Cabinet

Monday 21 March 2016

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
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Contact Claire White on 01508 533669 or democracy@s-norfolk.gov.uk
MEMBERS OF THE CABINET

Portfolio

Mr J Fuller (Chairman)  The Economy and External Affairs
Mr J Wilby (Vice Chairman)  Stronger Communities
Mrs Y Bendle  Wellbeing and Early Intervention
Mr M Edney  Finance and Resources
Mr L Hornby  Regulation and Public Safety
Mrs K Mason Billig  Environment and Recycling

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, Kett 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 15 February 2016; (attached – page 6)

5. Updated (Draft) South Norfolk Statement of Community Involvement; (report attached - page 24)

6. Breckland Local Plan Preferred Directions Consultation Response; (report attached – page 68)
7. Control of Advertisements in South Norfolk  
(report attached – page 76)

8. Broadband Provision – Forward Plan;  
(report attached – page 90)

9. Norwich Research Park: Enterprise Zone;  
(report to follow)

10. Approval of UK Municipal Bond Agency's Framework Agreement and Joint and Several Guarantee;  
(report attached – page 107)

(NOTE: Appendix 1 of this report is NOT FOR PUBLICATION by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972. Hard copies are available for members on request)

11. Cabinet Core Agenda;  
(attached - page 127)
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 15 February 2016 at 9.00 a.m.

Members Present:

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

Non-Appointed: Councillors D Bills, P Broome, L Dale, F Ellis, M Gray, C Hudson, N Legg, T Lewis, J Mooney, V Thomson J Wilby

Officers in Attendance: The Chief Executive (S Dinneen), the Director of Business Improvement (D Lorimer), the Director of Growth and Localism (T Horspole), the Head of Growth and Economic Development (J Munson), the Accountancy Manager (M Fernandez-Graham), the Governance and Business Manager (L Mickleborough), the Planning Policy Manager (A Nicholls), the Corporate Programmes – Projects and Process Manager (A Mewes), the Scrutiny and Information Rights Officer (E Goddard) and the Strategy and Corporate Development Officer (H Ralph).

2431 MINUTES

Under minute number 2430, the Chairman requested that the minutes be amended to reflect that Mr Scott, the owner of the Kings Head, Pulham St Mary, was in attendance whilst that item was discussed. Subject to that change, the minutes of the meeting held on Monday 18 January 2016 were agreed as a correct record and signed by the Chairman.
2432 BETTER BROADBAND FOR NORFOLK – NEXT PHASE

The Subject of the Decision

Members considered the report of the Head of Growth and Economic Development, which updated Cabinet on the delivery of the first stage Better broadband for Norfolk (BBfN) contract, and outlined the potential next steps towards achieving the National and County level target of 95% coverage of high speed broadband.

The Head of Growth and Economic Development outlined the key issues of his report, referring to the success of the BBfN programme, in improving high speed broadband coverage across Norfolk. Members noted that South Norfolk had the second largest increase in coverage of high speed broadband from 14% to 75%, and that the Superfast Extension Programme (SEP), with the extra funding from the District Councils, would take coverage in South Norfolk up to 91%. The Head of Growth and Economic Development added that the proposed additional investment from South Norfolk Council, would enable approximately 3,000 additional premises to be covered by high speed broadband. He also highlighted plans by officers to address needs within areas not covered by the BBfN.

Cllr C Hudson, Chairman of the Broadband and Growth Infrastructure Task Group, urged members to support the release of £570,000 to fund the SEP, explaining that this investment would represent value for money in terms of coverage and the impact on residents and businesses. He hoped that a mapping system would soon be available, so that residents could identify on a postcode basis and traffic light system, when high speed broadband was likely to become available. The task group had been looking to address problem areas with BT, and some easy wins had been resolved with data base errors being identified and rectified. Members also noted that some member grant budgets had been used to install superfast hubs in areas such as village halls, which provided a saving to those residents not requiring high speed broadband on a permanent basis at home. Cllr Hudson explained that a plan was being developed by the Council to address those weak areas not covered by the BBfN.

Members commended the work of the Task Group and the positive engagement with BT. The Chairman suggested that a copy of Appendix A to the report, which highlighted the progress to date, and detailed the Government’s Satellite voucher scheme, should be sent to all parish and town councils. He stressed the importance of addressing needs in those areas not covered by the BBfN, and asked that a report detailing this work be presented to Cabinet at its meeting on 21 March.
The Decision

RESOLVED

1. To agree to the release of £570,000 funding for the Better Broadband for Norfolk Programme (Superfast Extension Programme).

2. To delegate authority to the Director of Growth and Localism to develop proposals for a new programme to reach those weaker broadband service areas and ‘not spots’ utilising alternative technologies and solutions, with further details to be reported to the Cabinet meeting on 21 March 2016.

3. That the report regarding Better Broadband for Norfolk (detailed at Appendix A of the report), be circulated to all Town and Parish Clerks

The Reasons for the Decision

To provide conditions to stimulate growth, productivity and prosperity, and to improve the quality of life of communities, in line with the Council’s priorities.

Other Options Considered

Not to provide the £570,000 funding required for the Superfast Extension Programme.

2433 GREATER NORWICH LOCAL PLAN UPDATE AND UPDATE TO THE SOUTH NORFOLK LOCAL DEVELOPMENT SCHEME

The Subject of the Decision

Members considered the report of the Planning Policy Manager, which provided an update to Cabinet on the Greater Norwich Local Plan and sought approval for the updated Local Development Scheme (LDS), setting out the timetable and details of Local Plan document production.

The Planning Policy Manager presented his report, explaining that the Council was working jointly with the other Greater Norwich authorities to prepare a single Greater Norwich Local Plan (GNLP), for adoption in 2020. The work would take approximately four years to complete and would need to be kept under review, to take account of significant changes nationally.
Referring to Appendix 1 of the report, the Chairman queried the timetable for the call for development sites for inclusion in the GNLP, and the Director of Growth and Localism explained that this would need to be carried out at this time, in order to have any hope in meeting the proposed GNLP adoption date. Some members were concerned that this might cause unease amongst residents, so soon after the adoption of the current Local Plan, and the Chief Executive stressed the importance of a robust communication plan and the need to manage and shape expectations.

Cllr M Gray referred to the need to adopt the South Norfolk Statement of Community Involvement before any call for sites was put forward, and the Chairman suggested that the production milestones within the LDS needed to be more explicit, to avoid confusion.

Drawing attention to paragraph 2.8 of the report regarding revised governance arrangements of the Greater Norwich Growth Board, the Director of Growth and Localism explained that he would not be in a position to report to Council on 23 February, as suggested. He was, at this stage, not able to confirm whether or not he would be in a position to report back to Cabinet at its meeting on 21 March. The Chairman stressed the need to ensure that all members understood each stage of the process and he suggested that there may be a need to re-establish the Council’s Local Planning Steering Group.

The Decision

RESOLVED: To approve the updated South Norfolk Local Development Scheme as outlined at Appendix 1 of the report, subject to minor amendment, with immediate effect.

The Reasons for the Decision

To ensure that the Local Development Scheme is up to date and complies with statutory requirements.

Other Options Considered

None

2434 CONSULTATION ON PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK

The Subject of the Decision

Members considered the report of the Planning Policy Manager, which presented members with a draft response to the Government consultation on proposed changes to the National Planning Policy Framework (NPPF).
The Planning Policy Manager explained that some of the changes proposed to the NPPF were significant and could have major implications for South Norfolk and Greater Norwich. He drew particular attention to the proposed changes to the definition of affordable housing (to include starter homes), the proposal that development on unallocated small sites should be supported, and the suggestions that under-used or unviable commercial land should be released for housing.

Discussion followed with regard to the potential increase in the number of houses likely to be exempt from Community Infrastructure Levy (CIL).

In response to a query regarding Question 19 of the consultation, the Planning Policy Manager explained that “Green Belt” referred to the technical planning definition, of which South Norfolk had none. However, members suggested that a reference to South Norfolk’s “strategic gaps” although not technically classed as “green belt”, would be appropriate. The Chairman also made reference to Question 12, and suggested that the concern that allocated sites might be left undeveloped required enhancing.

The Chairman requested that all key points in the Council’s response be highlighted in bold, and suggested that the Director of Growth and Localism made all the required amendments, in consultation with Cllr L Hornby.

The Decision

RESOLVED: To:

1. Agree the draft South Norfolk/Greater Norwich Growth Board response as set out in Appendix 1 of the report, subject to minor amendments, and to authorise the Director of Growth and Localism in consultation with Cllr L Hornby, to make changes as appropriate;

   2. Authorise the Director of Growth and Localism to agree (with Greater Norwich colleagues) a combined Greater Norwich Growth Board response to the consultation, which may vary slightly from the South Norfolk response.

The Reasons for the Decision

To ensure that the Council’s views are taken into account, when changes to the NPPF are made.
Other Options Considered
None

2435 PROCUREMENT CONSORTIUM

The Subject of the Decision

Members considered the report of the Governance and Business Manager, which outlined the benefits and sought Cabinet support, to the hosting of a Procurement Consortium, similar to the Audit Consortium model.

In presenting her report, the Governance and Business Manager explained that both Great Yarmouth Borough Council, and North Norfolk District Council wanted to proceed with a full Procurement Consortium arrangement, in partnership with South Norfolk Council. Other authorities in Norfolk had indicated that they could be interested in procuring additional resources and support for major procurement projects, as and when required.

Members noted that a needs analysis was required to inform the resource requirements going forward to enable a procurement team to be developed.

The Decision

RESOLVED: To

1. Agree to host a Procurement Consortium to provide support and advisory services to South Norfolk Council, Great Yarmouth Borough Council, and North Norfolk District Council;

2. Agree for officers to continue to progress the investigative work to determine resource requirements for the three potential partners;

3. Delegate to the Director of Business Development, approval of the Procurement Consortium Partner Agreement on the understanding that any Agreement will be in line with the principles set out within the report.
The Reasons for the Decision

To secure economies of scale and greater resilience.

Other Options Considered

To recruit individual staff on a council by council basis.

2436 GROWTH OF INTERNAL AUDIT CONSORTIUM

The Subject of the Decision

Members considered the report of the Internal Audit Consortium Manager, which sought Cabinet approval to allow South Holland District Council, to delegate their internal audit services to South Norfolk Council.

The Internal Audit Consortium Manager outlined her report, explaining that extending the consortium would assist with building overall resilience and allow for growth in the future, should opportunities arise. In response to a query from Cllr T Lewis, she confirmed that Cllr G Wheatley, as the Chairman of the Finance, Resources, Accounts and Governance Committee, had been consulted with regard to the proposed expansion of the service.

The Decision

RESOLVED: To agree to South Holland District Council delegating the provision of internal audit services to South Norfolk Council under the Local Government Act 1972, section 111 and 113 and s.9EA of the Local Government Act 2000.

The Reasons for the Decision

To allow for greater resilience and build excellent strategic relationships with neighbouring local authorities.

Other Options Considered

None
NEW HOMES BONUS: SHARPENING THE INCENTIVE – TECHNICAL CONSULTATION
SOUTH NORFOLK COUNCIL RESPONSE

The Subject of the Decision

Members considered the report of the Strategy and Corporate Development Officer, which presented Cabinet with a draft response to the Government’s New Homes Bonus consultation.

The Strategy and Corporate Development Officer presented her report, explaining that as one of the biggest deliverers of housing growth nationally, the Council would be one of the biggest losers as a result of any changes to the scheme. The Council’s response to the consultation outlined how it had used the New Homes Bonus to invest in a number of key growth initiatives, and the response also put forward alternative long term solutions.

The Chairman suggested that key points in the consultation response should be highlighted in bold and that it should be emphasised that whilst understanding the need for the Government to balance the social care funding gap, it should not be done at the expense of incentives to growth.

The Decision

RESOLVED: To

1. Note the potential financial implications of the reduction to New Homes Bonus for the authority;

2. Note the potential disincentive for growth for the authority through the changes to the New Homes Bonus scheme;

3. Agree the proposed South Norfolk response for submission, subject to minor changes.

The Reasons for the Decision

To ensure that the Council’s views are taken in to account when changes to the New Homes Bonus Scheme are made, and to maximise any opportunities to work with the Government on alternative long term solutions.
Other Options Considered

None

2438 PERFORMANCE, RISKS AND REVENUE BUDGET POSITION REPORT FOR QUARTER 3 2015/16

The Subject of the Decision

Members considered the report of the Corporate Programmes Projects and Process Manager, the Accountancy Manager and the Scrutiny and Information Rights Officer, which detailed the Council’s performance against strategic measures, risk position and the revenue budget position at the end of the third quarter for 2015/16.

The Corporate Programmes Projects and Process Manager explained that performance during the third quarter of the financial year had generally been positive, with the majority of indicators either meeting or exceeding their profiled targets. He drew attention to areas that had shown exceptionally high performance, and reference was made in particular to LI 263, the Number of Missed Bins for all waste per 100,000 collections.

Discussion followed concerning those indicators that were in an acceptable tolerance of target and members noted that BV 012, the Number of Days Lost to Sickness Absence, would reduce from 6.07 days to 2.55 days if long term sickness was excluded from the calculation. Cllr M Edney suggested that long term and short term sickness be reported separately in future.

The Chairman was pleased to note that performance had been positive in all areas, with no indicators receiving a red status due to the stretched targets not being met. He was a little disappointed with LI 613, the Number of New Start-up Businesses in South Norfolk (127 against a year-end target of 225) but the Corporate Programmes Project Manager explained that the end of year target had been set up at a time when the Enterprise Norfolk Programme had existed to help achieve the end of year target. The Chief Executive referred to the gap in the funding for the Enterprise Hub back in the summer, and suggested that figures should start to pick up and be readily available now that relevant financing was in place.

Turning to risks, the Scrutiny and Information Rights Officer outlined the current position and reported that at present, all risk factors were positive, indicating that the Council was proactively managing risks and capable of realising opportunities as they were identified. The Chairman referred to the changes in future funding in Local Government, and requested that the strategic risk register be updated to reflect the risks associated with the future of Local Government Finance.
Referring to the revenue budget position for quarter 3, the Accountancy Manager explained that there was a net favourable variance and additional income generated of £2.1 million, with an anticipated year end position of a positive variance of £2.5 million.

Reference was made to the positive variance on energy budgets owing to the closure of Wymondham Leisure Centre and the mild weather up to the end of December, and the Chairman was pleased to note that membership levels at the Wymondham Leisure Centre throughout the refurbishment had been higher than expected. With regard to the lower than anticipated domestic waste income from the Materials Recycling Facility, Cllr K Billig referred to the robust contracts in place, and she was hopeful that performance would improve.

The Decision

RESOLVED:

1. To note the 2015/16 performance for the third quarter and the combined efforts across the Directorates to deliver the vision of the Council;
2. (a) To note the current position with regard to risks and to accept the actions to support risk mitigation
   (b) That the strategic register be updated to reflect the risks associated with the future of Local Government Finance.
3. To note the revenue position and the reasons for the variances on the General Fund.

The Reasons for the Decision

To ensure that processes are in place to improve performance, that the management of risks is sound, and to ensure that reserves and revenue budgets are in place to meet the Council’s corporate objectives.

Other Options Considered

None
2439 CAPITAL AND TREASURY REPORT QUARTER 3 2015/16

The Subject of the Decision

Members considered the report of the Accountancy Manager, which detailed the position on the Council’s capital programme for Q3 2015/16, the treasury management activity during the same quarter, and performance against the prudential indicators required under the Treasury Management Code of Practice.

The Accountancy Manager outlined the key issues of his report, explaining that capital expenditure was £14.6 million for quarter 3, against a quarter 3 budget of £17.7 million. With regard to Treasury Management, he explained that total investments had increased significantly, to £41.2 million as at 31 December 2015.

During discussion, Cllr M Edney explained that slippage on the capital programme was mainly in Property Development, Broadband and toilets, and involved the more complex schemes. With regard to interest rates, the Accountancy Manager explained that Capita, the Council’s Treasury Management advisors, had advised that although it had been predicted that rates were likely to rise by the end of the year, this was still subject to considerable uncertainty.

The Decision

RESOLVED: 1. To:

a) Approve the request to increase the funding for the Ice House Project to £22,000, by transferring £12,000 of the budget for Operational Property Planned Maintenance to the Ice House project as outlined in section 2.3.
b) Approve the request to transfer £40,000 of the budget for Decent Home Loans to health and safety work at the Ketteringham Depot as outlined in section 2.8 of the report.
c) Approve the request for a 99 year lease on the sub-station at South Norfolk House as outlined in section 2.13 of the report.
d) Approve the sale of the hostel at Chedgrave to Big Sky Property Management Ltd (BSPML) at a price to be determined by valuation and to provide funding to BSPML to undertake this transaction. This funding would be a mixture of a loan and further equity shares, with the value being determined by the valuation of the property.
e) Approve the rent review for Diss Business Centre as outlined in section 5.3 of the report.
2. TO RECOMMEND THAT COUNCIL:
   a) Approves the 2015/16 prudential indicators for the quarter
   b) Notes the treasury activity in quarter three and that it complies with the agreed strategy.

The Reasons for the Decision

To ensure that the capital programme is on target and is aligned to the Council’s priorities. To ensure a balanced treasury management portfolio in terms of risk, rates and liquidity.

Other Options Considered

None

2440 BUDGET CONSULTATION 2016/17

The Subject of the Decision

Members considered the report of the Senior Accountant, which outlined the key messages arising from the budget consultation exercise, to inform members’ consideration of the budget proposals for the financial year 2016/17.

The Director of Business Improvement presented the report, briefly summarising the results of the consultation exercise. She explained that the most important area that businesses and residents felt that the focus of spending should be on was waste and recycling, and development management and planning. The majority of respondents had also felt that in order to make savings, the Council should continue its review of services and increase the provision of online services. Members noted that the feedback on council tax levels had been inconclusive, with greater support received from businesses for an increase.

Following a discussion around the comments received as part of the consultation exercise, the Chairman raised the issue of signage along the highway to advertise events and promote businesses. He referred in particular to a structure on the A140 roundabout near Harford Bridge. Members agreed that a report with regard to the policy concerning signs along the highway, should be presented to Cabinet at its meeting on 21 March 2016.
The Decision

RESOLVED: To note the feedback received during the consultation exercise.

The Reasons for the Decision
To take in to account the issues raised when determining the budget and level of council tax for 2016/17.

Other Options Considered
None

2441 2016-17 BUSINESS PLAN APRIL 2016 TO MARCH 2021

The Subject of the Decision

Members considered the report of the Corporate Programmes – Projects and Process Manager, which sought Cabinet approval of the Council's Business Plan 2016/17.

The Corporate Programmes – Projects and Process Manager outlined the key areas of his report to members. He explained that the Plan had been presented to the Scrutiny Committee on 2 February, and it had, subject to the correction of a few minor typographical errors, been recommended to Cabinet for approval.

The Chairman felt the document to be an impressive piece of work, which clearly outlined what the Council was trying to achieve, drilling down in to a series of activities. Members were pleased to see a number of new measures, with the focus being on long term outcomes.

The Decision

RESOLVED: To approve the 2016-17 Business Plan
The Reasons for the Decision

To ensure that a sound business planning process is in place, as a mechanism for the vision and priorities set by members.

Other Options Considered

None

2442 REVENUE BUDGET AND COUNCIL TAX 2016/17

The Subject of the Decision

Members considered the report of the Director of Business Development and the Accountancy Manager, which proposed the Council’s revenue budget for 2016/17, and detailed proposals for revenue reserves and council tax levels. The report also presented members with an updated Medium Term Plan for 2016/17 to 2020/21.

Cllr J Fuller began by explaining that the fundamental shift in the direction of local government finances announced in the spending review, had left district councils the hardest hit of all types of authority. He made reference to the retention of local business rates, pending changes to the New Homes Bonus, and the reduction of Revenue Support Grant that would become a payment to the Government in 2019/20. Due to these changes, a rise in council tax levels was proposed, in order to ensure that the Council was in a position to remain ambitious and services were maintained.

The Director of Business Development outlined the key areas of her report to members. She advised that since writing the report, the Council had been awarded an additional Rural Services Delivery Grant of £236,000 for 2016/17, and £122,000 for 2017/18.

As Section 151 Officer, the Director of Business Improvement explained that in her opinion, the budget had been constructed on a prudent basis. She drew attention in particular to risks associated with pending changes to the New Homes Bonus, the retention of business rates and potential appeals from doctors' surgeries and hospitals, and the need to find additional income and savings totalling £2.8 million on an annual basis by 2020/21. Members noted the proposed increase on council tax levels of £4.32 for a Band D property.
The Decision

RESOLVED: 1. TO RECOMMEND TO COUNCIL

a) approval of the base budget; as shown in para 7.1 of the report, subject to final confirmation of the finalised Local Government finance settlement figures which may, if significant, necessitate an adjustment through the General Revenue Reserve to maintain a balanced budget;

b) the use of the revenue reserves as set out in para 8.2 and 8.3 of the report;

c) that the Council’s demand on the Collection Fund for 2016/17 for General Expenditure shall be £6,122,655 and for Special Expenditure be £73,925;

d) that the Band D level of Council Tax be £135.00 for General Expenditure and £1.63 for Special Expenditure.

2. To note:

a) the advice of the Section 151 Officer with regard to section 25 of the Local Government Act 2003;

b) the position regarding parish precepts;

c) the future budget pressures contained in the Medium Term Plan.

The Reasons for the Decision

To provide a budget which meets the Council’s priorities and to set a level of Council Tax affordable to residents.

Other Options Considered

None
The Subject of the Decision

Members considered the report of the Accountancy Manager which presented Cabinet with a proposed capital programme for the period 2016/17 to 2020/21, for approval.

The Director of Business Improvement presented the report explaining that the capital programme covered a period of five years, with expenditure of £31 million. She drew attention to a number of schemes detailed within the Programme, and she explained that from 2016/17, borrowing could be required, although it was anticipated that this would be managed within the Council's existing balances to avoid external borrowing costs.

Members noted that since the report had been produced, the Council had received more grant funding for Disabled Facilities than was expected for 2016/17, totalling £715,645. Both Appendix A (the Capital Programme), and Appendix B (Capital Funding), required amending to reflect this change.

The Decision

RESOLVED:

1. **TO RECOMMEND TO COUNCIL**

   a) That the assumptions on which the funding of the capital programme is based are prudent.

   b) approval of the capital programme for 2015/16 to 2019/20, noting that both the funding and capital programme for Disabled Facilities Grants has increased and is now £715,645.

2. To delegate to the S151 Officer the amendment of the capital budget and financing for Green Deal improvement grants, should this be required, as and when expenditure occurs during the financial year.

The Reasons for the Decision

To ensure a Capital Programme for 2016/17 that is affordable and complies with Council policies.
Other Options Considered

None

2444 TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 1 APRIL 2016 TO 31 MARCH 2019

The Subject of the Decision

Members considered the report of the Accountancy Manager, which outlined the proposed Treasury Management Strategy, the Prudential Indicators, Minimum Revenue provision and the Treasury Management Policy Statement for 2016/17 to 2018/19.

The Accountancy Manager presented his report to members, drawing attention to the key issues. He stressed that the security of investments remained the primary consideration.

The Decision

RESOLVED: TO RECOMMEND TO COUNCIL:

b) The Prudential Indicators and Limits for the next 3 years contained within Appendix A of the report, including the Authorised Limit Prudential Indicator.
c) The Minimum Revenue Provision (MRP) Statement (section 8 of the report) setting out the Council's policy on MRP.
d) The Annual Investment Strategy 2016/17 (section 5 of the report) contained in the Treasury Management Strategy, including the delegation of certain tasks to the Director of Business Development.

The Reasons for the Decision

To ensure the security of the Council’s cash above the liquidity of the investment and that the Council’s Investment Strategy remains prudent and complies with statutory requirements.
Other Options Considered

None

2445 CABINET CORE AGENDA

Members noted the latest version of the Cabinet Core Agenda.

(The meeting concluded at 11.10 a.m.)

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Chairman
Updated (Draft) South Norfolk Statement of Community Involvement

Report of the Planning Policy Manager
Cabinet Member: John Fuller, External Affairs and Lee Hornby, Regulation & Public Safety

CONTACT
Adam Nicholls (01508) 533809
anicholls@s-norfolk.gov.uk
1. Introduction

1.1. The purpose of this report is to seek Cabinet approval to undertake public consultation on the updated draft South Norfolk Statement of Community Involvement (SCI). The SCI is a ‘code of practice’ setting out how the Council will involve people and businesses in the making of planning decisions. It identifies how and when the local community, stakeholders and partner agencies will be involved in the preparation of Local Planning documents and also sets out the way in which the community can be involved in the determination of planning applications. The current South Norfolk SCI was adopted in 2007 so is now in need of review.

1.2. In November 2015 Cabinet resolved that South Norfolk Council will work jointly with the other Greater Norwich authorities to prepare a single Greater Norwich Local Plan (GNLP) covering strategic policies and site specific allocations across the Norwich, South Norfolk and Broadland Council areas. Cabinet also agreed, in February 2016, an update to the South Norfolk Local Development Scheme (the ‘timetable’ and contents for Local Plan production).

1.3. Another early element of this GNLP work is for the individual authorities to update their respective SCIs to set out how they intend to consult on the GNLP and also to reflect recent changes to national planning policy which affect how we prepare and consult on plans and proposals. South Norfolk Council has been working closely with Norwich City Council and Broadland District Council to ensure that three broadly similar SCIs are produced, thus minimising the potential for inconsistencies such as differences in consultation periods.

1.4. Before being adopted, the revised SCI must be subject to public consultation. Once adopted, the updated South Norfolk SCI will be available on the Council’s website and the Council must comply with it in preparing any Local Plan documents and when determining planning applications.

1.5. Cabinet is therefore recommended to:

i) Agree the updated draft Statement of Community Involvement (Appendix 1) for public consultation for a period of eight weeks, likely to run from late March/early April to May/June 2016;

ii) Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and
Regulation & Public Safety, to make any necessary minor changes to the document prior to its publication for consultation; and iii) Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to assess the comments received during the consultation period, make any appropriate adjustments to the document, and then adopt it.

2. Background

2.1 The requirement to prepare a SCI is set out in the Planning and Compulsory Act (2004). The SCI must set out how people who appear to the authority to have an interest in matters relating to development in the area will be involved in the authority’s plan making and development management functions.

2.2 South Norfolk Council first published a SCI in 2007, to explain how the Council intended to involve people in the preparation of its Local Development Framework and engage them in the processing of planning applications (see http://www.south-norfolk.gov.uk/planning/media/SCI_Feb07.pdf). The SCI was adopted following public consultation and an examination in public (as required at the time). Since 2007 there have been a number of important changes to national planning policy, such as the Localism Act in 2011 and the publication of the National Planning Policy Framework in 2012, which affect how we prepare and consult on plans and proposals and these have led to the need to review the SCI. Further changes in national policy and guidance are expected in the coming years, particularly as a result of measures announced in the current Housing and Planning Bill.

2.3 The Government has also made it clear that it expects councils to prepare Local Plans and put them in place as quickly as possible. Councils that have adopted their plans recently must keep them up to date and review them as soon as practicable. Although the main South Norfolk Local Plan documents were only adopted in October 2015, the overall planning strategy for the Greater Norwich area (the Joint Core Strategy) is now more than four years old and a new Local Plan needs to be prepared to manage and shape longer term growth and development to 2036.
2.4 Accordingly, in partnership with Broadland District Council and Norwich City Council and working with Norfolk County Council, South Norfolk Council has started work on a new GNLP that will set out a development strategy for the wider Norwich area (covering the whole of the three districts) between now and 2036. An early element of this work is for the three authorities to update and co-ordinate their SCIs to reflect how they intend to consult during the production of the GNLP.

2.5 In updating the SCI, the Development Management section has also been amended to reflect the current position on consultation on planning applications.

3. Current Position

3.1 South Norfolk Council has been working closely with officers from Norwich City Council and Broadland District Council to co-ordinate the updating of the planning policy sections of the authorities’ respective SCI documents to ensure that co-ordinated consultation exercises on the GNLP can take place.

3.2 The three SCI documents will be broadly similar in format and content, although they will not be identical due to slight differences in approach for each authority. In the Planning Policy section, each document will advocate the use of similar consultation methods at each stage in the process and will contain an identical table showing the proposed consultation time periods to enable an effective joint approach to be taken to consultation on the GNLP. However there will be differences in each document, particularly regarding the Vision and Priorities of each Council and the consultation approaches to Development Management which are slightly different for each authority.

3.3 The updated SCI (see Appendix 1) therefore sets out potential consultation methods and timescales at the various stages of Local Plan production. A “constant” will be that all consultation documents will be published on the Council’s website, and available in hard copy at the Council’s office in Long Stratton. Beyond that, a range of other techniques are likely to be employed, such as engaging with parish councils, using various social media channels, and making documents available to view in libraries. The appropriateness of various involvement and publicity methods will be assessed on a case-by-case basis, particularly during the evidence-gathering phases of document production, although some of the consultation requirements at the draft Plan stage (Regulation 18) and Pre-Submission Publication stage (Regulation 19) are set out in national town planning regulations.
3.4 In terms of plan making the main changes from the 2007 SCI are

- The removal of references to Local Development Frameworks (LDFs) and replacement with Development Plan Documents (DPDs)/Local Plans (as required by the NPPF) with greater explanation of the various stages of consultation and the potential methods of consultation to be used at each stage;
- An explanation of current and emerging Local Plan documents emphasising the importance of joint working under the Duty to Cooperate;
- The inclusion of references to Neighbourhood Plans and the stages in production which require South Norfolk Council to undertake consultation;
- An update of consultation methods with a greater emphasis on digital engagement;
- The inclusion of a table agreed with Norwich City Council and Broadland District Council to show the consultation timescales for the GNLP.

3.5 As noted in paragraph 2.5 above, the Development Management section of the SCI (Chapter 3) has also been updated, and includes up-to-date information on the consultation undertaken during the determination of planning applications including reference to the pre and post application stages as well as giving information about the Councils Planning Enforcement procedure.

3.6 Changes in legislation have removed the need for SCI’s to be subject to examination in public but before the updated SCI can be formally adopted, it still needs to be consulted on publicly, with representations reviewed and changes made (if judged appropriate).

4. Proposals

4.1 Following Cabinet approval the Council proposes to consult publicly on the draft updated SCI (see Appendix 1) for a period of eight weeks from late March/early April to May/June 2016. All consultation responses received will be considered, appropriate changes made, and the updated SCI adopted.
5. Risks and implications arising

5.1 There are no direct risks associated with the publication of the draft updated SCI. However, the Government is currently consulting on and introducing a significant number of changes to national planning policy, including the Housing and Planning Bill, a review of Community Infrastructure Levy, a review of the National Planning Policy Framework (NPPF) and the commissioning of an ‘expert group’ to review the streamlining of Local Plans production. These may lead to the need for further revisions to the SCI in the future.

5.2 There are no additional financial implications, as the cost of preparing and consulting on the SCI is covered within existing budgets for Local Plan preparation.

5.3 The SCI will not have a negative impact on disadvantaged groups; indeed one of the aims of the SCI is to help improve engagement with disadvantaged and hard-to-reach groups. The Greater Norwich Local Plan will be accompanied by an Equalities Impact Assessment.

5.4 The SCI will have no direct impact on the environment or crime and disorder

6. Other options

6.1 Cabinet could decide not to agree to public consultation on the updated SCI. However, this would result in the current SCI becoming even further out of date, would potentially cause problems with consultations on forthcoming Local Plan documents, and potentially lead to delays in the production of the new Greater Norwich Local Plan.
7. Recommendation

7.1 Cabinet is recommended to:

i) Agree the updated draft Statement of Community Involvement (Appendix 1) for public consultation for a period of eight weeks, likely to run from late March/early April to May/June 2016;

ii) Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to make any necessary minor changes to the document prior to its publication for consultation; and

iii) Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to assess the comments received during the consultation period, make any appropriate adjustments to the document, and then adopt it.

Appendix

1. Updated draft South Norfolk Council Statement of Community Involvement (March 2016)
Draft South Norfolk Statement of Community Involvement

March 2016
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1. **Introduction**

**Why we are preparing this Statement of Community Involvement?**

1. South Norfolk Council is always looking for ways for the community to become more engaged in planning matters. We want to encourage more people to be involved and to make that involvement as easy as possible. Local knowledge is important as it helps to ensure that development in South Norfolk maximises benefits for the community whilst protecting the special qualities of the district.

2. This South Norfolk Statement of Community Involvement (SCI) is a ‘code of practice’ setting out how the Council will involve people in planning decisions. It identifies how and when participants from local communities and other partner agencies will be involved in the preparation of Local Plan documents. It also sets out the way in which the community can be involved in the determination of planning applications.

3. Once adopted, the Council must comply with the (updated) SCI in preparing any Local Plan document or when determining a planning application.

**The need for review**

4. The requirement to prepare a SCI is set out in the Planning and Compulsory Purchase Act (2004). South Norfolk Council first published a SCI in 2007 to explain how the Council intended to involve people in the preparation of its planning policy documents and engage them in the processing of planning applications. Since 2007 there have been a number of important changes to national planning policy which will affect how we prepare and consult on plans and proposals and these have led to the need to review the SCI.

5. Under the national planning system the Council has to prepare a Local Plan to guide development and growth in South Norfolk over the next 10-20 years. The Local Plan shows how the Council intends to provide for new housing and employment growth in its area, how much development will be planned for and where it will go. A Local Plan also sets out what will and will not be allowed in certain areas and which areas must be protected from development altogether.

6. The Government has made it clear that it now expects Councils to prepare Local Plans and put them in place as quickly as possible. Recent Government announcements suggest that Councils which do not already have up to date Local Plans will be expected to prepare and adopt them (that is, complete the legal process to bring them into force) by the end of 2017. Councils which fail to produce timely Local Plans may face possible sanctions and financial penalties. Councils that have adopted their plans recently must keep them up to date and review them as soon as practicable.
7. Although the main South Norfolk Local Plan documents were only adopted in October 2015, the overall planning strategy for the Greater Norwich area (the Joint Core Strategy for Broadland, Norwich and South Norfolk) is more than four years old and a new Local Plan now needs to be prepared to manage and shape longer term growth and development to 2036. At the same time there is a need for an overall planning framework to establish future needs and set targets for housing and jobs across the whole of Norfolk and ensure that new local plans for individual districts are consistent with those targets.

8. Accordingly, in partnership with Broadland District Council and Norwich City Council and working with Norfolk County Council, South Norfolk Council has started work on a new Greater Norwich Local Plan that will set out a development strategy for the wider Norwich area (covering the whole of the three districts) between now and 2036, as well as a broader Norfolk Strategic Framework to set overall planning targets across the county as a whole.

9. The Council will need to strike a careful balance between meeting our obligations to the Government to prepare plans as speedily as possible with making sure that local people have a meaningful opportunity to comment on and influence what goes into those plans through the plan making process. In order to meet Government obligations some of the consultation arrangements for plan-making in the 2007 SCI have had to be reviewed and updated in this document, particularly to streamline certain procedures.

10. In relation to planning applications, the Government has made changes to national planning rules which mean that more kinds of development can now be carried out, and more kinds of premises can change their use, without planning permission – this is called permitted development. Also to encourage more housebuilding, the Government have plans to change and simplify the planning process for housing, granting automatic ‘permission in principle’ for new housing on previously developed sites which Councils have listed as suitable. Under new Government plans Local Plans will also have to provide land for low cost starter homes on all suitable housing development sites.

11. Taken together, the changes in the planning system will inevitably affect the way that Local Plans are prepared and how planning applications are made and dealt with. This means that the way we involve local people in the planning process also needs to change. In cases where no planning application is needed (such as permitted development), the Council cannot always let people know about all development which is happening in their area. The permitted development rule changes are designed to speed up the planning process, and make smaller scale building projects and minor changes easier. But this will sometimes mean that local people will have less opportunity than before to have their say.
12. We are committed to making South Norfolk one of the best places to live and work in the country. Below is our vision for South Norfolk as a place and our ambition for South Norfolk Council as an organisation (taken from the South Norfolk Corporate Plan 2016-2020):

Our Vision
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.

Our Ambition
To be recognised as a respected and ambitious local authority, innovating to help communities thrive by actively shaping services to meet today’s and tomorrow’s need.

13. 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.

How we will deliver this:
Moving Forward Together (MFT) is the Council’s continuous improvement programme.
14. In order to achieve the Council’s ‘Vision’ and ‘Priorities’ through the planning service, it is essential that there is effective public involvement in plan-making and in the determination of planning applications and that clear standards are set for when and how involvement will take place.

Our aims for community involvement

15. Our aim is to give communities every opportunity to shape the way planning happens in South Norfolk. To achieve this, the Council has made the following four commitments:

- We will work with town/parish councils, community groups and other local representatives to help you and your community take a more active role in planning.
- We will be readily approachable and will work effectively to build open and honest relationships with you.
- We will help you to understand more about planning and will use plain English in all the plans we prepare.
- We will take all views into account and (where relevant) feedback information throughout the planning process.

16. The Council understands how important it is to involve the community. In this SCI the term ‘community’ is being used in its widest sense. A community is a group of people and organisations which have a common interest, in this case an interest in the future development of South Norfolk. Overall, greater community involvement in planning will help deliver sustainable development through decisions and outcomes, although clearly there will remain instances where some people will be disappointed by certain planning decisions the Council will make – this is, however, unavoidable, as competing interests will sometimes exist which are irreconcilable.

17. A number of groups within South Norfolk have been traditionally more difficult to engage with than others. Using the most appropriate techniques and consultation methods the Council will aim to get a response that is representative of the population of the District or of the particular area under consideration. To do this the Council will work with those locally organised groups that can offer improved access to ‘hard to reach’ groups. These will include:

- Neighbouring authorities and Norfolk and Suffolk County Councils;
- Service and utilities providers;
- National and local amenity, campaign, interest and support groups (such as groups representing environment/conservation/heritage concerns, access/disability issues, and religious/ethnic/race groups);
- Young people, including School Councils and South Norfolk Youth Action;
- South Norfolk Older People’s Forum.
The Council’s commitment to equality

18. The Equality Act 2010 introduced a Public Sector Equality Duty (PSED). This Duty requires South Norfolk Council, and other public sector organisations, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

19. This is particularly relevant to planning which has a role to play in promoting equality of opportunity and cohesion by considering the needs of the community. The Council recognises that equality of opportunity in practice includes ensuring that vulnerable or disadvantaged groups have their voices heard and their needs considered. The SCI supports that objective through providing guidance on how to get people involved in planning. Planning activities and decisions will be impact assessed in order to ensure that there are no unintended negative impacts on vulnerable or disadvantaged groups. The assessments will focus on the eight protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation but will also consider the wider implications of socio-economic inequalities on community cohesion. This is normally carried out through an Equality Impact Assessment (EqIA) which takes place during the Local Plan production process.

20. As part of the community involvement exercises that form the preparation stage of Local Plan documents, the Council will seek to monitor the characteristics of those that take part (typically through the use of a monitoring form attached to consultation response forms or through recording details about those attending consultation events). If it is considered that certain parts of the community who share a protected characteristic, and who may be affected by the subject of the proposed plan are underrepresented then the Council will consider undertaking further involvement exercises, specifically targeted at these groups of people.

21. All printed material will be offered in Braille, large print, audio and translation options and the IN TRAN facility will be publicised in all printed material.
The role of Elected Councillors

22. Elected councillors have an important role to play as:

- Community representatives – if you would like to, you can share your views about planning matters directly with your Ward Councillor;
- Information providers – Councillors can act as a link between planning officers and people in their ward and community;
- Decision makers – Elected councillors make decision on certain planning applications and also sign-off Local Plan documents for consultation. In order for a plan to be submitted to the Secretary of State or adopted it must be agreed at a Full Council meeting.

23. Members of the public can make their views known to elected councillors in a number of ways; by letter, email, or face-to-face discussion. However, it is important that the proper consultation process is used because this is how views are registered in the plan-making or planning application process. This ensures that while councillors hear what you have to say, you will not miss the opportunity to be heard at committees or at any subsequent appeal, inquiry, hearing or examination.

RTPI Planning Aid England

24. People who want to be involved can sometimes be put off by the complexity of the planning system so the Royal Town Planning Institute (RTPI) Planning Aid England is there to offer 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. South Norfolk Council endorses Planning Aid England as a service that communities in South Norfolk may wish to use to seek assistance on matters discussed within this SCI.

25. Planning Aid offers five main services and types of support:

- Free planning advice and guidance – website and advice line;
- Bespoke support for eligible individuals and communities;
- Outreach and capacity building;
- Neighbourhood Planning;
- Online resources and guides.

RTPI Planning Aid England can be contacted via the planning aid advice line:
Tel: 0330 123 9244
Email: advice@planningaid.rtpi.org.uk
Web: www.rtpi.org.uk/planning-aid
2. Community Involvement in Plan Making

What kinds of documents are consulted on?

26. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the community involvement requirements for local authorities to follow in preparing their local planning documents.

27. The local planning documents prepared by the Council are identified in a document called the Local Development Scheme (LDS). The LDS includes a timetable of when we aim to produce the documents and the various stages they must go through to be adopted. The LDS is available on the Council’s website at http://www.south-norfolk.gov.uk/planning/2925.asp and is reviewed and updated regularly. The main types of documents produced are:

Development Plan Documents (DPDs) /Local Plans

28. (Now more usually called ‘Local Plans’) are the formal policy documents which constitute the statutory development plan for South Norfolk. Once adopted these have full legal weight in decision making. The Council’s decisions to approve or refuse any development which needs planning permission must be made in accordance with the policies in the Local Plan, unless material considerations indicate otherwise.

29. There are two main stages of consultation on DPDs/Local Plans these being:

- Regulation 18, which specifies that local planning authorities should seek community involvement in the preparation of each Local Plan or DPD and that authorities should take into account the comments received in the preparation of the plan. This is often referred to as consultation on the draft Local Plan, and might also be called the Issues and Options stage.

- Regulation 19, deals with the publication of the DPD/Local Plan and occurs before the Council submits the document to the Secretary of State for examination. The Council must publish the document and invite formal representations over a minimum six-week period. This stage is known as the pre-submission publication stage.

30. There are further regulations which set out the requirement for the Council to notify previous consultees of various ensuing stages of the Local Plan, these being:

- Notification of submission of the document to the Secretary of State;
- Notification of the date, time and place of the public hearing (related to the examination of the document), as well as the name of the Inspector;
- Notification of the publication of the Inspectors Report; and
- Notification of the adoption of the DPD/Local Plan.
Supplementary Planning Documents (SPDs)

31. These help to support and explain in more detail how the Council will implement particular policies and proposals in the Local Plan. SPD can also take the form of masterplans, detailed design briefs or development briefs for sites identified for future development (‘allocated’) in the plan, as well as for other emerging sites. SPDs can be reviewed frequently and relatively straightforwardly to respond to change, whereas a review of the policies in a Local Plan document is a longer and more complex process.

32. The 2012 Regulations referred to above also specify requirements for community involvement in the production of SPDs, which differ from that for DPDs/Local Plans.

- Regulation 12, details requirements for local planning authorities to produce a statement setting out a summary of the main issues raised in consultation on production of the SPD in question and how the resulting SPD has addressed those issues.

- Regulation 13, specifies that the local authority must invite representations on the draft document over a minimum four week period prior to adoption. This is known as the pre-adoption publication stage.

- Regulation 14, then requires the authority to notify anyone who so requested that the SPD has been adopted.

Neighbourhood Plans

33. One of the main recent changes in the planning system encourages people to become more involved in the planning of their local area. They can do this by helping to prepare or by participating in the organised events and consultations of the Neighbourhood Plan process. South Norfolk Council wants to encourage people to become involved in making Neighbourhood Plans. The Planning Policy team is responsible for supporting the work of any Neighbourhood Plan group (this is a legal requirement) but these documents are essentially produced by local groups and are subject to their own consultation arrangements.

34. The main stages in Neighbourhood Plan production which require South Norfolk Council to undertake consultation or notify communities and other stakeholders of certain developments in the process can be summarised as follows:

- Publicising and inviting representations over a minimum six week period on applications for the designation of a Neighbourhood Area (the area that the Parish/Town Council would like the Neighbourhood Plan to cover);
- Publicising and inviting representations over a minimum six week period on a submitted Neighbourhood Plan and associated documents;
- Publication and notification of the examiner’s report, as well as South Norfolk Council’s decision in relation to that report;
- Publication and notification of the referendum information statement and specified documents, giving at least 28 working days notice of the date and procedures relating to a Neighbourhood Plan referendum; and
- Publication and notification of the adopted Neighbourhood Plan.
The current Local Plan

35. The current Local Plan for South Norfolk comprises the following adopted documents:

- Joint Core Strategy for Broadland, Norwich and South Norfolk (the JCS) adopted in March 2011, amendments adopted January 2014;
- the South Norfolk Site Specific Allocations and Policies (adopted October 2015);
- the South Norfolk Council Development Management Policies Document (adopted October 2015); and

36. The Council is also currently working on a further two documents, which when adopted will form part of the Local Plan. These are:

- the Long Stratton Area Action Plan (expected to be adopted by April 2016)
- the Gypsies and Travellers Local Plan document.

37. The Council also has adopted Neighbourhood Plans for Cringleford and Mulbarton as well as a number of Supplementary Planning Documents. Neighbourhood Plans are not technically part of the Local Plan but do form part of the wider Development Plan for the district.

The current/emerging South Norfolk Local Plan
The emerging Local Plan

38. The proposed Greater Norwich Local Plan (GNLP) will be a new statutory Local Plan for Broadland, Norwich and South Norfolk, and will replace the present Joint Core Strategy (JCS). Like the present JCS it will set out strategic planning policies for the whole Greater Norwich area (Broadland, Norwich and South Norfolk districts) but unlike the present JCS it will also include policies and proposals for individual sites. As such the GNLP will eventually replace the separate Site Allocation plans for the individual districts. The website address www.greaternorwichlocalplan.org.uk has been purchased and will be the central repository for GNLP information for the councils, although key information and links will, of course, also be on South Norfolk Council’s own website.

39. The proposed Norfolk Strategic Framework (NSF) will be a non-statutory strategic policy statement which will set broad targets and priorities for the next round of statutory local plans for the individual local planning authorities in Norfolk, facilitating joint working across district boundaries and helping to fulfil the statutory Duty to Co-operate (see below).

40. Both of the above documents will cover the period to 2036. The current work programme for the preparation of both the GNLP and NSF is set out in the latest revision of the South Norfolk LDS which was published in February 2016 http://www.south-norfolk.gov.uk/planning/2925.asp. The programme is subject to review and the LDS will be updated to reflect any changes.

Procedural requirements

41. Local Plan documents must be prepared in accordance with a nationally prescribed procedure set out in the Local Planning Regulations for England, which were last updated in 2012. This procedure will be followed in preparing the emerging Greater Norwich Local Plan, but a more streamlined and fast-track process will be used for the Norfolk Strategic Framework, since this is not a Local Plan document but an evidence framework to inform the preparation of Local Plans.

42. At key stages of plan-making there are opportunities for the public to comment on emerging planning policies and proposals in the documents being prepared; indeed, this engagement is vital to ensure that the Council fully understands public views (and information) on policies and proposals. At the end of the process Local Plan documents must be submitted to the Secretary of State and be independently examined by a Government appointed inspector to assess their soundness and legal compliance before they can be adopted by the Council and come into force.

43. Certain other documents must be published alongside each Local Plan document, including:

- The independently prepared Sustainability Appraisal (SA) report of the Local Plan at each stage. A Sustainability Appraisal Scoping Report is prepared and consulted on at the start of the process to set out what...
sustainability issues and objectives the SA should cover and what evidence it will use);

- An update to the Policies map, setting out the Local Plan’s policies and proposals on a map base (if relevant);
- A statement of consultation summarising public representations made to the plan and how they have been addressed (called the ‘Regulation 22(c)’ statement);
- Copies of any representations made;
- Any other supporting documents considered by the Council to be relevant in preparing the plan; and
- An adoption statement and environmental statement (when the plan is adopted)

44. The Local Plan is supported by a range of research reports, studies and topic papers which make up a detailed evidence base which informs and justifies its policies.

**The Duty to Co-operate**

45. For many years South Norfolk Council has worked in close co-operation with its neighbouring councils in Broadland and Norwich to plan for and deliver major growth envisaged for the Greater Norwich area. This work was undertaken as part of a formal Greater Norwich Development Partnership (GNDP). The Joint Core Strategy for Broadland, Norwich and South Norfolk was produced by the GNDP, which includes Norfolk County Council working in partnership with the three districts and this arrangement will continue for the emerging Greater Norwich Local Plan.

46. The need for Councils and other agencies (see Appendix 1) to work together in developing effective planning strategies for their areas is now a legal duty. Councils must show that they have met this statutory Duty to Co-operate in order for Local Plans to be accepted (found ‘sound’ and ‘legally compliant’) when those plans are independently examined by a Government-appointed inspector. Work on preparing the overall Norfolk Strategic Framework – although it will not be a formal local plan – will involve South Norfolk Council in joint working with all the local planning authorities in Norfolk, plus other agencies, across Norfolk, and also into Suffolk, Cambridgeshire and Lincolnshire.

47. The Local Plan documents which have been and will be prepared jointly by the Greater Norwich area authorities are set out in the respective LDS’s for each Council. Public involvement in their preparation is guided by the standards set out in this SCI, and is very similar in the 2016 Broadland and Norwich SCIs.

**Who will we consult with?**

48. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out statutory requirements for the Council to follow in producing its Local Plan documents. The regulations define two specific groups of consultation bodies for the purpose of plan making. These are ‘specific consultation bodies’ and ‘general consultation bodies’.
49. Specific consultation bodies are listed within the regulations and criteria are also suggested for determining general consultation bodies. Appendix 2 sets out South Norfolk Council’s interpretation of ‘specific’ and ‘general’ consultation bodies for the purposes of involvement in plan making.

50. The Regulations require that for each Local Plan document being produced the Council must involve any of the specific and general consultation bodies that it feels may have an interest in the subject of the proposed document. This means that the Council will not necessarily consult the same consultation bodies on each Local Plan document it produces.

51. The regulations also require the Council to involve such residents or businesses in the area that it considers appropriate.

52. The Council will maintain details of specific and general consultation bodies (as well as residents and businesses that get involved in the plan making process) on a consultation database that relates specifically to the production of Local Plan documents.

53. Those registered on the database will automatically be notified (unless they specify otherwise) of consultations relating to the Local Plan. Comments submitted on consultation documents will be publicly available on the Council’s website and cannot be made confidentially.

54. You can ask to be added to or deleted from our Local Plan consultation database at any time by contacting the Planning Policy Team (email LP@s-norfolk.gov.uk or telephone 01508 533805).

The basic content of each Local Plan consultation document

55. Because the Local Plan is made up of a number of documents (including Supplementary Planning Documents) the Council will make clear the stage of the document which is the subject of each consultation. The Council will ensure that the language used is straightforward, minimising jargon and clearly explaining any technical terms.

56. Each consultation will make clear:

- The document being prepared;
- The stage in the process that the document has reached (e.g. Issues and Options or Pre-submission);
- The scope and purpose of each consultation;
- The issues/questions on which the Council wants to receive views or representations;
- What people are being invited to do; (e.g. answer a questionnaire, attend a meeting etc.);
- The date and time that responses need to be received by the Council;
- How the responses received will be used;
- What the public responses can or cannot influence in the consultation documents;
• How and when results of the consultation will be made available;
• How decisions will be made using the results of the consultation and
• What are the future stages in the process.

57. It will also be made clear that

i. Any personal details and information supplied will be treated in accordance with the Data Protection Act 1998 and the Freedom of Information Act 2000 which control how personal information is used by organisations, businesses or the government.

ii. There may be a number of elements which consultation responses will not be able to change (such as the status of nationally designated wildlife sites and national planning policies) and therefore it will be made clear on which matters consultation responses are sought.

Consultation methods

58. The Council has a well-established procedure for involving people in plan making and we will continue to refine our understanding of different consultation techniques. A variety of methods have and will be used during consultations, taking into consideration the issues being consulted on, the stage of consultation and the needs of the audience. These include, for example, the use of appropriate locations and/or the use of particular presentation media for presentation to blind people, people with impaired hearing and people with mental health issues or learning difficulties.

59. The Council will use a range of methods of consultation appropriate to the needs of the exercise and the stage of the consultation reached. The Council will consider carefully:

• The ways in which we publicise documents and events - letters, advertising etc;
• The ways in which we consult - questionnaire, exhibition etc.;
• Methods for feeding back the results - direct to participant, published on the website etc.

60. Consultation is carried out increasingly by electronic means but this is still rapidly evolving in the digital age. Whilst almost all documents are made available electronically, the challenge remains as to how information can be disseminated effectively to attract the widest audience. The Council is steadily expanding the use of digital technology to enable direct access to its services across a range of devices and allow local people to make payments, submit comments and report issues and problems electronically. We will endeavour in future planning consultations to integrate these mechanisms where possible and extend the use of social media to help access ‘hard to reach’ groups, especially younger people. However, we will also continue to use more traditional methods of consultation to include those without access to the internet or social media. The Council encourages comments to be submitted electronically via the website or email where possible (which is much cheaper and easier to process) but will also accept paper representations.
61. We will use a range of consultation approaches. We will *always* publish information on the Council’s website and have hard copies available for inspection at the Council’s office. Other consultation/engagement methods will also be used, but these will depend on the document being consulted on, the stage of consultation reached and the appropriateness of different techniques. Some of these potential methods are described below, but this is not necessarily an exhaustive list (more detail about individual consultation methods is given in Appendix 3):

62. We will:

- Make consultation information and documents available on the Council’s website and in our Council Office receptions
- Send out letters/emails to statutory/general consultees as well as residents and businesses on our consultation database (as appropriate)
- Involve Local Councillors and Town/Parish Councils (as appropriate)
- Lodge copies of consultation material at libraries in the district in paper and/or electronic form (as appropriate)
- Engage local print and broadcast media (as appropriate)
- Publish articles in the Council’s Link magazine/ Parish Magazines (as appropriate)
- Produce posters/notices for Town/Parish Council noticeboards and other methods of advertising (as appropriate)
- Hold exhibitions/meetings (as appropriate)
- Facilitate focus groups/workshops (as appropriate)
- Consult with Neighbourhood Planning bodies and take account of Parish Plans (as appropriate)
- Make use of social media (as appropriate)

63. We acknowledge that it is important to make public consultation arrangements as extensive as possible to make sure the public can get their voice heard. However, it is not always possible or appropriate to undertake consultations using all the methods listed above at every stage of the plan making process. We will make sure that consultations are tailored appropriately to the nature of the plan, policy or proposal being consulted on and the stages it has reached. At any consultation stage the Council will comply with the minimum legal requirements for consultation.

64. The Council will aim to hold all public consultation events at venues that have good access for everybody. Venues should be ideally be within easy distance of local communities for walking and cycling and on a public transport route, as well as having enough car parking. The Council will also choose locations that reflect the geographic spread of the population. Given the rural nature of large parts of South Norfolk, it may not always be possible to use venues which allow easy access for all; where this is the case clear information about other methods of participation will be available. Events will be timed to allow as many people as possible in the target audience to attend, taking into account working hours, school/public holidays, other known events etc. When targeting specific groups venues will be chosen accordingly e.g. using colleges or student unions to target the 18-35 age group.
How long will consultations last?

65. The following timescales will be adhered to for documents consulted on:

<table>
<thead>
<tr>
<th>Document type</th>
<th>Normal period for consultation</th>
<th>Circumstances in which the consultation period will be extended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development plan documents (DPDs) and accompanying sustainability appraisal reports</td>
<td>We will consult for at least the minimum statutory period of <strong>six weeks</strong> (42 calendar days) on DPDs</td>
<td>We will extend consultation periods to allow for extra days where a bank holiday falls within a consultation period (on a day-for-day basis).</td>
</tr>
<tr>
<td>Neighbourhood plans (See pages 25-26 for the stages of the process which require the Council to undertake consultation)</td>
<td>We will consult for at least the minimum statutory period of <strong>six weeks</strong> (42 calendar days) when proposals for neighbourhood plans prepared by designated neighbourhood planning bodies are published (Regulation 16 publication stage).</td>
<td>Where a normal period of consultation would take in all or part of the Christmas/New Year holiday, the Easter holiday or the July/August summer holiday period in addition to bank holidays, extra days will be added to allow for this, up to a maximum of 14 calendar days over and above the statutory minimum.</td>
</tr>
<tr>
<td>Supplementary planning documents (SPD) including planning briefs.</td>
<td>We will consult for at least the minimum statutory period of <strong>four weeks</strong> (28 calendar days) on SPD and on planning briefs which have the status of SPD.</td>
<td>At its discretion, and only in the early, informal stages of DPD/SPD production, the Council may allow additional time for representations to be made in circumstances where there is a justifiable reason for not responding within the deadline.</td>
</tr>
<tr>
<td>Non-statutory planning documents and informal guidance.</td>
<td>We will consult for a period appropriate to the coverage and content of the document concerned.</td>
<td>In accordance with the Code of Recommended Practice on Local Authority Publicity, we will not normally run consultations on planning documents in the six week period immediately before local council elections. (“Purdah”).</td>
</tr>
<tr>
<td>Future reviews of this Statement of Community Involvement (SCI)</td>
<td>We will consult for at least six weeks (42 calendar days) on any future reviews of this SCI.</td>
<td></td>
</tr>
</tbody>
</table>

How will we consult people at different stages in the plan making process?

66. Different types of policy documents need different levels of involvement, depending on factors such as how many people would be affected by the proposed policy and the type of impact it would have. Detailed guidance on who we will involve, how and what level at the various stages of the plan making process is given on the following pages:
## Potential involvement and publicity methods at different stages of DPD/Local Plan production

<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
<th>Potential involvement methods</th>
<th>Potential publicity methods</th>
</tr>
</thead>
</table>
| Pre-production/ evidence gathering         | The information needed for the plan is prepared and potential issues identified. This stage may encompass a series of discrete exercises | • Parish/Town Council workshops  
• Stakeholder focus groups  
• Stakeholder meetings  
• Resident/stakeholder workshops  
• Survey documents (hard copy and online)  
• Write to statutory environment bodies to initiate Sustainability Appraisal screening | • Letter/email to stakeholders and database contacts  
• Information on the Council’s website  
• Information via SNC social media  
• Information in libraries and at Council offices  
• Article in The Link Magazine (if publication timings allow)  
• Article in the local press  
• Letter/email to Town/Parish Councils and elected Members  
• Posters on Parish Notice boards/libraries  
• Article in Parish magazines |
| Consultation on draft Local Plan (Regulation 18) | The information gathered at the first stage is taken into account in the drafting of detailed policies and allocations.  
The Council presents a draft of the DPD/Local Plan setting out detailed policies which meet the aims of the Plan and address identified issues.  
Depending on the level of complexity, the draft Local | • Consultation document (principally online)  
• Public exhibitions  
• Stakeholder meetings | • Letter/email to ‘specific consultation bodies’  
• Letter/email to ‘general consultation bodies’, other interested bodies and individuals on the consultation database  
• Publish consultation documents on the Council’s website  
• Make copies of the consultation document available for inspection at the Council offices and libraries  
• Issue press release to local newspapers  
• Publicise consultation via SNC |
| Plan stage may involve more than one period of consultation. Draft Local Plan documents will be published for consultation for a minimum of six weeks. | social media  
- Arrange public meeting, exhibitions, focus groups as appropriate  
- Article in The Link Magazine (if publication timings allow)  
- Articles in Parish Magazines/posters on Parish Notice boards (if relevant/appropriate) | Pre-Submission Publication (Regulation 19) | The Local Plan is finalised and published for a representations period before being submitted to the Secretary of State. Representations at this stage can only be made on the soundness and legal compliance of the plan. The Pre-Submission publication version of the Local Plan will be published for consultation for a minimum of six weeks. | Consultation document (hard copy & online) | Publish a statement of the representation procedure  
- Publish Sustainability Appraisal Report for consultation  
- Publish consultation statement summarising all comments received from the previous stages and how the comments have been considered and taken into account  
- Publish relevant supporting documents  
- Send letters/emails to specific consultation bodies  
- Send letters/emails to relevant general consultation bodies, other interested bodies and individuals on the consultation database  
- Publish electronic copies of all the documents on the Council’s website  
- Make hard copies available for inspection at the Council’s offices |
<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
<th>Notifications</th>
<th>Public Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission</td>
<td>The draft Local Plan and all supporting documents and representations received are submitted to the Secretary of State, who appoints an independent planning inspector to examine the Local Plan</td>
<td>• N/A</td>
<td>• Letter/email to ‘pre-submission publication’ respondents who requested to be notified of submission</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Information on Council’s website</td>
<td>• Information via SNC social media</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Information available at Council offices and libraries</td>
<td></td>
</tr>
<tr>
<td>Public examination</td>
<td>The Local Plan and comments received are examined by the appointed planning inspector, including the public Hearing stage. If there are any proposed main modifications, they will be consulted on for at least six weeks. On receipt of the Inspector’s report, it will be published on the Council’s website</td>
<td>• N/A</td>
<td>• Letter/email to ‘those who made Pre-Submission representations about the date of the Hearing session(s), publication of Proposed Main Modifications and receipt of Inspector’s report (as relevant)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Information on Council’s website</td>
<td>• Information via SNC social media</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Information available at Council offices and libraries</td>
<td></td>
</tr>
<tr>
<td>Adoption</td>
<td>The Local Plan is adopted following the consideration of the recommendations in the Inspector’s report</td>
<td>• N/A</td>
<td>• Make the Inspector’s report available for inspection on the Council’s website and at the Council’s offices</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Letter/email to ‘pre submission publication’ respondents who</td>
<td></td>
</tr>
</tbody>
</table>
Following adoption:

- Publish the Local Plan and make available on Council’s website and at Council offices/libraries
- Publish adoption statement in Local newspapers
- Send adoption statement to specific and general consultees and those who made representations at previous stages or those who have asked to be notified of the adoption
- Make the Sustainability Appraisal and other supporting documents available for inspection for six weeks after adoption
- Add adoption information on SNC social media
### Potential involvement and publicity methods at different stages of Supplementary Planning Documents (SPDs)/Planning Brief production

<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
<th>Potential involvement methods</th>
<th>Potential publicity methods</th>
</tr>
</thead>
</table>
| Pre-production/evidence gathering | Information is gathered on the topic and potential issues are identified and explored. This stage may encompass a series of discreet exercises. Preliminary consultation may be carried out prior to publication of draft SPD                                                                   | • Stakeholder focus groups  
• Stakeholder meetings  
• Preliminary survey/consultation documents                                                                                           | • Letter/email to stakeholders  
• Notification of relevant database contacts  
• Survey/consultation documents available on Council’s website, in libraries and at Council offices  
• Information published via SNC social media, local press, The Link magazine/parish magazines as appropriate  
• Arrange exhibition or presentation to interest groups if appropriate                                                                                                                   |
| Draft SPD/Planning Brief     | A draft SPD/planning brief is prepared following the initial evidence gathering stage. Consultation at this stage will involve publishing a draft of the SPD/planning brief for comment for a minimum of four weeks                                                                                                                            | • Consultation document (hard copy & online)  
• Public exhibitions  
• Stakeholder meetings                                                                                                                  | • Make electronic copies of the SPD/planning brief and supporting documents available on the Council’s website, in libraries and at Council offices  
• Send letters/emails to relevant specific and general consultees and those on the consultation database who may have an interest in the issues  
• Information published via SNC social media, local press, The Link magazine/parish magazines as appropriate  
• Arrange exhibition or presentation to interest groups if appropriate                                                                                                                   |
| Adoption | The Council will consider the representation received through the consultations and make any amendments necessary before adopting the SPD/planning brief | N/A | Publish the SPD/planning brief and make available on the Council's website and at libraries and Council offices
- Publish a consultation statement summarising all comments received from the previous stages and how the comments were considered and taken into account
- Send an adoption statement to those who have made representations during the previous consultations and those who have asked to be notified of the adoption of the SPD/planning brief
- Information published via SNC social media, local press, The Link Magazine/ Parish magazines as appropriate |
### Potential involvement and publicity methods at different stages of the Neighbourhood Planning process

<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
<th>Potential involvement methods</th>
<th>Potential publicity methods</th>
</tr>
</thead>
</table>
| Neighbourhood Plan Area application | Parish/Town Council applies to South Norfolk Council to designate the Neighbourhood Area. South Norfolk publicises the application and invites representations over a minimum six week period | • Consultation document (hard copy & online) | • Letter/email to key stakeholders  
• Information on Council website  
• Consultation document Council offices |
| Submission of Neighbourhood Plan | Parish/Town Council submits the Neighbourhood Plan to South Norfolk Council. South Norfolk invites representations on the submitted plan over a minimum six week period | • Consultation document (hard copy & online) | • Letter/email to stakeholders and residents identified in Neighbourhood Plan SCI  
• Information on Council website  
• Consultation document at Council offices |
| Publication of Examiner’s report | South Norfolk Council publishes the report of the examination into the submitted Neighbourhood Plan and the decision of the Council as to whether or not it accepts the Examiner’s recommendations | • N/A | • Report and decision statement at Council offices  
• Information on Council website |
| Referendum Information Statement | South Norfolk Council publishes the Referendum Information Statement and specified documents, setting out the date and procedure for the Neighbourhood Plan referendum. A minimum of 28 working days notice will be given | • N/A | • Letter to all residents in the Neighbourhood Plan Area (wider if Examiner wishes a wider area to be covered by the referendum)  
• Information on the Council website  
• Information at Council offices |
| Adoption of Neighbourhood Plan | South Norfolk Council adopts the Neighbourhood Plan | • N/A | • Letter/email to those consultees who requested to be informed about the adoption of the Neighbourhood Plan  
• Information on Council website  
• Information at Council offices  
• Information via SNC social media |
Feedback

67. It is important to feed back the results of consultation regularly. It allows people to see how their contributions have been taken into account and helps to maintain their confidence in the process. Feedback needs to be relevant, concise, and easily understood and we need to explain clearly why certain decisions have been made.

68. Opportunities for feedback include press releases, The Link, publications produced by other parties (e.g. parish council newsletters), the website (which includes a ‘have yours say/results of previous surveys’ page), and direct letters/e-mails. These will explain how the results will be used in the decision making process. In addition, database contacts will be alerted to the availability of results and, where applicable, to when elected members will consider the results.
3. Community Involvement in Planning Proposals and Applications

Introduction

69. As well as setting out how communities and stakeholders can have their say in the production of Local Plan documents, this SCI also details how individuals and organisations can take part in the consideration of planning applications through the development management process. It is important that the views of the general public and interested parties are taken into account to inform decision making on planning applications.

70. This section details South Norfolk Council’s arrangements (and, where appropriate the Council’s expectation of developers) in terms of community and stakeholder involvement during the following stages of the development management process:

- **The pre-application stage**
  when proposals are being formulated and before any planning application is submitted to the Council

- **The planning application stage**
  once an application is lodged with the Council

- **The post-application stage**
  the notification and (if followed) appeal process following a decision on a planning application

71. This section also contains information on the Council’s Planning Enforcement process.

The pre-application stage

72. The National Planning Policy Framework (NPPF) is clear that early engagement is important and can improve the efficiency and effectiveness of the planning application system for all parties, improving the outcomes for the community.

73. The Council has a key role to play in encouraging developers to take maximum advantage of the pre-application stage. There are two main aspects of Pre-application. The first is encouraging applicants to engage directly with the local community before submitting their applications to the Council so that local people can have their say about the proposed development before a planning application is submitted and the second is encouraging developers to take up the chargeable pre-application service offered by the Council with the aim of improving the quality of planning applications submitted. Details of this service and the fees involved can be found at [http://www.south-norfolk.gov.uk/planning/278.asp](http://www.south-norfolk.gov.uk/planning/278.asp)
The planning application stage

74. It is important that the community has suitable opportunities to be involved on commenting on planning applications and that those comments are taken into account during the decision-making process. The Council has a well-established process of consultation on planning applications, although this varies depending on the type of application.

75. Once an application is registered as valid, it may be publicised in a variety of ways:

- All applications are posted on the South Norfolk Council website https://info.south-norfolk.gov.uk/online-applications/
- Site notice(s) will be displayed at a prominent location, only where there is a statutory requirement to do so;
- Emails to statutory consultees (including Town and Parish Councils, other organisations and interest groups);
- Letters/emails to residents, businesses and other neighbours adjacent to the boundary of the site or opposite is the proposal relates to any frontage alterations, plus any other properties which are considered to be materially affected by the proposal;
- Consultation letters to local South Norfolk councillor(s) and parish council(s);
- A weekly list of all new applications will be sent to those who request it (electronic copies) The weekly list is also available on the Council’s website at https://info.south-norfolk.gov.uk/online-applications/search.do?action=weeklyList;
- Newspaper notices for specific applications based on their sensitivity (Listed Buildings, Conservations Areas); size/complexity (Major Applications, proposals contrary to policy).

76. Notices and letters make it clear when and where the application(s) can be viewed, the name of the case officer and the date by which responses need to be submitted for them to be accepted. Any individual or organisation may make representations regarding a planning application, whether or not they have been personally notified. Responses can be made in writing, via e-mail or directly via the Council’s website.

77. Should any planning application during the process of its assessment be amended and require a further consultation period, all those who were originally consulted (statutory consultees, internal consultees and neighbouring properties) and any persons or organisations who have made representations will be reconsulted on the revised proposals. If necessary the case officer for the application will agree a new determination deadline with the developer/agent as required.
78. The results of any consultations will form part of any officer report. An application will only be referred to the relevant Committee in accordance with the Council’s “scheme of delegation” (see Part 3, section 4 of the Council’s Constitution, http://www.south-norfolk.gov.uk/democracy/media/SNC_Constitution_UPDATE_DEC15.pdf). Although some exceptions exist in relation to enforcement matters, responses will usually be a matter of public record and any submissions should be made on that basis.

79. As part of the Committee process for those supporting or objecting to an application there is an opportunity to bring particular issues to the Committee’s attention – this could include the results of consultation. In the event that an application is not determined by committee, the results of any consultation will form part of the case officer’s assessment of the proposals and summary information will be included in a delegated report. All aspects of planning applications including supporting information are available via the Council’s website, therefore increasing the availability of information and allowing a further opportunity to scrutinise consultation results. Details on how to speak at Committee are set out in the Council’s leaflet ‘Have your say on planning applications’. The leaflet is available on request and at the Council website: http://www.south-norfolk.gov.uk/planning/media/DMC_Meetings_Public_Speaking.pdf

The post application stage

80. Once an application has been determined the Council will inform the applicant (via a Decision Notice) and update the website with the Decision Notice. A weekly list of all planning decisions is also published and made available on the Council’s website at https://info.south-norfolk.gov.uk/online-applications/search.do?action=weeklyList.

81. Once the Council has made a decision on a planning application the person who made the application has a right to appeal the decision if they disagree with it (an appeal can also be made if the Council has not made a decision within the statutory or agreed time-frame). Any appeal must be made within 6 months of the date on the decision notice issued by the Council (or date that a decision should have been made by). Planning appeals are dealt with by the Planning Inspectorate and heard by an independent Planning Inspector.

82. Anyone can comment on a planning appeal and the deadline for comments is 5 weeks after the start date of the appeal. The Council has to inform anyone who commented on the original application that an appeal has been lodged to give them a chance to comment.

83. An appeal can be dealt with through written representations or through a hearing or inquiry and there are opportunities for local people to be involved. More guidance about taking part in a planning appeal can be found online at https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal
Planning Enforcement

84. If our planning system is to work fairly for all, we must have a system that allows us, where necessary, to take action against those who break the planning rules but in doing so we need to act proportionately to the breach. A community or individual who may become concerned about problems relating to the planning of an area can report these and further information on how do this can be found on the Council’s Web site at http://www.south-norfolk.gov.uk/planning/283.asp.

85. This guidance should be read alongside the Council’s Compliance and Enforcement Policy (2015) http://www.south-norfolk.gov.uk/democracy/1744.asp which explains how the Council approaches its planning, licensing and other legislative duties.
4. Resources, Management and Monitoring

Resources and management

86. This section discusses the management of the involvement process and the resources available to the Council.

87. The Local Plan is managed by the Council’s Planning Policy team, supported by officers from other Council departments who will provide expertise, support and advice during the process. Resources are designed to ensure that the production of the Local Plan and other Council strategies are linked and that community involvement events are coordinated where appropriate.

88. The Council will aim to make the best use of limited staff time and financial resources to prepare the Local Plan and involve people throughout the planning process. The aim is to work closely with those involved to understand and agree policies and proposals at an early stage so that fewer resources are needed at the examination stage. From previous experience of consulting on planning policy documents the use of time and effort at earlier stages can reduce the length of examination time.

89. The Council may use specialised agencies or consultants for specific parts of the Local Plan such as master planning. Where appropriate they will be expected to undertake participation and involvement on their proposals and results which will be consistent with this document.

90. The planning application process is overseen by the Council’s Development Management Team supported by officers from other Council departments who provide expertise, support and advice to Case Officers in the determination of planning applications. The Council work to make the best use of resources and hold regular Development Team meetings to discuss major planning applications.

Monitoring

91. The SCI remains an important local planning document and it will be monitored and reviewed to check that the methods and techniques being used are still the most appropriate. The success and effectiveness of the SCI will be reviewed through the Annual Monitoring Report (AMR) and a formal review/update of the SCI will be undertaken when necessary.
Appendix 1

Duty to Co-operate consultees

As required under the 2012 Planning Regulations (as amended by the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013):

- The Environment Agency
- The Historic Buildings and Monuments Commission for England (Historic England)
- Natural England
- The Civil Aviation Authority
- The Homes and Communities Agency
- Clinical Commissioning Groups (established under section 14D of the National Health Service Act 2006)
- The National Health Service Commissioning Board
- The Office of Rail Regulation
- Integrated Transport Authorities
- Highway Authority (Norfolk County Council)
- The Marine Management Organisation

Note that consultee specific to London are not included in this list
Appendix 2

Local Plan consultees

Specific consultation bodies
In the Planning Policy making process, the Council has to consult a number of organisations which are known as either ‘specific’ or ‘general’ consultees. Many of the consultees required under the Duty to Cooperate (see Appendix 1) are also included in the list of ‘specific’ consultees below. Please note, as the legislation and regulations are frequently updated, the lists of consultees below may change over time and must be checked against the requirements set out in any new regulations.

The recent planning regulations set out the specific consultation bodies. Along with relevant government departments, the list contains the following bodies:

- The Coal Authority
- The Environment Agency
- The Historic Buildings and Monuments Commission for England (Historic England)
- The Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- Highways England
- Norfolk County Council
- Broads Authority
- Adjacent local authorities
- Norfolk, Suffolk and Cambridgeshire Primary Care Trusts (or successor health care bodies)
- Norfolk Constabulary
- Norfolk Police and Crime Commissioner
- Relevant telecommunications companies
- Relevant electricity and gas companies
- Relevant water and sewerage undertakers
- The Homes and Communities agency
- Local Nature Partnership (Wild Anglia)
General consultation bodies
Through this Statement of Community Involvement the Council are committed to involving a wide range of other groups, organisations and interested individuals in the planning process. This will ensure that as many people as possible who are interested are involved in the future development of South Norfolk.

The list below provides some examples of general consultation bodies contacted by South Norfolk Council:

- Community groups (area and topic based)
- Town/Parish Councils in and adjoining South Norfolk
- Local Members of Parliament
- Housing Associations
- Housebuilders
- Business and Commerce Organisations
- Economic Development agencies
- Educational bodies and schools
- Community Safety bodies
- Environment, heritage and amenity organisations
- Equal opportunities bodies
- Ethnic minority groups
- Disabled people’s organisations
- Older People’s groups
- Faith groups
- Health and social care groups
- NHS Norfolk
- Norfolk and Waveney Mental Health Trust
- Doctors surgeries, health centres and hospitals
- Youth organisations
- Agents and developers
- Landowners
- Tourism bodies
- Transport bodies
- Sports and recreation organisations
- Health and Safety Executive
- Royal Mail
- Emergency Services
- Gypsy and Traveller organisations
- Design Review Panel
- Norfolk Historic Environment Service
- Local Enterprise Partnerships
- Utility and Service Providers
- Interested Individuals/Members of the public
Appendix 3

Consultation methods

Make consultation information and documents available on the Council’s website, in our Council Office receptions
Consultation information can take a variety of formats, both formal and informal. Language will be straightforward, avoiding jargon and clearly explaining any technical terms. Consultation material will be made available for public inspection on the Council’s website, through the Council’s offices and maybe sent to consultees directly where the Council considers this appropriate. The Council may produce summary leaflets to present the highlights of a consultation in a shortened, more easily digestible format. Responses to consultations are preferred electronically via the website or email but paper copies of responses will also be accepted.

Send out letters/emails to statutory/general consultees as well as residents and businesses on our consultation database (as appropriate)
The Town and Country Planning (Local Planning) (England) Regulations 2012 define two specific groups of consultation bodies for the purpose of plan making. These are specific consultation bodies and general consultation bodies as set out in Appendix 2. The Regulations also require the Council to involve local businesses and businesses in the area as considered appropriate.

Involve Local Councillors and Town/Parish Councils (as appropriate)
The Council’s elected Members and Town/Parish Councils will have an important role to play in distributing information to their communities and, in the case of elected Members through the Committee process, taking decisions about the content of Local Plan documents using the results of consultation. As with other decision taken through the democratic process the public will be able to make representations directly to their local member.

Lodge copies of consultation material at libraries in the district in paper and/or electronic form (as appropriate)
The Council recognises that not everyone has access to a computer at home on which to view consultation material so the Council will make consultation material available at libraries within South Norfolk in paper and/or electronic form.

Engage local print and broadcast media (as appropriate)
Press releases publicising the overall process(es), individual publications and events, important/controversial topics, feeding back results etc and formal press notices when required.

Publish articles in the Council’s Link magazine/ Parish Magazines (as appropriate)
The Link magazine is the Council’s twice yearly newsletter delivered to every house, to include regular updates including timetables of events, progress on particular topics and feedback of results. The Council have also used Parish magazines to publish the Local Plan in the past but use of both of these sources depends upon being able to fit with publication deadlines.
Produce posters/notices for Town/Parish Council noticeboards and other methods of advertising (as appropriate)
At appropriate stages in the consultation process the Council may produce posters/notices for Town and Parish Council to put on their noticeboards to advertise Local Plan consultations, exhibitions etc. Other forms of advertising could be used to target particular groups or areas. As well as local newspapers and parish magazines locations/methods could include radio advertising or adverts on beer mats (targeting the 18-35 age group), bus stops/tickets on particular route and hoardings close to particular sites/locations.

Hold exhibitions/meetings (as appropriate)
These provide an opportunity for Council officers to present information about the Local Plan with opportunities for attendees to ask questions, provide verbal or written feedback on questionnaires, forms, discussion boards etc. The choice of times and venues will influence the types and number of people who attend and the Council will endeavour to hold exhibitions/meetings in venues with good accessibility for everybody and at times when people will be able to attend e.g. evenings and weekends. Specific meetings could be used to address particular groups and topics.

Facilitate Focus groups/workshops (as appropriate)
These involve trained facilitators (external or from within the Council staff) gathering information, assisting discussion/debate and providing the opportunity to give feedback within a structured session; particularly useful in trying to engage hard to reach groups or for discussing specific topics.

Consult with Neighbourhood Planning bodies and take account of Parish Plans (as appropriate)
Where these exist they will provide a valuable source of information on the local community’s views on a range of planning related issues.

Make use of social media (as appropriate)
The way that the Council utilises the internet and social media is rapidly evolving. The Council is steadily expanding the use of web based technology to enable direct access to its services across a range of devices and to allow people to interact directly with the Council online to make payments, submit comments, report problems etc. The Council will endeavour to extend the use of social media such as Facebook and Twitter to publicise Local Plan consultations with the aim of engaging with ‘hard to reach’ groups such as young people.
Breckland Local Plan Preferred Directions consultation response

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

CONTACT
Adam Nicholls, 01508 533809
anicholls@s-norfolk.gov.uk
1. Introduction

1.1. Consultation on the Breckland Local Plan Preferred Directions was undertaken from December 2015 – February 2016 (see http://www.breckland.gov.uk/local-plan-consultation). This followed on from the Issues and Options consultation in late 2014/early 2015.

1.2. The document details where growth is intended to be focused in Breckland to 2036 (mainly along the A11 and A47 corridors), and sets out some preferred policy directions for a number of topics.

1.3. The Greater Norwich councils prepared a combined officer-level response, which was submitted by the deadline of 22 February (see Appendix 1). Breckland District Council has indicated that it will accept a formal consultation response after the closing period, so that Cabinet can formally consider/agree the GNGB response.

1.4. Whilst the GNGB does not have any significant concerns about the document, it is felt that there should be much clearer references and emphasis on the important of the whole A11 corridor (Norwich-Cambridge), and the continued work being done through the A11 Growth Corridor Feasibility Study (jointly by South Norfolk, Breckland and Forest Heath districts) to drive jobs and investment. Green infrastructure also needs a greater emphasis in the Local Plan, given the importance of Breckland in regional GI terms (Thetford Forest, the Brecks etc). A greater focus on indoor sports would also be welcomed – there is potential for greater pressure to be brought to bear on Wymondham’s sports hall, due to a lack of facilities in Attleborough.

1.5. Cabinet is therefore recommended to:

i) Agree the combined Greater Norwich response to the Breckland Local Plan Preferred Directions consultation;

ii) If not agreed, delegate authority to the Director of Growth, in consultation with the Cabinet Member for External Affairs, to agree any changes to the Greater Norwich response, and submit formally as a South Norfolk Council response to Breckland Council.

2. Background

2.1. Breckland District Council has been preparing their new Local Plan for several years. Consultation on the Issues & Options version of
the document ran from November 2014 to January 2015, and Cabinet agreed the South Norfolk Council response in January 2015 (see http://www.south-norfolk.gov.uk/CARMS/meetings/cab2015-01-26-reports.pdf). The main points raised in that response were to raise the importance of the A11 corridor (and better note its strategic significance), the need to work with Norfolk CC and other councils on secondary school education matters, and to take a co-ordinated approach to housing land supply (through the findings of the Central Norfolk Strategic Housing Market Assessment).

2.2. The next stage of the Local Plan, the Preferred Directions, has now been reached, and consultation comments were invited. Key information awaited for the Preferred Directions to be finalised was the Central Norfolk Strategic Housing Market Assessment, which was completed at the end of 2015.

2.3. South Norfolk Council has been working with Breckland District Council (and other Norfolk councils) through the Member Duty to Co-operate Group and in the ongoing preparation of the Norfolk Strategic Framework, to deal appropriately with strategic planning issues.

3. Current Position

3.1. In the interests of co-operation and joint working, the Greater Norwich authorities prepared and submitted a combined officer-level response to the consultation document (see Appendix 1). This response encompasses all the specific points made by South Norfolk Council officers, and so it is not felt that any further points need to be made.

3.2. It is slightly disappointing that SNC raised the issue of the importance of the A11 Growth Corridor in that response, and despite suggesting that the wider importance should be recognised in the Local Plan, this has not adequately occurred. Given the recent good progress on the A11 Growth Corridor project, which is being worked on jointly by South Norfolk, Breckland and Forest Heath councils, Breckland should now take the opportunity to add details, particularly in relation to key potential employment sites in Snetterton and Thetford. The wider importance of the whole A11 corridor (Norwich-Cambridge) should also be made clearer, including improvements to the Norwich-Cambridge train service.

3.3. Another comment raised in the GNGB response is the relative lack of detail about green infrastructure improvements. This is slightly surprising, given that Breckland is a vitally important part of the regional green infrastructure network, with Thetford Forest and the Brecks covering large areas and being important tourist hot-spots.

3.4. Future secondary education capacity in the A11 corridor has been identified as a significant issue for several years now, with members recalling the lengthy discussions on the matter during the preparation and examination of the South Norfolk Local Plan, particularly in
relates to Wymondham. The impact of 4,000 additional homes in Attleborough could put further pressure on schooling in Wymondham, and at present there appears to be a lack of clarity as to how extra secondary education capacity will be delivered in Attleborough. This is an important cross-boundary issue which needs to be addressed adequately.

3.5. On the matter of indoor recreation, there appears to be little mention of indoor sports facilities. Growth in Attleborough and some of the other Breckland Local Service Centres could therefore add to pressure on Wymondham’s sports facilities. Further work should be undertaken by Breckland District Council to inform this matter, which (as with secondary education), has the potential to be a significant cross-boundary issue.

3.6. One further comment made is the need for explicit references to the Norfolk Strategic Framework exercise of co-operation. There is a small chance that Breckland’s housing numbers may need to take account of any inability to fully address housing need elsewhere in Norfolk. Further evidence of the justification of the scale and distribution of growth across Breckland is also asked for.

4. Proposals

4.1. For the reasons given above in Chapter 3, representations covering the above points were made by the Greater Norwich councils (at an officer level) by the deadline of 22 February (see Appendix 1). However, Breckland District Council is content to receive an official South Norfolk Council Cabinet response after the deadline, should Cabinet wish to make a slightly different response.

5. Risks and Implications arising

5.1. The main risks are highlighted in the report above, and relate principally to failure to maximise the economic benefits of ongoing the A11 Growth Corridor work and potential impacts on Wymondham (in particular) for secondary school capacity and indoor sports.

5.2. There will be no direct impact on the environment or crime and disorder in South Norfolk, nor any negative impact on disadvantaged groups, although Breckland District Council will need to prepare its own Equalities Impact Assessment to accompany the Local Plan.
5.3. There are no direct financial implications for South Norfolk Council.

6. Other Options (if necessary)

6.1. Cabinet could choose to modify the Greater Norwich response and send this altered response as a South Norfolk response, but officers are satisfied that the Greater Norwich response has covered all the main points of relevance to South Norfolk.

7. Recommendation

7.1. Cabinet is therefore recommended to:

i) Agree the combined Greater Norwich response to the Breckland Local Plan Preferred Directions consultation;

ii) If not agreed, delegate authority to the Director of Growth, in consultation with the Cabinet Member for External Affairs, to agree any changes to the Greater Norwich response, and submit formally as a South Norfolk Council response to Breckland Council.

Appendix 1 – Greater Norwich councils response to Breckland Local Plan Preferred Directions consultation
Greater Norwich response to Breckland Local Plan Preferred Directions
Consultation, February 2016

This officer level response is on behalf of Broadland, Norwich and South Norfolk districts, who are working together as the Greater Norwich Growth Board (GNGB), with support from Norfolk County Council and the Broads Authority. The three districts adopted their Joint Core Strategy (JCS) in 2011, with amendments adopted in 2014. The JCS runs from 2008 to 2026.

It should be noted that Norfolk County Council will be sending a separate response.

As well as the JCS, all three districts have also recently progressed their own more detailed local plan documents covering site allocations and development management policies.

We are currently in the earliest stages of producing a new joint Greater Norwich Local Plan to run to 2036, which will contain both strategic policies and the site allocations to implement that strategy.

In addition, we are working with other Norfolk Local Planning Authorities (LPAs), including Breckland, to produce the Norfolk Strategic Framework to address cross boundary strategic planning matters in order to meet Duty to Cooperate requirements for local plan making.

The following comments on the Breckland Local Plan’s Preferred Directions Consultation primarily relate to these strategic matters rather than directly responding to specific questions in the consultation.

Comments:

1) Duty to Cooperate
   As set out above, we are committed, with Breckland District Council and other Norfolk LPAs, to producing a Norfolk Strategic Framework (NSF) to address strategic issues as required by the Duty to Cooperate. The Duty to Cooperate section of the Breckland Local Plan consultation document refers to the Central Norfolk Strategic Housing Market Assessment (SHMA), which has been produced to identify the Objectively Assessed Need (OAN) for housing in Greater Norwich, Breckland and North Norfolk. It also refers to Breckland’s membership of the Norfolk wide Duty to Co-operate Forum. This section should also contain reference to the Norfolk Strategic Framework itself which will be produced through the forum and its role in addressing Duty to Cooperate requirements.

2) The Vision and the A11 Corridor
   The authorities welcome references to the strategic role of Norwich, to working in partnership with neighbouring authorities and to the A47 and A11 corridors in the Strategic Vision and elsewhere in the document. We note the decision that Breckland has taken to focus growth on both the A47 and A11 corridors, as well as looking at other sustainable employment opportunities in the wider rural economy. However, particularly in the light of the recent
findings of the A11 Growth Corridor Feasibility Study, our view is that greater emphasis should be made of the strategic potential for A11 technology corridor. This corridor links the Norwich area, including the technology hub at the Norwich Research Park, to Cambridge and has the potential to be the primary catalyst for growth in Breckland. Appropriate amendments should be made to the vision and elsewhere in the local plan to reflect the detailed recommendations of the study in relation to potential employment uses at the Thetford Urban Extension, Thetford Enterprise Park and Snetterton Heath to help secure substantial economic growth within the whole A11 Norwich to Cambridge corridor. There should also be mention of the importance of improvements to the Norwich to Cambridge railway line, which passes through Breckland, in securing economic growth and prosperity.

3) **Health and Education**
The GNGB welcomes the references made to promoting healthy lifestyles and ensuring adequate health infrastructure is provided to support growth in the vision, objectives and text of the plan. We also welcome the requirement for Health Impact Assessments for larger developments in policy PD10 on Healthy Lifestyles. We would welcome further clarification of how the need for new health care infrastructure to support growth will be assessed and delivered. This would be best done in coordination with Greater Norwich and other neighbours to ensure strategic growth needs are met.

Similarly, we would welcome clarification of how capacity issues relating to secondary schools, particularly in the A11 corridor but also further afield, will be addressed particularly in the context of the 4,000 houses planned for Attleborough. The plan needs to recognise that there are significant pressures on secondary provision in the adjacent market town of Wymondham and as such any growth in Local Service Centres (LSCs) within or close to the Wymondham High catchment will need careful scrutiny.

4) **Amount, distribution and delivery of growth**
In relation to consultation question 2, the G Ngb authorities support the use of the findings of the Central Norfolk SHMA to set housing figures for the Breckland Local Plan. We also support Breckland’s preferred policy direction to accommodate its full objectively assessed need within the district. However, it should be noted that work on the Norfolk Strategic Framework, which will take account both of objectively assessed need for each Norfolk district and the capacity to meet that need within individual districts, will not be complete until summer 2017. There is therefore a small possibility that housing numbers in Breckland might have to take account of any inability to fully address need elsewhere.

The authorities would like to understand the evidence and justification for the distribution of growth particularly in relation to the implications of improvements to the A47, and the relationship between the distribution of growth, commuting (including by sustainable means) and support for economic growth.
We would also appreciate clarification within the plan of the role of both housing completions and commitments to Breckland’s housing trajectory.

5) **Green Infrastructure**
Breckland has significant regional scale environmental assets, as illustrated by the fact that it formed the hub of the green infrastructure network provided by the former regional spatial strategy. We would therefore welcome a greater focus on green infrastructure in the Breckland Local Plan. Given the fundamental importance of connectivity, it is particularly important that a green infrastructure network is established in the plan that is evidence based and coordinates with that for Greater Norwich set out in the Joint Core Strategy.

6) **Recreation**
A greater focus on indoor sports provision would also be welcomed. The plan refers to an audit of all open space provision identifying deficiencies which are proposed to be addressed through the plan but we have not found mention of the provision of indoor sports facilities. We are aware of local concerns regarding the capacity of facilities in nearby Wymondham that may be worsened by increased growth not only in Wymondham itself, but also in Attleborough and some of the LSCs. It is therefore important that the need for and supply of indoor sports facilities is addressed in the Breckland Local Plan, working with South Norfolk to discuss the potential impact of cross boundary use of existing facilities.
Cabinet
21 March 2016

Agenda Item No: ______ 7 ________

Control of advertisements in South Norfolk

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

CONTACT
Adam Nicholls
anicholls@s-norfolk.gov.uk
1. Introduction

1.1 At the Cabinet meeting on 15 February 2016, Cabinet asked for a report on the control of advertisements in South Norfolk, and in particular whether a review of the Council’s Guidance Note for signs in the open countryside in connection with businesses is necessary.

1.2 A new policy on Advertisements and Signs (Policy DM 3.9) is in the Development Management Policies Document, which was adopted in October 2015. In addition, the Council has a published Guidance Note *Advertisements and business signs in the open countryside – guidance notes for potential applicants* (Appendix 1).

1.3 The Council has long had a designated Area of Special Control of Advertisements (ASCA) in the district, which covers all areas outside some town centres.

1.4 If advertisements are on land owned/controlled by the Highway Authority (Norfolk County Council), or Highways England, then it is for this body to enforce any breaches of advertisement control that may exist. It may be worth considering whether the County Council would devolve its enforcement powers on highway land to South Norfolk Council to enable the Council to have more direct control on dealing with unauthorised roadside advertisements.

1.5 The conclusion is that an update of the Council’s guidance note, to reflect some of the changes caused by the adoption of Policy DM3.9 and the National Planning Policy Framework and Planning Practice Guidance, would be appropriate, and also that the Director of Growth and Localism be asked to examine the scope for enforcement powers on highway land to be devolved from the County Council.

1.6 Cabinet is therefore recommended to:

i) Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to review and update the current South Norfolk guidance note *Advertisements and business signs in the open countryside – guidance notes for potential applications* (see Appendix 1); and
ii) Delegate authority to the Director of Growth and Localism to examine the scope for enforcement powers on highway land to be devolved from Norfolk County Council to South Norfolk Council.

2. Background

2.1 The control of advertisements is subject to a separate consent process within the planning system (the Town and Country Planning (Control of Advertisements) (England) Regulations 2007). In essence, nine classes of advertisements do not require “express consent” from a planning authority, subject to certain criteria and conditions (i.e. they have permitted development rights). A further 17 classes have additional restrictions, but subject to these, they also benefit from permitted development rights. One of the standard conditions for an advertisement is that the permission of the site owner/occupier must have been obtained to display an advertisement on that land.

2.2 All other advertisements require express consent from the Council, as do any advertisements in the first two groups that do not (or cannot) comply with the specific limitations and conditions set out in the Regulations. The Planning Practice Guidance (http://planningguidance.communities.gov.uk/blog/guidance/advertisements/) makes clear that it is criminal offence to display an advertisement without consent.

2.3 The two main factors that a planning authority must take into account when considering an advertisement application are amenity and public safety. Amenity considerations are normally taken to mean the effect on visual and aural amenity on the immediate neighbourhood of the advertisement, and can include elements like the impact on scenic, historic or cultural features. Public safety particularly covers road safety (obstructing sight-lines at a junction, distracting road users, leaving insufficient clearance space for vehicles to pass safely etc), but also covers pedestrian safety and water and air safety (boats, aeroplanes etc).

2.4 Local Planning Authorities (LPAs) can also place additional restrictions on the display of advertisements. One of the methods that can be used is the designation of an Area of Special Control of Advertisements (ASCA). In any ASCAs, additional restrictions can be imposed on the display of advertisements; in effect, applications need to be made for smaller signs than would be the case outside an ASCA. An ASCA covers almost all of South Norfolk district, with only parts of nine urban areas excluded.
2.5 Advertisements on vehicles or trailers parked in fields, on verges or in lay-bys require express consent, as do other advertisement hoardings. Where unauthorised advertisements are within highway land, the highway authority (Norfolk County Council or Highways England) has powers of enforcement to remove them; otherwise it is for South Norfolk Council to enforce.

2.6 LPAs have powers under sections 224 and 225 of the Town and Country Planning Act 1990 to control unauthorised advertisements. A “removal notice” must be served on the offender, giving at least 22 days’ notice to comply. The Council’s normal procedure is to ask the advertiser and/or landowner to remove the unauthorised advertisement, and if they wish to re-display the advertisement, to apply and obtain the relevant consent.

2.7 Development Management Policies Document policy DM3.9 and its supporting text (see Appendix 2) covers Advertisements and Signs. It sets out the factors that will be taken into account when assessing applications for on-site advertisements and signs (including materials, colours, level of illumination, cumulative impacts etc), and when “directional” signs (i.e. to businesses away from the location of the sign) may be given favourable consideration (where such businesses may be difficult for visitors to find by reference to “brown” tourism signs and/or where businesses dependent on passing trade are by-passed by through traffic routes). The policy also makes clear that advertisements and signs (including illuminated advertisements and signs) detrimental to highway safety or amenity will not be permitted.

2.8 In addition, in 2010 the Council published a guidance note Advertisements and business signs in the open countryside – guidance notes for potential applicants (see Appendix 1). The Note is not formal adopted policy and so is not part of the development plan, but does give helpful guidance about advertisements and signage, including for tourism and non-tourism related businesses. It does, however, relate to the now-former Local Plan policy IMP23 on Control of Advertisements in the Countryside.

3. Current Position

3.1 Since 1 January 2011, there have been 146 advertisement “enforcement” cases in South Norfolk, including on-site signs, advanced directional signs (e.g. to a specific shop or business) and non-site specific signs (e.g. to a business’s website). Of these, 141 have been resolved, either by the removal of the unauthorised advertisements, or through the grant of consent. There are five current cases, one in Bixley, two in Diss, one in Swardeston and one on the A47 southern bypass in Caistor St Edmunds.
3.2 Due to the adoption of the Development Management Policies Document (and the replacement of the old Local Plan policy IMP23 on advertisements with policy DM 3.9 in the Development Management Policies Document), and the fact that the Council’s current Guidance Note on advertisements and business signs in the open countryside was published before the National Planning Policy Framework and associated Planning Practice Guidance were published in 2012, the Guidance Note would benefit from being reviewed and updated.

3.3 Whilst the County Council (as Highway Authority) has enforcement powers for land within the public highway (as described above), it may be worth exploring whether the County Council would be prepared to consider devolving enforcement powers on highways land to South Norfolk Council. This may reduce uncertainty about which body should be enforcing against unauthorised signs which are close to (and maybe partly inside) the highway, and could enable South Norfolk Council to take rapid enforcement action against such signs. (Advice relating to issues of highway safety might still require consultation with the Highway Authority.)

4. Proposals

4.1 It is recommended that the Council’s current guidance note *Advertisements and business signs in the open countryside* be reviewed and updated.

4.2 It is also recommended that the Director of Growth and Localism be tasked to examine the scope for enforcement powers on highway land to be devolved from the County Council to South Norfolk Council.

5. Risks and implications arising

5.1 As a new piece of work, the review exercise of the current guidance note has not been included within current budgets. However, it is considered that the initial work would not be particularly onerous or lengthy to undertake. Investigating the scope for the devolution of highway land advertisement enforcement powers is also not thought to be particularly complicated, although it might be that further work could flow from the initial findings which could have cost implications.
5.2 The two proposals would have very limited environmental effects, as neither would be expected to change the environmental situation significantly.

5.3 There would not be any impact on crime and disorder. Unauthorised advertisements will remain a criminal offence, and the Council will continue to enforce against such advertisements.

5.4 The proposals will have no impact on disadvantaged groups.

6. Other options

6.1 Cabinet could choose not to update the current Guidance Note on advertisements and business signs in the open countryside, but as detailed above, it is outdated and considered to be in need of review.

6.2 Cabinet could choose not to ask the Director to investigate the potential for devolving highway land advertisement enforcement powers to South Norfolk Council, but this work would be limited in scope and would be unlikely to have any negative effects.

7. Recommendation

7.1 Cabinet is recommended to:

i) Delegate authority to the Director of Growth and Localism, in consultation with the Cabinet Members for External Affairs and Regulation & Public Safety, to review and update the current South Norfolk guidance note *Advertisements and business signs in the open countryside – guidance notes for potential applications* (see Appendix 1); and

ii) Delegate authority to the Director of Growth and Localism to examine the scope for enforcement powers on highway land to be devolved from Norfolk County Council to South Norfolk Council.
Advertisements and business signs in the open countryside – guidance notes for potential applicants

December 2010
ADVERTISEMENTS IN THE OPEN COUNTRYSIDE

INTRODUCTION

The Council has always been concerned about the detrimental impact of the uncontrolled erection of advertisements and signs on the character and appearance of the district. As a result of this concern, Local Plan policy IMP23 (Control of Advertisements in the Open Countryside) was drafted to restrict advertisements in the open countryside to that which is reasonably necessary and appropriate in its context. The majority of the district is also within an Area of Special Advertisement Control, which further enables the Council to refuse to allow unnecessary and inappropriate advertisements.

Not unnaturally however and particularly in times of economic recession, businesses in the countryside, especially those geared to the tourist or passing trade, may wish to make their presence known by signing. It is also accepted that in many cases some signing is necessary if the visitors are even to find these facilities. Such signing therefore serves a valuable dual function. However, excessive and inappropriate signing can be visually harmful, and in some cases, be a traffic hazard. It is important, therefore, to strike the right balance.

The purpose of this document is to provide advice and guidance as to what signage the Council considers to ‘reasonably necessary’, and what is considered to be appropriate in visual terms within the rural setting. (NOTE: This guidance does not represent formal adopted policy – it is intended as a guidance note for officers and members of South Norfolk Council, and local businesses.)

POLICY CONTEXT

Policy IMP23 (Control of Advertisements in the Open Countryside) of the South Norfolk Local Plan 2003 allows for the approval of signs provided that they are required in the interests of public safety, or required in order for the identification of the building or use of the land on which they are displayed, and any trade or business carrying on there from. Exceptionally, this policy allows for temporary poster adverts for rural events, and specially designed signposts for isolated country businesses.

These signs broadly fall within 2 categories – signs within the curtilage of the premises to which they relate, and signs outside the curtilage of the premises, these usually being directional signs.

Generally speaking, there appears to be few issues with signs on business premises, as they are normally controlled by way of the submission of a planning application, or in some cases, through confirmation that the proposed sign does not require formal planning permission as it is considered to be permitted development under the Town & Country Planning (Control of Advertisement) Regulations 1992. Directional signs located on private land not within the premises to which they relate will always require advertisement consent.
GUIDANCE & PROCEDURE

TOURIST RELATED FACILITIES

The majority of these facilities should be able to apply to Norfolk County Council for a formal brown directional sign. Where businesses have brown signs erected, there should be no need to erect additional directional signs outside of the premises, however, applications for additional directional signs can be assessed on their individual merit. (Note: ‘Tourist Related Facilities’ can include restaurants, pubs etc., but not Farm Shops or commercial business premises.) Where appropriate and necessary, businesses are encouraged to apply to the District Council for the erection of directional signs.

NON-TOURIST RELATED FACILITIES (I.E. BUSINESS DIRECTIONAL SIGNS)

Where a sign is considered reasonably necessary, the Council is keen to guide businesses towards erecting signs appropriate for their setting. However, it is important that directional advertisement signs do not conflict with or in any way mimic standard traffic signs (erected by the County Council as Local Highway Authority), and that they are not located on highway land. Outlined below are examples of what is considered to be appropriate in terms of location and design.

PREMISES ON CLASS ‘A’ ROADS

Generally, premises are readily seen and can be identified by signs within the curtilage. Advance directional signs should not therefore normally be required. However, exceptionally, where an access is considered hazardous in location terms, advance directional signs may be appropriate. Where this is the case, they should normally not exceed 1.5 square metres in area, should be of horizontal proportions, and have a maximum height (to the top of the sign) of 2.5 metres.

Background colours such as beige, creams and greens are likely to be more appropriate in a rural setting. Lettering is often most clearest in white, brown or black. Signs can be made of metal or plastic, but must NOT have a reflective surface. The mounting posts should be metal with a painted or plastic coated finish, and should ideally have a diameter of between 80 – 120mm. Text on the sign should be limited to just the business name, and (in the case of advance signs), basic directional information.

NOTE: All signs will have to also comply with NCC: Highways policy G3.11 which states that 'signs or advertisements shall not conflict with highway signs, visibility sight lines, or be positioned and / or configured so as to be an unacceptable distraction to road users.'
PREMISES ON OTHER ROADS

Discrete advance signing away from main roads indicating the presence of a business some distance away may receive consent if in the opinion of the Local Planning Authority that business justifies such signing (e.g. heavily dependant on passing trade). Normally a single sign in advance of a junction will be permissible, but where a business is particularly tortuously located, further (smaller) repeater signs may be acceptable. Generally, the premises should be located outside a village and be no more than 4 miles from the first or only sign. Advance signs should be no larger than 1 square metre in area, with repeater signs no larger than 0.2 square metres in area. Maximum height to the top of the sign should be 2.5 metres. Sign content should be minimal, with name, service, direction / distance displayed. (See figure 2 below.)

SIGN SHARING – to avoid a proliferation of inappropriate signs in one particular location, consideration will be given to several businesses sharing a larger sign. Further advice can be obtained from planning officers.

NOTE: Again, all signs will have to also comply with NCC: Highways policy G3.11 which states that ‘signs or advertisements shall not conflict with highway signs, visibility sight lines, or be positioned and / or configured so as to be an unacceptable distraction to road users.’

REPEATER SIGNS

Example repeater sign

Example sign at entrance to premises

Figure 2
**NOTE:** - Sign material can be metal or plastic, but should NOT have a reflective surface.

**Figure 3**

Example of a sign that could be placed in advance of a road junction.

---

**Procedure for Applying for a Business Sign**

Consider submitting initial proposals to South Norfolk Council for pre-application comments. Planning@s-norfolk.gov.uk

Submit application for advertisement consent to South Norfolk Council. Application fee currently £95.

Application normally determined within 8 weeks.

Decision notice issued.

If approved, sign can be erected by the applicant immediately. Permission lasts for 5 years.
EXAMPLE LOCATION OF SIGNS

Repeater sign – symbol with distance to premises

Sign in advance of a junction – distance to premises

PREMISES
### 3.9 Advertisements and Signs

**Reasoned Justification**

3.61 Poorly placed advertisements and signs can have an adverse impact on the appearance of the built and natural environment; the adverse impact may be caused by an individual sign or an accumulation of many individually less significant signs.

3.62 While the importance of directional signage to businesses and the rural economy generally is recognised, signage (including the use of illuminated signs during hours of darkness) can have an adverse impact on the amenity and rural character of South Norfolk generally and to the open countryside setting of the towns and villages in particular. Signs placed at the urban / rural transition on routes near to settlements and attractions need to be carefully managed, as do signs and advertisements on the main routes through the district.

3.63 The Council has a long established area of special advertisement control to provide additional control and protection in the open countryside area; this extends the circumstances in which advertisement consent is required.

3.64 The Council has published guidance to assist businesses and others seeking to place advertisements and signs in the open countryside. Consistent with the National Planning Policy Framework, the Council’s control will only be exercised in the interest of amenity and public safety.

3.65 Further guidance and advice has also been prepared for shop signs, advertising and illumination in historic town centres and on historic buildings, to ensure that proposed signs are appropriate and protect and enhance the historic character of these important heritage assets.

<table>
<thead>
<tr>
<th>Policy DM 3.9 Advertisements and signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Where Consent is required, advertisements and signs will only be permitted if they are well designed and sympathetic to the character and appearance of their location and the building, having regard to their size, materials, construction, location, level of illumination and cumulative impact with other signs in the vicinity. Advertisements and signs will not be permitted where they would be detrimental to highway safety or to the amenities of the area.</td>
</tr>
</tbody>
</table>
Advertisements and signs located off the site of the facility being advertised will be permitted where necessary to give directional information to an enterprise or service which is difficult for visitors to find by reference to conventional highway signs (including brown tourism signs). Favourable consideration may be given for suitably designed off-site directional signs where they refer to businesses dependant on passing trade and which are by-passed by through traffic routes.

Illuminated advertisements and signs will not be permitted where safety and amenity of the surrounding area is adversely affected.

Notes

- The National Planning Policy Framework (paragraphs 67 & 88) address signage and advertising.
- Joint Core Strategy Objective 9 seeks to protect rural character and environment and Policy 2 specifically requires the landscape setting of settlements and the urban/rural transition be carefully managed.
- The areas subject to the area of special advertisement control (County of Norfolk, Area of Special Control, Order 1961) is shown on the Policies Map.
- The Council will apply the advice contained in the published supplementary guidance notes in: “Advertisements and business signs in the open countryside – guidance notes for potential applicants”
- More guidance on advertisements and signs in the historic environment is available in:
  - The South Norfolk Place-Making Guide SPD
  - South Norfolk Development in the Historic Environment SPD (to be prepared)
  - Conservation Area character appraisals and management plans http://www.south-norfolk.gov.uk/planning/251.asp
Cabinet
21st March 2016

Agenda Item No: 8

Broadband Provision – Forward Plan

Report of the Head of Growth and Economic Development
Cabinet Member: Cllr John Fuller

CONTACT
Julian Munson 01508 533763
jmunson@s-norfolk.gov.uk
1. Introduction

1.1 The purpose of the report is to provide an update to Cabinet on broadband provision in South Norfolk. The report also presents a proposed forward plan of activity to ensure that we maximise coverage of high speed broadband provision across the District via the Better Broadband for Norfolk programme and other alternative solutions. It is recommended that Cabinet agree the options presented within the report.

1.2 This report seeks to:
1.2.1 Provide Cabinet with further information on the Better Broadband for Norfolk Programme;
1.2.2 Present options for consideration to extend high speed broadband coverage further using alternative solutions for those harder to reach rural areas

2. Background

2.1 This report provides a further update on the South Norfolk Council Cabinet report presented 15th February 2016.

2.2 The Government has expressed an ambition to have the best superfast broadband network in Europe, and to use digital infrastructure as a source of economic growth. This considers the deployment and use of both fixed and mobile broadband infrastructure.

2.3 The Government has a Universal Service Commitment that aims for universal availability of fixed broadband speeds of 2 Mbps, with at least 95% of premises having ‘superfast’ speeds of 24-30 Mbps by 2017.

2.4 Broadband Delivery UK (BDUK) is established by Government to manage funding and delivery model to stimulate private sector deployment of broadband.
2.5 The Better Broadband for Norfolk (BBfN) Programme is working to extend broadband coverage across Norfolk, beyond the reach of commercially funded deployments. This is being achieved under the provisions of the national Broadband Delivery UK (BDUK) Broadband Delivery Framework contract.

2.6 The Programme has been based on achieving the maximum coverage possible for the available investment. The first contract has included installing over 1,750 kms of fibre optic cable across Norfolk, and approximately 700 fibre cabinets, over one hundred in new locations where cabinets have not previously existed.

2.7 In the South Norfolk District, this has seen coverage of ‘superfast’ broadband availability increase from 14% to 75% (covering 44,380 households).

2.8 The second contract, known as the Superfast Extension Programme (SEP) aims to meet the Government’s target of 95% or premises with access to Superfast speeds. The first part of the SEP included £12 million applied across Norfolk to achieve the maximum coverage possible. This funding is drawn from BDUK (£6 million), New Anglia LEP (£5 million) and Norfolk County Council (£1 million).

2.9 For SEP (part 1), South Norfolk has Superfast broadband coverage increasing further to 86%. The challenge is that South Norfolk has a high proportion of isolated and disjointed rural parishes and very small hamlets and thus reaching these homes is more problematic due to both financial viability and physical restrictions.

2.10 South Norfolk Council has agreed to release an additional £570,000 of funding towards the SEP part 2. With further Government funding (and ‘claw-back’ funding from the first round due to higher level of take-up), the actual funding for SEP part 2 equates to £2.50 for each £1 of District Council investment representing good value for money.

2.11 The SEP part 2 effectively enables South Norfolk District to increase its coverage further to approximately 93% by 2018-19. Note that this is beyond the initially quoted 91% coverage as underspend from the previous round will enable extended coverage in the forward plan.

2.12 The Government’s satellite voucher scheme (recently launched) has been made available for those homes that have less than 2Mbps and not confirmed part of the Superfast roll out. South Norfolk Council is promoting this new scheme to its residents.
3. Current Position/Findings

3.1  South Norfolk Council is committed to enhancing the broadband provision across the District and strategically aligns with the new Corporate Plan and Economic Growth Strategy.

3.2  Whilst it is positive that 75% have already been connected and approximately 18% will be connected by 2019, there remains approximately 7% (or up to 5000 homes) that remain outside the current planned Superfast Broadband roll out. These homes are principally in rural areas where access to services is already limited.

3.3  Even for the homes in the 18% within SEP2, some will have to wait until 2019 and more accelerated intermediate delivery may be justified in certain cases where employment or job opportunities are needed.

3.4  The Council is committed to investigating the use of alternative technologies and informal arrangements between business, communities and residents to close the gap. This approach is detailed in the Broadband paper *Connecting South Norfolk – Building the Foundations for a Digital World*.

3.5  In order to extend the provision of superfast broadband within South Norfolk to beyond the planned level of 93%, alternative solutions will need to be considered and deployed. The main options are:

- Extended Fibre and Upgrading of Cabinets (in areas deemed strategically important where for example a number of businesses could benefit)
- Wireless or WiFi Solutions which would involve the installation of transmitter masts to deliver point to point broadband service to households and businesses (line of sight is required) or public WiFi ‘hotspots’

3.6  There are a range of issues to consider including procurement and state aid as well as options for co-financing and these are outlined in the main report.
4. Proposals

4.1 Based on the options referenced above and detailed in the supplementary broadband paper, it is proposed that South Norfolk Council progresses the development of a dedicated programme targeted at those priority areas not covered by the current and future roll out of Superfast Broadband (Better Broadband for Norfolk).

4.2 This programme will be primarily based on the deployment of wireless based technologies and could involve the installation of transmitter masts and public WiFi ‘hotspots’. A dedicated part time Project Manager will work with the Head of Growth and Economic Development to agree the programme detail and monitor the subsequent delivery and progress throughout the 2016-17 financial year.

4.3 A more detailed proposal will be developed with costings and the Council will seek to engage with local communities, parish councils and local businesses in those priority areas to identify local needs and to help stimulate demand and support a case for investment in alternative solutions.

4.4 The Council will also ensure that any additional broadband services are made available at a fair price to local residents with cost evaluation and tracking built into the overall process and with certain parameters set as part of any agreement with third party broadband service providers.

4.5 This approach will enable South Norfolk to exceed the 95% target for high speed broadband and will enable rural based communities and businesses to access and benefit from an enhanced broadband provision.

4.6 South Norfolk Council would be interested in working collaboratively with other neighbouring District Councils as part of a wider procurement exercise and would invite other Councils to join and be part of South Norfolk’s proposed forward plan.
5. Risks and implications arising

5.1 The risks and implications as a result of the proposals are highlighted as follows:

- In order to take coverage of high speed broadband to the remaining 7% of households (not part of the Superfast roll-out), additional investment by the Council will be required. An element of ‘co-investment’ via a partnership approach with local communities and businesses could help leverage additional funding and lower risk to the Council.
- To subcontract to a third party organisation to install and deliver additional broadband services via wireless masts, State Aid/procurement limits the level of direct investment to 200,000 euros (approx. £150,000) per business.
- The alternative solutions such as wireless broadband would be directly targeted at those areas in need and at the most disadvantaged as not covered by the Better Broadband for Norfolk programme.
- The proposed approach is unlikely to impact on the environment although installation of transmitter masts may have some negative visual impact and will be subject to planning policy and due process and consultation.
- There are no impacts on crime and disorder.

6. Other options

6.1 As a more detailed proposal is developed, other options will be considered in terms of the co-financing and partnership approach (subject to procurement and state aid).

7. Recommendation

7.1 Cabinet agree for officers to progress the development of a detailed project proposal, with financials, for a new programme to enable high speed broadband services (based on wireless technologies) to be made available to those rural areas identified as not part of the current and future Better Broadband for Norfolk programme.
Connecting South Norfolk – Building the Foundations for a Digital World

Background

The Government has expressed an ambition to have the best superfast broadband network in Europe, and to use digital infrastructure as a source of economic growth. This considers the deployment and use of both fixed and mobile broadband infrastructure.

The Government has a Universal Service Commitment that aims for universal availability of fixed broadband speeds of 2 Mbps by 2015, with at least 95% of premises having ‘superfast’ speeds of 24-30 Mbps by 2017.

Broadband Delivery UK (BDUK) is established by Government to manage funding and delivery model to stimulate private sector deployment of broadband.

Current Position and Progress to Date

The Better Broadband for Norfolk (BBfN) Programme is working to extend broadband coverage across Norfolk, beyond the reach of commercially funded deployments. This is being achieved under the provisions of the national Broadband Delivery UK (BDUK) Broadband Delivery Framework contract.

The Programme has been based on achieving the maximum coverage possible for the available investment. The first contract has included installing over 1,750 kms of fibre optic cable across Norfolk, and approximately 700 fibre cabinets, over one hundred in new locations where cabinets haven’t previously existed.

In the South Norfolk District, this has seen coverage of ‘superfast’ broadband availability increase from 14% to 75% (covering 44,380 households).

The second contract, known as the Superfast Extension Programme (SEP) aims to meet the Government’s target of 95% or premises with access to Superfast speeds. The first part of the SEP included £12 million applied across Norfolk to achieve the maximum coverage possible. This funding is drawn from BDUK (£6 million), New Anglia LEP (£5 million) and Norfolk County Council (£1 million).

For SEP (part 1), South Norfolk has Superfast broadband coverage increasing further to 86%. The challenge is that South Norfolk has a high proportion of isolated and disjointed rural parishes and very small hamlets and thus
reaching these homes is more problematic due to both financial viability and physical restrictions.

South Norfolk Council has agreed to release an additional £570,000 of funding towards the SEP part 2. With further Government funding (and ‘claw-back’ funding from the first round due to higher level of take-up), the actual funding for SEP part 2 equates to £2.50 for each £1 of District Council investment representing good value for money.

The SEP part 2 effectively enables South Norfolk District to increase its coverage further to approximately 93% by 2018-19. Note that this is beyond the initially quoted 91% coverage as underspend from the previous round will enable extended coverage in the forward plan.

The Government’s satellite voucher scheme (recently launched) has been made available for those homes that have less than 2Mbps and not confirmed part of the Superfast roll out. South Norfolk Council is promoting this new scheme to its residents.

The following table lists the contributions that South Norfolk has made towards rolling out Broadband to South Norfolk and which has levered significant levels of additional funding from Government, BDUK, Norfolk County Council and the New Anglia LEP.

<table>
<thead>
<tr>
<th>Program</th>
<th>SNC Contribution</th>
<th>Matching Contribution</th>
<th>Approximate Number of Homes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>BBfN Phase 1</td>
<td></td>
<td></td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>SEP1 -2015</td>
<td>£750,000</td>
<td>£1 from BDUK for every £1 from Districts</td>
<td>7,000 approx</td>
<td>86</td>
</tr>
<tr>
<td>SEP2 2016-2019</td>
<td>£570,000</td>
<td>£2.50 for every £1 invested</td>
<td>3,000+ approx</td>
<td>93 Approx.</td>
</tr>
<tr>
<td>Hard to Reach Program 2016-</td>
<td>TBC</td>
<td>TBC</td>
<td>Up to 4,700+ approx</td>
<td>Up to 7%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>58,860</td>
<td>100</td>
</tr>
</tbody>
</table>
There are a range of issues impacting on broadband availability within South Norfolk however and can be summarised as follows;

**Key Issues – A Summary**

- 2Mbps is insufficient for engaging with many basic online services offered today [1] (however many South Norfolk residents experience speeds around this level)
- South Norfolk has many disadvantaged rural communities – limited access or poor connectivity to online services – Government services, education and training, health advice, news, information and entertainment
- Superfast broadband coverage is on course to reach 93% in South Norfolk but still 2% below the County and National average
- South Norfolk has a high number of isolated and disparate groups of residences across very rural parts of the District impacting on viability of investment in new fibre cabinets.
- There are barriers to growth for home based businesses as a result of poor connectivity and slow broadband speeds putting these enterprises at a competitive disadvantage
- Small businesses trail residences in access to superfast broadband
- Lack of social connectivity within local communities – access to social networks and community groups online limited due to broadband speeds
- Lack of mobile phone connectivity – effects residents and mobile and home based businesses

[1] There is evidence that broadband of at least 10Mbps is required to support typical consumers’ use [Ofcom Infrastructure Report December 2014]

Whilst we can be pleased that 75% have already been connected and approximately 18% will be connected by 2019, there remains approximately 7% (or up to 5000 homes) that remain outside. These homes are principally in rural areas where access to services is already limited.

Even for the homes in the 18% within SEP2, some will have to wait until 2019 and more accelerated intermediate delivery may be justified in certain cases where employment or job opportunities are needed.

The Council is committed to investing the use of alternative technologies and informal arrangements between business, communities and residents to close the gap. This approach is detailed in this paper.

Super-fast broadband is critical for growth in the economy (refer to appendix 1) but comes at a premium to normal provision. For some people, always-on function is the real need with speed a secondary issue but they only occasionally need access to faster speeds, for example when downloading a large software update. Others will need access in advance of the SEP2 programme reaching them.

Giving consideration to provision of high-speed hotspots in village halls and public places is important therefore and also outlined in the broadband paper.
Options for Broadband Provision

South Norfolk Council is committed to enhancing the broadband provision across the District and strategically aligns with the new Corporate Plan and Economic Growth Strategy (appendix 2). Solutions to deliver higher speed broadband services can be summarised in the table below.

<table>
<thead>
<tr>
<th>Wireless Solutions</th>
<th>Extended Fibre</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Line of sight' wireless broadband service (transmitter masts/points)</td>
<td>Potential partnerships to jointly invest in upgrading cabinets/FTTC</td>
</tr>
<tr>
<td>Public Wireless Access Points</td>
<td>Extend beyond 93% fibre coverage</td>
</tr>
<tr>
<td>Satellite</td>
<td>National Voucher Scheme</td>
</tr>
<tr>
<td>BBfN SEP</td>
<td>Includes SNC £570K Investment</td>
</tr>
<tr>
<td>BBfN Phase 1</td>
<td>SNC coverage will increase up to approx 93% by 2018</td>
</tr>
<tr>
<td></td>
<td>Superfast fibre roll out</td>
</tr>
<tr>
<td></td>
<td>SNC coverage increase 14% to 75%</td>
</tr>
</tbody>
</table>

Sections highlighted in orange indicate *existing and planned* activity including the earlier phase of Better Broadband for Norfolk and the new Superfast Extension Phase (SEP) with Stage 1 funded through BDUK, LEP, Norfolk CC, BT and Stage 2 enabled by funding from SNC. There is also the national satellite broadband (voucher) scheme announced in December 2015 and any households with under 2Mbps can be directed towards this scheme.

The BBfN phases and District supported SEP, will enable the District to reach approximately 93% coverage of superfast* broadband by 2018 (still below the County and National target of 95%). Note the Satellite voucher scheme is only for those households with poor broadband speeds (below 2Mbps) and not covered by any planned roll out.

*Superfast broadband is defined as 24 Megabits per second and above.*

Fourth Generation (4G)

It is also important to reference the fourth generation of mobile technology typically referred to as ‘4G’. At present 4G is primarily for data only (although voice roll out is underway). 4G has been rolled out to several hundred cities, towns and districts within the UK and the coverage is growing. This enables connectivity whilst on the move with decent downloads speeds (average 15MBps with maximum of 100MBps). The downside is the relatively high cost so has limited scope as an alternative for a fixed line or WiFi based broadband service in the home.
Forward Plan: Next Steps

To continue to extend the coverage in South Norfolk of higher speed broadband services beyond the forecast 93%, there are options to consider. These options are highlighted below. South Norfolk Council will seek to engage with local communities, parish councils and local businesses in those priority areas to identify local needs and to help stimulate demand and support a case for investment in alternative solutions.

Option 1: Extended Fibre

There is scope to extend the current Better Broadband for Norfolk contract to cover additional cabinets and extend fibre connections if there is a strong business case to consider. The cost however would be very high and therefore uneconomic in the vast majority of cases.

However, South Norfolk Council will work with Norfolk County Council to review the mapping of current and future service provision and ‘not spots’ and identify any potential opportunities to upgrade cabinets.

Any cabinets that could be considered of ‘strategic importance’ e.g. located within a cluster of businesses or existing industrial area, but not part of any planned roll-out, will be highlighted and put forward for consideration of additional investment for upgrading.

A partnership approach could be considered with local residents, businesses and parish councils perhaps contributing towards privately funding the upgrading of a cabinet and installing new fibre. It is important to stress that there are only likely to be isolated examples.

Alternative funding options could be considered and these are referenced later in this report.

Option 2: Wireless (WiFi) Solutions

For those areas already identified as not part of any planned roll-out yet with poor broadband speeds (which may be above 2Mbps and therefore not eligible for a satellite voucher), South Norfolk Council could consider the deployment of additional wireless based infrastructure and ‘line of sight’ broadband services.

There are different approaches that could be considered and each will need to ensure compliance with State Aid and Procurement regulations. In summary the main options are as follows;

2.1 Public WiFi Access Points/Transmitters – (Grant scheme)

South Norfolk Council could utilise the existing budget and establish a grants scheme and invite Parish Councils, or Village Hall committees to apply for
funding and, subject to conditions, could effectively ‘purchase’ a wireless based solution for their locality. The local community will effectively buy a service from a specialist provider to install a mast and provide a ‘line of sight’ broadband service for their parish.

A public access point could also be considered where residents could effectively connect to a high speed broadband service in a public place via small transmitter mast fixed to a public building e.g. village Hall or potentially a business. This may prove useful for residents where high speed broadband is required to download content rich files or where device software upgrades are required (which may take a considerable amount of time on a slow broadband service at home).

South Norfolk Council will seek to make connections with local businesses who are prepared to co-invest in superfast and make available hotspots for members of the public.

2.2 Supplementary Voucher Scheme

For properties with access to a broadband speed of less than 2Mbps, the Government committed to providing an alternative technology by the end of 2015. This is not a substitute for Next Generation Access (NGA) broadband, it is intended to provide broadband capable of basic features such as email and web browsing.

A national Satellite Voucher Scheme was launched at the end of 2015 to meet this commitment, it is funded locally by Norfolk County Council and so far over one hundred and fifty applications have been received.

As alternatives to satellite, Norfolk County Council has recommended new suppliers for inclusion on this scheme. Agreement has been reached with BDUK that codes can be used with any approved Norfolk provider to provide the most suitable non NGA technology for the individual property, including those wireless/WiFi based solutions. Individual companies have to apply and be accepted on the scheme.

If a number of households applied for vouchers then collectively they could potentially contribute to a community based wireless solution (as in 2.1). South Norfolk Council funding could potentially be used to ‘top-up’ as and when required to enable this to happen.

2.3 District Wide Wireless Based Solution

South Norfolk Council could effectively outsource to a third party provider[s] to plan and install WiFi transmitter aerials within those most disadvantaged areas of the District and operate a direct broadband service.

The Council, with Norfolk County Council, has already identified and mapped those priority areas of most need. This could be developed into a procurement specification inviting specialist wireless broadband providers to identify and
present solutions to address this need. South Norfolk Council would essentially contract with the preferred supplier to deliver the service and have agreements in place regarding affordability of service.

The scope and coverage is ultimately dependent on a range of factors including cost of installation, population density, geographic factors, line of sight etc. However typically it is expected that a 20-30m high mast could cover a distance of between 5-10km and potentially benefitting 200 people with broadband speeds potentially within the ‘superfast’ classification. Please note that these are only estimated, indicative figures as a guide.

**Issues to Consider**

- Needs to fully comply with procurement policies and SNC would invite potential providers to tender for this contract
- Needs State Aid compliance and delivery options and monetary values are therefore limited as a result of this (see below)
- Generally WiFi/wireless based technologies are not classed as Next Generation Access (NGA)
- Electricity feed required at point of any masts (although solar/wind power possible)
- Planning permission likely to be required for masts
- Main fibre backhaul connections to be considered
- Potential to utilise publically owned or community buildings for masts e.g. Council land, village halls etc but height and line of sight is critical

**The key issue however is State Aid and public subsidy and this is addressed as below;**

**State Aid and Public Subsidy**

The De Minimis Regulation allows small amounts of aid – less than 200,000 euros (approx. £150,000) over 3 rolling years – to be given to undertake a wide range of purposes.

If South Norfolk Council were to contract with a private provider to install wireless based broadband infrastructure we will need to ensure that we notify or get approval on this basis. Any third party provider must also ensure that it does not receive other public subsidy that might mean that it exceeds the de minimis level.

Norfolk County Council has provided the following advice on public subsidy and State Aid:

- To apply public subsidy, as well as needing to comply with procurement law we must comply with European Union (EU) State Aid rules. This was a key reason for using the national Broadband Delivery UK (BDUK) Framework contract to create the Norfolk call-off contract that allowed Norfolk to double coverage across Norfolk by the end of
the first rollout (Sept 2015). State Aid provides several useful protections:

- The type of technology isn’t important, but defined as “Next Generation Access” (NGA) it must be capable of providing 30Mbps, at an affordable price for customers. The EU provides detailed guidance to infrastructure suppliers.

- The infrastructure must be “Open” meaning any Internet Service Provider (ISP) that wishes to, can buy capacity on the network and sell services to homes and businesses. ISPs cannot be made to offer fibre services and some choose not to, but over one hundred do.

- This Ofcom link provides access to comparison websites showing people which ISPs offer broadband, the cost and speeds [http://consumers.ofcom.org.uk/tv-radio/price-comparison/](http://consumers.ofcom.org.uk/tv-radio/price-comparison/). People are advised to regularly shop around for the best deals.

- There must not be any over subsidisation and therefore the BBfN contract defines expected levels of “Take-up” of NGA broadband services. If Take-Up exceeds this, NCC “Claws Back” a unit margin for each property. There has been a first Claw Back payment of £5.3 million based on achieving 30% take-up.

- There must not be any investment where NGA infrastructure already exists, or there are fully funded supplier plans that will implement NGA infrastructure within the next three years. To ensure this, each time BBfN want to invest it must undertake a State Aid consultation with suppliers. This has to be at full postcode level, there are almost 27,000 postcodes in Norfolk. Suppliers can then respond with detailed evidence at postcode level, of existing NGA infrastructure or funded new coverage plans. If such evidence exists NCC must de-scope these postcodes from its Intervention Area.

- The Government’s BDUK team conduct detailed assurance on each contract, both testing value for money but also State Aid compliance. A contract cannot be signed without first passing BDUK assurance.

**Funding Options**

South Norfolk Council has potential funding of £330,000 for additional broadband activity which could involve co-investing with residents, businesses and commercial organisations in alternative solutions for broadband provision (subject to procurement and state aid rules) for those areas of priority need.

In addition to South Norfolk Council potential investment in alternative solutions, there may be scope to identify funding from CIL parish contributions to support locally based alternative solutions. South Norfolk could consider
advance money against future CIL parish receipts if those parishes wanted to participate.

There is also scope in the medium term to apply for additional EU funding from EAFRD for the hardest to reach areas. Sub-measure 7.3 quotes ‘support for broadband infrastructure, including its creation, improvement and expansion, passive broadband and enhancing the accessibility and use of ICT in rural areas to underpin e-government solutions’.

Under EAFRD, rural businesses and rural communities will be able to bid for up to 100% of eligible costs, subject to state aid rules. It may be at least 2017/18 before EAFRD funding will be available however.

Proposed Next Steps (March-December 2016)

1. **Identify ‘not spots’ and map spatially (achieved).**
   This highlights those postcodes/parishes not part of any planned rollout under the Better Broadband for Norfolk (BBfN) programme.

2. **Identify and address ‘data anomalies’**
   
   The BBfN mapping has highlighted ‘anomalies’ which indicate ‘not spots’ amongst those areas already Superfast enabled. It is likely that these are data errors or anomalies and SNC is committed to working with BT and Norfolk County Council to address these anomalies. The quoted percentage figures of Superfast broadband coverage in South Norfolk are approximate as these are likely to increase.

3. **Engage with local communities, Parish Councils and businesses in priority areas to identify local needs and stimulate interest and demand in alternative solutions**

4. **Develop detailed Project Brief and Procurement Specification**

5. **Engage with local communities, Parish Councils and businesses in priority areas to identify local needs and stimulate interest and demand in alternative solutions**

6. **Public Tender Process**

7. **Select winning tender and enter into contractual agreement**

8. **Identify and map potential locations for wireless masts**

9. **Seek planning permission and legal access agreements as required**

10. **Installation of wireless masts and potential ‘public hotspots’**

11. **Promotion of new Wireless Broadband Services**
Appendix 1: The importance of superfast broadband and digital connectivity

There are parallel trends which are important to consider as connectivity and availability of high speed broadband infrastructure are paramount. These are Digital Employment, Flexible Working and the Internet Economy. As a result, superfast broadband is regarded as the fourth utility and will be essential in the future.

Digital Employment

‘Digital employment’ is no longer simply about those people working in the specialist technology sectors such as telecoms or software development. A high level of jobs across all sectors are now considered ‘digital’ and can involve, for example, the creation of digital content or analysis and application of data and information online. Digital job growth is predicted to outperform all other occupation categories over the next 5-10 years. There are currently 1.46 million (7.5% of the British workforce) employed in the digital industries across the UK.

Flexible Working

In addition there is a noticeable trend of more people working flexibility and increasingly from home and in non-traditional working arrangements. For example there has been a growing interest in ‘co-working spaces’ – collaborative, flexible, open plan work spaces – particularly from digital entrepreneurs and ‘creative’ home based businesses in more urban areas who wish to connect with like-minded people. This trend could equally apply to urban fringe and rural areas.

Internet Economy

The UK internet economy is the largest of the G-20 countries as a percentage of GDP [Consultancy UK 2015] and there are over 47,000 digital technology companies across the UK. Britain’s technology sector is set to grow four times faster than GDP this year.

Digital connectivity and higher speed broadband is therefore essential and with the growing availability of online platforms and digital disruption occurring across a number of sectors and markets, there are growing opportunities for home-based, micro enterprises to establish new online business models, more easily and flexibly.
Appendix 2: Strategic Context

The South Norfolk Corporate Plan has three priority areas, underpinned by our customer focussed, collaborative and commercial approach to service delivery. The development and enablement of digital infrastructure and high speed broadband enables significant progress and delivery across all three of these priority areas;

**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

**Economic Growth Strategy**

The strategy for the development and deployment of high speed broadband is in line with the new South Norfolk Economic Growth Strategy.

High speed broadband availability and connectivity underpins each of the six areas highlighted below. In summary it strengthens social connectivity, helps grow resident’s digital capability and skills, supports the growth of knowledge enterprises and enables innovation. Overall this helps drive productivity and competitiveness and ultimately a higher skilled, higher wage, higher value economy in line with South Norfolk’s ‘Smart Growth’ economic model.

**Connecting People to Place** - Promote a sense of place and culture, connecting residents and visitors, to enhance the local economy

**Enterprising Places** - Create the ideal environment for start-up enterprises, business growth and attraction of inward investment

**Enterprising People** - Support a dynamic economy through building capacity of local people and instilling a culture of entrepreneurship

**Place for Innovation** - Enhance key infrastructure and specialist spaces to enable a more innovative, dynamic and productive economy

**Enterprise Through Innovation** - Grow innovative and knowledge based enterprises through the commercialisation of research and cross-sector innovation

**Innovative People** - Drive a knowledge-based economy by building the innovative and technical capability of the resident labour force.
Approval of UK Municipal Bond Agency’s Framework Agreement and Joint and Several Guarantee

Report of the Accountancy Manager
Cabinet Member: Michael Edney, Portfolio Holder for Finance and Resources

CONTACT
Matthew Fernandez-Graham
01508 533915
mgraham@s-norfolk.gov.uk
1. Introduction

1.1 This report seeks approval for the Council to enter into the borrowing documents prepared by the UK Municipal Bonds Agency (the “Agency”).

1.2 The Agency requires that local authorities borrowing from it enter into its Framework Agreement. The Agreement includes an accession document confirming that the council has the necessary approvals to sign the Agreement and a joint and several guarantee to those lending money to the Agency in respect of the borrowing of all other local authorities from the Agency. Entering into the Framework Agreement enables the Council to access funding from the Agency as and when required.

1.3 This report sets out the background to the Agency, key facets of the Framework Agreement and the advantages and disadvantages of entering into the Agreement, including an assessment of the risk that the Council will be called upon under the guarantee. It seeks approval for the Council to enter into the Framework Agreement.

1.4 In order to be able to borrow from the MBA a local authority must accept the terms of the Framework Agreement and grant joint and several guarantee. This means that a local authority will be guaranteeing all the existing finance obligations of the MBA and any future obligations which are entered into.

1.5 Over the past six months a small group of local authorities, acting as informal working group on behalf of English local authorities and advised by law firm Allen & Overy, have been working on the Framework Agreement and Schedules provided by the MBA and their legal advisors Clifford Chance. Counsel opinion was also sought by the working group and Allen & Overy as to whether local authorities could lawfully enter into the Framework Agreement and Guarantee and borrow from the Agency.

1.6 Background information is included in confidential Appendix 1: Documents Package for Local Authorities (Documents Package) which includes the Framework Agreement and other supporting documentation. The Document Package reflects a robust challenge process and comprehensive level of due diligence and as such Cabinet is asked to approve the recommendations above.
1.7 This report describes the risks of entering into the Framework Agreement and providing the Guarantee, and the safeguards and protections that are in place to mitigate the Guarantee from being exercised. It also sets out the legal powers relied upon to enter into these contracts.

2. Current Position

2.1 The purpose of the Agency is to deliver cheaper capital finance to local authorities. It will do so via periodic bond issues, as an aggregator for financing from institutions such as the European Investment Bank (“EIB”) and by facilitating greater inter-authority lending. The Agency is wholly owned by 56 local authorities and the Local Government Association (“LGA”). The Council is a shareholder in the Agency with a total investment of £25,000.

2.2 The Council has limited sources of capital finance available to it. The margin charged by the Public Works Loans Board (“PWLB”) rose significantly in 2010 and therefore the LGA explored and then, with the support of a number of local authorities, established the Agency as an alternative to the PWLB.

2.3 The Agency’s Framework Agreement sets out the arrangements for borrowing from the Agency and incorporates a joint and several guarantee that requires all local authorities borrowing from the Agency to guarantee the money owed by the Agency to those who have lent it money to fund its loans. The Framework Agreement incorporates a mechanism to prevent a call under the guarantee by requiring borrowers to lend the Agency money to cover a default by another local authority, referred to as “contributions”.

2.4 The Council has the power to enter into the Framework Agreement under Section 1 of the Localism Act 2011 – the general power of competence. Borrowing under the Framework Agreement will be under Section 1 of the Local Government Act 2003 – the power to borrow.

2.5 Acting on behalf of prospective borrowers, a small group of authorities appointed lawyers, Allen & Overy, to review and advise upon the documentation. Allen & Overy instructed counsel to obtain senior opinion on vires and reasonableness. The advice and opinion resulted in a small number of changes to the Agency’s documentation.
Counsel raised three key considerations that a local authority must take into account when making a decision to enter into the Framework Agreement:

- its specific financial position;
- whether or not the council is “reasonably financially robust” i.e. the council can meet the potential demands that the Framework Agreement places upon it; and
- whether it is to the authority’s advantage to enter into the Framework Agreement taking into account the advantages and disadvantages of doing so.

Taken together, these three considerations help address a key requirement of the Wednesbury principles that the Council exercises its powers in a reasonable manner.

Although the Council has no immediate need to borrow externally, entering into the Framework Agreement enables the Council to access funding from the Agency if and when required. Access to the cheapest source of finance will reduce the costs of borrowing and thus its impact on the Council’s Revenue Budget. Over time, the Agency’s business case suggested that the savings delivered by the Agency would be 0.2 per cent. In line with the Council’s Treasury Management Strategy, use of the Agency for borrowing will be considered on a case by case basis along with other options, such as borrowing from the Public Works Loans Board or from other Local Authorities.

UK local authorities are heavily supervised and subject to tight statutory control that significantly reduces the probability that a local authority will default on its financial obligations. Furthermore, the Agency will undertake credit assessments of local authorities and limit its exposure to authorities to reduce credit risk. In the event that a local authority needs to refinance its borrowings from the Agency, the PWLB is available to all local authorities as lender of last resort provided that the borrowing from the PWLB is not unlawful. No UK local authority has ever defaulted on one of its primary debt obligations. Taken together, the risk of a default is judged to be low and thus the risk of entering into the Framework Agreement and guarantee is deemed to be low.
If a local authority does default, the Agency has liquidity facilities available to it so that it can meet the interest payments due on a bond and cover a limited default on a principal repayment by a local authority; the provisions of the Framework Agreement will be used if these facilities are exhausted. The Council has adequate reserves and in the unlikely event of a call for contributions under the Framework Agreement or payment under joint and several guarantee, has access to PWLB funds at 48 hours' notice if required.

The risks associated with the joint and several guarantee are mitigated by the contribution arrangements. Therefore, from a practical perspective, the real risk to the Council is the requirement to make contributions in the event of a default by another borrower and this exposure is proportional because it is calculated by reference to the amount borrowed by the Council as a proportion of all non-defaulting loans made by the Agency. If the Council has no borrowings via the Agency, it will not be called upon under the Framework Agreement.

In the unlikely event that the guarantee is called upon, it is also unlikely that bond holders or other providers of finance to the Agency will pursue a single Council for payment because the best outcome for lenders is likely to be achieved by pursuing all the guarantors because this maximises the potential revenues available to repay them.

Section 13 of the Local Government Act secures all debts of a local authority on its revenues and therefore it is highly likely that the Agency will be able to recover amounts owed to it by a defaulting authority. In turn, this will enable the Agency to repay sums lent to it under the Framework Agreement or paid out by the Council under the guarantee.

The risk that the Council suffers a loss under the Framework Agreement and the joint and several guarantee is therefore a combination of the low risk of a default by a local authority and the low risk that if a local authority does default, local authorities cannot recover sums owed to them.

In return for accepting this risk, the Council will receive access to more diverse and cheaper sources of capital finance via the Agency. On balance, the financial advantages outweigh the financial disadvantages.

Although the Agency intends that the Framework Agreement is permanent, there may be a need to either amend the Framework Agreement or if the Council wishes, set aside provisions for a period of time without amending the contributions arrangements or joint and several guarantee.
3. The UK Municipal Bonds Agency

**Establishment:**

3.1 The establishment of the UK Municipal Bonds Agency was led by the LGA following the announcement in the 2010 Autumn Statement that PWLB rates would increase from 0.15 per cent over Gilts to 1 per cent over Gilts, greatly increasing the cost of new borrowing and refinancing. This followed the introduction of punitive early repayment penalties by the PWLB in 2007, which have prevented local authorities from restructuring their loan portfolios to reduce costs while interest rates are low. Although the Government subsequently introduced the “certainty rate”, which effectively reduced the PWLB’s margin to 0.8 per cent over Gilts in return for the limited disclosure of an authority’s borrowing plans, the LGA found that rate remained higher than a bonds agency should be able to achieve.

3.2 The LGA also noted that it was easy for UK investors such as pension funds to provide capital to overseas local authorities through the London capital markets, but not so to UK local authorities.

3.3 The LGA published a revised business case in March 2014 that set out how a bonds agency would issue bonds on behalf of local authorities in an efficient and cost effective manner and at lower rates than the PWLB. It identified that the regulatory environment meant that the PWLB had a de facto monopoly on providing simple loans to local authorities:

- For regulatory purposes a bank must set aside capital when lending to local authorities – unlike when lending to the Government – and therefore it is difficult for banks to compete with the PWLB on rates and make money other than by offering structured lending products.

- Bond investors value liquidity and benchmark sized issues (£250 million), which makes it difficult for most local authorities to access the bond markets, particularly as one-off bond issues can be costly.

- Supranational agencies such as the EIB would typically lend only for large projects, typically £150 million or £250 million depending on the project, thereby excluding most local authorities.
3.4 The LGA’s revised business case was published in March 2014 and the company established in June 2014. The agency will act as an intermediary, borrowing the money and on-lending it to local authorities on a matched basis to deliver cheaper capital finance to local authorities through periodic bond issues, as an aggregator for loans from other bodies such as the EIB, and facilitating longer term inter-authority lending via the Agency.

3.5 The LGA and 56 local government shareholders representing 65 principal local authorities and 1 combined authority have invested over £6 million in the Agency. The Council is a shareholder in the Agency with a total investment of £25,000.

Client Base:

3.6 The Agency will only lend to UK local authorities who can give a joint and several guarantee. This is currently limited to 353 principal English local authorities that have the general power of competence under section 1(1) of the Localism Act 2011. The Department for Communities and Local Government specifically intended that local authorities should be able to give guarantees using the power in its regulatory impact assessment.

3.7 The ability to give joint and several guarantees may in due course be extended to other local authorities e.g. combined, Welsh or Scottish authorities. In the event that this occurs, those authorities will be eligible to borrow from the Agency.

3.8 The Agency would prefer all borrowers to become shareholders. This ensures a strong alignment of interest between borrowers and shareholders, and is viewed positively by ratings agencies and the capital markets. Accordingly, the Agency will charge a higher interest rate to borrowers that are not shareholders, albeit one which remains competitive.

Loan Pricing:

3.9 The Agency will operate a transparent pricing structure. It will charge local authorities the interest the Agency pays to obtain the funds it on-lends, plus any transaction costs up to a maximum of 0.5 per cent of the amount borrowed, plus a margin to cover its costs. This margin is currently set at:

- 0.10 per cent for shareholders; and
• 0.15 per cent for non-shareholders.

3.10 The Agency may adjust these margins for new borrowing transactions at its discretion, but will not increase them. It is expected that these margins will reduce once the Agency is profitable.

3.11 Transactions costs include the Agency’s credit rating agency fees, bank syndicate fees and legal costs. The Council has the option to amortise these over the life of the loan or to expense them.

3.12 The Agency will not require local authorities to borrow at a rate that is higher than the PWLB, thus when borrowing via the Agency the Council should always achieve a saving. Over time, the rates offered by the Agency are likely to improve as its bonds programme develops and it is able to borrow from institutions such as the EIB.

**Early Repayment (Prepayment):**

3.13 The Agency will pass on the cost of early repayment by a local authority (usually referred to as prepayment in financial services) to that local authority. However, the Agency will not profit from the transaction and will assist any local authority seeking early repayment to find the cheapest solution.

3.14 Prepayment rights will track through between the loans to local authorities and the Agency’s financing. For bond issues, voluntary prepayment is calculated in a similar way to the PWLB’s early redemption penalties, although one option available to local authorities will be to buy back part of the bond.

**Governance:**

3.15 The Agency is a public limited company and as such is directed by its Board. It is expected that the Board will include 7 non-executive and 3 executives.

3.16 The Board will have the following 2 sub-committees, chaired by independent non-executives:
• Risk, Compliance and Audit Committee; and
• Nomination and Remuneration Committee.

3.17 In addition, the Agency will establish a Local Authority Advisory Board, comprising local authority finance officers, to facilitate two-way communication between the Agency and its borrowers.

**Credit Process:**

3.18 Prior to approving any loans, the Agency will carry out a credit assessment of each potential borrower.

3.19 The Agency has developed a proprietary credit scoring model based on similar methodologies to the main credit rating agencies. In order to access funding from the Agency, a local authority will need to be able to achieve a “single A” credit rating on a standalone basis; rating agencies typically “notch up” a local authority to account for implied Government support.

3.20 In addition to credit scoring, the Agency will ensure appropriate diversification of its lending portfolio, through the contractual concentration limits agreed in the Framework Agreement.

4. **The Framework Agreement and the Joint and Several Guarantee**

**Content of the Framework Agreement:**

4.1 The Framework Agreement as set out in Appendix 1, Section 3 comprises:

- The Framework Agreement itself, which is primarily designed to prevent a call on the joint and several guarantee and lays out how the Agency will interact with local authorities.
• Schedule 1: *Form of Authority Accession Deed*, which local authorities sign to commit themselves to the Framework Agreement.

• Schedule 2: *Form of Guarantee*, which is the joint and several guarantee.

• Schedule 3: *Loan Standard Terms*, which is the loan agreement that covers any borrowing by an authority.

• Schedule 4: *Form of Loan Confirmation*, which supplements the Loan Standard Terms and confirms details of a loan such as principal, maturity, interest rate and etc. It is signed by the Agency and a borrower.

**Need for the Joint and Several Guarantee:**

4.2 The LGA’s revised business case highlighted the need for borrowing authorities to sign a joint and several guarantee:

• The joint and several guarantee allows the Agency to issue bonds without having to prepare a full prospectus for each bond issue, pursuant EU’s “Prospective Directive” (Article 1(2)(d) of Directive 2003/71/EC), thereby reducing costs and complexity.¹

• The UK Listing Authority’s “listing rules” that govern whether financial instruments can be listed on a UK stock exchange would not permit bonds issued by an agency to be listed on the London Stock Exchange for some years without a joint and several guarantee, meaning the bonds would need to be listed elsewhere such as the Channel Islands or Luxembourg.

• If, instead of a joint and several guarantee, investors had recourse to an agency’s on-lending arrangements, every tranche of financing would require a separate credit rating and investors to assess the participating authorities, which would materially impact an agency’s ability to reduce costs and deter a number of potential investors and lenders from lending money to the agency. The joint and several guarantee draws on the strength of the local government sector and is simple for investors to understand.

¹ Article 1(2)(d) of Directive 2003/71/EC
Nature of the Joint and Several Guarantee:

4.3 The joint and several guarantee is a schedule to the Framework Agreement (Appendix 1, Section 3, Schedule 2) and is direct, unconditional, irrevocable and not separately administered:

"2.1.1 guarantees to each Beneficiary each and every obligation and liability the Company may now or hereafter have to such Beneficiary (whether solely or jointly with one or more persons and whether as principal or as surety or in some other capacity) in respect of the Guaranteed Liabilities and promises to pay to each Beneficiary from time to time on demand the unpaid balance of every sum (of principal, interest or otherwise) now or hereafter owing, due or payable (following the expiry of any grace period provided for) by the Company to any such Beneficiary in respect of any such Guaranteed Liability; and

2.1.2 agrees as a primary obligation to indemnify each Beneficiary from time to time on demand from and against any loss incurred by such Beneficiary as a result of any such Guaranteed Liability being or becoming void, voidable, unenforceable or ineffective as against the Company for any reason whatsoever, whether or not known to such Beneficiary, the amount of such loss being the amount which such Beneficiary would otherwise have been entitled to recover from the Company."

4.4 In practice this means that all borrowers are collectively and individually guaranteeing the lenders to the Agency against a default by a local authority.

4.5 The Council can withdraw from the joint and several guarantee by giving notice and repaying its loans to the Agency. However, the irrevocable nature of the guarantee means that the Council will continue to guarantee the Agency’s borrowings at the date of withdrawal until those borrowings mature. This prevents moral hazard i.e. a local authority borrowing from the Agency to achieve a cheaper borrowing rate, but walking away from the obligations. Withdrawal does mean that the Council will not be guaranteeing future borrowing by the Agency.
Preventing a Call on the Guarantee:

4.6 The Framework Agreement mitigates against a possible call on the joint and several guarantee by minimising the risk of default by a local authority, limiting the possible impact of a default and containing a default before the Agency’s ability to make payments is threatened.

4.7 The Framework Agreement imposes obligations on the Agency that are designed to reduce the possibility of default by a borrower:

- The Agency must credit assess each borrower and exclude those that do not achieve at least the equivalent of a strong investment grade rating equivalent to an “A” rating from the established credit rating agencies such as Moody’s.

- “Concentration limits” ensure that the Agency will maintain a diverse loan book over time that limits the proportion of the Agency’s loan book that can be lent to a single or small group of authorities. (Appendix 1, Section 3, Paragraph 5.2)

- Credit lines are available to the Agency that it must utilise in the event of a local authority missing a payment or defaulting, before it has recourse to other borrowers.

4.8 The Framework Agreement establishes a “contributions” mechanism that requires borrowers to lend the Agency funds to cover its obligations in the event of a default by a local authority. The contributions are calculated in proportion to an authority’s share of the performing loan book. The loans are interest bearing and will be repaid once the Agency has recovered the sums owed to it by the defaulting authority, which it is required to do by the Framework Agreement. If the Council has no outstanding borrowings via the Agency, it will not be called upon to make contributions under the Framework Agreement.

4.9 The payment schedules set out in the Framework Agreement are designed to ensure timely payments by local authorities so that error or late payment by a borrower does not risk a call for contributions or under the guarantee.

4.10 The Framework Agreement prevents a borrower from taking action against a defaulting authority so that a single authority cannot jeopardise the structure of the Agency and / or act against the interests of other borrowers.
Accounting for the Guarantee:

4.11 The Agency commissioned accounting advice from Grant Thornton setting out the local authority accounting requirements for borrowing via the Agency including the joint and several guarantee, as set out in Appendix 1, Section 6.

4.12 Although the Council is unable to rely on this advice and must procure additional advice if it is uncertain regarding the accounting requirements, Grant Thornton’s advice does not raise any concerns at this time. For example, if the Council judges the risk of a call under the joint and several guarantee to be zero, there accounting requirements of entering into the Framework Agreement are minimal and mostly confined to disclosures in the event that the Council borrows from the Agency.

5. Risk of Default by an Authority

5.1 The risk of a default by a local authority is deemed to be very low: no principal local authority has ever defaulted on a loan. The National Audit Office in its *Financial Sustainability of Local Authorities* report of November 2014 observed:

“A legal framework at the core of the local government accountability system effectively prevents local authorities becoming insolvent. Local authorities cannot borrow to finance revenue expenditure or run deficits.”

5.2 The statutory and prudential framework under which local authorities operate is extremely strong and designed to prevent local authorities from over-reaching themselves and becoming insolvent. Key aspects of the framework include:

- Local authorities are prevented from borrowing to fund services by the Local Government Finance Act 1992, which sets out how budgets and the Council Tax must be calculated, particularly Section 31A, 32 and 42A of the Act. These provisions require a budget to be balanced on a cash basis without the use of borrowing.

- Local authorities must comply with the prudential framework established by Part 1 of the Local Government Act 2003 and related regulations, including the Prudential Code for Capital Finance in Local Authorities published by CIPFA.
Section 151 Officers have varied powers and responsibilities that result in prudent financial management. For example, if an authority cannot pay its bills at it falls due, he or she must submit a Section 114 report to the Executive / Council, which must be acted upon. A Section 151 officer must also report on the adequacy of reserves and robustness of budget estimate under Section 25 of the Local Government Act 2003 and action be taken by the Council to remedy an adverse report.

A local authority must make a Minimum Revenue Provision (“MRP”) to repay debt under the local authorities (Capital Finance and Accounting) (England) Regulations 2003, issued by the Secretary of State under Sections 21 of the Local Government Act 2003 (as amended). This means that a local authority sets aside cash via its revenue budget, sufficient to ensure it can repay its debt.

5.3 The Agency’s credit assessments, risk management processes and the concentration limits should reduce the possibility that a local authority borrowing from the Agency is likely to default.

5.4 Local authorities have access to the PWLB as lender of last resort and therefore can refinance any borrowings from the Agency by the PWLB if it cannot repay its debt to the Agency by other means.

5.5 Historically, the Government has intervened when a local authority finds itself in difficult or the Government deems a local authority to be incapable of managing itself effectively.

5.6 For the Council to be called upon to make contributions under the Framework Agreement, let alone be called upon under the joint and several guarantee, all the above controls and protections must fail. This has been summarised by the Agency in its presentations as set out in figure 1 below:
6. Risk of Not Recovering Contributions or Payments under the Joint and Several Guarantee

6.1 The Local Government Act 2003 provides several key protections to lenders that greatly reduce the possibility that the Agency and therefore the Council would be unable to recover sums owed to it if it is required to make a contribution or pay out under the joint and several guarantee:
- Section 6 provides that a lender is not required to ensure that a local authority has the power to borrow and is not “prejudiced” in the absence of such a power. This prevents a local authority claiming an act was “ultra vires” to side step its obligations.

- Section 13 provides that all debts rank pari passu i.e. have equal status under the law and thus a creditor cannot be disadvantaged by later subordination of that debt by a local authority.

- Section 13 also secures all debts of an authority on its revenues, which is the strongest possible security for a loan as the bulk of a local authority’s revenues are either raised under statutory powers or allocated by the Government.

- Section 13 also provides for a receiver to be appointed by the High Court on application if principal and / or interest greater than £10,000 is outstanding for 60 days.

6.2 The Framework Agreement requires that the Agency must pursue any defaulting authority to the extent that if it does not do so promptly, borrowers can force it to do so. Furthermore, the Framework Agreement provides for a strict application of the proceeds of any debt recovered by the Agency from a defaulting authority.

7. Legal Advice and Opinion

7.1 A small group of authorities commissioned Allen & Overy, a law firm a specialist in financial transactions, to advise on the Framework Agreement. Allen & Overy engaged Jonathan Swift QC to provide senior counsel’s opinion on, amongst other things, whether:

- entry into the Framework agreement, execution of the Guarantee, entry into borrowing transactions under the Framework Agreement and the provision of contribution loans would all be within the general power of competence under the Localism Act 2011; and
• a local authority that decides to enter into the Framework Agreement and the Guarantee on the basis of the Document Package (Appendix 1) would be acting in accordance with the requirement of Wednesbury reasonableness.

7.2 His main conclusions were:

• local authorities do have the power, in principle, to enter into the arrangement envisaged by the Framework Agreement; and
• whilst it would, in principle, be lawful for a reasonably financially robust local authority to enter into the commitments entailed in the Framework Agreement, the final assessment of whether or not it would be reasonable use of the in principle power must be made taking into account the specific financial position of each local authority, whether it is financially robust and the balance of the advantages and disadvantages of doing so.

7.3 Wider considerations, such as establishing the independence of the sector, whether they have merit or not, should not have a bearing on the Council’s assessment of the advantages and disadvantages of entering into the Framework Agreement.

7.4 Jonathan Swift QC’s opinion was procured independently of the Agency.

7.5 The Council has the power to enter into the Framework Agreement under Section 1 of the Localism Act 2011 – the general power of competence. Borrowing under the Framework Agreement will be under Section 1 of the Local Government Act 2003 – the power to borrow.


Need to Borrow:

8.1 Although the Council has no immediate need to borrow externally, entering into the Framework Agreement enables the Council to access funding from the Agency if and when required. Access to the cheapest source of finance will reduce the costs of borrowing and thus its impact on the Council’s Revenue Budget. Over time, the Agency’s business case suggested that the savings delivered by the Agency would be 0.2 per cent. In line with the Council’s Treasury Management Strategy, use of the Agency for borrowing
will be considered on a case by case basis along with other options, such as borrowing from the Public Works Loans Board or from other Local Authorities.

**Financial Robustness:**

8.2 The Council’s revenue budget and medium term financial strategy demonstrate and set out the financial pressures the Council is under, particularly in light of the funding cuts and uncertainties that changes to the system of local government finance and business rates may bring. Nonetheless, the Council is required to balance its budget and is subject to tight statutory controls and supervision. As highlighted elsewhere in this report, it is therefore extremely unlikely that the Council will find itself in the position that it is unable to meet the requirements of the Framework Agreement and joint and several guarantee e.g. that it makes contributions if asked.

8.3 If the Council were called upon, it has access to PWLB funds at 48 hours’ notice if required. Loans made to the Agency under the Framework Agreement as part of the contribution arrangements could constitute capital expenditure because loans to third parties are defined as such under the (Capital Finance and Accounting) (England) Regulations 2003 (as amended). Given that the Agency is likely to recover the amounts owed to it by a defaulting authority and that the contributions are in themselves loans, the impact on the revenue budget it likely to be negligible if the Council is required to make a contribution or called upon under the joint and several guarantee.

9. Risks and Disadvantages of Entering Into the Framework Agreement

9.1 Exposure to the contribution arrangements and the joint and several guarantee means that entering into the Framework Agreement and borrowing via the Agency is different in nature to borrowing from the Public Works Loan Board, under a bilateral loan facility or through a bond issue in the capital markets.

9.2 There are inherent risks associated with the proposed structure, not least the joint and several nature of the guarantee. These are:
• The risk that the Council’s guarantee may be called independently of any other Guarantee and for the full amount owing by the Agency under the financing document that is covered by the guarantee (and, therefore, such participating local authority is potentially liable to pay out amounts to the MBA that exceed the amounts borrowed).

• Even if the Council has terminated its Guarantee, it will continue to guarantee the “Guaranteed Liabilities” entered into by the Agency before the termination date. The effect of this is that the Council’s liability under its Guarantee may potentially continue in existence for many years after termination.

9.3 However, the risks associated with the joint and several guarantee are mitigated by the contribution arrangements. The Framework Agreement is such that the Council’s exposure, from a practical perspective, is the requirement to make contributions in the event of a default by another borrower and this exposure is proportional because it is calculated by reference to the amount borrowed by the Council as a proportion of all non-defaulting loans made by the Agency.

9.4 The risk of a default by a local authority is considered to be low. The ability of the Agency to recover sums owed to it in the event of a default is set out elsewhere in this report.

9.5 There is a risk that the Agency does not observe its obligations under the Framework Agreement, but the Council is entitled to expect that the Agency will operate in accordance with its obligations under the Framework Agreement when considering whether or not to enter into the Framework Agreement. The LGA and local authorities control the Agency via their shareholdings so could intervene if the Agency did not abide by the Framework Agreement.

9.6 The prime advantage to the Council is the prospect of lower borrowing costs and the possibility to obtain types of loans that are not available from the PWLB. Cheaper capital finance will reduce pressure on the Council’s finances. This advantage more than offsets the low risk that a local authority defaults and the Agency is unable to recover the debts owed to it in order to repay the Council any contributions it is required to make.

9.7 The Framework Agreement only comes into effect if the Council does borrow from the Agency. If the Council does not borrow, there is no risk to the Council arising from the contribution arrangements or joint and several guarantee. The Council is not obligated to borrow via the Agency and even if it chooses to legally commit to borrowing via a bond issue, it will not be required to
take a loan that is not cheaper than the PWLB, so the bond will not be issued. Therefore, the financial risk to the Council of the Agency either failing to deliver a saving or the Council not borrowing having signed the Framework Agreement is eliminated.

10. **Recommendation**

10.1 Cabinet is recommended to:

a) approve the Council’s entry into the Framework Agreement and its accompanying schedules including the joint and several guarantee;

b) delegate authority to the Director of Business Development as Section 151 Officer and the Governance and Business Manager as Monitoring Officer to sign those documents, as appropriate, on behalf of the Council;

c) grant the Section 151 Officer delegated authority to agree amendments to the Framework Agreement as appropriate.
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<td>O Request from Gissing Parish Council for South Norfolk Council to Exercise CPO Powers to Purchase Land</td>
<td>T Horspole</td>
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<td>M Fernandez-Graham / M Edney</td>
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Key decisions are those which result in income, expenditure or savings with a gross full year effect of £100,000 or 10% of the Council’s net portfolio budget whichever is the greater which has not been included in the relevant portfolio budget, or are significant (e.g. in environmental, physical, social or economic) in terms of its effect on the communities living or working in an area comprising two or more electoral divisions in the area of the local authority.