Growth, Infrastructure and Environment
Policy Committee

Tuesday 21 June 2016

2:00pm, Colman Room
South Norfolk House, Cygnet Court, Long Stratton,
Norfolk, NR15 2XE

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

Contact Sue Elliott on 01508 533685 or democracy@s-norfolk.gov.uk
Members of the Environment and Regulation Policy Committee:

Cllr B Stone (Chairman)
Cllr J Larner (Vice-Chairman)
Cllr P Broome
Cllr M Dewsbury
Cllr K Kiddie
Cllr T Lewis
Cllr K Worsley

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.
Agenda

1. To report apologies for absence and identify substitute voting members (if any);

2. To deal with any items of business the Chairman decides should be considered as matters 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; (see guidance attached page 6)

4. Minutes of the meeting of the Environment and Regulation Policy Committee held on 14 March 2016; (attached – page 7)

5. Proposed Community Assets Strategy; (report attached – page 10)
Working Style of Cabinet Policy Committees

Member Leadership
Members of the Committees will take the lead in understanding the direction provided by Cabinet and delivering work to Cabinet requirements. Whilst recognising political allegiances, members will work in a collaborative manner with officers and cabinet portfolio holders to consider the relevant issues when developing Council policy.

Collaborative Working
All meetings of the Committees will be constructive and conducted in a spirit of mutual respect and trust. Officers will commit to supplying meetings with information relevant to making informed decisions on policies and matters. Members will commit to thoroughly reading and understanding papers, raising questions that are pertinent to the issues at stake. Members will, where feasible, agree definable actions to be taken forward by officers to develop policy, rather than having items for noting or simply to discuss.

Frequency and Nature of Meeting
Each Committee would usually have 3 formal, public meetings per year. In assessing items delegated by Cabinet for review, the Committee may decide that it wishes to meet on a more or less frequent basis.

The Committee may also hold informal meetings should it require in order to progress specific items in detail. However, if the Committee is meeting to determine whether to refer items for Cabinet approval, the meeting should follow the Council’s Standing Orders and thus be subject to a formal agenda, be held in public and the meeting recorded.

Informal meetings may be held in any manner suitable for conducting business (e.g. via meeting, conference call, circulation of information via e-mail, or site visits); while relevant information will be supplied by officers where appropriate, these meetings will not be subject to a formal agenda or minutes. Where business of the Committee is undertaken through informal meeting, all members of the Committee will be provided opportunity to participate. Members will expect to be able to participate in a free and frank exchange of views when deliberating subjects.
Training
Members commit to undertaking development – for example, attending formal training sessions, or reading relevant background material, in order to properly equip themselves to deliver their expected role fully.

Accountability
The Policy Committees will be accountable to Cabinet. They will not be able to make decisions themselves, but can recommend decisions to Cabinet. Cabinet may review whether the Committees are discharging their duties effectively, and may receive progress reports on how the Policy Committee is working to discharge its duties.

Work Programmes
The Work Programmes for the Policy Committee will be established by Cabinet. Members of the Committee will not be able to raise items to be included in the work programme. Where topics have been identified for inclusion in the work programme, the Committee will work to identify how it will discharge its responsibilities, including the resources required to do so.

Managing Time
However the Committee is meeting, it will attempt to conclude the business of each meeting in reasonable time. The Chairman will be responsible for ensuring the meeting stays focused on pertinent issue, and does not become side-tracked on issues that are not relevant to the policy under consideration, or those that should be discussed by a separate committee.
Agenda Item: 3

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.
Environment and Regulation Policy Committee

Minutes of a meeting of the Environment and Regulation Policy Committee held at South Norfolk House, Long Stratton on Monday 14 March 2016 at 2:00pm

Committee Members Present: Councillors B Stone (Chairman), M Dewsbury, B Duffin, C Foulger and M Gray

Apologies: Councillor C Easton

Substitute Member: Councillor V Thomson

Ex Officios: Councillors K Mason Billig and L Hornby

Other Members in Attendance: Councillor T Lewis

Officer in Attendance: The Head of Environmental Services (B Wade)

34. MINUTES

Arising from minute number 33, the resolution was amended to read: “To endorse the proposed Corporate Environment Policy and recommend it to Cabinet.”

Subject to the above amendment, the minutes of the meeting of the Environment and Regulation Policy Committee held on 20 August 2015 were confirmed as a correct record and signed by the Chairman.
35. PROPOSED DRAFT CORPORATE ENVIRONMENTAL ACTION PLAN

The Head of Environmental Services made a presentation to the Committee, outlining the report before members and expanding on several of the salient points. He indicated to members that the draft Environmental Action Plan (EAP) before them had been an outcome of the Corporate Environment Policy, approved at Cabinet in January 2016 and Full Council in February 2016, and emphasised the embedded connection with the environmental actions highlighted in the Corporate Business Plan activities.

The Committee considered the positive impacts of the Plan detailed in the report including improvements to the environment from the Local plan as well as health and wellbeing of residents in South Norfolk. Members were advised that many of the actions in the draft EAP were already included in the ‘business as usual’ activity of the Council. In particular attention was drawn to background data such as the current fuel consumption and carbon dioxide emissions levels generated by the transport fleet and council buildings which were being monitored. Members were assured that a key feature of the Plan involved monitoring and managing resources with a view to reducing consumption and aiming for greater efficiencies. These would be outlined by reporting back to the Committee at a later date.

Cllr T Lewis recognised the work of officers in producing the draft Plan and asked if a further meeting of the Committee could discuss implementing a more comprehensive environmental strategy. The Chairman confirmed that, although officers were open to having a discussion, an environmental strategy was not a requirement as any actions this would generate were already emphasised in the Plan before members and embedded in the work of the Council. The annual review of the EAP would keep the Council’s environmental vision refreshed to meet changes in standards or circumstances and once fully implemented, would enable a record of base statistics to be maintained against which future reviews could be measured.

Members expressed their satisfaction with the EAP and it was unanimously

RESOLVED: To endorse the draft Corporate Environmental Action Plan

36. FORWARD WORK PROGRAMME

The Head of Environmental Services clarified to members that the Forward Work Programme included in the report was indicative and was still being finalised. He explained to members that the Business Continuity and Emergency Planning report was no longer required and the Waste Management Strategy that had been scheduled was not currently presentable owing to ongoing negotiations with suppliers. Members were assured that they would be kept informed of developments regarding the country park in Costessey.

Members were satisfied that further items would be placed on the forward work programme in response to policy and strategy developments as required.
(The meeting closed at 2:45pm)

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Chairman
Proposed Community Assets Strategy

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

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

1.1 The Council is responsible for maintaining a range of non-commercial assets which are of value to the community – these include public open spaces, play, parks and countryside areas, commons and a range of infrastructure such as footway lights. The Community Assets Strategy (CAS) is the Council’s proposed corporate land and property strategy that sets out how the Council will manage all aspects of its community assets for the period 2016/20. The strategy provides an overarching management framework which contributes to the delivery of the Council’s vision and priorities.

1.2 The purpose of this report is to seek comment and agreement for the draft Community Assets Strategy (CAS) to be referred to Cabinet for adoption.

2. Background

2.1 This is a new strategy for the Council and relates to those assets that we manage which provide, in the main, public amenity value - open spaces, play areas, commons but also footway lights and other non-commercial assets. We currently manage over 120 open spaces, 60 play areas, trees on council land as well as responsibilities for several commons and miscellaneous assets such as garages and surplus land.

2.2 The draft strategy proposes, amongst other things, more sustainable and progressive management regimes, encouraging community involvement with attendant benefits to health and wellbeing, enhanced biodiversity and opportunities for increasing local devolvement. Given the likely future funding challenges our aim is to create a more sustainable approach to our asset management.

2.3 The Strategy fully supports the Corporate Vision and priorities and embeds the following objectives:

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

- The introduction of more innovative sustainable management regimes including where appropriate “community divestment initiatives” supporting biodiversity and healthy living.
Improving and increasing partnership work to deliver asset management:-

- Securing additional agency partnership and/or third party funding
- Formulation of innovative delivery structures
- Support as part of the Council’s ‘Early Help’ approach and the Health and Wellbeing strategy
- Delivery of community development mechanisms

2.4 The introduction of the Strategy and Management Plans will set guiding principles beyond 2016/17 designed to achieve the following outcomes:-

- Improve the contribution made by community assets.
- Identify opportunities for income generation and low impact infrastructure initiatives
- Improve the contribution to biodiversity.
- Increase diversification and divestment opportunities
- Improve, where appropriate, opportunities for external funding.
- Promote community participation in asset management and maintenance.

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

2.6 There are a number of Council current policies and strategies which this proposed CAS supports, not least the 5-year Corporate Plan. The development of such a strategy is in line with the Council’s annual Business Plan.

2.7 The draft Strategy has been subject to consideration by Members of the former Environment and Regulation Policy Committee and latterly a 6-week public consultation including all Parish and Town Councils, the Broads Authority and Norfolk County Council amongst others. The draft Strategy was also available on the Council’s website for public consideration.

3. Consultation

3.1 The community assets which are the subject of this Strategy are already being managed effectively and efficiently. However given the vision, objectives and outcomes of the proposed CAS, there is a need to plan and evolve our services so they are ‘future
proofed' given the challenges that the community and the Council face. The Strategy will drive ongoing forward looking improvement, innovation and efficiency.

3.2 The draft Strategy has been subject to a formal public consultation process and the details of this are outlined below. The public consultation was designed to invite comment on the key approaches by way of a response form. Three specific issues were highlighted specifically as part of the response form. These related to:

a) Public open space and play equipment provision and funding – how best to fund and manage future public open space and playground equipment provision relating to new developments (e.g. 4 options for future funding including developer funding and management, existing 10 year s106 funding, management company charging and other forms of funding such as special expense levies).

b) Footway lighting – how best to fund continuing and future provision and in particular special expenses. A detailed structural survey and electrical test has recently been completed. The future funding of increased demands regarding capital replacement and maintenance and the options available will require consideration.

c) Public open space maintenance - how best to manage existing and future provision of public open space – maintain current regimes, less intensive regimes and other uses to the benefit of the community.

3.3 In terms of the responses they are summarised below:

<table>
<thead>
<tr>
<th>Summary of Responses</th>
<th>Number/response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total responses received</td>
<td>12</td>
</tr>
<tr>
<td>Total Parish Councils which responded</td>
<td>9</td>
</tr>
<tr>
<td>Total South Norfolk Councillors responding</td>
<td>1</td>
</tr>
<tr>
<td>Broads Authority</td>
<td>Yes</td>
</tr>
<tr>
<td>Tree Wardens Scheme</td>
<td>Yes</td>
</tr>
</tbody>
</table>
3.4 Commentary – Details of the responses and enquiries received is attached in full as Appendix A to this report together with officers' responses/comments. In general terms, the responses received can be summarised as follows:-

3.4.1 Specific –
   
   a) Enquiries regarding sites or issues which have been dealt with by the appropriate team.
   
   b) Comments regarding the future funding and responsibility for Public Open Space and play equipment.
   
   c) Comments regarding street light maintenance and funding.

3.4.2 General -

   d) Comments regarding divestment and the need for site by site consideration with consultation with Parish and Town Councils. Consideration of disposal at a nominal sum.

   e) Provision of South Norfolk Council Services such as Tree management and Play equipment maintenance to Parish and Town Councils.

Overall, it can be concluded from the limited number of responses that there does not appear to be a clear indication of concern or support either way for the strategy.

3.5 Discussion – in the light of the above it is worth considering the following aspects of the proposed strategy:

3.5.1 In view of some concern expressed regarding divestment and land sales. These will need to be considered on a site by site basis in consultation with the parishes/towns concerned. Also parishes/towns need to have a clear understanding regarding the assets managed within their areas by this Council. Consequently amendments have been made to the draft Community Asset Strategy to incorporate the following –

Community Assets – 6. Disposal Strategy

Additions –
Prior to any “divestment”, South Norfolk will consult with parish and town councils on a site by site basis, taking into account the principles identified under “divestment partnership” and assets considered “surplus”.

Parishes and Town Councils will be provided with a “Community Asset pack” clearly identifying the community assets within their area.

3.5.2 Future provision and funding of assets via the development management process. There were views expressed from several parishes on future funding of open spaces and play area provision relating to funding burdens. The current approach to Public Open Space/infrastructure and Playground equipment maintenance and capital replacement is mentioned in the draft strategy. In practice there are 3 options for management and funding under S106 agreements. These being -

a) Management companies set up by developers to maintain and fund public open space/infrastructure and play equipment provisions via a standing charge from residents within the development concerned.
b) Transfer of assets to Parish Councils with funding provided for under existing S106 calculations (typically a 10 year commuted sum).
c) Transfer of assets to this Council with funding provided for under existing S106 calculations (typically a 10 year commuted sum).

Given the ongoing pressures on services, Members may wish to consider whether this Council continues to agree to asset transfers to us as part of the development management process. This would mean that land would either still be transferred to parishes/towns, only as agreed with them, or the developer would need to make arrangements in perpetuity - a) above

Members are requested to consider this matter and the specific issues raised above.

A list of the responses received is attached as Appendix A.

4. Proposals

4.1 In light of the comments received officers have reviewed the wording of the proposed Community Asset Strategy and have incorporated various proposed amendments (highlighted in the latest strategy) to cover in part the issues raised through the consultation.
4.2 In addition, the issues raised regarding the future funding and responsibilities for Public Open Space/infrastructure, play equipment and footway lighting has been identified in 3.5 above for Member’s discussion.

4.3 Overall the CAS is considered to be a sound, robust and appropriate approach to the ongoing and future management of the Council’s assets. The full version of the proposed Community Assets Strategy post consultation is attached at Appendix 1.

5. Risks and implications arising

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

6. Other options

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

7. Recommendation

7.1 The Growth, Infrastructure and Environment Policy Committee consider the content of the post-consultation Community Assets Strategy and, subject to any further consideration, amendment or action recommend Cabinet approve the proposed Community Assets Strategy.
<table>
<thead>
<tr>
<th>Respondent</th>
<th>Comments received</th>
<th>Officer response/Comments.</th>
<th>Actions taken/to be taken</th>
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</thead>
<tbody>
<tr>
<td><strong>1 Loddon Parish Council</strong></td>
<td>Parish Council felt that to respond in detail SNC should provide details of what asset it operates. The Parish Council has no budget for running district council owned assets and does not support any changes in the current asset management scheme</td>
<td>General comment.</td>
<td></td>
</tr>
<tr>
<td><strong>2 Poringland Parish Council</strong></td>
<td>Disposal strategy fair and transparent but should commit to consultation with Parish, and offered first refusal under terms similar to Community Right to Bid. Consideration should be given to transferring assets for a nominal sum.</td>
<td>Comment - Need for local consultation.</td>
<td>Community Asset Strategy amended to include consultation as a specific provision</td>
</tr>
<tr>
<td></td>
<td>Tree Management Plan - Clear but could SNC offer services to Parishes?</td>
<td>Comment - Could form part of future &quot;commercialisation agenda&quot;</td>
<td>To be considered as part of the &quot;commercialisation&quot; agenda</td>
</tr>
<tr>
<td></td>
<td>Playgrounds - developers charging residents a management fee does not seem fair as outsiders use facility. Where possible parish councils etc. should assume ownership</td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td></td>
<td>More strategic POS management plan would be welcomes especially to increase biodiversity. Use community volunteers need to be careful to ensure sustainable in long term.</td>
<td>Comment - Services based upon community volunteers need to be carefully scoped and adequately resourced to ensure longevity.</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td></td>
<td>Playground - sensible to encourage Parishes to take responsibility for equipment. Bulk purchasing for parishes managed by SNC. Unfair for maintenance to continue to be budgeted by district and precept levied equally rather than placing a special charge on an area.</td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td>Respondent</td>
<td>Comments received</td>
<td>Officer response/Comments.</td>
<td>Actions taken/to be taken</td>
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<tr>
<td></td>
<td>Street Lighting - no comments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>POS maintenance - SNC should review each space and changes consulted with the community.</td>
<td>Comment - Need for local consultation.</td>
<td>Part of future management plan.</td>
<td></td>
</tr>
<tr>
<td>Wymondham Parish Council</td>
<td>Point of concern expressed re income generation which may be contrary to the role of a community asset.</td>
<td>Community Asset Strategy amended to include consultation as a specific provision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sale of surplus asset a concern full consideration of the Parish where an asset resides would be good.</td>
<td>Community Asset Strategy amended to include consultation as a specific provision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Comment regarding CIL an legal tests and when S106 can be used.</td>
<td>Community maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td></td>
<td>Tree Management Plan - No comments.</td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Street Lighting Management Plan - How doe this impact upon Parish/Town lighting?</td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td></td>
<td>Play Equipment - Wrong to assume Parishes will take ownership after 10 years.</td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
</tr>
</tbody>
</table>
## Community Asset Strategy - Consultation responses received. APPENDIX A

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Comments received</th>
<th>Officer response/Comments.</th>
<th>Actions taken/to be taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Open Space Management Plan - No comments</td>
<td></td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td>Commons - No Comments</td>
<td></td>
<td>Comment - Future funding of street light capital replacement programme and maintenance a major issue requiring consideration.</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td>Pos &amp; Play Equipment Funding - Option 1 best assume this will form a charge per house. (SNC and Parishes do not accept future play space provision etc. under S106 but expects developer to fund and manage. Special expense provision would be difficult to calculate and not popular. Parish does not accept Parish should fund all works after 10 years. After 10 years the principal authority should continue to own and manage.</td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
<td></td>
</tr>
<tr>
<td>Street Lighting - Happy with a special expense to remain in place not happy about any proposal to transfer ownership and costs. Communal lighting is a complete mess and need sorting. Would like to see exactly what asset are held in the Parish</td>
<td>Comment - Future funding of street light capital replacement programme and maintenance a major issue requiring consideration.</td>
<td>Part of future management plan.</td>
<td></td>
</tr>
<tr>
<td>Public Open Space maintenance - Option 1 is best (leave areas as they are and maintain current regimes).</td>
<td>Comment - Future maintenance of POS and play equipment a major issue requiring consideration</td>
<td>Part of future management plan.</td>
<td></td>
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</table>

**General Comments**
<table>
<thead>
<tr>
<th>Respondent</th>
<th>Comments received</th>
<th>Officer response/Comments.</th>
<th>Actions taken/to be taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Parish Council was offered a piece of land. It is yet to receive a formal response form SNC.</td>
<td>D Lorrimer has responded confirming site is under consideration by property Team regarding “commercialisation and alternative use” and a further response will be sent regarding the sites suitability for divestment to P.C will be issued in due course.</td>
<td>Enquiry responded to, awaiting outcome of site investigation by Property Team</td>
</tr>
<tr>
<td>5</td>
<td>What is impact upon frequency of emptying dog and litter bins?</td>
<td>Community Asset Team confirmed these issues are dealt with by the SNC depot and although the CAS makes no proposals for change this Council will as in all areas be considering opportunities for efficiencies.</td>
<td>Enquiry responded to, awaiting outcome of site investigation by Property Team</td>
</tr>
<tr>
<td>6</td>
<td>General questions re what sites, what do we do now, what are proposed changes.</td>
<td>Community Asset Team provided details of the 2 sites within the area concerned.</td>
<td>Enquiry dealt with</td>
</tr>
<tr>
<td>7</td>
<td>What sites covered by the CAS in area?</td>
<td>Confirmed only one site in the Parish area.</td>
<td>Enquiry Dealt with</td>
</tr>
<tr>
<td>Respondent</td>
<td>Comments received</td>
<td>Officer response/Comments.</td>
<td>Actions taken/to be taken</td>
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<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>8</td>
<td>CAS acknowledged, why only for 4 years, await details of management plans. Feel one site slowly deteriorating</td>
<td>Community Asset Team requested further information from respondent with regards to concerns over the particular site specified.</td>
<td>Will be covered by provision of &quot;Community Asset Information Pack&quot; to Parishes</td>
</tr>
<tr>
<td>9</td>
<td>Council did not wish to make any comments regarding CAS. Wanted to point out a specific street light not working</td>
<td>Community Asset Team provided list of all street lights in area and updated Parish regarding one street light of particular concern. Enquiry closed</td>
<td>Will be covered by provision of &quot;Community Asset Information Pack&quot; to Parishes</td>
</tr>
<tr>
<td>10</td>
<td>Wanted background regarding who manages what at a specific Playground.</td>
<td>Community Asset Team provided specific detail regarding the management arrangements for the site in question. Enquiry Closed.</td>
<td>Will be covered by provision of &quot;Community Asset Information Pack&quot; to Parishes</td>
</tr>
<tr>
<td>11</td>
<td>How can Tree Wardens input into tree management as majority of tasks could be undertaken by them?</td>
<td>Community Asset Team confirmed that as part of the Tree Management Plan the Tree Wardens Scheme and their future input will be a matter for consideration.</td>
<td>Part of future management plan.</td>
</tr>
<tr>
<td>12</td>
<td>What is meant by divestment. Parish Council supports Strategy but would like to ensure that each asset could be assessed individually and agreement made upon a case by case basis.</td>
<td>Community Asset Team confirmed what South Norfolk Council meant by &quot;divestment&quot;. Enquiry closed.</td>
<td>Clarification provided.</td>
</tr>
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<td>Community Assets Acquisition Strategy</td>
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<tr>
<td>2 Key strategy components</td>
<td></td>
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<td>Community/Street Lighting Management Plan - <em>proposed</em></td>
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<td>14</td>
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<td>15 - 18</td>
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1. Introduction

The Community Asset Strategy is the Council’s corporate land and property strategy that sets out how the council will manage all aspects of community assets.

The Council holds a variety of land and property assets within its portfolio. These can broadly be divided into 3 main asset groups as follows:-

- **Operational Assets** – Used by the Council or partners to deliver direct services such as leisure centres, waste services, Council offices.
  - Subject to a separate Asset management Plan and programme 2014/2017
- **Investment Assets** – Assets held solely for the purpose of generating rental/investment income/capital.
  - Subject to a separate Asset management Plan and programme 2014/2017
- **Community Assets** – assets held or managed by the Council that play a vital role in the community with regards to delivering the Council’s corporate objectives.

Community assets are defined as:-

- Common Land – Registered commons subject to Schemes of Regulation.
- ‘Commons’ – None registered ‘Public Open Space’.
- Parks, countryside areas and Public Open Space land.
- Trees and planting.
- Easements and rights –
  - Easements/rights of access, drainage.
  - Grazing rights, agricultural tenancies.
  - Leases/licenses commented with or ‘over’ community assets.
- **Community Infrastructure Assets**:–
  - Roadways, street and community lighting, pathways, car park areas.
  - Playgrounds and Play equipment.
  - Public toilets.
  - Benches.
  - Signage.
  - Safety equipment (lakes and ponds).

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

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

The management and maintenance of community assets is undertaken in a number of different ways:-

• Directly by the Council.
• In partnership with others – Parish Councils, Broads Authority, Conservation organisations and groups, community groups, commercial organisations.

2. Corporate Vision and Priorities

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

Corporate Vision – 2016/20

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

Corporate Priorities –

• Economic growth, productivity and prosperity :

Providing the conditions to stimulate growth, productivity and prosperity, sharing the benefits of growth with our communities.

• 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

• Place, Communities and Environment

Improving the quality of life of our communities and enhancing the built and natural environment in our towns and villages
3. Community Asset Strategy - Summary

The Community Asset Strategy provides an overarching framework which defines how the Council will actively manage open spaces, commons and other community property to the maximum benefit of the council and the community for the forthcoming year and for the mid to long term.

The Strategy fully supports the Corporate Vision and priorities and can be summarised by the following fundamental principles:-

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

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

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

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

This Strategy has strong links with the following Council documents:-
- South Norfolk Corporate Plan 2016/20
- South Norfolk Business plan 2016/17
- South Norfolk Local Plan 2011 - 2026
- South Norfolk Capital Strategy 2014/17
- South Norfolk Capital Programme
- Economic Growth Strategy 2016/21
- Tree Management Strategy

Council Management Plans to be produced following approval of the Community asset Strategy:-
- Common Land – Registered Commons Management Strategy –
The Community Asset Strategy and associated Management Plans will have due regard to:

- Legislative and regulatory provisions/recommendations.
- Codes of best practice.
- Associated financial and regulatory constraints.

4. Portfolio of Community Assets

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

<table>
<thead>
<tr>
<th>Asset</th>
<th>No</th>
<th>Acreage</th>
<th>Maintenance Budget 2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commons and Parish lands</td>
<td>35</td>
<td>288.4</td>
<td>£20,000</td>
</tr>
<tr>
<td>Commons (grants paid)</td>
<td></td>
<td></td>
<td>£26,000</td>
</tr>
<tr>
<td>Countryside sites</td>
<td>8</td>
<td>102.6</td>
<td>£30,000</td>
</tr>
<tr>
<td>Amenity Land</td>
<td>103</td>
<td>73.6</td>
<td>£20,000</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>2</td>
<td>3.7</td>
<td>£4,000</td>
</tr>
<tr>
<td>Street/community lighting</td>
<td>1063</td>
<td>N/A</td>
<td>£29,000</td>
</tr>
<tr>
<td>Play equipment (including inspection)</td>
<td>62</td>
<td>N/A</td>
<td>£97,000</td>
</tr>
<tr>
<td>Heritage sites</td>
<td>1</td>
<td>N/A</td>
<td>£2,500</td>
</tr>
<tr>
<td>Grounds maintenance (in-house service via depot)</td>
<td></td>
<td>N/A</td>
<td>£244,604</td>
</tr>
</tbody>
</table>

Note – Data taken from South Norfolk Asset Management Plan and Programme 2014-17. Data does not include recent/current additions such as South Norfolk Country Park

5. Objectives for Community Assets 2016/20 and beyond

- **Introduction of Commons Land (Regulated Commons) Management Strategy**

  Outcomes –
  - Strategic approach to Commons management.
  - Clear definition of the Council’s management responsibilities.
  - Clear definition of owner, partner and owner responsibilities.
  - Enhancement of divestment opportunities.

- **Tree Maintenance and Management Plan**

  Existing contracted survey and maintenance arrangements end @ March 2016. Preparation and implementation of a robust, sustainable and risk based management and works regime.

  Outcomes –
  - robust sustainable risk based survey and management strategy.
opportunities for active woodland management techniques enhancing woodland health, biodiversity, increased community access.
opportunities for increased involvement of in house services regarding survey and maintenance followed by potential to provide contracted services externally.

- **Community/Street Lighting Management Plan**

Existing contracted maintenance arrangements are responsive based and end @ March 2016. Preparation of a robust, sustainable and risk based management and works regime.

**Outcomes –**
- Robust maintenance and survey regime taking into account structural and electrical regulations.
- Ability to introduce new LED lighting technologies to reduce future maintenance and electricity costs.

- **Playgrounds/Play Equipment Management Plan**

Preparation of a Management Plan which will detail Council standards and policy for:-

1. Existing play areas and equipment.
2. New Play areas and equipment under S106 Agreements, CIL (Community Infrastructure Levy).

**Outcomes –**
- Enhancement of existing play equipment infrastructure by the adoption of a robust quality plan of equipment replacement and installation.
- Provision of challenging and safe play environments providing long term benefits to resident’s health and wellbeing.
- Introduction of quality planting schemes adjacent to play equipment providing additional enhancement to the environment and educational/community involvement opportunities.

- **Public Open Spaces Management Plan**

Preparation of a management Plan which details Council standards and policy for public open/communal space.

**Outcomes –**
- Enhancement of existing public open space management regimes to provide maintainable, consistent quality environments in keeping with their location.
• Introduction of quality planting schemes providing additional enhancement to the environment and educational/community involvement opportunities.
• Increased opportunities for community divestment.

Community Assets Review

A number of community assets have been identified as surplus under the Council’s existing Asset management Plan and Programme 2014-17. These assets will be reviewed during 2016-17 against the overarching vision and priorities of the Council and the approach determined by the Community Asset Strategy.

• Adoption of the South Norfolk Country Park- Costessey – The Council is anticipating the adoption of a country park in Costessey. Future management options, appraisals will require a certain level of Council input in the future.

• Current proposals for “divestment” transfer of Assets to Parish Councils and Community Groups – To be continued.

Beyond 2016

Guiding Principles

• To improve and increase the contribution made by community assets to the community and Council’s vision and priorities.

• To identify opportunities for income generation and low impact infrastructure initiatives.

• To improve the contribution made by community assets to biodiversity.

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

• To increase diversification opportunities through promotion of community based initiatives involving other areas of community interest:-

For example –
- Sculpture/art in appropriate settings.
- Theatrical and musical events.
- Local craft markets.
- Community Allotments.
- Community Planting schemes.

• To improve where appropriate opportunities for external funding contributions (EU, government agencies, partner agencies, private investment) towards community asset maintenance and improvement.
• To promote community participation in asset management and maintenance through various mechanisms including:-
  
  - Development of engagement initiatives enabling responsibility and involvement of public sector partners and community groups.
  - Development of “divestment” initiatives where appropriate enabling public sector partners, community groups to take over Council management and maintenance responsibilities.
  - Promotion of volunteer days assisting in community asset improvements and maintenance.

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

6. Community assets – Disposal Strategy

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

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

INSERT following consultation - “Divestment” and land sales need to be considered upon a site by site basis in consultation with the parishes concerned and parishes need to have a clear understanding regarding the assets managed within their areas by this Council. To facilitate this, the council will undertake the following –

- Prior to any “divestment”, South Norfolk Council will consult with parish and town councils upon a site by site basis, taking into account the principles identified under “divestment partnership” and assets considered “surplus”.
- Parishes and Town Councils will be provided with a “Community Asset pack” clearly identifying the community assets within their area. STOP

Any “divestment”, partnership arrangement must be appropriate taking into account the following fundamental principles:-

• Many Community Assets have legal encumbrances in the form of statute, covenants, restrictions and reservations which restrict opportunities for disposal.
• The Council in “disposing” of a community asset must where applicable ensure adequate and legally enforceable protection of that asset in the form of covenants and reservations. Generally such protection is more “legally” robust when an asset is disposed of under lease or license as opposed to freehold sale.
• Any disposal of “Public Open Space” must comply with legislative provisions.
• The divestment, partnership mechanism chosen must:-
I. Enable the recipient organisation/group to meet current and future objectives and plans.
II. Provide identifiable advantages in terms of community benefit, management, financial terms as compared with retention by the Council.
III. Ensure that the asset remains protected for the benefit of the community.
IV. Complies with the Council’s statutory, legal and fiduciary duties.
V. Is supported by the local community.

A Community Asset will only be considered as “surplus” and therefore available for unencumbered freehold sale in the following circumstances:

I. The Council has undertaken a robust review and identified that the asset concerned provides no current or future identifiable community need.
II. Unencumbered freehold sale is considered to be in the public interest and accords with the Council’s legislative and fiduciary duties.
III. There is no financial benefit from retention having regards to:
   - The financial and other resources required in continued ownership.
   - There are no current/future development opportunities/considerations.
   - The financial consideration achieved through sale represents “best value” taking into account:
     ii. Cost of future maintenance and management of asset if retained.
IV. Disposal complies with legislative provisions.
V. Public/community consultation in accordance with legislative provisions has been undertaken.

7. Community Asset – Acquisition Strategy

The Council may acquire community assets in various circumstances:

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

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

The Council also acquires community assets and financial resources in relation to Planning Contributions through S106 and also receives financial contributions through the Community Infrastructure Levy (CIL).
The Community Infrastructure Levy introduced under the Planning Act 2008 is a charge on almost all forms of development providing contributions towards the infrastructure needed to support growth in an area. It is intended for general infrastructure contributions whereas S106 is intended for site specific purposes. The Council adopted CIL charging in 2014. CIL general provisions are:-

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

Consideration will need to be given in the future to how S106 and CIL contributions can best be utilised for Community Assets.

8. Tree Management Strategy

The 2014 Tree Management Strategy covered trees, hedgerows, high hedges.

The strategy has the following key objectives:-

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

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

Currently tree surveys and maintenance is undertaken by contractor upon an annual basis as well as works remedial works being undertaken directly by the Councils depot.

In order for the Council to meet its tree management objectives, during 2016/17 a Tree Management and Maintenance Plan will be prepared incorporating:-

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

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

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

For further details refer to the 2014 strategy.

9. Community/street Lighting Management Plan

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

- Street lighting directly maintained by Norfolk County Council as highway Authority.
- Street lighting maintained by the Highway Agency – A11, A47.
- Street lighting maintained/owned directly by Parish Councils:
- Street lighting owned by parish councils and Saffron Housing Association but maintained by South Norfolk Council.

This council currently maintains @ 1061 street lights on behalf of parish councils and Saffron.

The basis of maintenance is an annual contract which covers the following services:

- Attendance and repair of outages within 10 days.
- Annual clean and visual inspection of all light units.
- Change all lamps at the end of manufacturers recommended lamp life.
- Repair and replacement of; lamps, chokes, photocells, fuses, wiring.
- Reporting of main faults to UK Power Networks.
Excluded from the contract:-

- Vandalism or impact damage, columns, lanterns, upgrading, age related deterioration, doors, poles, time clocks.

The current contractual arrangements are mainly responsive with only visual inspections carried out to most lighting stock. Where responsive maintenance is undertaken the contractor electrically tests and reports on condition however the current arrangements fall short of providing full stock condition surveys and electrical testing in accordance with BS 7671 17th edition Electrical Regulations.

This Council proposes during 2016/17 to prepare a detailed street lighting specification for tender. This new specification will cover the following:-

- Industry Standards for lighting maintenance (Institution of Lighting Professionals TR24 Policy, TR22 maintenance.
- BS 7671 17th Edition Electrical Regulations – electrical inspection and testing.
- Providing a robust framework for street light inspection and maintenance based upon industry best practice providing a risk based approach to maintenance and replacement.
- Provide opportunities for this Council and its partners to investigate and where appropriate benefit from new lighting technologies with regards to reduced energy consumption, increased life, improved lighting quality.

10. Playgrounds and Play equipment Management Plan

This Council manages some 62 equipped playgrounds across the district.

Various policies and strategies currently touch or concern playgrounds:-

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

- Children’s play space - required for all developments where overall density of estate is greater than 16 dwellings/ha.
- Minimum open space required – 400 sq m for 15-24 dwellings, 1000 sq m for 25-50 dwellings plus 17.5 sq m per dwelling over 50.
- Where developers wish the District Council to assume ownership of open spaces, a contribution for maintenance in the form a 10 year commuted lump sum is required. The appropriate Town or Parish Council will be asked to assume ownership.

It should be noted that only a small proportion of new playgrounds are taken by Parish Councils.

- If a developer does not wish to convey open space to the District/Parish/Town Council it is assume the developer or residents will carry out future maintenance.
Management companies servicing new developments are increasing in popularity with developers retaining playground ownership and charging residents a management fee/service charge. The Council is planning to review this policy.

In a number of instances developers under S106 agreements agree payment for “non-provision” which enables contributions to be used off site to fund other works.


3. European Standards for Play Areas EN 1176/1177.

4. ROSPA Play Safety Standards.

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

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

The following work programme is planned for 2016/17:-

- Preparation of a playground and play equipment management plan incorporating:-
  - Proposed standards for future play equipment.
  - Proposed standards for play ground provision.
- Health and Safety Inspection regime to be subject of tender.
- Preparation of annual programme of planned/cyclical maintenance work in addition to responsive maintenance regime which currently exists.

11. Public Open Space Management Plan

The Council owns/manages a variety of public open spaces and countryside sites.

Currently cyclical maintenance such as grounds maintenance (grass cutting, hedge trimming, litter removal, waste bins) is undertaken by the depot.

In addition ad hoc inspection regimes and responses to maintenance problems identify additional work to be undertaken by the depot or by private contractors (depending upon the scope of the works).

Currently a need has been identified for:-

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

The Public Open Space management Plan proposed for 2016 onwards is intended to address these issues and provide a clear strategic direction and ‘improvement approach’ which accords with South Norfolk Council’s vision and priorities.

The preparation of a clear strategic approach will also identify opportunities for closer working between the depot and support staff improving efficiencies particularly with regards to increasing the proportion of programmed versus responsive work programmes.

Initial discussions with depot management has identified additional skills which could be used for grounds/aboricultural maintenance subject to a proportion of current resources being freed up by enhanced work planning.

12. Common Land – (Regulated Commons) Management Strategy

The Council manages 5 registered Commons (Mulbarton, Swardeston, Hales Green, Smockmill, Flordon). These commons are privately owned land (save for one which has no identifiable owner) over which there are “rights in common” which include:–

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

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

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

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

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

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

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

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

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

One interesting area of clarification from DEFRA relates to proposals to construct/improve driveways across common land. Whilst consent to works is required by the landowner and under S38 of the 2006 Act such applications may be consistent with continued use of common land even where the driveway is entirely for private use, because construction will not prevent public access, or access for commoners animals.

The legal position regarding common land and encroachment/unlawful works can be complex depending upon the nature of the breach and its impact upon the environment and access being available to all.

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

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

Alternatively unlawful encroachment/works could be legitimised by a successful claim for adverse possession after a period of some 20 years or by an unsuccessful enforcement action through the County Court.
A number of the Commons have been the subject of numerous historic encroachments and unlawful works as well as a number of more recent issues.

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

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

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

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

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

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

A key element of this enforcement approach will be providing adjoining residents, owners and key partners such as the Parish Council with clear written advice covering:–

- The legal position regarding Common Land regarding encroachment and authorisation of works.
- A clear statement from this Council of its management responsibilities with regards to the Common.
- A clear statement from this Council with regards to its expectations of others regarding:–
   - Areas of maintenance where contributions are expected from primary users.

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

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

- A clear programme of works will enable the following improvements to be made regarding Commons management and maintenance:
  - A prioritised financially based programme set against available finances.
  - Division of programme responsibilities between:
    - South Norfolk Council.
    - Land owners.
    - Parish Council.
    - Volunteer groups.

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

It is understood that a Commons Council or similar collective body may be more likely to be successful in securing third party funding.