Cabinet

Monday 9 January 2017

9.00 am, Colman and Cavell Rooms
South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

If you have any special requirements in order to attend this meeting,
please let us know in advance
Large print version can be made available

Contact Claire White on 01508 533669 or democracy@s-norfolk.gov.uk
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<thead>
<tr>
<th>Members of the Cabinet</th>
<th>Portfolio</th>
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<tr>
<td>John Fuller (Chairman)</td>
<td>The Economy and External Affairs</td>
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<tr>
<td>Mr M Edney (Vice Chairman)</td>
<td>Finance and Resources</td>
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<tr>
<td>Mrs Y Bendle</td>
<td>Wellbeing and Early Intervention</td>
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<tr>
<td>Mr C Hudson</td>
<td>Stronger Communities and Leisure</td>
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<td>Mr L Hornby</td>
<td>Regulation and Public Safety</td>
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<tr>
<td>Mrs K Mason Billig</td>
<td>Environment and Recycling</td>
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This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.

**Group Meetings**

Conservatives – 8.00 am, Cabinet Office
Liberal Democrats – 8.15 am, Blomefield Room
Agenda

1. To report apologies for absence;

2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;

3. To Receive Declarations of Interest from Members (please see guidance – page 5)

4. To confirm the minutes of the Cabinet meeting held on Monday 5 December 2016 (attached – page 6)

5. Proposed Community Assets Strategy (report attached – page 14)


NOTE: All appendices to this report are available to view on the Council’s website at http://www.south-norfolk.gov.uk/committee-meeting-dates-agendas-and-minutes?month=201701 and are not included with the printed papers
7. **Greater Norwich Joint Five Year Infrastructure Investment Plan 2017-18 to 2021-22**

At an earlier meeting on 12 September 2016, Cabinet agreed to defer consideration of the Infrastructure Investment Plan, due to concerns about funding of maintenance from CIL; the need for clear criteria to be in place for small projects; and that it would be premature to consider long-term commitments to the IIP in the light of the ongoing national CIL Review. Further work is progressing on these matters, and it is hoped that a revised IIP will be able to be considered at Cabinet and Council in early 2017.

Adam Nicholls, Planning Policy Manager

8. **Cabinet Core Agenda**

(attached – page 54)
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
CABINET

Minutes of a meeting of the Cabinet of South Norfolk District Council held at South Norfolk House, Long Stratton on Monday 5 December 2016 at 9.00 a.m.

Members Present:

Cabinet: Councillors J Fuller (Chairman) Y Bendle, M Edney, L Hornby, C Hudson and K Mason Billig

Non-Appointed: Councillors D Bills, C Foulger, M Gray, N Legg, T Lewis and M Wilby

Officers in Attendance: The Chief Executive (S Dinneen), the Director of Business Development (D Lorimer), the Director of Community Services (P Boyce), the Director of Growth and Localism (T Horspole), the Community Capacity Manager (K Gallagher), the Planning Policy Manager (A Nicholls), the Senior Conservation and Design Officer (C Bennett), the Housing Enabling and Strategy Officer (K Mitchell), the Policy Officer – Revenues and Benefits (P Chapman), and the National Management Trainee (S Carey)

2501 DECLARATIONS OF INTEREST

<table>
<thead>
<tr>
<th>Member</th>
<th>Item</th>
<th>Declaration</th>
<th>Interest</th>
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<tbody>
<tr>
<td>Cllr J Fuller</td>
<td>The Self-Build and Custom Housebuilding Register (minute 2506)</td>
<td>Member of the CIL Review Panel</td>
<td>Other</td>
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2502 MINUTES

The minutes of the meetings held on Monday 24 October, and Thursday 17 November 2016 were agreed as correct records and signed by the Chairman.

2503 URGENT ITEM – COUNCIL TAX SUPPORT SCHEME 2017/18

The Subject of the Decision

The Chairman confirmed that this item was to be considered as a matter of urgency, due to the statutory requirement to annually adopt a new Council Tax Support Scheme, and the timescales involved. Members noted that the Cabinet would be making recommendations to the Council, to be considered at its meeting on 12 December.

Cllr Y Bendle introduced the report, explaining that this was the first year where no amendments to the scheme were proposed. Officers believed the current scheme to be still fit for purpose and appropriate in the current financial climate.

During discussion, members noted that calls upon the discretionary fund, were sometimes an indication that changes to the Council Tax Support Scheme might be required. The Policy Officer confirmed that there had been no common themes to evidence that changes were required for 2017/18.

The Decision

RESOLVED: TO RECOMMEND THAT COUNCIL makes a Council Tax Support Scheme for 2017/18 to operate in the same way as the 2016/17 Scheme.
The Reasons for the Decision

To ensure that a fair scheme is in place, which is appropriate to the current climate.

Other Options Considered

None

2504 EASTON NEIGHBOURHOOD PLAN 2017-2042
PRE-SUBMISSION CONSULTATION VERSION (OCTOBER 2016)

The Subject of the Decision

Members considered the report of the Planning Policy Manager, which sought Cabinet endorsement of an officer response to Easton Parish Council, regarding a draft Neighbourhood Plan for the parish.

The Planning Policy Manager outlined the key points of his report, explaining that whilst officers were broadly supportive of the objectives of the Plan, some amendments had been proposed.

Members noted that some of the recommended amendments related to specific policies, and that a detailed prioritised list of the desired infrastructure for Easton, had also been suggested. Cabinet agreed that the Plan sought positive outcomes for current and future residents, however, did require more focus on infrastructure and delivery.

The Decision

RESOLVED: To endorse the report as the response to the Easton Neighbourhood Plan Pre-Submission Consultation, specifically noting the points raised in section 4 of the report.
The Reasons for the Decision

To ensure that the Plan is effective in terms of delivery and is in line with the vision and objectives of the community.

Other Options Considered

None.

2505 CONSERVATION AREA APPRAISALS AND BOUNDARY AMENDMENTS FOR HARLESTON, HINGHAM, AND LODDON AND CHEDGRAVE CONSERVATION AREAS

The Subject of the Decision

Members considered the report of the Senior Conservation and Design Officer, which proposed amended conservation area boundaries, and conservation area appraisals and management guidelines, for Harleston, Hingham, Loddon and Chedgrave conservation areas.

The Senior Conservation and Design Officer presented his report, outlining the proposed changes to boundaries, and key consultation responses. Members noted the feedback received from the Planning Policy and Regulation Policy Committee.

The Decision

RESOLVED: 1. TO RECOMMEND THAT COUNCIL approves and adopts the amended conservation area boundaries for Harleston, Hingham and Loddon and Chedgrave Conservation areas;
2. TO RECOMMEND THAT COUNCIL approves and adopts the conservation area appraisals and conservation management guidelines for the conservation areas of Harleston, Hingham, and Loddon and Chedgrave.
The Reasons for the Decision

To support the preservation and enhancement of conservation areas.

Other Options Considered

None

2506 THE SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER

The Subject of the Decision

Members considered the report of the Housing Enabling and Strategy Officer and the Planning Policy Manager, which sought Cabinet approval, with regard to the administration of a register of people wishing to build their own homes in South Norfolk.

The Housing Enabling and Strategy Officer outlined the salient points of his report.

Members noted the feedback received from the Housing, Wellbeing and Early Intervention Policy Committee, and Cllr Y Bendle explained that the Committee had contemplated introducing a registration fee, however it had not been felt appropriate at this stage, as fees were not being introduced elsewhere in Norfolk. It was noted that there had been more people registering in South Norfolk, than elsewhere in the county. The Housing Enabling and Strategy Officer added that an appropriate fee to cover costs, if introduced, would be £70.00.

Referring to the CIL exemption on self-build properties, some members expressed concern that the system was open to abuse. Cllr Lewis explained that he did support the principle of self-build, suggesting that the scheme could create a large demand, however, he did have some reservations as to how the scheme would work, and he did not support the exemption from CIL.

Cabinet noted that the Government’s Housing White Paper, due out in mid-January 2017, would provide more detail on policy and how the scheme would work in practice.
The Decision

RESOLVED: To agree that:

1. A registration fee is not introduced, but that the position is reviewed in 12 months’ time;
2. A local connection test is introduced, on the basis of:
   - Having lived in South Norfolk for 6 of the previous 12 months, or
   - Having lived in South Norfolk for 3 of the previous 10 years, or
   - Having a current contract of permanent employment where the job is mostly located in South Norfolk
3. A financial resources test is not introduced.

The Reasons for the Decision

Encouraging housing growth to benefit local people.

Other Options Considered

- To introduce a registration fee
- Not to introduce a local connection test
- To introduce a financial resources test

2507 CORPORATE SOCIAL RESPONSIBILITY

The Subject of the Decision

Members considered the report of the Community Capacity Manager, which sought Cabinet approval of the South Norfolk Corporate Social Responsibility Statement, and the Making the Community Your Business document.
Cllr C Hudson introduced the report, explaining that the documents formed a key part of the Council’s Business Plan, and supported growth and prosperity in the District.

The Community Capacity Manager outlined the key elements of her report, explaining that South Norfolk was in an excellent position to lead by example. In response to a query concerning fair wages for employees, she explained that the document did not provide a detailed definitive list for businesses, however, did encourage apprenticeships and learning.

In response to a query concerning the awarding of contracts, the Chief Executive suggested that the document could be fed in to the procurement process, however, stressed that this would not be an overriding factor.

Cabinet members welcomed the approach, but noted that there were a small number of typographical errors which required amendment.

The Decision

RESOLVED: To approve the South Norfolk Corporate Social Responsibility Statement and the Making the Community Your Business document, subject to minor amendments.

The Reasons for the Decision

Encouraging businesses to thrive, whilst maximising the positive impact they have on the community.

Other Options Considered

None
Members noted that this item was deferred to a future meeting of the Cabinet.

2509 CABINET CORE AGENDA

Member noted the latest version of the Cabinet Core Agenda.

2510 DIRECTOR OF COMMUNITY SERVICES

The Chairman reminded members that this was the last Cabinet meeting before Paula Boyce, the Director of Community Services, was to leave the Council to take up a post at the Norfolk Waste Partnership. The Chairman thanked Paula for all that she had done during her time at the Council. Both Cllrs Bendle and Mason Billig referred to her many achievements and the excellent working relationship she held with members. On behalf of the Liberal Democrats, Cllr T Lewis referred to Paula’s calm, sensible and helpful approach, and wished her well in her new role.

The Director of Community Services thanked members for their kind words.

(The meeting concluded at 9.56 a.m.)

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Chairman
Proposed Community Assets Strategy

Report of the Head of Environmental Services
Cabinet Member: Cllr K Mason Billig, Portfolio Holder for Environment and Recycling

CONTACT
Bob Wade
bwade@s-norfolk.gov.uk
1. Introduction

1.1 The draft Community Assets strategy was presented to Cabinet on the 24 October 2016. The resolution was:

- To approve the content of the draft Community Assets strategy and endorse a 6 week consultation with interested parties in order to inform a final version of the strategy for adoption

1.2 In the light of this resolution a further 6 week consultation period has been undertaken and this report advises Cabinet of the outcome and recommends that a final Community Assets strategy is adopted.

2. Background

2.1 As previously reported, the Community Assets Strategy covers those assets that the Council manages which provide, in the main, public amenity value and are ‘non-commercial’ e.g. open spaces, play areas, commons but also footway lights and other non-commercial assets. The Council currently manages over 120 open spaces, 60 play areas, trees on council land as well as responsibilities for several commons and miscellaneous assets such as garages and surplus land. The development of an all-embracing Community Assets Strategy sets out how South Norfolk open spaces and other public amenity assets will be managed for the period up until 2021. The Strategy provides an overarching management framework which contributes to the delivery of the Council’s vision and priorities.

2.2 In terms of legislative requirements, there are none which require that the Council to have a Strategy for the management of community assets; it is however good practice. There are clearly legislative requirements associated with the proper administration of these assets such as health and safety, property law and so on.

2.3 The draft Community Assets Strategy (Appendix 2) proposes a more sustainable and progressive management regime, encouraging greater community involvement with attendant benefits to health and wellbeing, enhanced biodiversity and opportunities for increasing local devolution. Given the likely future funding challenges our aim is to create a more sustainable approach to our asset management and minimising future liabilities given the challenging financial environment we are facing whilst ensuring open spaces and other community assets remain part of the South Norfolk landscape.

2.3 The Strategy supports the Corporate Vision and Council Priorities and embeds the following objectives:
• An efficient and effective community asset and customer focused service making the most of our assets for the benefit of the community at least cost. This includes seeking opportunities for divestment and no longer adopting open spaces, drainage features, etc. whilst continuing to deliver high quality sustainable development.

• The introduction of more innovative sustainable management regimes for existing assets including, where appropriate, “community divestment initiatives” supporting, amongst other things, biodiversity and healthy living.

• Improving and increasing partnership work to deliver asset management:
  - Securing additional agency partnership and/or third party funding
  - Formulation of innovative delivery structures
  - support as part of the Council’s ‘Early Help’ approach and the Health and Wellbeing strategy
  - Delivery of community development mechanisms

2.4 There are a number of current policies and strategies which the draft Community Assets Strategy supports, not least the 5-year Corporate Plan. The development of such a Strategy is in line with the Council’s Business Plan.

3. Strategy development

3.1 The key components of the Strategy and the background to it have been previously reported to Cabinet and have been formed by input from the former Environment and Regulation Policy Committee, an initial consultation earlier this year with Town and Parish Councils, the Broads Authority and Norfolk County Council and latterly the Growth, Infrastructure and Environment Policy Committee on 21 June and 4 October, 2016.

3.2 Members recognise that the types of community assets which are the subject of this draft Strategy are already being managed effectively and efficiently therefore within the terms of the proposed draft Community Assets Strategy the Council will need to evolve and plan its services so maintenance of assets can be protected given the challenges that the community and the Council face in terms of resources and financial sustainability.
4. Outcome of the most recent consultation

4.1 Given the decision of Cabinet on 24 October the draft Community Asset Strategy was amended. A wider consultation was then commenced for 6 weeks which ended on the 18 December 2016. All members were advised of the consultation along with an e-mail link which was sent to all other consultees including all Parishes and Towns, etc but also local and national developers and known local property management companies. We sent out e-mails making parties aware of the consultation to 39 housebuilders and those who have housebuilding interests (eg. social landlords) and around 100 agents, developers, management companies, etc. We have also spoken to several local housebuilders and agents. The consultation was also mentioned at the most recent Consultation with Town and Parish Clerks on 1 December, 2016. The consultation was aimed to elicit views on how best to make the Strategy work in practice to ensure we continue to deliver high quality sustainable development, support the health and wellbeing of our communities and secure the best interests of all.

4.2 As it stands there have been 6 submitted consultation responses. The responses were from Tasburgh, Saxlingham Nethergate, Long Stratton Parish Councils, Costessey Town Council, a local volume housebuilder and a member of the public. In broad terms the parish/town councils have responded in particular requesting that they are involved with the future of open spaces, etc in their area and raising some reservations on future management risks. The strategy has been amended (highlights and italics within the draft strategy) recognising this. The private individual and the housebuilder were not, amongst other things, accepting of the proposed change to policy as regards future adoption of open spaces. The full responses are attached as appendix 1 along with our response. There has also been some informal feedback from another local developer who has a preference that either parishes/towns or the Council continue to adopt open spaces, etc by legal agreement with them. As with the first consultation in the spring, given the limited response there appears to be no strong view either way on the strategy. The local housebuilder is clearly opposed to the future proposed non adoption of open spaces, etc by this Council and highlights their view on the risks this involves. As previously stated it is considered that the standard, quality and provision of open spaces, etc will not be compromised by this change. It is recognised that in some circumstances alternative management arrangements may be viewed as less sustainable however the future of local authorities as place managers is open to change. The legal view is that there is a presumption that all open spaces will remain open to the public whether or not they are managed by the local parish/town or a management company/organisation set up for that purpose. This proposed strategy is aimed at managing change in a positive way. The proposed strategy is attached as appendix 2.

4.3 Given the above it is not considered that there is a need for any significant material change to the proposed strategy. The risks and implications outlined in the previous report to Cabinet remain unchanged.
5. Risks and implications

5.1 There are a number of potential issues and risks associated with moving to a policy of non-adoption of open spaces, lighting etc. as part of the Council’s proposed Community Asset Strategy. Those risks, potential implications and mitigations are summarised below:

<table>
<thead>
<tr>
<th>Risk</th>
<th>Issue</th>
<th>Mitigation</th>
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<tbody>
<tr>
<td>Ensuring high quality design of future community assets</td>
<td>The Council will need to continue to ensure schemes are high quality and designed properly at an early stage given that well-designed community assets e.g. drainage basins, SUDS and flood alleviation schemes for example, are all features that pose particular risks for the adopter.</td>
<td>The Council will seek to work with developers at an early stage to ensure open spaces etc. are fit for purpose and in-keeping with our planning policy and design standards in terms of local community benefit, health and wellbeing. Development Management will co-ordinate input and seek the views from the relevant statutory bodies in terms of local requirements, risk management and good design.</td>
</tr>
<tr>
<td>The provision of adequate ongoing maintenance</td>
<td>Open spaces and other public amenity assets are not maintained to the standard expected of residents. This would be a significant change to our approach which, by way of mitigation, will need to be managed positively with interested parties to safeguard communities by supporting best practice. It may also lead to the Council being asked to intervene to rectify areas perceived sub-standard e.g. grass</td>
<td>As part of the planning process, Development Management and community assets will work with the developer to understand and agree how open spaces are to be maintained. A number of options are available such as the development of a maintenance agreement discharged via: Formation of residents’ association, a form of community trust and/or a management or maintenance company in perpetuity or arrangements via the relevant Parish/Town Council.</td>
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<tr>
<td>Equalities</td>
<td>The Council will need to continue to ensure that there is no impact on disadvantaged groups in relation to use of and access to open spaces and community assets.</td>
<td>It is not considered that there is likely to be a negative impact on disadvantaged groups. Arguably with more community involvement and sound local management decision making, this could have benefits for South Norfolk’s social capital and community cohesion.</td>
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<tr>
<td>Crime and disorder</td>
<td>The Council will need to ensure it continues to guide the development of open spaces that support safe environments.</td>
<td>It is not considered that crime and disorder will be negatively impacted.</td>
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5.2 In terms of general risks associated with implementation of the Strategy overall these can be summarised as follows:

- There are no specific risks associated with the implementation of the Strategy. There are risks inherent to the management of the assets but these risks will be effectively managed given the Strategy.
- Officers consider that adopting the Strategy should lead to a positive and therefore more sustainable financial impact as a result of the implementation of the Strategy. Given ongoing financial pressures the Strategy is aimed to deliver outcomes which deliver value for money and manage the assets more sustainably. Budgets are in place for the current financial year.
- It is not considered that there is likely to be impact on disadvantaged groups and arguably with more community involvement this will benefit individuals and communities in a variety of ways.
- There are also very positive environmental and biodiversity benefits being sought which will enable a more sustainable approach to the management of these assets.
- Crime and disorder will not be negatively impacted indeed the reverse could occur.
6. Other options

6.1 There is no legal or other requirement placed on the Council to have a Community Asset Strategy. There is therefore an option not to have one. Given the anticipated benefits and outcomes of the proposed Strategy however, it is considered a desirable approach to managing the Council's assets into the future.

7. Recommendation

7.1 Cabinet consider the content of the final draft Community Assets Strategy and endorse it for adoption subject to any comment or amendment that Cabinet may wish to make.
Appendix 1 – specific consultee responses.

Q1 - Please provide your comments on the Draft Community Asset Strategy

<table>
<thead>
<tr>
<th>Consultee response</th>
<th>Our response</th>
<th>Consultee detail</th>
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<tr>
<td>1. Local authorities are best placed to own, manage and protect public assets, such as open spaces, for the public good. Whilst parish/town councils are well placed to manage in local public good, in reality only some (and typically larger ones) believe they are capable. Where those do not, then in default the District Council should step in. The alternatives do not hold well for the future. Eg housebuilders retaining ownership means little if any meaningful maintenance as they'd have no interest to do so when sold last home. Or management companies instead, that are often ran by a few well meaning but sometimes blinkered views and often such as reinstatement of original specification lacks to inferior quality or does not happen (e.g. Shrub planting, play equipment, fencing). Furthermore spaces become less in public good and more like private communal gardens and some users can get discouraged. There is also self administration of tree removal etc for more personal reasons than wider public good. Taking the proposed route, quality and quantity will ultimately reduce and the aims for wellbeing threatened and is not a robust approach.</td>
<td>We note the view that parish/town councils are well placed to manage sites which arise from the development management process with the district council being the default body. We also note the views expressed as regards the limitations of developers and management companies managing sites in perpetuity and the risk that the sites are not managed for the community and the public good in terms of access and amenity, etc. In response we emphasise that there will be no reduction in the standards or provision for open spaces, etc under the Council’s policies. In our view the consultee has highlighted risks of future mismanagement. There are a number of examples of locations where open spaces, etc are not managed by the local authority currently but by others and issues do not necessarily arise. Whilst the Council is not intending to prescribe the management vehicle for open spaces into the future there are options for community groups and others to manage them and take responsibility. Arguably this is little different from many open spaces that are efficiently and effectively managed by charities and societies with positive community benefit. The proposed approach still allows parishes and towns to</td>
<td>Norfolk Homes Ltd</td>
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Notably more so as enforcement on original approvals is poor. Both in SNC and wider. I can evidence:-

- Around 15 years ago, NNDC adopted new policy to adopt new development open spaces and back log adopted many areas that were left with others but had been ran ineffectively and ended with NNDC having so many issues and complaints NNDC took ownership in to their own hands.

- GYBC have a large area not laid out for public use as intended at a housing development in Caister on sea, with the nearest other being accords a busy road and some distance away.

- SNC have an area that was a condition of the Trowse Hopkins Homes development which was not transferred into other ownership and could well be under development threat at this very time.

Finally, as well as storing trouble for the future, it takes away opportunities that can arise with well run assets and innovative thinking. Eg rental income from playing pitches and other facilities; rents from alternative ad hoc event opportunities such as fetes, music or drama open air events, car boot sales pitches etc. All which not only provide some income but important social and community well being gatherings and cohesion. Rather than privately managed areas that in reality often discourage any use at all (one of our biggest complaints from new homes buyers is people who've bought a home overlooking open spaces about their adopt open spaces, etc and therefore is no different to the current approach. Parish and towns have the ability to raise precept locally. The Council will endeavour to secure robust arrangements at the time planning permission is given to minimise the risk of future issues. The Council is keen to engage with developers and others to minimise these risks. Developers may wish to explore and set up innovative future management vehicles with the community to safeguard their reputation and interests.
perception of nuisance of people using the spaces as designed or pressures to lop trees due to leaf dropping etc. ).

| 2. Tasburgh Parish Council has no objection to the draft strategy | Noted | Tasburgh PC – clerk to the Council |

| 3. | The document talks about a more ‘sustainable approach’ but does not explain what this means in this context. |
| 2. It also talks about community divestment initiatives (does this mean passing an asset to anyone who is stupid enough to take it on) and claims that this will support biodiversity and healthy living by doing so. How so?? |
| 3. Under guiding principles it talks about opportunities for income generation and low impact infrastructure initiatives. In other words selling these off? and why low impact infrastructure initiatives and again what exactly does this mean? |
| 4. I hope the Council (SNDC) intends to fully consult on their aims to produce a robust, sustainable and risk based management plan for lighting. What risk are we talking about, monetary, personal? Once again it means nothing unless of course switching them all off counts? |
| 5. Divestment Strategy is talked about at 6. But covertly simply just seems to be saying sell it off! What guarantees exist that they the buyers will not exploit this and is selling the family silver just a short term one way fix? It |

The response expresses views that do not accord with the proposed strategy. There are various mechanisms within the strategy to safeguard assets for the benefit of the community – this is outlined in particular in the Divestment strategy. The Council is faced with making hard choices and this strategy aims to secure a more sustainable future for assets by reviewing what we do, working with others and seeking opportunities to reduce resource demands without unduly affecting asset quality or public benefit. The comments on CIL are noted – 7. section in the draft strategy however does not warrant alteration in the light of this.

Julian Halls, member of public
openly talks about at III below, (there are two such paragraphs so labelled with the same numbering format!! so needs re writing) about disposal of surplus assets where there is no financial benefit from retention. Why does it always have to be financial? How are you going to define surplus? What is wrong in holding onto an asset on moral grounds or because it is of a community benefit?

6. The legal interpretation of CIL under the planning acts which appears at page 11 is a wholly inaccurate as the regulations that pertain to this are far more specific. The benefit has to be directly related to the development site, NOT as given in the document, giving the Council itself carte blanche permission to be used in support of infrastructure for sporting and recreational facilities such as a Leisure centre, which they just happen to own, miles away.

7. The third bullet point on page 14 has a sentence which starts ‘The’. I assume this should be ‘The’ and the assumption that the Parish council will take ownership aspirational and as it says fundamentally flawed so according to this strategy they will simply sell them off. So how does that link to the Health and well being strategy to provide play areas.

8. This strategy is sadly nothing much more than management speak and a justification of a wholesale sell off of Council assets which will leave us all the poorer as a consequence
4. Commuted sums need to be considered as an incentive to Parish/Town Councils. Some Councils will require time to adjust their precept to cover additional revenue costs. Consideration should be given to land swaps which benefit both parties. 

Apart from some 'special expenses' within certain parishes connected to the provision of street lighting the District Council Council Tax charge is the same for every household. So effectively everyone in South Norfolk is paying towards the management of Queen's Hills Country Park and Easthills Woods for example. In reverse the nearest SNC managed Leisure Centre is in Wymondham, so consequently Costessey residents are unlikely to be members but pay towards the running and management costs. Some exploratory work needs to be undertaken by SNC officers to see if there's a fairer way to align the provision of a District Council service with the cost to a taxpayer, just like how the parish precept works at a local level. 

<table>
<thead>
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<th>Costessey Town Council</th>
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<tr>
<td>The commuted sum amount is obviously determined on the merits of each development and would need to be negotiated between the parties as would land swaps.</td>
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<td>This is noted but this is a wider question which is not part of this proposed strategy.</td>
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5. Saxlingham Nethergate Parish Council would like clarification regarding the future management of Smockmill Common. 

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<th>Saxlingham Nethergate Parish Council</th>
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<td>The Council will discuss this with the Parish Council.</td>
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6. As Long Stratton prepares for considerable development, the parish council considers the following points relevant to the draft community asset strategy.

6.- Divestment Strategy

**Long Stratton Parish Council consider that parish councils should have first refusal where divestment of existing community assets to local groups are considered.**

10 – Playgrounds and play equipment management plan

Part 1 - Third bullet point.

**That parish councils be given first refusal to assume ownership of new open spaces prior to developers considering other management options.**

11 - That parish councils be consulted on the review of cyclical maintenance and any ongoing reviews

In addition to the points above relating to the draft strategy, LSPC consider that the parish council should be given first refusal to assume ownership of any new community assets prior to developers considering other options.

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<th>Long Stratton PC</th>
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<td>The proposed strategy has been reviewed but it should be recognised that the Council will make a decision in its best interests and cannot be bound by another.</td>
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<tr>
<td></td>
<td>The proposed strategy has been reviewed but it should be recognised that the Council cannot dictate who adopts playgrounds, etc. This is the choice of the developer.</td>
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<tr>
<td></td>
<td>This is accepted.</td>
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<tbody>
<tr>
<td></td>
<td>The proposed strategy has been reviewed but it should be recognised that the Council cannot dictate who adopts open spaces, infrastructure, etc. This is the choice of the developer.</td>
</tr>
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</table>
2. Following the Councils proposed non-adoption of open spaces and infrastructure beyond April 2017 please let us know how you would see these areas being secured and managed in perpetuity eg. management arrangements etc.

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<tbody>
<tr>
<td>1. Other than local authorities (district or parish) there is no medium-longer term robust measure</td>
<td>It is considered that this comment follows on from 1. above. Given the comments it should be recognised that the commuted sum management option already exists but the question arises of funding and management when the commuted sum ends. The burden then falls on the local authority be it parish/town or district.</td>
<td>Norfolk Homes Ltd</td>
</tr>
<tr>
<td>10 years ago I pioneered, with SNC solicitor and SNC leisure department, that an option was for a full Facilities Management contract to be put in place (eg over the 10/15 year commuted sum period) with publicly owned contractor (eg Norse) and funded by developer to then be transferred with the land. At Poringland this operates very successfully and also gives the Parish confidence to adopt and be able to own/enforce but not have the day to day time and cost resources. An ideal solution.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. The Council would be sceptical on taking on extra land/property which would involve heavy financial responsibility for the future.</td>
<td>This is viewed as supporting the proposed draft strategy</td>
<td>Tasburgh PC</td>
</tr>
<tr>
<td>It would be better that the developers take on this responsibility even if to sub-contract to outside companies.</td>
<td></td>
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<tr>
<td>Clearly District Council need to consider alternatives for the maintenance of such land/property. Other possibilities could include volunteers, charitable bodies and other interested voluntary groups</td>
<td></td>
<td></td>
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<tr>
<td>3. The proposal is fundamentally flawed</td>
<td>Noted</td>
<td>Julian Halls, member of public</td>
</tr>
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<td>----------------------------------------</td>
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<td>-----------------------------</td>
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<tr>
<td>4. Parish and Town Councils need to be involved with developers from the outset in order to shape open spaces and understand the full requirements before adoption. Early 'buy-in' from a Council will increase the likelihood of them adopting these on completion. Residents of some areas within Costessey are bitterly disappointed with some working practices of private management companies who maintain open spaces in their community. Costs to households associated with the management can escalate quickly after introductory offers have elapsed with no explanation. The District Council needs to consider how it can empower communities to maintain areas by building social capital and working with volunteer groups.</td>
<td>This is recognised and noted. We will wish to encourage this early engagement. It is also recognised that private management companies may not always meet residents expectations but, as with the Council, they should be held to account by the local community. The Council recognises the importance of social capital and working with communities and this is recognised in the proposed strategy.</td>
<td>Costessey Town Council</td>
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South Norfolk Council

Community Assets Strategy 2016
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1. Introduction

The Community Asset Strategy is the Council’s corporate land and property strategy that sets out how the council will manage all aspects of community assets. This Strategy involves more sustainable and progressive management regimes, encouraging greater community involvement with attendant benefits to health and wellbeing, enhanced biodiversity and opportunities for increasing local devolvement. Given the likely future funding challenges a key aim is to create a more sustainable approach to our asset management and minimising future liabilities given the challenging financial environment we are facing whilst ensuring open spaces and other community assets remain part of the South Norfolk landscape.

South Norfolk Council holds a variety of land and property assets within its portfolio. These can broadly be divided into three main asset groups:

- **Operational Assets** – Used by the Council or partners to deliver direct services such as leisure centres, waste services, Council offices. These are often subject to a separate Asset Management Plan or programme of works.

- **Investment Assets** – Assets held solely for the purpose of generating rental/investment income/capital. These are often subject to a separate Asset Management Plan or programme of works.

- **Community Assets** – assets held or managed by the Council that play a vital role in the community with regards to delivering the Council’s corporate objectives.

For the purposes of this Strategy, community assets are defined as:

- Common Land – registered commons subject to Schemes of Regulation
- ‘Commons’ – none registered ‘Public Open Space’
- Parks, countryside areas and public open space land
- Trees and planting
- Easements and rights e.g.
  - Easements/rights of access, drainage
  - Grazing rights, agricultural tenancies
  - Leases/licenses commented with or ‘over’ community assets

- Community infrastructure assets:
  - Roadways, street and community lighting, pathways, car park areas
  - Playgrounds and Play equipment
  - Public toilets
  - Benches
  - Signage
  - Safety equipment (lakes and ponds)

Community assets may be held or “managed” historically by the Council on behalf of the community in a number of different ways:

- Freehold ownership
• Assets owned by third parties or with no defined owner over which the council has statutory or management responsibilities (for examples Common Land)
• Assets held by the Council under Lease/license/agreement for community benefit
• Assets held by others into which the Council has an input via various mechanisms, management, financial, advisory

2. Corporate Vision and Priorities

Community assets will be managed and maintained by the Council to enable the delivery of the Council’s corporate vision, objectives, priorities and Business Plans as follows:

Corporate Vision, 2016 to 2020:

“To retain and improve the quality of life and prosperity of South Norfolk, for now and future generations, to make it one of the best places to live and work in the country”

Corporate Priorities:

We have three corporate priority areas where we focus our resources and efforts. These areas are underpinned by our customer focussed, collaborative and commercial approach to service delivery.

- **Economic Growth, Productivity and Prosperity:** Providing the conditions to stimulate growth, productivity and prosperity, sharing the benefits of growth with our communities.

- **Place, Communities and Environment:** Improving the quality of life of our communities and enhancing the built and natural environment in our towns and villages.

- **Health, Well-being and Early Help:** Proactively working with communities to provide help at the earliest opportunity and enhancing the health and well-being of our residents.
3. Community Asset Strategy - Summary

The Community Asset Strategy provides an overarching framework which defines how the Council will actively manage open spaces, commons and other community property to the maximum benefit of the Council and the community. The Strategy fully supports the corporate vision and priorities and can be summarised by the following fundamental principles:

- The introduction of more innovative sustainable management regimes including where appropriate “community divestment initiatives” supporting biodiversity and healthy living.

- An efficient and effective community asset and customer focused service making the most of our assets for the benefit of the community at least cost.

- Improving and increasing partnership work to deliver asset management:
  - Formulation of innovative delivery structures
  - Delivery of community development mechanisms.
  - Practical support as part of the Council’s ‘Early Help’ approach and the Health and Wellbeing strategy
  - Securing additional ‘government’, agency partnership and/or third party funding

The Community Asset Strategy is intended to improve the future contributions made by community assets to the Council’s vision and priorities.

Guiding Principles

- To improve and increase the contribution made by community assets to the community and in particular the agenda for Health and Wellbeing given the Council’s vision and priorities

- To identify opportunities for income generation and low impact infrastructure initiatives

- To improve the contribution made by community assets to biodiversity

- To contribute to the Council’s Health and Well-being Strategy working with schools, adult educational programmes and through the delivery of Early Help projects

- To increase diversification opportunities through potential promotion of community based initiatives involving other areas of community interest:
  For example:
  - Sculpture/art in appropriate settings
  - Theatrical and musical events
  - Local craft markets
  - Community allotments
  - Community planting schemes

- To improve where appropriate opportunities for external funding contributions (Government agencies, partner agencies, private investment) towards community asset maintenance and improvement
To promote community participation in asset management and maintenance through various mechanisms including:

- Development of engagement initiatives enabling responsibility and involvement of public sector partners and community groups
- Development of “divestment” initiatives where appropriate enabling public sector partners, community groups to take over Council management and maintenance responsibilities
- Promotion of volunteer days assisting in community asset improvements and maintenance

These guiding principles will be formulated into specific objectives and works programme as opportunities are identified within available resources.

4. Portfolio of Community Assets

These are assets of community benefit held or managed by the Council on behalf of the community which may have reservations, restrictions as to use and their disposal.

<table>
<thead>
<tr>
<th>Asset</th>
<th>Number</th>
<th>Acreage</th>
<th>Maintenance Budget 2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commons and Parish lands</td>
<td>35</td>
<td>288.4</td>
<td>£20,000</td>
</tr>
<tr>
<td>Commons (Grants paid)</td>
<td></td>
<td></td>
<td>£26,000</td>
</tr>
<tr>
<td>Countryside sites</td>
<td>8</td>
<td>102.6</td>
<td>£30,000</td>
</tr>
<tr>
<td>Amenity land</td>
<td>103</td>
<td>73.6</td>
<td>£20,000</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>2</td>
<td>3.7</td>
<td>£4,000</td>
</tr>
<tr>
<td>Street/footway lighting</td>
<td>1,063</td>
<td>N/A</td>
<td>£29,000</td>
</tr>
<tr>
<td>Play equipment (including inspection)</td>
<td>62</td>
<td>N/A</td>
<td>£97,000</td>
</tr>
<tr>
<td>Heritage sites</td>
<td>1</td>
<td>N/A</td>
<td>£2,500</td>
</tr>
<tr>
<td>Grounds maintenance services</td>
<td>N/A</td>
<td>N/A</td>
<td>£244,604</td>
</tr>
</tbody>
</table>

Note – Data taken from South Norfolk Asset Management Plan and Programme 2014-17.

A number of community assets have been identified as surplus under the Council’s existing asset management plan and programme 2014/17. These assets will be reviewed during 2017/18 against the overarching vision and priorities of the Council and the approach determined by the Community Asset Strategy.

This Strategy has strong links with the following plans and strategies:

- South Norfolk Corporate Plan 2016/20
- South Norfolk Business Plan 2016/17
- South Norfolk Local Plan (2011 – 2026)
- South Norfolk Capital Strategy 2014/17
- South Norfolk Capital Programme
- Economic Growth Strategy (2016 – 2021)
- Tree Management Strategy
- South Norfolk Alliance, Your sustainable Community Strategy for South Norfolk (2008 – 2018)
Council Management Plans to be produced subject to approval of the Community Asset Strategy:

- Tree Maintenance Plan  Proposed implementation 2017/18
- Community/Street Lighting Management Plan  Proposed implementation 2017/18
- Playgrounds/Play Equipment Management Plan  Proposed implementation 2017/18
- Public Open Spaces management Plan  Proposed implementation 2017/18
- Common Land and a Registered Commons Management Strategy

The Community Asset Strategy and associated Management Plans will have due regard to:

- Legislative and regulatory provisions/recommendations
- Codes of best practice
- Associated financial and regulatory constraints
5. Scheme for managing Community Assets

The Council will review, prepare and update the following strategies and management plans to reflect the Council’s vision and objectives within this Strategy in relation to the following topical assets:

A. Introduction of Commons Land (Regulated Commons) Management Strategy
Outcomes:
- A strategic approach to commons management.
- Clear definition of the Council’s management responsibilities
- Clear definition of owner, partner and owner responsibilities
- Enhancement of divestment opportunities

B. Tree Maintenance and Management Plan
This will include existing contracted survey and maintenance arrangements and the preparation and implementation of a robust, sustainable and risk based management and works regime.
Outcomes:
- Robust sustainable risk based survey and management strategy
- Identification of opportunities for active woodland management techniques enhancing woodland health, biodiversity, increased community access
- Identification of opportunities for increased involvement of services regarding survey and maintenance followed by potential to provide contracted services externally

C. Community/Street Lighting Management Plan
This will include the preparation of a robust, sustainable and risk based management plan.
Outcomes:
- A robust risk-based maintenance and survey regime and decision making based on future sustainable management
- The ability to introduce new technologies to reduce future maintenance and electricity costs.

D. Playgrounds/Play Equipment Management Plan
To include the preparation of a management plan which will detail the Council’s standards and policy for existing and new play areas and equipment as part of developments.
Outcomes:
- Provision of challenging and safe play environments providing long term benefits to residents’ health and wellbeing.
- The affordable enhancement of existing play equipment infrastructure by a robust quality plan of equipment replacement and installation
- Affordable quality planting schemes adjacent to play equipment providing enhancement to the environment and educational/community involvement opportunities

E. Public Open Spaces Management Plan
The preparation of management plans which detail standards and policy for public open/communal space as part of the planning policy development process.
Outcomes:

- The affordable enhancement of existing public open space management regimes to provide maintainable, consistent quality environments in keeping with their location which is affordable
- Affordable quality planting schemes providing enhancement to the environment and educational/community involvement opportunities
- Increased opportunities for community divestment
6. Divestment Strategy

South Norfolk’s community assets represent valuable and in some instances landscapes and environments which deserve careful and proactive management so as to ensure their protection and availability for the use and enjoyment of the community.

The Council promotes community involvement and where appropriate ‘divestment’ enabling other organisations and groups to undertake the future management, improvement and maintenance of community assets. Given ongoing resource constraints it is important that the Council actively promotes alternative management approaches.

Any divestment partnership arrangement must be appropriate taking into account the following fundamental principles:

- Many Community Assets have legal encumbrances in the form of statute, covenants, restrictions and reservations which restrict opportunities for disposal.
- The Council in divesting of a community asset must where applicable ensure adequate and legally enforceable protection of that asset in the form of covenants and reservations. Generally such protection is more legally robust when an asset is disposed of under lease or license as opposed to freehold sale.
- Any disposal of public open space must comply with legislative provisions.
- The divestment partnership mechanism chosen must:
  I. Enable the recipient organisation/group to meet current and future objectives and plans.
  II. Ensure that the asset remains protected for the benefit of the community.
  III. Provide identifiable advantages in terms of community benefit, management and financial terms as compared with retention by the Council.
  IV. Ensure local community involvement in the divestment process with the principle that the local Parish or Town Council have ‘first refusal’ albeit that the Council will make a decision based on the overall interests of the Council.
- Any disposal complies with legislative provisions.
- That the local Parish or Town Council have ‘first refusal’ albeit the Council will make a decision based on the overall interests of the Council.

A community asset will only be considered as ‘surplus’ and therefore available for unencumbered freehold sale in the following circumstances:

- The Council has undertaken a robust review and identified that the asset concerned provides no current or future identifiable community need.
- Unencumbered freehold sale is considered to be in the public interest and accords with the Council’s legislative and fiduciary duties.
- There is no financial benefit from retention having regards to:
  - The financial and other resources required in continued ownership.
  - There are no current/future development opportunities/considerations.
  - The financial consideration achieved through sale represents ‘best value’ taking into account:
    - The provisions of Section123 of the Local Government Act 1972.
    - The cost of future maintenance and management of asset if retained.
- Disposal complies with legislative provisions.
- Public or community consultation in accordance with legislative provisions has been undertaken.
- That the local Parish or Town Council have ‘first refusal’ albeit the Council will make a decision based on the overall interests of the Council.
7. Acquisition Strategy

The Council may acquire community assets in exceptional circumstances:

- There is an identified community need or benefit from acquisition
- Acquisition will add value to an existing community asset
- Acquisition offers protection to an existing or proposed community asset

All acquisitions will be assessed through a robust business case with particular reference to costs, benefits, impacts and risks of the asset and how it relates to the Council’s corporate objectives. Acquisitions can be undertaken through negotiation, auction, Compulsory Purchase Order (CPO) Acquisitions will be undertaken in accordance with Council policy and Rules of Governance.

The Community Infrastructure Levy introduced under the Planning Act 2008 is a charge on almost all forms of development providing contributions towards the infrastructure needed to support growth in an area. It is intended for general infrastructure contributions whereas S106 is intended for site specific mitigation. The Council adopted CIL charging in 2014. CIL general provisions are:

- Must be spent on infrastructure to support development of the area.
- CIL can be spent on the provision, improvement, replacement, etc of infrastructure; it does not have to be used to fund capital investment.
- Infrastructure can include sporting recreational facilities and open spaces.
- CIL cannot be used to fund anything that is not required to support the development of the area.

After 1 April 2017 the Council will accept no further transfer of S106 infrastructure. The Council’s expectation being that the developer is expected to make arrangements for the adoption of open spaces, street lighting, SUDs etc. as part of the development management process and to arrange long term robust management and maintenance strategies to cover all future responsibilities. Parish or Town Council’s will, as now, be able to negotiate with the developer to adopt infrastructure although the Council cannot dictate who ultimately adopts.
8. Tree Management Strategy

The 2014 Tree Management Strategy covered trees, hedgerows, high hedges. The strategy has the following key objectives:

- Identify and adopt a standard framework for managing and maintaining tree stock.
- Reduce risk from hazardous trees.
- Ensure efficient use of resources.
- Control and monitor tree maintenance.
- Ensure trees continue to enhance the character of the district.
- Replace trees where there is a requirement under TPO, conservation area and where there is need.

The Natural Environment and Rural Communities Act 2006 created a duty for local authorities to conserve biodiversity. This Council's vision is to continue to protect and enhance our natural environment.

Currently tree surveys and maintenance is undertaken by contractor upon an annual basis as well as works remedial works being undertaken directly by the Council's depot. In order for the Council to meet its tree management objectives, during 2016/17 a Tree Management and Maintenance Plan will be prepared incorporating:

- A risk based approach.
- Inspections and surveys carried out by suitably trained arborists under a tendered contractual approach providing the following information:
  - An effective computer based record system whereby all relevant trees are GIS identified and recorded.
  - A risk based assessment approach taking into account zoning.
- Future inspection regime and frequency based upon risk.
- Schedule of works both maintenance and improvement based upon survey information.

The introduction of the Tree Management and Maintenance Plan will enable the Council to:

- To adopt a more robust approach as compared with existing annual arrangements.
- Develop closer links in order to maintain compliance with the Council's policies regarding Tree Preservation Orders and consent to works.
- Prepare annual and cyclical maintenance plans that are risk based and financially costed.
- Provide better control as regards allocating contractor, in house staff and maintenance resources against priorities.
- Identify future opportunities for improvement programmes.
- Provide greater control as regards biodiversity.
- Assist in creating opportunities for government and third party funding.
- Assist in creating opportunities for greater partnership working with Parish/Town Councils and local volunteer groups.
9. Footway Lighting Management Plan

Footway lighting within the South Norfolk area falls under the following responsibilities:

- Street lighting directly maintained by Norfolk County Council as Highway Authority.
- Street lighting maintained by the Highway Agency e.g. the A11 and A47.
- Street lighting maintained/owned directly by Parish Councils:
- Street lighting within Parish and Town Council areas managed by this Council and some owned by Saffron Housing Association but maintained by the Council.

As at 2016, the Council maintains circa. 1,061 street lights on behalf of Parish/Town Councils and Saffron Housing. The Council will in future review the provision of footway lighting in line with the general principles of this strategy and the future approach and policies of the Council.
10. Playgrounds and Play Equipment Management Plan

The Council manages some 62 equipped playgrounds across the district. Various policies and strategies currently relate to playgrounds. They will be subject to review, where appropriate, in tandem with the relevant planning policies:

1. The South Norfolk Recreational Open Space Requirements for Residential Areas 1994 states:

   - Children’s play space - required for all developments where overall density of estate is greater than 16 dwellings/ha.
   - Minimum open space required – 400 sq m for 15-24 dwellings, 1000 sq m for 25-50 dwellings plus 17.5 sq m per dwelling over 50.
   - Where developers wish the District Council to assume ownership of open spaces, a contribution for maintenance in the form a 10 year commuted lump sum has been required. The appropriate Town or Parish Council will, in the first instance, be asked if they wish to assume ownership. It should be noted that only a small proportion of new playgrounds are taken by Parish Councils.


3. European Standards for Play Areas EN 1176/1177

4. ROSPA Play Safety Standards

5. Currently safety inspection of play equipment is undertaken under an ESPO Framework contract upon an annual basis. This contract is currently being reviewed.

6. ROSPA currently undertakes an annual inspection of all playgrounds.

The following work programme is planned for 2016/17 and beyond:

   - Preparation of a playground and play equipment management plan incorporating:
     - Proposed standards for future play equipment.
     - Proposed standards for playground provision.
   - Review of risk based inspection regime.
   - Preparation of annual programme of planned/cyclical maintenance work in addition to responsive maintenance regime which currently exists.
11. Public Open Space Management Plan

The Council owns or manages a variety of public open spaces and countryside sites. Currently cyclical maintenance such as grounds maintenance (Grass cutting, hedge trimming, litter removal, waste bins) is undertaken by the depot. In addition ad hoc inspection regimes and responses to maintenance problems identify additional work to be undertaken by the depot or by private contractors (depending upon the scope of the works).

Currently a need has been identified for:

- A reviewed cyclical grounds maintenance strategy with engagement with the local parish/town council.

- An open space strategy defining the Council’s intentions with regards to:
  - Quality standards with regards to landscaping and planting schemes.
  - Assessment of current biodiversity and proposed improvement strategy.
  - Programmes of improvement.
  - Proposals regarding greater public and community use of open spaces.
  - Proposals regarding divestment and greater community involvement.
  - Enhanced opportunities for increased community volunteer schemes.
  - Opportunities for increased government and third party funding.

The Public Open Space Management Plan proposed for 2016 onwards is intended to address these issues and provide a clear strategic direction and affordable ‘improvement approach’ which accords with South Norfolk Council’s vision and priorities.
12. Common Land – (Regulated Commons) Management Strategy

The Council manages five registered Commons; they are Mulbarton, Swardeston, Hales Green, Smockmill, and Flordon. These Commons are privately owned land (Save for one which has no identifiable owner), over which there are “rights in common” which include:

- Defined rights to graze certain stock.
- Rights of access to everyone to roam including walking, picnicing, running etc.
- Certain specific rights of access benefiting property adjoining the Common.

The Commons Act 1899 as amended by the Commons Act 2006 introduced Local Authority Schemes of Management which gave powers to District Council to make schemes for regulation and management, including the making of byelaws. In addition Local authorities produce “Management Plans” which are non statutory guidelines setting out how the common land will be managed.

It is the view of DEFRA that where common land is subject to a scheme of regulation the Commons Act 1899 the effect of the scheme is that the local authority becomes responsible for managing the land. Such schemes usually include a clause requiring the LA to keep the common free from encroachment.

Virtually all works to a common (including changing the surface, structures) require Secretary of State approval under S38 of the Commons Act 2006. The purpose of this formal application process being:

- Stock of common land is not diminished.
- Works take place only when they maintain or improve the condition of the common, or exceptionally where they confer some wider public benefit.
- Applications are assessed taking into account the interests of the neighbourhood and public interest.

All registered common land is subject to Part 3 of the 2006 Act which makes it unlawful to construct any works which would restrict or prevent access to the land, or to resurface the land without the consent of the Secretary of State. This means it is unlawful to erect a fence (except those temporarily installed and removed for animal husbandry) or a building/structure. Such work is not an offence but any person may ask the courts to require the works to be removed.

Where works are undertaken and no action is taken it may be possible to show factual possession an in such cases the fact that such works are unlawful does not, in itself undermine a claim to adverse possession. As a general rule encroachments/works resulting in a successful claim for adverse possession are more likely to be established if there are rights that the landowner could have granted, then after 20 years the right can be established and no one can object.

It should however be noted that a successful adverse possession claim does not change the designation of the common land involved.

Responsibility for enforcement against encroachment/unlawful works lies with the landowner, local community and any person (including the local authority, Parish Council) may seek enforcement action by application to the County Court.

Of note is the view of DEFRA relating to proposals to construct/improve driveways across common land. Whilst consent to works is required by the landowner and under S38 of the 2006 Act such applications may be consistent with continued use of common land even where the driveway is entirely for private use, because construction will not prevent public access, or access for commoners animals.
The legal position regarding common land and encroachment/unlawful works can be complex depending upon the nature of the breach and its impact upon the environment and access being available to all.

Any potential encroachment/works in order to be fully complaint would require:

- Formal consent of the landowner such consent being in accordance with the management scheme introduced by the local authority.
- Formal approval by the Secretary of State to the works under S 38 of the 2006 Act.

Alternatively unlawful encroachment/works could be legitimised by a successful claim for adverse possession after a period of some 20 years or by an unsuccessful enforcement action through the County Court.

A number of the Commons have been the subject of numerous historic encroachments and unlawful works as well as a number of more recent issues.

The majority of historic encroachment/works including works undertaken by the Council have not been the subject of objections by either the landowner or public users/graziers. Indeed, Council works have often been in direct response to users/residents concerns and the desire to improve the amenities and use of the common land.

Under the Community Asset Strategy this Council will define its future management style and strategy with regards to common land.

From initial assessment there would appear to be little to be gained from pursuing historic cases of encroachment/unlawful works especially where works have been supported by the community, landowner and users.

However recent/current cases (for example those occurring within say the last 3 years) could be considered for action in order to ensure that the Council manages common land in accordance with its obligations and safeguards the land for the benefit of all. Such action would take two forms depending upon a pragmatic and reasonable assessment of case circumstances:-

I. For encroachment/unlawful works which are not considered to detriment the common land and access rights (examples – access to property where similar access exists, signs, boundary fences) the parties involved are advised:
   - To seek formal consent from the landowner.
   - To formally apply under S38 for Secretary of State consent to work.

II. Works considered to be of detriment to the common land and users (examples – encroachment by owners moving boundary fences, unlawful structures, signs, car parking areas not considered appropriate) are formally pursued by the council ideally with a successful outcome not involving litigation.

A key element of this enforcement approach will be providing adjoining residents, owners and key partners such as the Parish Council with clear written advice covering:
• The legal position regarding Common Land regarding encroachment and authorisation of works.
• A clear statement from this Council of its management responsibilities with regards to the Common.
• A clear statement from this Council with regards to its expectations of others regarding areas of maintenance where contributions are expected from primary users.

In addition the Council will on an ongoing basis review existing Management Plans in conjunction with partners in order to provide a uniform approach regarding:

• Identifying a clear programme of works to include:
  - Cyclical maintenance to be carried out annually.
  - Cyclical maintenance to be carried out bi-annually or at a determined frequency.
  - Responsive maintenance tasks (one offs).

• A clear programme of works will enable the following improvements to be made regarding Commons management and maintenance:
  - A prioritised financially based programme set against available finances.
  - Division of programme responsibilities between South Norfolk Council, land owners, Parish or Town Councils, and third sector or volunteer groups.

In the future the Council is keen to engage landowners/users/residents with regards to Community Asset transfer. One mechanism for this defined in the 2006 Act is Commons Councils individually established through an order made by the Secretary of State. The powers of a Commons Council could exceed those available to the local authority (albeit the local authority is likely to be a member) depending upon the powers conferred by the Secretary of State.

It is understood that a Commons Council or similar collective body may be more likely to be successful in securing third party funding.
Greater Norwich Local Plan: Sustainability Appraisal Scoping Report

Report of the Planning Policy Manager
Cabinet Member: John Fuller, Economy and External Affairs

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1. Introduction

1.1 Work on the Greater Norwich Local Plan (GNLP), being preparing jointly by South Norfolk, Norwich and Broadland councils, working with Norfolk County Council, is progressing, with the second meeting of the Greater Norwich Development Partnership having taken place in November 2016.

1.2 One of the earliest pieces of work for any Local Plan document is to prepare a Sustainability Appraisal Scoping Report, which summarises the social, economic and environmental “baseline” of the area, identifies the most significant sustainability issues, and develops a framework of sustainability appraisal (SA) objectives.

1.3 GNLP officers, assisted by a specialist SA consultancy, prepared the SA Scoping Report and this was consulted on publicly from June-August 2016. A total of 11 separate representations were received and they have been assessed. The SA Scoping Report can be viewed at http://www.greaternorwichgrowth.org.uk/dmsdocument/2166.

1.4 Draft responses to the representations, and relevant adjustments to the SA Scoping Report, have been prepared by GNLP officers. The agreement of each of the Greater Norwich authorities is now sought to finalise the SA Scoping Report.

2. Background

2.1 The three Greater Norwich councils (South Norfolk, Broadland and Norwich, working with Norfolk County Council) agreed in late 2015/early 2016 to jointly prepare a Greater Norwich Local Plan, as a successor document to the Joint Core Strategy and the various other Local Plan documents allocating sites.

2.2 The key stages of preparing Local Plans and their relationship to the Sustainability Appraisal are described in the Planning Practice Guidance (http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-local-plans/). These are:
i) Setting the context and objectives, establishing the baseline and deciding on the scope;
ii) Developing and refining alternatives and assessing effects;
iii) Preparing the Sustainability Appraisal Report when the Local Plan is published;
iv) Seeking representation on the Sustainability Appraisal Report from consultation bodies and the public; and
v) Post adoption reporting and monitoring

2.3 The SA Scoping Report covers the first of the stages above, and the Cabinet report of June 2016 (see Appendix 1) describes more of the detail of the SA process.

3. Current Position

3.1 Consultation on the draft SA Scoping Report ran from 20 June to 15 August 2016. Representations were received from a total of 11 different organisations or individuals. Typically each respondent made a number of separate comments on different elements of the Scoping Report, and only some of the more significant representations made are highlighted below: see Appendix 2 for a copy of the full representations made.

3.2 Of the statutory consultees, Natural England is generally content with the document, but makes a number of detailed recommendations on amendments to some SA objective, for example in relation to green infrastructure and biodiversity. The Environment Agency is also “broadly satisfied”, but suggests, amongst other points, a small number of changes to better reflect the most recent required allowances for climate change in relation to flood risk (i.e. increased rainfall and river flows) and recognise the ecological importance of key watercourses. Historic England has highlighted a number of additional plans and programmes that it says should be referenced. It is concerned that there is no reference to non-designated heritage assets and unidentified heritage assets, and would also like to see opportunities for improvements to development that the historic environment can bring being identified.
3.3 The **Campaign to Protect Rural England (Norfolk)** responses raises a number of concerns, including: a need for better consideration of flood risk and water supply issues; inadequate account of water-dependent wildlife sites; the impact of visitor pressure on sensitive environmental sites; and that higher priority should be afforded to public transport measures and maintaining public footpaths. A member of the **Wensum Valley Alliance** makes similar points on public transport and footpaths, but feels particularly strongly that the housing figures in the Central Norfolk Strategic Housing Market Assessment should be re-appraised “radically”, with a view to being reduced. The WVA member also states that allocations of new employment land should be minimised, with a criteria-based policy being used instead. The main matter of concern raised by **Hempnall Parish Council** is the “elevated housing targets”, and the “severe environmental consequences” that would, it asserts, occur in delivering such housing.

3.4 A small number of minor comments on infrastructure delivery, archaeology and minerals and waste were made by **Norfolk County Council**.

3.5 Finally, separate detailed representations were lodged by three different local members of the **Green Party as well as an official representation from the Norfolk Green Party**. Although all different in precise details, some common themes are raised. The representations contend that the Scoping Report is flawed and inadequate on a number of matters, particularly:

- air quality in Norwich (reference is made to the recent Government defeats in the Courts on the matter of the National Air Quality Plans, and (it is asserted) inadequate measures taken in recent years to deal with the existing Air Quality Management Area in Norwich, and air pollution more generally);
- the need for the GNLP to play its full part in contributing to carbon dioxide reductions required by the country as a signatory to the international Paris Agreement, through a quantitative assessment of CO₂ emissions and greater energy efficiency measures;
- the need for public transport improvements and a “modal shift” away from car travel; and
- that a stronger focus on promoting healthy communities is needed.
4. Proposals

4.1 Officers have assessed and responded to the representations made (see Appendix 3). A number of adjustments are recommended to be made to the SA Scoping Report in response to representations made, and Appendix 4 is the detailed schedule of changes, with Appendix 5 being a track-changes version of the SA Scoping Report with those changes made. In almost all cases, the amendments seek to address the matter raised. However, it is important to note that some of the matters raised are not thought appropriate to make changes to, in most cases because a particular approach sought relates more to policy options; this is not a matter within the remit of the SA Scoping Report, but for the GNLP itself to assess (although clearly reasonable alternative policies will need to be considered and evaluated through the SA). Another key issue will be clarifying where certain matters will be more appropriately addressed as part of a review of the Local Transport Plan and/or the Norwich Area Transportation Strategy rather than as part of the GNLP.

4.2 A number of appropriate amendments are proposed to be made to some of the SA objectives and proposed monitoring indicators to reflect representations made by Natural England, the Environment Agency, Historic England and Norfolk County Council.

4.3 Some changes and clarifications will be made to reflect some points made by CPRE Norfolk, but much of their representation relates more to policy options and a critique of the level of need for housing, neither of which are directly within the scope of the SA Scoping Report to consider. The CPRE’s concern that the allocation of sites will only being subject to superficial environmental considerations is misplaced.

4.4 No changes are proposed in response to the Wensum Valley Alliance member’s comments, as few of their points relate specifically to matters within the remit of the SA Scoping Report. Many of their assertions (on the level of housing need, for example) will be more appropriately considered during the consideration of options in the GNLP itself.

4.5 The representations raised by the various members of the Green Party have been give careful consideration. In relation to air quality, a number of changes are proposed to better reflect the current situation with regards to the latest legal situation (such as the implications of the Government’s Supreme Court defeat) and the latest information in relation to the Norwich AQMA. Consideration of some matters – such as tougher targets for nitrogen oxides (NO$_x$) and fine particulates (PM10s and PM2.5s) – are not matters for the SA Scoping Report to consider, although they will need to be investigated during the production of the GNLP, the Norfolk Transport Plan, NATS and City of Norwich Air Quality Management Plan. Amendments are also proposed in relation to
climate change, following the Green Party members’ request for fuller information on the implications of the Climate Change Act 2008. However, GNLP officers’ remain unconvinced that it is a reasonable requirement of the SA process to undertake a full carbon audit of GNLP alternatives.

4.6 It is important to note that the baseline and consideration of other issues will need to be ongoing throughout the preparation of the Local Plan, so any significant changes (in Government policy, for example) would need to be reflected in the ongoing process of SA, and so the SA baseline will need to be updated regularly prior to submission of the GNLP for independent examination in 2019.

5. Risks and implications arising

5.1 The SA Scoping Report will not itself have any environmental effects, although clearly it identifies a number of environmental matters. These matters will be considered through the preparation of the GNLP, and sustainability appraisal of the GNLP is an iterative and integral part of plan preparation.

5.2 The SA Scoping Report will not itself have an impact on some disadvantaged groups. However, consideration of disadvantaged groups will need to be considered carefully during the preparation of the GNLP, and an Equalities Impact Assessment of the GNLP will need to be prepared at a later stage of the process.

5.3 There would not be any impact on crime and disorder.

5.4 Sustainability appraisal is a legal requirement when preparing any Local Plan document. Having taken advice from advising SA consultancy Lepus on the contents of representations made to the SA Scoping consultation (and made some appropriate modifications), officers are satisfied that the finalised SA Scoping Report is an improvement and addresses all the key elements required. As noted above, however, the SA will need to continue to be kept under review to reflect new evidence and policies as work on the GNLP progresses.
6. Other options

6.1 Cabinet could choose to make some different adjustments to the SA Scoping Report in response to the representations made. However, Greater Norwich officers are content that the changes recommended appropriate reflect the significance and relevance of representations made; where no changes are proposed, the reasons are explained in Appendix 3.

7. Recommendation

7.1 Cabinet is recommended to:

i) Agree the proposed amendments to Greater Norwich Local Plan Sustainability Appraisal Scoping Report (Appendix 3) and use this as the basis for appraising policy options and choices in the GNLP.

Appendices

1: Cabinet paper on draft Sustainability Appraisal Scoping Report – June 2016
2: Representations made to the draft SA Scoping Report
3: Greater Norwich officer responses to the representations made
4: Consolidated schedule of changes to be made to the SA Scoping Report
5: Track-changes version of the SA Scoping Report (taking into account the proposed changes shown in Appendix 4)
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