

Communities, Housing and Planning Policy Development Panel
8 February 2023

Norfolk Recreational Impact Avoidance and Mitigation (RAMS) Programme Governance

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Portfolio: Communities, Housing and Planning

Ward(s) Affected: All

Purpose of the Report:

To agree the proposed organisational structure to enable the effective and efficient implementation and delivery of the Norfolk Recreational Impact Avoidance and Mitigation Strategy (RAMS).

Recommendations:

Communities, Housing and Planning Policy Development Panel to recommend to Cabinet that it:

1. Agrees for Norfolk County Council to act as the Accountable Body for the Norfolk Recreational Avoidance and Mitigation Strategy (RAMS), to include agreement for RAMS tariff contributions received by Broadland District Council to be transferred to and held by Norfolk County Council in accordance with this responsibility;
2. Agrees to establish a Norfolk RAMS Board comprising representative from each of the Norfolk Authorities to oversee the operation of Norfolk County Council as Accountable Body;

and,

3. Delegates authority to the Assistant Director for Planning in consultation with the Portfolio Holder for Communities, Housing and Planning to finalise any partnership legal agreement and Terms of Reference related to recommendations 1 and 2.

1. Summary

- 1.1 The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been prepared by the 8 Local Planning Authorities of Norfolk in conjunction with Norfolk County Council. Its purpose is to deliver the mitigation necessary to avoid adverse effects from the 'in-combination' impacts of residential development that is forecast to be delivered across Norfolk until 2038 at internationally designated sites.
- 1.2 Each of the Norfolk Authorities has now adopted the Norfolk GIRAMS and are collecting relevant RAMS contributions from qualifying development.
- 1.3 The implementation and delivery of the Norfolk RAMS programme will require a coordinated approach, with developer contributions being directed to deliver joint, cross boundary mitigation projects to protect the affected Habitat sites. In order to effectively and efficiently manage such a programme, it is proposed to: 1) establish an overseeing Member programme board made up of Members of the contributing authorities; 2) appoint a RAMS Delivery Officer hosted by Norfolk County Council; and, 3) authorise Norfolk County Council to act as the Accountable Body for the delivery of the Norfolk RAMS.

2. Background

- 1.4 The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been prepared by the 8 Local Planning Authorities of Norfolk in conjunction with Norfolk County Council. Its purpose is to deliver the mitigation necessary to avoid adverse effects from the 'in-combination' impacts of residential development that is forecast to be delivered across Norfolk until 2038 at internationally designated sites. These impacts relate to the increased recreational pressure that will result from this residential development.
- 1.5 The mitigation approach set out within the GIRAMS includes two elements. The first is the delivery of Green Infrastructure (GI) in accordance with standards to be derived by each of the individual Local Planning Authorities (LPAs). The second is the delivery of a Norfolk wide Recreation Impact Avoidance and Mitigation Strategy (RAMS) to be funded by contributions from new residential and other qualifying development.
- 1.6 On 14 December 2021 the Norfolk Strategic Planning Member Forum agreed a Statement of Common Ground in respect of the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS), which included an agreement to bring the Norfolk RAMS into effect in each individual local planning authority area. The Norfolk Strategic Planning Member Forum also agreed with the principle of establishing a new board and the employment of a delivery officer to oversee the delivery of the RAMS.

- 1.7 Following consideration of the matter by the Norfolk Strategic Planning Member Forum, the Broadland Full Council Meeting on 24 February 2022 resolved to adopt the Norfolk Green Infrastructure and Recreation and Avoidance and Mitigation (GI and RAMS) Strategy and begin collecting associated contributions from residential and other qualifying developments in line with the emerging policy of the Greater Norwich Local Plan (GNLP). The GNLP included the locally derived standards for the provision of Green Infrastructure.

3. Current position/findings

- 1.8 Each of the Norfolk Authorities has now adopted the Norfolk GIRAMS and are collecting relevant RAMS contributions from qualifying development. The financial contributions that have been collected are currently being held independently by each of the receiving authorities.
- 1.9 The brief and invitation for a review of the GIRAMS mitigation programme, which was a requirement of the Norfolk Statement of Common Ground submitted in association with the GNLP, was agreed between the Norfolk Authorities during 2022 and was advertised in late 2022. Unfortunately no tenders were received to the initial invitation. Further prospective tenders have been identified and it is intended that the tender will be re-published in early 2023, with the expectation that this work will now be completed by the end of 2023.
- 1.10 The RAMS contribution is only payable on the commencement of development, this inherently creates a lag between new permissions being issued and contributions being received. As consequence of this lag and the fact that the grant of new permission has been significantly restricted in the last year as a result of Natural England's advice on nutrient neutrality contributions received to date in across South Norfolk and Broadland have been negligible. As such the delay to the review of the mitigation programme is unlikely to have any significant practical implications to the delivery of projects.
- 1.11 It is however necessary to continue the process of putting in place an appropriate organisational structure in order to effective and efficient delivery of projects when sufficient funds have been built up.

4. Proposed action

- 1.12 The nature of the RAMS programme will require a coordinated approach across Norfolk, with developer contributions being directed to deliver joint, cross boundary mitigation projects to protect the affected Habitat sites. In order to effectively and efficiently manage such a programme, it is proposed to establish an overseeing programme board made up of Members of the contributing authorities.
- 1.13 An officer resource will also be needed to support the delivery of the programme under the direction of the Member Board. Norfolk County Council already have a remit for the delivery of infrastructure across the whole of Norfolk. Their Natural Environment Team also already provides specialist expertise on the natural environment for planning applications to safeguard the natural environment and to

ensure statutory obligations and policy requirements are met. On this basis, it is proposed that Norfolk County Council is agreed as the host authority for a RAMS Delivery Officer. This role would be funded from the RAMS developer contributions.

- 1.14 In addition, it is also proposed that Norfolk County Council acts as the accountable body for the delivery of the RAMS programme. As part of this role, RAMS contributions will be transferred to and held by Norfolk County Council on behalf of the Norfolk Authorities. Norfolk County Council will also have responsibility for the procurement and delivery of projects as part of the programme of delivery agreed by the overseeing member board.
- 1.15 These proposals are in accordance with the previous agreement reached at the Norfolk Strategic Planning Member Forum. Moreover, there are strong similarities between this proposed approach and that already adopted by the Greater Norwich Authorities in respect of the management of the Community Infrastructure Levy (CIL) Infrastructure Investment Fund (IIF).
- 1.16 In order to finalise arrangement in accordance with the above proposals, it is further proposed that delegated authority is given to the Assistant Director for Planning in consultation with the Portfolio Holder for Planning, Communities and Housing to finalise the terms of reference for the overseeing Member board and the necessary legal agreements to authorise Norfolk County Council to act as accountable body for the delivery of the RAMS programme. The terms of reference and legal agreements will set out the final procedural arrangements for decision making, budget monitoring, project prioritisation and governance in a manner which is aligned to the principles established for the operation of the Greater Norwich CIL Infrastructure Investment Fund.

5. Other options

- 1.17 It is not considered that there is any reasonable approach that does not involve the creation of a joint board to oversee the Norfolk RAMS programme. Inherently, agreement of a jointly funded cross boundary projects will require discussion and debate between the relevant authorities, which could not sensibly be replicated through alternative, non-collaborative structures. It is possible that such a board could operate at an officer, rather than Member level. However, this would not provide the same degree of democratic accountability and is therefore not recommended.
- 1.18 Similarly, the employment of a Delivery Officer is considered to be essential to the efficient and effective delivery of a cross boundary programme. Whilst this post could conceivably be hosted by any of the Norfolk Authorities, none have the existing cross boundary remit of Norfolk County Council. There is also a strong overlap between the role of the RAMS Delivery Officer and the function of Norfolk County Council's Natural Environment Team. These two factors make Norfolk County Council the natural fit for the role of host authority. Norfolk County Council have also indicated that they are open to adopting the role of responsible authority.

- 1.19 Whilst conceivably each authority could continue to hold its own RAMS contributions and release funds to deliver joint cross boundary mitigation projects, this is likely to duplicate processing and assurance tasks across the Norfolk Authorities, which would be likely be an inefficient use of resource. On this basis this option is not recommended.

6. Issues and risks

- 1.20 **Resource Implications** – The preparation of the terms of reference for any Member board and other legal agreements related to the establishment of the organisational structure for the delivery of the RAMS programme will be met within existing Council resource and/or within the agreed budgets for the Norfolk Strategy Planning Framework function.

Costs associated with the establishment of the Delivery Officer post will be met through received RAMS contributions.

- 1.21 **Legal Implications** – The Council, in its role as Local Planning Authority, is a competent authority under the Habitat Regulations. As such it has a legal duty to ensure that plans and projects will not have an adverse impact on the designated assets of a designated Habitats Site before giving effect to such plans or projects. This includes the adoption of a Local Plan or granting Planning Permission.

The implementation and delivery of the Norfolk RAMS programme is a necessary part of the Council's mitigation to avoid such adverse effects.

There will be likely legal implications associated with the agreement of a terms of reference for the RAMS Member Board and the necessary legal agreements to establish Norfolk County Council as the accountable body for the delivery of the RAMS programme. Appropriate legal advice will be taken in the finalisation of these documents under the delegated authority sought within this report.

- 1.22 **Equality Implications** – there are not considered to be any equalities implications directly relating this report. Some projects delivered under the Norfolk RAMS programme may have equalities implications. These will be assessed and considered appropriately as part of the consenting process for those projects.

- 1.23 **Environmental Impact** – the report relates directly to the implementation and delivery of a programme considered necessary to protect designated international Habitat Sites as set out in the legal implications section.

- 1.24 **Crime and Disorder** – there are not considered to be any crime and disorder implication related to this report.

- 1.25 **Risks** – there are not considered to be any risk other than those outlined elsewhere in the report.

7. Conclusion

- 1.26 For the reasons set out in sections 4 and 5 it is considered that the establishment of a Joint Member Board to oversee the implementation and delivery of the

Norfolk RAMS, the appointment of a Delivery Officer to be hosted by Norfolk County Council and the authorisation for Norfolk County Council to act as the Accountable Body for the delivery of the RAMS programme is considered to be the most appropriate course of action to ensure the efficient and effective delivery of the Norfolk RAMS.

8. Recommendations

- 1.27 Communities, Housing and Planning Policy Development Panel to recommend to Cabinet that it:
1. Agrees for Norfolk Council Council to act as the Accountable Body for the Norfolk Recreational Avoidance and Mitigation Strategy (RAMS), to include agreement for RAMS tariff contributions received by Broadland District Council to be transferred to and held by Norfolk County Council in accordance with this responsibility;
 2. Agrees to establish a Norfolk RAMS Board comprising representative from each of the Norfolk Authorities to oversee the operation of Norfolk County Council as Accountable Body;
- and,
3. Delegates authority to the Assistant Director for Planning in consultation with the Portfolio Holder for Communities, Housing and Planning to finalise any partnership legal agreement and Terms of Reference related to recommendations 1 and 2.

Background papers

[Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy \(GIRAMS\)](#)

[Greater Norwich Local Plan \(GNLP\)](#)

[Minutes of the 14 December 2021 Norfolk Strategy Framework Member Forum](#)

[Minutes of the 24 February 2022 meeting of Broadland District Council](#)