



Agenda

Notice of an informal meeting of the: **Transport, Economy and Environment Overview and Scrutiny Committee**

To: **Councillors Stanley Lumley (Chairman), Karl Arthur, David Goode, Paul Haslam, Robert Heseltine, David Jeffels, Don MacKay (Vice-Chair), Andy Paraskos, Caroline Patmore, Clive Pearson, Matt Scott, David Staveley and Roberta Swiers.**

Date: **Thursday, 20th January, 2022**

Time: **10.00 am**

Venue: **Remote Meeting held via Microsoft Teams**

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its February 2022 meeting.

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings. Recording of previous live broadcast meetings are also available there.

Business

- 1. Introductions and apologies for absence**
- 2. Minutes of the meeting held on 21 October 2021** **(Pages 3 - 10)**
- 3. Declarations of Interest**
- 4. Public Questions or Statements**
Members of the public may ask questions or make statements at this meeting if they have delivered notice (to include the text of the question/statement) to Daniel Harry of

Enquiries relating to this agenda please contact Daniel Harry Tel:
or e-mail daniel.harry@northyorks.gov.uk
Website: www.northyorks.gov.uk

Legal and Democratic Services (*contact details below*) no later than midday on Monday 17 January 2022. Each speaker should limit themselves to 3 minutes on any item.

Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

5. **Highways England annual update on maintenance and improvement activity** – Report of the Team leader, planning and development for Operations Yorkshire Humberside and the North East (Pages 11 - 16)
6. **York and North Yorkshire Local Enterprise Partnership Annual Report** - Report of the Chief Operating Officer (Pages 17 - 34)
7. **Update on the implementation of the North Yorkshire Local Flood Risk Management Strategy** - Report of the NYCC Corporate Director – Business and Environmental Services (Pages 35 - 44)
8. **Draft Planning Enforcement and Monitoring Policy** - Report of the NYCC Corporate Director – Business and Environmental Services (Pages 45 - 72)
9. **Committee Work Programme** - Report of the Democratic Services and Scrutiny Manager, NYCC (Pages 73 - 78)
10. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Tuesday, 11 January 2022

North Yorkshire County Council

Transport, Economy and Environment Overview and Scrutiny Committee

Minutes of the remote meeting held on Thursday, 21st October, 2021 commencing at 10.00 am.

County Councillor Stanley Lumley in the Chair and County Councillors David Goode, Paul Haslam, Robert Heseltine, David Jeffels, Don MacKay, Andy Paraskos, Caroline Patmore, Clive Pearson, Matt Scott and David Staveley.

Officers present: Neil Irving, Assistant Director Policy, Partnerships and Communities, NYCC; Michael Leah, Assistant Director Travel, Environmental and Countryside Access Services, NYCC; Peter Jeffreys, Environmental and Countryside Access Services, NYCC; and Daniel Harry, Democratic Services and Scrutiny Manager, NYCC.

Apologies: County Councillors Karl Arthur and Roberta Swiers.

Copies of all documents considered are in the Minute Book

133 Minutes of the meeting held on 12 July 2021

The Minutes of the meeting held on 12 July 2021 were taken as read and confirmed by the Chairman as a correct record.

134 Declarations of Interest

There were no declarations of interest to note.

135 Public Questions or Statements

No public questions or statements were received.

136 Update on the progress of North Yorkshire County Council's Carbon Reduction Plan - Report of the Assistant Director Policy, Partnerships and Communities, NYCC

Considered – A report by Neil Irving, the Assistant Director Policy, Partnerships and Communities, NYCC on the progress being made with implementation of the Council's Carbon Reduction Plan.

The key points from the presentation are as summarised below:

- The plan was approved at Executive on 13 July 2021
- It has an aspirational target for net carbon neutrality by 2030 or as close to that date as is possible
- The focus is upon what the Council is doing and can do to reduce carbon dioxide emissions, which includes work done to date and work that is being planned
- Progress will be regularly monitored as part of the corporate performance management report that goes to Management Board and the Executive
- There is wider engagement with the LEP and district councils
- The focus is upon reducing electricity use as far as possible, ensuring that what electricity is used is from renewables and capturing and storing carbon dioxide
- The pandemic and the large scale move to home working has reduced the level of

carbon dioxide emissions

- Heating, lighting and travel are key areas of work. LED street lights have been hugely successful in reducing emissions
- One of the Council's biggest carbon footprints is residential settings
- Work is underway to look at the use of electric vehicles across the Council fleet
- Off-setting is an important element and the White Rose Forest will be significant in this regard
- The Brierley Group of companies are continuing to develop their own carbon reduction plans.

There followed a discussion, the key points of which are summarised as below:

- There were gains to be made from window replacement in schools but this was not always simple as schools are largely independent of the Council and cannot be subsidised
- There were concerns about the increasing use of Lithium batteries, as the move is made to using electric vehicles. There are environmental and social problems associated with the extraction and disposal of Lithium
- There are opportunities for organisations to share buildings and reduce the overall estate. This process was started with the 'one public estate' initiative a number of years ago but seems to have lost momentum. It will become increasingly important as the Council becomes a unitary authority in April 2023
- The gains to the Council made by increased home working during the pandemic may have been undermined by the increased emissions from multiple, individual properties that are less efficient than a large office space
- Query as to where the link was between the Council Minerals and Waste Plan and the Carbon Reduction Plan
- The use of hydrogen as a fuel had not been taken into account. It was accepted that there were some difficulties associated with the production and supply of this fuel but more could be done to look into this in the long term, particularly green hydrogen
- There may be opportunities to use closed landfill sites for solar farms, as the land has no other developmental use
- An inspiring vision that could be understood, shared and owned would be key
- A mixed economy of energy generation in terms of size and type was needed. Small scale, community-based renewables had their place alongside large scale solar and wind farms. Micro-grids are widely used in developing countries and could be relatively easily applied to villages in the county.

County Councillor David Staveley asked how the carbon dioxide emissions were calculated. He noted that a 'whole life' approach needed to be taken as the replacement of existing equipment or facilities prior to the end of their life, for a more efficient upgrade, may help reduce some carbon dioxide emissions but will have carbon dioxide emissions associated with disposing of them prior to their natural end of life. In effect, their carbon dioxide emissions per year of use has risen, due to the shorter period of use.

In response Neil Irving said that the calculations were complicated but that the need to take into account the 'whole life' of a product was important.

County Councillor Paul Haslam said that more could be done by the Council to specify what climate change mitigation measures it expected as a minimum from its suppliers.

Neil Irving said that this work was underway with the Council procurement team but that this needed careful consideration as it would have a disproportionate financial impact upon smaller, local suppliers who may be less able to absorb the associated increase in costs.

County Councillor Stanley Lumley asked whether the necessary electricity supply infrastructure was in place to cope with the increased demand over the next 10 to 20 years,

particularly in rural areas.

In response, Neil Irving said that the Council had not direct control over the electricity supply infrastructure but that they were able to speak with and lobby the relevant authorities.

County Councillor Stanley Lumley summed up and thanked Neil Irving for attending the meeting.

Resolved:

- 1) That Neil Irving comes back to the committee in 12 months to provide a further update.

137 Update on reducing use of single-use plastics - Report of the Assistant Director Travel, Environmental and Countryside Access Services, NYCC

Considered – A report by Michael Leah, Assistant Director Travel, Environmental and Countryside Access Services, NYCC updating the committee on the progress being made with reduction in the use of single-use plastics.

The key points from the report are as summarised below:

- The report outlining the process for the reduction in the use of single-use plastics, along with 16 specific recommendations, went to the Executive in March 2021
- With the majority of County Council employees working from home for the past 18 months, the use of single-use plastics has reduced significantly
- Some, limited progress has been made with procurement and a new purchasing strategy that helps to reduce the use of single use plastics
- The work on single use plastic reduction will be incorporated into the Council's Carbon Reduction Plan
- Recognition that there has not been the progress that would have been liked but this has been down to the upheaval caused by the need to respond to the pandemic. The creation of a new unitary authority may also have an impact upon progress.

There followed a discussion, as summarised below:

- Disappointing to see that no real progress has been made with the implementation of the 16 recommendations
- Whilst it is accepted that the response to the pandemic has meant that resources have been diverted to other areas of work and priorities, this cannot continue. There should be a renewed focus upon reducing the use of single use plastics across the Council
- There remains a high level of public concern about single use plastics and the Council has a leadership role to play and can help influence behaviour change.

County Councillor David Goode asked why the issue of PPE use during the pandemic had not been covered in the report. This was a major omission as this was the biggest source of single use plastics over the past 18 months.

In response, Michael Leah said that access to regular supplies of PPE over the past 18 months was key to the response to the pandemic and could not be avoided. The PPE could not be re-used safely and was not readily recyclable.

County Councillor Paul Haslam said that the report was an honest assessment of progress and whilst disappointing the open and transparent approach was welcomed. He asked whether more could be done at a local level, with small actions and initiatives that build up to effect major change over time.

Michael Leah said that there had been significant issues associated with keeping services going during the pandemic and the focus of the Council has completely shifted over the past 18 months.

County Councillor Stanley Lumley summed up and thanked Michael Leah for attending the updating the committee.

Resolved:

- 1) That a further update be brought back to the committee either independently or as part of the Council Carbon Reduction Plan.

County Councillor Matt Scott left the meeting at 11:00am

138 Allerton Waste Recovery Park update - Report of the Assistant Director - Travel, Environmental and Countryside Services, NYCC

Considered – A report by Michael Leah, Assistant Director Travel, Environmental and Countryside Access Services, NYCC updating the committee on the performance of the Allerton Waste Recovery Park.

Michael Leah introduced the report, the key points of which are as summarised below:

- The facility has been operational since 1 March 2018
- The site has a Mechanical Treatment plant, an Anaerobic Digester and an Energy from Waste facility
- The facility can receive up to 320,000 tonnes of residual household waste per annum from across North Yorkshire and York over a 25 year contract period
- An additional 50,000 tonnes of commercial waste per year is being taken from YorWaste. This will help ensure peak performance of the facility
- There have been some problems with the Mechanical Treatment plant, some of which are linked to the type of waste being processed
- The separation of recyclables from residual waste has been difficult at times and produced a low grade product for which there is little demand. Work is underway to improve the quality of the recovered recyclables and to find new markets for them
- The pandemic has impacted upon overall performance as staff have been obliged to self-isolate when they have tested positive
- There are always teething problems with a new facility and anything of this scale
- The Allerton Waste Recovery Park is in part an 'energy from waste' facility. The energy comes from bio-gas from anaerobic digester plant and electricity from the incineration of waste
- The plant has to shut down periodically to enable maintenance and safety checks to be carried out. When shut down, the waste is diverted to other sites and does not go to landfill
- The new, national waste management strategy that is due to be published in the next months will have an impact upon the type and amount of waste processed at the plant as the emphasis is upon reducing overall residual waste and maximising recycling at the kerb-side.

There followed a discussion, the key points of which are as summarised below:

- There is a risk that the collection and processing of waste is incentivised to enable the successful completion of the contract and the peak use of the plant, rather than focussing upon the reduction of waste and recycling generally
- The management of food waste is key. This involves work with households and food suppliers to reduce waste overall and then putting in place mechanisms to divert what is left from the residual waste system

- There is a need to ensure that the contract continues to deliver over its lifespan
- Modifying the behaviour of consumers and suppliers of food remains a big challenge
- The plant was controversial when first suggested and when the business case was being developed but it has since proved to be a great asset to the county.

County Councillor David Goode asked what the impact of the new national waste strategy would be upon the 25 year contract that had been entered into.

Peter Jeffreys, Waste and Countryside Services, said that there is a need to understand the impact of the new national strategy and its implications for how the plant works in the future.

County Councillor Stanley Lumley asked whether, when the plant is working at full capacity, all waste is diverted from landfill.

Peter Jeffreys replied that this was the case.

County Councillor Stanley Lumley queried whether the level of electricity generation from waste had yet achieved the target of 40,000 homes.

Peter Jeffreys that there were some minor build defects in the plant that Amey was resolving. Until this was done, the electricity generation would not reach its target.

County Councillor Andy Paraskos said that the national waste strategy would most likely focus upon reducing food waste and using the food waste that had been diverted from residual waste to generate bio-gas. This would then mean that more food waste was sent to the plant for processing. He asked whether the existing anaerobic digesters would have the capacity to absorb this.

Peter Jeffreys said that there was capacity to process 23,000 tonnes of food waste per annum and that this should be sufficient. The challenge will be making sure that the food waste is as clean as possible and sorted at the source. The residue left after the anaerobic digestion process would then be used as fertiliser, once it had been pasteurised.

County Councillor Stanley Lumley thanked Michael Leah and Peter Jeffreys for attending the meeting and summed up.

Resolved:

- 1) That an overview of the new, national waste strategy is provided to the 20 January 2022 meeting of the committee.

139 Responding to the Rural Commission Report - hydro-electric energy generation in rural communities - Report of the Democratic Services and Scrutiny Manager, NYCC

Considered – A report by Daniel Harry, Democratic Services and Scrutiny Manager, NYCC on small scale, community based hydro-electric power generation.

The key points from the presentation are as summarised below:

- The generation of electricity through hydro-electric power in rural communities was noted as an omission from the recently published Rural Commission report and recommendations
- The county has a number of rivers and tributaries that have the necessary 'flow' and 'head' to enable viable generation of hydro-electric power
- The feasibility of schemes varies significantly according to the setting and the infrastructure currently in place
- There are a number of financial, administrative and bureaucratic barriers in place to

- progressing small scale hydro-electric schemes
- Hydro-electric schemes tend to be adopted more quickly when undertaken by private landowners and when using the existing infrastructure on a river, such as a weir or mill race
- Hydro-electric schemes tend to work better when part of a basket of renewable energy generation
- The Council and the LEP have an opportunity to promote small scale, community owned hydro-electric power generation across the county
- The technology is improving all the time and this may help create more opportunities.

There followed a discussion, the key points of which are as below:

- There are extensive rivers in the county that could be used for small scale hydro-electric power generation
- There are existing examples that could be learned from
- Feasibility studies are key and need to be done at the earliest stages. The Council and the LEP may have a role in identifying places where small scale hydro-electric power generation could be practicable.

County Councillor David Goode said that a recent attempt by a community group in Knaresborough to install a small hydro-electric plant was ultimately unsuccessful because there were too many barriers for them to overcome and a community group that had been highly motivated became dis-heartened. There was more that could be done to support such groups and help them undertake feasibility studies and then navigate their way through the various permissions needed.

County Councillor David Staveley said that it was important to look at the assets already in place along the county's rivers and start with the existing infrastructure. This would help reduce the need for complex and expensive building work. The river Ribble has a number of old mills along its length that could be re-purposed.

County Councillor Paul Haslam said that hydro-electric schemes could be incorporated in flood defence work. Also, that the public needed information and advice about what is possible and where to get help.

County Councillor Stanley Lumley summed up.

Resolved:

- 1) Daniel Harry to take forward the recommendations in the report and provide an update to the committee on progress.

140 Committee Work Programme - Report of the Democratic Services and Scrutiny Manager, NYCC

Considered -

The report of Daniel Harry, Democratic Services and Scrutiny Manager, NYCC asking the Committee to confirm, amend or add to the areas of the work listed in the Work Programme schedule (Appendix 1 to the report).

Daniel Harry introduced the report.

County Councillor David Jeffels asked that the discussion with Highways England took place as scheduled on 20 January 2022, as it was vitally important that some long-standing issues were addressed.

County Councillor David Staveley said that more needed to be done to ensure that the LEP was subject to robust scrutiny. The current arrangements, whereby an annual scrutiny session was held, were not sufficient.

Resolved:

- 1) That the Work Programme be noted
- 2) Daniel Harry to speak with Highways England and ensure attendance for the January 2022 committee meeting
- 3) Daniel Harry to speak with the LEP about scrutiny arrangements.

The meeting concluded at 12.20 pm.

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North Yorkshire County Council Transport, Economy and Environment Overview and Scrutiny Committee meeting: 20 January 2022

NATIONAL HIGHWAYS UPDATE ON MAINTENANCE AND IMPROVEMENT ACTIVITY

Document Title	North Yorkshire County Council Transport, Economy and Environment Overview and Scrutiny Committee meeting: 20 January 2022
Author	Paul Mitchinson, Route Manager, Programme Development
Distribution	Committee members and officers
Date	6 th January 2022

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Introduction

The purpose of this report is to update members on National Highways work on the Strategic Road Network in North Yorkshire

The report provides a general forward look of current and planned work, as well as other activity.

Scheme Delivery

Please note that delivery dates and traffic management arrangements are subject to change, schemes in the forward programme are subject to internal governance approval, schemes are subject to variation for reasons of inclement weather, and resource availability in particular.

A caveat that members should be aware of is that improvements are funded through our designated funds. These are subject to a national governance arrangement, which aims to prioritise the best schemes to make use of the available funds, on a national basis. There are multiple stages to the governance arrangements, so by the time we get to detailed design and construction planning we have reasonable confidence that the mentioned schemes will proceed to construction as planned. However the construction programme can still be adjusted through the governance process.

For renewal schemes we are planning a further iteration of the programme in February and this could change the forward programme depending on how much carryover of schemes we have. As we get towards the end of our financial year in March, schemes planned close to the end of the year are at greater risk of moving into the next financial year if there is a relatively small variation in delivery timing. Wintery weather will frequently affect the delivery of schemes.

A1M Darrington to J49 at Dishforth (Area 33)

Our DBFO contractor on the A1M Darrington to Dishforth section has only one major works scheme coming up.

Planned for 22/23:

- A1(M) J48 to J49 NB & SB Lanes 1 & 2 pavement renewal (June 22).

Additionally, the NYCC Improvement scheme on A1(M) J47 scheme is also ongoing.

A1M North of J49 at Dishforth (Area 14)

Area 14 have a number of schemes outstanding for 2021/22 on the A1M north of J49 in addition to the schemes planned for 2022/23.

In progress 21/22:

- A1(M) Ripon to Leeming – anti glare fencing renewal and planting (programmed completion Feb 22).

Planned for 21/22:

- A1(M) J57 to 58 NB & SB pavement renewal.
- A1(M) J56-59 Lining renewal (Feb to March 22).

Planned for 22/23:

- A1M J52 to 53 NB mainline near Oak Grange pond – pavement repair to resolve drainage issue.
- A1(M) J56 to 57 NB & SB pavement renewal.
- A1(M) J56 to 58 central barrier renewal.
- A1(M) J50 circulatory drainage.
- A1(M) J56 Barton Lightwell.

A66 (Area 14)

Schemes completed on the A66 in 2021/22 to date:

- A66 Rokeby to Thorpe Grange carriageway resurfacing
- A66 Bowes interchange to Coach & Horses carriageway resurfacing

Area 14 also has one scheme outstanding for 2021/22 in addition to the schemes planned for 2022/23.

Planned for 21/22:

- A66 Sedbury Layby – footpath repairs/renewal (Feb 22)

Planned for 22/23:

- A66M Filter Drain - whole length.
- A66 Carkin Moor – culverting a small section of stream.
- A66M Boundary Fence renewal.

A64 (Area 12)

Schemes completed on the A64 in 2021/22 to date:

- Stockton on the Forest to Sand Hutton drainage renewal.
- Malton Bypass safety barrier renewal.
- Harton bus stops and junction improvement.
- Sherburn to Ganton drainage renewal Phases 3 and 4.
- Rillington Village drainage renewal.
- Rillington East side pavement renewal.
- Barr Lane to Claxton pavement renewal.
- Musley Bank Westbound entry slip resurfacing.

Area 12 have a number of schemes outstanding for 2021/22 on the A64 in addition to the schemes planned for 2022/23.

In progress 21/22:

- Old Malton junction Improvement – safety improvement.
- Sherburn to Ganton drainage renewal Phase 6.

Planned for 21/22:

- A64 Drainage repairs around Stockton-on-the-Forest.
- York bypass “park & ride” CCTV & signing improvements.
- Askham Bryan junction Improvement – Minor works to be undertaken during Q4 21/22 (Hedge clearance) in advance of utility diversions and main works commencing during 2022/23.
- Flixton Carr – structure waterproofing – Planning to complete during March 2022 subject to weather. Alternatively, this will be carried into 2022/23.

Planned for 22/23:

- A64 Copmanthorpe. Replacement of lighting columns that have been deemed as potentially defective.
- A64 Seamer Station Railway bridge joint replacement.
- A64 Bondhill to Fulford Drainage
- A64 East Knapton to West Heslerton Resurfacing
- A64 Rillington Traffic Signal Renewal
- A64 Sherburn Traffic Signal Renewal
- A64 Pickering-Brambling Fields- Askham Bar Sliproads Pavement
- A64 Staxton Traffic Signal Renewal
- A64 Sherburn Fire station Soakaway/Drainage
- A64 Copmanthorpe, A64 Eastbound Askham Bryan Exit and Entry Slips, A64 Westbound Askham Bryan Entry Slips – Composite Lighting Column Renewal

A19 (Area 26)

Our DBFO contractor has completed the following scheme on the A19 in 2021/22:

- A19 Mount Grace, Osmotherley: Junction improvement (deceleration and acceleration lanes) and central reserve closure.

Outside the area, Major Projects completed the following scheme on the A19 in 2021/22:

- A19 Norton to Wynyard carriageway improvement.

Planned for 22/23:

- A19 Thirsk bypass resurfacing NB & SB
- A19 Three Tuns Bridge Repairs
- Options for improving the safety between A172 (Cleveland Tontine) and Trenholme Lane (Black Swan) are being finalised and a series of minor improvements are being drafted for 2022. These are subject to governance and financial investment scrutiny.
- A19 St Marys, Leake, Thirsk. Request to improve insulation and customer experience with the church. This is a direct contribution through the Users and Communities Fund with funding approved for delivery within the 2021/22 financial year. However, the Church have recently requested additional funds and deferral of the scheme for delivery in 2022/23. This is to be discussed with the National Highways Designated Funds team.
- A19 between Ellerbeck (A684) and Knayton. Safety improvements will be developed and designed during 2023.

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York & North Yorkshire Local Enterprise Partnership

20 January 2022

York and North Yorkshire LEP Annual Update

Report of the Chief Operating Officer

1.0 Purpose of the Report

- 1.1 To provide the committee with a progress update on the York and North Yorkshire Local Enterprise Partnership. The report sets out the LEP performance to date against its delivery plan, together with its support for Local Government Reorganisation.

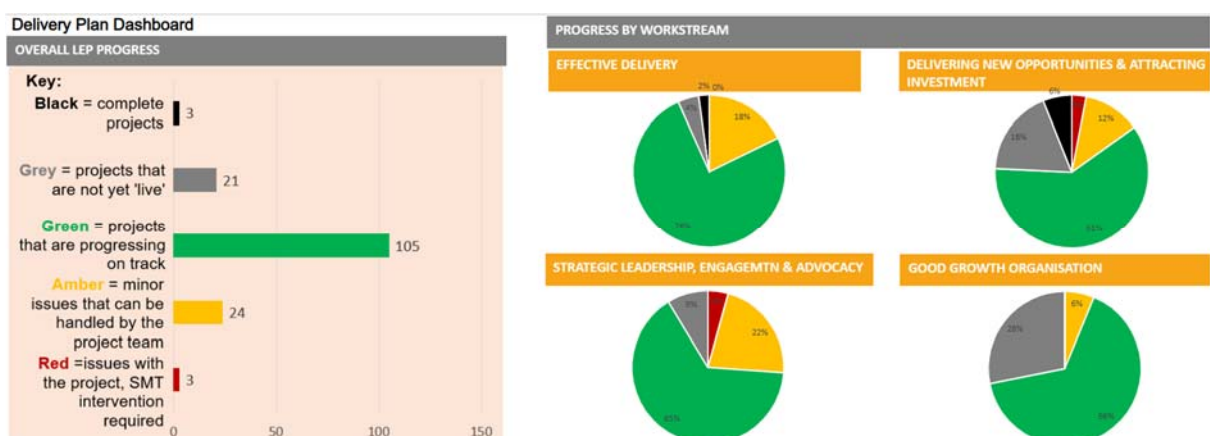
2.0 Background

- 2.1 The LEP Delivery Plan is set out under the following headings:
- Section 1: Excellence in delivery
 - Section 2: Creating New Opportunities and attracting investment
 - Section 3: Strategic leadership, engagement and advocacy
 - Section 4: Good growth organisation
- 2.2 The report provides a performance update, highlighting emerging issues and opportunities. The full delivery plan can be viewed at the link below.
[LEP DELIVERY PLAN](#)

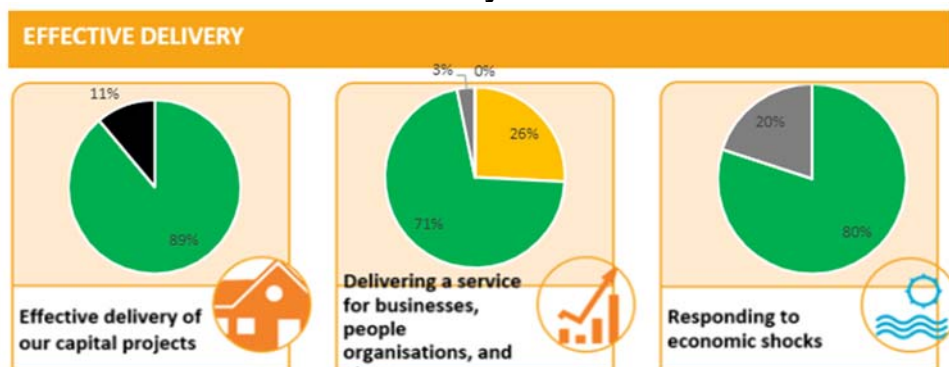
3.0 Dashboard

- 3.1 Overall delivery remains on track with the exception of items which are dependent on issues outside our control (e.g. LEP Review). The dashboard below provides a performance summary against the delivery plan

3.2



4.0 Section 1: Excellence in Delivery



- 4.1 The programmes the LEP has direct delivery responsibility for are:
 Capital Projects – Getting Building Fund;
 Delivering a services to business & people – Growth Hub and Careers & Enterprise Programme ;
 Responding to economic shocks – Covid Response

4.2 Effective delivery of Capital Projects - Getting Building Fund

The LEP secured £15.4m from the Getting Building Fund of which £7.7m was successfully delivered in 2020/21 leaving a target for 21/22 of £7.7m. The table below summarises the Getting Building Fund project grant awards, the total spend to date, and balance left to claim by 31 March 2022.

YNY LEP - Getting Building Programme			
Financial Profile Summary (Q2 End - 30th Sept 2021)			
Project Name	PROJECT GBF APPROVALS	Total Spend to end Q2 2021/22	GBF BALANCE TO CLAIM to 31/3/22
North Yorkshire Digital Infrastructure Programme	3,600,000	931,379	2,668,621
Thornton Rd Business Park Phase 3	880,000	-	880,000
Whitby Business Park	1,079,058	919,553	159,505
A19 Chapel Haddlesey	6,000,000	6,000,000	Complete
Digital Skills Academy	1,000,000	223,949	776,051
Electric Car and Green Skills (Scarborough)	97,000	97,000	Complete
York College - Increasing technical skills capabilities in Electric Vehicle technologies	150,000	149,420	580
Harrogate West Business Park	1,500,000	1,049,894	450,106
Enhancement to the Digital Hub Central Northallerton - eCampus	725,000	725,000	Complete
York Guildhall - fit-out	300,000	-	300,000
Development Programme (delivery staff costs)	368,942	184,470	184,472
TOTAL GBF Award	15,700,000	10,280,665	5,419,335
		Prog Total	15,700,000

- 4.3 The Board approved over-commitment of £355,000 at the meeting on 24 September 2021 to provide mitigation should any project slip. Overall progress is good and the table shows actual GBF grant claimed up to the end of Quarter 2 (i.e. 30 September 2021), along with current risk ratings in the final column.

4.4 The projects rated red reflect the proportion of grant to be claimed in the final two quarters with the expectation the all projects will deliver.

- **Pickering Thornton Road** – good progress has been made by the project team to remove delivery risks, and although still rated red, is expected to improve grant claim performance in Q3 (up to 31 December 2021);
- **North Yorkshire Digital Infrastructure** – delivery work to service towns and business parks across North Yorkshire remains on target, however, there is currently a delay between the completion of eligible activity and payment of grant which is expected to rectify in Q3 (up to 31 December 2021);
- **Digital Skills Academy, Askham Bryan College** – slippage of grant claims into Q3 and Q4, construction progress is good and on target for completion by Christmas, to be followed by internal fit out in Q4;
- Some GBF projects will claim more frequently than quarterly through to 31 March 2022, improving cash flow to the projects and also performance monitoring of delivery;
- If necessary as risk mitigation to utilising all GBF grant to 31 March 2022, the use of Accountable Body (NYCC) Freedoms & Flexibilities will be considered, with critical stage review in February 2022;

4.5 Delivering a service to businesses and people

1. Growth Hub (to end of November)

Business Assist Level	To Date	Annual Target	Notes
Low	15,492	8,500	Target already exceeded
Medium	550	850	Our programme of approx. 30 webinars started in September running through to March which is targeted to deliver over 400 Medium Supports
High	117	200	Four further business start up schools are due to launch shortly. Collectively the five start up schools are targeted to deliver 100r High Level. Additionally, the Peer Networks is targeted to deliver 55 high Level Supports.

To strengthen the Business Support agenda, activity is now structured under twelve pillars to enable more focused, driven activity. These are:

Delivery Activity	12 Priority Themes	
Core Growth Hub Services	Start-Up Support	
	Peer Group Mentoring & Learning	
	Website Support & Learning Resources	
	Reactive Business Support	
	Economic Response	
	Webinar Learning	
Sustainable Business Growth	Innovation	
	Circular Economy	
	Smarter Digital Working	
Strategic Economic Development	Key Sector Development	
	Inward Investment	
	International Trade (including actions from the Internationalisation Strategy)	

2. Careers & Enterprise Programme

At the end of the last academic year the YNY Careers Hub – 34 schools and colleges were performing above the priority Benchmarks national average (highlighted in red below) with the YNY LEP area in the top 25% nationally (out of 37 areas) all schools & colleges were 100% matched with an Enterprise Adviser (achieving the target set by CEC). Below shares baseline data and demonstrates the progress the original Hub achieved last year:

Bench Mark	Y&NY Careers Hub Jul 2018	Y&NY Careers Hub Aug 21	National Comparator
BM1 A stable careers programme	6%	76%	63%
BM2 Learning from career and labour market information	28%	85%	78%
BM3 Addressing the needs of each pupil	9%	42%	42%
BM4 Linking curriculum learning to careers	28%	73%	71%
BM5 Encounters with employers and employees	38%	70%	66%
BM6 Experiences of workplaces	31%	64%	40%
BM7 Encounters with further and higher education	16%	39%	40%
BM8 Personal guidance	66%	85%	75%

Building on the above a Shape your Future branded, Labour Market Information toolkit has now been completed and a Training Session delivered to Career Leaders on the 7 October. The resource provides a suite of resources for Career Leaders to utilise to support careers in the curriculum for Key Stage 3 and 4 students (11-16). In total the investment from the Careers Hub Fund has supported the development of:

- 14 key sector lessons (1 lesson plan, with 14 key sector presentations that can be used across multiple lessons)
- 1 self-employment lesson
- 1 pathways/choices lesson
- 1 skills lesson
- 1 employability lesson
- Posters for each sector for use to further support careers within the curriculum.

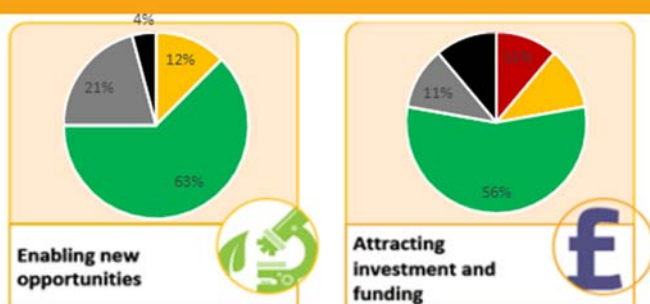
4.6 Responding to Economic Shocks – Covid response

Economic Issue	Local Response
Recruitment to hospitality, food manufacturing and other sectors	<p>Work is ongoing at both a district and YNY level to ensure businesses are linked with job seekers through ESF projects as well as support to enable recruitment from people groups often overlooked such as the long term unemployed, ex-offenders etc.</p> <p>Scarborough Borough Council and local projects/partners with support from the LEP have coordinated Job Fairs for the hospitality sector in Scarborough and Whitby. The LEP also attended the City of York Council Lord Mayors Hospitality Summit which considered the challenges faced by the sector around York and as a result facilitated connections with job seekers through ESF projects and other stakeholders.</p> <p>Work is also continuing to develop a resource to local businesses on the Growth Hub website. This will ensure information and links to projects and resources that can support businesses to recruit from a wider workforce are easily accessible.</p>

Access to Finance	The LEP has hosted a series of webinars to support businesses access available finance. With continued instability in trading factors, access to finance continues to be a priority to sustain cash flow for many in the region.
Brexit impact on agricultural sector	<p>Agricultural industry facing biggest change in 60 years as a result of UK exit from EU and DEFRA Agricultural Transition Plan will have financial effect on businesses.</p> <p>Growth Hub & Grow Yorkshire have commissioned a three-part series of free webinars detailing changes and actions agricultural businesses need to take on accounting, sustainability, and seeking future opportunities.</p>
Lack of HGV drivers	<p>In response to the crisis, govt has made funding available to train 5000 new HGV drivers free of charge through the Skills Bootcamp initiative. The LEP has made its Y&H automotive training contacts aware of the funding to ensure locally accessible training is available.</p> <p>Local careers advice stakeholders such as Job Centre Plus and the National Careers Service is working with prospective trainees to ensure they have sufficient information about HGV careers and training options.</p>

5.0 Section 2: Creating new opportunities and attracting investment

DEVELOPING NEW OPPORTUNITIES AND ATTRACTING INVESTMENT



5.1 Enabling new opportunities

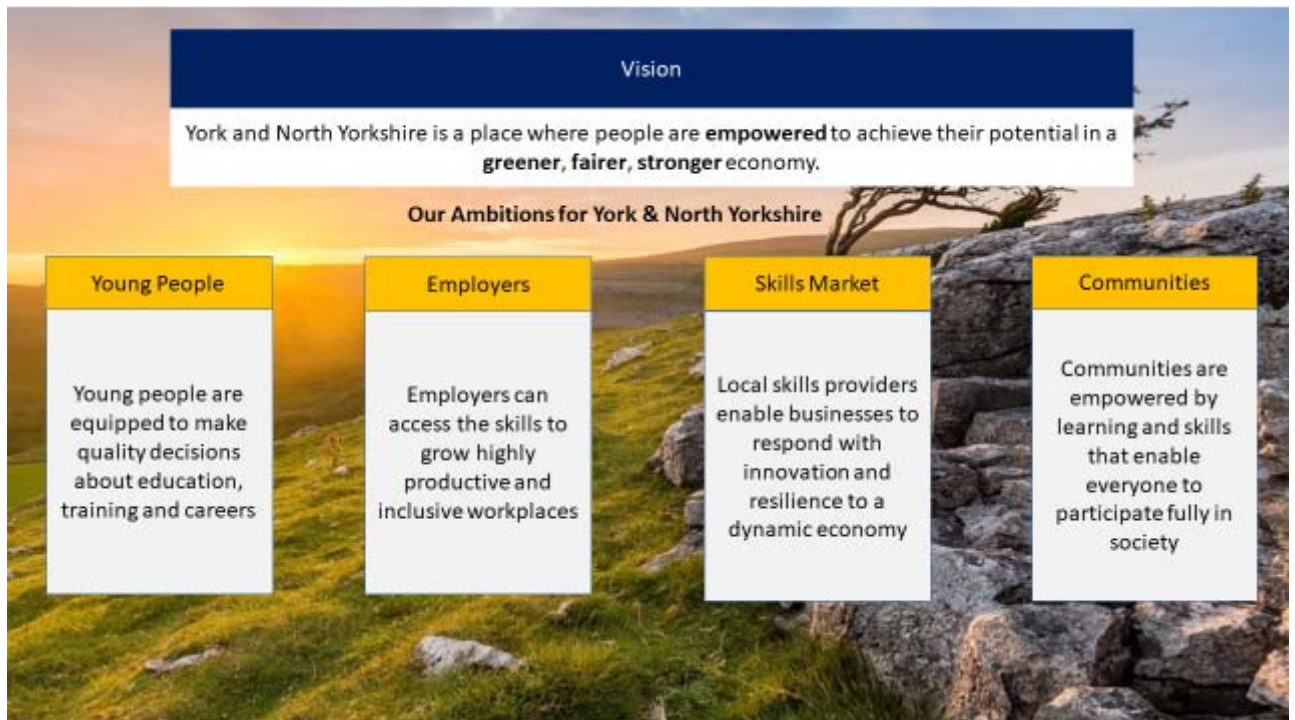
Plan for Growth

In March the Government published its Plan for Growth which superseded the national Industrial Strategy. In response to this the LEP is developing a York and North Yorkshire Plan for Growth. This is being developed across a range of stakeholders and will seek support from both City of York and the new North Yorkshire Council to ensure to meets the purposes of both the LEP and Combined Authority, should devolution progress.

5.2 In addition work has continued apace on strategy, research and implementation priorities across both skills and low carbon.

5.3 Skills

York and North Yorkshire developed a detailed evidence base and labour market information which has led to the publication of the York and North Yorkshire [Skills Strategy](#). The vision and four key ambitions are noted below.



Current published research and analysis includes

- [York and North Yorkshire Skills Advisory Panel's Local Skills Report – April 2021](#)
- [Exploring the capacity of the FE system to engage and support 19-24 year old NEETs](#)
- [Labour Market Analysis 2021 Full Report](#)
- [Labour Market Analysis 2021 Executive Summary](#)
- [Digital Skills Report](#)
- [Community Learning Provision in York & North Yorkshire](#)
- [Low Carbon and Circular Economy: An Assessment of Skills Supply and Demand](#)
- [Upskilling and Reskilling across York and North Yorkshire](#)
- [Adult Education Budget: An Analysis](#)
- [ESIF Impact Report](#)

The following research has been commissioned for the year 21/22 and will further support the LEPs future planning for skills and the development of the Plan for Growth. These reports are due to be published on the LEP website by 31 March 2022.

- **High Performance Working Practices** – Assessing employer adoption and support requirements across York and North Yorkshire.
- **The Fourth Industrial Revolution** – Assessing employer skills needs across York and North Yorkshire.
- **Progression Routes to Level 2.** Identifying best practice for the future
- **Transferable Skills** – Research to capture aspects of the transferable skills “landscape” across York and North Yorkshire.

5.4 Low Carbon

As one of the few areas within the UK which has the potential to go beyond net zero, YNY can sit at the heart of the UK's decarbonisation plans and create significant economic opportunities. We can build on the region's existing industry strengths, including:

- BioYorkshire - a cluster of world class innovation assets in bio-economy;

- Agri-Tech (Vertical Farming) High Potential Opportunity (HPO) - Department for International Trade has identified the region as a 'High Potential Opportunity' in Agri-Tech (Vertical Farming) to showcase the region's strengths and attract foreign investment;
- Drax - significant investment in Bioenergy with Carbon Capture and Storage (BECCS) and associated supply chain opportunities.

This industry potential alongside our natural capital assets of land and sea, which can sequester carbon, underpin the economic aim for YNY to become England's first carbon negative region. Capitalising on these assets, whilst decarbonising our existing industry and infrastructure must be at the heart of our plans for the future.

The YNY LEP is currently leading the development of YNY Routemap to Carbon Negative, which will provide a clear, co-owned plan to achieve net zero by 2034 and carbon negative by 2040. The Routemap will build upon existing low carbon strategies and activities, including YNY's Local Energy Strategy (published in February 2019) and Circular Economy Strategy (launched in November 2019), alongside local authority climate action plans and business net zero plans.

A Carbon Abatement Pathways (CAP) study provides the technical research to underpin the Routemap. The study established a series of technically robust pathways to get to net zero across key sectors – transport, buildings, industry, power, and land use and agriculture.

The York and North Yorkshire Routemap to Carbon Negative is now being drafted. The Routemap structure will be aligned with the plans set out in the UK Government's net zero strategy to:

- reduce emissions across key sectors; and
- enable the transition across the economy.

This will enable the region to be ready for emerging policy and to access new funding streams.

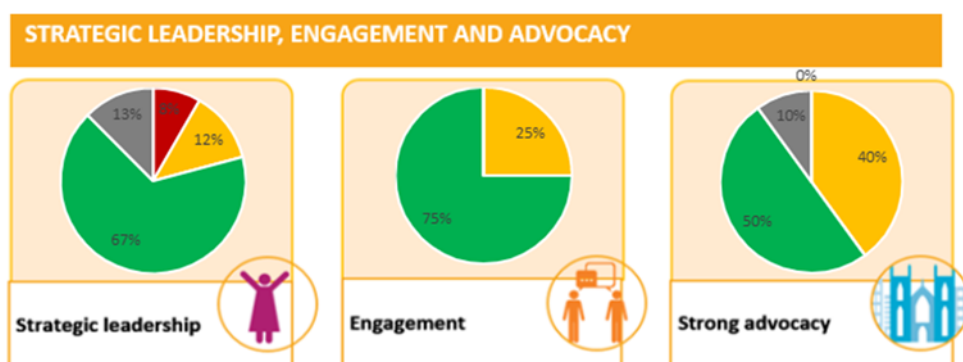
In addition the LEP commission Local Energy Asset Representation reports [link here](#) which provide a detailed, granular evidence base around energy demand and capacity. Following this a successful Community Renewal Fund bid has secured c£760k to develop Local Energy Action Plans identifying where effort and investment should focused across NY. This work is being completed in partnership with the National Energy Systems Catapult and splits North Yorkshire into 3 distinct areas. (Scarborough & Ryedale, Selby & Hambleton, Craven & Harrogate).

5.5 Attracting investment and funding

Community Renewal Fund	As detailed above, the LEP was successful in securing £768k through the Community Renewal Fund to deliver a Carbon Negative Energy System in North Yorkshire. This was the only successful bid across North Yorkshire.
Local Delivery of Green Homes Grant	Aside from supporting partners in the Community Renewal Fund and Levelling Up Fund bids, the low carbon team supported Y&NY Local Authorities to successfully bid for £4.3m funding for local delivery of the green homes grant to retrofit housing.
Digital Bootcamps	Whilst the original joint bid with Leeds City region was unsuccessful, DfE have now made funding available to plug gap in provision across YNY. Work is being carried out to identify employment needs and match to proposed provision. DfE

	intend to spend funding by pump-priming existing provision in neighbouring areas with a small amount reserved for YNY providers. Delivery expected Jan 22 but must end March 22
Northern Powerhouse Investment Fund (NPIF)	<p>The LEP Invested £7m into the NPIF fund and we are roughly half way through using the total funds that were made available to invest.</p> <p>In our region NPIF has invested £25m with a further £38m for private sector co-investment. Our LEP region has the highest ratio of investment to seed corn funding provided by our LEP at 3.6x and the highest percentage of private sector co investment at 1.5x on the east side of the Pennines .</p>

6.0 Section 3: Strategic leadership, engagement and advocacy



- 6.1 Overall progress is on track and whilst the LEP Review has delayed some activity, LEP Communications remains strong with the Annual Report published.

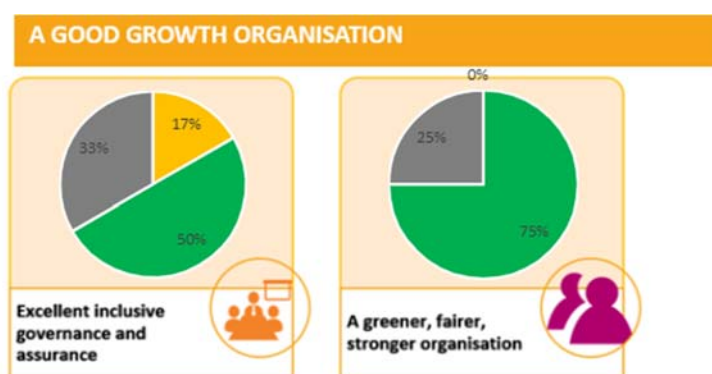
Annual Report	<p>LEP Annual Report Year-on-Year</p> <p>LEP Annual Report Pageviews</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Pageviews</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>~3200</td> </tr> <tr> <td>2020</td> <td>~2000</td> </tr> </tbody> </table> <p>Although the number of people accessing the Annual Report in 2021 was very similar to 2020 (around 700), the engagement was much higher.</p> <p>This is represented by a 56% increase in page views year on year. The most engaging page (excluding the landing page) was Stories, with an average read time of 82 seconds and over 1600 interactions on the page.</p> <p>OFFICIAL</p>	Year	Pageviews	2021	~3200	2020	~2000
Year	Pageviews						
2021	~3200						
2020	~2000						
Website review	The new LEP website has successfully launched with ongoing developed scheduled throughout the year. www.ynylep.com						
Economic Barometer	A monthly economic barometer is now produced and shared across key stakeholders.						

Festival of engagement	<p>For the first time, a number of existing events in the YNY LEP calendar have been brought under the umbrella of the 'Festival of Engagement'. This included the annual conference held on November 26th.</p> <p>The festival programme runs from 15 September 2021 to 31 January 2022. It incorporates new events led by the LEP or Growth Hub and also signposts activity from partners. In total more than 20 events feature in the festival with a theme of Greener, Fairer and Stronger.</p>
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6.4 Strong advocacy

Great British Rail	The LEP is working in partnership with City of York and North Yorkshire to try and secure the new Great British Rail headquarters in York. A formal competition will be launched and is expected early in the new year.
Rural Commission	The LEP is working closely with NYCC in response to the rural commission, including sitting on the Rural Task Force created in response.
NP11 & LEP Network	<p>The focus of work with the LEP Network and NP11 is to support the LEP Review.</p> <p>In addition NP11 have also commissioned work around 'place' and Innovation building propositions and investment cases for investing in the North.</p>

7.0 Section 4: Good Growth Organisation



- 7.1 Both the LEP Governance and organisational development remain on track with the LEP fully compliant with its Assurance Framework.
- 7.2 All governance arrangements and Board operations continue to meet the requirements as set out in the Local Assurance Framework. The planned review of governance has been deferred however, until the outcome of the Government's review into LEPs is known - now expected January 2022 at the earliest.
- 7.3 The LEP Annual Performance review with BEIS is scheduled for 19 January. A verbal update will be provided at the meeting.

- 7.4 Finances: Annex A provides the 2021/22 October Cumulative Income & Expenditure statement for core revenue funding and projected reserves position. Overall in-year operating costs are currently forecast to underspend by c.£33.2k, whilst all programme expenditure is on budget.

8.0 LEP Review

- 8.1 A national review of LEPs is underway by Government to set out the future role of LEPs. The review is now being integrated into the Levelling Up White Paper which will set out how government will deliver on its levelling up agenda in local places across UK.
- 8.2 There is inherent risk in this review and as a consequence there is a lack of clarity over access to future funding.
- 8.3 This uncertainty has been reflected in how government has delivered investment through 2021/22. North Yorkshire County Council were the accountable body for the Community Renewal Fund bid, whilst District Councils have been invited to bid into the Levelling Up Fund.
- 8.4 It is anticipated that as a minimum the LEP Review will state that Mayoral Combined Authorities are the preferred vehicle for delivering levelling up and that where they exist LEPs will be integrated into the MCA.
- 8.5 Alongside supporting the devolution asks development and negotiations, the LEP will seek to ensure its future strategy development secures additional support from both City of York and the new North Yorkshire Council to ensure the work supports the development of the proposed Combined Authority Agenda.

9.0 Support for Local Government Reorganisation

- 9.1 The LEP is supporting the LGR process, in particular the economic regeneration workstream. This will provide a number of benefits;
1. There will be strong coherence and consistency between the regional Plan for Growth and a North Yorkshire Economic Plan
 2. The LEP (and/or future MCA) will have sight of the North Yorkshire Pipeline of regeneration projects strengthening negotiations with government.
 3. Embedding joint working in the model will strengthen the 'one team' approach, for example through the development of a shared inward investment strategy.

10 Recommendations

- 10.1 The TEEOS are asked to note progress; and

11 Additional Information

Annex A – October 2021/22 Cumulative Finance Statements
Annex B – Risk Register

- 11.1 Contact:

Name/Title:	<i>James Farrar</i>
Contact:	<i>James.farrar@ynylep.com</i>

YNYER LEP Income & Expenditure Statement as at 31 October 2021/22

	Core	Bud	Revised Budget	Proj Out	Projected Variance
INCOME					
BEIS Contribution	£250,000	£500,000	£500,000	£500,000	£0
Government Grant/Other Contributions	£386,850	£386,800	£386,800	£386,800	£0
Staff Recharges	£24,669	£21,300	£99,800	£99,800	£0
Bank Interest	£0	£0	£0	£15,050	£15,050
Released From Reserves/Balance Sheet	£0	£511,200	£511,200	£511,200	£0
TOTAL INCOME	£661,519	£1,419,300	£1,497,800	£1,512,850	£15,050
EXPENDITURE					
Staffing (Salary + on-costs)	£648,964	£1,092,500	£1,135,600	£1,117,201	£18,399
Secondments	£23,355	£74,900	£110,300	£110,300	£0
Other Hired & Contracted Services	£10,243	£38,000	£38,000	£38,000	£0
Staff Travel	£179	£10,500	£10,500	£4,000	£6,500
Staff Recharges	£0	£0	£0	£0	£0
Training	£1,895	£15,000	£15,000	£15,000	£0
Recruitment Costs	£0	£0	£0	£0	£0
Rent	£21,847	£26,900	£26,900	£26,900	£0
Venue Hire and Conference	£3,911	£25,000	£25,000	£25,000	£0
Entertainments & Refreshments	£16	£0	£0	£0	£0
Subscriptions/Sponsorships	£11,820	£7,000	£7,000	£11,820	-£4,820
IT	£14,173	£29,400	£29,400	£29,400	£0
Marketing	£30,719	£40,000	£40,000	£40,000	£0
Pool Car Charges	£0	£0	£0	£0	£0
External Audit Fees	£0	£0	£0	£0	£0
Other General Expenses	£2,937	£1,600	£1,600	£3,500	-£1,900
Professional Fees	£14,607	£58,500	£58,500	£58,500	£0
Grants Paid	£0	£0	£0	£0	£0
TOTAL EXPENDITURE	£784,665	£1,419,300	£1,497,800	£1,479,621	£18,179
Net Income , minus value expenditure	-£123,147	£0	£0	£33,229	£33,229

Balance Sheet Reserves	£'000
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2021/22 Opening Balance	919.6
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2021/22 Movement On Funds

+/- Income & Expenditure Statement Budget	-511.2
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Projected variance to 2021/2022 budget as at 31.08.2021	33.2
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Projected Balance Carry Forward to 22/23	441.6
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2022/23 Movement On Funds

+/- Income & Expenditure Statement	-936.2
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- assume 21/22 budget plus inflation reserves utilised (-£551.2k)	
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- absorb staff costs paid by GBF Cap/rev swap (-£385.0k)	
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add Growing Places Fund Cap/Rev swap	494.6
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- interest generated from Sherburn2 investment (£400.0k)	
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- capital/revenue swap from fund (£94.6k)	
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Projected Closing Balance at 31 March 2023	0.0
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Annex B Risk Register

Risk Matrix		IMPACT →				
		1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
LIKELIHOOD ↑	5 Almost Certain	5	10	15	20	25
	4 Likely	4	8	12	16	20
	3 Possible	3	6	9	12	15
	2 Unlikely	2	4	6	8	10
	1 Rare	1	2	3	4	5

Score	Likelihood (A)	Definition	Impact (B)	Descriptor
5	Is highly likely to occur at some time in normal circumstances.	Very High >80%	Critical long term damage or harm to service users/public Critical reputation impact Intervention by other agencies Huge financial impact	Catastrophic All potential benefits lost
4	Likely to occur at some time in normal circumstances.	High 0-80%	Major damage or harm to service users/public High reputation impact – national press and TV coverage Minor regulatory enforcement Major financial impact	Critical Loss of 80-100% of benefits
3	Likely to occur in some circumstances or at some time.	Medium 40-60%	Noticeable damage or harm to service users/public Extensive reputation impact due to press coverage External criticism likely High financial impact	Significant Loss of 50-80% of benefits
2	Is unlikely to occur in normal circumstances, but could occur at some time.	Low 20-40%	Minor damage or harm to service users/public Minor reputation impact Moderate financial loss	Marginal Loss of 25-50% of benefits
1	May only occur in exceptional circumstances, highly unlikely.	Very low <20%	Insignificant damage or harm to service users/public Little or no loss of front line service No reputation impact	Negligible Loss of <25% of benefits

<p>Covid-19</p>	<p>Widespread pandemic escalation across the LEP Area has a catastrophic effect on business, employment and living standards.</p> <p>Social distancing measures have been reduced and the vaccination rollout continues, but the Government's Winter Covid Plan does not rollout further restrictions or lockdowns if appropriate.</p>	<p>20 Likelihood (4) Impact (5)</p>	<p>Whilst the LEP obviously cannot directly impact on the reduction of the Covid-19 pandemic, it has</p> <ul style="list-style-type: none"> - provided intelligence on the impact to the local YNY economy - signposted businesses to appropriate financial support and general advice - created new business support services, such as webinars and new platforms such as ShopAppy - coordinated work across the region with Local Authorities and partners to establish an Economic Covid Recovery Plan. <p>Working within a phased framework for communication, the LEP is promoting the Growth Hub as the place for business to seek a simplified and trustworthy messages of what they can do to survive and adapt. The Growth Hub also has developed a package of support which will assist SMEs to grow through innovation in process and product development, therefore, not losing sight of the current and post-Covid opportunities for some businesses by simply focusing on those which are struggling to survive.</p>	<p>□</p>	<p>12 L (4) I (3)</p>	<p>Senior Management Team</p>
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Plan for Growth (New Risk)	<p>A Plan for growth for York and North Yorkshire is being prepared that will help with attracting future funding. The aim is that this will be completed and agreed by March 2022. The engagement of partners during LG reorganisation, changes in and announcements by Government and the LEP review could shift the timing and importance of this Plan, also potentially the lack of buy-in and stakeholder engagement.</p>	<p>8 Likelihood (2) Impact (4)</p>	<p>The framework of the Plan for Growth will align as much as possible with other Government strands such as the National Plan for Growth. Early engagement with Partners will be undertaken and also the plan will be written in a way that it can be adopted easily by the new Unitary and the proposed Combined Authority in the future.</p>		<p>4 L (1) I (3)</p>	<p>Andrew Leeming</p>
LEP Funding (Revenue)	<p>Potential operational revenue funding shortfall in 2022/23 due to time extension of LEP transition into a Combined Authority and uncertainty on future revenue funding of LEPs.</p>	<p>8 Likelihood (2) Impact (4)</p>	<p>Budgets and reserves are being effectively managed to ensure financial stability until the creation of a Combined Authority. A capital/revenue swap of £385k on the "Getting Bulding Fund" has already been approved "in-principle" by the LEP Board for 21/22 and a further revenue/capital swap in 22/23 from the Growing Places Fund ensures sustainability until March 2023.</p>	<p>□</p>	<p>3 L (1) I (3)</p>	<p>Adrian Green</p>
LEP Funding (Capital)	<p>Local Growth Funding expired March 2021, Getting Building Fund expires March 2022, and successor programmes (CRF/Levelling Up Fund) to be delivered by Local Authorities.</p>	<p>16 Likelihood (4) Impact (4)</p>	<p>The ongoing LEP Review is likely to shift its function away from capital investor to enhance its role as a strategic business-led influencer. LEP will retain responsibility for extant programmes such as the Getting Building Fund - some projects currently rated red risk due to high levels of spend in remaining Q3/Q4 of 2021/22. Performance Sub-group will continue to review programme progress/delivery.</p>	<p>□</p>	<p>16 L (4) I (4)</p>	<p>Adrian Green / James Farrar</p>

Resource and Capacity	<p>Capacity loss within the LEP due to continuing uncertainty regarding a future organisational model and timing transition to a Combined Authority.</p>	8 Likelihood (2) Impact (4)	<p>Stability was achieved in the knowledge of progression to a future YNY Combined Authority employment status, coupled with the Accountable Body remaining employer up to the point of potential transfer. Fixed term contracts have now been extended to March 2022 and are being reviewed again up to March 2023. The uncertainty around the release and content of the LEP Review is beginning to cause some degree of concern</p>	<input type="checkbox"/>	6 L (2) I (3)	Adrian Green
Getting Building Funding	<p>Non delivery of the GBF programme by the final end date of March 2022. Delivery risks may occur relating to availability of construction materials, labour and associated price increases and/or delays – nothing flagged to date. The annual financial profile set by Government is also challenging and adds heightened risk of non-delivery.</p>	16 Likelihood (4) Impact (4)	<p>Year 1 2020/21 delivered to BEIS target of £7.7m. Current year to end of Q2 has reached 2/3 of grant funded activity delivered by projects, balance approx. £5.3m remains to be claimed by 31st March 2022. Over-commitment of £300k approved at September LEP Board (from Growing Places Fund) to increase scope/scale of work on NY Digital Infrastructure and help risk management of delivery. Also potential to seek agreement for use of Freedoms & Flexibilities with NYCC if necessary to optimise GBF at year end 31st March 2022. Digital Infrastructure - process issues have delayed claims/payment of grant but expect to be resolved in Q3 – not affecting physical delivery progress. Thornton Road Pickering - not yet contracted - remaining risks being actively managed by developer and current forecast is still to complete eligible GBF work by 31st March 2022. Performance sub-group continue to review risks and mitigations.</p>	<input type="checkbox"/>	9 L (3) I (3)	Liz Philpot

Local Government Reorganisation	<p>Government has agreed a future model for local government in North Yorkshire and York. This model will keep City of York Council in its current form and create a new Unitary Council for North Yorkshire by May 2023.</p> <p>The transition period will be demanding for all local authority partners and risks may arise for delivery of existing projects and in maintaining strategic focus in levelling up the region.</p>	<p>8 Likelihood (2) Impact (4)</p>	<p>The LEP continues to work closely with all Local Authorities to support the transition to a new unitary North Yorkshire Local Authority</p>	<p>□</p>	<p>6 L (2) I (3)</p>	<p>James Farrar</p>
Staff Wellbeing	<p>Working from home in the current lockdown for an extended period is new to staff. Individual pressures including isolation, pressure to work independently, family caring/schooling commitments and dealing with businesses and people in distress on a daily and continual basis can impact on mental health resulting in increased sick days and loss of capacity resulting in increased workload and stress for remaining team members</p>	<p>12 Likelihood (3) Impact (4)</p>	<p>Daily or regular contact undertaken by line managers with staff. Office values and culture developed over the previous 12-18 months of openness and trust empowers staff to raise concerns and issues with managers and aligns with our Organisational Development Plan and One Team ethos . Teams are undertaking video-conferencing to stay in touch and guidance has been issued around working hours, work/home boundaries and flexibilities given potential family caring/schooling commitments. All line managers attending mental health awareness training to help increase response flexibility when issues around well-being arise.</p> <p>Managers and staff are engaged in preparatory work for a return to hybrid working arrangements.</p>	<p>□</p>	<p>6 L (2) I (3)</p>	<p>Senior Management Team</p>

Data Governance	New home working arrangements present potential risks to the security of personal information held and processed by LEP staff. Data breaches may lead to significant financial penalties and reputational damage.	8 Likelihood (2) Impact (4)	Staff undertake mandatory data governance induction training. Additional formal training has been arranged with NYCC's internal auditors, Veritau, to cover data security and GDPR requirements. Personal data may only be accessed using secured NYCC IT. Mandatory training has been arranged for all staff covering Cyber Awareness and Security.	<input type="checkbox"/>	3 L (1) I (3)	Paul Clark / Aissa Gaille
LEP Review 2021	A Government review is underway with the aim of evolving the form, functions and geographies of Local Enterprise Partnerships to respond to changes in Central Government policy. This may lead to some LEP functions being redirected elsewhere to Local Authorities.	16 Likelihood (4) Impact (4)	The LEP Chair and Chief Operating Officer are actively engaging with Central Government to advocate on behalf of the LEP and the York & North Yorkshire region.	<input type="checkbox"/>	16 L (4) I (4)	Senior Management Team
Community Renewal Fund	Successful CRF schemes were announced by the Department for Levelling Up, Housing and Communities on 3 November 2021. DLUHC have confirmed that the delivery deadline has been extended from 31 March to 30 June 2022. The LEP is the delivery agent for a successful North Yorkshire County Council bid.	6 Likelihood (2) Impact (3)	Resource allocation, project planning and performance monitoring to key milestones to ensure delivery by 30 June 2021. Real or potential risks will be identified and mitigated with regular reporting to the LEP Board.	<input type="checkbox"/>	3 L (1) I (3)	Senior Management Team



Transport, Economy and Environment Overview and Scrutiny Committee

20 January 2022

Report of the Corporate Director - Business and Environmental Services

Update on the implementation of the North Yorkshire Local Flood Risk Strategy

1.0 Purpose of Report

- 1.1 To provide a progress update on the implementation of the North Yorkshire Local Flood Risk Strategy.

2.0 Executive Summary

- 2.1 This report provides members with an update on the activities of NYCC officers towards the implementation and delivery of the North Yorkshire Local Flood Risk Strategy.
- 2.2 Objectives of the strategy are:
- i. A greater role for communities in managing flood risk
 - ii. Improved knowledge and understanding of flood risk and management responsibilities for all stakeholders, communities and the media
 - iii. Sustainable and appropriate development
 - iv. Improved knowledge of watercourse networks and drainage infrastructure
 - v. Flood risk management measures that deliver social, economic and environmental benefits
 - vi. Best use of all potential funding opportunities to deliver flood risk management measures
- 2.3 Positive actions has been taken towards the delivery of all objectives.
- 2.4 The Lead Local Flood Authority (LLFA) role of statutory consultee to the Local Planning Authority on surface water drainage continues to be the largest workload commitment of the team. The flood risk programme has continued to be delivered, most notably the last two years have seen the delivery of the Malton, Norton and Old Malton flood management scheme which at the time of writing is nearing completion.
- 2.5 The county has been impacted by two significant flood events since the last report to this committee in 2019, which has seen the work of the flood risk team diverted to the delivery of two statutory Section 19 investigations, in the Upper Dales following the July 2019 events and in the Aire Catchment following the February 2020 events respectively. This work has added to the understanding of flood risk management following the devastating impacts of the flooding in those impacted communities. It has recommended actions which would contribute to the better management of the associated risk in the future, leading to new locations being incorporated into the County Council's priority programme.
- 2.6 A review of the NY Local Flood Risk Strategy is presently underway. Public consultation on the revision is planned during 2022.

3.0 Key Background Information

- 3.1 North Yorkshire County Council (NYCC) is identified by the Flood and Water Management Act (FWMA) as the Lead Local Flood Authority (LLFA) for the North Yorkshire administrative area.
- 3.2 Under the FWMA, the council has a duty to develop and maintain a Local Strategy for Flood Risk Management (FRM) for our administrative area. The NY Strategy was published on 18 February 2015 following approval by the County Council.
- 3.3 This report offers an update on the implementation of the strategy to date, including flood risk/coastal erosion alleviation measures which have been implemented or are presently in the programme.

4.0 North Yorkshire Local Flood Risk Strategy

- 4.1 The present flood risk strategy includes an action plan which specifies the objectives of NYCC as LLFA, and the wider partner Risk Management Authorities working in North Yorkshire to respond to the flood risk in the county.
- 4.2 The present strategy is reaching the end of its intended lifespan. NYCC officers are presently working to update the strategy, with particular reference to the action plan, as agreed by the Corporate Director, BES, in consultation with BES Executive members, at their meeting in August 2021.
- 4.3 This work involves consultation with all Risk Management Authorities, including City of York Council, given the action plan is a joint paper covering York and North Yorkshire, as opposed to the Council's administrative area. It is intended that there will be a public consultation on the revision of the strategy during quarter one of the next financial year.
- 4.4 This report will however update on delivery around each of the existing objectives, since the previous update report in April 2019.

5.0 Objective 1 “A greater role for communities in managing flood risk”

- 5.1 This is integral to the work associated with the flood risk management team. The team has continued to maintain links with a number of flood groups, and partnerships and is delivering its programme mindful of both the local knowledge and opportunities but also any mutual or wider benefits that can be delivered through a partnership approach. This community encouragement and support is embedded into the approach of the team.
- 5.2 The Resilience and Emergency Team work with communities to develop Resilience plans that communities have ownership of and can implement when flood warnings are issued.
- 5.3 The latest Environment Agency strategy has a renewed focus on resilience and community preparedness. Given the challenges of climate change, it is recognised that continuing to build perpetually higher defences is not a sustainable approach to flood risk management. The revision of the NY strategy will seek to reiterate this approach and offer the same important message.
- 5.4 Because of the dispersed nature of flood risk in North Yorkshire, business case preparation for a “traditional” flood scheme is often difficult given a flood scheme may have similar costs, regardless of whether it protects 1000 properties or 10, consequently favourable cost benefits cannot easily be demonstrated for some of our vulnerable communities.

- 5.5 North Yorkshire flood risk management delivery therefore has inevitably had to develop around a resilience approach to the management of flood risk, putting the authority in a good position to deliver work in line with national aspirations. Most notably the last two years have seen the preparation and delivery of a flood management scheme for Malton, Norton and Old Malton, with a value of approx. £1.1m, this scheme has seen the delivery of infrastructure to enable swift pumping operations, CCTV for better monitoring and the delivery of property flood resilience (PFR) to around 150 households and businesses. Community understanding and managing of its own risks is key to this approach.
- 5.6 Property Flood Resilience is the installation of flood protection measures at an individual property level, using measures such as flood barriers, to prevent water ingress, or options such as raising plug sockets, to reduce the extent of damage and making a return to the property swifter.
- 5.7 There are a number of locations on the present flood risk programme where PFR has been identified as the most suitable option for delivery. Consequently the team is presently working on a county-wide procurement exercise for the delivery of this, to achieve efficiencies in its delivery, through the EA framework.
- 6.0 Objective Two “Improved knowledge and understanding of flood risk management responsibilities for all stakeholders, communities and the media”**
- 6.1 It is fair to say that roles and responsibilities towards flood risk management are abstracted, with a variety of risk management authorities with different responsibilities for assets and flood response.
- 6.2 The two years since 2019 have seen North Yorkshire hit by two significant flooding events, both affecting several communities, followed by the requirement for a long duration of emergency pumping in Malton, Norton and Old Malton whilst the scheme was being delivered. This has meant the focus of communication and engagement for the flood risk management team has centred on these impacted locations.
- 6.3 NYCC in its role as LLFA has an over-arching coordination role towards flood risk management. As part of this role, NYCC has arranged engagement meetings with a variety of partners resulting from flood risk events in the upper Dales following the flooding in July 2019 and following the Aire flooding in 2020. The latter was made more challenging through covid lockdowns, meaning that opportunities for the public to speak with those responsible organisations had to be arranged through virtual meetings.
- 6.4 This is an important part of the aftermath of a response and ensures that the community has an immediate link with the appropriate RMA's to progress work with. In addition, the work of the team and the publication of the outcome of the investigation has been well publicised, with the team working on various media releases to coincide with progress following the events, to ensure that communities better understand their risks and also have an awareness of work being undertaken on their behalf.
- 6.5 The team ensures that parish and town councils have significant opportunity to input into scheme preparation as part of the delivery of its programme. This ensures that not only is local knowledge captured, but also that community representatives are aware of responsibilities relating to its particular issues and are able to advise more widely on the progress of work.
- 6.6 In addition, the team has delivered training on LLFA matters to various member forums within NYCC and at district councils so that roles and responsibilities are better understood and recognised. The team has prepared presentations which it

may utilise for these types of sessions, given the abstracted nature of responsibility surrounding the work it performs.

7.0 Objective Three – “Sustainable and appropriate development”

- 7.1 In its capacity as LLFA, NYCC became statutory consultee on surface water drainage in major developments in 2016, however the council began receiving and commenting on applications in 2015, prior to this duty being statutory.
- 7.2 In 2019 the report to this committee explained that applications had tripled since NYCC began undertaking this role. During this time, major development across the county has increased significantly, in line with the government and local commitment to create more housing and growth opportunities.
- 7.3 Delivery of the LLFA role of statutory consultee to the planning process is the majority workload of the team. Table 1 below demonstrates the number of planning applications received annually since 2019.

Table 1 – Number of SuDS Applications received annually since 2019

Year	No of applications received
2019	647
2020	489
2021 (until creation of report on 22/12/2021)	438

- 7.4 As is clear from the figures, 2019 saw a peak in applications, however the work arising from 2019 has continued into 2020 and 2021 as applications progress through the planning process. On the horizon for the next few years the workload again is predicted to rise, with many significant sites at a strategic stage including West Harrogate, Green Hammerton Settlement, Selby Local Plan sites all making progress.
- 7.5 Robust, defensible advice on surface water drainage and flood risk during the planning process is critical to future proof the existing drainage network and ensure new development does not heighten the flood risk to the existing community or present a new risk to those living and working in North Yorkshire.
- 7.6 Over the past two years the team has worked with all LPA's in the NY area to deliver training events to officers and planning committee members, to increase understanding of LLFA stipulation and the basis of recommended conditions. The team is also involved in many high profile strategic planning applications and the local plan process.
- ## **8.0 Objective Four – “Improved knowledge of watercourse networks and drainage infrastructure”**
- 8.1 Since 2011, the council has undertaken flood investigation in over 200 distinct locations. Many of these investigations require ordinary watercourse and drainage mapping.
- 8.2 This historic record clearly offers an ever-increasing understanding of watercourse networks and drainage infrastructure. Each location is given a score within a criteria, which then informs the NYCC flood risk programme of scheme development and mitigation work.
- 8.3 Scheme development in our most high risk communities inevitably involves more comprehensive study and modelling of watercourse and drainage networks and their

interactions to attempt to identify improvements that can be made to capacity or function. In the past two years, most notably the team has overseen the delivery of a Scarborough Town surface water model, to better inform decisions to be taken over investment in infrastructure in the location.

- 8.4 In addition, as part of the Upper Dales Feasibility work, consultants WSP have investigated drainage systems in each of the locations identified to understand their function and where improvements can be made.
- 8.5 This understanding permits positive achievable potential scheme outcomes for the locations identified from our historical records and criteria as at most high risk. In addition, a better understanding of drainage systems has stand-alone benefits distinct from scheme development, in the delivery of emergency response and improvement of community resilience.
- 8.6 The flood risk strategy offers a number of criteria for the production and publication of a formal Section 19 report on the incident, which involves thorough investigation, details the causes and recommends the potential solutions.
- 8.7 The below incidents fulfilled the criteria for undertaking formal investigation in conjunction with other relevant risk management authorities.
- July 2019 – Upper Dales Flooding
 - February 2020 – Aire Catchment Flooding
- 8.8 These formal reports are published on the NYCC website:
www.northyorks.gov.uk/flood-and-water-management
- 8.9 A flood risk asset register and supporting methodology has been introduced, in line with the stipulations of the Flood and Water Management Act (2010). Assets identified through formal investigation as being integral to flood risk are recorded on this asset register.
- 9.0 Objective Five “Flood risk management measures that deliver social, economic and environmental benefits”**
- 9.1 As explained earlier in the report, flood mitigation and relief in rural, dispersed communities can be disproportionately expensive.
- 9.2 The social and economic problems associated with flood risk for our communities are nevertheless equally tangible, and consequently, as a result a proportionate programme of works in our most high risk priority locations has been developed by the flood risk management team and is being delivered.
- 9.3 Locations where flood investigation has previously been undertaken are scored against a criteria. Locations where a high number of properties are affected, where incidents are repeated, where critical infrastructure is affected, and where external investment could be attracted for example, have a higher weighting. This ensures that the locations which deliver the best social and economic benefits are targeted.
- 9.4 During the period of the present NY Flood Strategy, understanding and use of natural flood management and holistic solutions has grown. NFM is now recognised as an excellent complementary measure to flood schemes, and the flood risk management team continues to represent the council at catchment partnerships, to be part of the work to deliver these multi-benefit solutions.
- 9.5 Where possible, environmental benefits are considered in all of NYCC’s flood specific work. The approach does however have limitations when used to deliver flood

benefits only and is more appropriate in locations where multiple outcomes are intended and flood mitigation is not the principle objective.

- 9.6 During 2021 LLFAs were invited to bid to the Resilience Innovation Fund to deliver projects which had a focus on demonstration of innovative flood management.
- 9.7 Working with City Of York Council, which led the project, NYCC successfully secured funding, to a value of approximately £6m for expanding understanding of the delivery of Natural Flood Management (NFM). The required Business Case is presently in preparation and a project manager has been appointed, employed by COYC.
- 9.8 Over a number of years the project will see the Swale, Ure, Nidd and Ouse catchments modelled for NFM opportunities. Projects will then be delivered which seek to slow the flow on an ambitious catchment-wide scale, to reduce the risk to downstream communities in York and North Yorkshire. In its later stages, the project will seek to identify a recompense from those communities benefitting to those upstream communities where the delivery has happened. This will add to the understanding of how NFM can be sustainably delivered and maintained. This is a common theme that arises in North Yorkshire, where its upstream communities, are often looked to by larger conurbations downstream in the catchment such as Leeds and York to provide downstream protection.
- 9.9 Away from this large project presently in development, the locations where schemes are in progress according to the criteria are demonstrated in Table 2 below, alongside an update of their status.

Table 2: NYCC Programme Scheme Update

Location	Scheme status
Malton, Norton and Old Malton	This scheme is nearly complete. Funded from partnership contributions from the LEP, EA FDGIA, NYCC and Ryedale District Council, it has seen the delivery of infrastructure to permit swifter pumping operations, CCTV for improved monitoring purposes and property level resilience measures delivered to approximately 150 houses and businesses at the highest risk. The ability to more swiftly commence pumping, when river levels rise, coupled with PFR to act as a last line of defence was demonstrated to be the most cost beneficial solution to manage the risk in the towns. NYCC and RDC have agreed to work in partnership to deliver pumping operations in the future.
Scarborough Town	The section 19 investigation into the August 2017 surface water flooding recommended the upgrading of the condition of culverts and including debris screens/sediment traps and also on property level resilience to allow for events exceeding the capacity of drainage systems. WSP has been working on a surface water model of the drainage system around Scalby Road, although this has been subject to delays caused by Covid lockdowns. Work will now centre on understanding the model outputs, to look at where any investment would be required. External funding would be needed to progress identified outputs.
Great Ayton	£45k was contributed from the 17/18 FRM budget towards a multi-source study being developed in partnership with NYCC and Northumbria Water. Northumbria Water (NW) have led on delivery, through consultants Mott McDonald. £30k was successfully bid for by NYCC to support this work, from both the EA Flood Defence Grant in Aid programme and the Regional Flood and Coastal Committee fund. Options to progress the work are being discussed between interested parties based on the study work. The project is led by NW .
Rye Villages	Funded by successful application to the EA for Flood Defence Grant in Aid (FDGIA), locations in the Rye identified for surface water study were Thornton le

	<p>Dale, Hovingham, Sinnington, Gilling East, and Kirkbymoorside, based on the residual risk of conurbations in the Rye.</p> <p>This work has been put on hold to permit the time-constrained delivery of the Malton, Norton and Old Malton project which was a priority for the authority. It is intended to commission the delivery of PFR identified through the feasibility work in 2022 as part of a county-wide procurement exercise.</p> <p>Additional feasibility work is needed in Kirkbymoorside, to look in more detail at the drainage. A meeting with the Town Council is planned for January to look at potential natural flood management approaches as an alternative to drainage work, so this meeting will permit the critical path forward for scheme progression.</p>
South Craven	<p>NYCC has contributed £25k to a project led by the EA closely supported by NYCC officers delivering studies to support the understanding of future feasibility of mitigation. This has been delivered during 18/19 and 19/20.</p> <p>The new river model of the Eastburn Beck catchment has now been completed and has been reviewed alongside existing hydrological data and flooding history by the consultants.</p> <p>This scheme has been delayed due to the prioritisation of the Malton, Norton and Old Malton scheme however it is intended that work will move forwards in 2022.</p>
Filey	This surface water scheme has been completed by Scarborough Borough Council.
Tadcaster	<p>EA work in Tadcaster has been delayed by the requirement to build a new model, This has added approximately one year to the programme. The scheme is however fully funded and whilst it principally addresses main river risk, it is also intended that opportunities for surface water mitigation will be considered as part of the scheme.</p>
Upper Dales	<p>Escalated in the programme following the July 2019 flood events, Feasibility studies funded by the LEP Growth fund have been delivered during 2020. The villages targeted by this work are Reeth, Grinton, Arkengarthdale, Hawes, West Witton, Redmire, Bainbridge, Leyburn and Bellerby The various options for progression are to be presented to the community through a week of engagement in the first week of February. Whilst some focus on delivery of PFR and can be progressed through the intended county wide contract, other options will require more detailed work and funding avenues to be explored.</p>
Gildersleets	<p>This was added to the programme in 2021 following the publication of the 2020 Section 19 report as a project to commence in 2022/23. The team will look at proportionate mitigation solutions to address the repeat flooding which is experienced in Gildersleets.</p>
Lower Aire villages and Bolton Percy	<p>This was added to the programme in 2021 following the publication of the 2020 Section 19 report. The work will see a review of existing property level resilience offered in lower Aire villages with a view to delivering any identified gaps. The scheme will also work with the existing Bolton Percy Flood Group to identify and seek to deliver a bolstered flood management plan for the village.</p>
Brotherton	<p>Following recommendations in section 19 reports following the 2015 flood event and 2020 event NYCC has committed to the significant maintenance improvements required on the culvert in Brotherton which links to the IDB system and washlands. NYCC has commissioned the IDB to undertake this work which is being delivered at the time of writing.</p>

10.0 Objective Six – “Best use of all potential funding opportunities to deliver flood risk management measures”

- 10.1 Since 2019 progress against NYCC schemes has been made possible due to external funding from a variety of sources. Spend to date is detailed in Table 3 below.

Table 3: Funding breakdown of work delivered towards committed schemes during 2019 – 2021.

Scheme	Funding	Status
Malton, Norton and Old Malton	£500k Growth Fund £314k FDGIA £250k* NYCC £250k*RDC *These are both yet to be reconciled so will require adjustment when all invoices received.	Scheme nearly complete
Upper Dales Feasibility Studies	£250k Growth fund	Funding strategies will be required for preferred options to be progressed from the studies
Scarborough Town Model	£50k NYCC £15k DEFRA bid	Model is now complete. Funding strategy would be needed for any option arising from the outputs.
Saxton	£15k NYCC	NYCC funded work to look at proportionate options for progress in Saxton.
Rye Villages feasibility studies	£75k FDGIA	NYCC has allocated funding in programme to delivery of outcomes, the majority of which focus on PLR.
Brotherton Culvert repairs	£450k NYCC	NYCC funded. Work in progress.

- 10.2 Feasibility studies identify whether or not affordable schemes can be delivered to address flood issues in any given location. The delivery of preferred outcomes from studies will require additional funding to be sourced. Traditional funding for flood mitigation include the EA Flood Defence Grant in Aid and local Regional Flood and Coastal Committee levy which the County Council contributes towards.
- 10.3 In the last two years NYCC has also achieved Growth funding for the delivery of the Malton, Norton and Old Malton Flood Management Scheme and also for the Upper Dales Feasibility Studies. There is a recognition of the impact of repeated flood incidents and the risk the communities carry on the economic prosperity of these communities and the impact on growth opportunities and it is positive that flood mitigation can have outcomes which extend wider than the protection of properties and are in line with the county council's wider growth objectives.
- 10.4 In 2021 it was agreed by the Corporate Director BES, in consultation with BES Executive Members that a reactive budget would be available to LLFA officers, for the delivery of low cost (<£10k) works identified during flood risk investigations which would give a benefit to flood risk. This permits the delivery of positive solutions outside of the more formal flood risk programme, permitting communities to receive benefits quickly where there are such solutions available. It is intended that £5k will be directed towards a drainage scheme in Scrayingham, during this financial year, with other contributions to the work committed by Yorkshire Water and also a potential contribution through Ryedale District Council's flood grant. A local landowner is contributing in kind through maintenance and access arrangements.

11.0 Next steps

- 11.1 In the last update to the committee in July 2019 it was stated that a review of the flood risk strategy would be undertaken following the publication of the latest EA Strategy. Since that meeting the resource in the team had to be diverted to the undertaking of Section 19 reports following the widespread flooding in the Upper Dales and the Aire Catchment respectively at the expense of the review of the strategy.
- 11.2 This review work is however now underway, with public consultation planned on a draft document early in the next financial year. This will also include a comprehensive review of the actions completed against the strategy since it was published in 2016.

12.0 Financial

- 12.1 There are no financial implications resulting from this report, which is produced for information purposes only to update on the on-going work towards achieving the outcomes of the flood risk management strategy.
- 12.2 Financial implications of schemes within the flood risk management strategy and details of external funding are contained within the body of the report.

13.0 Legal

- 13.1 There is no legal implication resulting from this report, which is produced for information purposes only to update on the on-going work towards achieving the outcomes of the flood risk management strategy. Whilst there are financial matters contained within the report, these have already been noted in earlier reports and are addressed in the programme of work currently being undertaken.

14.0 Equalities

- 14.1 There is no equality implication resulting from this report, which is produced for information purposes only to update on the on-going work towards achieving the outcomes of the flood risk management strategy. Appropriate equalities statements have been prepared and considered in relation to earlier reports, and are addressed in the programme of work currently being undertaken.

15.0 Conclusion

- 15.1 This report demonstrates that a significant body of work aimed at the achievement of the objectives of the flood risk strategy continues to be successfully delivered on the ground, enabled by the creation of guidance and processes relating to the councils responsibilities and powers as LLFA.
- 15.2 The strategy review is a valuable opportunity to build on this action and focus on the councils objectives for flood risk management in North Yorkshire, in line with national policy and best practice.

16.0 Recommendation

- 16.1 It is recommended that Members note the contents of this report.

17.0 Reasons for Recommendations

- 17.1 For Members information, and to update on the actions that continue to be taken to deliver the NY flood risk strategy.

Report Author: Emily Mellalieu, Development Management Team Leader

Background papers relied upon in the preparation of this report:-

NY Flood Risk Strategy

Section 19 reports for the July 19 Upper Dales flooding and February 2020 Aire Catchment flooding

For further information contact the author of the report

North Yorkshire County Council

Transport, Economy and Environment Overview and Scrutiny Committee

20 January 2022

Planning Enforcement and Monitoring Policy

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report
1.1 To receive, consider and comment on a proposed draft Planning Enforcement and Monitoring Policy.

2.0 Background

2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision, which could be taken by the Council, the Executive or a committee.

2.2 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 05 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed in February 2022.

3.0 Planning Enforcement and Monitoring of Minerals and Waste Operations

3.1 The County Council (the Council), through its Planning Services, is responsible for discharging the development control planning functions associated with minerals extraction, the management of waste, and the Council's own development under the provisions of the *Town & Country Planning General Regulations 1992*. The planning functions relating to mineral and waste matters are often referred to as '*county matters*' and are defined within *Schedule 1* of the *Town & Country Planning Act 1990* and the *Town & Country Planning (Prescription of County Matters) (England) Regulations 2003*. This includes the processing of planning applications, the monitoring of planning permissions and investigations into alleged or identified breaches of planning control.

3.2 Planning Services are responsible for determining planning applications for minerals and waste development proposals and for the Council's own development proposals such as roads, schools, nursing homes etc. Planning Services are also responsible for investigating alleged or identified breaches of planning control associated with mineral extraction and processing, the management of waste and the Council's own developments. Enquiries and complaints may relate to development that has been carried out without planning permission or a breach of the terms of a planning permission.

- 3.3 Planning Services are also responsible for monitoring minerals and waste developments for which planning permission has been granted to ensure compliance with the planning permission, planning conditions, plans, approved schemes and programmes and the requirements of S106 Planning Agreements.
- 3.4 Guidance and advice regarding planning enforcement, how to report a suspected breach of planning control, how it would be investigated and types of action that could be taken to rectify a breach of planning control is provided on the Council's web pages under Planning and Development: www.northyorks.gov.uk/planning-enforcement
- 3.5 The Council had adopted its first 'Planning Enforcement Control Service Pledge' in March 2000. Whilst Members of this Committee received an Officer Report on 07 March 2005 conveying a revised version of this Pledge (dated February 2005), which was subsequently adopted, it is clear that an update and refresh to reflect current expectations is necessary and the following paragraphs explain what that entails.

4.0 Proposed Planning Enforcement and Monitoring Policy

- 4.1 A 'Planning Enforcement and Monitoring Policy' has been drafted and is attached as Appendix 1 to this report. The draft policy provides details on:

- The Council's Planning Functions
- Responsibilities
- Objectives
- Commitments
- The Enforcement and monitoring functions
- Investigating unauthorised development
- Identifying a breach of planning control
- Dealing with enquiries and complaints
- Recording and Acknowledging Complaints
- Joint Working
- Time limits for taking enforcement action
- Approach to enforcement
- Breaches remedied by negotiation
- Breaches remedied by a retrospective planning permission
- Where negotiation fails to resolve the breach
- Where enforcement action is not expedient
- Where enforcement action is expedient
- What action can be taken
 - Planning Contravention Notice
 - Breach of Condition Notice
 - Enforcement Notice
 - Temporary Stop Notice
 - Stop Notice
 - Injunction
 - What might happen after serving a notice or injunction
- Compliance
- Prosecution
- Direct action
- Monitoring
- Dissatisfaction with the service
- Policy review

5.0 Consultations, Notifications, Advertisement

- 5.1 At this stage no consultations, notifications or advertisements on the draft policy are required or proposed; although the draft is being reported to the Transport, Economy and Environment Overview and Scrutiny Committee for information / comments. Subject to any comments received from the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee, the draft policy will be reported to the Council's Executive Committee for approval and recommendation to County Council for approval and adoption. The adopted Policy will be published on the Council's website.

6.0 Planning Policy and Guidance

- 6.1 National Planning Policy Framework
Paragraph 59 of the National Planning Policy Framework (July 2021) states:
'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate'.
- 6.2 Planning Practice Guidance on 'Enforcement and post-permission matters' (July 2019) sets out guidance on responding to suspected breaches of planning control and the tools available to remedy such.
- 6.3 The draft Planning Enforcement and Monitoring Policy has been prepared to comply with paragraph 59 of the National Planning Policy Framework and with reference to the Planning Practice Guidance on Enforcement and post-permission matters.

7.0 Financial Implications

- 7.1 There are no financial implications associated with the draft Policy. Planning enforcement and monitoring is carried out, and will continue to be carried out, by the Council's Planning Services Team within current budget allocations and resources.

8.0 Equalities Implication

- 8.1 Consideration has been given to the potential for any adverse equalities impacts arising from the recommendations of this report. It is the view of officers that the recommendations included in this report do not have any adverse impacts on any of the protected characteristics identified in the Equalities Act 2010 or the Council's additional agreed characteristics. The completed Equalities Impact Assessment screening form is attached as Appendix 2.

9.0 Climate Change Impact Assessment

- 9.1 Consideration has been given to the potential for any adverse impacts on climate change arising from the recommendations of this report. The completed Climate Change Impact Assessment is attached as Appendix 3. It is the view of officers that approval of this report will not have a direct climate change impact.

10.0 Legal Implications

- 10.1 Preparation of these policies and procedure updates is part of the Council's function as the local planning authority. Consideration of whether any legal implications arise

will be given as the proposed update to the policy progresses through the Council's formal procedure to adoption.

- 10.2 Proper consideration as outlined in section 8.0 is being given to equalities issues that are pertinent to the policy.

11.0 Recommendation(S)

11.1 The Committee is invited to consider and comment on the proposed draft Planning Enforcement and Monitoring Policy.

11.2 Subject to any views expressed by the Committee, the draft Planning Enforcement and Monitoring Policy be reported to the Executive for approval and recommendation to County Council for approval and adoption

KARL BATTERSBY

Corporate Director, Business and Environmental Services

Author of report: Stuart Perigo

Background Documents to this Report: None

NORTH YORKSHIRE COUNTY COUNCIL PLANNING ENFORCEMENT & MONITORING POLICY

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13. Compliance	x
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16. Monitoring	x
17. Dissatisfaction with the service	x
18. Policy review	x

About this Policy

1. Guidance

North Yorkshire County Council's (the 'Council') *Planning Enforcement & Monitoring Policy* (the '*Policy*') provides guidance for members of the public, developers and other interested parties in relation to the principles and standards that the Council will apply in pursuance of its planning enforcement and monitoring responsibilities relating to mineral and waste development and the Council's own developments. The *Policy* will assist the Council in considering the most appropriate action to take specific to enforcement and monitoring matters.

The *Policy* provides general guidance on the factors that the Council will take into account when deciding whether to take enforcement action in relation to a breach of planning control. Each individual case will be considered on its own merits against not only the *Policy*, but also the relevant *Development Plan* and Government planning and enforcement guidance before any decision is taken.

The nature of enforcement action taken by the Council in relation to a breach of planning control is within the discretion of the Council and must be in the public interest.

Designated Council Planning and Legal Officers have delegated authority to take enforcement action, or conversely, take decisions not to initiate enforcement action. Enforcement matters are reported quarterly to the Council's *Planning and Regulatory Functions Committee* for information.

The *Policy* also provides general guidance on the Council's approach to pro-active monitoring of mineral and waste management sites.

2. Information

This document is provided as information only. It is not a full and authoritative statement of the law and does not constitute professional and/or legal advice. Any statement in this document does not replace, extend, amend or alter in any way the statutory provisions of the *Town & Country Planning Act 1990 (as amended)* or any statutory guidance issued in relation to it. In addition, any web links provided within this document are correct at the time of publication, but may be subject to change.

3. The Council's Planning Functions

3.1 Responsibilities

The Council is responsible for discharging the development control planning functions associated with minerals extraction, management of waste, and the Council's own development under the provisions of the *Town & Country Planning General Regulations 1992*. The planning functions relating to mineral and waste matters are often referred to as '*county matters*' and are defined by *Schedule 1* of the *Town & Country Planning Act 1990* and the *Town & Country Planning (Prescription of County Matters) (England) Regulations 2003*.

Currently, the District and Borough Councils of North Yorkshire are responsible for all other forms of planning control, including fly tipping, and developments permitted by them; this includes the importation and exportation of materials to develop sites where the materials are an integral part of the development and are necessary for the development to be carried out. However, this division of responsibilities will be subject to change with the advent of local government re-organisation and the introduction of a new authority replacing the County, District and Borough Councils in April 2023 and after which, a review of policies will be undertaken.

Enforcement responsibilities between District and/or Borough Councils and County Councils can be shared for some engineering operations involving inert waste materials. Decisions will be taken on the responsibility for these types of alleged breaches of planning control in consultation with the relevant District/Borough Council Enforcement Teams.

The Council has no responsibility for investigating complaints or taking enforcement action on matters under the respective jurisdictions in District/Borough Council areas, or the Yorkshire Dales National Park and the North York Moors National Park Authority areas.

3.2 Objectives

In line with Government advice, it is the Council's objective to:

- Prevent serious or irremediable harm;
- Bring unauthorised activity under control;
- Remedy the undesirable effects of unauthorised development;
- Ensure breaches of planning permission do not compromise the basis of any original permission.

The Council will always seek to resolve breaches of planning control by negotiation and only pursue formal enforcement action as a last resort where negotiation has failed. Enforcement action is a discretionary power to the Council and the Council reserves the right to use the powers available to it as appropriate. If it chooses not to pursue enforcement action, even if negotiation has failed, the reasons for not doing so will be made clear and conveyed to the complainant.

3.3 Commitments

- The Council is committed to protecting the environment and local amenity and in the majority of cases will seek to remedy breaches of planning control by negotiation.
- The process of dealing with a complaint will be open and transparent and the Council will be accountable for decisions, actions and service on planning enforcement. The Council will be consistent in approach, always working in accordance with agreed procedures.
- A range of formal enforcement powers is available to the Council to remedy the undesirable effects of unauthorised development. The Council will use the powers available in a manner proportionate to the impact or harm resulting from the breach.
- This policy commits the Council to good enforcement and monitoring practices and procedures and provides the means to control unauthorised development effectively for the benefit of the environment in general and to protect local amenity.

This *Policy* complies with the National Planning Policy Framework (NPPF) (July 2021; paragraph 59 of the NPPF states:

'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate'.

3.4 Openness

Council Officers will advise a complainant and those involved in carrying out unauthorised development of the *Policy* that applies and will keep as much information as is practically possible in the public domain, whilst protecting the confidentiality of a complainant and any sensitive business information. Officers will seek to maintain dialogue with operators and landowners in order to achieve an agreed solution. Where enforcement action is taken through

the issue of a formal notice, it will be reported to the Council's *Planning and Regulatory Functions Committee* (or successor in title).

4. The enforcement and monitoring functions

This *Policy* sets out the Council's approach to achieving planning compliance at mineral and waste management sites within North Yorkshire; it consists of two elements. The first sets out how enquiries/complaints alleging a breach of planning control has occurred will be investigated and remedied where appropriate; the second relates to the proactive monitoring by the Council of authorised mineral and waste management sites.

5. Enforcement - Investigating unauthorised development

Breaches of planning control may be brought to the attention of the Council through complaints made by members of the public, Parish Councils, District or Borough Councils, elected Members, private organisations and/or other regulatory bodies such as Environmental Health, the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority.

Planning breaches identified by Council Officers undertaking monitoring visits are raised with operators and landowners and compliance is sought through a process of informal discussion and encouragement. Where such actions are, or are likely to be, unsuccessful, then formal enforcement action may be taken. This may result in either a negotiated cessation, compliance through the issue of a *Breach of Condition Notice* or an *Enforcement Notice* or potentially the retrospective grant of planning permission, either through a planning application or through an appeal.

6. Identifying a breach of planning control

There are many activities that can take place without the need for planning permission. This may be because they do not constitute development, or because permitted development rights are available. In these circumstances, there may be no breach of planning control.

There are other instances where no breach of planning control would occur. For example:

- The issue is a private legal matter.
- The matter is outside the control of planning law and controlled by other legislation.
- There are no planning conditions on an existing site to control the subject of the complaint.

Where there is no breach of planning control, the Council cannot take further action. Where it may be a breach of other legislation, the Council will refer the matter to the appropriate enforcing body for investigation such as the Environment Agency, the Health and Safety Executive, the District/Borough Council Environmental Health Officer, or the Oil and Gas Authority.

A breach of planning control occurs when:

- Development has commenced without the required planning permission; or
- There is a failure to comply with a condition on a planning permission.

Where breaches of planning control are identified, it is the Council's objective to remedy the breach and any problems caused. The Council will:

- Check the planning register to establish whether planning permission has been granted or is being applied for and that it is not permitted development;

- Establish the facts of the case, visiting the site if necessary, recording findings, and taking a photographic record and liaising with those responsible for generating the complaint and/or complainant;
- Pass on any relevant information to other agencies who may have an interest in the case.

Where information regarding the use of land is required, a *Planning Contravention Notice* (PCN) (see below) may be served on known owners and occupiers of the land. A PCN requires information about the suspected breach of planning control and identify the breach to the person/persons, groups or bodies responsible.

7. Dealing with enquiries and complaints

The Council will investigate alleged or identified breaches of planning control, whether it is the result of a complaint or whether it is found as part of the Council's monitoring procedures.

The Council should be contacted when there are concerns about mineral or waste development or the Council's own developments or it is considered there has been a breach of planning control relating to such. The best way of making an enquiry or a complaint is by email to the following address:

planning.enforcement@northyorks.gov.uk

An enquiry or complaint can also be made in writing to:

*Planning Services,
Growth, Planning & Trading Standards,
Business & Environmental Services,
North Yorkshire County Council,
County Hall,
Racecourse Lane,
Northallerton
North Yorkshire
DL7 8AH*

or by telephone: (01609) 780780.

It is important to provide as much information as possible about the issue and include:

- your name, address, telephone number and email address;
- the address or location of the alleged breach (mark on a plan if possible);
- the name and address of the person(s), company, developer carrying out the breach (if known);
- the nature of the complaint and what you believe is the breach of planning control;
- when the problem started or took place;
- an assessment of the 'harm' the alleged breach is causing; and
- whether you would like to be kept informed of the progress of your complaint.

Once a breach of control is confirmed, a complainant may be asked to make a note of observations and keep a log of any relevant activities including for example particular, times, dates, names, addresses, telephone numbers and the registration details of any vehicles.

8. Recording and Acknowledging Complaints

When the Council receives a complaint, it will:

- Treat all complaints as confidential as far as is practicable;
- Record and acknowledge receipt of a complaint within 3 working days of receipt by email or telephone call;

- Make an initial assessment to classify the complaint depending on its nature (see table below);
- Investigate complaints within 21 days;
- Inform the complainant of the outcome of the investigations within 28 days.

Priority	Risk	Examples
Low	Minor breaches of planning conditions	A failure to turn off lights outside permitted hours of working
	Unauthorised development that is complete	Mineral extraction that has ceased Waste management that has ceased
Medium	Major breaches of planning conditions	Failure to install or maintain wheel cleaning equipment Non-compliance with approved plans.
	Unauthorised activities and/or development with the potential to cause harm to the environment or amenities of an area	Unauthorised mineral extraction or waste disposal/management activities
High	Unauthorised activities and/or development posing a significant risk of irreversible harm to the environment and/or public amenity	The disposal / management of mixed waste materials causing the risk of irreversible harm to the environment. Unauthorised mineral extraction causing risk and irreversible harm to the environment.

Should the outcome of Council's investigation fail to meet the complainant's satisfaction, then recourse can be made to the Council's formal Complaint Procedure and, ultimately, the *Local Government Ombudsman* (see '*Dissatisfaction with the service*' section below).

The Council will not disclose a complainant's name or address to anyone as far as is practicable without express consent and subject to *General Data Protection Regulations* where applicable. However, if a site has few neighbours, it is possible a complainant could be identified when we are investigating a complaint or the person causing the complaint may rightly assume who made it. In some cases, a complainant may be invited to provide evidence and give evidence as part of any legal proceedings. However, they would be under no obligation to do so and could decline and retain their anonymity.

Anonymous complaints will only be recorded on file and investigated where it appears there could be significant harm caused to the environment by the alleged breach.

Before considering any possible future action, it is necessary to establish whether there is a breach of planning control. Even if there is a breach of control, it may not be expedient to take enforcement action, for example if the breach is very minor, has ceased or has not caused an unacceptable impact. The Council will decide whether or not what has been carried out is acceptable in principle and if anything needs to be done to bring it to make it acceptable. When assessing possible breaches of planning control, the Council will have to find a balance between the rights of a developer, user or owner of land or buildings, and the wider public interest. If it is not acceptable, the Council will decide what action is appropriate to prevent it continuing.

9. Joint Working

Joint working is maintained with authorities within and bordering North Yorkshire and other statutory regulating and enforcing bodies such as the Environment Agency, the Health and Safety Executive, the District/Borough Council Environmental Health Officer, the Oil and Gas Authority, the Police, HM Revenue and Customs, Department of Transport and the Driver and Vehicle Licensing Authority (DVLA). Joint investigations may be carried out or, if not available, the relevant bodies will be informed of our investigations and findings. Breaches of planning control that are not related to '*county matter*' development will be referred to the relevant District/Borough Council or National Park Authority.

Where the Council's planning enforcement function overlaps or runs parallel to the legislative functions of other authorities, any enforcement action pursued will be based on planning considerations only.

10. Time limits for taking enforcement action

In most cases, development becomes immune from enforcement if no action is taken:

- Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed;
- Within 4 years for an unauthorised change of use to a single dwelling house;
- Within 10 years for any other breach of planning control (essentially other changes of use and breaches of conditions).

The time limits do not prevent enforcement action after the relevant dates referred to above in certain circumstances:

- Further enforcement action may be taken in respect of any breach of planning control within 4 years of previous action in respect of the same breach in the event the previous action proved to be defective.
- Where there has been deliberate concealment of a breach of planning control, the Council may apply for a 'planning enforcement order' (from the magistrates' court) to allow action to be taken after the time limits;
- Where a person has deliberately concealed a breach of planning control, the time limits do not engage until the breach has been discovered.

In cases of deliberate concealment, the Council may decide to serve an enforcement notice 'out of time' or apply for a planning enforcement order.

11. Approach to enforcement

11.1 Breaches remedied by negotiation

In most circumstances where a breach of planning has occurred, we will seek to resolve the breach through negotiation to achieve the cessation and remediation of works, for example, the removal of waste that has been deposited to avoid the need for further enforcement action. In these cases, providing the breach has been satisfactorily resolved, the Council will not take enforcement action unless the breach were to persist or recur.

11.2 Breaches remedied by a retrospective planning permission

In other cases, the activity or development that is identified as a breach of planning control may appear to be an acceptable use or development of land or could be made acceptable. In these instances, the Council may invite the developer to submit a retrospective planning application to regularise the unauthorised development or the use of the land. The fact that

the development has gone ahead without planning permission will not influence the consideration or determination of any planning application.

A decision on any planning application will be taken after considering the nature of the proposal, assessing it against the policies in the *Development Plan*, with regard to the comments of other relevant organisations or bodies and the views of individuals. Providing the development is considered an acceptable use of land, planning permission may be granted subject to planning conditions that would control the development. Conversely, if planning permission is refused or a planning application has not been submitted and negotiations have failed to remedy the breach, further appropriate and proportionate enforcement action may be pursued if it is considered expedient to do so. It should be noted that pursuing enforcement action is a discretionary function.

11.3 Where negotiation fails to resolve the breach

In those cases where negotiation does not swiftly secure a remedy, or the development is considered unacceptable in principle and does not cease, then the Council will decide whether to pursue formal enforcement action in accordance with this *Policy*.

The Council's decision on whether it is expedient to pursue further action will be made following a formal assessment of the breach. This assessment could follow consultation with other regulatory bodies and the relevant District/Borough Council and would consider the nature, scale and impact of the development on the environment and on local amenity, the actual harm caused by the breach and against the policies in the *Development Plan*. The Council will have due regard to the Human Rights Act 1998 and will not act in a way which is incompatible with any convention right and will balance the private interests of the person breaching planning control against the wider public interest. The Council's assessment of the breach will conclude what is necessary to prevent the breach continuing, any works required to rectify the breach, and whether or not it is expedient to take further action, setting out reasons in support of that decision. There will be some cases where immediate action (see below for types of action) will be considered appropriate without consultation with other bodies where there is clear evidence that the breach of planning control is detrimental to the environment or the amenities of the area.

11.4. Where enforcement action is not expedient

In some cases where a breach has occurred and an assessment of the breach has concluded that the resulting harm is negligible, or '*de minimis*' (*meaning lacking significance or importance: so minor as to be disregarded*), the Council would be unlikely to take enforcement action, as it would not produce a clear benefit to the environment or local amenity.

In other cases where either limited impact has occurred or the harm is temporary or has already ceased, then there is often little to be gained from taking formal enforcement action. In such cases, the Council may conclude that it is not expedient to take further action.

Some activities that represent a breach of planning control may also be breaches of other legislation, for example in relation to the unauthorised landfilling of waste. In such circumstances, the Council will seek to co-ordinate any action with that taken by other regulators such as Environmental Health, the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority.

11.5 Where enforcement action is expedient

Where breaches of planning control are causing significant harm to the environment or local amenity and we are unable to remedy the situation by negotiation, then the Council may consider it expedient to take appropriate and proportionate formal enforcement action after an assessment of the breach.

The Council will normally only take formal action when there is evidence that a breach of planning control has occurred and that it has caused demonstrable harm to interests of acknowledged importance. In addition, it must be shown that the remedial actions identified are in proportion to the breach and will help to remedy the harm caused.

If there is relevant proof that a breach of planning control has occurred and Council Officers have decided that it is expedient to take any necessary steps to remedy the breach identified, enforcement action may be taken in conjunction with Officers from the Council's Legal and Democratic Services team.

12. What action can be taken?

There are a number of enforcement powers available that can be used against the landowner, the developer or anyone else with an interest in the land.

The Council's action would depend on the amount of harm caused by the breach and the risk of further harm occurring. In general, the greater the impact of the breach on its surroundings and/or the local community, the stronger the Council's action will likely to be and shorter times within which it would be taken. There are a number of enforcement tools available to the Council; these are summarised as follows. More details can be found in the Government's guidance on '*Enforcement and post-permission matters*': [Enforcement and post-permission matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-and-post-permission-matters).

12.1 Planning Contravention Notice

A *Planning Contravention Notice* (PCN) enables information to be gathered from the owner of land or someone using the land to establish whether a breach has occurred and who has an interest in the land. Details of ownership, activities or uses being undertaken and relevant dates in addition to matters relating to any planning conditions imposed by any planning permissions in respect of the land, can be required to be given. The PCN can be effective in identifying whether a breach of planning control has taken place, those responsible for the breach, who has an interest in the land and provide information that will assist the Council in deciding whether to pursue further enforcement action. The recipient(s) of a PCN are given 21 days to respond.

Non-compliance with the requirements of a PCN is an offence, and on conviction, the offender may be liable to a fine; the Council will reserve the right to pursue prosecution in appropriate cases.

12.2 Breach of Condition Notice

Where a planning condition to a planning permission is being or has been contravened, a *Breach of Condition Notice* (BCN) can be served on all those known parties who have an interest in the land requiring the breach to stop and is not repeated. There is no right of appeal against the serving of a BCN. However, recipients of a BCN are given at least 28 days before the notice takes effect so they can instigate action to remedy the breach.

The BCN will specify the steps that the Council consider need to be taken, or the activities that they consider should cease, to secure compliance with the condition(s) specified in the notice. Non-compliance with the requirements of a BCN is an offence, and on conviction, the offender may be liable to a fine; the Council will reserve the right to pursue prosecution in appropriate cases. Failure to comply with a BCN may result in further enforcement action being pursued.

12.3 Enforcement Notice

An *Enforcement Notice* (EN) can be issued where a breach of planning control has caused or is causing harm to the environment or local amenity and it is expedient to do so having regard to the provisions of the development plan and any other material considerations. An EN is served on all those known to have an interest in the land (and who may be identified by a PCN). The EN specifies exactly what, in the Council's view, constitutes the breach of control and what steps the Council require to be taken, or what activities are required to cease, to remedy the breach and the times within which the steps should be taken. When, or at any time after, an EN is served on a person(s) having an interest in the land on which action is being taken, the Council may provide a letter of assurance stating, that in the circumstances known to the Council, the person(s) on whom the EN has been served, may not be at risk of prosecution in connection with some or all of the matters contained within the EN.

An EN does not take effect for 28 days, during which time those on whom an EN has been served may lodge an appeal with the *Planning Inspectorate*. Any appeal suspends the requirements of the notice until the appeal is determined. However, once the notice takes effect, the remedial works set out in the notice must be carried out within the specified timescale. Failure to comply with the terms of the EN would constitute a criminal offence for which the offender could be prosecuted and subject to a fine on conviction.

12.4 Temporary Stop Notice

A *Temporary Stop Notice* (TSN) can be issued where there has been an identified breach of planning control and when it is expedient that the activity, or any part of the activity that amounts to the breach, should cease immediately. Unlike a '*Stop Notice*' (see below), a TSN can be served on its own; there is no requirement for it to be served with an *Enforcement Notice*. Recipients of a TSN may make representations to the Council, but there is no right of appeal against the service of such a notice, although a recipient may challenge its validity by making an application to the High Court for a judicial review. The notice has effect immediately but ceases to have effect after 28 days, unless the Council withdraws it sooner. This allows a period of time (up to the maximum of 28 days) for the Council to decide whether further enforcement action is necessary and what that action should be, without the breach intensifying by being allowed to continue.

The recipient of a TSN is at risk of immediate prosecution for failing to comply with the requirements of a TSN. A person convicted of an offence is liable to a fine. As a TSN prevents an activity from continuing, the recipient has a right to claim compensation against the Council if the notice has not been served properly.

12.5 Stop Notice

Where the Council considers it expedient a breach of planning control should cease before the expiry of the period for compliance specified in an EN, a *Stop Notice* (SN) may be issued. A SN prohibits activities in breach of planning control on land subject to an EN and may only be issued with, or following, the issue of an EN notice. A SN normally takes effect after 3 days of it being served, although if special reasons exist, e.g. if significant or irreversible harm is taking place, a SN can be specified to take immediate effect. Recipients of a SN may make representations to the Council, but there is no right of appeal against the service of such a notice, although a recipient may challenge its validity by making an application to the High Court for a judicial review.

Contravention of a SN is an offence, and if proceedings are taken by the Council at Court on conviction the recipient shall be liable to a fine determined by the Court.

12.6 Injunction

Where the Council consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained, having first considered its other enforcement powers, may apply to the High Court or County Court for an *Injunction*. An application for an *Injunction* can

be made whether or not the Council has exercised, or proposes to exercise, any of its other powers to enforce planning control referred to above.

In making a decision to initiate injunctive proceedings, the Council will carefully consider:

- It has sufficient evidence that a breach of planning control has already occurred, or is likely to occur on land in the Council's area;
- That injunctive relief is a proportionate remedy in the circumstances of the particular case.
- Whether all relevant considerations including the personal circumstances of those on whom injunctive proceedings are to be taken have been taken into account.

12.7 What might happen after serving a notice or injunction

All notices and injunctions must set out what is required to rectify the breach of planning control, undertake any remedial works, and specify the time periods within which the breach of planning control must be rectified and any remedial works shall be carried out by. The length of time for compliance depends on the severity of the problem and the type of notice issued.

If the recipient of an EN lodges an appeal, this will suspend the requirements of the EN, unless an accompanying *Stop Notice* has also been issued. Notification of an appeal will be by site notice, press notice and by letter to any known or identified interested parties and bodies. If a notice has been issued following the refusal of a planning application, then all those who made representations on the planning application will also be notified. The *Planning Inspectorate* determines the appeal, so it is outside the control of the Council and this commonly delays the remedial works. The appellant can also make an application for planning permission as part of the appeal process.

If no appeal is lodged within 28 days then the EN comes into force and its requirements must be complied with in the specified timescale.

Failure to comply with an injunction may result in the case being referred back to the High Court or County Court who may impose more severe penalties if the offence continues which could include a custodial sentence.

13. Compliance

Following the serving of a notice, we will visit sites to monitor compliance. If we find that the requirements of the notice are not being complied with, we will inform those identified with an interest in the land of the likely consequences. If those identified with an interest in the land fail to comply with the requirements of the notice, the Council will consider prosecution. If the notice is complied with, it will remain in force, unless withdrawn, but confirmation of compliance can be provided to those identified with an interest in the land if requested.

14. Prosecution

The Council's objective throughout planning enforcement proceedings is to prevent and remedy harm to the environment and local amenity. In cases where those identified with an interest in the land have failed to comply with the requirements of a notice, the only way in which the Council can secure its objectives is to prosecute for non-compliance.

The failure to comply with the requirements of a notice or an injunction is an offence. Whilst the aim of the criminal process is to punish wrongdoing, the Council's decision to prosecute as part of enforcement action, is not to penalise, but to prevent further harm and to act as a deterrent to others.

Prosecution is a serious matter and will only be pursued after consideration of the implications and consequences and the details of the case, including any changed or mitigating circumstances. Decisions about prosecutions will take account of the *Code for Crown*

Prosecutors. A prosecution would not be commenced or continued unless there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of conviction.

In deciding whether or not to prosecute the Council will have due regard to the Human Rights Act 1998 and will not act in a way which is incompatible with any convention right; and will balance the private interests of the person breaching planning control against the wider public interest. The Council will take account of equality and the impact of its action on people who share protected characteristics. When considering the harm caused by the offence, the intent and personal circumstances of the offender, the history of offending and the deterrent effect that the prosecution may have on potential future offenders will be carefully considered and taken into account. Where the likelihood of success is remote, this is likely to deter the Council from pursuing a prosecution.

If the Council prosecute and the Court rules in the Council's favour, the offender will usually be fined. If following conviction, the requirements of a Notice are still not carried out, the Council will consider the need to prosecute again. If convicted, the offender could expect an increased fine and which is unlimited. In determining the amount of any fine, the Court will have regard to any financial benefit, which has been accrued or appears likely to accrue in consequence of the offence. If an injunction were breached, the Council might refer the matter back to the Court that made the order. The Court would decide how to deal with the breach, but in the most serious of cases, it could lead to a custodial sentence.

15. Direct or default action

In certain circumstances, direct or default action involving the Council going onto the land to do the works required as part of an EN may be taken to ensure compliance. It is an offence to wilfully obstruct the Council, or anyone exercising the powers on behalf of the Council. Default action will only be pursued when all other methods have failed to achieve the steps required by an EN. The Council can recover from the person who is then the owner of the land any expenses reasonably incurred in undertaking the work or a charge may be placed on the land to cover the costs of completing the work. In deciding whether to pursue such action, the Council will have regard to the up to date circumstances and the provisions of the Human Rights Act to ensure that any action is in the public interest and that it is proportionate to the breach of planning control, and the rights and circumstances of those that are in breach. The decision to initiate such action will be taken by the Council following the completion of a cost/benefit audit.

16. Monitoring

For all dormant and operational minerals sites and operational waste sites with planning permissions granted by the Council, Officers will undertake periodic routine monitoring visits in accordance with a prescribed schedule to ensure sites comply with planning conditions, approved schemes, plans and documents and requirements of legal agreements and to identify any non-compliance with planning conditions, approved schemes, plans and documents and requirements of legal agreements and any unauthorised development that requires addressing or action.

The monitoring process involves an assessment of all current planning permissions pertaining to a site; a site may be operating with the benefit of one or more planning permissions. Monitoring is carried out on a periodic basis, the frequency of which will be determined by the nature of the site and how it is understood to be operating. Monitoring is usually carried out as part of a prearranged visit to the site with the operator, although unannounced visits may be carried out, particularly if there is a need to investigate reported alleged breaches of planning control.

The visit involves a comprehensive inspection of all those areas with planning permission and an assessment whether the development is being carried out in accordance with the planning permission(s), planning conditions, approved schemes and programmes and plans and the requirements of any legal agreements to each planning permission.

A report will be prepared at the time of the visit that:

- confirms whether the site is operating in accordance with the planning permission(s), planning conditions, approved schemes and programmes and plans or otherwise; and
- what action, if any, is necessary to ensure compliance; and
- the timescales within which action, if any, is to be completed; and
- the date of the next visit to confirm the identified action has been carried out.

A copy of the report will be signed by the Council's Officer, provided to the operator at the time of the visit and the person responsible for the site at the time of the visit be invited to sign. A letter, with a copy of the report, will be sent to the site operator confirming compliance or highlighting areas needing action within 14 days of the visit.

In the event any identified action is not subsequently taken, depending on the scale and nature of any non-compliance, the Council may pursue any of the enforcement options referred to above. The Council will always work with an operator to ensure compliance with the approved planning permission(s), planning conditions, approved schemes, programmes, plans and legal obligations to ensure there is no unacceptable risk to the environment or the amenities of the area or others.

17. Dissatisfaction with the service

Should an individual, group or body not be satisfied with the outcome of a specific investigation into an alleged breach of planning control, they may in the first instance write to the Council expressing their concerns and/or requesting a review of the investigation. If a complainant is concerned about progress at a particular site then they may also speak to their County Councillor who will be able to pursue matters with officers on their behalf: [Councillors information | North Yorkshire County Council](#). A member of public may use the County Council's *Complaints Procedure* if they are concerned about the nature of action taken by the Council where unauthorised development has been alleged: [Complaints, comments or compliments | North Yorkshire County Council](#). If not satisfied with the outcome, the individual may then refer the case to the *Local Government Ombudsman*: [Planning enforcement - Local Government and Social Care Ombudsman](#). The *Local Government Ombudsman* may refuse to investigate a complaint if the complainant has not followed the Council's internal complaints procedure first.

18. Policy review

This *Policy* will be reviewed every year, updated every 3 years and shared with the Council's *Planning & Regulatory Functions Committee* or its successor.

Publication date: day/month/2022

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

Update to the Planning Enforcement and Monitoring policy

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Business and Environmental Services
Lead Officer and contact details	Vicky Perkin Vicky.perkin@northyorks.gov.uk
Names and roles of other people involved in carrying out the EIA	Stuart Perigo – Planning Officer
How will you pay due regard? e.g. working group, individual officer	Individual officer(s)
When did the due regard process start?	13 December 2021

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The EIA is about a review and update of the County Council's '*Planning Enforcement Control Service Pledge*' adopted in March 2000 in respect of minerals and waste planning matters.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The County Council's '*Planning Enforcement Control Service Pledge*' is being reviewed and updated to provide improved advice and guidance on the County Councils approach to the enforcement of planning control, investigations into alleged breaches of planning control and monitoring of minerals and waste operations in the County.

Section 3. What will change? What will be different for customers and/or staff?

The proposed '*Planning Enforcement and Monitoring Policy*' will provide improved and updated advice on the County Councils approach to the enforcement of planning control, investigations into alleged breaches of planning control and the monitoring of minerals and waste operations in the County for the benefit of those who may be adversely affected by

breaches of planning control by the minerals and waste industry. It will also inform the minerals and waste industry in the County how the Council will investigate alleged breaches of planning control, the actions the Council may pursue to rectify an identified breach of planning control and the risks to an operator of non-compliance with any enforcement action that may be taken. It will also inform minerals and waste operations in the County of the Council's approach to monitoring their operations and activities.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The proposed '*Planning Enforcement and Monitoring Policy*' will be reported to the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee for information / comments. Subject to any comments received from the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee, the draft '*Policy*' will be reported to the County Council's Executive Committee for recommendation to Full Council for approval and adoption.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

There are no financial implications associated with the review of the '*Planning Enforcement Control Service Pledge*'. Planning enforcement and monitoring is carried out, and will continue to be carried out, by the Council's Planning Services Team within current budget allocations and resources.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	x			
Disability	x			
Sex	x			
Race	x			
Gender reassignment	x			

Sexual orientation	x			
Religion or belief	x			
Pregnancy or maternity	x			
Marriage or civil partnership	x			

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?		x		Ensure mineral and waste operations in rural areas in the County are properly regulated and proportionate action is taken to rectify any breach of planning that is causing harm or unacceptable impact to the environment and amenities of the area.
...have a low income?	x			
...are carers (unpaid family or friend)?	x			

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	x
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	

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Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) **State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

N/A

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.) The proposed ' <i>Planning Enforcement and Monitoring Policy</i> ' relates to land use planning. There is no potential for discrimination or adverse impact.	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

The proposed Planning Enforcement and Monitoring Policy relates to land use planning and will be reviewed every year, updated every 3 years and shared with the County Council's *Planning & Regulatory Functions Committee* or its successor.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been

achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Review the Planning Enforcement and Monitoring Policy	Planning Services	Every year		Update every three years

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'. The regulation and monitoring of minerals and waste developments in the County and investigation of alleged breaches of planning control would ensure developments are carried out or prevented from being carried out in a way that would adversely affect climate change and would protect the environment and amenities of the area.

Section 14. Sign off section

This full EIA was completed by: Planning Services

Name: Vicky Perkin

Job title: Head of Planning Services

Directorate: Business and Environmental Services

Signature: Vicky Perkin

Completion date: 20 December 2021

Authorised by relevant Assistant Director (signature): Matt O'Neill

Date: 21 December 2021



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Update to the Planning Enforcement and Monitoring Policy
Brief description of proposal	A review and update of the County Councils 'Planning Enforcement Control Service Pledge' adopted in March 2000.
Directorate	Business and Environmental Services
Service area	Planning Control
Lead officer	Vicky Perkin
Names and roles of other people involved in carrying out the impact assessment	Stuart Perigo
Date impact assessment started	13 December 2021

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The proposal is a review and update of the County Council's '*Planning Enforcement Control Service Pledge*' adopted in March 2000.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The planning enforcement and monitoring functions of the County Council as local planning authority is, and will continue to be, carried out by Planning Services. There may be an increase in travelling costs due to the need to visit existing minerals and waste sites and investigate alleged breaches of planning control. It is not possible to estimate any increase in travelling costs due to the variable nature of planning enforcement and monitoring practices.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Emissions from travel</p>			<p>x</p>	<p>Potential increase in vehicular journeys</p>	<p>Minimise the number of journeys required</p>	<p>Ensure mineral and waste operations in the</p>

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.							County are properly regulated to protect the environment and amenities of the area
	Emissions from construction						
	Emissions from running of buildings						
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action	Ensure mineral and waste operations in the County are properly regulated to protect the

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Reduce water consumption					against alleged unauthorised operations	environment and amenities of the area
Minimise pollution (including air, land, water, light and noise)	x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area
Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers						
Enhance conservation and wildlife	x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action	Ensure mineral and waste operations in the County are properly regulated to protect the

How will this proposal impact on the environment?	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
					against alleged unauthorised operations	environment and amenities of the area
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape	x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area
Other (please state below)						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'. The regulation and monitoring of minerals and waste developments and investigation of alleged breaches of planning control would ensure developments are carried out or prevented from being carried out in a way that would adversely affect climate change and would protect the environment and amenities of the area.

Sign off section

This climate change impact assessment was completed by:

Name	Vicky Perkin
Job title	Head of Planning Services
Service area	Planning Services
Directorate	Business and Environmental Services
Signature	<i>Vicky Perkin</i>
Completion date	20 December 2021

Authorised by relevant Assistant Director (signature): Matt O'Neill

Date: 21 December 2021

NORTH YORKSHIRE COUNTY COUNCIL

Transport Economy and Environment Overview and Scrutiny

20 January 2022

Work Programme

1.0 Purpose of Report

1.1 This report asks the Committee to:

- a. Note the information in this report.
- b. Confirm, amend or add to the areas of work shown in the work programme schedule (**Appendix 1**).

2.0 Background

2.1 The scope of this Committee is defined as:

- Transport and communications infrastructure of all kinds, however owned or provided, and how the transport needs of the community are met
- Supporting business, helping people develop their skills, including lifelong learning
- Sustainable development, climate change strategy, countryside management, waste management, environmental conservation and enhancement flooding and cultural issues.

3.0 Meetings

3.1 The scheduled meetings of this committee through to the end of the current Council in May 2022 are as below:

- 10am on 13 April 2022.

3.2 It is likely that the April committee meeting will fall within the pre-election period and so careful consideration will need to be given as to what matters are put on the agenda.

3.3 The scheduled meetings of the committee Mid Cycle Briefings through to the end of the current Council in May 2022 are as below:

- 10am on 24 February 2022.

3.4 Mid Cycle Briefings are attended by the committee Chair, Vice Chair and group spokespersons. They are intended to enable the development of the committee work programme by having initial, exploratory discussions that help determine whether a matter needs to be brought formally to the committee for scrutiny or whether it is more appropriate that it is dealt with in another way.

4.0 Recommendation

- 4.1 That the committee members note the report and amend or add to the areas of work shown in the work programme schedule (**Appendix 1**).

Daniel Harry
Democratic Services and Scrutiny Manager
North Yorkshire County Council.

Background documents:

North Yorkshire County Council Forward Plan
<https://www.northyorks.gov.uk/council-forward-plan>

NORTH YORKSHIRE COUNTY COUNCIL
Transport Economy and Environment Overview and Scrutiny Committee
Committee work programme
Dated 16 December 2021

Meeting dates

- Scheduled Committee Meetings: 10am on 21 October 2021; 10am on 20 January 2022; 10am on 13 April 2022; 10am on 11 July 2022 and 10am on 20 October 2022.
- Scheduled Mid Cycle Briefings (Attended by Group Spokespersons only): 10am on 9 December 2021; 10am on 24 February 2022.

Meeting	Subject	Aims/Terms of Reference
21 October 2021	Carbon reduction plan	To receive an update on the progress of North Yorkshire County Council's Carbon Reduction Plan - Neil Irving, CS, NYCC.
	Single-use plastics	To receive an update on North Yorkshire County Council's progress of implementing the Committee's recommendations in respect of its review of single-use plastics - Michael Leah, BES, NYCC.
	Allerton Waste Recovery Park	To receive an update on the performance of Allerton Waste Recovery Park - Michael Leah/Peter Jeffreys, BES, NYCC.
	Rural Commission - local energy generation in rural communities	Follow up to the Rural Commission Report – initial discussion to understand the issues associated with small scale, community-based hydro-electric power generation in rural areas – Daniel Harry, LDS, NYCC.
20 January 2022	York and North Yorkshire LEP	Annual update on the work of the York and North Yorkshire Local Enterprise Partnership and the impacts of Brexit on the local economy now that UK has left the EU - James Farrar, LEP.
	Local Flood Risk Management Strategy	Update on the implementation of the Local Flood Risk Management Strategy including flood risk/coastal erosion alleviation measures put in place/scheduled to be put in place; funding; issues - Flooding Officer, NYCC.
	Highways England	Regular annual update on maintenance and improvement activity on Highways England's roads in North Yorkshire (A1 (M), M62, A65, A66, A64 and A19).

	Planning	Daft Planning Enforcement and Monitoring Policy – outline of policy ahead of going to the Executive on 25 January 2022 - TBC.
13 April 2022 (this meeting will be in the pre-election period)	Road casualties	To advise Members of the 2020 road casualty figures in North Yorkshire and initiatives undertaken by the Road Safety Partnership – Fiona Ancell, BES, NYCC.
	North Yorkshire County Council's Plan for Economic Growth	To receive an annual update on progress - Matt O'Neill, BES, NYCC.
	Bus service improvement plan	Overview of the national bus service improvement plan and what this means locally – Michael Leah, BES, NYCC.
	Waste Management	To provide an overview of the national changes to kerbside waste collection and domestic and commercial waste processing and what this will mean locally (link with the implementation of a new unitary authority for North Yorkshire as of 1 April 2023) – Michael Leah, BES, NYCC.
11 July 2022	Single-use plastics	To receive an update on North Yorkshire County Council's progress of implementing the Committee's recommendations in respect of its review of single-use plastics – Michael Leah, BES, NYCC.
	NY Highways	To receive an annual report on the progress and performance of NY Highways (first 12 months of the new service) – Barrie Mason, BES, NYCC.
	Major schemes development	To provide an overview of large scale infrastructure development, including A59 Kex Gill re-alignment, the Transforming Cities Fund and the Levelling up agenda – Barrie Mason and Michael Leah, BES, NYCC.
	Demand Responsive Bus Service	Update on the Demand Responsive Bus Service in the Ripon area - Cathy Knight, BES, NYCC.
	Rail update	Update report on rail developments in the region – Michael Leah, BES, NYCC.

	Civil Parking Enforcement	To provide an update on countywide Civil Parking Enforcement in the county – Barrie Mason, BES, NYCC.
20 October 2022	Carbon reduction plan	To receive an update on the progress of North Yorkshire County Council's Carbon Reduction Plan – Neil Irving, CS, NYCC.
	Electric vehicle charging	Overview of electric vehicle charging infrastructure, Council commercial fleet and commercial buses – Michael Leah.
	Allerton Waste Recovery Park	To receive an update on the performance of Allerton Waste Recovery Park - Michael Leah/Peter Jeffreys, BES, NYCC.
	Rural Commission - local energy generation in rural communities	Taking forward a feasibility study for small scale, community-based hydro-electric power generation in rural areas, Daniel Harry, LDS, NYCC.
Items where dates have yet to be confirmed	Tourism in North Yorkshire	Overview of the work and plans of Welcome to Yorkshire – Matt O'Neill, BES, NYCC.
	Countryside access	Overview of the County Council's countryside service and priorities (including unclassified roads, prioritisation of the public rights of way network and improving the definitive map processes) – Michael Leah, BES, NYCC.
	Rural Commission – lines of enquiry	Access to social and cheap, rentable housing in rural communities – TBC.
	Rural Commission – lines of enquiry	Access to digital technology and infrastructure in rural communities – TBC.

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