)
- Update paragraph 3.4 to reflect the constitution regarding when decisions on planning applications will be made by the Planning (Regulatory) Committee and when decisions on planning applications will be made by officers under delegated powers.
- Add a new paragraph 3.7 about the retention of information submitted to the County Council in response to a consultation on a planning application

Appendix 1 – Consultees on local development documents

- Update to reflect revised names of organisations (e.g. replace PCTs with CCGs)
- Add a list of Duty to Cooperate bodies

Appendix 2 – NCC procedure for asking public questions at Committee (applicable to consideration of draft LDDs)

- Update to reflect the current protocol for public questions at Committee as stated on the Norfolk County Council website.

Appendix 3 – Consultees on planning applications

- Update to reflect revised names of organisations (e.g. replace PCTs with CCGs)

Appendix 4 – publicity on planning applications

- Update to note that neighbourhood notification will be at the discretion of officers.

Appendix 5 – NCC protocol for public speaking at Planning (Regulatory) Committee

- Update to reflect the current protocol for public speaking as stated on the Norfolk County Council website.

Glossary

- Delete terms that do not need to be defined in the glossary



Norfolk County Council

Norfolk Statement of Community Involvement

Consultation Feedback Report

September 2018

www.norfolk.gov.uk

The following table contains the responses received to the consultation on the draft Statement of Community Involvement. The consultation period ran for six weeks from 29 June to 13 August 2018.

Respondent	Representation	NCC Planning Officer response
Cheshire East Council (Ms S Gibbon)	No comment	Noted
Lead Local Flood Authority (Norfolk County Council) (Ms E Simpson)	The County Council as LLFA has no opinion on how the community is consulted on the Plan and has no comment to make.	Noted
Natural England (Ms C Wright)	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals.</p> <p>We now ask that all planning consultations are sent electronically to the central hub for our planning and development advisory service at the following address: consultations@naturalengland.org.uk. This system enables us to deliver the most efficient and effective service to our customers.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
Historic England (Ms D Mack)	Thank you for consulting Historic England on the Draft Statement of Community Involvement (SCI) for Norfolk County Council, May 2018. As the Government's adviser on the historic environment Historic England is	Noted

Respondent	Representation	NCC Planning Officer response
	<p>keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.</p> <p>This consultation deals with the Council's updated approach to public consultation for planning policies and planning applications. These requirements are set out in legislation in the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), Town and Country Planning (Local Development) England Regulations 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>We support the general aims and approach to the draft Statement of Community Involvement. We welcome the acknowledgement of Historic England as a specific consultation body with respect to Local Plans at Appendix 1, page 16 as well as with regard to planning applications at Appendix 3, page 20. We request that reference is also made to Historic England as a statutory consultee under duty to co-within the SCI.</p> <p>With regards to neighbourhood planning, we note that the first point of contact are the district/borough councils.</p> <p>We would welcome consultation at an informal level, in addition to the requirements of the legislation, where issues may benefit from our early involvement. For information and for further consultation please note our new consultation email addresses for the East of England:</p> <p>Planning Policy: eastplanningpolicy@HistoricEngland.org.uk Planning Applications (Development Management): e-east@HistoricEngland.org.uk</p>	<p>Noted</p> <p>A list of all duty to cooperate bodies has been added to Appendix 1 of the SCI.</p> <p>Noted</p>
Mrs S Ignatieva	<p>It is commendable that there is a Statement of Community Involvement in place, however it is not clear what to do when such statement is not adhered to? The communication with the community on SIL 02 - Silica Sand at Shouldham and Marham has clearly failed, as the residents only found out a few days before the 13.08.2018 deadline, despite the plans</p>	<p>The extant SCI was adhered to for the Initial Consultation on the Minerals and Waste Local Plan Review (M&WLPR) and the following steps were taken to consult the community in accordance with section 2.7 of the 2012 SCI:</p>

Respondent	Representation	NCC Planning Officer response
	<p>being in development since 2015. The residents did not have sufficient time to review the documents and prepare objections, and there is no effective mechanism to raise concerns about the process.</p>	<p>The consultation period was for just over six weeks. A notice of the consultation was published in the EDP.</p> <p>The consultation documents were available on Norfolk County Council's website and available for inspection at the main office of each Norfolk Local Planning Authority and at each of Norfolk's public libraries.</p> <p>The County Council wrote to all of the consultees listed in Appendix 1 of the SCI with a link to the consultation documents.</p> <p>The principle route of community engagement for the M&WLPR is via the parish and town councils. However, in addition to the consultation requirements contained in the SCI, Norfolk County Council wrote to all properties located within 250 metres of a proposed site or an area of search for mineral extraction.</p> <p>The Minerals and Waste Local Plan Review process started in summer 2017 when a 'call for mineral extraction sites' took place.</p> <p>The following mechanisms are available to raise concerns about the consultation process:</p> <ol style="list-style-type: none"> 1. Representations can be made at the Pre-Submission stage of the Local Plan process. The Planning Inspector will assess whether the M&WLPR process complied with the requirements of the SCI as part of the examination of the M&WLP. 2. Norfolk County Council's complaints procedure.

Environment, Development and Transport Committee

Report title:	Annual review of the Enforcement Policy
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services
Strategic impact	
<p>The Enforcement Policy provides a framework to ensure that we work in an equitable, practical and consistent manner in the way we deliver regulatory activities and law enforcement. Norfolk County Council is committed to the principles of better regulation, reducing burdens on business with proportionate responses and ensuring we act to protect and support residents, businesses and the environment.</p>	

Executive summary

<p>The Community and Environmental Services (CES) directorate is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage), Norfolk Fire and Rescue (fire safety) and Highways (networks, maintenance and blue badge enforcement). Each area of work uses different legislation to secure its aims and each has its own framework of regulations, codes of practice and guidance.</p> <p>The Policy, which is subject to annual review by members, has recently been reviewed and updated to reflect recent changes to legislation and guidance, and now includes a new enforcement protocol for Blue Badge Enforcement.</p> <p>Trading Standards continues to carry out the majority of our enforcement activity, and this year we have been working closely with Suffolk County Council Trading Standards towards a common enforcement policy, including for cross border crime.</p> <p>The revised policy has also been subject to a consultation process with key stakeholders, including representatives from local businesses and charities, those working in related enforcement fields and members of the public. Amendments have been made to the policy and Annex 4 in response to the feedback received.</p> <p>A revised CES Enforcement Policy (appendix 1) has been produced with all the proposed changes highlighted in yellow, supported by explanatory notes.</p> <p>The revised Policy, once adopted, will be published via the NCC web pages.</p> <p>Recommendation:</p> <p>The EDT Committee is asked to:</p> <p>Confirm the revised CES Enforcement Policy and its annex documents meet the requirements of EDT Committee services, prior to final approval by the Policy & Resources committee who are the approval body for the policy.</p>

1. Proposal

- 1.1. The current Enforcement Policy (the Policy) was first developed as a cross-departmental policy in 2013. The Policy covers a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage), Norfolk Fire and Rescue (fire safety) and Highways (networks, maintenance and blue badge enforcement). It does not try

to capture all the detailed, complex and often changing background to enforcement, but instead seeks to summarise the overall approach to the use of enforcement powers; whether that is criminal prosecution at one end of the spectrum or informal warnings and advice at the other. The policy is supported by detailed procedures for officers within each service area and, where necessary, additional protocols can be appended to the main policy. There are now five areas of work which appear as annex documents to the main policy; these relate to minerals and waste planning, flood and water management, the Norfolk Fire and Rescue Service, Highways Enforcement and Blue Badge Enforcement - see annexes 1 – 5 to the main Policy.

- 1.2. The current Enforcement Policy has recently been reviewed by CES regulatory services, and updated to reflect recent changes to legislation and guidance. Work has also been undertaken by our Trading Standards team and colleagues in Suffolk County Council Trading Standards, to better align our respective Enforcement Policies, in order to deliver a common approach to enforcement, and improve collaboration in areas such as cross border crime.
- 1.3. The revised Policy continues to seek to ensure that the application of any enforcement is:
 - proportionate to the offence and risks, and mindful of previous transgressions
 - transparent - in that any person affected understands what is expected of them, what they should expect from the local authority and the reasons for the action
 - consistent with the Equality Act 2010 and the Council's Equalities Policies
 - consistent in approach, and appropriate.
- 1.4. This year the revised policy has also been subject to a consultation process with key stakeholders, including representatives from local businesses and charities, those working in related enforcement fields and members of the public. The consultation responses and the resultant amendments made are detailed in section 2 below.
- 1.5. All the proposed changes to the Policy (appendix 1) are highlighted in yellow, and supported by explanatory notes.
- 1.6. The revised Policy, once adopted, will be published via the NCC web pages.

2. Evidence

- 2.1. A CES wide Enforcement Policy is considered to be the most effective way to demonstrate how CES intends to fulfil its regulatory/legal responsibilities. An alternative option would be for each service area within CES to produce its own enforcement policy. However as described in section 1.1 above there is need for consistency in overall approach. This draft policy does provide for additional (detailed) protocols where necessary or appropriate.
- 2.2. There were 22 respondents to the consultation, 15 of whom responded on behalf of local businesses. 77% of respondents agreed or strongly agreed with the Principles of Inspection and Enforcement and proposed use of Enforcement Actions. Only one respondent disagreed with the Principles of Inspection and Enforcement, and two (9%) disagreed with our proposed use of Enforcement Actions.
- 2.3. One member of the public commented that they found the Policy to be unnecessarily complicated and resource intensive, with too many options before legal action is even contemplated. Another respondent, who works in a related enforcement area, commented that local government should be more robust in

its enforcement, where it has appropriate powers, and considered that there are too many 'let's do nothing' options.

Conversely, a respondent on behalf of a community organisation considered the Policy seeks to change behaviour in the first instance and use the least action to achieve the best outcome and a business respondent considered the approach to be fair, pragmatic and thorough.

The Policy meets the requirements of the Regulators' Code in adopting a staged approach to enforcement, and the Code for Crown Prosecutors in respect of the need for legal action to meet the test for Public Interest. Therefore, we have not amended the draft Policy in light of these comments.

- 2.4. One respondent commented that, whilst they felt the complaints and appeals process to be clear, they had difficulty in finding a suitable telephone number as an alternative to using the email/online form provided. The County Council Compliments and Complaints Team has confirmed that the existing NCC process includes alternative access routes, and that NCC contact details are clearly displayed on each page of the NCC website. Accessibility adjustments are also available. However, we have decided to add the alternative access routes to the draft Policy itself for clarity, as a result of this feedback.

Another respondent commented that including the phrase in Section 5.1 'and will try and find a solution' implies that a complaint about the Service is valid. They go on to say that this may not be the case and this should be clear in the Policy to avoid unnecessary and costly complaint investigation. We have therefore amended the draft Policy to clarify this by amending the phrase to 'and will try and find a solution, if appropriate'.

- 2.5. One person, responding on behalf of a charity or community organisation, raised concerns about the enforcement of public rights of way, specifically that although mentioned in Annex 4, there is an absence of any detail around public rights of way, whereas detail is provided for other areas of enforcement. In most cases, the legal processes relating to Highways enforcement are well established, including those dealing with public rights of way issues under the Highways Act. We have provided more detail on enforcement processes for those areas where these are less well established, such as those relating to the enforcement of vehicles for sale on the highway. We have further amended Annex 4 for clarity, as a result of this feedback.

- 2.6. One person, responding on behalf of a business, commented 'I don't see anything in here about cybercrimes and what you are doing to enforce those who use technology for illegal purposes'. It is true that cybercrime is an increasing threat, and our Trading Standards Service, in its 2018-19 Service Plan sets out the following priorities:

- Protecting consumers and supporting legitimate businesses by tackling the most serious fraudulent, illegal and unfair trading, including e-crime
- Safeguarding vulnerable people by tackling rogue traders and scams

Put simply, cybercrime is crime committed online, usually involving misleading and/or fraudulent practices. As a result, cybercrime is considered seriously and will often result in immediate formal action for the most serious breaches, in line with paragraph 4.10 of the Enforcement Policy. In some cases, we will work with partners and internet providers/web hosting companies to arrange for the removal of a website where it is clear it is being used for illegal purposes. This has been added to the draft Policy as an example of an intervention we may take under Paragraph 4.21 of the Policy, as a result of this feedback.

3. Financial Implications

- 3.1. There are no immediate resource implications as a result of this proposal although there is the recognition in the policy that enforcement resources are not limitless and need to be targeted at areas where risk is highest. Higher performing, more compliant businesses require less resource, with regulators focusing their efforts on rogue and higher-risk businesses.

4. Issues, risks and innovation

- 4.1. There is a legal context to the deployment of enforcement powers. In 2014 the [Regulators' Code](#) (the Code) was published and seeks to provide a clear, flexible and principles-based framework for regulators to work to. It covers how we develop and implement items such as our service standards, policies and legal procedures, and sets out the type of information we must include in our Enforcement Policy. The Council has a legal obligation to have regard to the Code, including ensuring a consistent approach to enforcement. However, we are able to make changes to the Policy, if these would better explain or clarify the requirements arising from the Code.

In certain instances, officers may conclude that a provision in the Code is either not relevant or is outweighed by another provision. Officers will ensure that any decision to depart from the Code is properly reasoned, based on material evidence and documented. The Code requires the Council to publish its Enforcement Policy.

The Council must also have regard to The Code for Crown Prosecutors (CPS) guidance which requires extensive consideration of the evidence (for example is it admissible, substantial and reliable) before a decision is made to institute legal proceedings; with any decision also considering whether it is in the public interest to prosecute. This CES Enforcement Policy provides a clear framework and mitigates any risk of legal challenge regarding the delivery of the regulatory enforcement function within the directorate.

4.2. Human Rights

In carrying out its enforcement role, the directorate has regard to the Freedom of Information Act 2000, the Data Protection Act 2018, Regulation of Investigatory Powers Act 2000 and the Human Rights Act 1998 (e.g. in the latter context the right to a fair trial, right to respect for private and family life, prohibition of discrimination and protection of property).

4.3. Equality Impact Assessment (EqIA)

No significant changes to the Policy are proposed which would require an Equality Impact Assessment, however the stakeholder consultation process also sought feedback from the CES Equalities team, who has suggested a clarification that the use of interpreters at paragraph 4.6 should apply to both language and British Sign Language. The draft Policy has been amended as a result of this feedback.

4.4. Risks

This policy provides a clear framework and mitigates any risk of legal challenge regarding the delivery of the regulatory enforcement function within CES.

4.5. Health and Safety Implications

There are no health and safety implications of which to take account.

4.6. Environmental Implications

There are no direct environmental implications to take into account as part of this

report. However, the Policy does provide for consideration of formal enforcement action where there is a significant risk to infrastructure or the environment. The Policy also includes a specific enforcement protocol for Flood and Water Management, and for planning controls.

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

CES, through its public protection and regulatory functions, has an important role to play dealing with crime and disorder. This Policy will support the directorate in protecting the public and the environment in a consistent, fair and transparent way, in line with both local and national priorities and legal requirements.

5. Background

5.1. CES regulatory activities are aimed at protecting the economic wellbeing and safety of Norfolk's residents and businesses and protecting the environment. How we carry out regulatory activities is key to supporting this aim.

5.2. Experience in regulatory enforcement shows that, in most cases, businesses and individuals comply with the law. Failure to do so generally stems from ignorance or carelessness, but sometimes from wilfulness or malice. A range of enforcement options is available to the Council but there is a need to discharge these in a consistent, fair and transparent way, as well as ensuring that the public or environment is adequately protected.

5.3. This Policy, once adopted, will be published via the NCC web pages.

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

Officer name : Sophie Leney

Tel No. : 01603 224275

Email address : sophie.leney@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 or 0344 800 8011 (textphone) and we will do our best to help.



Norfolk County Council

Enforcement Policy

Community and Environmental Services



If you need this advice sheet in large print, audio, Braille, alternative format or in a different language please contact us on 0344 800 8020

September 2018

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1 Introduction

- 1.1 This document applies to the enforcement activities carried out by the Community and Environmental Services (CES) Directorate of Norfolk County Council, including Trading Standards, Highways, Planning and the Norfolk Fire and Rescue Service (Fire Safety).
- 1.2 Where appropriate, additional enforcement protocols or policy may be developed to support this policy, for example where there are national requirements regarding a particular enforcement process. These will be appended to this policy as required. When read in conjunction with Annex 1 this policy constitutes the Local Enforcement Plan for Norfolk County Council Planning Services, as recommended by Paragraph 207 of the National Planning Policy Framework.
- 1.3 This Policy has been developed in conjunction with a range of stakeholders, including business representatives and is subject to annual review and approval.
- 1.4 The purpose of this Policy is to provide a framework to ensure that local authority enforcement is delivered in an equitable, practical and consistent manner. This is in line with the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, and regard has been given to the associated [Regulators' Code](#) (the Code) in the preparation of this policy. In certain instances it may be concluded that a provision in the Code is either not relevant or is outweighed by another provision. Any decision to depart from the Code will be properly reasoned, based on material evidence and documented.
- 1.5 Compliance with this Policy will ensure that we will strive to be fair, impartial, independent and objective. We are committed to ensuring that the decisions we take and the services we deliver take proper account of equality issues and, where necessary, put actions in place to address any barriers faced by protected groups.
- 1.6 Within the context of this Policy, 'enforcement' includes action carried out in the exercise of, or against the background of, statutory enforcement powers. This is not limited to formal enforcement action, such as prosecution or issue of notices, and so includes inspection to check compliance with legal or other requirements and the provision of advice to aid compliance.
- 1.7 For the purposes of this document 'formal action' includes: Prosecution, Simple Caution, Injunctive Action, Enforcement Order, Issue of Notices, Monetary Penalties, Seizure, Suspension, Withdrawal, Recall, Forfeiture, Revocation/Suspension of a licence, registration or approval, Disqualification of weighing or measuring equipment, Works in Default, Criminal Behaviour Orders, or any other criminal or civil/injunctive proceedings or statutory sanctions, applied either separately or in any other combination.
- 1.8 Where appropriate we will seek to recover our enforcement costs, including making formal applications for costs through the Courts.

Commented [NS1]: Clarification

Commented [NS2]: This has been re-worded to reflect the intention to engage with stakeholders as part of the 2018 review of this Policy

Commented [NS3]: Clarification this means inclusive of

Commented [NS4]: clarifies that formal actions include Injunctive Actions, withdrawal and recall of illegal products, Disqualification of weighing or measuring equipment' and Criminal Behaviour Orders

2 Principles of Inspection & Enforcement

2.1 Proportionality

2.1.1 We are committed to avoiding the imposition of unnecessary regulatory burdens and will endeavour to minimise the cost of compliance by ensuring that any action taken, or advice offered, is proportionate to the seriousness of the breach, as well as the risk to people, businesses, other organisations, animals, property, the community or the environment. In doing so we will choose approaches that are based on relevant factors including, for example, business size and capacity.

Commented [NS5]: Re-worded to clarify scope of risk considerations in applying equally to businesses, other organisations and animal health and welfare, also to align with Suffolk CC Enforcement Policy

2.1.2 We will usually give notice of our intention to carry out routine inspection visits, unless we are required by law to visit unannounced, or we have a specific reason for not giving prior notice. For example, this would include where the identity of the person or premises is unknown, or where it would defeat the objectives of the inspection visit to give such notice. Similarly, routine or reactive inspections of the highway and blue badges are not normally subject to such notice.

Commented [NS6]: Clarification that this includes blue badge enforcement

2.1.3 As far as the law allows, we will take account of the circumstances of the case and attitude of the people involved when considering action. We will take particular care to work with businesses and individuals so that, where practicable, they can meet their legal obligations without unnecessary expense, to support and enable economic growth.

2.1.4 The most serious formal action, including prosecution, will be reserved for serious breaches of the law.

2.2 Accountability

2.2.1 We will actively work with businesses and individuals to advise and to assist with compliance and requests for help. Contact points and telephone numbers will be provided for business and public use.

2.2.2 We will aim to carry out visits and inspections at a reasonable time and where appropriate to do so. In most cases our staff will show their identification (and authority if requested) at the outset of every visit and explain the reason for the visit. However, so that we can see things from the point of view of a customer or ordinary member of the public, we may carry out informal visits or arrange to buy goods or services and not introduce ourselves. Where we have to use a young person to carry out work on our behalf, such as in attempting to purchase age-restricted products, we will always use the latest Code of Best Practice.

Commented [NS7]: Re-worded to clarify circumstances in which ID would not be shown on informal visits, test purchasing etc, also to better align with Suffolk CC Enforcement Policy

2.2.3 Out of hours contact for services will be provided where there is a need for an immediate response/risk to public health, safety or damage to property, infrastructure or the environment.

2.2.4 The whole range of enforcement activities will be dealt with as promptly and efficiently as possible in order to minimise time delays.

2.2.5 Where appropriate, feedback questionnaires will be used to gather and act upon information about the services we provide.

2.2.6 We will include information to highlight new legal requirements on our website, with letters sent after an inspection or visit; and by providing or signposting advice and information to help businesses and individuals keep up to date.

2.2.7 We will have regard to fairness and individuals' human rights in all of our enforcement work through conforming to the European Convention on Human Rights (as implemented by the Human Rights Act 1998).

Commented [NS8]: Clarification on applicability of Human Rights Law

2.3 Consistency

2.3.1 All officers are required to act in accordance with this enforcement policy and our published service standards.

2.3.2 We will carry out our enforcement and advisory functions in an equitable, practical and consistent manner. We will adopt and adhere to relevant policy and guidance and will ensure that our officers are suitably trained, qualified and authorised to undertake their enforcement duties, and understand the principles of good regulation.

2.3.3 Where appropriate, we will publish clear service standards providing information on:

- a) How we communicate and how we can be contacted
- b) Our approach to providing information, guidance and advice
- c) Our risk assessment methodology used to determine inspection activity, clearly setting out what can be expected from us at the time of visit
- d) Any applicable fees and charges; and
- e) How to comment or complain about the service provided and the routes to appeal.

2.4 Transparency

2.4.1 In most circumstances we will seek to ensure that people affected by formal action are informed of what is planned, and allow for discussion and time to respond before the action is taken. We will also give them a named officer's contact details. These arrangements must have regard to legal constraints and requirements.

2.4.2 When a notice is served it will say what needs to be done, why, and by when, and that in the officer's opinion a breach of the law has been committed and why the notice is necessary. We will also make a clear distinction between legal requirements and recommended works.

2.4.3 As part of our commitment to equality we will communicate in a clear, accessible, concise, format using media appropriate to the target audience, in plain language. Where businesses or the public do not have English as a first language we offer translations of correspondence on request.

2.4.4 This Enforcement Policy is published via the Norfolk County Council website and we may also publish further guidance about specific/technical areas, such as the use of civil sanctions.

2.4.5 The publicity generated by legal proceedings acts as a deterrent to others, and reassures the general public that we take a serious view of illegal behaviour. We therefore publish the outcome of court

proceedings, including undertakings; as part of this we include the name of the defendant(s), unless directed not to do so by the Courts.

2.4.6 We will routinely publish the names and trading addresses of traders subject to legal proceedings, including prosecutions, enforcement orders, undertakings or the administrative issue of penalties/fines.

Commented [NS9]: Clarification that legal outcomes will be routinely published

2.4.7 We may also publish the names and trading addresses of traders who act in ways that represent a significant risk to consumers or the interests of legitimate businesses, subject to the following conditions:

- There is no risk of prejudice to legal proceedings or other formal enforcement action, and
- The evidence of unfair or illegal trading is conclusive, and
- It is in the public interest to do so, taking into account the personal circumstances of the offender and community cohesion, and
- To do so does not breach Human Rights or Data Protection Law, or the Children and Young Persons Act 1933.

Commented [NS10]: Clarification that a traders details may also be published where there is a significant risk to consumers or the interests of legitimate businesses, subject to all 4 of the conditions being met.

2.4.8 Examples of the current published enforcement action is via the [Norfolk Trading Standards web pages](#).

2.5 Targeted (Intelligence and Risk Led) Enforcement

2.5.1 Enforcement will be primarily targeted towards those situations that give rise to the most serious risks, and against deliberate/organised crime. Other determining factors will include local priorities, Government targets and priorities, new legislation, national campaigns and public concerns.

2.5.2 By having a coherent and risk based intelligence system, effective strategies can be formed to enable and co-ordinate solutions to particular problems. This enables the identification of new, current and emerging issues, allowing provision of strategic and tactical direction on how the issues can best be tackled. Subject to the provisions of Data Protection and Human Rights Law, we may also refer cases and/or share information and intelligence with other law enforcement agencies.

Commented [NS11]: Additional clarification that we may refer cases and/or share information and intelligence where it is legally permissible to do so

2.6 Supporting the local economy

2.6.1 We recognise that a key element of our activity will be to facilitate and encourage economic progress against a background of protection.

2.6.2 Wherever possible, we will work in partnership with businesses and individuals, and with parish councils, voluntary and community organisations, to assist them with meeting their legal obligations without unnecessary expense.

2.7 Reducing enforcement burdens

2.7.1 If there is a shared enforcement role with other agencies, e.g. the Police, Environment Agency or other local authorities, we will consider co-ordinating with these agencies to minimise unnecessary overlaps or time delays and to maximise our overall effectiveness. We will also liaise with the other regulators to ensure that any proceedings instituted are for the most appropriate offence.

- 2.7.2 We will follow the principle of “collect once, use many times” and share information that we collect with other local authority regulatory services to minimise business impact.
- 2.7.3 When conducting farm visits, we will have due regard to the [Farm Regulators’ Charter](#), which makes sure visits are carried out consistently across regulators. The charter covers all inspection types and visits of agricultural and aquaculture activities carried out by Farm Regulators.

3 Primary Authority Partnerships

- 3.1 Primary Authority is a statutory scheme established by the Regulatory Enforcement and Sanctions Act 2008. It allows an eligible business to form a legally recognised partnership with a single local authority in relation to the provision of tailored advice, guidance and assistance relating to regulatory compliance. The single local authority (known as the “Primary Authority”) is registered with the [Office for Product Safety & Standards](#) (OPSS), via the Primary Authority Register.
- 3.2 The Primary Authority then acts as the single point of contact between its partner business and the local authorities that regulate it. The Primary Authority can issue assured advice upon which the business can rely and can also, where appropriate, devise inspection plans for businesses. The inspection plan can place specific requirements on other local authorities and can require feedback on their checks to be given to the Primary Authority.
- 3.3 Where an enforcing local authority is considering enforcement action against a business that has a Primary Authority it is required to make a statutory notification to the Primary Authority. In most cases, this notification must be made before the action can be taken. However, in certain circumstances the notification can be retrospective. These currently include:
- abatement notices the Environmental Protection Act 1990
 - emergency prohibition notices under specified food hygiene legislation
 - prohibition notices under the Regulatory Reform (Fire Safety) Order 2005
 - notices of emergency remedial action under the Housing Act 2004
 - emergency prohibition orders under the Housing Act 2004
 - enforcement action that is required urgently to avoid a significant risk of harm to human health, the environment or the financial interests of consumers; and
 - enforcement action where the ‘pre-notification’ requirements of the scheme would be wholly disproportionate.
- 3.4 If another local authority proposes enforcement action which the Primary Authority deems to be inconsistent with the assured advice, the Primary Authority may seek to block the enforcement action. Where this is the case but is disputed, or there is a need for further considerations, the matter would be referred to the [Office for Product Safety & Standards](#) (OPSS) for their consideration/determination.

Commented [NS12]: The OPSS has replaced 'Regulatory Delivery'

Commented [NS13]: The OPSS has replaced 'Regulatory Delivery'

4 Enforcement Actions

Commented [NS14]: This section has been partly re-numbered for clarity

- 4.1 Nothing in this policy shall be taken to compel us to take enforcement action. In certain instances we may conclude that an enforcement response is not appropriate given the circumstances.
- 4.2 In deciding what enforcement action to take, we will have regard to the following aims:
- to change the behaviour of the offender
 - to eliminate financial gain or benefit from non-compliance
 - to be responsive and consider what is the most appropriate sanction for the particular offender and the regulatory issue concerned
 - to be proportionate to the nature of the offence and the harm/potential harm caused
 - to repair the harm caused to victims, where appropriate to do so
 - to deter future non-compliance.
- 4.3 Any decision to undertake formal enforcement action will be taken in the context of operational priorities, this policy and the [Council Constitution and scheme of delegations](#). Such decisions will include the use of intelligence in determining the nature of any response, as well as being subject to ongoing monitoring and review.
- 4.4 Where a right of appeal against a formal action exists other than through the courts, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.
- 4.5 ~~Where it is necessary to carry out a full investigation, the case will be progressed without undue delay.~~ All investigations into alleged breaches of legislation will be conducted in compliance with statutory powers, time limits and all other relevant legislation (and relevant Codes of Practice), including the requirements of:
- Police and Criminal Evidence Act 1984 (PACE)
 - Criminal Procedure and Investigations Act 1996 (CPIA)
 - Regulation of Investigatory Powers Act 2000 (RIPA)
 - Investigatory Powers Act 2016 (IPA)
 - the Criminal Justice and Police Act 2001 (CJPA)
 - Human Rights Act 1998 (HRA).
- 4.6 As part of any criminal investigation process, persons suspected of having committed a criminal offence will, wherever possible,
- be formally interviewed in accordance with PACE
 - be given the opportunity to demonstrate a statutory defence
 - have the opportunity to give an explanation or make any additional comments about the alleged breach
 - be offered translation/interpretation services ([language and British Sign Language](#)) where English is not their first ~~language~~.
- 4.7 As part of our enforcement function we may exercise a wide variety of powers, including the power to enter premises and inspect goods, to require the production of documents or records and, when necessary,

Commented [NS15]: This is has been removed as it is already a requirement arising from the legislation listed under 4.5

Commented [NS16]: New legislation and now in force

Formatted: Highlight

Commented [NS17]: This section has been amended as a result of consultation feedback – see committee report

Commented [NS18]: Amended from 'Officers' to 'our' to clarify this includes officers of the Council and any other person legally delegated to enforce the law on behalf of the Council

the power to seize and detain such material where they believe it may be required as evidence.

4.8 We may also take with us such other persons as may be necessary as part of our enforcement function. This may include Police Officers where there is the possibility of an arrest. In certain cases, we may exercise an entry warrant issued by a Magistrate in order to gain access to premises.

4.9 We may also use investigation equipment whilst undertaking our their duties, including hand held and Body-Worn Video (BWV) cameras. BWV devices are capable of recording both visual and audio information and can provide a number of benefits to enforcement agencies, including a deterrent to aggressive, verbal and physical abuse towards officers, and in providing additional evidence to support investigations. BWV will usually be deployed on an overt basis for a specific purpose, and where it is necessary and proportionate to do so. Any decision to deploy BWV on a covert basis will be made in accordance with the Regulation of Investigatory Powers Act (RIPA), related legislation, Codes of Practice and associated Council Policy.

Commented [NS19]: Clarified to include deployment via young people for Test Purchasing

4.10 Immediate Formal Action

4.10.1 Whilst recognising that most people want to comply with legal requirements, we also recognise that some will operate outside the law (both intentionally and unintentionally). Where possible, a staged approach to enforcement will be adopted, with advice and informal action explored to resolve the matter in the first instance. However, we will consider taking immediate formal action for the most serious breaches, including any of the following circumstances:

- Where the infringement causes or is likely to cause actual or emotional damage, or substantial loss or prejudice to people, businesses or other organisations
- Where there is a significant risk to public health, safety or wellbeing, or damage to property, infrastructure or the environment.
- Fraud, aggressive or deceptive/misleading practices/equipment, or practices seeking an unfair 'competitive advantage'.
- Illegal practices targeted at vulnerable people, including young people and the elderly.
- For matters where there has been recklessness or negligence, or a deliberate or persistent failure to comply with advice, warnings or other enforcement action.
- Where food fails food safety requirements.
- Any act likely to affect animal health or welfare, disease prevention measures, or the integrity of the food chain.
- Obstruction or assault (including verbal assault) of an officer in the execution of their duties.

Commented [NS20]: Amended to clarify the impact of actual or emotional damage to people, businesses etc

Commented [NS21]: Includes aggressive practices

Commented [NS22]: Not needed as covered by Fraud

Commented [NS23]: To clarify that immediate disqualification of weighing or measuring equipment may be necessary where the equipment is found to be so inaccurate as to be misleading and/or seeking an unfair competitive advantage

4.11 Advice, Guidance and Support

4.11.1 We are committed to using advice, guidance and support as a first response to the majority of breaches of legislation, subject to any need to take immediate formal action for the most serious breaches (see paragraph 4.10 above).

Commented [NS24]: Amended to clarify this is subject to 4.10 (Immediate Formal Action)

4.11.2 Any initial requests for advice from individuals or businesses on non-compliance will not necessarily ~~in themselves directly~~ trigger enforcement action. In such cases we will seek to assist in rectifying such breaches as quickly and efficiently as possible, where there is a clear willingness to resolve the matter.

Commented [NS25]: Amended for clarification

4.11.3 Any correspondence will clearly differentiate between legal requirements and good practice, and indicate the regulations contravened and the measures which will enable compliance.

4.11.4 Follow up checks will be carried out on a risk and intelligence-led basis and where a similar breach is identified in the future, previous advice will be taken into account in considering the most appropriate enforcement action to take on that occasion.

4.12 Where more formal enforcement action has previously been taken, such as a simple caution or prosecution, we recognise that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

4.13 Verbal or written warning

4.13.1 Compliance advice can be provided in the form of a verbal or written warning. In doing so we will clearly explain what should be done to rectify the problem, and how to prevent re-occurrence. Warnings cannot be cited in court as a previous conviction, but may be presented in evidence. Failure to comply with warnings or advice could result in more serious enforcement action being taken.

Commented [NS26]: Amended for clarification

4.14 Statutory (Legal) Notices

4.14.1 Statutory Notices are used as appropriate in accordance with relevant legislation. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

4.14.2 A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process for such notices will be provided to the recipient.

4.15 Monetary penalties

4.15.1 Fixed or variable monetary penalties may be issued where there is a specific power or delegated authority to do so and under the following circumstances:

- To provide an effective and visible way to respond to less serious crimes without going to court
- As a response to genuine problems or as part of a wider enforcement strategy.

4.15.2 Specific guidance for legislation, which includes the power to issue monetary penalties, may be produced to support this policy. Such guidance will be published alongside via our website. ~~An example of this is Norfolk County Council guidance for the enforcement of the Single Use Carrier Bags Charges (England) Order 2015, which is available [here](#).~~

Commented [NS27]: Other more recent guidance is available e.g secondary ticketing so no longer relevant to include this an example

4.15.3 Where the offender fails to discharge their liability resulting from any monetary penalty issued, alternative enforcement action will automatically be considered under this policy (including prosecution of the initial offence). Where prosecution is brought; an assessment will be made of other offences that may also have been committed in order that those charges may be considered at the same time.

Consideration will be given to the adoption of alternative remedies to the issue of a monetary penalty, such as those involving dedicated advice and training sessions, which aim to change the behaviour of the offender, whilst remaining proportionate to the nature of the offence and the harm/potential harm caused.

4.16 Licences, registrations and approvals

Local authorities have a role to play in ensuring that appropriate standards are met in relation to licences, registrations and approvals. We may ~~refuse to grant,~~ seek to review, temporarily remove, suspend or revoke any licence, registration or approval if we are made aware that actions have been carried out which undermine scheme objectives and/or would be unlawful. This includes those issued by other agencies.

Commented [NS28]: Amended for clarification

4.17 Seizure and Destruction

4.17.1 Some legislation permits our Officers to seize items such as goods and documents that may be required as evidence. When we seize goods, we will give an appropriate receipt ~~or other record of seizure~~ to the person from whom they are taken. On some occasions we may also ask a person to voluntarily surrender and transfer ownership of illegal goods to us.

Commented [NS29]: clarification of other types of record of seizure

4.17.2 Where we seize food for failing food safety requirements, or animal feed for non-compliance with feed law, an application will be made to the Court for a condemnation order, for the illegal product to be destroyed. We will provide details of where and when this application will be made to allow interested parties to attend the hearing.

4.17.3 Where products are found to present a serious risk we may seek to destroy or otherwise render them inoperable by virtue of EC Regulation 765/2008, the Regulation on Accreditation and Market Surveillance (RAMS).

Commented [NS30]: Clarification of this specific provision under EC Regulation 765/2008

4.18 Detention

4.18.1 Where food is suspected of failing food safety requirements, or where animal feed does not comply with specified feed law, it may be detained to allow further investigation.

4.18.2 When food or animal feed is detained, a notice of detention will be provided, detailing the detention arrangements, including the location where the product(s) will be detained.

4.19 Forfeiture

4.19.1 Where an accused has not agreed to voluntarily surrender any infringing goods then, on successful conclusion of legal proceedings, forfeiture may be applied for.

4.19.2 Where illegal goods have been seized but there is insufficient evidence of a defendant's identity or other circumstances which do not justify any other course of action, proceedings may be instituted for the forfeiture of those goods. This action is by way of a complaint to the Magistrates Court.

4.19.3 This does not preclude us from taking forfeiture proceedings in their own right in any other appropriate circumstances. We may also seek to recover costs of forfeiture proceedings from the defendant(s).

Commented [NS31]: Amended to include provision for destruction of illegal goods outside of parallel legal proceedings

Commented [NS32]: Clarification that we may also seek to recover costs of forfeiture proceedings from the absent defendant(s).

4.20 Injunctive Actions, Enforcement Orders etc

4.20.1 We will consider formal civil enforcement action in pursuance of breaches of law which have a detrimental impact on the collective interests of consumers or businesses.

4.20.2 When considering formal civil enforcement action, an Officer will, where appropriate, first discuss the circumstances with those suspected of a breach and, through consultation, attempt to resolve any issues. Alternatively, we will look to redress detrimental practices via a range of enforcement actions. These include the following:

- informal and formal undertakings
- interim and other court orders
- contempt proceedings.

We may ask the Court to consider other remedies as part of any proceedings, including compensation for victims.

4.21 Other Sanctions or Interventions

Commented [NS33]: This section has been amended as a result of consultation feedback – see committee report

4.21.1 We will consider other sanctions or interventions where legally available and appropriate to do so, including criminal behaviour orders under the Anti-Social Behaviour, Crime and Policing Act 2014, injunctions under the Local Government Act 1972 or equivalent orders to disrupt and/or prevent activities that may contribute to crime or disorder. This may also include arranging for the removal of websites where it is clear they are being used for illegal purposes.

4.22 Taking animals into possession/banning orders

4.22.1 Under the Animal Welfare Act 2006, if a veterinary surgeon certifies that 'protected animals' are suffering or are likely to suffer if their circumstances do not change, we will consider taking them into our possession and applying for Orders for re-imburement of expenses incurred and subsequent disposal. We may also look to other legislation where appropriate to ensure that similar standards of care and/or control

of animals is properly maintained. In some circumstances we will also consider applying to the Court to ban a person(s) from keeping animals.

4.23 Simple Cautions

4.23.1 In certain cases a simple caution may be offered as an alternative to a prosecution, for example for first time offending. The purpose of a simple caution is to deal quickly with less serious offences, to divert less serious offences away from the Courts, and to reduce the chances of repeat offences.

Commented [NS34]: Reflects Home Office Guidance on first time offenders

4.23.2 Officers will comply with the provisions of relevant Home Office Circulars. The following conditions must be fulfilled before a caution is administered:

- The offender has made a clear and reliable admission
- There is a realistic prospect of conviction
- It is in the public interest to offer a simple caution; and
- The offender is 18 years old or older at the time that the caution is to be administered.

4.23.3 A simple caution may appear on the offender's criminal record. It is likely to influence how we and other enforcement agencies deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment, or wishes to travel or move to certain countries. Simple cautions will be issued with regard to Home Office and other relevant guidance.

Commented [NS35]: clarification that for some less serious offences this does not necessarily result in a criminal record

Commented [NS36]: Clarifies restrictions on travel/residency in some countries arising from a Simple Caution

4.24 Prosecution

4.24.1 We may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as statutory notices have failed to secure compliance. The Council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

4.24.2 Before a decision to prosecute is taken, the alleged offence(s) will be fully investigated, a report compiled by the Investigating Officer and the file reviewed by a Senior Manager for legal decision. A prosecution will only be considered if the sufficiency of the evidence and the public interest falls within the guidelines as laid down by the Attorney General and Crown Prosecution Service [Code for Crown Prosecutors](#).

Commented [NS37]: Clarifies that the legal decision will always rest with a Senior Manager

4.24.3 Before making a decision whether or not to prosecute, consideration will also be given to:

- How well the prosecution supports our aims and priorities
- The factors contained in paragraphs 4.2 and 4.10 of this policy
- Action taken by other enforcement agencies for the same facts
- The nature and extent of any harm or loss, including potential harm and loss, and any offer of redress made by the offender to victims
- The willingness of the alleged offender to prevent a recurrence of the infringement

Commented [NS38]: Amended (numbering only)

- The likelihood of the alleged offender being able to establish a statutory defence
- The calibre and reliability of witnesses
- The probable public benefit of a prosecution and the importance of the case, e.g. the possibility of establishing legal precedent
- Cost effectiveness of a prosecution
- The scope for alternative routes for redress for ‘victims’ and their likelihood of success
- The impact of the intervention on small businesses in particular, to ensure action is proportionate.

A conviction can result in a criminal record and the court may impose a fine and, for particularly serious breaches, a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of assets. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors (see 4.26 below).

Commented [NS39]: clarification that for some less serious offences a conviction does not necessarily result in a criminal record

4.25 Proceeds of Crime Actions

4.25.1 Where appropriate, we will seek to recover the benefit that the offender has obtained from their criminal conduct through financial investigation.

4.25.2 Financial investigations will be undertaken in accordance with the Proceeds of Crime Act 2002. Such investigations may include applications to the Court requiring financial information to be provided (production orders) or in serious cases applications to freeze and/or confiscate criminal assets (restraint and confiscation orders). Where appropriate, consideration will also be given to seek compensation for victim losses as part of this process.

4.26 Directors

On the conviction of a Director connected with the management of a company the prosecutor will, in appropriate cases, draw to the Court’s attention their powers to make a Disqualification Order under the Company Directors Disqualification Act 1986.

5 Complaints, Compliments and Comments

Commented [NS40]: This section has been amended as a result of consultation feedback – see committee report

5.1 If you are unhappy with the service you have received, or we have failed to live up to our promises, managers are always willing to discuss with you the cause of your dissatisfaction, and will try to find a solution.

5.2 If you wish to make a complaint or send us a compliment or comment about our service please use our online procedure by going to:

[www.norfolk.gov.uk/compliments and complaints](http://www.norfolk.gov.uk/compliments_and_complaints)

Complaints can also be submitted by telephone to 0344 800 8020 or in writing to the Compliments and Complaints Team, at:

Norfolk County Council
County Hall

Martineau Lane
Norwich, NR1 2DH

If you are still not satisfied, and feel you have been caused injustice, our complaints process explains how the matter will be escalated, including how to complain to the Local Government Ombudsman.

- 5.3 If you wish to appeal against any enforcement action taken or have any other comments about this policy, you should write to The Executive Director - Community and Environmental Services, using the address in 5.2 above.

6 Conflict of Interest in Enforcement Matters

- 6.1 Where a breach is detected in which the enforcing authority is itself the responsible operator, for example operating as a food business, the following protocol will be followed:

- Where a breach of law is sufficiently serious to warrant more than the provision of advice, information, assistance or a written warning, or where the response to remedy the breach is considered insufficient, an additional authorised officer from another local authority will be requested to assist in the decision making process as to the action required. Senior Managers of the Council will be informed of serious breaches without delay.
- The additional officer's role is to assist and challenge the decision making process to ensure that appropriate, proportionate and consistent action is taken to remedy the breach, prevent re-occurrence and to minimise the risk of 'conflict of interest' for the enforcing authority. An auditable record of the additional officer's involvement will also be kept.

Commented [NS41]: Clarification that this is an additional officer

Commented [NS42]: Clarifies process

7 Where to get further information

- 7.1 Copies of this document and other information/advice are available from by writing to the Trading Standards Service using the address in 5.2 above.
- 7.2 We will make this policy available on tape, in Braille, large type, or in another language on request.

Commented [NS43]: This section has been changed to reflect the same postal address as paragraph 5.2



LOCAL MONITORING AND ENFORCEMENT PROTOCOL

**For the Extraction and Processing of
Minerals, Waste Management Facilities and
for County Council Development under
Regulation 3 of the Town and Country
Planning General Regulations 1992**

in

Norfolk

September 2018

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1.0 BACKGROUND

- 1.1 This document provides supplemental guidance to the County Council's Enforcement Policy (Community and Environmental Services) and is provided in the context of specific requirements arising from planning legislation and the National Planning Policy Framework (NPPF).
- 1.2 The National Planning Policy Framework, March 2012 (NPPF) replaced previous Planning Guidance from Central Government, including PPG18 on Planning Enforcement. Paragraph 207 of the NPPF states, 'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local Planning Authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.' In conjunction with the overarching CES Enforcement Policy, this Annex represents Norfolk County Councils Local Enforcement Plan for planning.
- 1.3 Schedule 1 to The Town and Country Planning Act 1990 as amended sets down the responsibilities for Town Planning within a two tier Planning Authority in England and Wales. Regulation 3 of The Town and Country Planning General Regulation 1992 authorises an authority to determine (subject to regulation 4), an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.
- 1.4 The Development Plan for the County comprises the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) 2010 -2016 (Adopted 2011), Norfolk Waste Site Specific

Allocations DPD, Norfolk Minerals Site Specific Allocations DPD (both adopted in 2013) and the adopted Borough and District wide Local Plans, including Development Plan Documents and Area Action Plans. Adopted Neighbourhood Plans which have been developed by local communities, also form part of the Development Plan. The County Council maintains an up-to-date list of local planning authority policy documents and Neighbourhood Plans.

2.0 GENERAL STATEMENT

- 2.1 Section 19 of The Waste (England and Wales) Regulations 2011 makes it a duty that where a Planning Authority has planning functions in relation to establishments or undertakings carrying on disposal or recovery of waste, the Planning Authority must ensure that appropriate periodic inspections of those establishments or undertakings are made.
- 2.2 There are two elements within this plan. The first being periodic inspections (Section 3.0), the second being the investigation and enforcement of planning breaches (Sections 4-8).
- 2.3 Planning breaches are normally not criminal offences and no sanction can usually be imposed. However, failure to comply with a formal notice is a criminal offence and making the person committing the breach liable to prosecution.
- 2.4 Where a planning breach occurs a Local Planning Authority (LPA - 'the Authority') is required to consider the expediency of formal enforcement action. Formal enforcement notices may be issued, including a Breach of Condition Notice, Enforcement Notice, Temporary Stop Notice, Stop Notice, Injunction, or Direct Action (following failure to comply with an Enforcement Notice). Enforcement action may result from any of the above or a combination of the above.
- 2.5 The Service of a Planning Contravention Notice constitutes formal action but does not in itself constitute enforcement. Rather it is a request for information relating to interests in the land and the nature of the alleged planning breach, although failure to comply with notice may lead to enforcement action as may the

information contained in the response.

- 2.6 Similarly the serving of a notice requesting information on land ownership and occupation under Section 16 of Local Government (Miscellaneous Provisions) Act 1976 is not considered to be enforcement.
- 2.7 The taking of formal enforcement action is discretionary. The Authority may choose to take no action, but will need to justify any decision not to enforce, and equally, any decision to take proportionate enforcement action. Any decision will be taken in line with the County Council's Communities and Environmental Services policy on enforcement.

3.0 MONITORING INSPECTIONS

- 3.1 To ensure confidence in the planning control system it is essential that the public and operators are conscious of a fair and effective system of monitoring all authorised and unauthorised development.
- 3.2 Monitoring of permitted sites is an essential tool of controlling development and preventing problems from developing. It is this 'pro-active' approach that often enables officers to anticipate likely breaches of planning control arising before they occur. It enables them to take immediate action to ensure that deterioration in the situation does not arise.
- 3.3 There are currently 213 operational and active mineral and waste sites in Norfolk. As there are no reserves of hard rock in Norfolk recycling of concrete and other rubble is a significant source of sub-base and fill material. The scale of an operation being undertaken at a site is not an accurate yardstick for allocating resources; experience will often show that small recycling and waste transfer sites can give rise to more complaints and the need for more officer time, in comparison with large sites.
- 3.4 Following an inspection of the site and relevant planning permissions, a report shall

be prepared and copied to the operator/owner usually within two weeks of such inspection taking place. The report shall amongst other matters detail any breaches identified and specify timescales for compliance with conditions that have been breached.

- 3.5 The Monitoring and Control Team will be consulted on all proposals to permit development by the Development Control Team in particular they will be consulted on the planning conditions intended to be attached to the planning permission.

MONITORING FEES

- 3.6 On 6 April 2006 The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006 came into force. This amendment, together with subsequent updates, enables Mineral and Waste Planning Authorities (MWPAs) to charge operators, where sites have planning permissions for mineral extraction and/or waste landfill, for the re-imbursment of the average costs calculated over all MWPAs providing a monitoring service.

- 3.7 The Authority has agreed a guidance note with minerals and waste operators on the charging regime for minerals and waste site inspections. The guidance note sets out the categories of sites and associated fees, the methodology for agreeing the number of site visits and the monitoring regime.

4.0 INVESTIGATION AND ENFORCEMENT

- 4.1 In seeking to secure the highest possible level of compliance with relevant legislation whilst conforming with The Human Rights Act 1998, The Police and Criminal Evidence Act 1984 (P.A.C.E.) the Enforcement Concordat, the Code for Crown Prosecutors the principal enforcement activities of the Authority are directed towards avoidance of infringements. It is nevertheless inevitable that breaches and offences will occur and the purpose of this protocol is to ensure that they are resolved in a consistent, transparent, balanced and fair manner.

- 4.2 Similarly, where an operator carries out development without complying with the conditions attached to a planning permission and this gives rise to problems leading to an unacceptable injury to amenity, the County Council's approach will be

to seek to remedy the injury in the first instance by negotiation and persuasion.

- 4.3 All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, or prosecution, is primarily based upon assessment of risk to public health, public safety, harm to amenity, economic well being or the environment.
- 4.4 Where appropriate, this Authority will endeavour to recover money under the Proceeds of Crime Act 2002.
- 4.5 This Authority will ensure that all clients subject to any enforcement action are informed of what is expected and the procedures that will be followed. This is to aim to avoid any misunderstandings and ensure transparency of all enforcement action.
- 4.6 This Authority, in exercising its function of ensuring compliance with planning control will:
- where there is serious harm caused to the amenity, take immediate action against a breach of planning control to stop further damage;
 - in all other instances, seek to resolve any problems within a reasonable timescale by discussion and negotiation without the need to resort to legal action;
 - only take enforcement action where it is necessary to do so to protect the public interest or to protect the environment, people and transport systems and the amenity of the area in accordance with the provisions of the local development framework;
 - ensure that action is always commensurate with the breach of planning control;
 - Give due regard to current legislation, policy framework, instructions, appeal decisions and relevant judicial authority;
 - where appropriate take into account comments made by the general public and consultees;
 - enable acceptable development to take place, even though it may initially have been unauthorised;
 - maintain the integrity of sites having interests of acknowledged importance;
 - where appropriate maintain liaison and contact with the general public, and

mineral and waste operators.

5.0 THE RELEVANT ENFORCING AUTHORITY

- 5.1 There is often an overlap of enforcement of activities involving waste disposal and recycling between the Authority, the District and Borough Councils' Environmental Health Departments (EHO) and the Environment Agency (EA). Where the unauthorised activity results in, or has the potential to result in, pollution, the EA will normally be the lead Authority. Where the activities involve a statutory nuisance the District Council EHO may be better placed to take action. In all cases that potentially involve the above bodies, consultations and discussions will take place to see which Authority is in the better position to lead the investigation and if necessary, take action.
- 5.2 The Authority will have regard to the fact that unauthorised development and some breaches of planning conditions involving wastes may be a criminal offence under legislation enforced by the EA and the Authority will liaise with the EA accordingly. The EA may be in a stronger position to ultimately remedy harm to amenity by way of prosecution and enforcing cessation of the harmful activities. In cases where unauthorised development causes or has the potential for serious harm to human health the Authority will have regard to the fact that it may be more appropriate for the HSE to be the lead Authority and will liaise with them accordingly.
- 5.3 Norfolk County Council is a two-tier Authority with seven District, Borough and City Councils; King's Lynn and West Norfolk Borough Council, Breckland District Council; North Norfolk District Council; South Norfolk District Council; Broadland District Council; Norwich City Council and Great Yarmouth Borough Council. All of whom are also planning authorities. In addition to these councils the Broads authority also has planning responsibilities for the Norfolk and Suffolk Broads area.
- 5.4 It is the intention of the County Council to work closely with other regulatory bodies when investigating and remedying an alleged breach of planning control. The County Council in dealing with all complaints concerning an alleged breach of planning control will identify the authority responsible for taking action and redirect

complaints to other regulating bodies where necessary.

6.0 GENERAL GUIDANCE

6.1 The County Council will have regard to the provisions of the Norfolk minerals and Waste development framework and relevant local plans and any other material considerations in the enforcement of planning control.

6.2 This Authority remains committed to fostering business enterprise and prosperity, provided that the necessary development can take place without unacceptable harm to local amenity. The regional 'Better Business for all' working group actively seeks to promote this aim. Whilst the Authority has a general discretion to take enforcement action when they regard it expedient, it does not condone wilful breaches of planning law. Moreover, in some cases effective enforcement action is likely to be the only appropriate remedy where a breach is causing unacceptable harm. The Authority will be guided by the following considerations:-

- (i) The Commissioner for Local Administration (the local ombudsman) has held, in a number of investigated cases, that there is "maladministration" if an Authority fails to take effective enforcement action which was plainly necessary or where an Authority fails to consider whether to take formal enforcement action or not and be able to show their reasoning for not initiating formal action, often resulting in an award of compensation payable to the complainant for the consequent injustice;
- (ii) The planning regulatory provisions are to ensure proper land use and to resolve breaches of planning control by removing unacceptable impacts on the environment and the amenity of the area. This ensures a 'level playing field' for legitimate businesses to develop and prosper.
- (iii) Enforcement action should always be commensurate with the breach of planning control to which it relates (for example, the Authority would

usually consider it inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site); and

- (iv) Where the Authority's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations will not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop.

- 6.3 It is not an offence to carry out development without first obtaining planning permission for it. If the Authority's initial assessment indicates it is likely that planning permission would be granted for development which has already taken place, the person responsible will be asked to submit a retrospective planning application. However this initial assessment is not binding on the Authority's subsequent decision to grant or not grant planning permission.
- 6.4 While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice will not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought. This would only apply to development which would be granted without any planning conditions being attached to control the development.
- 6.5 The Authority will not normally invite an owner or operator to submit a planning application if the unauthorised development is contrary to development plan policies or if it appears that any actual or potential harm cannot be made acceptable by the imposition of planning conditions; however we cannot prevent a landowner who is determined to apply for permission retrospectively.
- 6.6 If an operator or owner submits a planning application that the Authority has requested, the Authority will not normally consider formal enforcement action whilst the application is being considered. If agreement can be reached between the operator and the Authority about the operation being reduced to an

acceptable level (e.g. hours of operation, use of plant and equipment, routing of vehicles etc) during any period between a planning application being submitted and its determination, and the person concerned honours the agreement, formal enforcement action may be avoided

- 6.7 Where the Authority considers that development has been carried out without the requisite planning permission, but the development could be made acceptable by the imposition of planning conditions the owner or occupier of the land will be invited to submit an application, and pay the appropriate application fee, voluntarily. However, if, after a formal invitation to do so, the owner or occupier of the land refuses or fails to submit a planning application in these circumstances within a reasonable timescale, the Authority will consider whether to take formal enforcement action.
- 6.8 Accordingly, where an owner or occupier of land refuses or fails to submit a planning application which would enable the LPA to grant conditional planning permission, the Authority will be justified in issuing an enforcement notice if, in their view, the unauthorised development has resulted in any harm, or has the potential to cause harm, which can only be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission for the development.
- 6.9 If the location of the unauthorised development is unacceptable, but relocation is feasible, it is not the Authority's responsibility to seek out and suggest an alternative site to which the activity might be satisfactorily relocated. However, if an alternative site has been suggested, the Authority will make it clear to the owner or occupier of the site where unauthorised development has taken place that he is expected to relocate to the alternative site within a reasonable timescale. In such circumstances the Authority will usually agree a reasonable time-limit within which relocation should be completed.
- 6.10 What is reasonable will depend on the particular circumstances, including the nature and extent of the unauthorised development; the time needed to negotiate for, and secure an interest in, the alternative site; submit a planning application (if required) for the alternative site; consultation timescales; and the need to avoid

unacceptable disruption during the relocation process. If the owner or operator fails to provide justification for a suggested timescale, the Authority will set a timescale it considers reasonable. If a timetable for relocation is ignored, or it is evident that appropriate steps are not being taken to progress the relocation, the Authority will consider formal enforcement action. In that event, the compliance period in the notice will specify what the Authority regard as a reasonable period to complete the relocation.

- 6.11 Nevertheless if the unauthorised development is causing unacceptable harm to the environment or amenity, the Authority will consider issuing an Enforcement Notice and/or Stop Notice even if an alternative site has been identified and steps have been made towards relocation. The Authority considers that any difficulty or delay with relocation will not normally be a sufficient reason for delaying formal enforcement action to remedy unacceptable unauthorised development.
- 6.12 Where the Authority considers that unacceptable unauthorised development has been carried out, and there is no realistic prospect of its being relocated to a more suitable site, the owner or occupier of the land will be informed that the Authority is not prepared to allow the operation or activity to continue at its present level of activity, or (if this is the case) at all. If the development nevertheless provides valued local employment, the owner or occupier will be advised how long the Authority is prepared to allow before the operation or activity must stop, or be reduced to an acceptable level of intensity. If agreement can be reached between the operator and the Authority about the period to be allowed for the operation or activity to cease, or be reduced to an acceptable level, and the person concerned honours the agreement, formal enforcement action may be avoided. However the Authority will have regard to the possibility of intensification of the development after expiry of the statutory period for enforcement action. If no agreement can be reached, the issue of an enforcement notice will usually be justified, allowing a realistic compliance period for the unauthorised operation or activity to cease, or its scale to be acceptably reduced.

7.0 INVESTIGATION PRIORITIES

- 7.1 Investigating and remedying alleged breaches of control is labour intensive and the quality of the service is directly proportional to the resources available for regulating planning control. The resources allocated both in terms of staff and equipment (including noise monitoring equipment, topographical survey systems, IT and GIS based recording systems) for this purpose will, therefore, need to be reviewed on a regular basis as local circumstances change to take account of a fluctuating workload, advances in technology etc.

COMPLAINTS

- 7.2 A complaint/incident is an event or matter that is either brought to the Authority's attention or that monitoring and control officers may become aware of as part of their duty, and which may have a planning related impact. The type of complaints/incidents received by the Authority are split into 3 priorities:

7.3 Priority 1

Immediate or irreparable harm to the environment or immediate and substantial harm to amenity. Harm would be assessed in relation to impact on the environment. E.g. the impact of mineral, waste and Regulation 3 development would often be greater in an area close to residential amenities than it would be in the open countryside. The Authority will respond to the complainant within 24 hours and investigate the complaint within 3 working days.

7.4 Priority 2

On-going low-level harm to amenity or moderate and reparable impact on the environment. E.g. HGV's occasionally going in the wrong direction, and causing the road verge to break up. The Authority will respond to the complainant within 3 working days and investigate the complaint within 1 working week.

7.5 Priority 3

Occasional harm to amenity or the raising of long-standing issues leading to low level impact on the environment e.g. concerns about the permitted type of material (sand or waste) stored on a site with permission, but in the wrong place or slightly higher than the agreed height. The Authority will respond to the

complainant within 3 working days and investigate the complaint when the relevant officer is next in the area, but no later than one month of the receipt of complaint.

INVESTIGATION OF COMPLAINTS/INCIDENTS

- 7.6 A response to the complaint or incident will also require a record of the outcome of investigation. Where there is continued non-compliance and this results in further visits and investigation then these should additionally be recorded. (i.e. record as if they were new complaints/incidents). However, where the operator is taking known action to resolve the problem then this is classified as an ongoing event. It is not necessary to record this as a new complaint/incident.
- 7.7 Where separate members of the public report complaints/incidents about different issues relating to a site then these should be additionally recorded. Where multiple residents complain about the same incident then this is recorded as one complaint.
- 7.8 As part of our regular monitoring of planning permissions there are matters identified by officers that if reported to us separately would have been dealt with and recorded as a complaint/incident. These should now be recorded and information captured. The same applies as above in that, where there is continued non-compliance then this will be reported as a complaint/incident. However, where there is known action to resolve this then this would be considered an ongoing event and not separately recorded as a complaint/incident.
- 7.9 The Monitoring and Control Team will liaise with the Legal Services; Environment Agency; District Council or any other relevant Authority as necessary throughout the investigation.
- 7.10 When complaints about alleged breaches of planning control are received, they will be properly recorded and investigated. If the Authority decides to exercise its discretion not to take formal enforcement action it should be prepared to explain its reasons to the complainant, including where complaints are attributable to

repeated allegations from vexatious complainants and they have been previously proved unsubstantiated.

- 7.11 The Authority will ensure that anyone who does complain about a breach of planning control is dealt with in a polite, efficient and responsive way. All complaints that are received although confidential will be recorded and stored on a complaints register, which is an electronic and paper based system. The complaints register will enable the receiving officer to detail both the nature of the complaint and the action the Authority has taken to resolve it. Keeping a record of complaints will enable the Authority to assess and improve its overall service.
- 7.12 It may not always be necessary to visit sites to satisfactorily resolve a complaint. However, in most cases it may be necessary to establish whether there has been a breach of planning control by visiting the site. Where, following the investigation of a complaint, the Authority decides not to take formal enforcement action to resolve a substantive issue, the matter being satisfactorily resolved by other methods, the reason for this decision will be explained to the complainant. If, however, the Authority elects to instigate enforcement proceedings against the offender the complainant will be notified of the progress of that action.
- 7.13 The County Council in dealing with all complaints concerning an alleged breach of planning control within their responsibility will:
- treat them confidentially as far as practical;
 - ensure that they are acknowledged and actioned within the timescales prescribed in the priority rating;
 - deal with them expeditiously in a professional and efficient manner;
 - visit the site where necessary, and establish whether there has been a breach of planning control;
 - notify the complainant upon request of the progress of any action taken to resolve substantive matters forming the basis of the complaint;
- notify the complainant if the authority elects to commence enforcement action against the alleged breach of planning control and be prepared to explain the reason in the event formal enforcement action has not been taken.

8.0 PROSECUTIONS

8.1 Persons who fail to comply with a formal notice will normally be prosecuted if the non-compliance meets both of the following criteria:

(i) Evidential test i.e. where the evidence is sufficient for a realistic prospect of successful prosecution; and

(ii) Public Interest test i.e. where the prosecution is in the public interest.

9.0 MONITORING OF REGULATION 3 DEVELOPMENT

9.1 A procedure has been agreed between Norfolk County Council's Children's Services Department and the Monitoring and Control Team where by Schools development which falls within Regulation 3 of The Town and Country Planning General Regulation 1992 can be monitored and a fee levied.

9.2 The developments to be pro-actively monitored will fall into one or more of the following categories:

- Developments where planning permission was granted after 1 January 2009 and includes permanent external substantial building works.
- Major developments where planning permission was granted prior to 1 January 2009 and construction is still in progress.
- Developments where planning permission was granted prior to 1 January 2009, include permanent external substantial building works, and remain unlawful due to the failure to discharge pre-development conditions.

9.3 Prior to the inspection taking place, notification will be passed to the applicant informing them that an inspection will be scheduled for a given school. An initial list of developments has been agreed with Children's Services and notification of future inspections will be sent out to individual applicants.

9.4 Where a development has been permitted on an open school an appointment will be made prior to inspection. This generally ensures that the school will allow the

officer onto the site without issue and, if required, allocate a member of staff to accompany the officer. This will also allow the inspecting officer to check that work has begun prior to going on site.

- 9.5 Where a planning permission is found not to have been implemented it will be removed from the list and an invoice will not be raised. It is generally agreed that a single chargeable inspection will be required for smaller developments such as extensions, although a second non-chargeable visit may be required after completion of the development.
- 9.6 For major developments, such as new schools, two chargeable visits per year for the life of the construction phase will be required. A final chargeable visit to check completion and landscape implementation will also be required.
- 9.7 Failure to comply with all planning conditions could result in further chargeable visits being undertaken until full compliance is achieved. There will be a maximum of two chargeable visits per school in any one financial year.
- 9.8 Once the report has been completed, it will be sent to the applicant along with a copy of the planning permission and an invoice for payment.

10. MEMBER PROTOCOL

- 10.1 Local Norfolk County Council members will be informed when an Enforcement Notice is served in their division.
- 10.2 Members of the Council will be presented on a regular basis of not less than once per year with a report detailing the decisions made under delegated authority, performance statistics and enforcement update for the work of the Monitoring and Control Team.

September 2018

Norfolk County Council Flood and Water Management Enforcement Protocol

1.0 Introduction

This document provides supplemental guidance to Norfolk County Council's Community and Environmental Services (CES) Enforcement Policy, and is provided in the context of specific requirements arising from the Flood and Water Management Act 2010 and the Land Drainage Act 1991.

Norfolk County Council (NCC) is the Lead Local Flood Authority (LLFA) for the county. This role is fulfilled by the Flood and Water Management team.

This Protocol and guidance note has been adapted from best practice identified within local authorities in England. It is intended for use as guidance by Risk Management Authorities, developers and landowners.

2.0 Regulation of Ordinary Watercourses

The Lead Local Flood Authority has powers under the Land Drainage Act 1991 to exercise its regulatory powers in relation to watercourses outside of Internal Drainage Board areas and where they are not Environment Agency designated main rivers.

The Lead Local Flood Authority will take a risk-based and proportionate approach to exercising its regulatory powers under the Land Drainage Act 1991, taking into account the location and nature of any nuisance caused by;

- the failure to repair or maintain watercourses, bridges or drainage works
- un-consented works
- impediments to the proper flow of water

This approach will take into account whether the contraventions have or are likely to increase flood risk and what the consequences of any increase in risk may be. Where works are un-consented the Lead Local Flood Authority would require the landowner, person and/or Risk Management Authority responsible for the works to prove that the un-consented works would not cause a nuisance or increase flood risk.

With regards to the causes of the nuisances described above, the Lead Local Flood Authority has powers under Sections 21, 24 and 25 of the Land Drainage Act 1991 to serve notice on individuals who have caused contraventions.

In issuing a notice the Lead Local Flood Authority may set out the works required to resolve the contravention to an acceptable standard and the date by which the works should be completed.

If the works are not completed by the date set out in the notice, the Lead Local Flood Authority may take action to remedy the effect of the contravention or failure and seek to recover the costs incurred, as well as pursue any necessary prosecution.

3.0 Guiding Principles

Enforcement under the Land Drainage Act, 1991 will be carried out using the guiding principles as set out in the CES Enforcement Policy.

4.0 Process

a) Initial response

Where the Lead Local Flood Authority receives a complaint in relation to an ordinary watercourse, we will carry out an initial assessment to establish whether the actual or potential flood risk meets our threshold for intervention. We aim to complete this assessment within 21 days. However, there will be occasions when it is necessary to extend the period of assessment for more complex matters and/or to accommodate exceptional circumstances e.g. weather, flood conditions, etc. At the outset the complainant will be informed of the case officer who will follow up the enquiry and of the outcome of the assessment.

b) Initial assessment

The threshold for intervention will be based on the Lead Local Flood Authority's [impact criteria](#).

To assess the potential impact the initial assessment will consider the on-site conditions, any available historical data and high level indicators of potential risk, such as Environment Agency (EA) Flood risk maps for surface water flooding and flooding from rivers. It will also consider any other status of land e.g. conservation designations, common land etc.

To substantiate incidents of actual flooding as part of the initial assessment we will need to be provided with one or more of the following types of evidence:

- I. An insurance claim
- II. Records of emergency services and utility companies i.e. fire brigade attending to pump out a property
- III. Dated photos of the event
- IV. Written report from a Risk Management Authority

The evidence supplied will be determined in line with the guiding principles as set out in the CES Enforcement Policy.

The Lead Local Flood Authority may close an enforcement case file, where there is a lack of physical evidence to corroborate the impact of a flood event. If further relevant evidence was to come forward then the Lead Local Flood Authority may re-open the case file and undertake a further investigation.

C) Further Investigation

Where the initial assessment has identified an actual or potential risk of flooding that exceeds the adopted impact criteria, but where a site inspection has failed to identify the primary cause of the problem the authority may;

- consult with other organisations including other local authorities, Highway Authorities, Environment Agency, Natural England as appropriate.
- require or commission appropriate site surveys and inspections.

In deciding whether or not to carry out the above steps the LLFA will consider whether it is in the public interest to do so. Having regard to the actual and potential impacts of the flooding, the costs of carrying out the works and the likelihood of obtaining sufficient evidence to enable enforcement activity. Where the Lead Local Flood Authority is made aware of breaches of other legislation it will advise the appropriate authorities.

D) Outcome of initial assessment/Further Investigation

Once an initial assessment/further investigation has been carried out the complainant will be informed in writing as to the next course of action and this may include;

- I. Informing relevant party(s) of works that are required to be undertaken within the set timescale OR
- II. No further action by the LLFA and:
 - Providing advice to those affected on referral to the [First Tier Tribunal \(Property Chamber\), Agricultural Land and Drainage \(AL&D\)](#) or other relevant organisation, where appropriate
 - Informing relevant parties of their [riparian responsibilities](#)

Where it is considered that further action needs to be taken by the relevant landowner, person and/or Risk Management Authority responsible this will be explained within the letter that sets out the outcome of the initial assessment/further investigation. This will include the following:

- An explanation of the problem and the remedy required in accordance with the Land Drainage Act 1991.
- Depending on the nature of the problem we aim to ensure that remedial work is carried out within the timeframe specified in the letter (between 7 and 21 days of the date of the letter). However, there will be occasions when it is necessary to extend the period of compliance for more complex matters and/or to accommodate exceptional circumstances e.g. weather, flood conditions, etc. The time allowed will be reasonable in the circumstances. The extent of the work required will be proportionate to the scale of the problem.

- In certain circumstances practicalities may not allow for works to be done within the timeframe specified in the letter. The Lead Local Flood Authority will assess the circumstances with regards to enforcement and whether any works need to be deferred or amended to take into account the impacts of any works on wildlife. Examples where this may occur include:
 - Seasonal farming practices and Environmental Schemes can restrict access or time schedules to carry out works;
 - The nesting season for some birds occurs between the 1 March and 31 August and works might cause disruption if nests are present;
 - Presence of protected species will influence when it is most appropriate to carry out work.

Seeking resolution prior to serving notices

The Lead Local Flood Authority will seek to resolve the situation by means of negotiation with the person responsible and obtain compliance with a request to satisfactorily undertake the work required.

Serving notices under the Land Drainage Act 1991

If a positive response to the Lead Local Flood Authority's letter has not been received within the timescale specified and on inspection no work has been satisfactorily undertaken as required, a notice under the relevant section of the Land Drainage Act 1991 will be served. The notice will include the nature of the work to be carried out, the period within which it is to be carried out and any relevant right of appeal to a magistrates' court within 21 days of service of the notice (where applicable). A Notice under the Land Drainage Act 1991 is a legal document formally requiring specific work to be carried out within a set timescale.

A letter will accompany the notice and inform the responsible person that in the event of their failure to satisfactorily undertake the work, the Lead Local Flood Authority may carry out the work itself and recover from the person responsible the expenses reasonably incurred in doing so which will include recovering the costs of pursuing the case.

Enforcement of notices

Following service of the notice, one of four things will happen:-

- The responsible person will carry out the work to the satisfaction of the council.
- The responsible person may appeal the notice.
- The responsible person will fail to carry out the work to the satisfaction of the Lead Local Flood Authority and the Lead Local Flood Authority will seek to recover their expenses; and /or

- The Lead Local Flood Authority will, where appropriate, decide whether to take a prosecution against the responsible person, in addition to carrying out the work and seeking to recover the costs of that work.

Completion of proceedings

If the responsible person complies with the notice and completes the work to the satisfaction of the Lead Local Flood Authority, the Lead Local Flood Authority will write to the responsible person confirming the closure of the case and the end of the action.

No further action

The Lead Local Flood Authority may take no action where:

- there is no actual or potential risk to properties or infrastructure; and/or
- that the matter complained of is not the cause of the drainage problem; and/or
- the matter is trivial in nature

If this is the case, the complainant will be advised accordingly and a written communication will be sent to the complainant explaining the reason why no action is to be taken. The complainant will also be referred, where appropriate, to the [First Tier Tribunal \(Property Chamber\), Agricultural Land and Drainage \(AL&D\)](#) or other relevant organisation. The riparian owner will also be informed, as appropriate.

Examples of matters not requiring action may include minimal silting of the watercourse, slight vegetation overgrowth, the accumulation of a small quantity of debris etc

Advice

The Lead Local Flood Authority will provide basic information and advice to individuals of their riparian ownership responsibilities and of the route for appeal against other riparian owners where appropriate. The Lead Local Flood Authority may suggest that independent legal and/or technical advice is sought, where appropriate.

Data Protection

Information may be shared with [Risk Management Authorities](#) under Section 13 and 14 of the Flood and Water Management Act 2010 in order to exercise flood and coastal erosion risk management functions.

This information will be held securely and any processing will be performed in line with the requirements of the Data Protection Act 1998 and the General Data Protection Regulation from 25 May 2018. Norfolk County Council is registered as a Data Controller with the Information Commissioner's Office. Further details about how we process personal data can be found in our [Privacy Notice](#).

Further Information

Please consult the [Glossary of terms](#) document which supports this protocol.

Norfolk Fire and Rescue Authority

Fire Safety Policy Directive

ENFORCEMENT POLICY STATEMENT
(England and Wales)

Introduction

We are approachable and want to engage with and hear from you.

The following pages explain our enforcement policy. This document is supported by other documents required by the Regulators Code, namely our Service Standards and our Challenges, Appeals and Complaints procedure. This guidance has been produced in consultation with the Better Regulation Delivery Office (now Regulatory Delivery). This policy aims to explain our approach to our regulatory functions in relation to fire safety and public safety in our communities. It also explains the behaviours that business can expect receive from us and legal constraints and frameworks under which we operate.

Quick-guide

1. Introduction

The Norfolk Fire and Rescue Authority (the Service) (and its officers) will exercise its regulatory functions in accordance with the principles of better regulation and will comply with all relevant laws. Business should have a mainly positive experience of being regulated by the Service. To learn more, [click here](#).

2. Principles

The Service is tasked with seeing that people are safe in case of fire and believes that deaths and injuries caused by fire in regulated premises are preventable, if the right measures are taken. The Service and its officers will engage and work with business, in preference to enforcing fire safety standards. To learn more, [click here](#).

3. Regulation

The purpose of enforcement action is to bring about improvements in safety and in attitudes to providing safety. While the Service has laid down procedures for its officers, we will take each case on its merits. To learn more, [click here](#).

4. Helping Those We Regulate (Transparency)

The Service aspires to help regulated businesses and to work with them to resolve fire safety problems but will robustly enforce where the risk to people is highest and when those responsible refuse to help them. To learn more, [click here](#).

5. Targeting

The regulatory policy of the Service focuses on risk in case of fire and in places where we will be most effective in saving life. To learn more, [click here](#).

6. Accountability To Those We Regulate

The Service is accountable for its actions and is open to analysis and questioning of our regulatory work. To learn more, [click here](#).

7. Principles of Enforcement Action

A range of relevant factors will be considered before any enforcement action is taken by the Service. When action must be taken to improve safety, the Service will be clear about what is required. To learn more, [click here](#).

8. Our Enforcement Action

The Service would rather work with business to make places safe than enforce against them. When enforcement is needed; we will be clear about what must be done. Letters or notices may be sent to confirm what business needs to do to. All enforcement will be proportional to the risk. To learn more, [click here](#).

9. After Enforcement Action

The Service encourages dialogue and open communication during and after the enforcement process. Requirements for safety and how to challenge what we are asking for will be made clear. To learn more, [click here](#).

10. Failure to Comply With Requirements

When the Service makes an enforcement decision, there might be a route to appeal or challenge what we have said. How to do this (and how to complain about our behaviour) will be made clear. Business can talk to us. To learn more, [click here](#).

11. Simple Cautions and Prosecution

If an offence has been committed, it means the law has been broken and the Service can take the matter to court. In addition to going to court, there are other actions that the Service can take. To learn more, [click here](#).

12. Public Register

The Service must enter details of certain notices (called “relevant notices”) into a register to which the public have access. (In accordance with the Environment and Safety Information Act 1988). Further details are available on request or from the [CFOA public register web pages](#)

13. Other Duties of the Service

As well as ensuring that people are kept safe in case fire, the Service is also responsible for some other laws relating to public safety. To learn more, [click here](#).

14. Data Protection

The Service will comply with data protection laws. To learn more, [click here](#).

15. Freedom of Information

The Service is subject to the Freedom of Information Act, which provides a right of access to regulatory information held by the Service. To learn more, [click here](#).

-End-

More on the Introduction

1.1 This statement sets out the service that business and others being regulated by the Norfolk Fire and Rescue Authority (the Service) can expect from its regulatory and enforcement function and its appointed inspectors. It goes some way to satisfying the Regulators' Code by committing the Service and appointed inspectors to the principles of good enforcement with the assistance of effective procedures and clear guidance, which can be viewed by businesses and members of the public. [Procedures and Guidance](#)

1.2 This Enforcement Policy Statement has been prepared with regard to the following legislation and statutory guidance:

The Regulators Code - [\[more\]](#)

The Regulatory Enforcement and Sanctions Act 2008 - [\[more\]](#)

The Legislative and Regulatory Reform Act 2006 - [\[more\]](#)

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 - [\[more\]](#)

The Environment and Safety Information Act 1988 - [\[more\]](#)

The Regulatory Reform (Fire Safety) Order 2005 - [\[more\]](#)

The Licensing Act 2003 - [\[more\]](#)

The Explosive Regulations 2014 - [\[more\]](#)

The Petroleum (Consolidation) Regulations 2014 - [\[more\]](#)

1.3 The primary function of the regulatory part of the Service is to achieve safety in case of fire (in premise to which fire safety law applies).

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More on Our Principles

2.1 Fire safety regulation is founded on the principle that people should be kept safe in case of fire. We regulate to help secure this safety and through our regulation, we aim to provide a consistently high quality service to those we regulate. Our regulatory activity generally extends to premises in which there is a trade, business or other undertaking.

2.2 Non-compliance with fire safety law will mean that, in our view, people are at risk in case of fire. Where we identify people at risk in case of fire, we will respond

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proportionately to that risk; taking account of the likelihood and severity of the risk, in line with our service standards.

2.3 The Service believes in firm but fair enforcement of fire safety standards. We aim to achieve this by:

- proportionally applying the law to secure safety;
- being consistent in our approach to regulation;
- targeting our resources and enforcement action on the highest risk;
- being transparent about how we operate and regulate; and
- being accountable for our actions.

2.4 We will have regard to the Regulators Code when developing the policies and procedures that guide our regulatory activities. We will encourage and promote fire safety while minimising the associated costs of providing safety from fire.

2.5 We believe that by fostering good relationships with our business community and by working with them, we can improve public safety, business resilience, and can remove any unnecessary burdens of complying with fire safety law.

2.6 The Service will endeavour to engage with the business community, to seek their views about our policies and practices. (Details of engaging with us are available on request and on our website)

2.7 In the most serious cases of danger in case of fire, we will take immediate and decisive action to secure safety, for example by serving a prohibition notice that can stop people from using the premises.

For more information see [\[CFOA fire safety law web pages\]](#).

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More on the way we approach regulation

3.1 In accordance with the Regulators Code, the Service takes enforcement action (and imposes sanctions and penalties) to:

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- (a) change the behaviour of the offender;
- (b) change societal attitudes to the risks from fire;
- (c) eliminate financial gain or benefit from putting people at risk in case of fire;
- (d) exercise a proportionate response to the nature of the offence and the harm caused;
- (e) restore safety to premises where fire safety risks were found; and
- (f) encourage fire safety to be secured in future.
- (g) impose an appropriate sanction for the particular offender, which can include punishment through the courts (and the public stigma that should be associated with a criminal conviction);

[Click here for more information on the Regulators Code](#)

3.2 Avoiding fires is better than protecting people when fire occurs. Where fire is likely and / or the consequences of fire pose a hazard to people, it becomes necessary for us to take action (against the responsible person / duty holder) to reduce the risk. We have a wide range of enforcement action available to us.

The actions we may take include:

- (a) no action;
- (b) providing advice;
- (c) informal action;
- (d) formal action (including enforcement, alterations and prohibition notices);
- (e) taking samples of dangerous materials or extracts of recorded information; and
- (f) securing information to prepare for prosecutions.

3.4 The enforcement actions listed above are not written in an absolute order of escalation. Enforcement action taken by the Service is scalable and appropriate to the risk to people in case of fire.

3.5 When formal enforcement action is necessary, each case will be considered on its merits. All enforcement decisions will be fair, independent and objective. They will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.

3.6 All enforcement activities, including investigations and formal actions, will always be conducted in compliance with the statutory powers of the officer and all other relevant legislation, including but not limited to the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000, and in accordance with any formal procedures and codes of practice made under this legislation so far as they relate to the regulatory activity of the Service.

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More on helping those we regulate

4.1 We will help those responsible for delivering safety in case of fire (responsible persons and duty holders) to understand what is expected of them and what they should expect from the Service. Legal requirements will be clearly distinguished from best practice or non-statutory fire safety advice. We will publish guidance in a clear, accessible, concise, format using media appropriate to the target audience, in plain language.

4.2 (Details are available on request and on our website).

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More on Targeting

5.1 Our policy on inspections will be to focus primarily on those whose premises and activities give rise to the most serious risk to life in case of fire. In making an assessment of risk, we will take into account the fire safety record of those we regulate and the current risks to people in case of fire.

5.2 We will maintain a strategy that will identify and evaluate risks in premises as well as to the wider community and allocate resources to carry out inspections accordingly. We want to see fire safety provided in buildings and may take action against those regarded as putting people at risk in case of fire.

5.3 Earned recognition may be awarded to businesses for assurance of safety, including for example external verification of safety systems / practices.

5.4 Our Service Standards and plans including details of our risk-based approach to risk and are available on request.

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More on our Accountability

6.1 The Service is accountable to its community for its actions. This means we must have policies and standards against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and for handling complaints.

6.2 (Details are available on request and on our website [\[Complaints\]](#))

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More on the Principles of Enforcement Action

7.1 In assessing necessary and proportionate enforcement action, consideration will be given to (amongst other things):

- the safety history at the premises,
- the history of operational attendances and false alarms at the premises,
- safety referrals to the premises from other authorities / interested parties,
- any Primary Authority relationship that might be in place with the business,
- the adequacy of fire safety arrangements at the premises,
- the attitude of the responsible person / duty holder to providing safety,
- statutory guidance,
- codes of practice, and
- legal advice.

7.2 Certain enforcement action, such as the decision to use a Simple Caution and / or the decision to investigate for prosecution, is further and specifically informed by those matters set out below at section 11

7.3 In every case, when we require action to remedy unsafe conditions, we will explain the nature of the unsafe conditions to those responsible and will confirm the same in writing.

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7.4 Because, subject to any letter or notice we give, work must be done to improve or secure the safety of people in case of fire; we will agree reasonable timescales within which the work must be completed that are agreed with those responsible.

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More on Our Enforcement Action

8.1 The Service will offer duty holders information and advice both verbally and / or in writing. This will include an explanation of why any specified work is necessary and a time period within which the specified work should be completed. Educating, informing and advising responsible persons and duty holders about their duties under fire safety legislation will form a fundamental element of our enforcement regime. The Service will fulfil its obligation under section 6(2) of the Fire and Rescue Services Act 2004 to give on request, advice on fire safety free of charge.

8.2 Where we find risks to safety, we may deal with them by informal means or (where appropriate) we may take formal action by serving alterations, enforcement and / or prohibition notices. We may also issue Simple Cautions, and (in the most serious cases) may prosecute. Before formal enforcement action is taken, inspectors will provide the person responsible with an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference without recourse to formal enforcement action (unless immediate action is required to reduce the risk to life or to prevent evidence from being destroyed).

8.3 In certain circumstances, after evaluating the safety at premises, no action may be required. This will be the case when the safety of people in case of fire has been adequately secured.

8.4 If the likelihood of fire is high and the consequences in case of fire are low, advice may be given on how the likelihood can be reduced. Advice may also be given where the consequences of fire might cause harm to people but can be simply avoided. Advice can also be given to point out good practice or to

signpost business continuity advice or other business protections, for example protection from flooding.

- 8.5 Where the likelihood of fire is low / medium or the consequences of a fire are slight, informal action will be taken. Informal action will take the form of a letter, pointing out that people are at risk in case of fire, where in the building they are located and what has led to them being put at risk as well as what should be done to provide safety and how to prevent the same danger from recurring. Informal action may also be taken, if those responsible have displayed clear intentions to undertake corrective action. Failure to respond to informal action can result in escalation to formal enforcement action.
- 8.6 Formal action will take the form of serving a Notice (alterations, enforcement, and / or prohibition notices). Formal action will be taken when the consequences of fire are such that people are likely to be harmed, suffer serious injury or death. It can require specific action to be taken or certain activities to cease.
- 8.6.1 Where a reasonable known change to premises or to the use of premises could result in a significant increase in the risks to people on the premises, we may serve an Alterations Notice, which requires the responsible person / duty holder to notify us, before making that known change.
- 8.6.2 Enforcement Notices require improvements in safety and will point out: that people are at risk in case of fire; where in the building they are located; and what has led to them being put at risk, as well as what should be done to provide safety and how to prevent the same danger from recurring. Enforcement Notices include a reasonable period of time for safety to be put in place. Failure to respond to a formal Notice can result in escalation to an investigation for prosecution.
- 8.6.3 Where immediate action is considered necessary to keep people safe from fire, a Prohibition Notice, which can prohibit or restrict the use of premises, can be served. An explanation of why such action is required will be given at the time and confirmed in writing. Whereas a Prohibition Notice requires action to remove imminent and immediate risks in case of fire, an Enforcement Notice might also be served to deal with less imminent risks in case of fire.

8.7 Fire Safety law gives power to warranted inspectors to take samples of dangerous materials or extracts of recorded safety information and documents. When we take materials or documents we will provide an appropriate receipt.

8.8 In the most serious of cases we will gather information and conduct an investigation to prepare for a prosecution. The decision to prosecute a case will be taken by those with authority to do so in accordance with our Scheme of Delegations.

8.9 All our members of staff that make enforcement decisions will be required to follow the Regulators Code.

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More about After Enforcement Action

9.1 When the Service takes enforcement action we will discuss what is required to achieve safety for relevant persons with the responsible person / duty holder (taking into account the circumstances of the case, if they have been explained to us).

9.2 The Service will clearly explain any advice, required actions or decisions taken at the time of our visit and will be willing to discuss such matters on any future occasion to ensure those responsible have clarity of what must be done.

9.3 Our letters and notices will provide details in writing of what must be done and how to appeal against any of our regulatory decisions. Our letters and notices will also explain what will happen next, especially if you do not undertake the work. Our web-site has details of how to complain about our conduct, if you should feel it necessary. [\[Complaints\]](#)

9.4 We encourage those responsible for providing safety in case of fire to contact us, especially if there are any questions or comments about our regulatory activity. We will also maintain regular communication (where required) until safety has been provided.

More on a Failure to Comply With Requirements

10.1 Rights of and routes to appeal will be clearly set out in writing and issued with our letters.

10.2 The failure to comply with an alterations, enforcement or prohibition notice constitutes an offence and may result in prosecution.

10.3 We can withdraw alterations, enforcement and prohibition notices at any time but they will generally be deemed to be in force until such time as the notice is complied with, withdrawn or cancelled by the court.

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More on Simple Cautions and Prosecution

11.1 There are a number of offences that can be committed under Fire Safety law.

Among the foremost of these are failure to comply with a formal notice and failing to provide safety in case of fire to such extent that one or more people are put at risk of death or serious injury in case of fire.

11.2 The Service can deal with offenders through prosecution and Simple Cautions.

These legal actions are important ways to bring to account those responsible for alleged legal offences. Where appropriate, we will use one of these measures in addition to issuing a formal notice.

11.3 A prosecution may be taken following full consideration of the many factors arising for the alleged breaches of the law. Penalties for offences are awarded by the courts and can include fines, imprisonment or both.

11.4 A Simple Caution will only be used where a prosecution could be properly brought and there is a realistic prospect of conviction. A Simple Caution includes a written submission from the person responsible that an offence has been committed.

11.5 A record of a Simple Caution will be kept on file for three years and if a conviction for a further offence is brought within that period, the written submission of the previous offence will be introduced to the court for consideration.

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More about the Other Duties of the Service

13.1 In addition to Fire Safety law the Service is also responsible for the following regulations.

- Licensing authority for the Petroleum Consolidation Regulations 2014
- The Explosive Regulations 2014.

13.2 The Service can request a review of a premises license under Section 51 of the Licensing Act 2003. The options available to the Licensing Committee are:

- i. Modification of the conditions of the Licence
- ii. Exclusion of Licensable activity from the scope of the Licence
- iii. Removal of the Designated Premises Supervisor
- iv. Suspension of the Licence for a period not exceeding three months
- v. Revocation of the Licence
- vi. Issue of a Warning Letter
- vii. No Action

13.3 The Service enforces the requirements of Explosive Regulations 2014 through application of the Health and Safety at Work (etc) Act 1974 and the serving of improvement notices and prohibitions orders. [Regulating and Enforcing Health and Safety](#)

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More on Data Protection

14.1 The Service will comply with the principles of the Data Protection Act 1998 governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details. The following document Information Management Strategy lays out our strategic

approach to meeting these legal requirements. (Details are available on request and on our website [\[Information Management Strategy\]](#))

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More on Freedom of Information

15.1 Under the Freedom of Information Act 2000, individuals are given ‘a general right of access to information held by public authorities in the course of carrying out their functions subject to certain conditions and exemptions’. Under Section 19 of that Act, public authorities are required to produce a publication scheme setting out details of the information routinely published or made available, how the information is made available (in hard copy and on-line), and whether it is available free of charge or on payment.

15.2 Details of The Service’s publication scheme are available on request and on our website [Publication Scheme](#).

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The Regulators Code

The Regulators Code is a statutory code of practice for regulators and makes six broad requirements:

- i. To carry out their activities in a way that supports those they regulate to comply and grow;
- ii. To provide simple and straightforward ways to engage with those they regulate and to hear their views;
- iii. To base their regulatory activity on risk;
- iv. To share information about compliance and risk;
- v. To ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- vi. To ensure their approach to regulatory activity is transparent.

The service has taken regard of the Regulators Code in producing this policy statement.

For the full version click here: [‘The Regulators Code’](#)

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The Regulatory Enforcement and Sanctions Act

The Regulatory Enforcement and Sanctions Act (The RES) established The Local Better Regulation Office (later renamed as the Better Regulation Delivery Office (BRDO)). It also imposed a duty on Regulators to: (a) have regard to any guidance issued by BRDO, (b) a duty to comply with guidance where the Regulator is directed to do so by BRDO, and (c) a duty to have regard to any list of enforcement priorities published by BRDO. As a listed Regulator, the Service is committed to these duties.

For the full version click here: [‘The Regulatory Enforcement and Sanctions Act’](#)

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Legislative and Regulatory Reform Act

Part 2 of the Legislative and Regulatory Reform Act, requires the Service to have regard to the Principles of Good Regulation. We recognise that our regulatory activities should be carried out in a way which is: (i) proportionate; (ii) accountable; (iii) consistent; (iv) transparent; and (v) targeted to situations which need action.

When we exercise a regulatory function, which for the Service includes: the Regulatory Reform (Fire Safety) Order, [\[The Petroleum \(Consolidation\) Regulations 2014, Explosives Regulations 2014 and the Health and Safety at Work \(etc\) Act\]](#) we have regard to the Regulators Code.

For the full version click here: [‘Legislative and Regulatory Reform Act’](#)

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The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

The Legislative and Regulatory Reform (Regulatory Functions) Order imposes a duty on the Service to have regard to the Regulators' Code when determining general policies or principles. It requires that the regulatory activities of the Service are carried out in a way which is transparent, accountable, proportionate and consistent, as well as being targeted only at cases in which action is needed.

For the full version click here: '[Legislative and Regulatory Reform \(Regulatory Functions\) Order](#)'

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The Environment and Safety Information Act

The Environment and Safety Information Act requires the Service to make a publicly accessible record of formal enforcement action that we have taken.

For the full version click here: '[The Environment and Safety Information Act 1988](#)'

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The Regulatory Reform (Fire Safety) Order

The Regulatory Reform (Fire Safety) Order 2005 principally imposes a general duty on responsible persons and duty holders to take general fire precautions to keep people safe in case of fire and establishes enforcing authorities to enforce the provisions of the Order. The Service is an enforcing authority under the Order and is empowered to inspect premises and serve notices to improve safety standards (among others).

For the full version click here: '[The Regulatory Reform \(Fire Safety\) Order](#)'

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The Licensing Act 2003

The Licensing Act establishes the Service as a 'responsible authority' with whom the Licensing Authority must consult in connection with Licensable activities, including the sale or supply of alcohol or the provision of regulated entertainment or late night refreshment. The licensing objectives are to promote: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

For the full version click here: '[The Licensing Act](#)'

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The Explosive Regulations 2014

The Service is the local authority for the purposes of dealing with applications for registration or for a licence to store explosives (under certain prescribed conditions).

For the full version click here: [The Explosive Regulations 2014](#)

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The Petroleum (Consolidation) Regulations

The Service is the 'petroleum enforcement authority' and can grant 'storage certificates' for premises at which petrol is dispensed, and enforces The Petroleum (Consolidation) Regulations in premises to which those regulations apply.

For the full version click here: '[The Petroleum Consolidation Regulations](#)'

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Norfolk County Council Highways Enforcement Protocol

1.0 Introduction

Commented [NS1]: This section has been amended as a result of consultation feedback – see committee report

The Highways area teams receive a significant number of customer complaints each year relating to enforcement matters. These range from trading on the highway, such as car sales on verges, caravans / motorhomes being parked on the highway, blocked public footpaths and trailer or van mounted advertising hoardings.

The CES enforcement policy is followed, although priority is given to highway safety matters. Increasingly, the teams work with District and Borough Councils and on a more local level with Town and Parish Councils to achieve successful outcomes.

In the majority of cases, the legal processes relating to enforcement are well established, such as dealing with public rights of way issues under various sections of the Highways Act. The following processes are less well established and have been the subject of recent Local Member interest.

2.0 Vehicles for sale on the Highway

When a complaint is received or issue identified, the Highways Area team will notify the owner and ask them to remove it immediately. A phone call will suffice provided that a record is kept of the time and date.

The Highways Area team will re-inspect the site at least twice within the next calendar month, taking photos and noting the date and time of the inspections. If the problem persists after 4 weeks, the Highway Engineer and Area Manager will assess situation and identify a way forward.

3.0 Advertising Boards and Trailers on the Highway

At joint authority meeting, which included NPLaw, it was concluded that the most appropriate way forward in addressing the issue of illegal advertising boards and trailers was to use the Town & Country Planning Act 1990 rather than the Highways Act 1980, as this offered the best chance of a successful prosecution combined with deterrent fines. In these cases, District and Borough Councils would take be the Lead Authority.

However, where a complaint is received and the issue identified is likely to cause a danger to other highway users, the Highways Area team will;

- Check whether route is subject to an advertising ban by-law (generally District/Borough Council imposed)
- Laminated notices can be attached to towable hoardings if they are found to be on Highway land, illegal and causing a safety issue for highway users.
- If the contact details for the trailer owner are known, they can be contacted direct to remove the trailer. This can be by either telephone or the use of letter
- If letter is sent or contact details are unknown, a formal notice must be attached to the advertising hoarding. All fees charged should recover all costs incurred including Officer time, administration costs and hoarding collection costs.
- Officers can request the removal of unauthorised A Boards. Photographic records can be taken and re-inspection may be required
- Request for removal, by formal letter, should be made to the offending party, in their absence, immediate removal can be arranged and cost recovered.
- If there is a significant problem with a particular shopping area, precinct or high street it may be helpful for the Highways Engineer to arrange a meeting with the traders, town Councillors or Town Centre Managers to explain the procedure and our Duty of Care for all highway users
- In exceptional cases Area Managers can consider whether offenders should be prosecuted in Magistrates Court.

1.0 Introduction

In November 2011 Norfolk was designated as a Civil Enforcement Area and, following the commencement of the Disabled Persons' Parking Badges Act 2013, local authority enforcement officers are now able to inspect and retain a blue badge without police presence, if they have reasonable grounds for believing that an offence has occurred.

Wrongful or misuse of a Blue Badge is a strict liability offence. The County Council employs a Blue Badge Investigator to carry out follow up investigations and prepare the evidence in support of enforcements – including giving written warning, or recommendations for formal prosecutions or simple cautions.

The Community and Environmental Services Enforcement Policy is followed, and this protocol is to be read in conjunction with that over-arching document. The Blue Badge Investigations service forms part of the Infrastructure and Development Section. There is a close working arrangement with Trading Standards, who process the legal disposals, and with the Customer Services Centre (CSC) who administer the Blue Badge Scheme.

There is close liaison with District Councils who employ Civil Enforcement Officers (CEO), including guidance on the policy requirements for evidence-gathering and operational arrangements.

The misuse of the Blue Badge Scheme can have serious consequences for legitimate users by denying them access to essential services and facilities. Norfolk County Council are committed to reducing the level of misuse and increasing compliance with the scheme in pursuit of our traffic management duties and aims, and to support vulnerable people in Norfolk.

2.0 Identifying Offences

Blue Badge Offences are identified in 3 ways –

- Reports by members of the public via the online form or the CSC
- Badge Inspections and seizures by CEOs as part of normal patrol duties.
- Badge Inspections and seizures by the Blue Badge Investigator during specific patrols.

The County Council publicised the commencement of work by the Blue Badge Investigator and continues to publish on its website the results of enforcement action where a person is taken to court.

<https://www.norfolk.gov.uk/care-support-and-health/disabilities/blue-badges/blue-badge-enforcements>

We have provided guidance to Civil Enforcement Officers who have the power to inspect and retain Blue Badges. This includes when and when not to inspect/retain badges, what offences are likely to have been committed. How they should interact with members of the public in what is a stressful situation and the type of questions to ask to gather evidence.

3.0 Investigation Process

All investigations into alleged offences are conducted in accordance with statutory powers, relevant legislation and codes of practice.

Persons suspected of committing an offence will always where possible be formally interviewed in accordance with Police and Criminal Evidence Act 1984 (PACE). This is undertaken in 3 ways –

- Roadside interview by the Blue Badge Investigator
- Interview in person with the Blue Badge Investigator
- Postal Interview

The method chosen is dependent on how the alleged offence was identified.

The opportunity to demonstrate a statutory defence and offer mitigating information is, where possible, always offered during the PACE interview. Unsolicited information may also be recorded and used as part of the decision making process. We will also give an additional opportunity to offer mitigation following a road side interview by writing to the alleged person providing them with a copy of their responses.

4.0 Disposal

We are committed to giving advice, guidance and support to all those persons suspected of committing an offence and will do so at all stages of an investigatory process. Mitigating information where supplied will be used during the decision making process but, a formal disposal may still be the likely outcome.

There are four methods of disposal available to use in relation to the misuse of a Blue Badge.

1. No further Action (NFA) – the alleged offence may fall outside our jurisdiction, there may be insufficient evidence or formal action not in the public interest.
2. Written warning – The alleged offence was within our jurisdiction but there is insufficient evidence or formal action would not be in the public interest.
3. Simple Caution – In certain cases a simple caution may be offered instead of prosecution. When offering a simple caution we will comply with relevant Home Office Circulars and the offender will be made aware of the impact the simple caution may have on their life.
4. Prosecution - We may prosecute using different pieces of legislation depending on what offences are alleged. The legislation we use is;
 - Section 115/117 of the Road Traffic Regulation Act 1981
 - The Fraud Act 2006
 - Forgery and Counterfeiting Act 1981
 - The Theft Act 1968
 - Proceeds of Crime Act 2002

A person could also be issued with a penalty charge notice for any parking contravention that occurs.

In cases where a badge holder lets a third party use a badge, the issuing local authority can withdraw the badge under regulation 9(2)(a) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 after a relevant conviction has been obtained.

In certain circumstances involving prolific offenders Courts are able to disqualify drivers for a period of time under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000.

Environment, Transport and Development Committee

Report title:	Strategic and Financial Planning 2019-20 to 2021-22
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact	
<p>This report provides an update on the Service Committee’s detailed planning to feed into the Council’s budget process for 2019-20. The Council’s budget setting activity is informed by a range of documents including the Medium Term Financial Strategy, and the Council’s Vision and Strategy. Together, these help to set the context for medium term service and financial planning, which support the development of a robust, balanced budget for 2019-20.</p> <p>In particular, the report sets out EDT Committee’s specific proposals for savings in the context of the approach to developing options that was agreed at the Committee’s meeting in September. Savings are now presented for consideration and recommendation to Policy and Resources Committee, which will agree the savings to go into the consultation process for 2019-20 budget setting later in October.</p> <p>The report also provides the latest information about the Council’s overall budget planning position, including the forecast budget gap for 2019-20 to 2021-22.</p>	

Executive summary

This report forms part of the strategic and financial planning framework for Service Committees. It provides an update on the Council’s budget setting process, and sets out details of the actions required by Service Committees to enable the Council to set a balanced budget for 2019-20. The report details the link between the Council Strategy, the Norfolk Futures transformation programme, and the development of transformation and savings plans relevant to this Committee.

Recommendations

EDT Committee is recommended to:

- 1) Consider the content of this report and the continuing progress of change and transformation of EDT services;**
- 2) Note the Council’s latest budget assumptions and pressures, and the resulting revised forecast budget gap of £45.322m, which has been updated by Policy and Resources Committee to reflect the latest available information and following Service Committee input in September (paragraph 4.3 and table 1);**
- 3) Note the revised council tax planning assumptions set out in table 2;**
- 4) Approve the proposed savings for the 2019-20 budget round for recommendation to Policy and Resources Committee in October (table 5), in particular confirming those savings that are recommended to require consultation as set out in paragraph 6.4.**
- 5) Consider and identify any further key areas of risk in relation to 2019-22 budget planning for the Committee’s budgets, including any additional pressures and the robustness of existing planned savings as set out in table 4, noting that any**

changes may impact on the overall budget gap and will require additional offsetting savings to be found;

6) Note the budget planning timetable (section 7).

1. Introduction

- 1.1. The County Council agreed the 2018-19 Budget and Medium Term Financial Strategy (MTFS) to 2022 at its meeting 12 February 2018, at the same time as it agreed a new Strategy for the County Council, Norfolk Futures. The Council has a robust and well-established framework for strategic and financial planning which updates the MTFS position through the year to provide Members with the latest available financial forecasts to inform wider budget setting work across the organisation.
- 1.2. In July 2018, Policy and Resources Committee considered how the 2019-20 budget planning process would be aligned with the Council's Strategy, Norfolk Futures. The Committee agreed: budget assumptions and key areas of risk in relation to 2019-22 budget planning, the budget planning principles and guidance for 2019-20, and commissioned Service Committees to begin developing savings proposals.
- 1.3. In September, EDT Committee:
 - Agreed the proposed approach and key themes to focus on in developing savings proposals for 2019-20 to 2021-22, including how the principles of the Council's Strategy, Norfolk Futures, would inform and shape budget planning activity, having regard to the existing savings for 2019-20 and beyond which were agreed as part of the 2018-19 budget round; and
 - Commissioned officers to develop detailed savings proposals to be presented to the Committee for consideration at this meeting in order to help close the forecast 2019-20 to 2021-22 budget gap.
- 1.4. This report builds on the position reported to Service Committees in September and represents the next stage of the Council's budget planning process. In particular, the paper sets out details of the saving proposals identified for 2019-20 and subsequent years, for the Committee's consideration.

2. County Council Strategy and Norfolk Futures

- 2.1. The report to Policy and Resources Committee sets out how the Council's Vision and Strategy will inform the development of the 2019-20 Budget.
- 2.2. Caring for our County, the vision for Norfolk, approved by Members in February 2018, outlines the Council's commitment to playing a leading role in:
 - Building communities we can be proud of;
 - Installing infrastructure first;
 - Building new homes to help young people get on the housing ladder;
 - Developing the skills of our people through training and apprenticeships;
 - Nurturing our growing digital economy; and
 - Making the most of our heritage, culture and environment.

- 2.3. The Council's Strategy for 2018-2021 – Norfolk Futures – will provide the mechanism to enable these ambitions for the County across all of its activities.
- 2.4. Norfolk Futures will deliver these transformational commitments in a context where demand for our services is driven both by demographic and social trends, and where increasingly complex and more expensive forms of provision are becoming prevalent.
- 2.5. Norfolk Futures is guided by four core principles that will frame the transformation we will lead across all our work:
 - Offering our help early to **prevent and reduce** demand for specialist services;
 - **Joining up** work so that similar activities and services are easily accessible, **done once and done well**;
 - Being **business-like** and making best use of **digital technology** to ensure value for money; and
 - Using evidence and data to **target our work** where it can make the most difference.
- 2.6. Under the banner of Norfolk Futures we will deliver sustainable and affordable services for the people who need them most. The whole Council needs to change to keep up with increasing demands and ever better ways of working.
- 2.7. These principles frame the transformation that we must lead across all our services and activities. This is all underpinned by evidence and political support, to change how the Council works and how we work with the people of Norfolk.
- 2.8. By 2021 the strategy and underpinning Service Plans will have moved the Council towards a more sustainable future with affordable, effective services. This means that we will have radically changed the ways we do some things. We will know our citizens and manage their needs effectively using the best evidence to enable the most appropriate outcomes. We will be working jointly across the Council on our biggest challenges by default, and changing the way we work to reflect new technology and ways of working. This will enable us to work smarter, better and plan long term to be the Council the County needs.
- 2.9. These principles frame the transformation across all our services and activities and we currently have 7 priorities to help us to deliver the strategy:
 - Safer Children and Resilient Families;
 - Promoting independence for Vulnerable Adults;
 - Smarter Information and Advice;
 - Towards a Housing Strategy;
 - Digital Norfolk;
 - Local Service Strategy; and
 - Commercialisation.
- 2.10. Further information about the Norfolk Futures priorities relevant to this Committee, and how they will inform and support 2019-20 budget planning, are set out below.

3. Service Transformation

- 3.1. The overall vision for EDT Committee services was set out in strategic financial planning report discussed by the Committee in September. CES has responsibility for the delivery of a wide range of services; there is no hierarchy as

each area has a vital role to play in achieving better outcomes for Norfolk. Whilst our audience is “universal”, many of our services are now focused on supporting the principles and priorities laid out in Norfolk Futures, and in particular, the social care demand management agenda. We can proactively provide information and advice to help people to make better choices that enable them to live fulfilling independent lives.

We continue to provide vital services to ensure that our residents are safe, both in their own homes and when out and about in our County. Broadly, CES services are focussed around the following outcomes:-

- Safety and harm reduction
- Proactive prevention
- Providing choices
- Raising aspirations
- Improving outcomes and economic growth

In terms of transformation, as discussed at the September meeting, the broad approach across CES is focussed around:-

- Cost reduction
- Collaboration
- Development

4. 2019-20 Budget Planning

4.1. The Medium Term Financial Strategy (MTFS) was agreed in February 2018 including £78.529m of savings and with a remaining gap of £94.696m. The MTFS provided the starting point for the Council’s 2019-20 Budget planning activity. Full details of cost pressures assumed in the Council’s MTFS are set out in the 2018-19 Budget Book.¹ The September report to this committee set out:

- Budget planning principles 2019-20
- Budget assumptions 2019-20
- Council tax assumptions
- Budget risks identified
- Indicative savings requirements

2018-19 budget position

4.2. The latest information about the 2018-19 budget position is set out in the budget monitoring report elsewhere on the agenda. Budget planning for 2019-20 is based on the assumption that the 2018-19 Budget is fully delivered (i.e. that all savings are achieved as planned and there are no significant overspends). Further pressures in the forecast 2019-20 Budget have been provided for as detailed later in this report.

Latest forecast budget gap 2019-20 to 2021-22

4.3. In September, following feedback from Service Committees, Policy and Resources Committee then considered the latest planning information and an updated budget position. The current position, taking into account the changes agreed by Policy and Resources Committee, and assuming that new savings can

¹ <https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/budget-and-council-tax/budget-book-2018-22.pdf?la=en>

be identified at the required level of £22.089m for 2019-20, is shown in the table below. Changes in the Council's funding assumptions have mitigated some of the identified pressures.

- 4.4. Assuming that collectively Service Committees are successful in identifying savings at the indicative level required for 2019-20 (as identified in the July Policy and Resources report), the latest gap position indicates **a reduced forecast gap of £45.322m for the period 2019-20 to 2021-22, with a small £0.609m gap remaining to be closed in 2019-20.**
- 4.5. Policy and Resources Committee will receive a further update on the overall gap position for the County Council in October. The budget position and the associated assumptions are kept under continuous review, and will be updated to reflect any changes arising from the Government's Autumn Budget, or further information about the Council's funding position as it becomes available up until budget-setting by County Council in February.

Table 1: Latest forecast budget gap 2019-20 to 2021-22²

	2019-20	2020-21	2021-22	Total
	£m	£m	£m	£m
Forecast gap as reported to September Service Committees (agreed at 16 July 2018 Policy and Resources)	22.089	48.454	24.153	94.696
Pressures				
Children's Services budget pressures including LAC	5.000	2.000	2.000	9.000
Children's Preventing Radicalisation pressure	0.120	0.000	0.000	0.120
Children's Centres saving delay	1.700	-1.700	0.000	0.000
Adult market pressures	2.000	0.000	0.000	2.000
Leap year pressure in Adult Social Care	0.550	-0.550	0.000	0.000
Property savings (including income targets) at risk	1.500	1.000	0.500	3.000
Pressure from 2019-20 national pay award and associated salary scale changes	0.345	0.000	0.000	0.345
Total new pressures	11.215	0.750	2.500	14.465
Proposed mitigations				
Collection Fund	-4.688	0.000	0.000	-4.688
Council tax tax base (additional 1.5%)	-5.918	-6.305	-6.341	-18.564
MRP pressure reprofiled	0.000	-5.000	5.000	0.000
Additional capital receipts	0.000	-10.000	0.000	-10.000
2% Council Tax increase 2021-22	0.000	0.000	-8.498	-8.498
Total mitigations	-10.606	-21.305	-9.839	-41.750
Delivery of 2019-20 savings target (as identified at 16 July 2018 Policy and Resources)	-22.089	0.000	0.000	-22.089
Latest forecast gap for planning purposes (24 September 2018 Policy and Resources)	0.609	27.899	16.814	45.322

² As presented to Policy and Resources Committee September 2018 (please note this does not reflect any amendments arising from Policy and Resources Committee decisions in September).

- 4.6. In view of the budget gap and the difficulty in identifying future year savings, Policy and Resources Committee has been recommended to consider incorporating a planning assumption that council tax in 2021-22 be increased by 1.99% as shown in the table above. The level of council tax is ultimately subject to agreement by Full Council each year, and there will be an opportunity to consider the required level of council tax in light of any future Government announcements relating to the Fair Funding Review and Comprehensive Spending Review. The MTFs planning position set out in this paper is therefore based on the following council tax increase assumptions (and also assumes there is no scope to increase the Adult Social Care precept in 2019-20 under the current terms set out by Government):

Table 2: Council Tax assumptions (as per Policy and Resources Committee 24 September 2018)

	2019-20	2020-21	2021-22
Assumed increase in general council tax	2.99%	1.99%	1.99%
Assumed increase in Adult Social Care precept	0.00%	0.00%	0.00%
Total assumed council tax increase	2.99%	1.99%	1.99%

- 4.7. The planned 2.99% increase in council tax is based on the current understanding of updated assumptions and flexibility offered by the Government in the 2018-19 local government finance settlement. Any reduction in this increase will require additional savings to be found. The assumed council tax increases are subject to Full Council's decisions on the levels of council tax, which will be made before the start of each financial year.
- 4.8. Assumptions around increases in the council tax base have been increased to 2.0% (from the original assumption of 0.5% annual growth), based on recent trends.

Key budget risks 2019-20

- 4.9. Uncertainties remain about a number of items **which have not currently been reflected in the budget planning assumptions**, but which could potentially result in an increase in the overall gap. As a result, additional pressures, which have not currently been provided for, may arise in 2019-20 relating to:
- Further pressures arising within Service Committee budgets including:
 - SEN High Needs pressures (Children's)
 - Pressures relating to the Health system (Adults)
 - Increasing the level of the General Fund reserve; and
 - Changes in the forecast 2018-19 level of savings delivery to allow for any mitigation of undeliverable savings.
- 4.10. The risks and assumptions relating to the 2019-20 Budget will continue to be monitored and updated as budget planning activity proceeds.

5. Savings allocation

- 5.1. The following table sets out indicative savings required to close the identified gap by Committee which were agreed by Policy and Resources Committee and reported to Service Committees in September. As set out above, there may be an

opportunity for the level of savings required in 2020-21 and 2021-22 to be reduced in future years based on the latest budget planning position.

Table 3: Indicative savings by Committee

	2019-20 £m	2020-21 £m	2021-22 £m	Total £m	Proposed share of new savings %
Adult Social Care	-9.626	-19.527	-9.745	-38.898	41%
Children's Services	-5.726	-12.064	-6.037	-23.827	25%
Environment, Development and Transport	-2.820	-5.988	-2.962	-11.770	12%
Communities	-1.647	-6.262	-3.115	-11.025	12%
Digital Innovation and Efficiency	-0.369	-0.736	-0.373	-1.477	2%
Business and Property	-0.154	-0.180	-0.045	-0.379	0%
Policy and Resources ³	-1.747	-3.697	-1.875	-7.319	8%
Total	-22.089	-48.454	-24.153	-94.696	

5.2. Existing savings in the Council's MTFs are shown by Committee in the table below. These are the savings agreed as part of the 2018-19 (and earlier) budget process, and will need to be delivered **in addition** to any new savings proposed to close the remaining budget gap.

Table 4: Planned net recurring savings 2018-19 to 2021-22

Committee	2018-19 Saving £m	2019-20 Saving £m	2020-21 Saving £m	2021-22 Saving £m	Total Saving £m
Adult Social Care	-27.290	-9.351	-13.700	-3.900	-54.241
Children's Services	-2.641	-4.342	-2.000	-2.000	-10.983
Environment, Development and Transport	-1.440	-0.310	-0.350	-1.850	-3.950
Communities	-1.803	-0.435	-2.786	-1.500	-6.524
Business and Property	-1.051	-2.075	-2.050	-1.150	-6.326
Digital Innovation and Efficiency	-0.726	-1.000	-0.700	0.000	-2.426
Policy and Resources ⁴	4.952	1.356	-0.387	0.000	5.921
Grand Total	-29.999	-16.157	-21.973	-10.400	-78.529

³ Including Finance General

⁴ The net savings position for Policy and Resources Committee reflects the reversal of a number of significant one-off savings from 2017-18, such as the use of the Insurance Fund and the use of Capital Receipts totalling £11.299m. The gross savings to be delivered by Policy and Resources Committee budgets in 2018-19 are £6.347m.

6. Committee response

6.1. Service Committees considered service-specific budgeting issues in September. These include:

- Weather/environment - a number of services have risks directly related to the weather/environment. For example, the amount of spend on winter maintenance depends on how hard the winter season is and for how long, waste volumes increase during long periods of good weather (green waste like grass cuttings) and flooding events impact local communities. In addition, there is clear evidence that severe or prolonged weather conditions impact directly on the condition of the highway, including the number, severity and speed of deterioration of potholes.
- Waste – there are a number of pressures and risks relating to the waste service. Whilst recycling and waste minimisation activities continue, housing and population growth means that the overall trend of waste volumes continues to increase. There is also continued uncertainty in the recycling commodities market, in part due to the impacts of restrictions from China accepting recycled materials. Central Government are also considering future waste legislation which is expected to be published later this year, and which could bring new financial implications e.g. ‘incineration tax’.
- Concessionary fares - there continues to be a shortfall in the funding from Government. Another 3 year deal has been successfully negotiated with bus operators to mitigate this. The current agreement expires at the end of March 2020, and a new arrangement will need to be negotiated.

2019-20 Budget proposals

6.2. The new savings proposals are summarised in the table below, and further information on each is provided in Appendix A.

Table 5: New 2019-20 Saving Proposals

Proposal Note: savings are shown as a negative figure	2019-20	2020-21	2021-22	2019-22 Total	Risk Assessment
	£m	£m	£m	£m	RAG
Capitalisation of activities to release a revenue saving	-1.559	0	0	-1.559	Green
Further roll-out of street lighting LEDs	-0.050	0	0	-0.050	Green
Changing back office processes and efficiency	-0.103	0	0	-0.103	Green
Vacancy management	-0.294	-0.025	0	-0.319	Green
Household Waste Recycling Centres – reuse shops	-0.054	-0.050	0	-0.104	Green
Review and management of contracts in Highways and Waste	-0.158	-0.079	0	-0.237	Amber
Highways Commercialisation	-0.080	-0.161	0	-0.241	Red
Re-model back office support structure	-0.180	0	0	-0.180	Red
Highways Services	0	-0.100	0	-0.100	Amber
Income Generation	-0.225	0	0	-0.225	Green
Total	-2.703	-0.415		-3.118	

- 6.3. The Committee's discussions about proposed new savings will be reported to Policy and Resources Committee in October 2018 and used to inform development of the Council's 2019-20 Budget to enable an overall assessment of the budget position to be made.

2019-20 Budget proposals requiring consultation

- 6.4. Of the new budget proposals set out in Table 5 above (and detailed in Appendix A), officers do not consider that any of the proposals require public consultation.

For some of the other proposals, although public consultation is not required, officers will discuss the proposals with relevant stakeholders during the consultation period.

- 6.5. For those proposals with staffing implications, the associated staff consultations will be carried out prior to the January Committee meeting, where possible.

7. Budget Timetable

- 7.1. The Council's overarching budget setting-timetable for 2019-20 was agreed by County Council in February as part of the 2018-19 Budget. The timetable is updated as further information becomes available (for example about the timing of Government announcements). The latest version of the timetable is set out in the table below.

Table 6: Budget setting timetable 2019-20 to 2021-22

Activity/Milestone	Time frame
County Council agree recommendations for 2018-22 including that further plans to meet the shortfall for 2019-20 to 2021-22 are brought back to Members during 2018-19	12 February 2018
Spring Statement 2018 announced	13 March 2018
Consider implications of service and financial guidance and context, and review / develop service planning options for 2019-22	February – June 2018
Member review of the latest financial position on the financial planning for 2019-22	July 2018
Development of savings proposals 2019-22	June – September 2018
Member review of service and budget planning position including savings proposals	Committees in October 2018
Consultation on new planning proposals and council tax 2019-22	Late October to December 2018 / January 2019
Chancellor's Autumn Budget 2018	October 2018
Provisional Local Government Finance Settlement	December 2018
Service reporting to Members of service and financial planning and consultation feedback	January 2019
Committees agree revenue budget and capital programme recommendations to Policy and Resources Committee	Mid-January 2019
Confirmation of District Council tax base and Business Rate forecasts	31 January 2019
Final Local Government Finance Settlement	TBC February 2019
Policy and Resources Committee agree revenue budget and capital programme recommendations to County Council	28 January 2019
County Council agree Medium Term Financial Strategy 2019-20 to 2021-22, revenue budget, capital programme and level of council tax for 2019-20	11 February 2019

8. Financial implications

- 8.1. Potentially significant financial implications for the Committee's Budget are discussed throughout this report. Any implications of the Autumn Budget and the three changes expected to be implemented in 2020-21 will be reflected as far as possible in the Council's 2019-20 budget planning, and these impacts will need to be refined as further information is made available by Government.
- 8.2. Specific financial risks in this area are also identified in the Corporate Risk Register, including the risk of failing to manage significant reductions in local and national income streams (RM002) and the potential risk of failure to deliver our services within the resources available over the next 3 years commencing 2018/19 to the end of 2020/21.
- 8.3. Risks relating to budget setting are also detailed in the Council's budget papers. There is a risk in relation to the Comprehensive Spending Review and the Fair Funding Review that a failure by the Government to provide adequate resources

to fund local authorities could lead to a requirement for further service reductions, particularly where the Fair Funding Review results in a redistribution between authority types or geographical areas.

9. Issues, risks and innovation

9.1. Significant risks, assumptions, or implications have been set out throughout the report. Some general risks relating to development of budget proposals are as follows:-

- Income generation - as we continue to maximise and increase reliance on generation of income from various sources and become more reliant on market factors, we increase our risk. This includes work as part of the Commercialisation priority under Norfolk Futures.
- External funding – there are a number of projects and services being fully or partly funded by external funding, for example grants from other organisations and successful funding bids. Many of these include an element of match funding or similar expectations about the County Council’s input. Reductions in revenue funding could impact on our ability to do this and we could risk losing funding or our ability to successfully bid for funding in the future.
- Staffing - It is unlikely to be possible to deliver the level of savings required without some changes and reductions in staffing levels. The CES Department has already made a number of changes/reductions to staff in recent years, including reducing the number of managers in the department, but further reductions will be needed. Although we will take steps to minimise the impact of any changes as far as possible, including by introducing new ways of working, there is a risk that a reduced workforce will directly impact on the level of service we are able to deliver.

9.2. Equality issues were considered in the Equality Impact Assessment of 2018-19 budget proposals. Decisions about significant savings proposals with an impact on levels of service delivery will require public consultation. As in previous years, new 2019-22 saving proposals, and the Council’s Budget as a whole, will be subject to equality and rural impact assessments later in the budget-setting process.

10. Background Papers

Norfolk County Council Vision and Strategy

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/corporate/council-vision-and-strategy>

Norfolk County Council Revenue and Capital Budget 2018-22 (Item 4, County Council 12 February 2018)

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/592/Committee/2/SelectedTab/Documents/Default.aspx>

Norfolk County Council Budget Book 2018-22

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/budget-and-council-tax/budget-book-2018-22.pdf?la=en>

Strategic and Financial Planning 2019-20 to 2021-22 (Item 10, Policy and Resources Committee, 16 July 2018)

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/128/ctl/ViewMeetingPublic/mid/496/Meeting/1419/Committee/21/SelectedTab/Documents/Default.aspx>

Strategic and Financial Planning reports to Committees in September 2018
<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings.aspx>

Strategic and Financial Planning 2019-20 to 2021-22 (Item 9, Policy and Resources Committee, 24 September 2018)
<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/128/ctl/ViewMeetingPublic/mid/496/Meeting/1420/Committee/21/SelectedTab/Documents/Default.aspx>

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EDT Committee Budget Proposals

Ref	Proposal Note: Savings are shown as a negative figure	Further Information about the proposal	Saving 2019-20 £m	Saving 2020-21 £m	Saving 2021-22 £m	Total Saving £m	Risk Assessment
EDT19201	Capitalisation of activities to release a revenue saving	Capitalisation of some activity that is currently revenue funded, within the financial rules. Switching to this type of funding means that the revenue budget is available for saving, without the need to make any changes to the level and type of activity. This proposal relates to various elements of capitalisation in the highways service.	-1.559	0	0	-1.559	Green
EDT19202	Further roll-out of street lighting LEDs	Roll-out of more LED street lights, which enables an energy saving. This proposal is to implement on residential streets, and is in addition to the significant investment we have already made in LED technology on street lights. As with previous LED roll-outs, there is a need for investment to enable this to progress, on an invest to save basis, and this has been agreed with the Executive Director of Finance and Commercial Services. Discussions with our contractor, Amey, are well progressed and no issues identified.	-0.050	0	0	-0.050	Green
EDT19203	Changing back office processes and efficiency	We are reviewing our back office spend across the whole of CES and looking to harvest all of the savings available. This proposal includes savings in staff travel, subsistence and training budgets.	-0.103	0	0	-0.103	Green
EDT19204	Vacancy management	This relates to posts in the Support and Development, Environment, Highways and Waste services. As part of the overall recruitment approach in the department, we actively review vacancies and, where they arise, take opportunities to test out new ways of working,	-0.294	-0.025	0	-0.319	Green

Ref	Proposal Note: Savings are shown as a negative figure	Further Information about the proposal	Saving 2019-20 £m	Saving 2020-21 £m	Saving 2021-22 £m	Total Saving £m	Risk Assessment
		including alternative ways to structure work allocation within teams.					
EDT19205	Household Waste Recycling Centres – reuse shops	The proposal is to put reuse shops in place at further three recycling centres (Wells, Bergh Apton and Snetterton), in addition to the nine already in place. This will enable additional income generation and will reduce waste volumes for disposal, which will deliver a saving, and we will look to make further contract efficiencies.	-0.054	-0.050	0	-0.104	Green
EDT19206	Review and management of contracts in Highways and Waste	The saving will be delivered by working with contractors to review and renegotiate existing contract arrangements to enable savings. This will include reducing overhead costs and reviewing application of inflation to rates. This relates to contracts in the highways and waste services. There will be no changes to front-line service standards or service delivery.	-0.158	-0.079	0	-0.237	Amber
EDT19207	Highways Commercialisation	Savings delivered through the Commercialisation of the highways services. Members discussed highways commercialisation at the September Committee meeting and agreed the proposal in principle, and further work is being carried.	-0.080	-0.161	0	-0.241	Red
EDT19208	Re-model back office support structure	This relates to a re-structure of some teams in the Support and Development Group. The majority of this saving amount is on the basis that the proposal for highways commercialisation proceeds, which would provide the opportunity to re-work processes and ways of working, and reduces the back-office support requirement from the service. The detailed work to deliver the saving has not yet been carried	-0.180	0	0	-0.180	Red

Ref	Proposal Note: Savings are shown as a negative figure	Further Information about the proposal	Saving 2019-20 £m	Saving 2020-21 £m	Saving 2021-22 £m	Total Saving £m	Risk Assessment
		out. Should the highways commercialisation project not proceed, for whatever reason, we will seek to deliver the saving through alternative means e.g. further vacancy management. The service has a relatively high turnover of staff, as it is often an entry point into the organisation.					
EDT19209	Highways Services	More streamlined arrangements with Norwich City Council for the management of the Highways Agency Agreement in Norwich, which sees the City Council carry out highways services in the City on behalf of the County Council. Work is underway, with the City Council, to review existing arrangements and to identify areas for potential saving. At this stage, this work is not complete.	0	-0.100	0	-0.100	Amber
EDT192010	Income Generation	There are two elements of income generation. £220k relates to income through the introduction of the DIY waste policy previously agreed by Members. Now that the new arrangements have been in place for some months, we are clearer about the level of income the service generates and are confident that a further £220k can be delivered, in addition to the saving already agreed by Members. The remaining £5k relates to additional income generation by the developer services team through their continued work to provide advice and guidance to developers.	-0.225	0	0	-0.225	Green
	Total		-2.703	-0.415		-3.118	

Environment, Development and Transport Committee

Report title:	Annual Local Levy Setting for the Regional Flood and Coastal Committee
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services

Strategic impact

Under the Regional Flood and Coastal Committees (England and Wales) Regulations 2011, the County Council's appointed members of the Regional Flood and Coastal Committees (RFCCs) are entitled to vote on the levying of money from the County Council by the RFCC.

The outcome of the local levy vote has a financial impact on the authority as well as a real terms impact on the availability of money to fund flood mitigation work.

Executive summary

Norfolk County Council (NCC) appointees to the Eastern RFCC exercise their voting rights in setting of a financial levy on the County Council. NCC has 2 votes (out of a maximum of 10) on the Eastern RFCC.

The levy for the Eastern RFCC in 2018/19 financial year amounted to £720,132. The levy vote is based on a % change from the previous year's figures. In 2017/18 the Eastern area RFCC voted to increase the Levy by 4%.

The annual levy from the County Council supports significant flood mitigation work as part of the RFCC programme and draws in approximately £5 of central government money for every £1 of local levy spend. The RFCCs oversee this programme of capital and maintenance works to reduce the risk from flooding and coastal erosion.

Between 2013 and 2017 over £3 million was spent on flood risk and coastal erosion mitigation projects in the Eastern RFCC area of Norfolk. Local Levy paid for 37% of this spend.

Forecast spend on flood risk and coastal erosion mitigation projects in the Eastern RFCC area of Norfolk from 2017 to 2027 is estimated to be over £6 million of which 25% is likely to come from Local Levy.

The projects that have benefitted from Local Levy support in the Eastern RFCC area of Norfolk include tidal defences in Great Yarmouth, coast protection schemes in Sheringham and Bacton, NCC surface water studies in Norwich, Great Yarmouth, Cromer, Sheringham and North Walsham and a programme of property protection measures for residents who have suffered flooding.

Recommendations:

Members are asked to:

Decide on NCC's preferred position on the annual Local Levy setting to support member appointees in the levy setting vote at the Eastern Regional Flood and Coastal Committee meeting in October 2018

1. Proposal

- 1.1. To decide on Norfolk County Councils position on the annual Local levy vote for the Eastern Regional Flood and Coastal Committee (RFCC).
- Option A: 0% increase in Local Levy
 - Option B: 2% increase in Local Levy (based on the % increase agreed by the Central RFCC in 2017/18)
 - Option C: 3% increase in Local Levy (based the % increase of Council Tax in 2018/19)
 - Option D: 4% increase in Local Levy (based on the % increase agreed by the Eastern RFCC in 2017/18).

2. Evidence

- 2.1. The Environment Agency raises a levy on upper tier and unitary Local Authorities each year. This is called the 'Local Levy'. The amount payable for each local authority is determined by reference to the Local Authority approved council tax base. Local Levy has been raised as a precept on Local Authorities for many years to enable Regional Flood and Coastal Committees (RFCCs) to fund local priority projects and support the Flood and Coastal Erosion Risk Management (FCERM) Programme.
- 2.2. In the 2018/19 financial year, Norfolk County Council paid a total of £720,132 in Levy contributions to the Eastern RFCC.
These payments come out of Norfolk County Council's finance general budget.
- 2.3. In 2017/18 the mandate for the NCC RFCC appointees was to support levy increases up to 3%. However, the Eastern area RFCC voted to increase the Levy by 4%.
These decisions and changes in the council tax base raised the amount of Levy paid to the Eastern RFCC by £32,003 in 2018/19.
- 2.4. Between 2013 and 2017 over £3 million was spent on flood risk and coastal erosion mitigation projects in the Eastern RFCC area of Norfolk. Local Levy paid for 37% of this spend.
Forecast spend on flood risk and coastal erosion mitigation projects in the Eastern RFCC area of Norfolk from 2017 to 2027 is estimated to be over £6 million of which 25% is likely to come from Local Levy.

Eastern RFCC Capital and Local Levy spend				
	Capital Expenditure 2013 - 2017	% Local Levy spent	Forecast Expenditure to 2027	% Forecast Local Levy spend
Norfolk County	£3,227,259	37	£6,017,286	25

- 2.5. The projects that have benefitted from Local Levy support in the Eastern RFCC area of Norfolk include tidal defences in Great Yarmouth, coast protection schemes in Sheringham and Bacton, NCC surface water studies in Norwich, Great Yarmouth, Cromer, Sheringham and North Walsham and a programme of property protection measures for residents who have suffered flooding.

Local Levy is also used to part fund a programme of asset and river maintenance and has supported the rain gauge project across the whole of the County and has been used to employ LLFA Liaison and other support Officers.

3. Financial Implications

3.1.

RFCC	2018/19 payments	Indicative 2019/20 payments					
		2% increase		3% increase		4% increase	
		Increase	Total	Increase	Total	Increase	Total
Eastern	720,132	14,403	734,535	21,604	741,736	28,805	748,937

However, the RFCC votes separately and may vote for a % increase not supported by NCC, the increase may be different to that recommended by this committee.

These figures are based on the 2018/19 Council Tax Base which may be subject to change.

4. Issues, risks and innovation

4.1. The constitution of Regional Flood and Coastal Committees stipulates that only local authority appointees to the committee can vote on levy setting. As set out below in 5.2 a large number of local authorities are involved in levy setting of which Norfolk County Council is just one. This can mean in some years NCC appointees are outvoted. The effect of this is to bind the authority to the RFCC decision even if it is different from EDT's proposal and that voted for by NCC members on the RFCC.

5. Background

5.1. The Regional Flood and Coastal Committees bring together members appointed by Lead Local Flood Authorities (LLFAs), such as NCC, and independent members with relevant experience for three purposes:

- To ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines;
- To promote efficient, targeted and risk-based investment in flood and coastal erosion risk management that optimises value for money and benefits for local communities;
- To provide a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to engender mutual understanding.

5.2. Norfolk County Council area is covered by 3 Regional Flood and Coastal Committees (depicted in Appendix A). These areas are based on river basin catchments.

The Anglian Eastern RFCC consists of:

A chair appointed by the Minister;

Persons appointed by or on behalf of constituent authorities;

Essex County Council	4
Norfolk County Council	2
Suffolk County Council	2
Southend on Sea Borough Council	1
Thurrock Council	1

5.3. Cllrs Mick Castle and Judy Oliver are the NCC representatives on the Anglian Eastern RFCC.

5.4. Members vote on the setting of the Local Levy each year, using a simple majority system of a quorum of members. In the Anglian Eastern RFCC, at least 6 members must be present and therefore a decision can be passed by as few as 4 members.

Officer Contact

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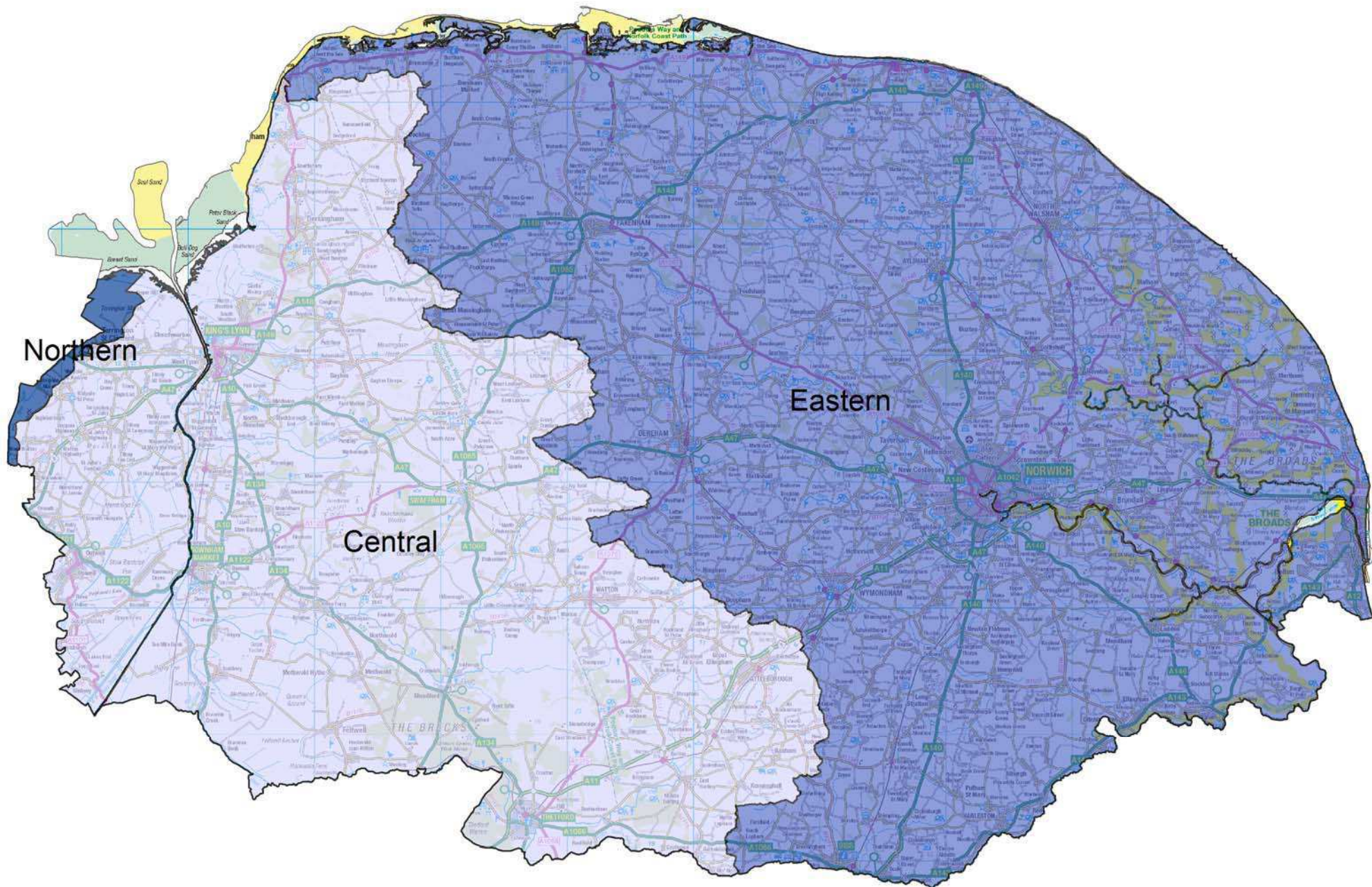
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Appendix A: Regional Flood & Coastal Committee areas in Norfolk



Environment, Development and Transport

Report title:	Consultation by the Ministry of Housing, Communities & Local Government and the Department for Business, Energy & Industrial Strategy on Planning and Shale Gas
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact Norfolk County Council is the Minerals Planning Authority of Norfolk.	

Executive summary

This Ministry of Housing, Communities & Local Government (MHCLG) is currently consulting on proposals to extend permitted development rights to the sinking of boreholes in association with exploration for shale gas. If implemented it would mean that developers would no longer need to apply for planning permission from the relevant minerals planning authority. At the same time the Department for Business, Energy, & Industrial Strategy (BEIS) is consulting on proposals that would make proposals for shale gas production Nationally Significant Infrastructure Projects. As such applications for planning permission would be determined by the Secretary of State.

Recommendations:

The Committee is recommended to:

Agree to respond to the above consultations in line with the comments listed in Appendix A and Appendix B attached to this report.

1. Proposal

- 1.1. The BEIS consultation document seeks views on the criteria that should be used for inclusion of shale gas production under the nationally significant infrastructure regime. Potential criteria which it is suggested could be used alone or in combination are listed below ;
 - Number of production wells required
 - Quantity of Recoverable gas
 - Gas Production Rates
 - Local or National Grid connection implications
 - Scale of Associated Equipment required
- 1.2. The consultation is also seeking views on the timing of the change from the current regime to the implementation of criteria for inclusion of shale gas production schemes as NSIP's
- 1.3. With regards to the introduction of permitted development rights it is proposed to limit them to the exploration phase of shale gas developments and for the activity permitted to be restricted to core sampling that does not involve hydraulic fracturing in itself.

- 1.4. The current proposal lists a number of areas where permitted development rights would not apply
- Areas of Outstanding Natural Beauty
 - National Parks
 - The Broads
 - World Heritage Sites
 - Sites of Special Scientific Interest
 - Scheduled Ancient Monuments
 - Conservation areas
 - Sites of archaeological interest
 - Safety hazard sites
 - Military explosive areas
 - Land safeguarded for aviation or defence purposes
 - Protected groundwater source

2. Evidence

- 2.1. The Government announced its intention to consult on these proposals back in May 2018 through two ministerial statements. In doing so it pre-empted the publication of the findings of the inquiry by the Communities and Local Government Committee which, among other matters looked at the way in which planning applications for such developments should be addressed. Owing to the timing of the consultation it was not possible to bring the matter before the Committee, instead the matter was dealt with by the delegations procedure. A copy of the delegated report and response to the Committee can be found as appendices to this report.
- 2.2. The Authority's response to the previous consultation, highlighted the general lack of public support for hydraulic fracturing and suggested that any changes to the planning process that removed decision making from local level would be likely to exacerbate this. This was subsequently endorsed by the committee in their findings.
- 2.3. The Committee was not convinced that an individual fracking operation would be of such a physical scale or its contribution to the UK's overall energy needs be such so as to be "nationally significant". Furthermore the Committee found that there was little to be gained from bringing fracking NSIP regime and unequivocally recommended that planning applications should not be brought under the NSIP regime and that such a move could be perceived as a significant loss to local decision making.
- 2.4. Although Permitted Development Rights were not specifically identified as a topic for in the Committee's consultation request they nevertheless recommended that "Shale gas development of any type should not be classed as permitted development".

3. Financial Implications

- 3.1. The costs to a minerals planning authority of determining an application for shale gas development at any stage in the process can be significant. A recent case undertaken by the Local Government Association in conjunction with the

Planning Advisory Service identified that staff costs alone ranged from £50,000 to £70,000. In the event of an appeal costs could significantly increase. In previous years MHCLG have made funds available accessible through bids from mineral planning authorities dealing with such applications.

4. Issues, risks and innovation

- 4.1. To date no Petroleum Exploration and Development Licences (PEDL) have been required or granted for areas within Norfolk. As such Norfolk is not required to explicitly plan for shale gas development its Local Plan. Notwithstanding this point and acting upon a recommendation of a member working group on hydraulic fracturing the emerging minerals and waste local plan contains draft policies to direct any future development proposals to the least environmentally sensitive areas.

5. Background

- 5.1. The Planning Act 2008 created a planning process for “Nationally Significant Infrastructure Projects” (NSIPs) in fields of development including energy, water, waste water, road, rail, and hazardous waste disposal. For projects falling within the definition of an NSIP the process detailed in the 2008 Act is the only route for obtaining planning consent. In which case the decision to grant permission rests with the relevant Secretary of State.
- 5.2. The County Council as the minerals planning authority for Norfolk would be the main planning authority and expected to play a key role in the public examination of any proposal, preparing local impact reports and collating evidence. In the event that consent was granted for an operation then the county could expect to have responsibility for monitoring the development, ensuring compliance with any restrictions placed on the consent, and determining any schemes that the develop needs to submit post decision, for which the authority would receive a statutory fee of £116 per submission.
- 5.3. Experience of NSIP projects to date suggest that there are often numerous complex issues that are left to be resolved through the discharge of requirements attached to a development consent order. This means that minerals planning authorities may still be left with significant volumes of work without having had any say as to the principle of development. The limited funding to deliver the work potentially adding salt to the wounds.
- 5.4. Permitted development rights are in effect a national grant of planning permission. The rights are set out in Town and Country Planning (General Permitted Development) (England) Order 2015. Historically they have been used to grant permission for small scale developments, such as extension to residential properties and changes of use between offices, shops and other high street uses.
- 5.5. Oil and gas development, like other mineral uses, is a temporary land use, although it can often take place over a long period of time. For planning and other regulatory purposes oil and gas development is broken down into three stages, of exploration, appraisal and production which are followed by decommissioning, restoration and aftercare. Planning permission is required for all three stages.
- Exploration; typically lasts for a period between 3-6 months and in development terms involves the construction of pads and rigs associated with core sampling geophysical and seismic investigations.
 - Assessment; 6 months to 2 years, will include more drilling operations including hydraulic fracturing operations to test flow rates.
 - Production; Up to 20 years will require larger well pads and possible fields of well pads. Significant well drilling operations plus the development of infrastructure such as pipelines, storage and gas and waste water treatment facilities.

- 5.6. In addition to the three stages of shale gas development there will be a period of decommissioning, restorations and aftercare to return the site to a previously agreed use. Depending upon the findings of the explorations and assessments stages this could occur at any stage in the process.

Officer Contact

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Appendix A

Do you agree with this definition to limit a permitted development to non-hydraulic fracturing for shale gas exploration? Yes /No

Notwithstanding this Authority's opposition to the use of permitted development rights in these circumstances (see response to question 2), in the event that permitted development rights are granted they should be limited to non-hydraulic core sampling. Furthermore we are concerned that while the proposal is to limit any development rights to the exploration phase only in practice it will prove difficult to differentiate between the exploration and appraisal phases of the extraction operations. In order to achieve effective control there needs to be greater clarity of the definition as to what constitutes extraction and appraisal.

Question 2. Should non-hydraulic fracturing shale gas exploration development be granted planning permission though a permitted development right? Yes/No

Our recommendation remains that which we provided to the Ministry of Housing Communities and Local Government Select Committee, namely that this should be avoided. We have seen little evidence to suggest that there is any degree of public support for this technology locally and removing locally accountable bodies from the decision process will only exacerbate the public's current concerns.

Question 3 a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas explorations development would not apply in the following areas.

- Areas of Outstanding Natural Beauty
- National Parks
- The Broads
- World heritage sites
- Sites of special scientific interest
- Scheduled ancient monuments
- Conservation areas
- Sites of archaeological interest
- Safety hazard sites
- Military explosive areas
- Land safeguarded for aviation or defence purposes
- Protected groundwater source

Answer: Yes

Question 3 c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

Answer: Yes, If permitted development rights are to be extended for this type of development, land subject to high and medium levels of any source of flood risk, and air quality management areas should also be excluded.

Question 4. What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic fracturing shale gas exploration development?

Answer: Notwithstanding our objection to the extension of permitted development rights to shale gas management operations. In addition to the examples provided conditions should be imposed over the physical dimensions of the development permitted (e.g. height restrictions), the duration that development is permitted for, a requirement to return the site to its original condition, and in combinations impacts with other development, not just other permitted development of the same type.

Question 5. Do you have comments on the potential considerations that a developer should apply to the local planning authority for determination, before beginning the development?

Answer: Notwithstanding our objection to the extension of permitted development rights to shale gas management operations our preference would be to avoid sensitive areas through constraints.

Question 6. Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?

Answer: Given our stated objection to the proposed expansion of permitted development rights in the first instance we would strongly advocate a precautionary approach, therefore the permitted development rights should be for limited period only. Given that it is only proposed to grant permitted development rights for the exploration phase only, then 2 years should be more than sufficient.

Question 7. Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010.

Answer: Given that it is proposed to exclude certain areas from the permitted development proposals it is recommended that the population characteristics of those areas are reviewed to identify whether or not there may be a disproportionate effect on people with a given protected characteristic when compared to the population as a whole.

Appendix B

Q1. Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project regime?

Answer: **No**

Q2. Please provide any relevant evidence to support your response to question 1.

Answer: we would refer you to the report "Planning guidance on Fracking" published by the Housing, Communities and Local Government Select Committee in July 2018. The Committee's findings are clear that fracking production operations are unlikely to meet the threshold in terms of physical scale and quantum of gas production to be considered as nationally significant in the context of what was envisaged in the 2008 Act. Furthermore, the removal of decision making from local communities to Central Government would exacerbate public opposition to the process.

Environment, Development and Transport Committee

Report title:	Recommendations of the Greater Norwich Development Partnership (GNDP) Board
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact	
Working in partnership across Greater Norwich will help to deliver infrastructure to enable growth, housing and job creation.	

Executive summary

<p>A meeting of the Greater Norwich Development Partnership (GNDP) Board took place on 26 September 2018. The Board considered three reports relating to the Greater Norwich Local Plan:</p> <ul style="list-style-type: none"> • a draft Statement of Consultation reporting back on the previous public consultation; • a report seeking approval for a consultation on newly submitted and revised sites; • and a report outlining the main implications of the latest version of the National Planning Policy Framework on the Greater Norwich Local Plan. <p>The only recommendation of the GNDP Board requiring a Committee decision is to endorse a consultation on the newly submitted and revised sites.</p> <p>Recommendations</p> <p>Members are recommended to agree to:</p> <ul style="list-style-type: none"> • Note progress on the production of the Greater Norwich Local Plan; and • Endorse the consultation on new and revised site proposals

1. Proposal

1.1. The Greater Norwich Development Partnership (GNDP) Board oversees the production of the Greater Norwich Local Plan (GNLP) and makes recommendations for consideration by each of the partners. Cllrs Wilby, Clancy and East are members of the GNDP Board. A meeting of the Board took place on 26 September 2018. The Board considered three reports relating to the Greater Norwich Local Plan:

- a draft Statement of Consultation reporting back on the views received from the previous public consultation.
- a report seeking approval for a second consultation focussed on newly submitted and revised sites.
- and a report outlining the main implications of the latest version of the National Planning Policy Framework on the Greater Norwich Local Plan.

The reports can be found on the GNLP website under the section for the September 2018 GNDP Board

<http://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/>

Due to the timing of the meetings, this Committee Report has been written without the benefit of agreed minutes of the Board meeting

1.2. *Statement of Consultation*

The Statement provides a detailed summary of responses made to the Greater Norwich Local Plan (GNLP) Regulation 18 Growth Options consultation in early 2018. It is referred to as a draft as it will evolve to reflect further consultations. When complete, the Statement will provide the main record of consultation on the GNLP for the Inspector to consider when the plan is examined. As this stage no responses are made on behalf of the councils on the representations made. However, all comments have been noted and relevant actions will be considered through strategy and policy development and site selection. Overall, the draft Statement of Consultation provides important feedback to enable the strategy and policies for the GNLP to be developed further.

1.3. The Board noted this report.

1.4. *Consultation on additional and revised sites.*

The Greater Norwich Local Plan will identify sites for a range of uses including housing, employment, leisure or community use. Just over 560 submitted sites were consulted on earlier this year. The comments received through this consultation can be viewed at the GNLP consultation web site www.gnlp.org.uk Over 200 new sites, or revisions to existing sites, were put forward through this consultation. It is intended to consult on these between 29 October and 14 December 2018. The consultation will also cover small sites (below 0.25 hectares or 5 dwellings) which are too small to allocate but are being considered as potential extensions to settlement boundaries.

1.5. The Board agreed to recommend that the constituent authorities agree the forthcoming consultation subject to clarification of its purpose i.e. that it is seeking views on newly submitted and revised sites.

1.6. *The National Planning Policy Framework and the GNLP*

The Government issued a revised National Planning Policy Framework (NPPF) in July 2018. Changes to the NPPF aim to promote strategic planning, with joint working across boundaries and to support the delivery of development in general, and housing in particular. The NPPF also supports the Government's aim to ensure that infrastructure is provided to support growth, and strong environmental protection and enhancement measures are in place. In emphasising the value of cross boundary strategic plans and infrastructure provision, the NPPF provides strong validation for the collaborative approach we have taken in Greater Norwich for over a decade. The report to the Board also identified a range of more detailed implications of the changes to the development of the GNLP.

1.7. The Board noted this report.

2. Financial Implications

2.1. There are no direct financial implications of this consultation. Staff support is managed through existing resources.

3. Issues, risks and innovation

- 3.1. There are no other significant issues that arise from this decision. This kind of partnership remains innovative.

4. Background

- 4.1. The County Council has been working successfully in partnership across the Greater Norwich area for a number of years through the Greater Norwich Development Partnership and through the Greater Norwich Growth Board. Working in partnership has helped bring significant investment for infrastructure to the area.
- 4.2. The Greater Norwich Development Partnership (GNDP) Board oversees the production of the Greater Norwich Local Plan (GNLP) for Broadland, Norwich and South Norfolk. The Board is not a decision-making body and its recommendations are considered by each of the partners. While the plan making responsibility remains with the district councils, in the spirit of partnership, the County Council, through the EDT Committee, endorse the recommendations of the Board as appropriate. Service departments are engaged at appropriate times in the development of the draft plan. Membership of the GNDP helps us discharge our responsibilities under the “duty to co-operate” and demonstrates unity of purpose, supporting the delivery of economic growth and infrastructure in the Greater Norwich area.
- 4.3. Over the next few months the partnership will be developing policies with a view to a consultation on a draft Local Plan, setting out the preferred approach, in September 2019. As the plan develops we will need to ensure that it supports County Council policies and priorities. The Local Plan will reflect progress on transport infrastructure such as the Norwich Western Link and support economic development. The County Council’s health and transport agendas would seek to ensure that any new estate scale housing allocations are located to promote active travel and provide for safe routes to schools.

Document links:

Agenda: <http://www.greaternorwichgrowth.org.uk/dmsdocument/2512>

Minutes of previous meeting:

<http://www.greaternorwichgrowth.org.uk/dmsdocument/2513>

Appendix: <http://www.greaternorwichgrowth.org.uk/dmsdocument/2511>

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Environment, Development and Transport Committee

Report title:	Norwich Western Link Update and Consultation Proposal
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact	
<p>The County Council, at its meeting in December 2016, agreed a motion setting out that the ‘Council recognises the vital importance of improving our transport infrastructure and that this will help to deliver the new jobs and economic growth that is needed in the years ahead.’ In addition to the motion set out that the ‘Council also recognises the importance of giving a clear message of its infrastructure priorities to the government and its agencies, and so ensure that there is universal recognition of their importance to the people of Norfolk.’ Three projects were identified as priorities for the coming years and the Norwich Western Link is one of these.</p>	

Executive summary

<p>This report sets out an update on the progress to date on the Norwich Western Link (NWL) project and the work undertaken since October 2017.</p> <p>It also provides the plan for the proposed second round of consultation on a shortlist of options for the Committee’s agreement. If the consultation is approved by Committee, the Project Team will report back in November seeking approval for the shortlist of options that we will consult on.</p> <p>There are a number of factors that have been and will continue to be considered as the project moves forwards. These include the opening of the Broadland Northway (formerly known as the Northern Distributor Road), the A47 dual carriageway proposal between North Tuddenham and Easton, the development of the Food Enterprise Zone (FEZ) at Easton, and the Local Plan Review.</p> <p>Earlier in the year, an initial consultation was undertaken to seek views on current transport issues to the West of Norwich and what the public thought the project should consider to alleviate these. This found there was strong support for new link between the A47 and Broadland Northway.</p> <p>As mentioned above this Project was agreed by Full Council and continues to have cross party support.</p> <p>Recommendations: Members are asked to:</p> <ol style="list-style-type: none"> 1. Note the progress with the project 2. Agree in principle to plan for the non-statutory consultation on shortlisting of options, which will be subject to detailed approval at the November 2018 Committee meeting.

1. Proposal

- 1.1. Officers are working on plans for a non-statutory consultation between November 2018 and January 2019 to consult on a shortlist of options to deliver the NWL.
- 1.2. The outline consultation plan is appended to this report as Appendix A.
- 1.3. Work is being undertaken to determine a shortlist of options, these will be brought to November 2018 Committee for approval.
- 1.4. The results of the consultation will be used with other work to inform the Strategic Outline Business Case for the project.

2. Evidence

- 2.1. Since the update to committee on 20 October 2017, there has been an initial consultation to seek views on transport issues to the west of Norwich and what options could be considered. A consultation ran for 8 weeks from Tuesday 8 May to Tuesday 3 July 2019 with 9 staffed events. Commonplace hosted the online questionnaire on behalf of NCC and compiled a report, which is Appendix B to this report.
- 2.2. There were 2 opportunities to comment on the consultation; firstly to add general comments on transport issues; secondly to pinpoint local transport issues on an interactive map.
- 2.3. The key headline figures of this report are as follows;
 - NWL Initial views – 3,280 total visitors
 - NWL Initial views – 1,380 total contributors
 - NWL map – 1,146 total visitors
 - NWL map – 531 total contributors
- 2.4. The majority of people who took part in the consultation believe a new road linking the A47 to the Broadland Northway would help tackle transport issues in the area. This option was selected more than three times as much as the next most popular option, which was 'Improving existing roads'.
- 2.5. The original consultation report has been updated due to a discrepancy with the categories of contributions as a result of updating the platform for GDPR requirements.

Correspondence was also received from the following organisations in support of creating a link between the Broadland Northway and A47:

- > Breckland Council
- > Broadland District Council
- > Cringleford Parish Council
- > East Winch Parish Council
- > Great Yarmouth Borough Council
- > New Anglia Local Enterprise Partnership
- > Norfolk and Norwich University Hospital
- > Norwich City Council
- > Road Haulage Association
- > South Norfolk Council

2.6. Project objectives

A range of objectives have been developed to align with the current strategic objectives presented in national, regional, and local policy and associated guidance. It is considered that the objectives reflect the issues and opportunities identified within the previous project reports, in addition to the wider objectives of the New Anglia Local Enterprise Partnership, supporting the principal aim to deliver a modern and efficient transport system. The objectives are in two tiers, namely high-level objectives and specific objectives. These objectives have been discussed at meetings with local communities and are subject to ongoing refinement as the scheme advances.

High-level objectives:

H1 Facilitate economic growth

H2 Support sustainable housing growth

H3 Improve the quality of life for local communities

H4 Promote an improved environment

H5 Improve strategic connectivity with the national transport network

Specific objectives:

S1 Reduce congestion and delay, and improve journey time reliability, on routes through the study area

S2 Improve network resilience and efficiency of the strategic and local transport network

S3 Reduce the number of Heavy Goods Vehicles using minor roads

S4 Make the transport network safer for all users (including Non-Motorised Users)

S5 Encourage modal shift to more sustainable modes of transport

S6 Provide traffic relief (and reduce noise & emissions) within residential areas

S7 Enable improved accessibility to existing and new housing and employment sites

S8 Improve emergency response times

S9 Improve access to green space

S10 Not affect the ecological integrity of the Wensum Valley SAC

S11 Contribute to the improved health and well-being of local residents

S12 Improve connectivity and accessibility to Norwich International Airport, Norwich Research Park and Norfolk & Norwich University Hospital

3. Financial Implications

- 3.1. The proposal for the second round of consultation is within the scope and budget for the work to be undertaken in this financial year.

4. Issues, risks and innovation

- 4.1. Robust risk management arrangements are in place for this project. Foreseeable significant risks have been recorded and assessed for their potential impact and how this can be mitigated. This is an ongoing process as the scheme develops whereby any new risks are considered and evolution and mitigation of existing risks is managed and reported to the Member Working Group and the Project Board.

4.2. Project governance

Appropriate project governance is in place to oversee the next stages of delivery. A Project Manager is now in place to ensure the project is being delivered to programme and budget and that the relevant resources are being engaged and managed accordingly, with all risk issues and general progress reported to the Project Board, Member Working Group and Committee. The Member Working Group will continue to meet and will be informed and updated by the project manager and the board.

4.3. Key Project Risks

The Norwich Western Link project is following behind the A47 North Tuddenham to Easton dualling scheme. It will therefore remain important for the project team to continue to work closely with Highways England to ensure the implications of this scheme are considered.

4.4. The opening of Broadland Northway has been monitored to determine the impact on the development of the traffic modelling. Actual observed traffic movements from summer 2018 are currently being reviewed. More comprehensive traffic surveys in Autumn 2018 will be used to further inform the modelling.

4.5. Within the NWL study area there are a number of important environmental considerations. Continued engagement is ongoing with statutory environmental bodies to ensure any options meet the strategic objectives and minimise impacts to the environment, particularly taking account of the points already made in discussion with Environment Agency and Natural England.

4.6. The proposed timing for the Local Plan Review limits what confirmed growth locations can be included with the work for the NWL. The teams responsible are in regular contact to mitigate the risk from this.

5. **Background**

5.1. Links to previous committee reports:

- EDT Committee 18 September 2014 – Follow this [link](#) (see item 11, page 28)
- EDT Committee 8 July 2016 – Follow this [link](#) (see item 9, page 25)
- B&P Committee 8 September 2017 – Follow this [link](#) (see item 10)
- EDT Committee 15 September 2017 – Follow this [link](#) (item 15, page 98)
- EDT Committee 20th October 2017 – Follow this [link](#) (Reports tab)

Link to Highways England Information

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

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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Email address : david.allfrey@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 or 0344 800 8011 (textphone) and we will do our best to help.

Norwich Western Link

Options Consultation Plan

Author: Norfolk County Council

Document Reference: NWL OCP 1

Version Number: V1.1

Date: 2nd October 2018

Quality Control

Issue/Revision	First Issue	Revision 1	Revision 2	Revision 3
Remarks	Ready for review	Ready for meeting		
Date	19/09/2018	02/10/2018		
Prepared by	VAD / SL	VAD		
Signature	Vicky Dale	Vicky Dale		
Checked by	CF	CF		
Signature				
Authorised by	DA	DA		
Signature				
Project number	PK1002	PK1002		
Report number	OCP 1	OCP 1		
File reference	NWL OCP 1	NWL OCP 1		

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1 Introduction

1.1 Introduction

- 1.1.1 The purpose of this plan is to outline what is required for the Norwich Western Link Option Consultation programmed for 2018 / 2019.
- 1.1.2 This plan provides details of the objectives of the consultation, methodology of delivery, proposed venues for exhibitions, exhibition material, stakeholder involvement, list of team members with roles and responsibilities including WSP team members, and the proposed programme.
- 1.1.3 The Norwich Western Link is one of the three key infrastructure projects for Norfolk County Council (NCC). The other two projects are Great Yarmouth Third River Crossing and Long Stratton bypass.

1.2 Why are we consulting?

- 1.2.1 The consultation is required to gain feedback from the public and other stakeholders and gauge support for a shortlist of options.
- 1.2.2 At the end of the consultation, we should be able to make a better informed choice on the preferred option for the project.

1.3 Objectives for Consultation(s)

- 1.3.1 The objectives for the consultation are as follows;
- Understand the degree of public support for each of the four options
 - Understand how each option may rank against one another.
 - Gauge support for each option from statutory & non statutory organisations
 - Gain knowledge of potential scheme risks and local effects of each of the proposed options which may influence design or cost.
 - Inform the development of the Strategic Outline Business Case, in particular seeking to identify additional potential social and economic scheme benefits and opportunities which may arise as a result of each option and any aspects requiring mitigation which may influence the scheme cost.

2 Communications approach

2.1 Overview

- 2.1.1 The consultation and promotion will be designed to encourage widespread participation in order to better inform the project.
- 2.1.2 Information on each of the options and how well they meet the Norwich Western Link project objectives will be presented as part of the consultation and a questionnaire will be developed which members of the public will be directed to complete.
- 2.1.3 The consultation questionnaire will be formulated to meet the consultation objectives and ensure the information gathered will be of most use to the project. The questionnaire is likely to include a combination of multiple choice options and free text boxes so that both quantitative and qualitative data can be gathered.
- 2.1.4 Expert advice on the consultation format will be sought from Norfolk County Council's corporate consultation team and legal counsel.
- 2.1.5 The consultation will be primarily hosted online on the Commonplace platform – this is the same platform upon which the first Norwich Western Link consultation was hosted and will provide continuity between the two consultations. Advice and support will also be sought from Commonplace regarding best practice use of the platform.
- 2.1.6 Paper copies of the consultation questionnaire will be made available upon request, however in order to keep costs down people will be encouraged to fill out the consultation online in the first instance. This will include supporting people, where necessary, to fill out the questionnaire on laptops or iPads at consultation events.
- 2.1.7 Individuals and organisations will also be able to respond to the consultation via email or letter.
- 2.1.8 The consultation questionnaire and relevant information will be available to access via the Norwich Western Link pages on the Norfolk County Council website. People will be driven to the friendly url www.norfolk.gov.uk/nwl on all promotional material to find out more about the project and respond to the consultation.
- 2.1.9 The consultation detail will include visual information relating to each of the options to give people an at-a-glance indication of what is being proposed and, where applicable, where. This is likely to include artist's impressions and map-based images.
- 2.1.10 A communications plan will be devised to guide the promotion of the consultation and provide a schedule of activity.
- 2.1.11 Promotion of the consultation will follow two strands: general, to increase awareness of the options being considered and encourage widespread participation in the consultation; and targeted, to inform key stakeholders about the consultation and why it is important they tell us their views.
- 2.1.12 The general promotion will include: press releases and media briefings; sending information to parish magazines; social media promotion; posters and leaflets in locations including local libraries and parish and village halls; hosting information on

the Norfolk County Council website and key partner websites; articles in Norfolk County Council e-newsletters.

- 2.1.13 The targeted promotion will include: the offer of briefings with selected key stakeholders and letters and emails to all key stakeholders. More details on who these key stakeholders can be found in the next section of the plan.

2.2 Key stakeholders

- 2.2.1 Key stakeholders are those people who have been identified as having a particular interest in the project. It will be particularly important to ensure all key stakeholders are contacted about the consultation and are encouraged to respond.
- 2.2.2 Where key stakeholders are responding in an official capacity or representing an organisation or group, they will be encouraged to respond via letter or email in order that their response can be analysed in the context of their official role.
- 2.2.3 A full list of key stakeholders and their preferred method of contact is held by the Project Team and is updated and maintained periodically.
- 2.2.4 This list of key stakeholders includes: MPs; county, district and parish councilors; council chief executives; businesses and organisations within the Norwich Western Link study area; relevant public sector bodies; environmental agencies; emergency services; haulage companies; walking and cycling groups; representative industry bodies; campaign groups; and organisations who have previously expressed an interest in the project.
- 2.2.5 In addition to this list, once the shortlisted options are determined, work to identify any landowners affected by any of the options will be undertaken and tailored information will be sent to them by letter ahead of the consultation commencing.

3 Consultation material & venues

3.1 Consultation Material

- 3.1.1 To be able to reach as many people as possible, there will be planned staffed exhibitions at various locations for members of the public to come and speak to members of the project team to discuss options, concerns and get an update.
- 3.1.2 As well as staffed exhibitions, we will offer opportunities for members of the public to look at consultation material which will be displayed on exhibition boards aiding as a visualisation for members of the public. In addition to this, we will also provide consultation brochures outlining proposed options which will also include a consultation questionnaire, which can be completed and left at the exhibition.
- 3.1.3 Exhibition boards will also be installed in several locations for extended periods of time throughout the consultation period, giving people who aren't able to attend the consultation events and can't access the internet the opportunity to view the options.
- 3.1.4 The information included on the exhibition boards and/or in the consultation brochure is likely to include: why we are consulting; project objectives; information on each of the shortlisted options; environmental considerations; traffic impacts for each of the options; and how people can find out more and respond to the consultation.

3.2 Consultation Venues

- 3.2.1 The venues to be selected for the consultation will take account, where relevant, of the geographical location of any option that will be consulted on.
- 3.2.2 Additional venues in central Norwich and at Norwich Research Park will be used. There will also be consideration to holding consultations in Dereham, North Walsham and Fakenham as it is anticipated that these towns would generate traffic that would travel through the study area to destinations in and around Norwich and beyond.
- 3.2.3 Venues need to hold all exhibition boards, leaving enough room for people to look around and ask questions as and when required.
- 3.2.4 Consultations will be held through November 2018 – January 2019 with a break for Christmas and New Year.
- 3.2.5 A potential list of venues can be found below, note this is an indicative list, not all venues may be used and they will be subject to availability.

	Venue	Address	Website
1	Ringland Village Hall	The St, Ringland, Norwich NR8 6JA	http://ringlandparishcouncil.gov.uk/Ringland-Village-Hall.php
2	Main Hall, Hockering Village Hall	4 Heath Rd, Hockering, Dereham NR20 3HY	http://www.hockeringvillagehall.co.uk/
3	Hall for all (Weston Longville/Attlebridge and Morton on Hill)	Weston Longville, Norwich NR9 5JU	hallforall.co.uk
4	Main Hall, Easton Village Hall	Marlingford Rd, Easton, Norwich NR9 5AD	http://eastonparishcouncil.gov.uk/village-hall-bookings
5	Main Hall, Taverham Village Hall	Sandy Lane, Taverham NR8 6JR	www.taverhamvillagehall.org.uk/site.htm
6	Zone 4, The Forum, Norwich or the Library in the Forum	The Forum, Millennium Plain, Norwich, NR2 1TF	www.theforumnorwich.gov.uk
7	Stafford Hall, Costessey Community Centre	Longwater Ln, Costessey, Norwich NR8 5AH	costessey.org.uk
8	Parish Chamber Room, Hellesdon Parish Office	Diamond Jubilee Lodge, Wood View Rd, Norwich NR6 5QB	hellesdon-pc.gov.uk
9	Bob Carter Centre	11 School Road, Drayton, NR8 6D'w	www.bobcartercentre.gov.uk
10	South Green Park Enterprise Suite	South Green Park, Matishall, Dereham,	http://www.ravthorpepark.co.uk/meetingsandevents/
11	Fakenham Community Centre	Fakenham Community Centre, Oak Street, Fakenham, NR21 3DY	http://www.fakenhamcommunitycentre.org.uk/
12	Norwich Research Park		
13	Jubilee Family Centre	Jubilee Family Centre, Norwich Road, Aylsham, Norfolk, NR11 6JG	http://aylshamcommunityshursh.org/jubilee-family-centre/

- 3.2.6 The consultation exhibitions will also need to be staffed. This will be made up of NCC Infrastructure Delivery Team and WSP team.
- 3.2.7 The Infrastructure Delivery Project Team will be responsible for booking all venues for the consultation, including organising team members to staff the exhibition and transport for all equipment.

3.3 Consultation Logistics

- 3.3.1 A van will be arranged to move Consultation material from venue to venue. The driver and 1 other will be required to set up or pack down the exhibition at the beginning or end of exhibition.
- 3.3.2 A Q&A document will need to be produced for all members of staff who will be attending the consultation exhibitions.
- 3.3.3 A consultation briefing pack will be produced for all members of staff who will be attending the consultation exhibitions, which will include emergency contact information, Q&A's, useful information for team members in relation to the project and consultation.
- 3.3.4 A briefing note to be supplied to NCC CSC in relation to the process for taking consultation calls.
- 3.3.5 There will be engagement with NCC Senior Stakeholder and Consultation Officer to make sure there is all appropriate information on external facing documents. Ensure the consultation is meeting all equality processes, including translations and GDPR.
- 3.3.6 External printing contractors will have all printing programmed into work schedules.
- 3.3.7 All consultation material to be produced excluding route options, as soon as October 2018 EDT committee has approved the plan. Route options will be added subject to approval by the November 2018 EDT committee.

4 Programme

4.1 Overall Programme

4.1.1 The project programme is in place and all team members are aware of key milestones for the project. Team members have ownership of the programme and are committed to meet the timescales.

4.1.2 A rolled up version of the project programme can be found in Appendix A.

4.2 Consultation Programme

4.2.1 A consultation programme has been produced in order to “map out” the tasks required and associated timescales in order to prepare for and deliver the consultation. .

4.2.2 The consultation programme plan can be found in Appendix B.

4.2.3 The project will go to October 2018 ETD committee with this plan to seek permission to consult on a shortlist of options for the scheme.

4.2.4 If Committee approves the consultation proposal at October 2018 EDT Committee, the project will then go to November 2018 ETD committee with a shortlist options. The project is unable to go to committee with these in October, as there is still work to be undertaken.

4.2.5 Consultation is due to close in January 2019. A report will be written after this date by Commonplace which outlines all findings from the consultation. The project will then return to Committee in March 2019 to advise findings and seek next steps approval.

Norwich Western Link

Appendix A

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Norwich Western Link
Consultation Plan

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Successors	Deadline	Total Slack	2018		2019		2020		2021		2022		2023		2024		2025	
										H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2
1		Norwich Western Link	1785 days	Mon 05/02/18	Wed 22/01/25			NA	0 days																
2																									
3		Option Development and Appraisal	165 days	Mon 05/02/18	Fri 28/09/18			NA	0 days																
10																									
11		October 2018 EDT Committee	30 days	Mon 03/09/18	Fri 12/10/18			NA	1 day																
15																									
16		November 2018 EDT Committee	30 days	Mon 01/10/18	Fri 09/11/18			NA	0 days																
20																									
21		Shortlist Consultation	107 days	Mon 01/10/18	Fri 01/03/19			NA	0 days																
26																									
27		March 2019 EDT Committee	30 days	Mon 28/01/19	Fri 08/03/19			NA	1 day																
31																									
32		Strategic Outline Business Case (SOBC)	164 days	Thu 13/09/18	Wed 08/05/19			NA	0 days																
40																									
41		Outline Business Case (OBC)	135 days	Tue 14/05/19	Wed 20/11/19			NA	0 days																
48																									
49		Full Business Case (FBC)	375 days	Fri 19/02/21	Fri 29/07/22			NA	25 days																
54																									
55		Public and Stakeholder Consultations	657 days	Wed 04/07/18	Thu 04/02/21			NA	0 days																
61																									
62		Land Purchase	575 days	Tue 13/10/20	Tue 03/01/23			NA	70 days																
76																									
77		Preliminary Design	760 days	Mon 05/02/18	Thu 04/02/21			NA	0 days																
83																									
84		Planning Application (T&C)	575 days	Tue 14/05/19	Thu 12/08/21			NA	275 days																
90																									
91		Two Stage D&B Contractor Appointment	1330 days	Thu 21/11/19	Wed 22/01/25			NA	0 days																
92		Prequalification period	75 days	Thu 21/11/19	Mon 09/03/20			NA	0 days																
99		Tender period	100 days	Tue 10/03/20	Fri 31/07/20			NA	0 days																
104		D&B Stage 1 (Design Period)	570 days	Mon 03/08/20	Fri 14/10/22			NA	0 days																
115		D&B Stage 2 (Construction Period)	615 days	Mon 05/09/21	Wed 22/01/25			NA	0 days																
122																									
123		Project completion	0 days	Wed 22/01/25	Wed 22/01/25	121		NA	0 days															22/01	

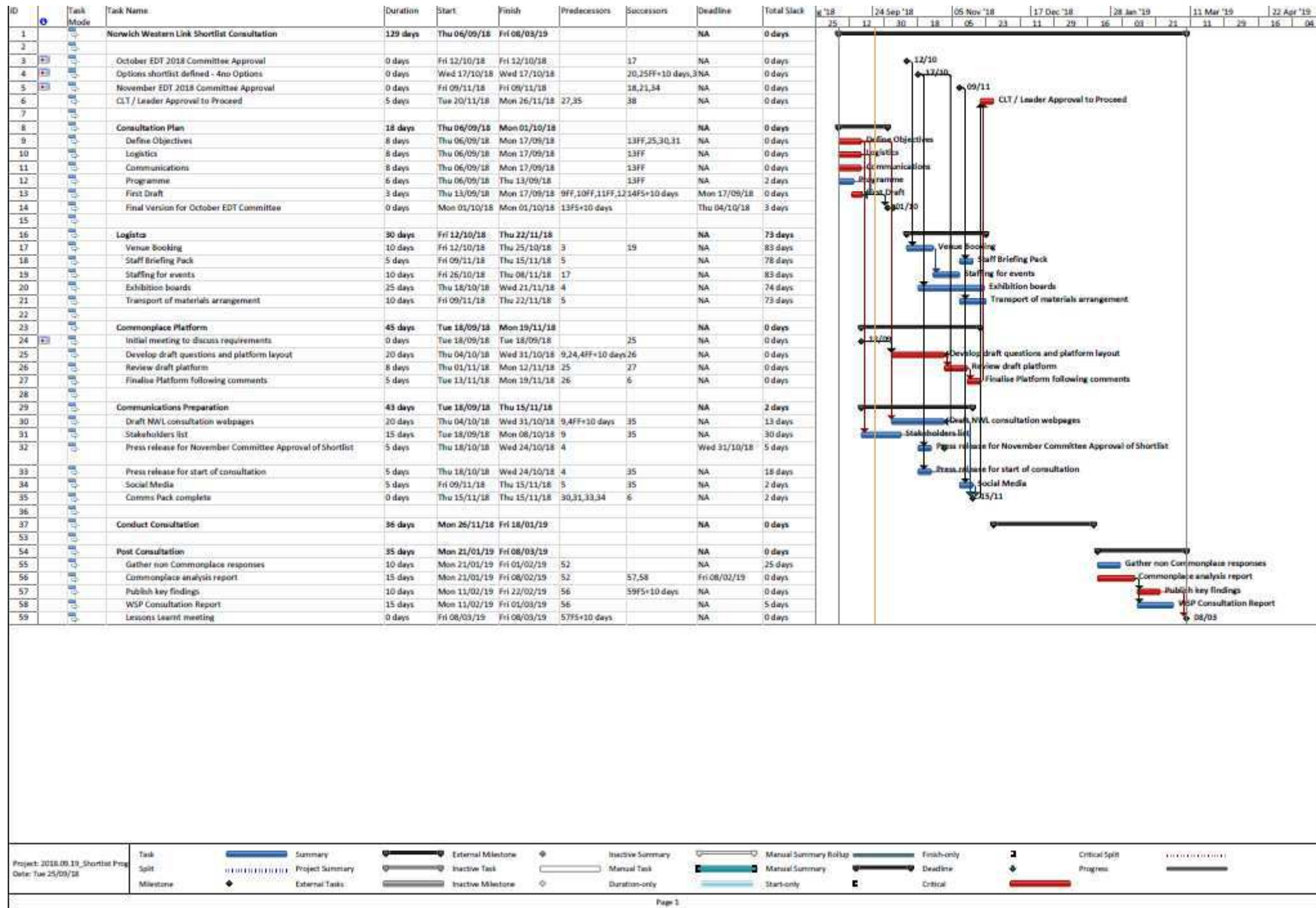
Project: 180823_NWL_Prog 2 Stag
Date: Tue 25/09/18

Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Critical	
Milestone		External Milestone		Manual Task		Start-only		Critical Split	
Summary		Inactive Task		Duration-only		Finish-only		Progress	

Norwich Western Link

Appendix B

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Norwich Western Link

**Consultation report for Norfolk County Council
Produced by Commonplace**

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Introduction

For the Norwich Western Link consultation, two websites were created using the Commonplace online engagement platform. This report has been created by Commonplace as an analysis of the data collected.

Of the two websites, one was designed to collect people's views on general transport issues and the other to pinpoint transport issues on a 'heatmap'. For the sake of convenience, in this report we will refer to the general transport issues platform as **NWL Initial Views** and the transport issues heatmap as **NWL Map**.

Users were pointed first to the general issues website, and then directed through to the transport issues heatmap where they could pinpoint as many issues as they liked. Of the total 1,146 visitors to NWL Map, 51% were directed to the site from NWL Initial Views.


First: add your views on general transport issues



Tell us what you think about transport issues to the west of Norwich in general and what options you think we should consider.

[View details](#)

Then: pinpoint local transport issues on our map



Help us identify local transport issues and solutions by marking these on our interactive map.

[View details](#)

Observations by Commonplace

- Very well visited and commented-on websites - a total of 4,426 visitors and 2,327 comments across both platforms.
- The user 'flow', directing users first to NWL Initial Views and then on to NWL Map seemed to work as intended.
- There was a clear preference for developing a new road between the NDR and A47, with support from all types of road user.
- There was a majority of male respondents, with a good mix of ages.
- The heatmap clearly identified areas of concern on the existing road network, especially congestion and perceived inappropriate road use patterns for the type of roads available.
- Large number of News subscribers - 1,159 - providing an excellent starting point for engagement in the subsequent consultations that will be required (note that some subscribers may be registered twice - once on each website).
- We analysed the data of the most prolific contributors and found that several of the most prolific commenters were employees or contractors of Norfolk County Council, who had initially been inputting comments collected on paper forms or in person at events under their own accounts, instead of through 'survey mode' (see page 10 for more details on survey mode). Commonplace's view is that this has not influenced the data, as all types of comments are treated equally during analysis.

Part I: Engagement analysis

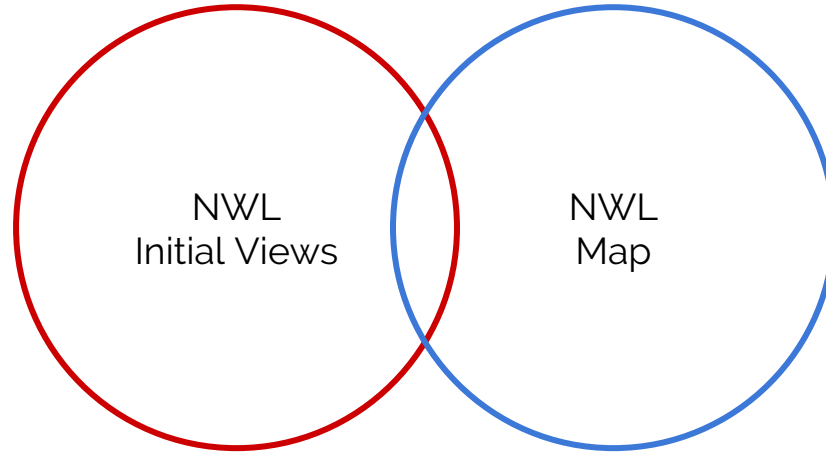
Interactions with the websites

NWL Initial Views

3,280 total visitors
1,380 total contributors

1,575 comments online
157 comments from forms
(1,732 total comments)
281 agreements
2,013 total contributions

973 news subscribers



NWL Map

1,146 total visitors
531 total contributors

752 comments online
21 comments from forms
(773 total comments)
1,890 agreements
2,663 total contributions

186 news subscribers

333 people contributed to both platforms

(The number of contributions exceeds the number of contributors as many participants make multiple contributions)

The numbers include all contributions including "unverified" - i.e. anonymous

Referrals to the websites

Source	NWL Initial Views	NWL Map	Overall
norfolk.gov.uk	2,005		2,005
nwlinitialviews.commonplace.is		582	582
Facebook	233	51	284
norfolk.citizenspace.com	40		40
intranet.crowncommercial.gov.uk	25		25
commonplace.is	23	7	30
eastonparishcouncil.co.uk	11		11
Email	10	1	11
Twitter	8	1	9
Google	3	3	6

Part II: Contributor analysis

Notes

The following section contains information about the people who contributed to the consultation - this data was analysed from the combined and de-duplicated contributor lists from both websites, to avoid counting people twice.

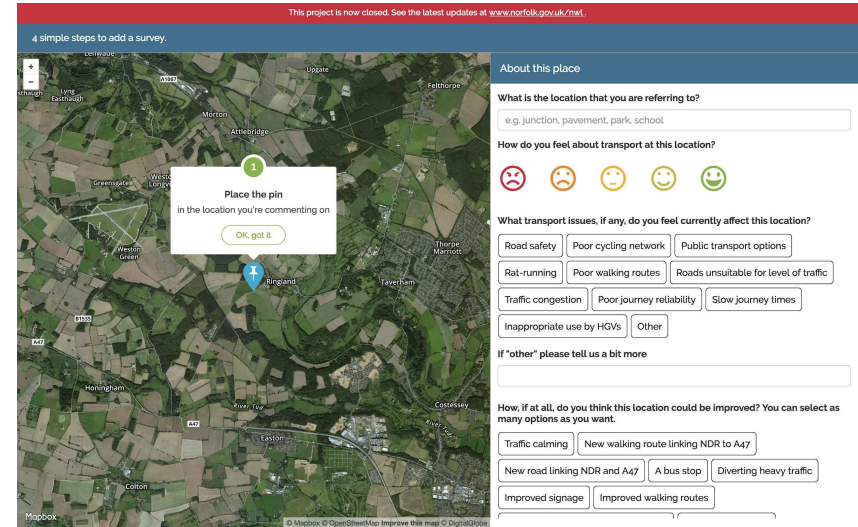
Where a chart shows 'unknown', this refers to people who left the question blank (as opposed to selecting 'Prefer not to say').

Survey mode

'Survey mode' enables project administrators to appoint individuals as 'surveyors' - people with this account privilege can input responses into a special version of the site, allowing them to register these responses without having to register an account for each individual respondent. Typically these responses would be collected either in person at consultation events, or via paper form versions of the Commonplace questions.

157 survey comments were added on NWL Initial Views, accounting for 9% of the total 1,732 comments.

21 survey comments were added on NWL Map, accounting for 3% of the total 773 comments.



The screenshot shows a web-based survey form overlaid on a satellite map. At the top, a red banner reads "This project is now closed. See the latest updates at www.norfolk.gov.uk/nwl". Below this, a blue header says "4 simple steps to add a survey." The map shows a rural area with a blue pin placed on a road. A white pop-up box with a green "1" in a circle says "Place the pin in the location you're commenting on" and has an "OK, got it!" button. To the right of the map, the form is titled "About this place" and includes a text input field for the location (e.g., "junction, pavement, park, school"). Below that is a question "How do you feel about transport at this location?" with five smiley face icons ranging from sad to happy. The next question is "What transport issues, if any, do you feel currently affect this location?" with several button options: "Road safety", "Poor cycling network", "Public transport options", "Rat-running", "Poor walking routes", "Roads unsuitable for level of traffic", "Traffic congestion", "Poor journey reliability", "Slow journey times", "Inappropriate use by HGVs", and "Other". There is a text input field for "If 'other' please tell us a bit more". The final question is "How, if at all, do you think this location could be improved? You can select many options as you want." with button options: "Traffic calming", "New walking route linking NDR to A47", "New road linking NDR and A47", "A bus stop", "Diverting heavy traffic", "Improved signage", and "Improved walking routes".

Above: screenshot of survey mode form

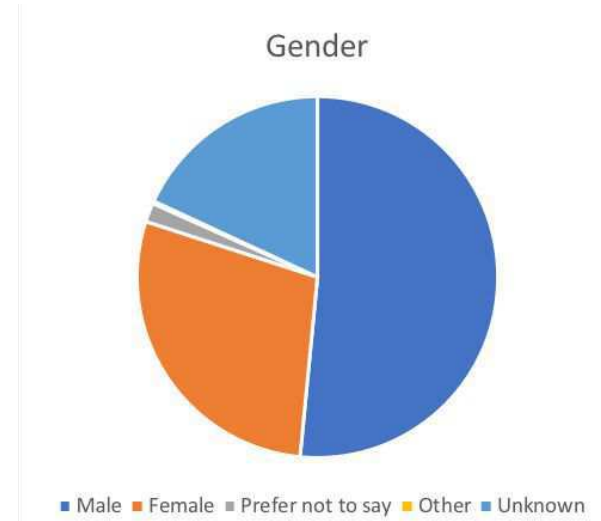
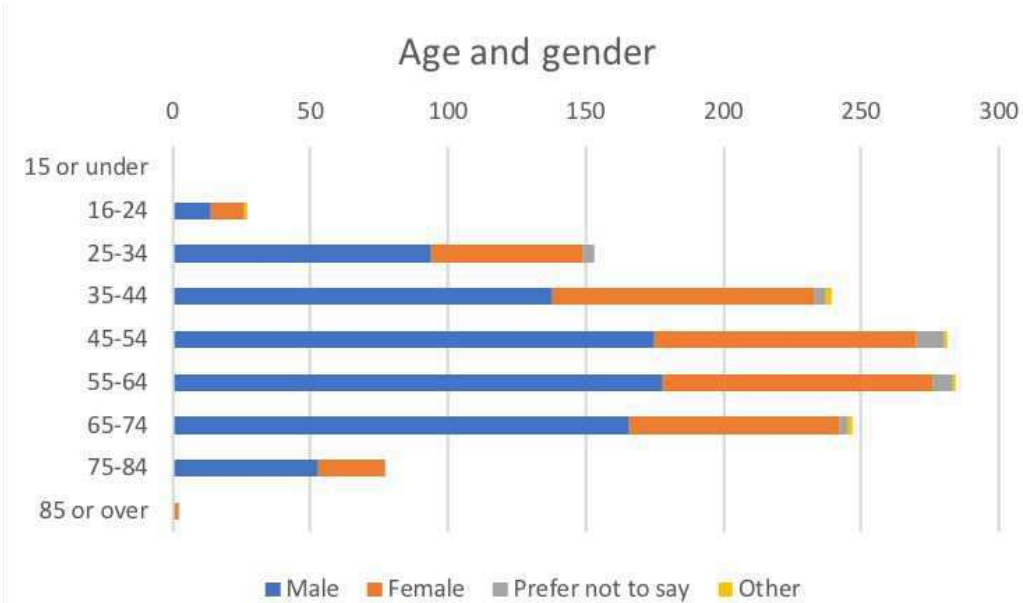
Connection to the area

An overwhelming majority of respondents said they live in the area - it is worth noting that perhaps the wording 'What is your connection to the area?' leaves it open to the respondents interpretation whether 'the area' refers to the area west of Norwich specifically, or Norfolk as a whole.



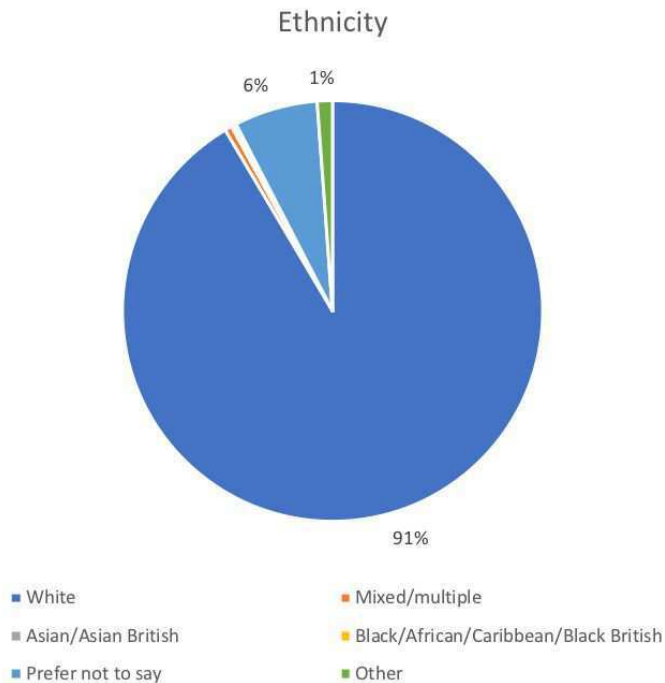
Age and gender

There was a good age spread; respondents were predominantly male.



Ethnicity

Of people who shared their ethnicity, 91% of respondents were white - this almost exactly matches the 90.9% white composition in Norwich in the 2011 census - however, other ethnic groups were under-represented.

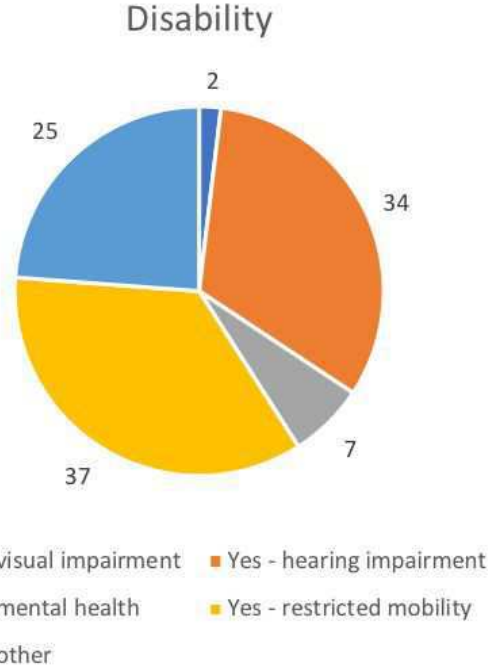


Disability

Of those respondents who identified themselves as having a disability, there was a roughly even split between hearing impairment and restricted mobility.

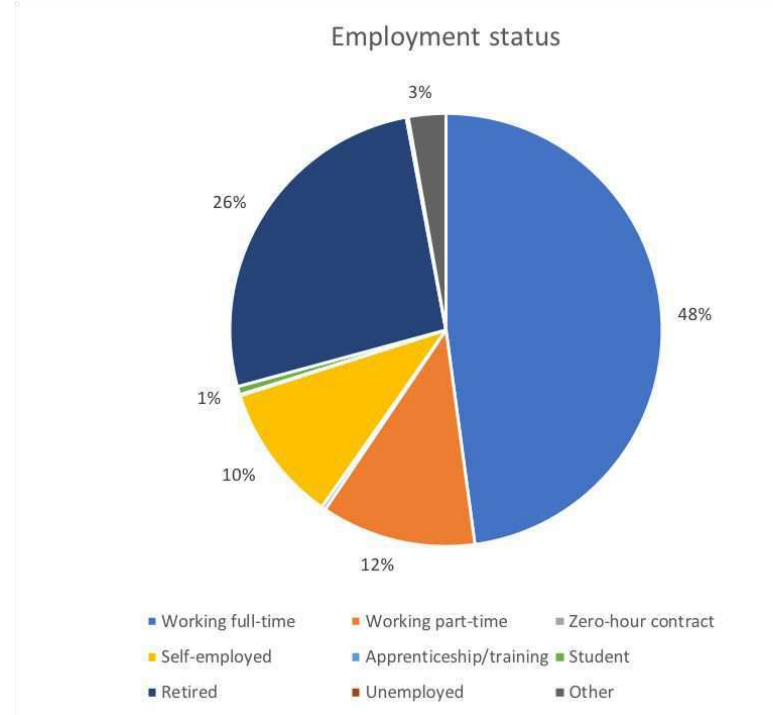
The NWL Initial Views platform meets the AA accessibility standard, meaning it is fully useable using a screen reader. Due to the interactive nature of the NWL Map project, it is not as useable with a screen reader, which may account for the lower numbers of respondents with a visual impairment.

More information can be found on the [accessibility page](#).



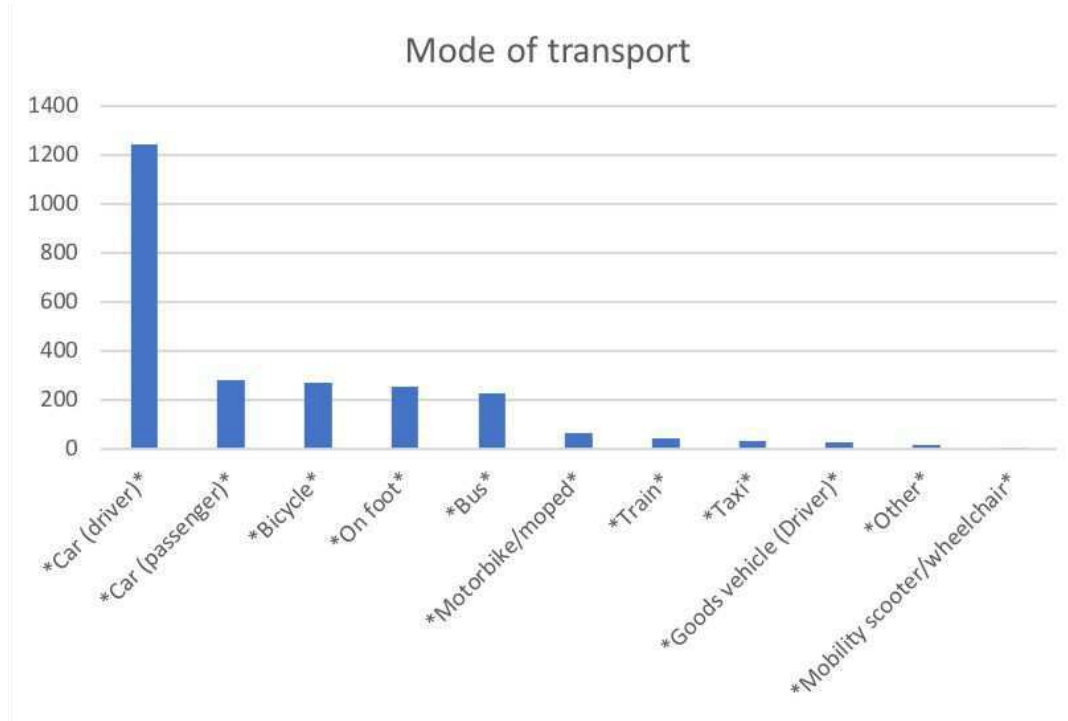
Employment status

Approximately half of contributors who chose to share their employment status are working full-time.



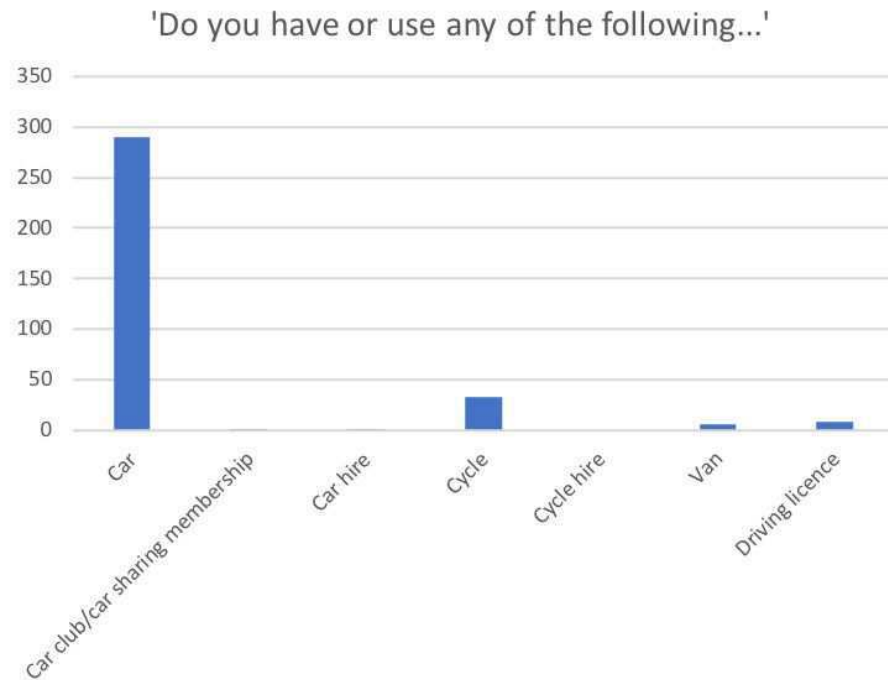
Travel and transport

Car drivers made up a large majority of transport users - however, it may be worth noting that the wording of the question was 'How do you usually travel **around this area?**', which could affect the frequency of answers such as train or mobility/scooter wheelchair.



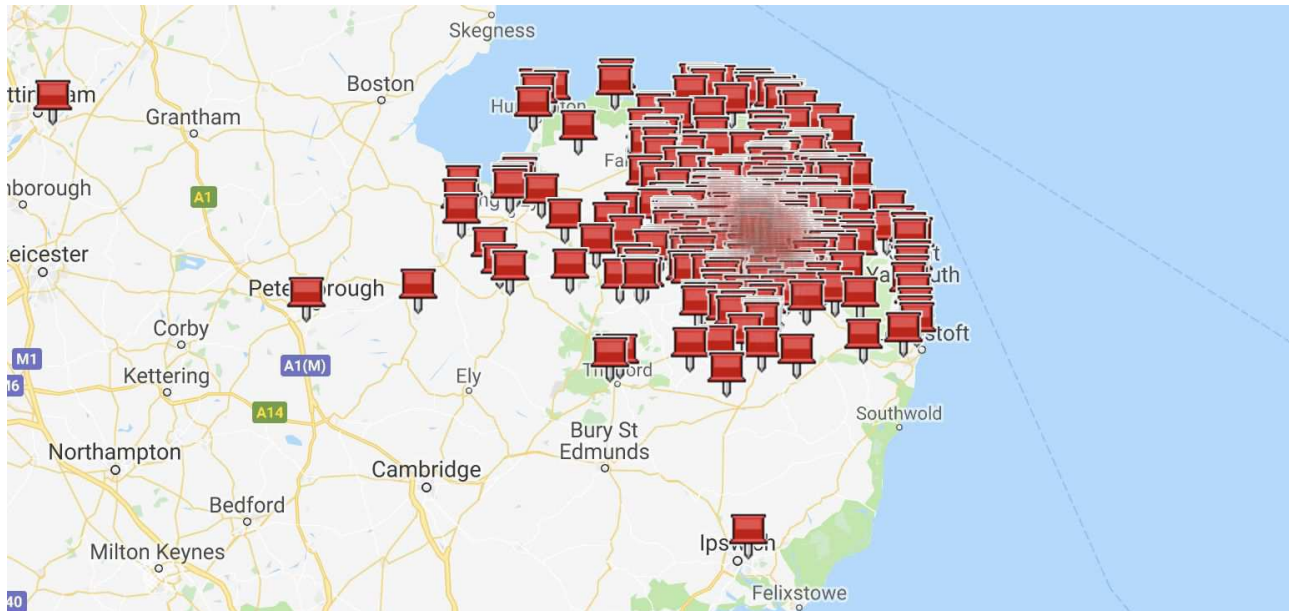
'Do you have or use any of the following...'

Respondents were asked whether they have, or use, any of a number of transport-related modes or services. The disparity between the number of responses for car/van and driving licence perhaps indicate that people were not aware that they could select multiple options, or simply did not read all of the options.



Postcode map

As one would expect, postcode analysis shows a large concentration of users in the wider Norwich area, though much of Norfolk and beyond is also covered. A small handful of respondents identified themselves as being from as far afield as Nottingham, Oxford, Bath and Edinburgh.



Number of respondents per postcode (top 5 in bold)

Postcode	Respondents	Postcode	Respondents	Postcode	Respondents	Postcode	Respondents
NR1	20	NR11	44	NR21	18	NR31	6
NR2	34	NR12	34	NR22	3	NR32	3
NR3	28	NR13	25	NR23	6	NR33	1
NR4	33	NR14	38	NR24	1	NR34	1
NR5	57	NR15	17	NR25	9	NR35	1
NR6	98	NR16	7	NR26	6	IP	19
NR7	55	NR17	17	NR27	13	PE	33
NR8	292	NR18	21	NR28	16		
NR9	162	NR19	26	NR29	7		
NR10	81	NR20	59	NR30	4		

Part III: NWL Initial Views comment analysis

Notes

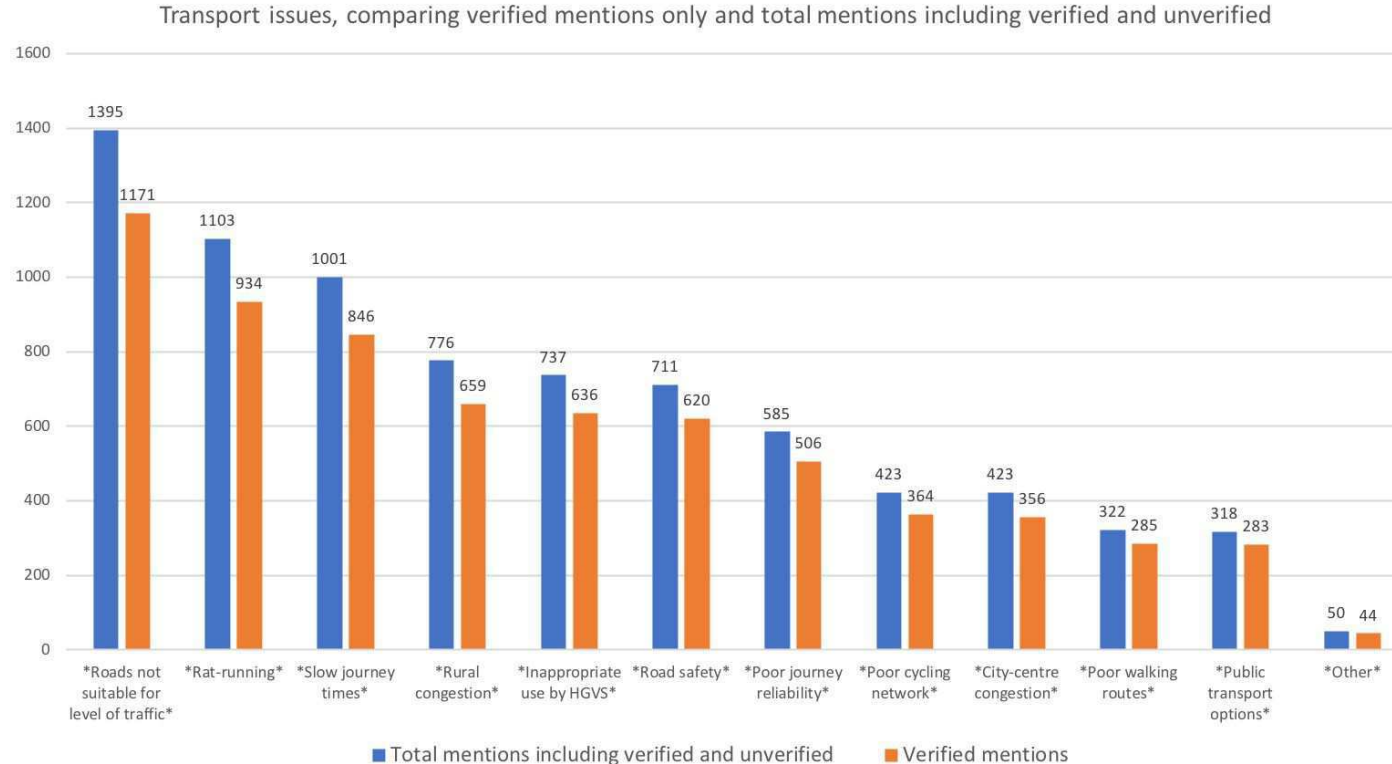
When users contribute to the Commonplace platform, they are asked to verify their comments via email. Comments that have not been verified are stored in the project database, but are not displayed publicly. Most of the analysis in this report has been taken from the full set of comments, including both verified and unverified comments. However, the following three pages show the data from the three questions below, and for these we have also included a comparison between the full set of comments and verified comments only.

“Here is a list of transport issues. Please tell us which ones, if any, are an issue in this area.”

“Although one potential option to tackle transport issues in this area is to build a new road we are committed to examining all of the possible options. Which options would you like us to explore?”

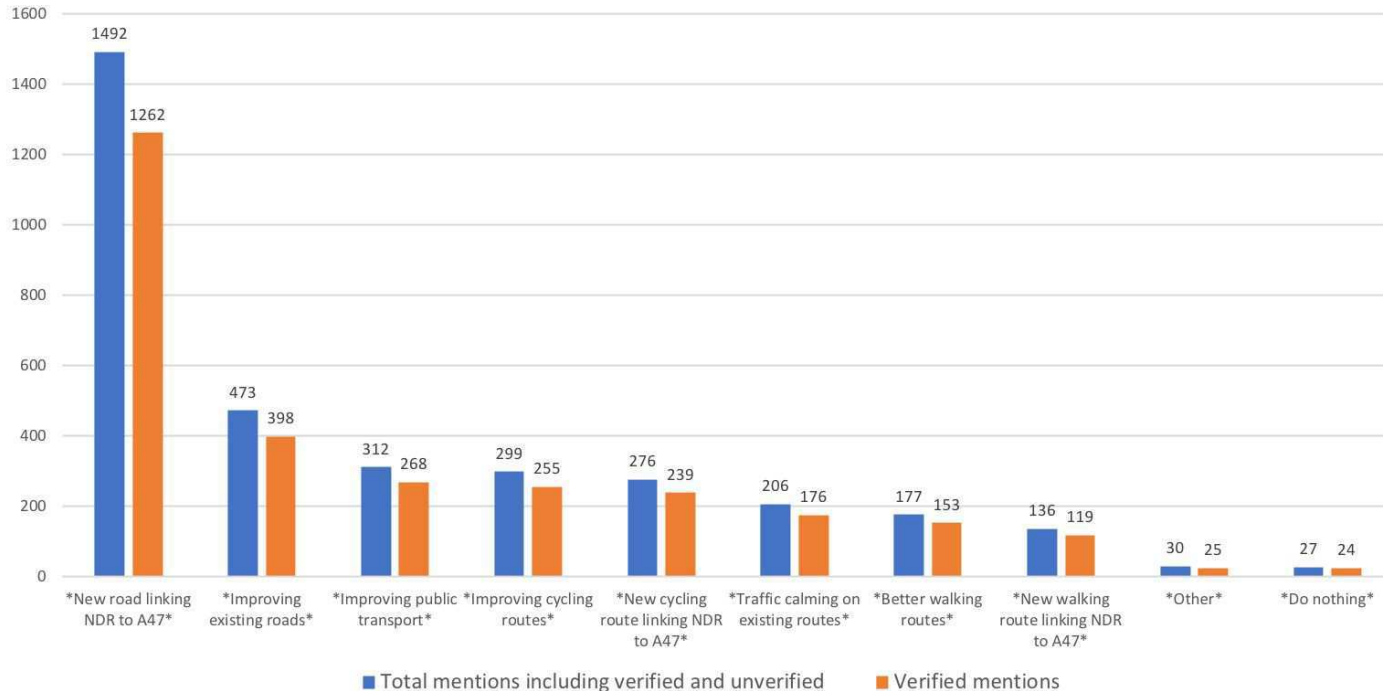
“What do you want us to take into account when considering improvements to travel in this area? You can select as many as you want.”

Transport issues



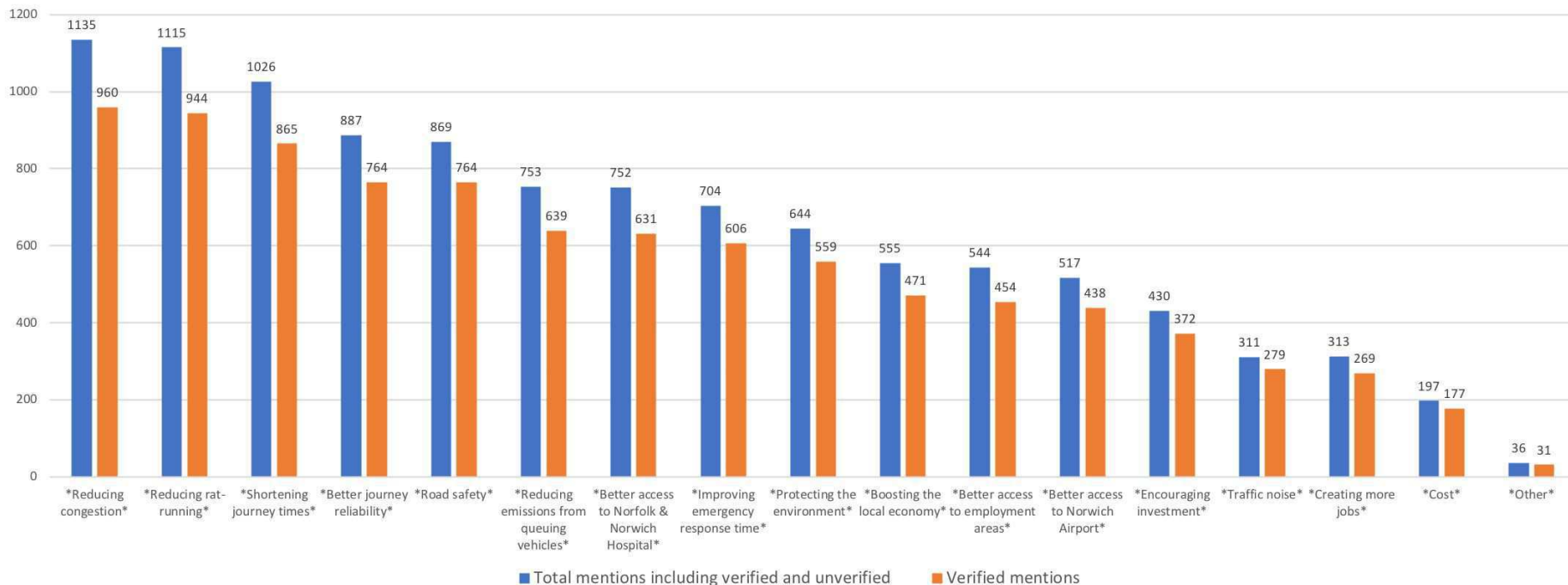
Options to explore, by popularity

Transport options, comparing verified mentions only and total mentions including verified and unverified



Issues to consider when planning transport improvements

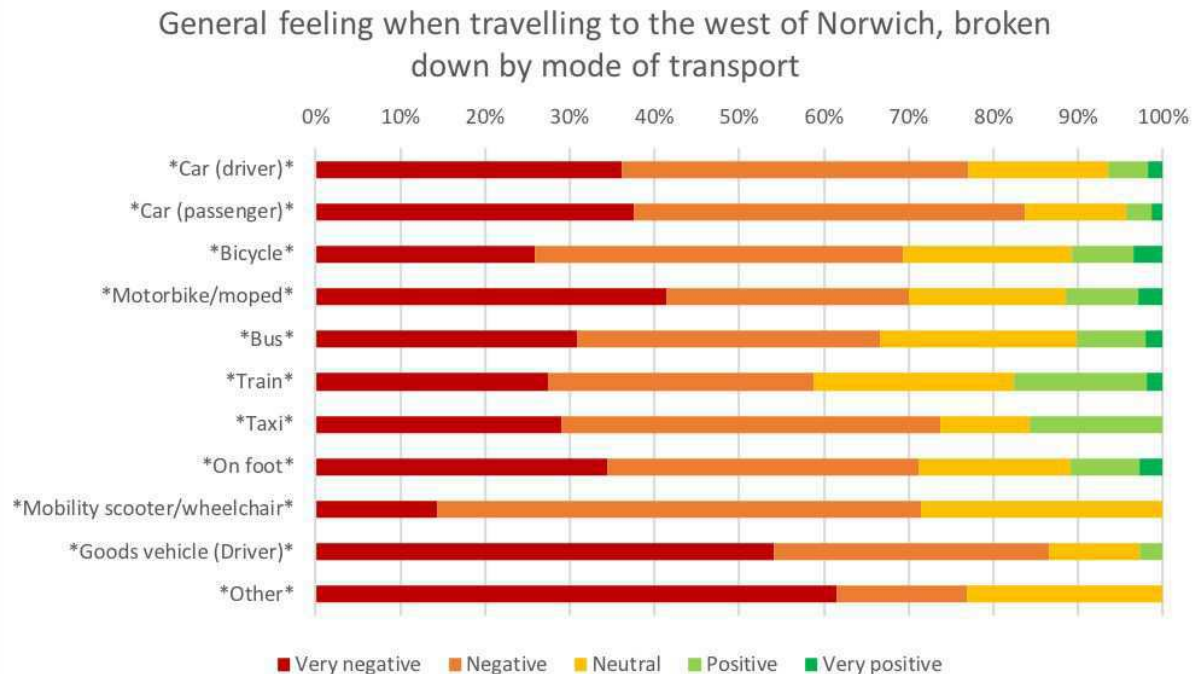
Considerations, comparing verified mentions only and total mentions including verified and unverified



Sentiment by transport mode

Respondents were asked "How do you feel in general when travelling through the area to the west of Norwich?" - the chart opposite shows their sentiment, broken down by the mode of transport they identified themselves as using.

Proportionately, goods vehicle drivers felt the most negatively, however they also made up one of the least-represented groups of transport users.

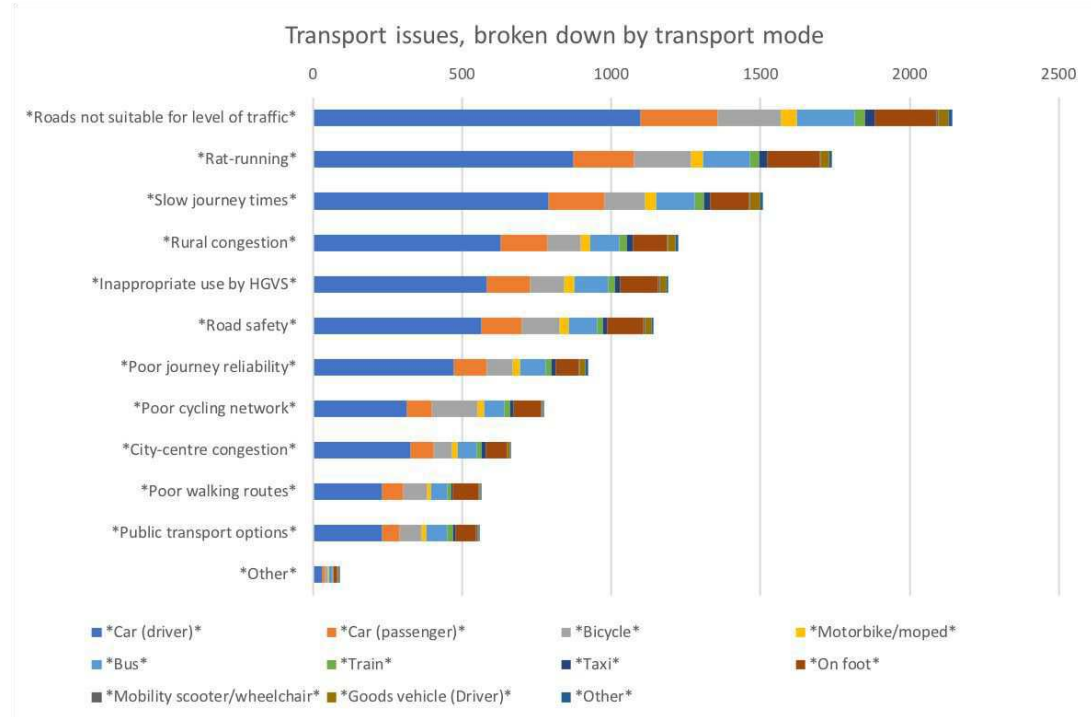


Transport issues by transport mode

Respondents were asked to identify transport issues from a pre-selected list of 'tags'.

The chart opposite shows the most commonly selected tags, and the breakdown of each tag by mode of transport.

Issues related to driving and car use such as congestion, rat-running and roads not being suitable for the level of traffic came out on top.



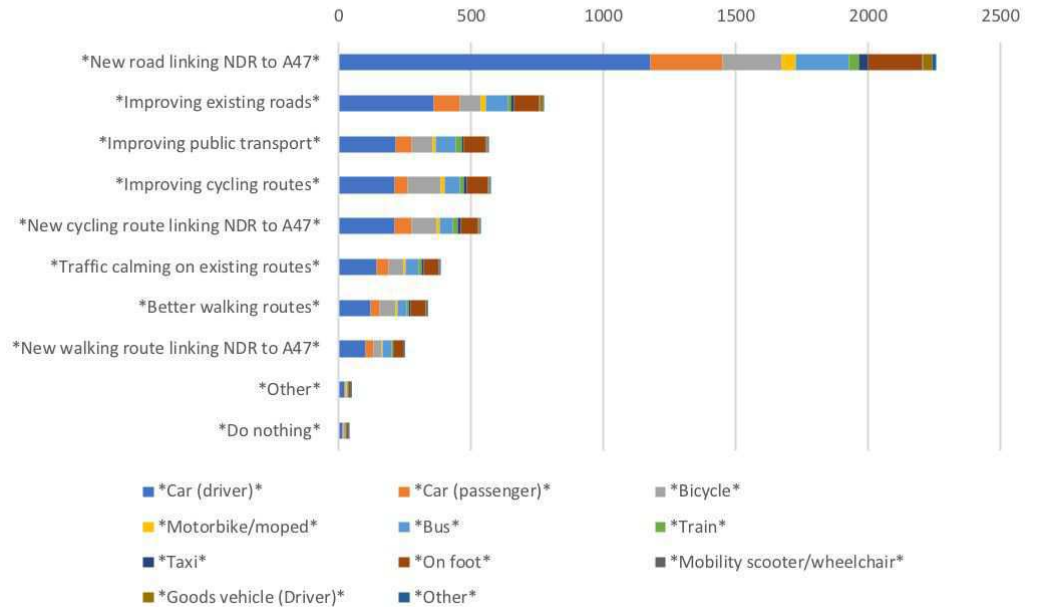
Potential transport solutions

Respondents were asked to identify possible options to tackle transport issues from a pre-selected list of 'tags'.

The chart opposite shows the most commonly selected tags, and the breakdown of each tag by mode of transport.

Support for new link road is common to all types of road users. There is little variation in support for solutions by mode of transport, except for cyclists supporting improving cycling routes

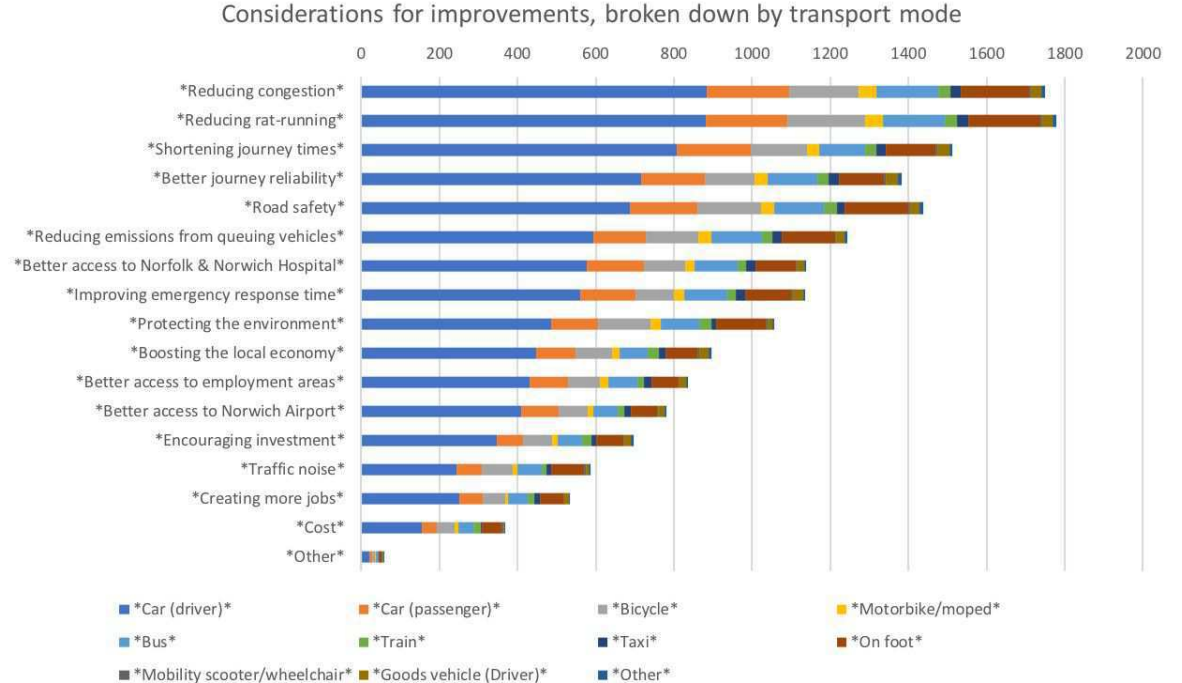
Support for potential transport solutions, broken down by transport mode



Considerations for improvements

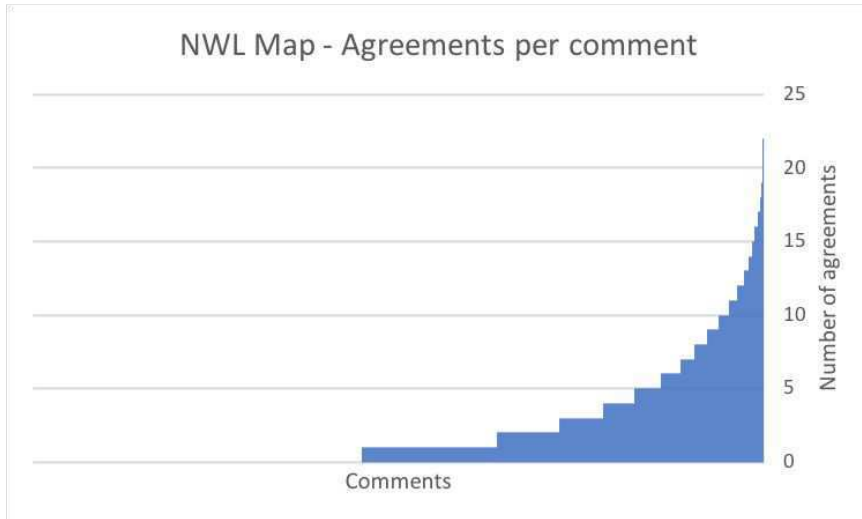
Respondents were asked what they would like the Council to take into consideration when exploring possible options to tackle transport issues.

The chart opposite shows the most commonly selected tags, and the breakdown of each tag by mode of transport.



Agreement summary

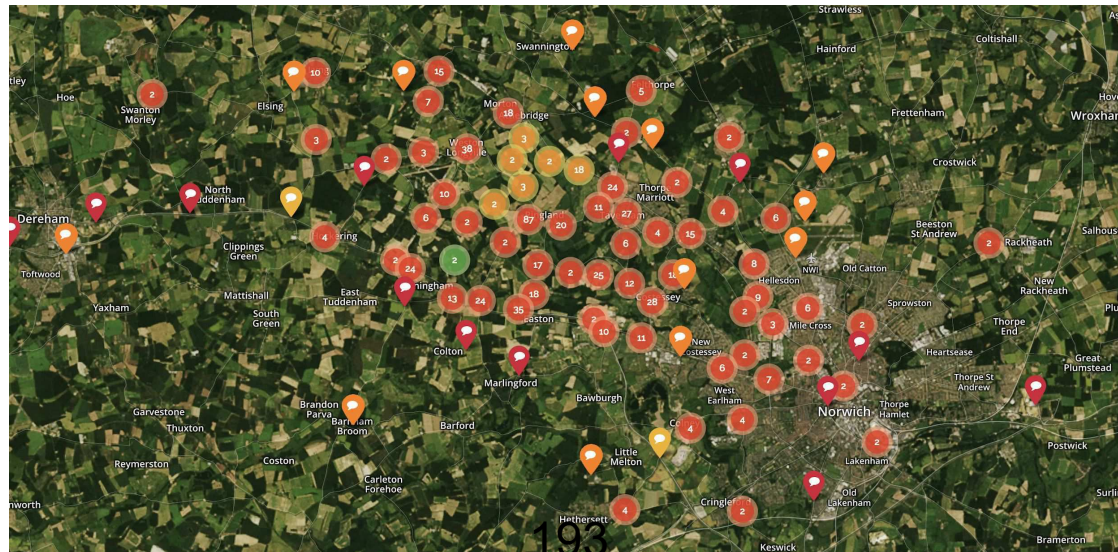
Commonplace allows users to 'agree' with other people's comments (but not their own) - they can only agree with each comment once. Comparing the number of agreements per comment between the two platforms shows a stark contrast, with NWL Map featuring significantly more agreements per comment. The design of the heatmap platform encourages exploration of others' comments before adding one's own - you can immediately see the comments clustered around the location that you are interested in.



Part IV: NWL Map comment analysis

Locations marked

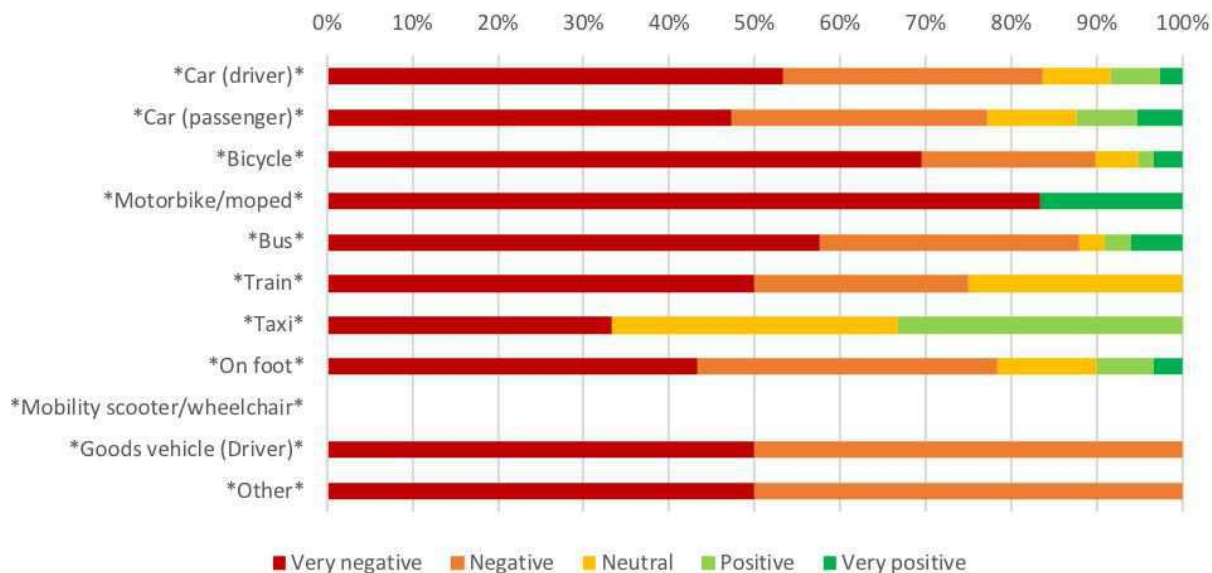
The Commonplace 'heatmap' tool allows users to mark the location that they wish to add a comment on. Although the majority of comments reflect the project's focus on the area west of Norwich, a good number of comments were added in other locations, from Litcham in the west to Wroxham in the east. One possible learning point for future consultations is to limit the extent to which users are able to zoom the map out, to avoid comments being made too far afield from the focal area of the consultation. The live map can be viewed at <https://nwmap.commonplace.is/comments>.



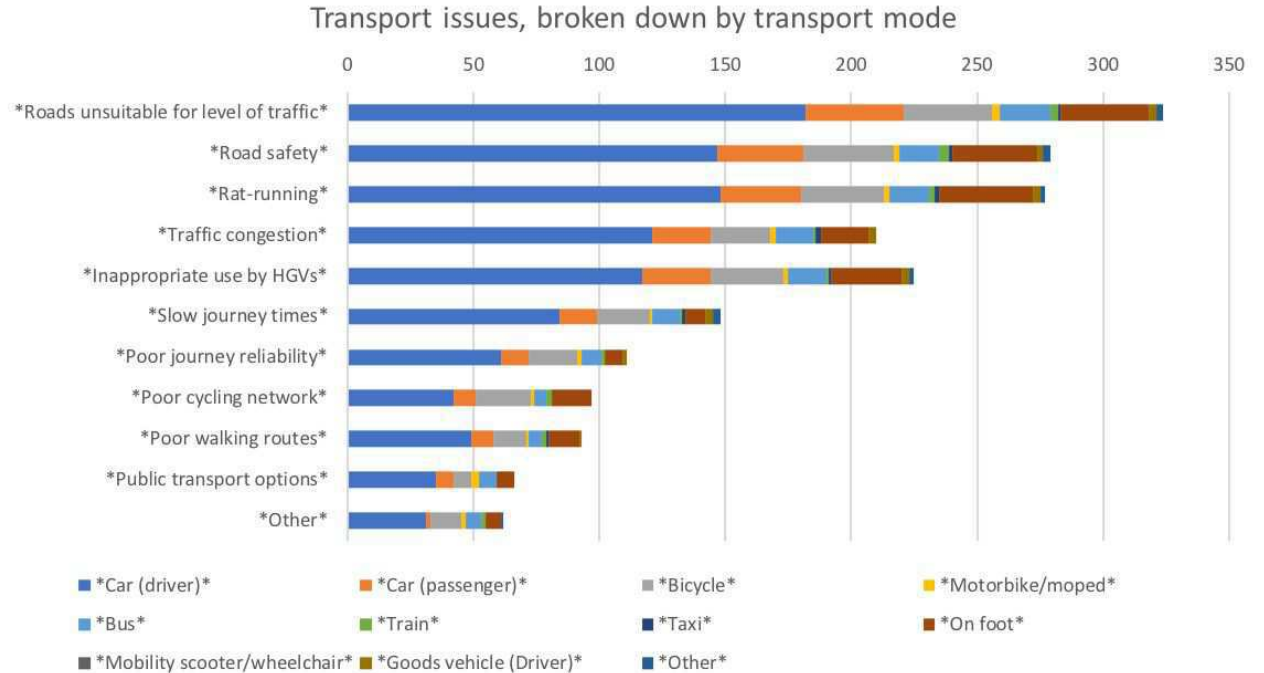
Sentiment by mode of transport

Sentiment about the current state of transport in the location the user selected was strongly negative.

Feeling about transport at the location selected, broken down by mode of transport

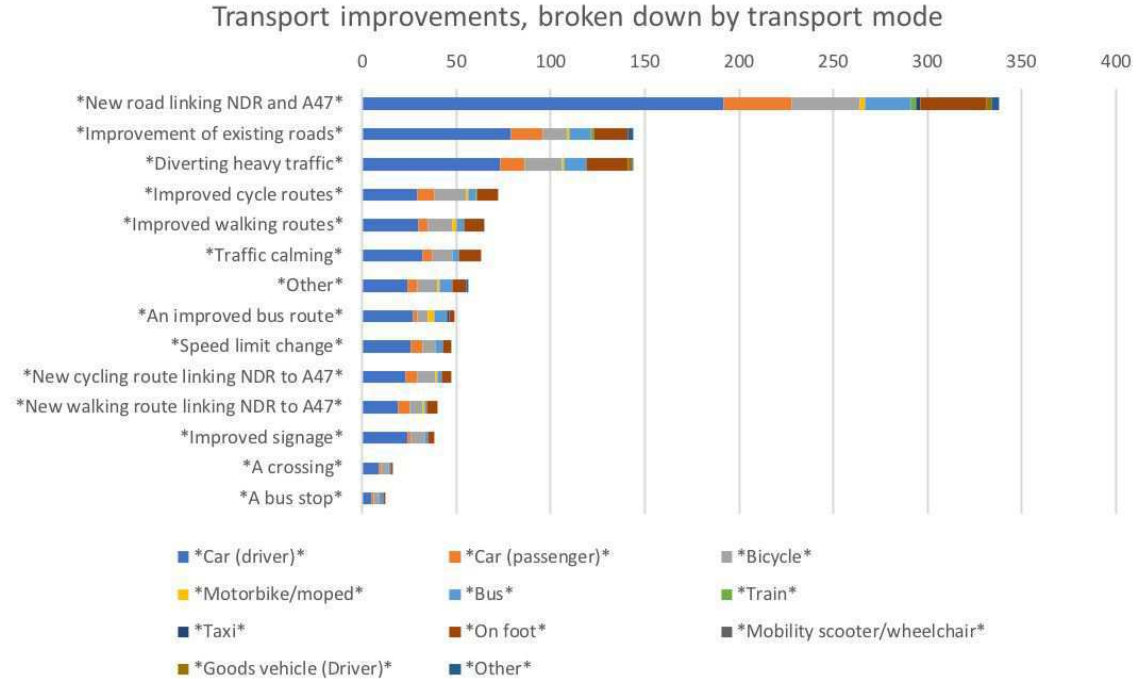


Transport issues by mode of transport



Transport improvements by mode of transport

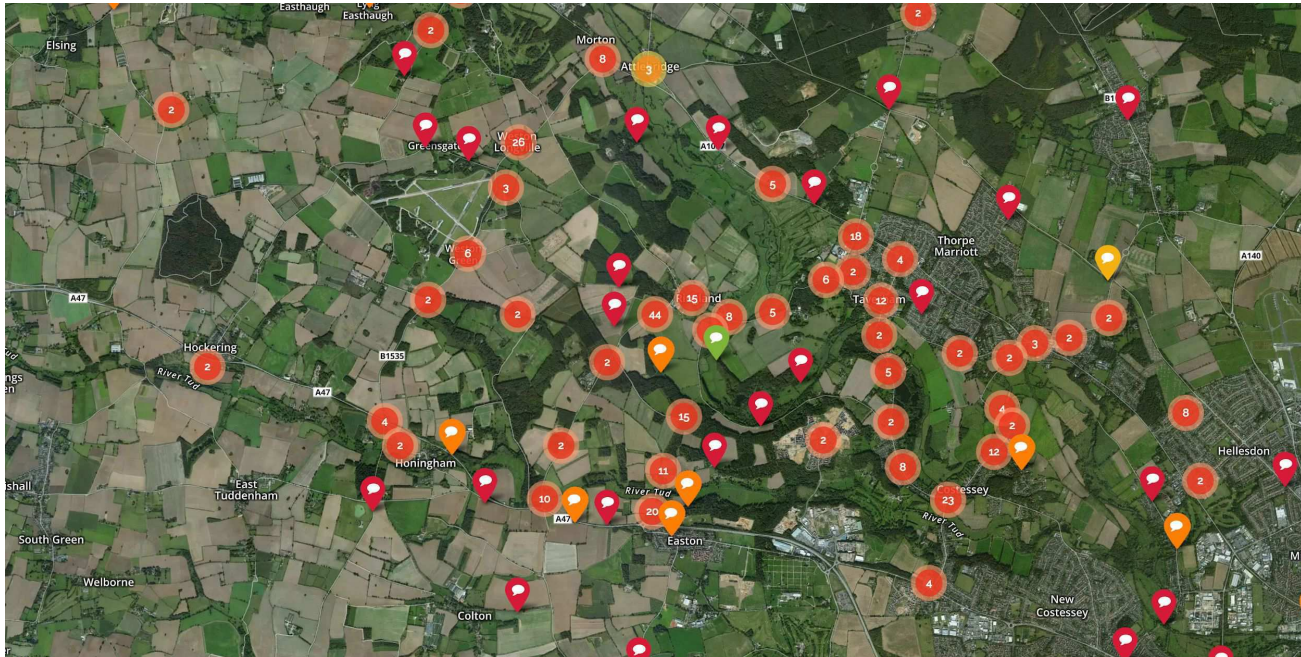
A new road linking NDR and the A47 was the most favoured improvement by a wide margin, though several people also favoured improvement of existing roads.



Transport issue locations

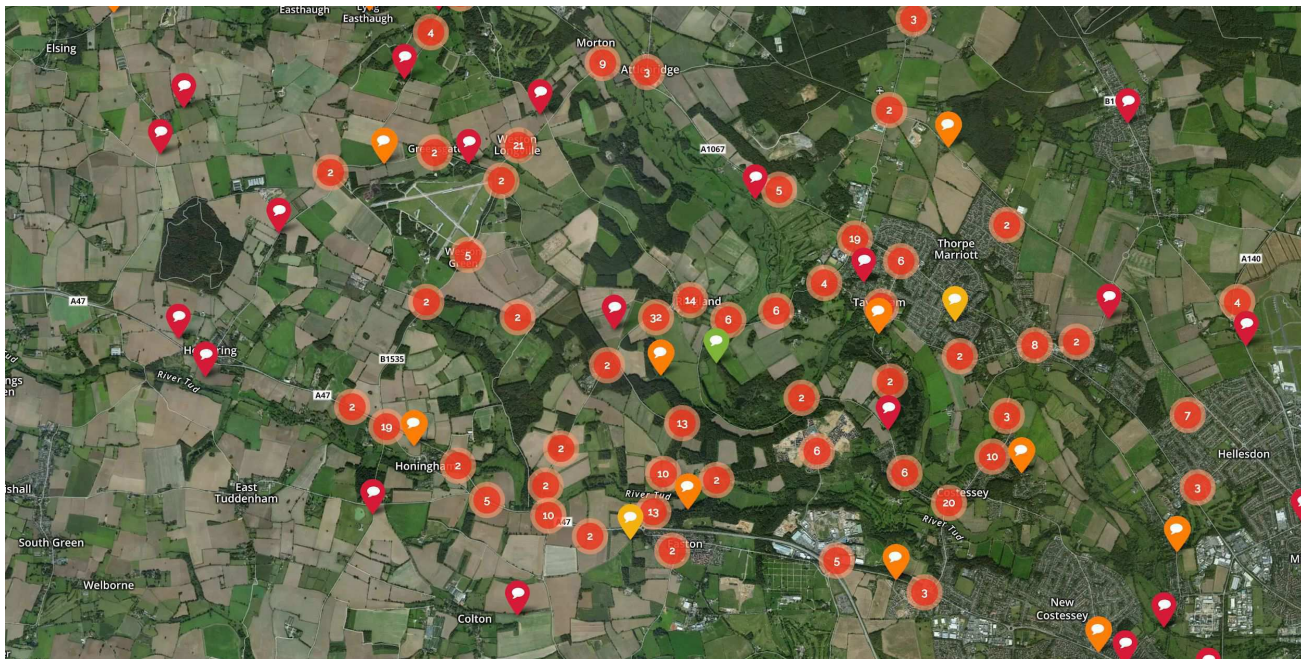
Locations tagged with 'rat-running'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



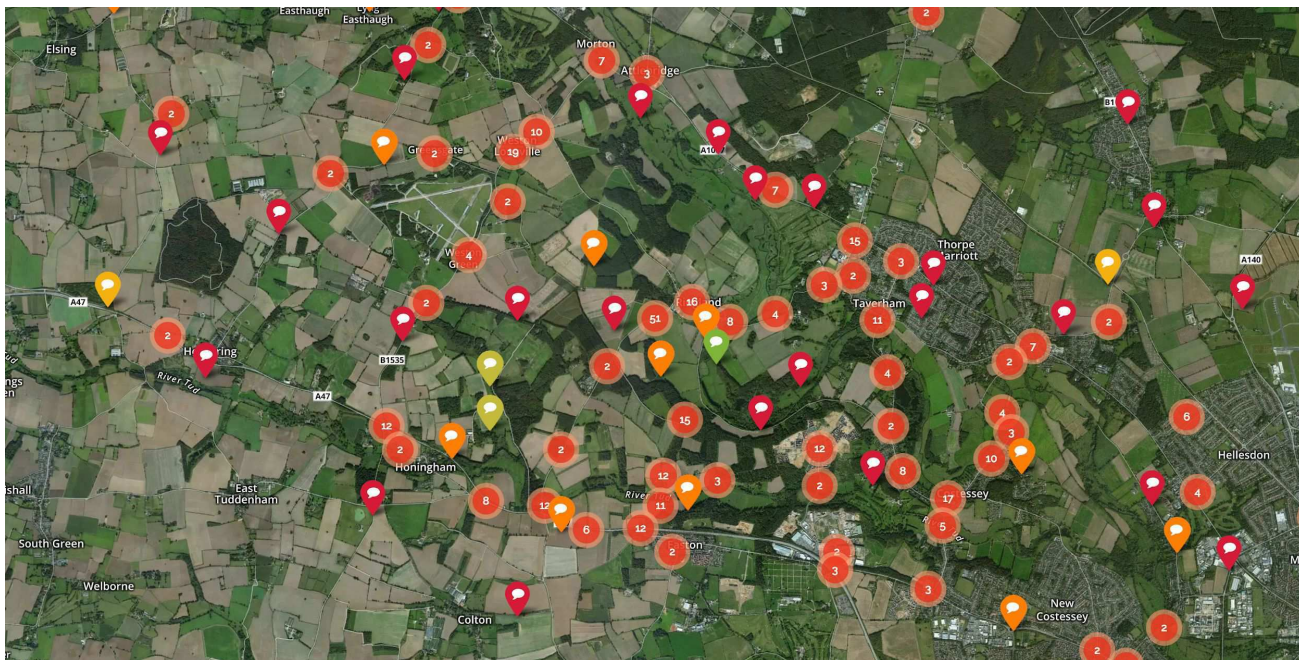
Locations tagged with 'road safety'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



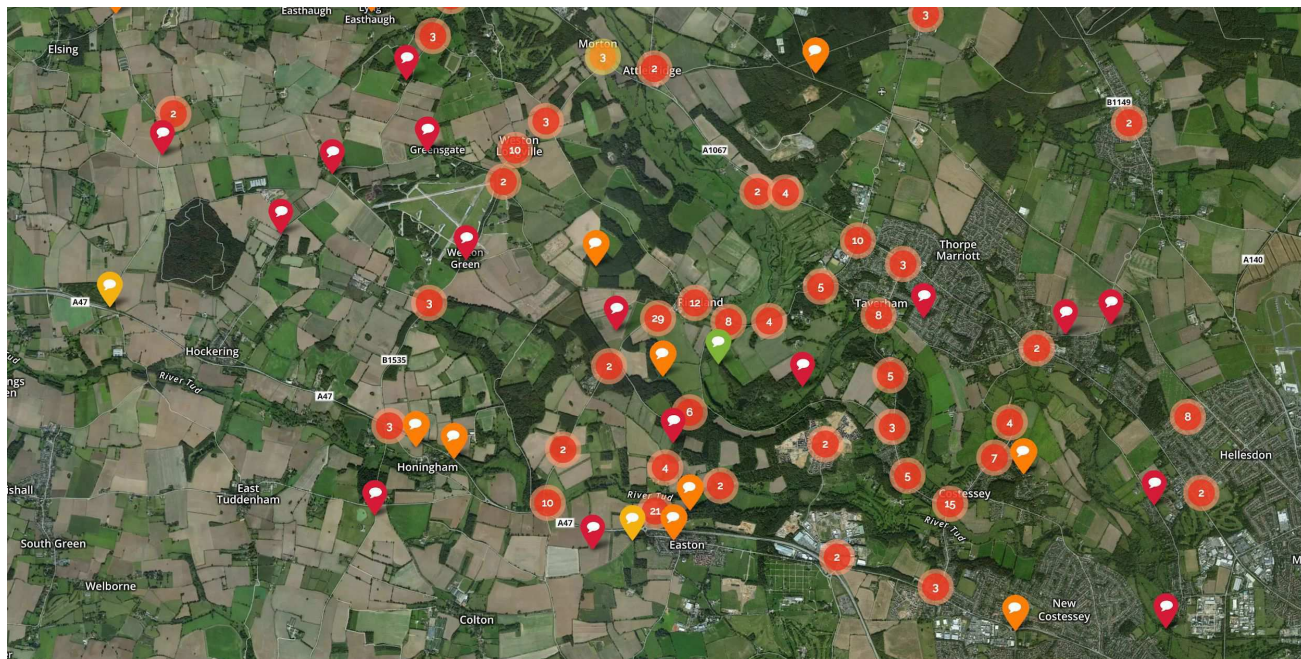
Locations tagged with 'roads unsuitable for level of traffic'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



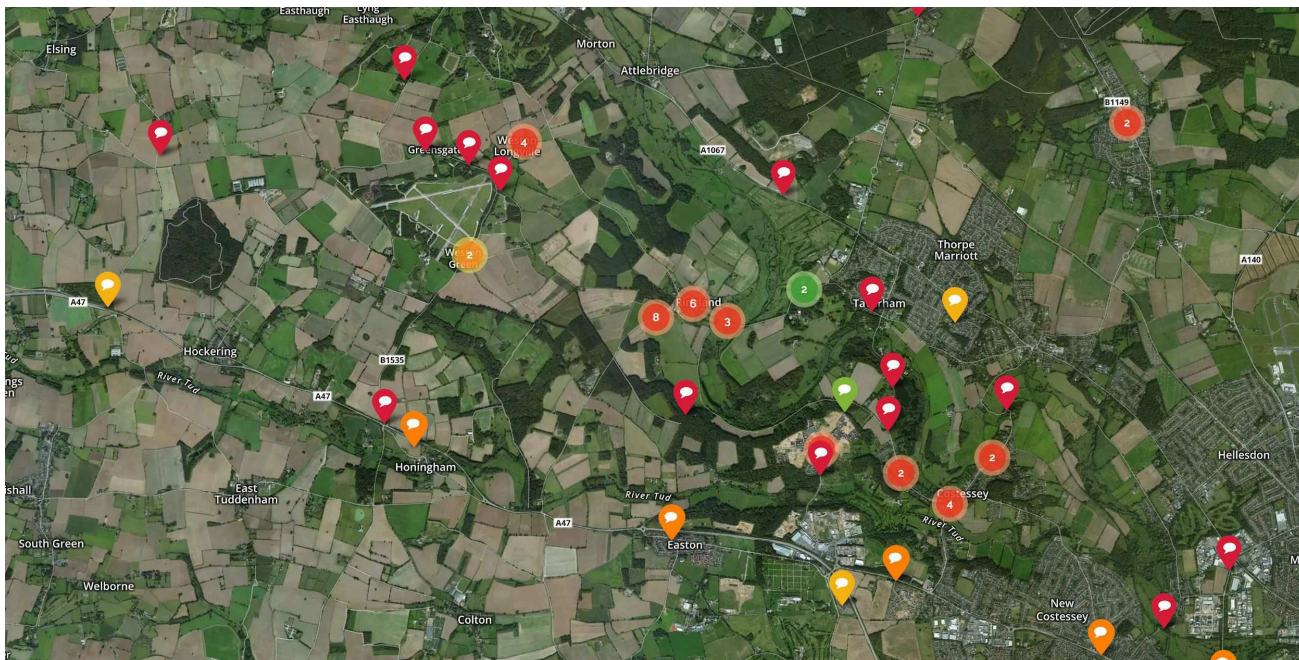
Locations tagged with 'inappropriate use by HGVs'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



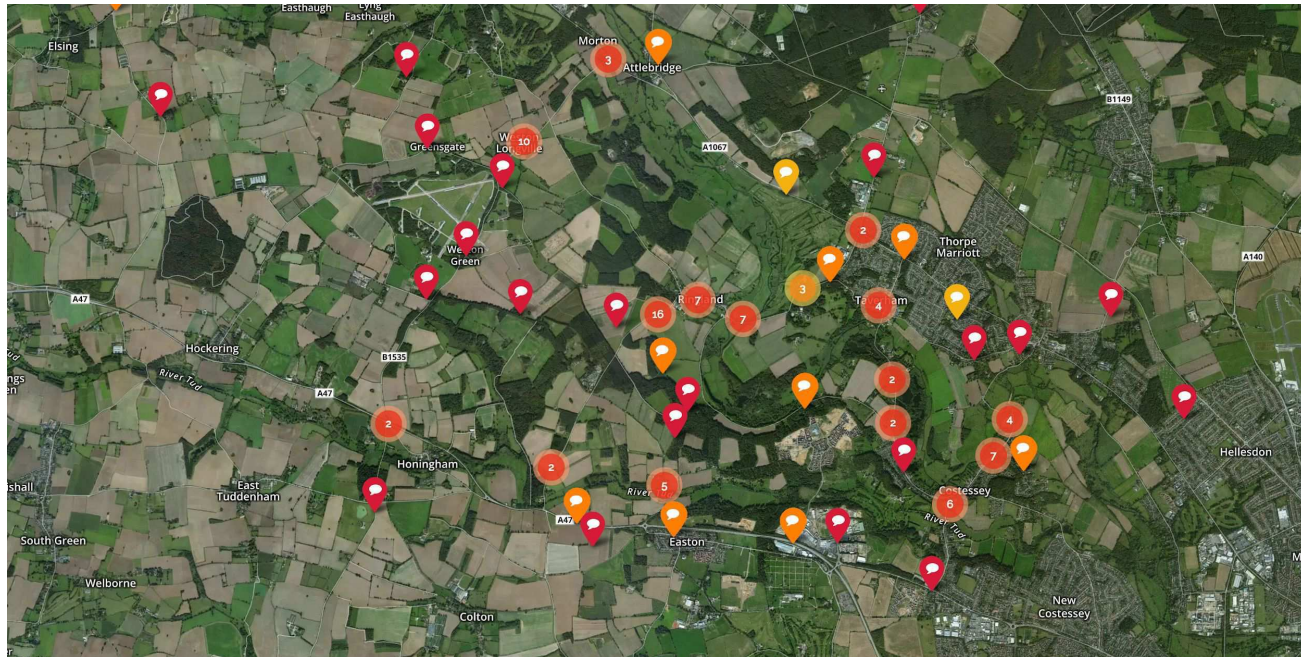
Locations tagged with 'public transport options'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



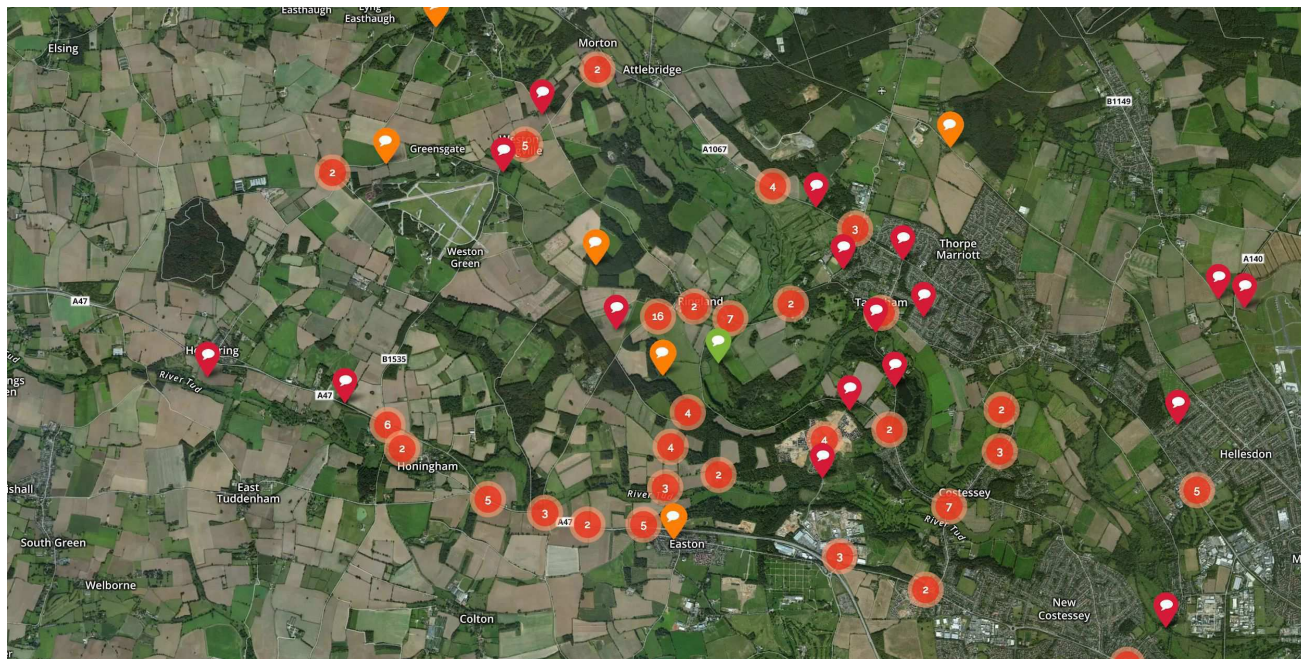
Locations tagged with 'poor walking routes'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



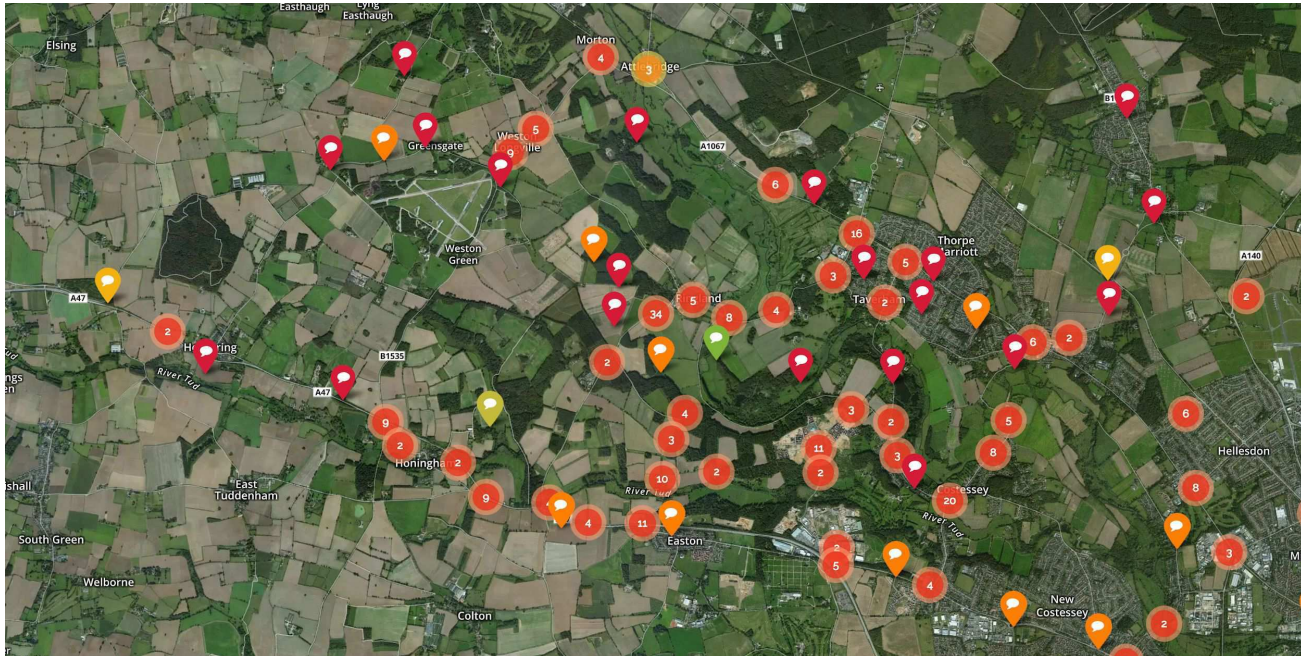
Locations tagged with 'poor journey reliability'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



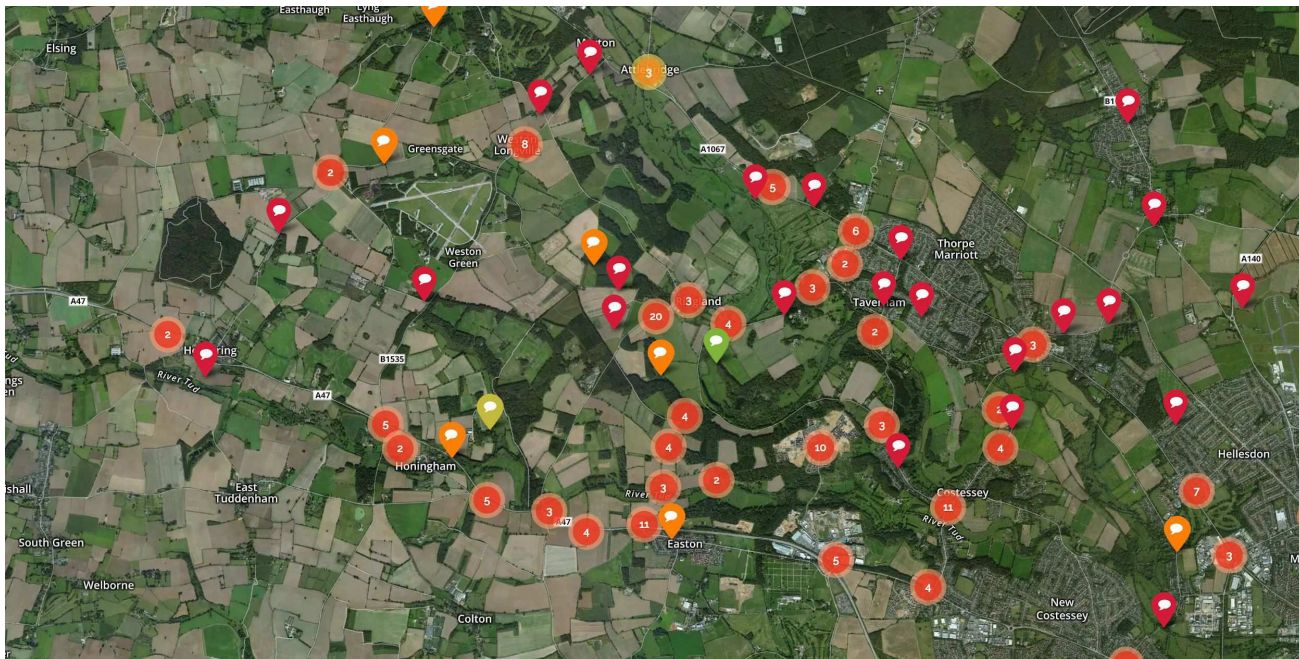
Locations tagged with 'traffic congestion'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



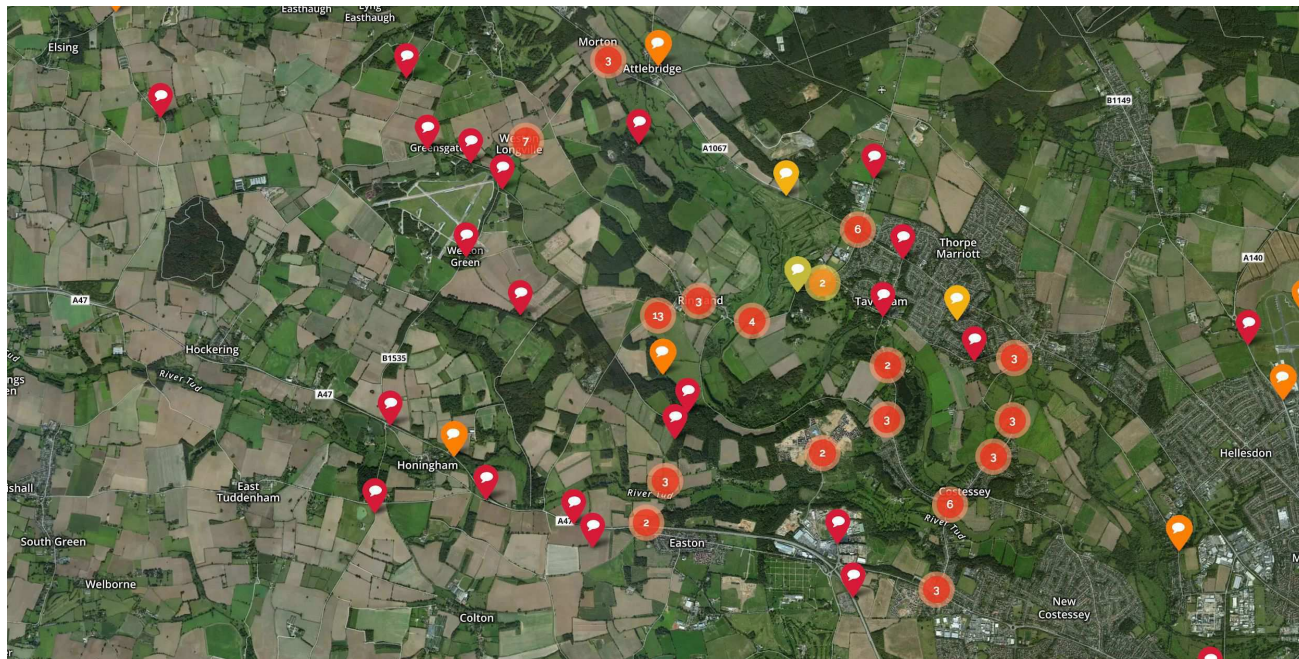
Locations tagged with 'slow journey times'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



Locations tagged with 'poor cycling network'

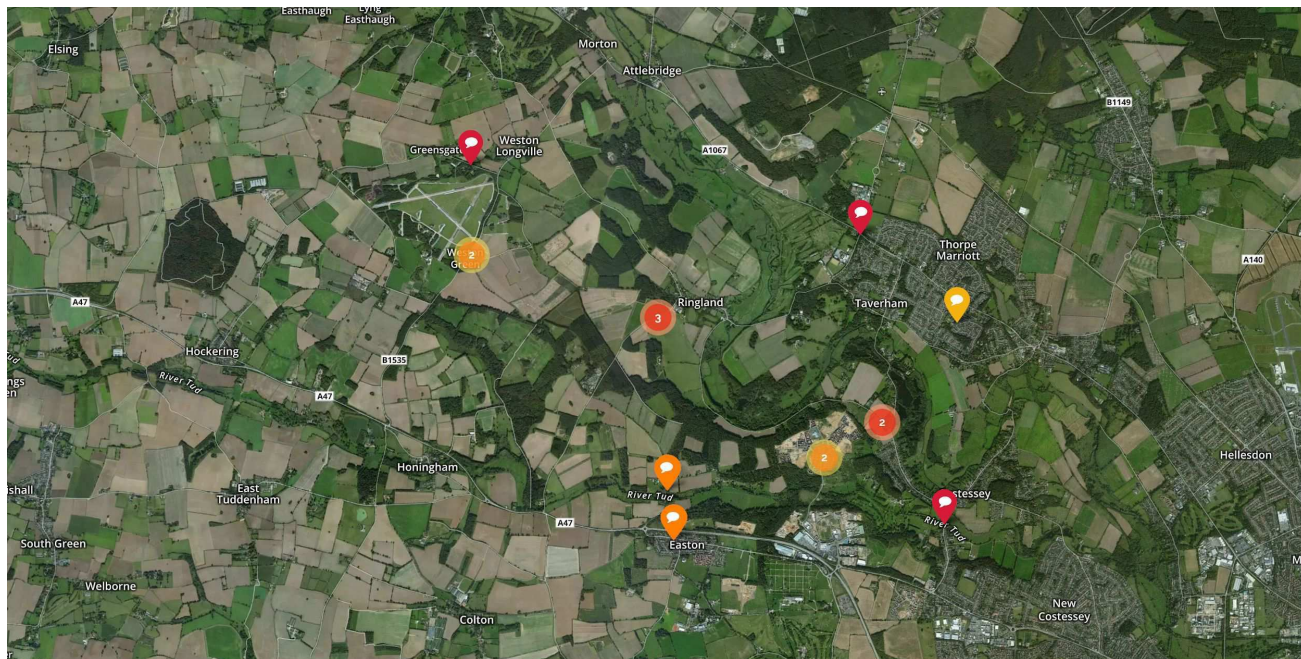
[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



Transport improvement locations

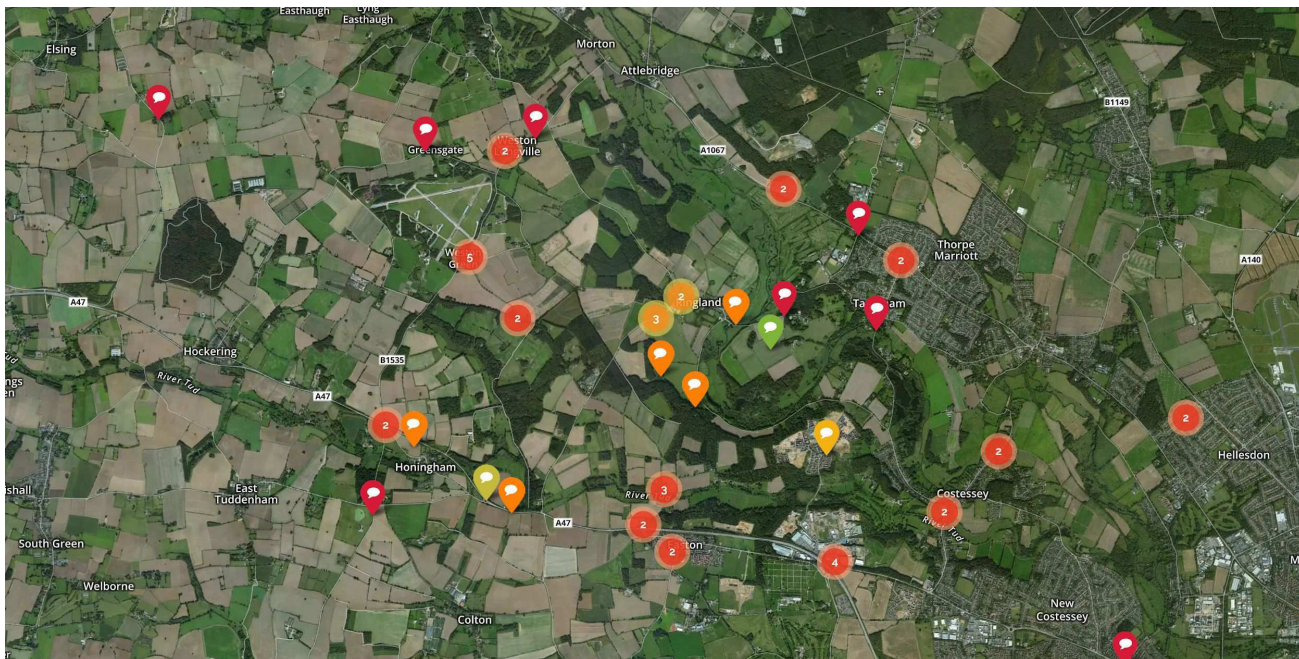
Locations tagged with 'a bus stop'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



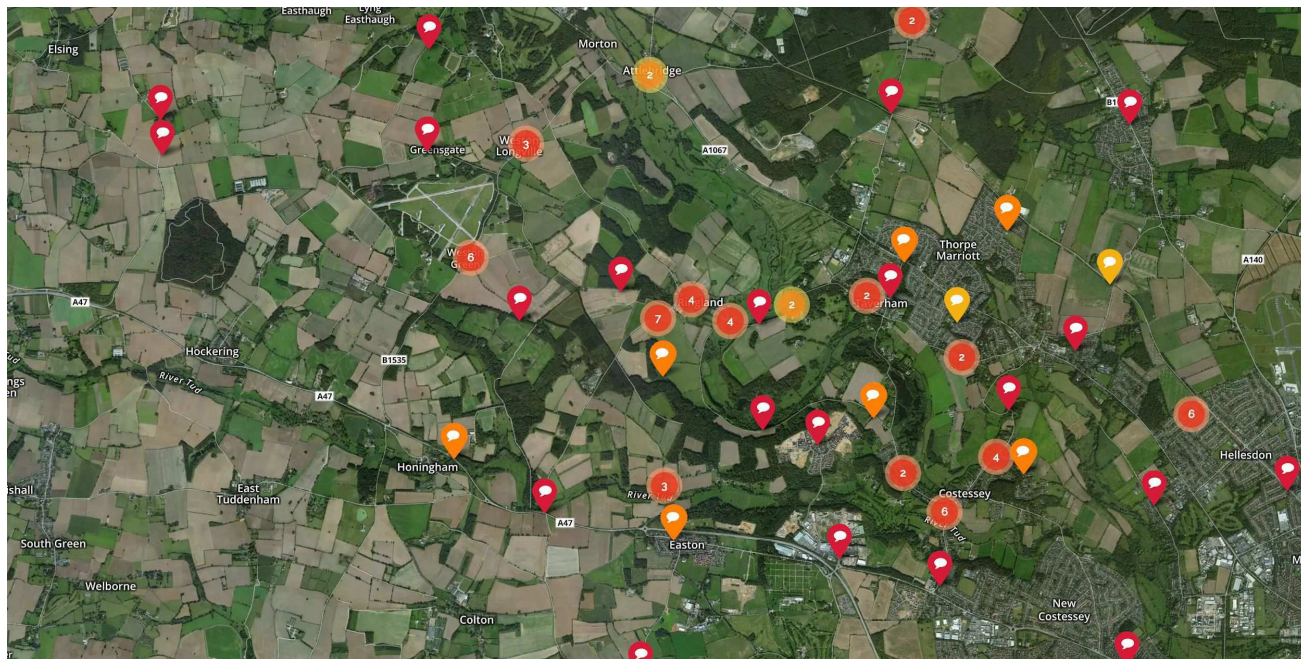
Locations tagged with 'improved signage'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



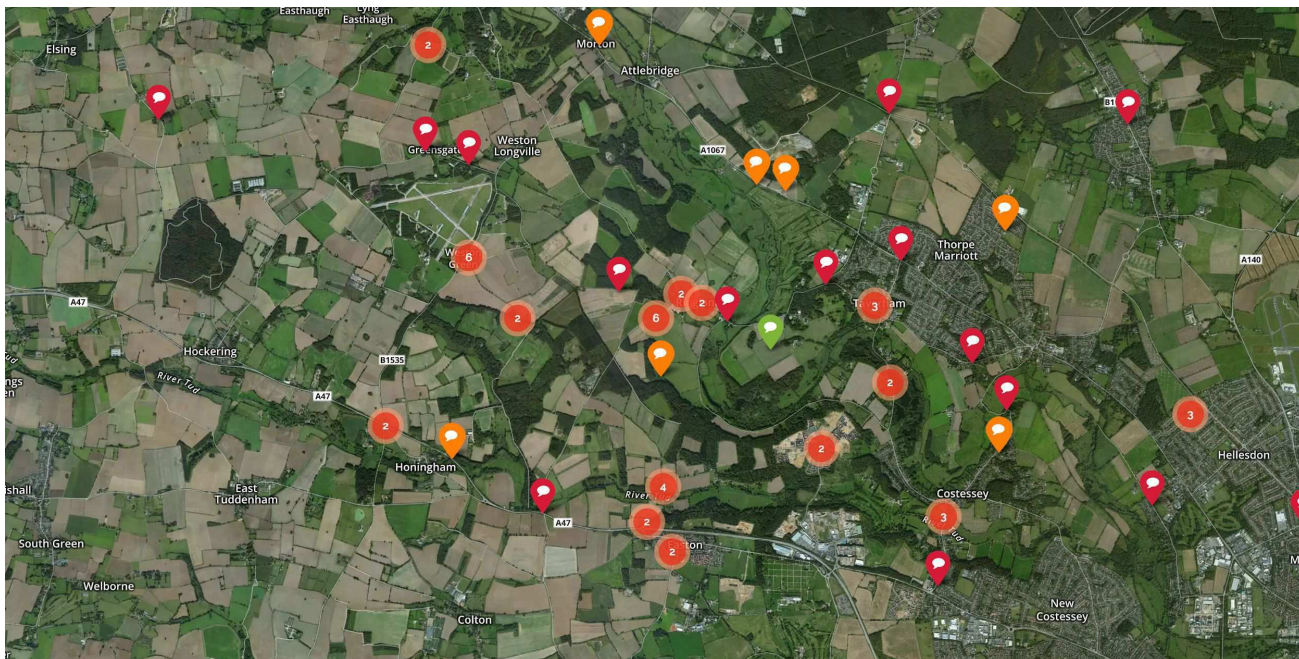
Locations tagged with 'traffic calming'

[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



Locations tagged with 'speed limit change'

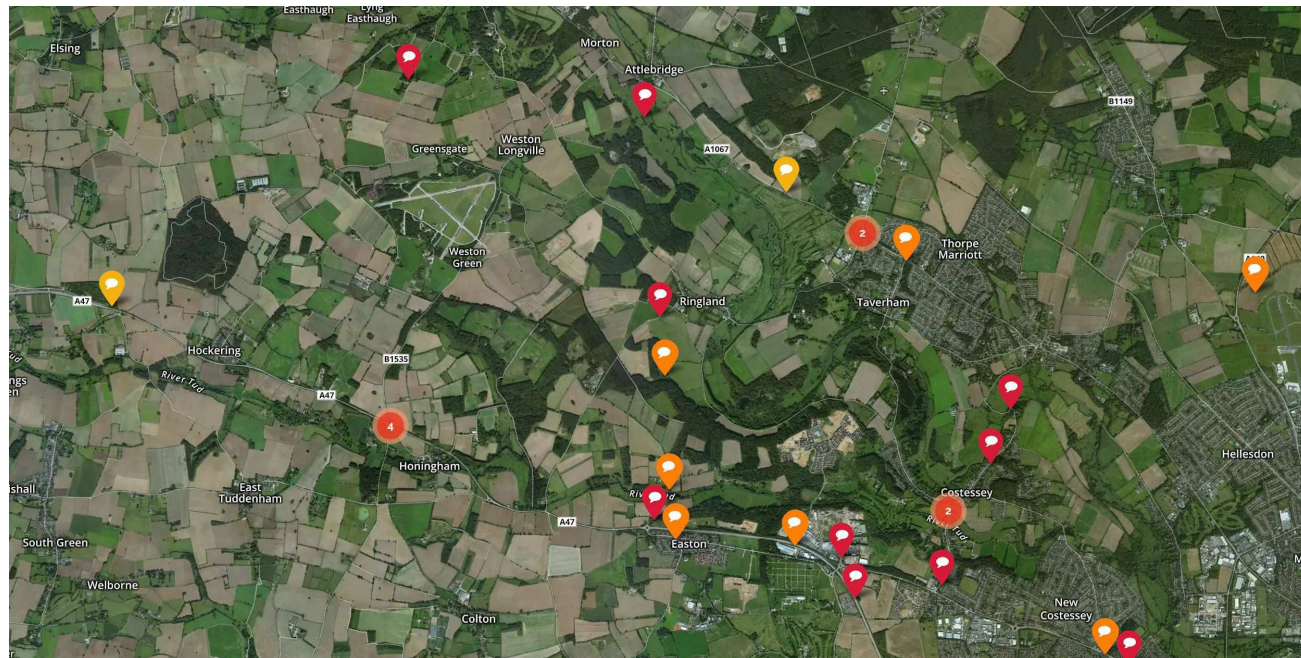
[Click here to view on live map](#) (this will show only the locations where this tag was flagged)



Locations tagged with 'a crossing'

N.B. Please note that some users had differing interpretations of 'crossing', seeing it as either a pedestrian crossing or bridge/new road.

[Click here to view on live map](#)
(this will show only the locations where this tag was flagged)



Comments with most agreements

Comment #1, 22 agreements

What is the location that you are referring to?: "Road"

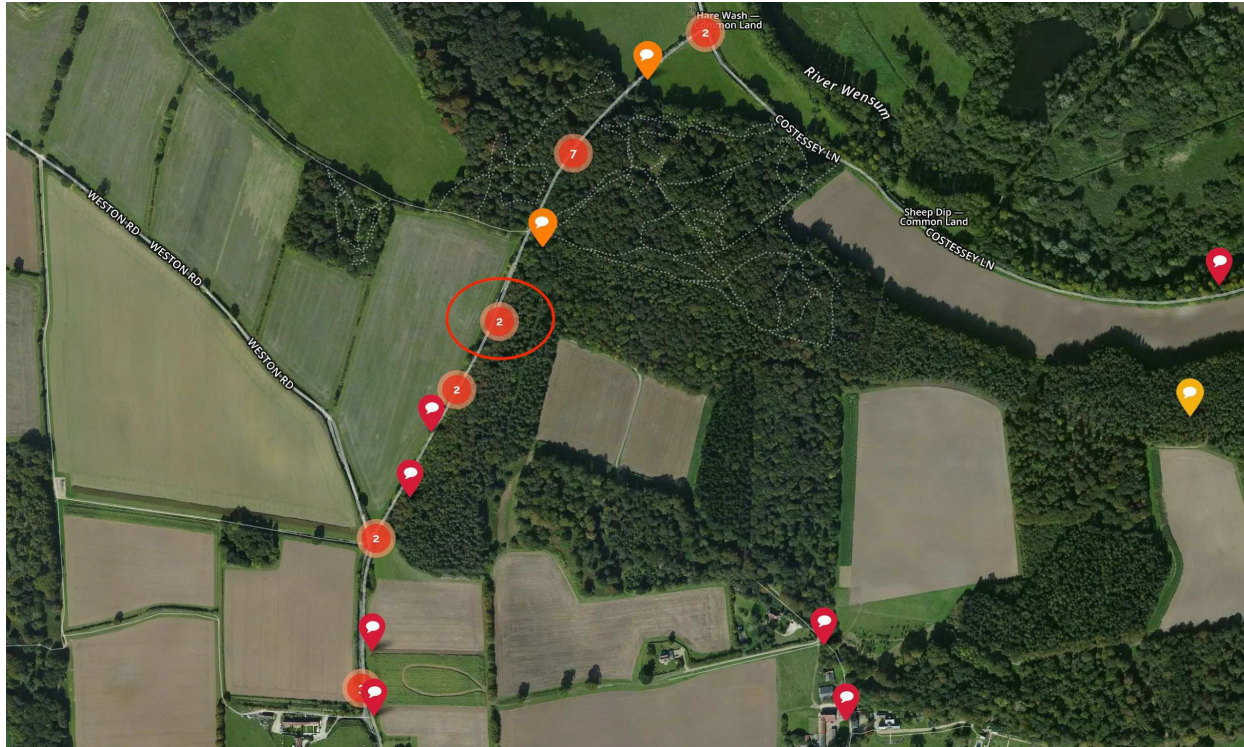
How do you feel about transport at this location?: 

What transport issues, if any, do you feel currently affect this location?: "Rat-running", "Road safety", "Other"

If "other" please tell us a bit more: "Dreadfully small road always used as a rat-run by all vehicle types. Surprised that not more accidents happen there to be honest."

[Click here to view comment on live map](#), location on following page

Comment #1, 22 agreements



Comment #2, 19 agreements

What is the location that you are referring to?: "Ringland Lane Easton"

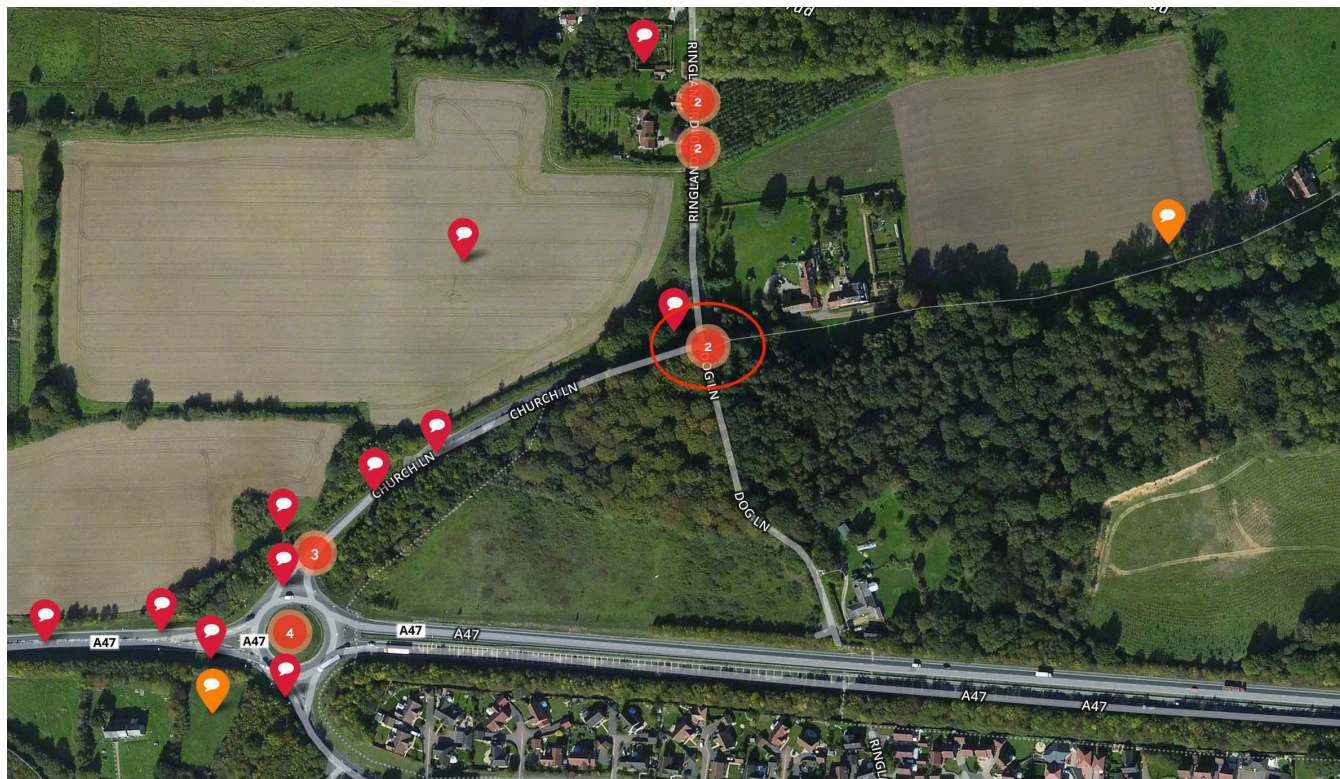
How do you feel about transport at this location?: 

What transport issues, if any, do you feel currently affect this location?: "Rat-running"

How, if at all, do you think this location could be improved?: "New road linking NDR and A47"

[Click here to view comment on live map](#), location on following page

Comment #2, 19 agreements



Comment #3: 18 agreements

What is the location that you are referring to?: "Easton roundabout where Ringland road joins"

How do you feel about transport at this location?: 

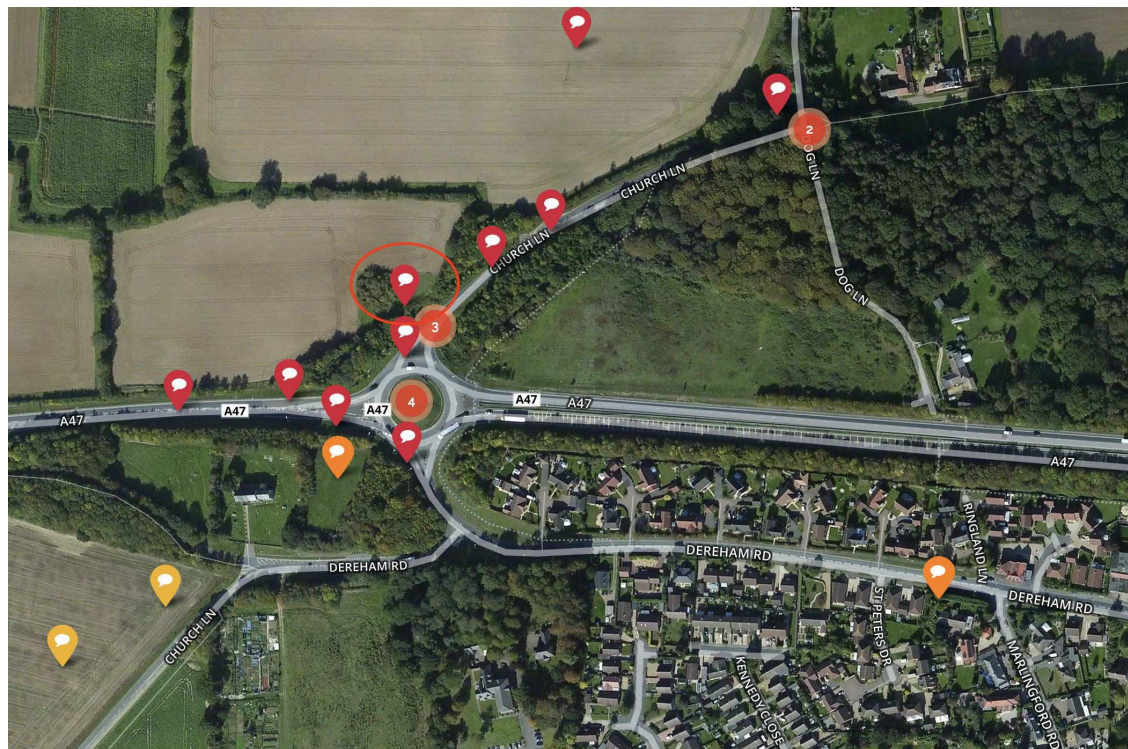
What transport issues, if any, do you feel currently affect this location?: "Rat-running", "Slow journey times", "Inappropriate use by HGVS", "Roads unsuitable for level of traffic"

How, if at all, do you think this location could be improved?: "New road linking NDR and A47", "Diverting heavy traffic", "Other"

If "other" please tell us a bit more: "To stop heavy goods vehicles using the Ringland route why not put a physical height barrier in place at either end. This would improve the journey time for the rest of us while we wait for the NDR link to the A47."

[Click here to view comment on live map](#), location on following page

Comment #3: 18 agreements



Comment #4, 18 agreements

What is the location that you are referring to?: "Costessey"

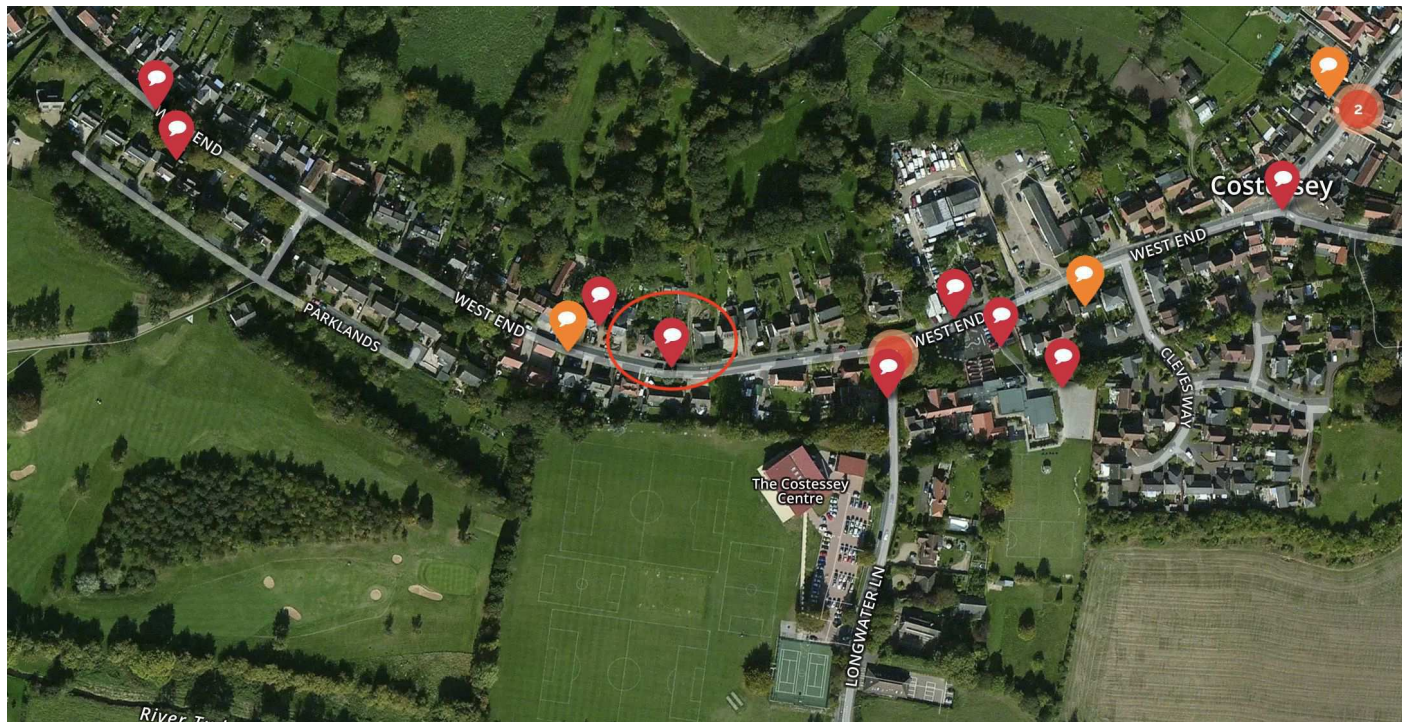
How do you feel about transport at this location?: 

What transport issues, if any, do you feel currently affect this location?: "Rat-running", "Roads unsuitable for level of traffic"

How, if at all, do you think this location could be improved?: "New road linking NDR and A47"

[Click here to view comment on live map](#), location on following page

Comment #4, 18 agreements



Comment #5, 17 agreements

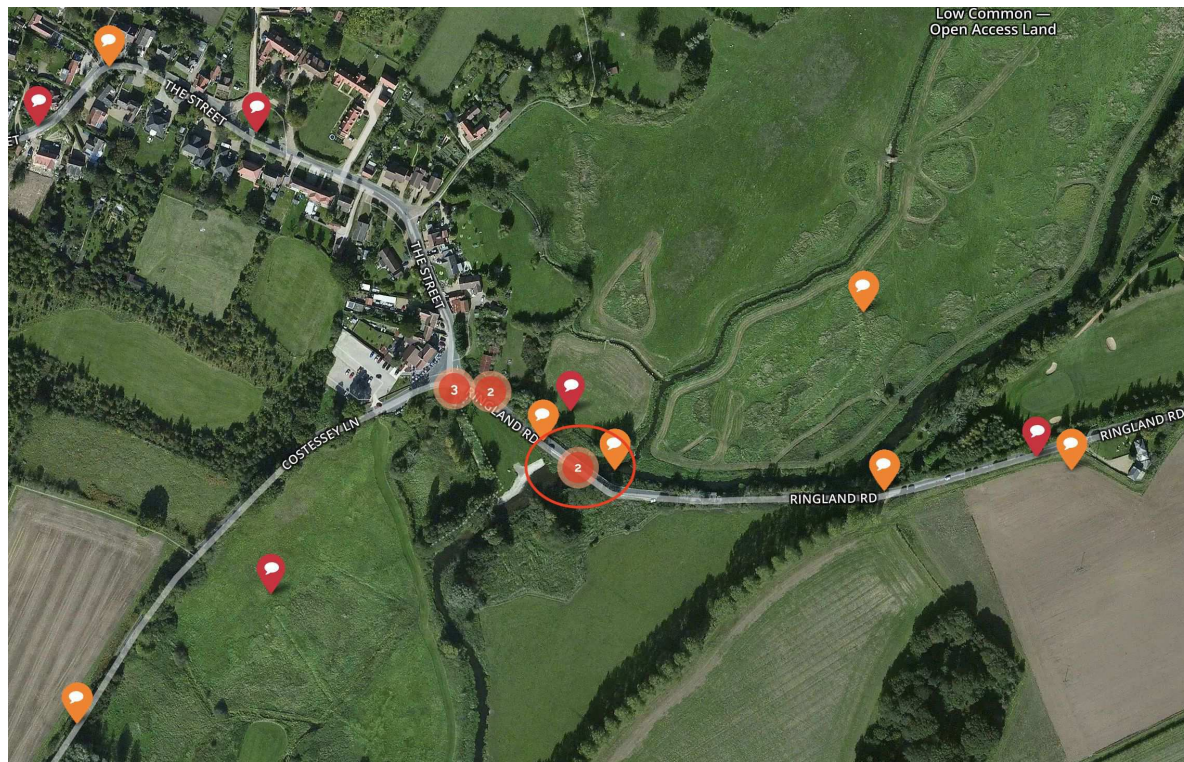
What is the location that you are referring to?: "Bridge"

How do you feel about transport at this location?: 

How, if at all, do you think this location could be improved?: "New road linking NDR and A47"

[Click here to view comment on live map](#), location on following page

Comment #5, 17 agreements





Environment, Development and Transport Committee

Report title:	Concessionary travel scheme for older and disabled people
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services
Strategic impact	
<p>The English National Concessionary Travel Scheme (ENCTS) is a mandatory scheme which gives free bus travel in England for people eligible by nature of their age or disability. The scheme is designed to promote independence and reduce isolation for some of the most vulnerable members of our community, and therefore fits with NCC's corporate priorities and key principles.</p>	

Executive summary

The English National Concessionary Travel Scheme (ENCTS) was introduced in 2008. In 2011 the duty to manage and administer the scheme transferred to Norfolk County Council (NCC) from district councils, so Norfolk is the Travel Concession Authority (TCA).

The scheme is mandatory as determined by the Transport Act 2000 (as modified by the Concessionary Bus Travel Act 2007). Our minimum obligation is to offer free travel on local bus services from 0930 to 2300 Monday to Friday and at all times on weekends and public holidays, for all eligible older and disabled people who start their journeys in Norfolk.

TCAs are responsible for reimbursing bus operators for the costs of this free travel, in accordance with statutory requirements, such that they are neither better nor worse off as a result of the scheme.

Funding for concessionary travel was rolled into Formula Grant back in 2011-12 so it is now paid through Revenue Support Grant. This means that there is now no visibility of the rolled in amounts within the Settlement and any allocation for concessionary fares will have reduced with overall reductions in Settlement Funding.

However we do know that the original settlement for Norfolk when the scheme transferred from the district councils was significantly less than the cost of the scheme – the Norfolk districts spent £11m on delivering the scheme in 2010/11 but the Settlement received by NCC from DCLG for 2011/12 was £7.227m, giving a shortfall of at least £3.773m.

In 2017/18 the total spend on concessionary travel was £11,655,935. Payments to operators totalled £11,530,538; the remaining spend of £125,397 was for management and administration of the scheme.

Recommendations:

The EDT Committee is asked to:

- **Note the contents of this report and the shortfall in concessionary funding, to seek support from Norfolk's MPs and to lobby for a fairer settlement to cover the full costs of the English National Concessionary Travel Scheme (ENCTS) for Norfolk.**

1. Proposal

- 1.1. ENCTS is a mandatory scheme and there are limited options to reduce cost. The majority of spend is for reimbursement to operators for journeys made by passholders.
- 1.2. Since 2011 NCC has negotiated a fixed reimbursement pot with operators, which caps the amount of money that they will be reimbursed each year. Each operator is reimbursed a percentage of this pot according to the number of journeys that are made by passholders on their services.
- 1.3. TCAs are responsible for reimbursing bus operators for the costs of this free travel, in accordance with statutory requirements, such that they are neither better nor worse off as a result of the scheme. Operators do not receive the full fare for each journey made by a passholder, but receive on average 40p for every £1 of their average fare, which is in line with the scheme guidance.
- 1.4. 2017/18 was the start of a new 3-year agreement until 2019/20, with the fixed pot agreed as follows:

2017/18	2018/19	2019/20
£11,415,538	£11,586,771	£11,644,705

- 1.5. Additional Capacity Costs of £115,000 are also paid for the Coasthopper service, as the operators need to run additional vehicles to cope with the number of passholders travelling on that service (in order to meet the principle of 'no better, no worse off').
- 1.6. Re-negotiation of the fixed pot will start in September 2019. It is hoped that the operators will agree a further fixed pot as this gives financial certainty to NCC and will maintain network and service stability.
- 1.7. The minimum obligations of the scheme are to offer free travel on local bus services from 0930 to 2300 Monday to Friday and at all times on weekends and public holidays. TCAs can offer discretionary enhancements to this minimum offer at their own cost.
- 1.8. In Norfolk the discretionary enhancements we offer are:
 - Pass holders who are unable to travel unaided can have a companion travel with them for free
 - All day travel at all times for blind and partially sighted passholders
 - Free travel on some bus services before 0930 where the only or main shopping journey of the day departs before 0930.
- 1.9. The cost of these enhancements is minimal compared to the overall spend, and are estimated to be as follows:
 - Companion travel - £20k per year
 - All day travel for blind and partially sighted - £30k per year
 - Travel before 0930 where there is no service after 0930 - £60k per year
- 1.10. Removing these discretionary enhancements would directly affect disabled travellers and those unable to access any other public transport service, which would lead to social isolation for the most vulnerable in our society, and therefore it is not recommended to proceed with this option.
- 1.11. Contracts for the management and administration of the scheme (e.g. pass printing) are re-procured every 3 years.
- 1.12. There is therefore little scope to make any savings on the concessionary travel

budget.

2. Evidence

- 2.1. There were 186,493 Norfolk passes in circulation at 31st March 2018 (173,046 elderly passes and 13,447 disabled passes). This represents an estimated take up rate of the ENCTS at 81.1% using the Office for National Statistics 2016 estimated for persons aged 65+ and over, plus an allowance of 8% for disabled.
- 2.2. Norfolk has a higher than average number of older people, particularly in north Norfolk, which leads to a higher than average spend on concessionary travel.
- 2.3. In addition to this, NCC is responsible for reimbursing operators for any journey that is made by a passholder from another local authority if their journey starts in Norfolk. This has a direct and higher than average financial impact on Norfolk's spend due to the high number of elderly visitors, particularly along the north coast.
- 2.4. 9,004,040 journeys were made in Norfolk by concessionary passholders in 2017/18. This was 4% lower than the previous year but the drop occurred primarily between December and March when the UK experienced severe winter weather with substantial snowfalls causing great travel disruption.
- 2.5. The travel value of the journeys made in 2017/18, which is the full fare cost, was £20,619,248 (against a reimbursement to operators of £11,415,538).

3. Financial Implications

- 3.1. Norfolk spends £11,655,935 on the mandatory concessionary travel scheme, however we know that it does not receive the full amount from central government to cover the cost of operation.
- 3.2. When the scheme transferred to the County Council from the district councils we assessed that the funding provided was significantly less than the cost of the scheme – the Norfolk districts spent £11m on delivering the scheme in 2010/11 but the Settlement received by NCC from DCLG for 2011/12 was £7.227m, giving a shortfall of at least £3.773m.
- 3.3. Funding for concessionary travel was rolled into Formula Grant back in 2011-12 and is paid through Revenue Support Grant. This means that there is now no visibility of the specific allocation within the Settlement. In addition, any allocation for concessionary fares will have been reduced in line with overall reductions in grant funding.
- 3.4. Since 2011 NCC has negotiated a fixed reimbursement pot with operators, which caps the amount of money that they will be reimbursed each year. Each operator is reimbursed a percentage of this pot according to the number of journeys that are made by passholders on their services.

4. Issues, risks and innovation

4.1. Issues and risks

Local bus operators do not receive the full fare for each journey made by a concessionary passholder. This is offset by the fact that more people are travelling because travel is free (known as the generation factor). But there is a risk that too many free travellers would mean that operators have to increase capacity or frequency of service to cope with demand and they can then claim from NCC extra funding (known as an Additional Capacity Claim).

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

No changes to the scheme are proposed therefore is no need for an Equality Impact Assessment, however it should be noted that the scheme is intended to benefit older and disabled people's access to facilities and services.

4.3. **Health and Safety Implications**

There are no health and safety implications of which to take account.

4.4. **Environmental Implications**

There are no direct environmental implications to take into account as part of this report.

4.5. **Legal Implications**

We have a statutory duty under the Concessionary Travel Act 2007 (as amended) to provide free travel for people eligible by age or disability to a statutory minimum level.

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

There are no implications to take into account.

5. **Background**

5.1. The shortfall in concessionary fares funding has been apparent since NCC took over the scheme in 2011. At this time representations were made to the then Under Secretary of State for Transport, Norman Baker MP, by the Cabinet Member for Travel and Transport in relation to the estimated shortfall in funding. There was also a request for an urgent, combined review of Norfolk's funding by DCLG and the Travel Concessions Unit at DfT.

5.2. In addition Norfolk carried out a comprehensive Fair Fares campaign supported by all local bus operators and other rural local authorities such as Cumbria, Devon and North Yorkshire, inviting people to sign a petition to support a fairer settlement from government to cover the full and true costs of the concessionary travel scheme. This petition was delivered to 10 Downing Street in February 2012 with 23,500 signatures.

5.3. Despite these campaigns and representations, no further funds were received and the concessionary travel scheme and operator reimbursement calculations remained the same.

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

Officer name : Niki Park

Tel No. : 01603 224351

Email address : niki.park@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 or 0344 800 8011 (textphone) and we will do our best to help.

Environment, Development and Transport Committee

Report title:	A47 Blofield to Burlingham Dualling Scheme
Date of meeting:	19 October 2018
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services
Strategic impact The A47 Blofield to Burlingham Dualling Scheme will be determined as a Nationally Significant Infrastructure Project under the Planning Act 2008. Norfolk County Council is a statutory consultee on such projects and therefore has the opportunity to comment and influence the final decision. Responding to the consultation will ensure the county council's views are formally taken into account prior to Highways England submitting a Development Consent Order application to the Planning Inspectorate.	

Executive summary

Highways England is consulting on proposals to dual the A47 between Blofield and Burlingham under Section 42 of the Planning Act 2008. This is public consultation in advance of them submitting a Development Consent Order application to the Planning Inspectorate, likely to be in spring 2019. Their headline proposals are:

- Dualling the existing single-carriageway section. The new section of dual carriageway is proposed to be offline south of the existing carriageway
- Junction improvements including a grade-separated junction at the B1140.

While the county council has long supported the principle of full dualling of the A47 – and this proposal is consistent with that objective – there are a number of detailed issues in respect of, amongst other things, local highway and access matters, flood risk and environmental management, and potential impact on delivery of council services that will need to be considered as part of this consultation.

At the time of writing it has not been possible to consider all the detailed implications of the proposals, although the majority have been covered. To date the most significant item of concern relates to the adequacy of the proposal in dealing with the A47 being a substantial barrier to walkers or other non-motorised users. Any other significant issues will be brought to the committee's attention.

Recommendations:

It is recommended that Members:

- (a) Support the principle of dualling the A47 between Blofield and Burlingham, subject to the detailed issues and comments set out below being resolved with Highways England**
- (b) Agree any issues that the committee would want to be included in the response to the consultation, in addition to the items raised in the report**
- (c) Agree that the Executive Director Community and Environmental Services agrees the final response in consultation with the Chair and Vice Chair of EDT under delegated authority.**

1. Proposal

1.1. The county council is being consulted by Highways England on proposals to dual the A47 between Blofield and Burlingham.

The proposals in this consultation are set out on the [scheme web page](#) and in summary comprise:

- 2.6km of new dual carriageway on the A47
- De-trunking the existing A47 section between Blofield and North Burlingham
- New compact grade separated junction at B1140 Junction, including the B1140 Overbridge
- Improvements at Yarmouth Road junction, including closure of the central reserve, closure of direct access from High Noon Lane, creation of merge lane, realignment of Hemblington Road and local access improvements at the Sparrow Hall properties
- New overbridge at Blofield traversing the proposed A47 dual carriageway, connecting Yarmouth Road with the existing A47
- Provision of new drainage systems including an attenuation pond and retention of existing drainage systems where possible
- Retaining wall at Yarmouth Road junction
- Introduction of lighting at the Yarmouth Road junction and a new lighting layout at the B1140 junction
- Closure of an existing layby and provision of a new layby
- Footway connecting Blofield and North Burlingham via the new Blofield Overbridge
- New access to North Burlingham
- Agricultural access track to south of new dual carriageway
- New boundary fencing, safety barriers and signage.

A plan showing the proposals is shown as Appendix A.

1.2. The county council is a statutory consultee under Section 42 of the Planning Act 2008. This is a pre-application consultation in advance of Highways England submitting a formal Development Consent Order (DCO) consultation under Section 56 of the Planning Act 2008, which they anticipate doing in spring 2019. Norfolk County Council therefore has the opportunity to comment on the proposals in advance of submission of the DCO application.

1.3. Section 2 of this report outlines the issues that the county council would want to raise in response to the consultation, although due to the timing of the consultation and the committee it is not possible to set out all of the issues in this report, and the proposed county council response (although the majority have been covered). Any further issues coming to light prior to the committee will be reported verbally at the meeting. The final response, which members are asked to agree be sent under delegated authority by the Executive Director Community and Environmental Services in consultation with the Chair and Vice Chair of EDT, will take this further consideration into account.

1.4. Members are asked to:

- (a) Support the principle of dualling the A47 between Blofield and Burlingham, subject to the detailed issues and comments set out below being resolved with Highways England
- (b) Agree any issues that the committee would want to be included in the response to the consultation, in addition to the items raised in the report
- (c) Agree that the Executive Director Community and Environmental Services agrees the final response in consultation with the Chair and Vice Chair of EDT under delegated authority.

2. Evidence

- 2.1. The principal role of the county council in responding to the consultation is in respect of the authority's statutory role as:
- Highways Authority
 - Minerals and Waste Planning Authority
 - Lead Local Flood Authority (LLFA)
 - Public Health responsibilities.
- 2.2. In addition the county council has an advisory environmental role and economic development function, which also need to feed into any response made to the proposal. In particular, Members will be aware that the county council has long supported full dualling of the A47 with appropriate grade-separation. Our response will need to balance the council's support for full-dualling with consideration of the proposal's impacts on our statutory and advisory role in the functions set out above, and any impacts from the proposals in delivery of the council's services.
- 2.3. The remainder of this section of the report assesses the proposals in respect of the county council's key functions and sets out the authority's proposed response or comments. As set out earlier, the timing of the consultation and the committee means that it is not possible at the time of writing to have given full consideration to all of the proposals (the majority have been able to be covered). The final response, which members are asked to agree be sent under delegated authority by the Executive Director Community and Environmental Services in consultation with the Chair and Vice Chair of EDT, will take this further consideration into account. The sections below indicate the issues arising from an assessment of the proposals, which Norfolk County Council would want to raise as a response to this consultation.

Assessment of the Preliminary Environmental Information Report (PEIR)

2.4. Overview of the proposals

The proposal is shown in the Appendix. In summary, it is to dual the single carriageway section of the A47 from Blofield to Burlingham. Together with the proposals, which will come forward at a later date, to dual Easton to Tuddenham, this will result in the A47 being to dual carriageway standard all the way from Dereham to Acle. The current proposals include a grade-separated junction at the B1140 (to South Walsham and Cantley) junction.

At Blofield an overbridge is proposed that would provide limited movements onto and off the A47. There will be no direct access to the A47 for traffic travelling to Great Yarmouth from Blofield; motorists would need to use the new overbridge and the existing A47 through Burlingham, joining the A47 at the new B1140 junction. (Travellers to Norwich however will be able to join the A47 at this junction east of Blofield.)

- 2.5. Highways England has prepared a Preliminary Environmental Information Report (PEIR) to describe the environmental setting and currently anticipated impacts of the proposed scheme on the environment. The PEIR has been developed for the purposes of consultation and presents currently available information.
- Highways England state that the information contained within the PEIR is preliminary and the findings will be developed further in the Environmental Statement (ES) to reflect the evolution of the design informed by the feedback from consultation, and the ongoing Environmental Impact Assessment process. The Environmental Statement, presenting the full results of the Environmental Impact Assessment, will be submitted with the application for the Development Consent Order.

2.6. Comment and basis of proposed suggested response to the consultation

The principle of dualling the A47 is supported. This has been a longstanding objective of the county council. The county council leads the A47 Alliance, which has been campaigning for dualling of the A47 from Lowestoft to the A1 at Peterborough, with appropriate grade-separation. Whilst the proposals include a grade-separated junction at the B1140, which is welcomed due to the casualty record at this junction and its role in serving HGV movements to Cantley, the proposals include only a limited-movement junction at Blofield. There are no proposals to upgrade the existing at-grade roundabout junction at Brundall (Cucumber Lane, west of Blofield).

The county council is also aware of local concern regarding the junction of the A47 with The Windle. This is an existing minor road junction with the existing dual carriageway; a gap in the central reservation allowing right turns in and out. There are no current proposals to improve this junction.

The consultation material does not include any traffic flow information showing predicted changes to traffic levels on local County Council controlled roads within the vicinity of the proposed improvement. It is clear that with some roads being severed by the proposals other roads will experience increases as traffic finds alternative routeings. These other roads may then need some localised improvements and to determine what improvements may be required and where we need to see the predicted changes to traffic levels. It is recommended that our consultation response refers to this and requests this information so we can assess any required minor improvements required to county roads as a consequence of the scheme.

2.7. Socio-Economic Issues

Although the PEIR does not include analysis of all of the wider socio-economic issues, there are potentially significant economic benefits arising from the dualling proposal in terms of:

- Local employment creation
- Business sectors affected by construction
- Productivity benefits to businesses, and other wider economic benefits, arising from the dualling.

2.8. Comment and basis of proposed suggested response to the consultation

The PEIR mentions the potential for jobs to be created during the construction phase. Whilst this is to be supported, it does not mention opportunities for social inclusion type activity such as work experience, internships and ways in which the local community could benefit economically from the investment. The county council should continue to work proactively with Highways England to encourage apprenticeships, work experience and internships being included at an appropriate stage in the project; and these issues should be raised in our response to the consultation.

2.9. Productivity and other wider economic benefits will arise from the completed schemes. These include journey time savings and reliability improvements, benefitting businesses. These are to be welcomed.

2.10. For the final scheme, the county council would expect the proposals to include full details of construction and compliance with nationally recognised standards, which would ensure that the road improvement is fit for purpose.

The county council would also expect there to be minimum disruption on the local highway network during the construction period and would want to work with Highways England, or its contractors, on managing traffic during the works.

2.11. Environmental Issues

The PEIR considers the local environment and identifies any sensitive receptors such as Sites of Special Scientific Interest, people living in the vicinity of the

proposed scheme and local issues such as Air Quality Management Areas or Noise Important Areas. This section summarises the main issues.

2.12. **(a) Cultural Heritage**

Cultural heritage includes archaeology, historic buildings / structures and historic landscapes including parks and gardens. The PEIR states that the proposals are in an “area with a low number of recorded archaeological remains. This is understood to be due to limited archaeological investigation, rather than a true reflection of the actual archaeological buried resource.” It also states that “There are a number of designated assets that are likely to be adversely impacted by the Proposed Scheme as there is potential for them to experience permanent visual and / or noise intrusion which would adversely impact their settings.”

2.13. **Comment and basis of proposed suggested response to the consultation**

The county council will want to comment on impacts under the main headings of the historic environment and landscape. To date, it has not been possible to consider the proposals’ impact on the historic environment. Any major issues arising from the assessment will be reported verbally to committee.

The sections below cover only landscape impacts.

2.14. The PEIR sets out that potential landscape impacts include the removal of existing vegetation, earthworks and presence of construction plant, materials, machinery, compounds and lighting during construction. As part of the mitigation, Highways England will produce a detailed planting design to integrate the design into the surrounding landscape. This will include considerations for amenity like visual screening and biodiversity.

Impacts on local landscape character are likely during both the construction and operational phases as a result of the enlarged junctions and overbridges within a relatively flat and open landscape.

2.15. **Comment and basis of proposed suggested response to the consultation**

Paragraph 7.2.1 of the PEIR notes the various sources referred to as best practice guidelines, which have informed the methodology of Highways England’s assessment. These are considered appropriate for this type of landscape and visual assessment. The county council also agrees that the 1km study area should be appropriate, although it is possible that further into the process this area could be deemed as too restrictive and some further views may need taking into consideration. This is due to the open nature of the surrounding landscape and potential for long distance views. Existing vegetation data was not available at the point of this assessment, however this will be important in considering the extent of vegetation loss and potential impact on views.

The Baseline Data, section 7.5, identifies the broad National Character Area as well as the Local Landscape Character areas. Whilst these are useful in considering the wider context and surrounding landscape, the summary of Landscape Features provided in 7.5.5 appears quite brief and lacks detail in comparison. This could benefit from further detail reflecting the Local Landscape Character areas, which outlines how the landscape changes along the route.

Paragraph 7.7.1 and 7.8.1 provide details regarding design intervention and potential mitigation measures respectively. The county council can broadly agree with the ongoing consideration of the design and support the inclusion of this within the Environmental Statement. The potential mitigation to be considered appears appropriate, although the effectiveness of this cannot be commented on at this stage.

The summary of potential receptors appears sound, and it is pleasing to see that the long term impacts on some receptors are being considered. Whilst a road scheme such as this will always have visual and landscape impacts,

identification at this stage should allow the appropriate design interventions and mitigation to minimise these impacts.

2.16. **(b) Biodiversity**

The PEIR states that whilst the proposal would result in small, localised losses of habitats and potentially some severance of connecting habitats no areas are expected to have an overall net loss and long-term impacts on most species are not expected.

2.17. **Comment and basis of proposed suggested response to the consultation**

The PEIR describes the ecological situation as it is currently understood. Whilst acknowledging that this is a preliminary report, there are a number of matters which remain unclear. Several of the biodiversity surveys had not been completed when the PEIR was produced. The PEIR states that some of these surveys were intended to be undertaken during spring and summer 2018, but the results are not presented at this stage. Similarly, there are references to at least one bat transect not being completed and the need for a “full years’ worth of data.”

The ecology chapter also states that some surveys were not undertaken as landowners had not granted permission to access their land (8.34.2), although it is not explained what geographical areas were affected, or the ecological significance of this. Much of the ecology information in the PEIR is in summarised form (eg the great crested newt Habitat Suitability Index assessments); the county council would wish to see the original reports before being able to say if it supports the assessments.

References to the guidance and best practice used in the biodiversity assessment (section 8.2.1.) are noted. This is as expected although some important sources are not mentioned, notably BS42020:2013 Biodiversity – Code of practice for planning and development, and the industry best practice guidance relating to Environmental Impact Assessment Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018). Compliance with these documents would provide greater confidence in the reporting and conclusions drawn.

The county council would anticipate clarification of these matters in due course when the Environmental Statement is produced. At this stage, the scope of the ecology work is broadly supported but it is not appropriate to comment on the appropriateness of the survey data, or the assessments of impacts.

2.18. **(c) Climate Change**

2.19. Highways England state that the proposal is anticipated to generate an increase in carbon emissions during both construction and operation.

2.20. **Comment and basis of proposed suggested response to the consultation**

To date, it has not been possible to consider in detail the proposals’ impact on the historic environment. Any major issues arising from the assessment will be reported verbally to committee.

2.21. **Non-motorised users and severance**

Highways England set out that there will be an overall beneficial effect for non-motorised users. They state that pedestrians and cyclists travelling between Blofield and North Burlingham would find crossing the A47 to be easier and safer through the introduction of the Blofield Overbridge, and a beneficial impact for cyclists on the B1140 wishing to cross the A47. They note an adverse impact for users of Burlingham footpath between Lingwood and North Burlingham due to an increase in the travel time for users.

2.22. **Comment and basis of proposed suggested response to the consultation**

The A47 has historically been a barrier in public access separating the two

settlements of Burlingham and Lingwood. Burlingham Woods north of the A47, associated permissive paths and the Public Rights of Way network are all popular with pedestrians and dog walkers. The surveys conducted by Highways England support this, with 90 users having walked along Burlingham FP1 one Sunday. Other days in the Highways England survey showed consistently high use. However it was noted that very few users, and on most days no-one, would choose to cross the A47. Usage (according to Highways England PEIR Report) of the Public Rights of Way network south of the A47 was recorded as low.

Two close settlements having such a huge contrast in usage indicates that the A47 is likely to be acting as a substantial barrier to walkers.

- 2.23. The A47 Dualling Scheme has the opportunity to change this and with the right improvements can significantly enhance the Rights of Way network in this area. Whilst a footway has been proposed along with access across both road junctions, which in theory provide north south connections, the proposal (comprising a footway running parallel to the road) is not considered to be perceived as safe and attractive for families and dog walkers. This scheme could offer significant benefit for users if, wherever possible, a multi-user path was provided set back from the road rather than alongside the road. Some screening could also be used to further enhance the route, this would be more attractive for families with pushchairs, cyclists and dog walkers who are all looking to access the woods to the north.

The most important improvement Highways England have the opportunity to make is installing a footbridge across the A47 connecting Burlingham FP1 and FP3 (these footpaths run north-south at the eastern end of the settlement of Burlingham; on either side of the A47) and ultimately providing a safe off-road link connecting the parish of Burlingham but furthermore offering links to South Walsham in the north and Strumpshaw in the south.

The alternative (to a new crossing of the A47 at Burlingham) is walking considerably further to gain access at the proposed road bridges (west and east of Burlingham, both some 1500m from FP1 and FP3). This route will not be considered safe or appealing to families, cyclists or dog walkers.

In summary, a new bridge would provide a much needed missing link in the network, will offer a safe route for all users, and ultimately connects rural paths bringing two communities together.

- 2.24. Related to the above, previous funding bids were submitted to Highways England to create a Burlingham-Lingwood walking and cycling link. This aims to create a walking and cycling bridge across the A47 south of Burlingham Woods to provide connection between Lingwood, Lingwood Station and the Burlingham estate trails network to the south and Burlingham Woodlands and businesses to the north of the A47.

Burlingham Woods forms part of Norfolk County Council's Trails network <https://www.norfolk.gov.uk/out-and-about-in-norfolk/norfolk-trails/short-and-circular-walks/burlingham-woodland-walks> and provides important connections between local settlements and a number of amenity spaces in this part of Norfolk. The scale of planned housing growth in east Broadland has led to a new focus on enhancing and expanding the core of Burlingham Woods at the heart of the Burlingham estate, to provide new green open space, connections and facilities for the wider population.

This connection could encourage greater use of Burlingham Woods, the woods and estate green space is considered key in relieving pressure on the most sensitive designated Broads' sits in the vicinity. It would also encourage residents south of the A47 in Lingwood and surrounding areas to use the Burlingham Woods trail to the north. The proposal is complementary to a wider ongoing project by Norfolk County Council, Broadland District Council and the

University of East Anglia to expand the area and offering at Burlingham Woods.

2.25. **Road Drainage and the Water Environment**

Highways England note a number of possible impacts on the water environment and suggest mitigation measures. These would be finalised within the road drainage and water environment stream in further work.

2.26. **Comment and basis of proposed suggested response to the consultation**

The Lead Local Flood Authority (LLFA) advise, in addition to previous advice, that any surface water runoff from the existing road that is diverted to the new scheme drainage should be shown to either: be improved to be attenuated to current standards (up to the 1% annual probability rainfall event plus a climate change allowance); or show that the runoff rates and volumes will be maintained to be no worse than existing. As the current drainage is shown to be runoff un-attenuated the LLFA would strongly recommend that betterment as close to previous greenfield runoff rates / volumes be investigated. The LLFA would welcome that the existing drainage schemes are upgraded to the same standard as the proposed scheme where possible.

2.27. LLFA also request that a robust water quality assessment of road runoff is provided, and that the Sustainable Drainage System (SuDS) Manual (2015) is consulted and followed for the worst case pollution hazard anticipated. LLFA highlight that proprietary systems such as oil interceptors are not considered to be a SuDS treatment step and would request that any sole reliance on these prior to discharge without any SuDS water quality treatment components be supported by appropriate bespoke water quality assessments and permits which might be required from the Environment Agency.

2.28. LLFA state that it is unclear if section 2.4.17 of the PEIR is suggesting that greenfield runoff as well as informal drainage and overland flow routes (from the Environment Agency Risk of Surface Water flood map) will be considered, diverted or remain on a natural pathway. Clarification on what will be diverted and what will remain on a natural pathway would be welcome.

2.29. An allowance for 40% climate change to the surface water runoff should also be tested (not just an additional 20%) and potential mitigation provided in line with national standards. LLFA note that several soakaways and an attenuation basin are proposed but no calculations are provided at this stage. This is expected during the subsequent consultations.

2.30. LLFA welcome that section 14.7.9 indicates that ground investigations will confirm the inflows and outflows to the pond which is proposed to be filled in. They also welcome that a temporary surface water drainage strategy will cover the construction period.

Flooding on the existing A47 at the location of where the Environment Agency Risk of Surface Water Flood Map crosses the road should be reviewed and improvements made where possible.

2.31. **Public Health**

It is anticipated that matters relating to, for example, air quality and site and dust management, would be managed by other statutory agencies such as the Environment Agency and Broadland District Council. It is suggested that the county council make the following general comments:

- Welcome reductions in driver stress for both general well-being and accident reduction potential
- Easier and safer access across the A47 for pedestrian, cycling and equine modes of transport would be welcomed. The council would want to ensure where possible that severed access for these non-motorised users where existing routes are cut off is still easy to reach and does not make physical

- activity and access to existing paths and networks more difficult
- Severing of existing routes should as far as possible not result in increased traffic through villages and residential areas
- Residents currently or likely to be affected by noise, vibration and potential increased pollution are screened for impact and potential mitigating action
- Highways England should give consideration to the possible impacts on agricultural and allotment lands through increased NOx and associated ozone generation.

2.32. **Minerals and Waste**

The Mineral Planning Authority welcomes the recognition in paragraph 10.5.2 of the PEIR that safeguarded mineral resources occur on parts of the proposed scheme, and that potential impacts will be addressed in a future Environmental Statement. The Mineral Planning Authority agrees with the approach to the reuse of site-won materials as outlined in paragraphs 10.8.2, 10.8.3 and 10.8.4.

- 2.33. The Waste Planning Authority notes the contents of Table 10.1 (Licenced Waste Management Facilities). However, the Waste Planning Authority would caution that a number of these sites are not currently operational for the acceptance of waste; even though they still have a valid Environmental Permit from the Environment Agency. Highways England should ascertain that waste management sites that they may wish to utilise for the management of waste are operational and are accepting waste before their inclusion in Table 10.1.

2.34. **Local Member Views**

At the time of writing the following member comments have been received:

- Julie Brociek-Coulton: I would welcome this I travel on this road a lot and this would make travel so much better

Any other comments received will be reported verbally to committee.

3. Financial Implications

- 3.1. Staff have engaged with the applicant at the technical scoping stage; attending steering group and topic based meetings and provided technical advice and information in respect of the county council's statutory responsibilities. The county council has charged for some of this advice and technical data provided.

4. Issues, risks and innovation

- 4.1. These issues are covered in Section 2 above. In responding to the consultation, the county council has the opportunity to comment and influence the final decision to ensure that the proposals meet the objectives of the authority and do not impact on the service delivery or statutory responsibilities of the council.

5. Background

- 5.1. A number of improvement schemes for the A47 were included in the Roads Investment Strategy 2015 to 2020. In Norfolk these are: Blofield to Burlingham dualling, Easton to Tuddenham dualling; A11/A47 Thickthorn Junction improvement; Great Yarmouth Junction Improvements, now focussed on Gapton and Vauxhall Junctions.
- 5.2. The county council has strongly advocated improvements to the A47 and has engaged at officer-level with Highways England in bringing these current proposals forward. The county council is also working, through the A47 Alliance, for further improvement schemes to be included in the subsequent Roads Investment Strategy from 2020 to 2025, its priorities being Acle Straight and Tilney to East Winch dualling.
- 5.3. As the Blofield to Burlingham dualling proposal is a Nationally Strategic Infrastructure Project (NSIP) it will be the Secretary of State rather than the

respective local planning authorities who will determine the application. This decision will be taken following an examination of the proposals, which will be independently led by the Planning Inspectorate. The Secretary of State will need to have regard to local plan policies and allocations when determining the application. The individual local planning authorities, including the county council, are also statutory consultees in the NSIP process and will respond having regard to their local plan policies and other statutory responsibilities including environmental health (a responsibility of district councils).

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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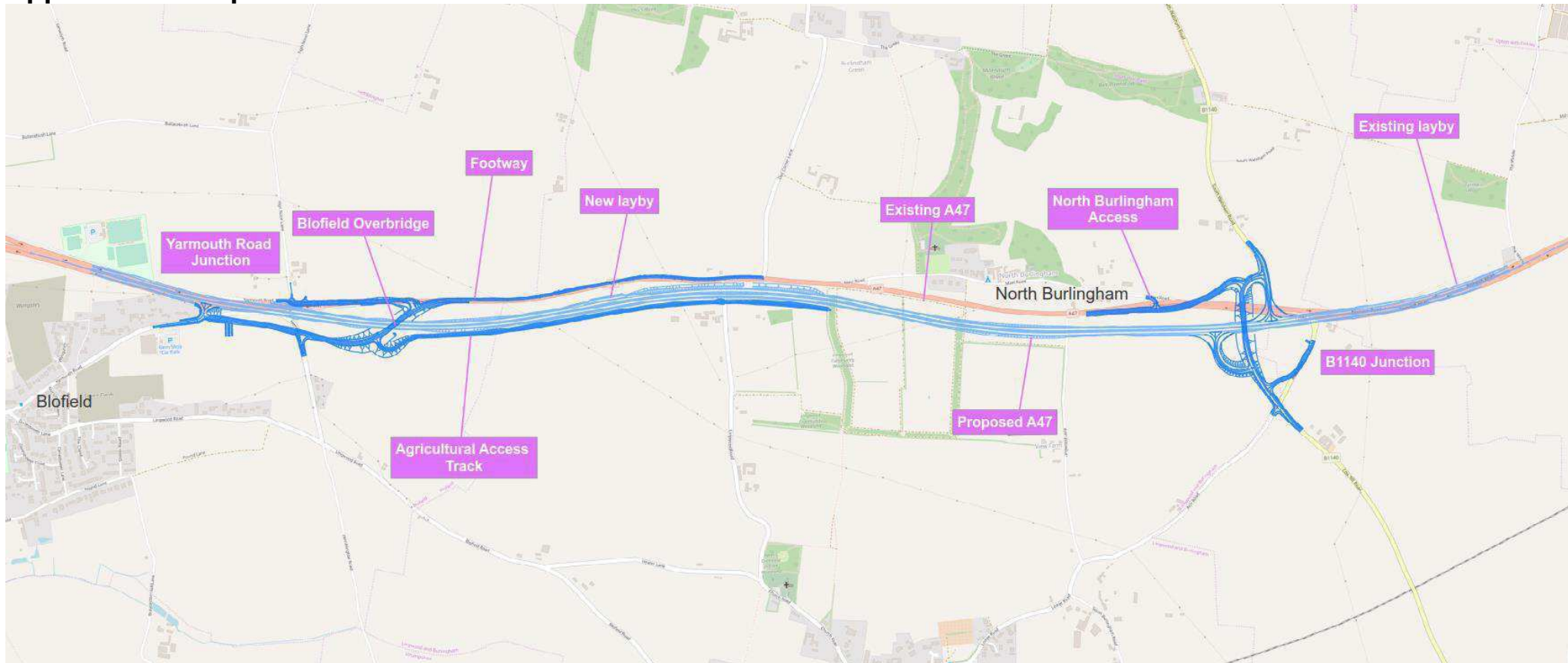
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If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Appendix A: Proposals Overview Plan



Environment, Development and Transport Committee

Report title:	Performance management
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact Robust performance management is key to ensuring that the organisation works both efficiently and effectively to develop and deliver services that represent good value for money and which meet identified need.	

Executive summary

This management report to Committee is based upon the revised Performance Management System, which was implemented as of 1 April 2016. Additionally, this is the second report to provide data against the new 2018/19 Vital Signs list derived from measures contained within the 'plans on a page' previously presented to and agreed by Committee.

There are currently nine Vital Signs indicators under the remit of this Committee.

Performance is reported on an exception basis using a Report Card format, meaning that only those Vital Signs that are performing poorly or where performance is deteriorating are presented to Committee. To enable Members to have oversight of performance across all Vital Signs, all Report Cards (which is where more detailed information about performance is recorded) will be made available to view upon request.

Of the nine Vital Signs indicators that fall within the remit of this Committee, two have met the exception criteria in this reporting period:

- Planning service speed of determination
- % of formal highway inspections completed within the timescales set out in the TAMP

Recommendations:

Review and comment on the performance data, information and analysis presented in the body of the report and determine whether any recommended actions identified are appropriate or whether another course of action is required - refer to the list of possible actions at Appendix 1.

In support of this, Appendix 1 provides:

- A set of prompts for performance discussions.
- Suggested options for further actions where Committee requires additional information or work to be undertaken.

1. Introduction

- 1.1. This management report to Committee is based upon the revised Performance Management System, which was implemented as of 1 April 2016. Additionally, this is the second report to provide data against the new 2018/19 Vital Signs list derived from measures contained within the 'plans on a page' previously presented to and agreed by Committee.
- 1.2. There are currently nine Vital Signs indicators under the remit of this Committee.
- 1.3. Work continues to see what other data may be available to report to Committee on a more frequent basis and these will in turn be considered for inclusion as Vital Signs indicators.
- 1.4. Of the nine Vital Signs indicators that fall within the remit of this Committee, two indicators have met the exception criteria in this reporting period.

2. Performance dashboard

- 2.1. The performance dashboard provides a quick overview of Red/Amber/Green rated performance across all Vital Signs. This then complements the exception reporting process and enables committee members to check that key performance issues are not being missed.
- 2.2. The Vital Signs indicators are monitored during the year and are subject to review when processes are amended to improve performance, to ensure that the indicator correctly captures future performance. A list of all Vital Signs indicators currently under the remit of the Committee is available at Appendix 2.
- 2.3. Vital Signs are reported to Committee on an exceptions basis. The exception reporting criteria are as follows:
 - Performance is off-target (Red RAG rating or variance of 5% or more)
 - Performance has two consecutive months/quarters/years of Amber RAG rating (Amber RAG rating within 5% worse than the target)
 - Performance is adversely affecting the County Council's ability to achieve its budget
 - Performance is adversely affecting one of the County Council's corporate risks.
- 2.4. Where cells have been greyed out on the performance dashboard, this indicates that data is not available due either to the frequency of reporting or the Vital Sign being under development. In this case, under development can mean that the Vital Sign has yet to be fully defined or that baseline data is being gathered.

Key to services on the performance dashboard:

- FBP – Finance Business Partner
- HW – Highways
- CH – Culture and Heritage

- 2.5. The performance dashboard for the EDT Committee is as follows:

NOTES:

In most cases the RAG colours are set as: Green being equal to or better than the target; Amber being within 5% (not percentage points) worse than the target; Red being more than 5% worse than target. 'White' spaces denote that data will become available; 'grey' spaces denote that no data is currently expected, typically because the indicator is being finalised. The target value is that which relates to the latest measure period result in order to allow comparison against the RAG colours. A target may also exist for the current and/or future periods.

Monthly	Bigger or Smaller is better	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18	Jun 18	Jul 18	Target
{HW} Percentage of bus services on time	Bigger	79.9%	80.4%	80.5%	78.4%	76.4%	81.9%	81.4%	80.7%	81.6%	77.3%	77.94%	79.3%	78.0%
		67132 / 84047	66880 / 83224	66110 / 84658	60584 / 77279	58179 / 76185	68708 / 83677	58526 / 71858	61432 / 76164	55216 / 67573	46361 / 50008	57473 / 73740	65647 / 82781	
{CH} Planning service – speed of determination	Bigger	93.4%	93.3%	93.2%	93.2%	92.4%	92.4%	92.4%	93.1%	93.8%	93.6%	94.7%	94.6%	95.0%
		5 / 5	4 / 5	3 / 3	4 / 4	3 / 4	5 / 5	6 / 6	5 / 5	3 / 3	2 / 3	11 / 11	1 / 1	
{HW} % of formal highway inspections completed within the timescales set out in the TAMP	Bigger									94.2%	93.7%	94.1%	96.1%	98.0%
										34.1k / 36.2k	34.0k / 36.3k	34.2k / 36.3k	34.9k / 36.3k	
{HW} % of dangerous highway defects dealt with within the timescale set out in the TAMP	Bigger													
{FBP} Amount of external investment secured to enable projects to be delivered	Bigger													Under Dev
Quarterly / Termly	Bigger or Smaller is better	Sep 15	Dec 15	Mar 16	Jun 16	Sep 16	Dec 16	Mar 17	Jun 17	Sep 17	Dec 17	Mar 18	Jun 18	Target
{HW} Kilograms of residual household waste per household per week	Smaller			9.99				10.05				9.66		9.75
{HW} Unit cost (per tonne) of disposing of/dealing with residual waste	Bigger			£115.31				£107.65				£109.78		£109.42
{HW} % of parishes that meet their target level of public transport service	Bigger											70.0%	72.7%	70.0%
													305 / 543	
Annual (financial / academic)	Bigger or Smaller is better	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Target
{HW} % of reports on flooding incidents published as planned	Bigger													

3. Report Cards

- 3.1. A Report Card has been produced for each Vital Sign. It provides a succinct overview of performance and outlines what actions are being taken to maintain or improve performance. The Report Card follows a standard format that is common to all committees.
- 3.2. Each Vital Sign has a lead officer, who is directly accountable for performance, and a data owner, who is responsible for collating and analysing the data on a monthly basis. The names and positions of these people are specified on the Report Cards.
- 3.3. Vital Signs are reported to Committee on an exceptions basis. The Report Cards for those Vital Signs that do not meet the exception criteria on this occasion, and so are not formally reported, are also collected and are available to view if requested.
- 3.4. Provided at Appendix 1 is a set of prompts for performance discussions that Members may wish to refer to as they review the Report Cards. There is also a list of suggested options for further actions where Committee requires additional information or work to be undertaken.
- 3.5. The Report Cards for the indicators that meet the exception criteria are shown below, which include contextual information for the indicator, along with information about current and historical performance:
 - Planning service speed of determination (Performance has two consecutive months/quarters/years of Amber RAG rating - Amber RAG rating within 5% worse than the target) for July 2018 Amber 94.6% (24-month rolling average) against a target of 95.0%; June 2018 was Amber 94.7%.
Performance is calculated on a 24-month rolling average basis for this indicator, to align with national comparator data. Despite monthly performance often being 100%, over the past 24 months, there have been 105 cases determined within agreed timescales, out of 111. Therefore, the rolling average is 94.6% against a target of 95%, causing the indicator to show as an Amber exception. The performance lead for this measure is currently reviewing the presentation and calculation to determine whether this can be amended to fairly represent monthly as well as rolling performance.
 - % of formal highway inspections completed within the timescales set out in the TAMP (Performance has two consecutive months/quarters/years of Amber RAG rating - Amber RAG rating within 5% worse than the target) for July 2018 Amber 96.1% against a target of 98.0%; June 2018 was Amber 94.1%.
Significant staff turnover recently has placed pressure on completing inspection schedules on time, particularly in the City where it took longer than expected to recruit to a vacant inspector post. The trend is now improving monthly.

Planning Service – Speed of Determination

Why is this important?																																																																																					
<p>The planning system operates to authorise the development in the long term public interest. It doesn't exist to protect the interests of one person or business against the activities of another. Development Management is a key part of the planning system and services that provide certainty and speed of decision making whilst maintaining transparency are central to achieving sustainable economic growth.</p>																																																																																					
Performance	What is the background to current performance?																																																																																				
<p>% of Major County Matter Applications determined within statutory period of agreed timescales over previous 24 months</p> <table border="1"> <caption>Approximate data from the chart</caption> <thead> <tr> <th>Month</th> <th>Actual (%)</th> <th>Target (%)</th> <th>Average England (%)</th> </tr> </thead> <tbody> <tr><td>Aug-17</td><td>93</td><td>95</td><td>88</td></tr> <tr><td>Sep-17</td><td>93</td><td>95</td><td>88</td></tr> <tr><td>Oct-17</td><td>93</td><td>95</td><td>88</td></tr> <tr><td>Nov-17</td><td>93</td><td>95</td><td>88</td></tr> <tr><td>Dec-17</td><td>92</td><td>95</td><td>88</td></tr> <tr><td>Jan-18</td><td>92</td><td>95</td><td>88</td></tr> <tr><td>Feb-18</td><td>92</td><td>95</td><td>88</td></tr> <tr><td>Mar-18</td><td>93</td><td>95</td><td>88</td></tr> <tr><td>Apr-18</td><td>94</td><td>95</td><td>88</td></tr> <tr><td>May-18</td><td>93</td><td>95</td><td>88</td></tr> <tr><td>Jun-18</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Jul-18</td><td>94</td><td>95</td><td>88</td></tr> <tr><td>Aug-18</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Sep-18</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Oct-18</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Nov-18</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Dec-18</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Jan-19</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Feb-19</td><td>95</td><td>95</td><td>88</td></tr> <tr><td>Mar-19</td><td>95</td><td>95</td><td>88</td></tr> </tbody> </table> <p>Legend: — Actual, - - Target, — Average England performance (within 13 weeks)</p>	Month	Actual (%)	Target (%)	Average England (%)	Aug-17	93	95	88	Sep-17	93	95	88	Oct-17	93	95	88	Nov-17	93	95	88	Dec-17	92	95	88	Jan-18	92	95	88	Feb-18	92	95	88	Mar-18	93	95	88	Apr-18	94	95	88	May-18	93	95	88	Jun-18	95	95	88	Jul-18	94	95	88	Aug-18	95	95	88	Sep-18	95	95	88	Oct-18	95	95	88	Nov-18	95	95	88	Dec-18	95	95	88	Jan-19	95	95	88	Feb-19	95	95	88	Mar-19	95	95	88	<ul style="list-style-type: none"> • Development management services should operate in a climate of continuous improvement • Norfolk pioneered decision making within mutually agreed timescales, which <u>takes into account</u> that issues may arise, that need to be addressed in the public interest, and that refusing applications in these circumstances can perversely increase the overall time taken to achieve permission. • Authorities scoring below 60% for major developments over a two-year rolling period may lose their decision-making powers. • The rolling 2-year figure is 94% (105 cases out of 111). In July 2018 One major planning application for county matters was determined and in agreed timescales. Seven applications were determined in relation county council developments.
Month	Actual (%)	Target (%)	Average England (%)																																																																																		
Aug-17	93	95	88																																																																																		
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Mar-19	95	95	88																																																																																		
What will success look like?	Action required																																																																																				
<ul style="list-style-type: none"> • All Applications are agreed within statutory time periods or agreed timescales. This approach supports developers and planners working to address/mitigate potential concerns to ensure development is within policy requirements and acceptable to communities 	<ul style="list-style-type: none"> • Increased uptake on pre- application advice provided for a fee to shorten time to determine applications • Engagement with applicants to get applications that meet statutory consultee's requirements as submitted. 																																																																																				
Responsible Officers	Lead: Nick Johnson, Head of Planning Data: Mark Dyson, Business Support																																																																																				

Percentage of formal highway inspections completed within the timescales set out in the Transport Asset Management Plan (TAMP)

Why is this important?	
<p>Scheduled highway safety inspections are part of our maintenance strategy set out in the Transport Asset Management Plan (TAMP). Completing regular inspections on time forms part of our defence against liability claims made against the authority for injury/damage caused as a result of a defect in the highway.</p>	
Performance	What is the background to current performance?
<p>Legend: — Target, — Latest year-on-year DoT</p>	<ul style="list-style-type: none"> • The set target is high (98%) because these are planned safety inspections completed against a schedule. Recent performance is around 96%. • The Transport Asset Management policy sets out the inspection frequency which is based on each highway's characteristics including types and volumes of road users including pedestrian/cyclist traffic. • Frequency of inspection varies from 6 weekly (city/town centres) to 5 yearly (dirt tracks and rural Public Rights of Way) • Performance is based upon last recorded inspection and next expected inspection based on our policy set out in the TAMP. • Significant staff turnover recently has placed pressure on completing inspection schedule on time, particularly in the City, however trend is improving monthly. • Power BI is used by Area teams to monitor and react to performance on a daily basis
What will success look like?	Action required
<ul style="list-style-type: none"> • All street scene inspector posts will be fully appointed • All safety inspections will be completed on time as measured in Power BI 	<ul style="list-style-type: none"> • Ensure that Area Managers/Highway Engineers are fully supported in recruiting to vacant posts • Review resilience of City resources as part of City Agency review • Highway Systems Support Team to monitor and identify specific action points and communicate these to Area teams
Responsible Officers	<p>Lead: Grahame Bygrave – Highway Services Manager Data: Alex Cliff – Highway Systems Support Manager</p>

4. Recommendations

4.1. Committee Members are asked to:

Review and comment on the performance data, information and analysis presented in the body of the report and determine whether any recommended actions identified are appropriate or whether another course of action is required – refer to the list of possible actions at Appendix 1.

In support of this, Appendix 1 provides:

- A set of prompts for performance discussions.
- Suggested options for further actions where the committee requires additional information or work to be undertaken.

5. Financial Implications

5.1. There are no significant financial implications arising from the performance management report.

6. Issues, risks and innovation

6.1. There are no significant issues, risks and innovations arising from the performance management report.

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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

Appendix 1 – Performance discussions and actions

Reflecting good performance management practice, there are some helpful prompts that can help scrutinise performance, and guide future actions. These are set out below.

Suggested prompts for performance improvement discussion

In reviewing the Vital Signs that have met the exception reporting criteria and so included in this report, there are a number of performance improvement questions that can be worked through to aid the performance discussion, as below:

1. Why are we not meeting our target?
2. What is the impact of not meeting our target?
3. What performance is predicted?
4. How can performance be improved?
5. When will performance be back on track?
6. What can we learn for the future?

In doing so, Committee Members are asked to consider the actions that have been identified by the Vital Sign lead officer.

Performance improvement – suggested actions

A standard list of suggested actions has been developed. This provides Members with options for next steps where reported performance levels require follow-up and additional work.

	Action	Description
1	Approve actions	Approve actions identified in the Report Card and set a date for reporting back to Committee.
2	Identify alternative or additional actions	Identify alternative/additional actions to those in the Report Card and set a date for reporting back to Committee.
3	Refer to Departmental Management Team	DMT to work through the performance issues identified at Committee meeting and develop an action plan for improvement and report back to Committee.
4	Refer to Committee task and finish group	Member-led task and finish group to work through the performance issues identified at Committee meeting and develop an action plan for improvement and report back to Committee.
5	Refer to County Leadership Team	Identify key actions for performance improvement and refer to CLT for action.
6	Refer to Policy and Resources Committee	Identify key actions for performance improvement that have 'whole Council' performance implications and refer them to the Policy and Resources Committee for action.

Appendix 2 – EDT Committee Vital Signs Indicators

A Vital Sign is a key indicator from one of the County Council’s services which provides Members, officers and the public with a clear measure to assure that the service is performing as it should and contributing to the County Council’s priorities. It is, therefore, focused on the results experienced by the community. It is important to choose enough Vital Signs to enable a good picture of performance to be deduced, but not so many that strategic discussions are distracted by detail.

There are currently nine Vital Signs performance indicators that relate to the EDT Committee. The indicator in bold (on the Table below) is a Vital Signs indicator deemed to have corporate Significance and therefore will also be reported to the Policy and Resources Committee.

Key to services:

- CH – Culture and Heritage
- FBP – Finance Business Partner
- HW – Highways

Service	Vital Signs Indicator	What it measures	Why it is important	Data
HW	Bus journey time reliability	% of bus services that are on schedule at intermediate time points	Better transport networks bring firms and workers closer together, and provide access to wider local markets.	Monthly
CH	Planning determination	Speed of planning determination	Timely planning decision are important to economic growth and development	Monthly (based on 24-month rolling average)
HW	Formal highway inspections completed	% of formal highway inspections completed within the timescales set out in the TAMP	Highway safety	Monthly
HW	Dangerous highway defects dealt with	% of dangerous highway defects dealt with within the timescale set out in the TAMP	Highway safety	Monthly

Service	Vital Signs Indicator	What it measures	Why it is important	Data
FBP	External investment secured	Amount of external investment secured to enable projects to be delivered	High quality organisations are successful in being able to attract and generate alternative sources of funding.	Monthly
HW	Residential house waste collection	Weekly kg of residential house waste collected per household	The amount of household waste collected and the costs arising from processing it have risen for the past three years. Housing growth (65,000 new houses between 2013 and 2026) will create further pressures.	Quarterly
HW	Disposing of/dealing with residual waste	Unit cost (per tonne) of disposing of/dealing with residual waste	Less waste means that by proportion more of the waste can use the lowest cost options.	Quarterly
HW	Parishes showing access to key services using public transport	% parishes that meet their designated target level of service.	Access to public transport is important for those living in rural areas so that they can access not only work but also health and other essential services like shopping, education and leisure activities. This supports rural communities and reduces social and rural isolation, contributing to overall wellbeing of residents.	Quarterly
HW	Reports on flooding incidents published	% of reports on flooding incidents published as planned	Flooding undermines existing infrastructure and impacts directly on health and economy.	Annually

Environment, Development and Transport Committee

Report title:	Risk Management
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services
Strategic impact	
<p>One of the Environment, Development, and Transport (EDT) Committee's roles is to consider the management of EDT's risks. Assurance on the effectiveness of risk management and the EDT departmental risk register helps the Committee undertake some of its key responsibilities. Risk management contributes to achieving departmental objectives, and is a key part of the performance management framework.</p>	

Executive summary

This report provides the Committee with information from the latest EDT risk register as at October 2018, following the latest review conducted in September 2018. The reporting of risk is aligned with, and complements, the performance and financial reporting to the Committee.

Recommendations:

Members are asked to consider:

- a) **The changes to EDT departmental risks since the last Risk Management report was reported to this Committee in July 2018, in Appendix A;**
- b) **The risks reported by exception in Appendix B;**
- c) **The summary of EDT departmental risks in Appendix C;**
- d) **The list of possible actions, suggested prompts and challenges presented for information in Appendix D;**
- e) **The background information to put the risk scoring into context, shown in Appendix E.**

1. Proposal

- 1.1 The Community and Environmental Services (CES) Departmental Management Team (DMT) continues to be engaged in the preparation and management of the Communities departmental level risk register.
- 1.2 The recommendations for Members to consider are set out above.

2. Evidence

- 2.1. The EDT Committee risk data detailed in this report reflects those key business risks that are managed by the Community and Environmental Services Departmental Management Team, and Senior Management Teams of the services that report to the Committee including amongst others Planning, Economy, and Highways. Key business risks materialising could potentially result in a service failing to achieve one or more of its key objectives and/or suffer a financial loss or reputational damage. The EDT risk register is a dynamic document that is regularly reviewed and updated in accordance with the

Council's Risk Management Policy and Procedures. The current risks are those linked to departmental objectives.

- 2.2. The Exceptions Report, in **Appendix B**, focuses on risks that have a current risk score of 12 and above with prospects of meeting the target score by the target date of amber or red. There is currently one risk that meets this criteria, as seen in this appendix.
- 2.3. The EDT risk register contains four corporate and departmental level risks that fall under the remit of this Committee. **Appendix C** provides the Committee members with a summary of these risks.
- 2.4. To assist Members with considering whether the recommended actions identified in this report are appropriate, or whether another course of action is required, a list of such possible actions, suggested prompts and challenges are presented for information in **Appendix D**.
- 2.5. Of these four risks, one risk has a green prospects score of meeting the target score by the target date, and three have an amber prospects score. None of the risks have a red prospects score. Please see **Appendix E** for details of Prospects scoring.

3. Financial Implications

- 3.1. Whilst the likelihood of not delivering the NDR to its revised budget has significantly reduced, there remain project risks of not delivering the NDR to budget. This risk will remain open until the final account for the construction works is closed, which project officers are focussing on.

4. Issues, Risks and Innovation

- 4.1 There is an element of Risk RM14200 - Failure to meet NCC carbon reduction target, which is covered by the street lighting team, under the remit of EDT, reported to the Business and Property Committee. Risk RM14250 - Infrastructure is not delivered at the required rate to support existing needs and the planned growth of Norfolk, is also reported to the Business and Property Committee.

5. Background

- 5.1. Background information regarding risk scoring, and definitions can be found in **Appendix E**.

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, e.g. equality impact assessment, please get in touch with:

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Email address : adrian.thompson@norfolk.gov.uk

Officer name : Thomas Osborne **Tel No. :** 01603 222780

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Risk Reconciliation Report

Significant changes* to the EDT departmental risk register since the last Environment, Development, and Transport (EDT) Committee Risk Management report was presented in July 2018.

Since the last Environment, Development, and Transport (EDT) Committee Risk Management report was presented in July 2018, there have been changes to risks. For information, please find the full list of changes below as follows;

RM14336 - Failure to construct and deliver the Great Yarmouth Third River Crossing (3RC) within agreed budget (£121m), and to agreed timescales (construction completed early 2023)

Since the last report, the tendering process has brought forward bidders for the Third River Crossing contract. Any further risks identified from this process will be managed within the project on the Third River Crossing project risk register, and reported as part of the corporate risk as appropriate.

* A significant change can be defined as any of the following;

- A new risk
- A closed risk
- A change to the risk score
- A change to the risk title, description or mitigations (where significantly altered).

Risk Number	RM14336		Date of update		04 September 2018					
Risk Name	Failure to construct and deliver the Great Yarmouth 3rd River Crossing (3RC) within agreed budget (£121m), and to agreed timescales (construction completed early 2023)									
Risk Owner	Tom McCabe		Date entered on risk register		05 December 2017					
Risk Description										
There is a risk that the 3RC project will not be delivered within budget and to the agreed timescales. Cause: delays during statutory processes, or procurement put timescales at risk and/or contractor prices increase project costs. Event: The 3RC is completed at a later date and/or greater cost than the agreed budget, placing additional pressure on the NCC contribution. Effect: Failure to construct and deliver the 3RC within budget would result in the shortfall having to be met from other sources. This would impact on other NCC programmes.										
Original			Current			Tolerance Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
3	4	12	3	4	12	2	3	6	Jan-23	Amber
Tasks to mitigate the risk										
The project was agreed by Full Council (December 2016) as a key priority infrastructure project to be delivered as soon as possible. Since then, March 2017, an outline business case has been submitted to DfT setting out project costs of £120m and a start of work in October 2020. 80% of this project cost has been confirmed by DfT, but this will be a fixed contribution with NCC taking any risk of increased costs. Mitigation measures are:										
1) Project Board and associated governance to be further developed to ensure clear focus on monitoring cost and programme at monthly meetings.										
2) NCC project team to include specialist cost and commercial resource (bought in to the project) to provide scrutiny throughout the scheme development and procurement processes. This will include independent audits and contract/legal advice on key contract risks as necessary.										
3) Programme to be developed that shows sufficient details to enable overall timescales to be regularly monitored, challenged and corrected as necessary by the board.										
4) Project controls and client team to be developed to ensure systems in place to deliver the project and to develop details to be prepared for any contractual issues to be robustly handled and monitored.										
5) All opportunities to be explored through board meetings to reduce risk and programme duration.										
Overall risk treatment: Reduce, with a focus on maintaining or reducing project costs and timescales										
Progress update										

Progress update

The outline business case was submitted on 30 March 2017, and DfT confirmed approval of this following the autumn statement in November 2017. There is a risk that the scheme development could see changes to the scheme, and therefore to the agreed business case, and any changes will need to be addressed/agreed with DfT. Progress against actions are:

- 1) Project board in place. Gateway review highlighted a need to assess and amend board attendance and this has been implemented. Progress update report provided to Audit Committee on 31 July 2018.
- 2) Specialist cost and commercial consultants have been appointed and will continue to review project costs. The first element of work for the cost consultant was to review current forecasts. They will continue to assess on a monthly basis, reporting to the board. No issues highlighted and budget is considered sufficient - this work has been used to update the business case submitted to DfT. DfT has confirmed acceptance of the updated business case.
- 3) An overall project programme has been developed and will be owned and managed by the dedicated project manager. Any issues will be highlighted to the board as the project is delivered. Programme updated to fully align procurement and DCO processes.
- 4) Learning from the NDR and experience of the commercial specialist support has been utilised to develop contract details ahead of the formal commencement of the procurement process, which was 27 February 2018. Further work has been ongoing and will feed into the engagement processes (competitive dialogue) with the bidders.
- 5) The project board will receive regular (monthly) updates on project risks, costs and timescales.

Norfolk County Council, Appendix C - EDT Risk Register Summary

Risk Register Name:		Appendix C - EDT Risk Register Summary						Red		↓ Worsening		
Prepared by:		Thomas Osborne						Amber		↔ Static		
Date updated:		September 2018						Green		↑ Improving		
Next update due:		December 2018						Met				
Area	Risk Number	Risk Name	Risk Description	Current Likelihood	Current Impact	Current Risk Score	Target Likelihood	Target Impact	Target Risk Score	Prospects of meeting the Target Risk Score by the Target Date	Change in Prospects of meeting the Target Risk Score by the Target Date	Risk Owner
Planning and Economy - Strategic Infrastructure	RM14336	Failure to construct and deliver the Great Yarmouth Third River Crossing (3RC) within agreed budget (£121m), and to agreed timescales (construction completed early 2023)	There is a risk that the Third River Crossing (3RC) project will not be delivered within budget and to the agreed timescales. Cause: delays during statutory processes, or procurement put timescales at risk and/or contractor prices increase project costs. Event: The 3RC is completed at a later date and/or greater cost than the agreed budget, placing additional pressure on the NCC contribution. Effect: Failure to construct and deliver the 3RC within budget would result in the shortfall having to be met from other sources. This would impact on other Norfolk County Council programmes.	3	4	12	2	3	6	Amber	↔	Tom McCabe
Planning and Economy - Strategic Infrastructure	RM14248	Failure to deliver the Broadland Northway within agreed budget (£205m)	There is a risk that the NDR will not be constructed and delivered within budget. Cause: environmental and/or contractor factors affecting construction progress. Event: The NDR is completed at a cost greater than the agreed budget. Effect: Failure to construct and deliver the NDR within budget would result in the shortfall having to be met from other budgets. This would impact on other NCC programmes.	3	3	9	3	3	9	Amber	↔	Tom McCabe
Planning and Economy	RM14202	Insufficient drainage controls in place as new development continues to take place increasing local flood risk on site or downstream.	The SUDS (Sustainable Drainage Systems) Approving Body role recommended by the Pitt Review and included in the Flood and Water Management Act 2010 has been abandoned. Flood risk controls on new development is to be continued through the planning process. The Local Lead Flooding Authority has been given a role as a statutory consultee but no funding to deliver this role. Without high levels of support, planning authority may continue to overlook flood risk in decision making.	3	3	9	3	2	6	Amber	↔	Nick Tupper
Highways	RM14203	The allocation and level of funding for flood risk mitigation does not reflect the need or priority of local flood risk within Norfolk.	There are 37,000 properties at risk from surface water flooding caused by intense rainfall within Norfolk. Historically funding for flood risk management has focused on traditional defence schemes to protect communities from the sea and rivers and not surface water flooding. There is a risk that funding continues to ignore properties at risk of surface water flooding. This is exacerbated by a reduction in the overall level of funding from government and governments requirement to seek local contributions for schemes to be successful.	3	3	9	3	2	6	Amber	↔	Nick Tupper

Risk management discussions and actions

Reflecting good risk management practice, there are some helpful prompts that can help scrutinise risk, and guide future actions. These are set out below.

Suggested prompts for risk management improvement discussion

In reviewing the risks that have met the exception reporting criteria and so included in this report, there are a number of risk management improvement questions that can be worked through to aid the discussion, as below:

1. Why are we not meeting our target risk score?
2. What is the impact of not meeting our target risk score?
3. What progress with risk mitigation is predicted?
4. How can progress with risk mitigation be improved?
5. When will progress be back on track?
6. What can we learn for the future?

In doing so, committee members are asked to consider the actions that have been identified by the risk owner and reviewer.

Risk Management improvement – suggested actions

A standard list of suggested actions have been developed. This provides members with options for next steps where reported risk management scores or progress require follow-up and additional work.

All actions, whether from this list or not, will be followed up and reported back to the committee.

Suggested follow-up actions

	Action	Description
1	Approve actions	Approve recommended actions identified in the exception reporting and set a date for reporting back to the committee
2	Identify alternative/additional actions	Identify alternative/additional actions to those recommended in the exception reporting and set a date for reporting back to the committee
3	Refer to Departmental Management Team	DMT to work through the risk management issues identified at the committee meeting and develop an action plan for improvement and report back to committee
4	Refer to committee task and finish group	Member-led task and finish group to work through the risk management issues identified at the committee meeting and develop an action plan for improvement and report back to committee
5	Refer to County Leadership Team	Identify key actions for risk management improvement and refer to CLT for action
6	Refer to Policy and Resources Committee	Identify key actions for risk management improvement that have whole Council 'Corporate risk' implications and refer them to the Policy and Resources committee for action.

Background Information

A **corporate risk** is one that requires:

- strong management at a corporate level thus the County Leadership Team should direct any action to be taken.
- appropriate management. If not managed appropriately, it could potentially result in the County Council failing to achieve one or more of its key corporate objectives and/or suffer a significant financial loss or reputational damage.

A **departmental risk** is one that requires:

- strong management at a departmental level thus the Departmental Management Team should direct any action to be taken.
- appropriate management. If not managed appropriately, it could potentially result in the County Council failing to achieve one or more of its key departmental objectives and/or suffer a significant financial loss or reputational damage.

Each risk score is expressed as a multiple of the impact and the likelihood of the event occurring.

- Original risk score – the level of risk exposure before any action is taken to reduce the risk
- Current risk score – the level of risk exposure at the time the risk is reviewed by the risk owner, taking into consideration the progress of the mitigation tasks
- Target risk score – the level of risk exposure that we are prepared to tolerate following completion of all the mitigation tasks.

The prospects of meeting target scores by the target dates reflect how well the risk owners consider that the mitigation tasks are controlling the risk. It is an early indication that additional resources and tasks or escalation may be required to ensure that the risk can meet the target score by the target date. The position is visually displayed for ease in the “Prospects of meeting the target score by the target date” column as follows:

- Green – the mitigation tasks are on schedule and the risk owner considers that the target score is achievable by the target date.
- Amber – one or more of the mitigation tasks are falling behind and there are some concerns that the target score may not be achievable by the target date unless the shortcomings are addressed.
- Red – significant mitigation tasks are falling behind and there are serious concerns that the target score will not be achieved by the target date and the shortcomings must be addressed and/or new tasks introduced.

Environment, Development and Transport Committee

Report title:	Finance monitoring
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact This report provides the EDT Committee with financial monitoring information for the services reporting to this Committee for 2018-19.	

Executive summary

The services reporting to this Committee are delivered by Community and Environmental Services.

The 2018-19 net revenue budget for this committee is £103.429m and we are currently forecasting a £0.350m underspend for the services reporting to this committee

The total capital programme relating to this committee for the years 2018 to 2020 is £96.173m, with £50.878m currently profiled to be spent in 2018-19. Details of the capital programme are shown in section 3 of this report.

The balance of EDT Committee reserves as of 1 April 2018 was £27.434m. The reserves at the beginning of the year included committed expenditure, unspent grants and contributions which were carried forward from 2017-18. Details are shown in Section 4 of this report.

Recommendations:

Members are recommended to note:

- a) **The note 2018-19 revenue budget the Environment, Development and Transport Committee and the current forecast outturn position**
- b) **The Capital programme for this Committee.**
- c) **The balance of reserves brought forward to 2018-19.**

1. Proposal

- 1.1. Members have a key role in overseeing the financial position for the services under the direction of this committee, including reviewing the revenue and capital position and reserves held by the service. Although budgets are set and monitored on an annual basis it is important that the ongoing position is understood and the previous year's position are considered.
- 1.2. This report reflects the budgets for 2018-19 budget and forecast outturn position as at the end of August 2018.

2. Evidence

- 2.1. The services reporting to this Committee are delivered by Community and Environmental Services which also manage services reporting to Communities Committee, Digital and Innovation Committee and Business and Property Committee.
- 2.2. The 2018-19 NET revenue budget for this committee is £103.429m.

	2018-19 Budget	2018-19 forecast Outturn	Forecast Variance	Actual spend to period 5
	£m	£m	£m	£m
Business Support and development	2.096	1.966	(0.130)	1.087
Culture and Heritage – Environment	1.116	1.116	0.000	0.361
Culture and Heritage – Historic Environment	0.250	0.250	0.000	0.160
Culture and Heritage – Planning	0.440	0.440	0.000	0.074
Highways and Waste				
Flood and Water management	0.419	0.419	0.000	0.073
Highways Operations	16.134	16.134	0.000	2.932
Major projects	0.392	0.392	0.000	0.067
Highways Network	0.636	0.636	0.000	0.930
Highways depreciation	26.248	26.248	0.000	
Travel and Transport Services	14.327	14.327	0.000	10.498
Residual Waste	23.591	23.591	0.000	8.919
Recycling and Closed landfill sites	17.235	17.015	0.220	4.902
Total highways and Waste	98.982	98.982	0.000	28.231
Infrastructure and Economic Growth	0.545	0.545	0.000	0.458
Total for Committee	103.429	103.079	(0.350)	30.461

- 2.3. Table 1 above reflects the services net revenue budget and therefore the actuals to date are affected by patterns of income and expenditure.

	Current year budget	Actuals to period 5	
	£m	£m	
Expenditure	189.325	59.494	
Income	(85.896)	(29.033)	
Net	103.429	30.261	

2.4. Forecast Variances:

We are currently forecasting £0.130m underspend in Business support and development due to the management of staff costs. When the budget is set we assume there will be some turnover of staff, where we are able to manage vacancies we will hold posts that don't require them to be filled immediately. Whilst we are still early in the year would anticipate further underspends from salary budgets to turnover of staff.

As previously reported to committee we are anticipating an underspend in the Household waste recycling centres budget, which is now reflected in the forecasts, we will continue to monitor activity throughout the rest of the year.

2.5. Other Issues

Residual Waste - A variation of one tonne of residual waste from projected tonnages would lead to a change of costs of around £113 per tonne, meaning a 1% variation in tonnages would be a £242,000 change in cost. Such variations could be caused by any combination of factors such as increases in household numbers, change in legislation, economic growth, weather patterns, a collapse in the recycling markets or an unexpected change in unit costs, much of which are out of the control of the County Council. The combined impacts of these effects will continue to be monitored extremely closely and will be reported to the committee.

Recycling Credits - The County Council pays recycling credits to Districts and parish councils and voluntary and community groups for tonnages of waste recycled. Similarly to residual waste the tonnages collected are out of the control of the County Council and there are a number of external factors that influence the tonnages collected such as general economic conditions and the weather. The payment for one tonne of recycling is £60.36 to Districts and £58.60 to community groups and although it is relatively early in the financial year to provide a robust forecast a 1% variation in tonnages would be around a £93,000 change in cost.

3. Capital Programme

- 3.1. The total capital budget for the services reporting to this committee is £96.173m, with £50.878m profiled for delivery in 2018-19.

Table 3 Capital Programme			
	2018-19	2019-20	Total Programme
	£m	£m	£m
Major Schemes	8.345	13.206	21.551
Bus Infrastructure Schemes	0.160	0.070	0.230
Bus Priority Schemes	0.500		0.500
Public Transport Interchanges	0.140	0.090	0.230
Cycling schemes (County)	0.575	1.855	2.430
Cycling schemes (Norwich "City Cycle Ambition 2")	0.460		0.460
Walking schemes	0.794	0.756	1.550
Road Crossings	0.245	0.261	0.506
Local Road Schemes	4.034	6.229	10.263
Great Yarmouth sustainable transport package (LGF Funded)	2.798	0.900	3.698
Attleborough Sustainable transport package (LGF Funded)	1.950	1.100	3.050
Thetford Sustainable Transport package (LGF Funded)	1.200	0.675	1.875

Traffic management and calming	0.929	0.010	0.939
Local Safety Schemes	0.250	0.250	0.500
Other Schemes, Future fees and Carry over costs	0.559	0.559	1.118
Integrated transport	22.939	25.961	48.900
Structural Maintenance	31.885	32.465	64.350
Total Highways programme	46.479	45.22	91.699
Other capital schemes			
Transport related budget - clean bus technology	0.036		0.036
Public Access - related projects	0.350		0.350
Waste management	4.013	0.075	4.088
	4.399	0.075	4.474
Total Programme	50.878	45.295	96.173

- 3.2. The highways programme reflects the current known funding. The service has a strong track record of securing additional external funding which will be added to the programme as this gets confirmed.

- 3.3. The programme is actively managed throughout the year to aim for full delivery within the allocated budget. Schemes are planned at the start of the year but may be delayed for a variety of reasons e.g. planning consent or public consultation. When it is identified that a scheme may be delayed then other schemes will be planned and progressed to ensure delivery of the programme and the original schemes will be included at a later date. Over / (under) spends and slippage will be carried forward and delivered in future years.

4. Reserves 2017-18

- 4.1. The reserves relating to this committee are generally held for special purposes or to fund expenditure that has been delayed, and in many cases relate to external grants and contributions. They can be held for a specific purpose, for example where money is set aside to replace equipment or undertake repairs on a rolling cycle, which help smooth the impact of funding.
- 4.2. A number of the reserve balances relate to external funding where the conditions of the grant are not limited to one financial year and often are for projects where the costs fall in more than one financial year.
- 4.3. Services continue to review the use of reserves to ensure that the original reasons for holding the reserves are still valid.
- 4.4. The balance of unspent grants and reserves as at 1st April 2018 stood at £27.434m

4.5. Table 4 below shows the balance of reserves held and the current forecast usage for 2018-19

4.6.

Table 4: EDT Committee reserves	Balance	Forecast	Forecast
	at 1 April 2018	31 March 2019	Net Change
	£m	£m	£m
Culture, Heritage and Planning			
Historic Buildings	(0.079)	(0.043)	0.037
Income Reserve	(0.080)	(0.074)	0.006
R and R Fund	(0.079)	(0.038)	0.041
Unspent Grants and Contributions Reserve	(0.060)	(0.040)	0.020
Culture, Heritage and Planning Total	(0.299)	(0.195)	0.104
Highways, Transport and Waste			
Bus Service De-registration reserve	(0.031)	(0.031)	0.000
Demand Responsive Transport	(0.004)	(0.004)	0.000
Highways Maintenance	(5.796)	(5.811)	(0.015)
Information Technology	(0.005)	(0.005)	0.000
Landfill Provision	(12.357)	(12.278)	0.079
Park and Ride Refurb Reserve	(0.012)	(0.012)	0.000
Provision for Bad Debts	(0.037)	(0.037)	0.000
Public Transport Commuted Sums	(0.389)	(0.389)	0.000
R and R Fund	(0.237)	(0.172)	0.065
Street Light PFI Sink Fund	(5.051)	(4.177)	0.874
Unspent Grants and Contributions Reserve	(2.065)	(2.065)	0.000
Waste Management Partnership	(0.869)	(0.704)	0.165
Highways, Transport and Waste Total	(26.852)	(25.685)	1.167
Head of Support and Development	(0.180)	(0.180)	0.000
Economic Development			
Economic Dev and Tourism	(0.104)	(0.104)	0.000
Grand Total	(27.434)	(26.162)	1.272

4.7. The department will continue to review the planned used of reserves throughout the year.

4.8. Significant reserves balances

	Balance 1 April 2018 £m	Reason for holding
Highways and Waste		
Closed Landfill Provision	12.357	Provision for the long term impairment costs arising from Closed Landfill sites. We have a legal duty to hold a provision for the future maintenance of Council owned closed landfill sites
Street lighting PFI	5.081	Reflects receipt of the government PFI grant for the Street Lighting contract, which will be needed to me the future financial years to meet contract payments.

5. Financial Implications

5.1. There are no decisions arising from this report and all relevant financial implications are set out in this report

6. Issues, risks and innovation

6.1. This report provides financial performance information on a wide range of services in respect of this committee.

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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

Environment, Development and Transport Committee

Report title:	Forward Plan and decisions taken under delegated authority
Date of meeting:	12 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact	
<p>Providing regular information about key service issues and activities supports the Council's transparency agenda and enables Members to keep updated on services within their remit. It is important that there is transparency in decision making processes to enable Members and the public to hold the Council to account.</p>	

Executive summary

<p>This report sets out the Forward Plan for EDT Committee. The Forward Plan is a key document for this committee to use to shape future meeting agendas and items for consideration, in relation to delivering environment, development and transport issues in Norfolk. Each of the Council's committees has its own Forward Plan, and these are published monthly on the County Council's website. The Forward Plan for this Committee (as at 13 September) is included at Appendix A.</p> <p>This report is also used to update the Committee on relevant decisions taken under delegated powers by the Executive Director (or his team), within the Terms of Reference of this Committee. There are two relevant delegated decisions to report to this meeting.</p> <p>Recommendations:</p> <p>Members are recommended to:</p> <ol style="list-style-type: none"> 1. Review the Forward Plan at Appendix A and identify any additions, deletions or changes to reflect key issues and priorities the Committee wishes to consider. 2. To note the delegated decisions set out in Section 2 of this report.
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1. Forward Plan

- 1.1. The Forward Plan is a key document for this committee in terms of considering and programming its future business, in relation to EDT issues in Norfolk.
- 1.2. The current version of the Forward Plan (as at 13 August) is attached at Appendix A.
- 1.3. The Forward Plan is published monthly on the County Council's website to enable service users and stakeholders to understand the planning business for this Committee. As this is a key document in terms of planning for this Committee, a live working copy is also maintained to capture any changes/additions/amendments identified outside the monthly publishing schedule. Therefore, the Forward Plan attached at Appendix A may differ slightly from the version published on the website. If any further changes are made to the programme in advance of this meeting they will be reported verbally

to the Committee.

2. Delegated decisions

2.1. The report is also used to update on any delegated decisions within the Terms of Reference of this Committee that are reported by the Executive Director as being of public interest, financially material or contentious. There are two relevant delegated decisions to report for this meeting.

2.2. **Subject: Petition requesting yellow lines to be put in place at the top end of Common Road, Hemsby**

Decision: Response sent to the petition organiser explaining that there are no plans to introduce yellow lines (or similar restrictions). This is because there are no recorded incidents relating to parked vehicles, and although there are parked vehicles this does not obstruct the passage of passing traffic. It suggested that if residents have issues with vehicles obstructing private accesses, they could contact the highways service to discuss the option of H-Bar markings being put in place to try to prevent this.

Taken by: Executive Director, in consultation with the EDT Committee Chair and Vice Chair, and the Local Member (Cllr Ron Hanton)

Taken on: 31 August 2018

Contact for further information: Jon Winnett – Highway Engineer
Email jon.winnett@norfolk.gov.uk
Phone 0344 800 8020

2.3. **Subject: Regulation 18 Consultation - Great Yarmouth Borough Council – Draft Local Plan Part 2 - Development Management Policies, Site Allocations and Revised Housing Target**

Decision: Response sent to the consultation with detailed comments covering the following broad areas:-

- Key strategic issues
- Minerals and waste planning
- Environment
- Transport
- Flooding
- Infrastructure delivery
- Corporate property
- Public Health

A full copy of the consultation response can be provided to Members.

Taken by: Executive Director, in consultation with the EDT Committee Chair and Vice Chair

Taken on: 26 September 2018

Contact for further information: Stephen Faulkner, Principal Planner
Email Stephen.faulkner@norfolk.gov.uk
Phone 0344 800 8020

3. Financial Implications

3.1. There are no financial implications arising from this report.

4. Issues, risks and innovation

4.1. There are no other relevant implications to be considered by Members.

5. Background

5.1. N/A

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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Forward Plan for EDT Committee

Appendix A

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
Meeting: Friday 9 November 2018			
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies they sit on	None	To receive feedback.	Members
Norfolk Strategic Infrastructure Plan refreshed for 2018	None	The Committee welcomes and supports the production of the 2018 Norfolk Strategic Infrastructure Delivery Plan and endorse the strategic approach to infrastructure planning.	Senior Infrastructure & Economic Growth Planner (Laura Waters)
Waste services	None	To agree the preferred site for a Norwich Recycling Centre beyond 2021. To identify a preferred approach to funding district recycling and waste reduction activities. To consider whether to extend existing waste arrangements from 2020 to 2021.	Head of Waste (Joel Hull)
Adoption of the Norfolk Access Improvement Plan (NAIP)	None	To agree to adopt Norfolk County Council's 10 year Norfolk Access Improvement Plan (which incorporates the Rights of Way Improvement Plan for Norfolk).	Countryside Manager (Trails and Projects) Andrew Hutcheson
Finance monitoring	None	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)
Forward Plan and decisions taken under delegated authority	None	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under	Head of Support and Development (Sarah Rhoden)

Forward Plan for EDT Committee

Appendix A

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
		delegated authority	
Meeting: Friday 18 January 2019			
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies they sit on	None	To receive feedback	Members
Highway capital programme and Transport Asset Management Plan (TAMP)	None	To approve the highways capital programme/funding, and any proposed changes to the Transport Asset Management Plan.	Assistant Director (Nick Tupper)
Review of Norwich Highways Agency Agreement	None	To note feedback on the performance of the Norwich Highways Agency Agreement and agree whether to continue with the Agreement from 1 April 2020.	Assistant Director Highways and Waste (Nick Tupper)
Performance management	None	Comment on performance and consider areas for further scrutiny.	Business Intelligence and Performance Analyst (Austin Goreham)
Risk management	None	Review and comment on the risk information and consider any areas of risk that require a more in-depth analysis	Chief Internal Auditor (Adrian Thompson) / Risk Management Officer (Thomas Osborne)
Finance monitoring	None	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)
Forward Plan and decisions taken under delegated authority	None	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under delegated authority	Head of Support and Development (Sarah Rhoden)

Forward Plan for EDT Committee

Appendix A

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Lead Officer
Meeting: Friday 8 March 2019			
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies they sit on	None	To receive feedback	Members
Performance management	None	Comment on performance and consider areas for further scrutiny.	Business Intelligence and Performance Analyst (Austin Goreham)
Risk management	None	Review and comment on the risk information and consider any areas of risk that require a more in-depth analysis	Chief Internal Auditor (Adrian Thompson) / Risk Management Officer (Thomas Osborne)
Finance monitoring	None	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)
Forward Plan and decisions taken under delegated authority	None	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under delegated authority	Head of Support and Development (Sarah Rhoden)

Regular items	Frequency	Requested committee action (if known)	Lead officer
Forward Plan and decisions taken under delegated authority	Every meeting	To review the Committee's forward plan and agree any amendments/additions and to note the decisions taken under delegated authority	Head of Support and Development (Sarah Rhoden)
Performance management	Four meetings each year – January, March, June/July,	Comment on performance and consider areas for further scrutiny.	Business Intelligence and Performance Analyst (Austin

Forward Plan for EDT Committee

Appendix A

Regular items	Frequency	Requested committee action (if known)	Lead officer
	October		Goreham)
Risk management	Four meetings each year – January, March, June/July, October	Review and comment on the risk information and consider any areas of risk that require a more in-depth analysis	Chief Internal Auditor (Adrian Thompson) / Risk Management Officer (Thomas Osborne)
Finance monitoring	Every meeting	To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	Finance Business Partner (Andrew Skiggs)
Highway Asset Performance	Annually – July	Review and comment on the highway asset performance report against the performance and asset management strategy. To consider whether any changes are required.	Assistant Director (Nick Tupper)
Highway capital programme and Transport Asset Management Plan (TAMP)	Annually - January	To approve the highways capital programme/funding, and any proposed changes to the Transport Asset Management Plan.	Assistant Director (Nick Tupper)
Verbal update/feedback from Members of the Committee regarding Member Working Groups or bodies they sit on	Every meeting	To receive feedback	Members