

AT A MEETING of the ENVIRONMENT AND TRANSPORTATION SELECT COMMITTEE of the COUNTY COUNCIL held at The Castle, Winchester on Tuesday, 29 June 2010.

PRESENT

Chairman:

p Councillor Sharyn Wheale

Vice-Chairman:

p Councillor Geoff Hockley

Councillors:

p Ian Beagley

p Adam Carew

p Vaughan Clarke

p Mark Cooper

p Edward Heron

p Rupert Kyrle

a Steve Rippon-Swaine

p Elaine Still

p Marilyn Tucker

p Alan Weeks

Also in attendance: Councillor Mel Kendal, Executive Member for Environment

37. **DECLARATION OF INTEREST**

Members were mindful that, where they believed they had a personal or personal prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest, and having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed save for exercising any right to speak in accordance with Paragraph 12 of the Code.

There were no declarations of interest.

38. **MINUTES**

The Minutes of the Committee held on 6 April 2010 were confirmed as a correct record and signed by the Chairman.

Arising thereon:

Waste Infrastructure Visits

The itinerary for the visits to the Waste Infrastructure facilities in Hampshire has now been arranged, which

will include visits to:

- (i) An Energy Recovery Facility
- (ii) A Materials Recycling Facility
- (iii) A Household Waste Recycling Centre
- (iv) A Composting site

The date, time and travel arrangements will be confirmed with Members.

39. **CHAIRMAN'S COMMUNICATIONS**

That Chairman informed the Committee that an extra item had been added to the Agenda in relation to the new coalition government, following decisions made in recent weeks by central government to cut funding to local authority grants.

40. **ROAD WORKS**

The Director of the Environment presented to the Committee on the co-ordination and regulation of utility works on the highway. Members heard:

(Take in Report and Presentation)

- That the number of road works in Hampshire is split roughly 50/50 between County Council Highways works and those of utility companies.
- That road works account for 10% of congestion on the highway.
- That utility company road works can be split into two different categories. The first is generally small unplanned works needed to restore supply or prevent a supply from being lost, which accounts for 80% of utility works, and the second major planned works to improve or extend a service, which account for the other 20%.
- That there are two main pieces of legislation relating to the undertaking and co-ordination of road works. These are the New Roads and Street Works Act 1991 and the Traffic Management Act 2004.
- That Hampshire County Council has the duty to co-ordinate works on the highway, and to minimise congestion caused by road works and other sources.
- That currently Hampshire County Council operates a notification scheme, where all works have to be notified to the authority so that they can be co-ordinated. Notification usually takes place between 3 months and 3 days in advance, depending on the works duration, and is in line with National legislation and standard practices. Hampshire County Council must also notify its own works in a similar manner
- That Hampshire County Council also has the power to inspect, challenge the duration and direct the timing of any road works.

That the topic of 'Co-ordinating and Regulating Utility Works on the Highway' is scoped for scrutiny review.

- That utility companies are responsible for reinstating the surface of any road they excavate in the course of their work to the national standards. A temporary surface is permitted in legislation, but must be completed on a like for like basis within 6 months.
- That utility companies and Hampshire County Council are not required to give notice for all of their works. Some works such as minor repairs or works not involving excavation or traffic disruption are exempt.
- That conditions set on the duration or timing of works may only be set where there will be disruption to traffic resulting from the works. Similar directions can be applied to Hampshire County Council works.
- That 30% of notifiable utility works are inspected by Hampshire County Council; the total cost of which is £0.5m, paid for by the companies undertaking the works. Additional inspections are undertaken on an ad hoc basis but the costs of such is paid for by HCC.
- Approximately 1% to 2% of works visually inspected fail to comply with safety and surface reinstatement requirements. However, 40% fail when cores are taken to examine the type and depth of materials used.
- Almost all utility companies are 95%+ compliant regarding the requirements to notify HCC of their works.
- That in 2008/09, £0.4m in penalties and cost recoveries were charged to utility companies.
- That Hampshire County Council's relationship with utility companies is much improved, with most being co-operative and abiding by conditions set.
- That instances where road works have caused major traffic congestion are reviewed to highlight where improvements can be made. An example of this a new condition that in peak hours on strategic roads temporary traffic lights must be controlled manually, to ensure that the direction of traffic with the heaviest congestion has the longest green-light time.
- That the 2010-11 municipal year will see a large amount of pressure on the highways in terms of road and utility works, with the new street lighting private finance initiative underway, road restoration and other large utility company projects.
- That there is now an option for Local Authorities who co-ordinate road works to change to a permit scheme, whereby utility companies and Hampshire County Council contractors wishing to excavate the road must apply for a permit.
- That Hampshire County Council and many other Authorities are closely following the example of Kent County Council permit scheme to determine the potential benefit of a similar scheme in their areas. Kent County Council are the first authority outside of London to adopt a permit scheme.
- Since Kent County Council starting its permit scheme, the number of complaints by members of the public

have reduced.

- Permit schemes allow additional conditions to be set for works, the administration of permits can be charged to the applicant and there may be greater opportunities to improve the management of works. Conversely, a permit scheme would have to apply to HCC works, is costly to set up, would require additional staff and the cost of a permit may be passed on to the consumer by the utility company.

In response to questions, Members heard:

- That the 30% of road works inspected are taken from a random sample.
- That core inspections are undertaken after road works have been completed. This method drills down into the road to take a sample of the materials used in a reinstatement and to check the depth of the reinstated materials.
- That all complaints relating to road and utility works are investigated.
- That inspectors in highways area offices also regularly check the whole network, allowing any issues with road works or reinstatements to be identified.
- That Hampshire County Council would have to apply a permit scheme to its own works and the cost of administering permits for its own works could not be levied onto utility companies.
- The additional admin and management costs of administering permits for utility company works could be charged to utility companies (up to a maximum set by the Department for Transport).
- That the road work co-ordination undertaken in other Countries has been researched, with a split seen between a permit and notification scheme.
- That there is a National Joint Utilities Group which has developed guidance and standards for the protection of trees adjacent to works. This guidance is supported by HCC arboricultural team. A utility failing to comply with such specifications can be 'defected' and HCC can recover its costs for any corrective action.
- That all reinstatements by utility companies have a two year guarantee, with deep-trench excavations having a three year guarantee,
- That introducing a permit scheme would mean extra cost to the County Council, with additional staff to administer the permits, new software and an increase in inspectors. The scheme introduced by Kent County Council cost +£1m to set up and they have employed an additional 10-12 staff.
- That a higher inspection or coring rate does not necessarily mean a higher rate of compliance. Other Authorities with more proactive inspection / coring programmes, such as Surrey County Council still report similar levels of non compliance.

- That there is a national debate on the long term damage to highways resulting from poor / non compliant reinstatements undertaken by contractors. Where a reinstatement has not been properly compacted or the depth is not compliant then it may only fail after the two year guarantee period has expired. This would then usually result in the County Council highways teams having to bear the cost of repairs.
- That there is a possibility for an increase in the number of coring inspections that take place in Hampshire, but this would be at extra cost (£100 per investigation) to the Council, and would not necessarily highlight further non-compliance.
- That a utility company cannot be refused permission to undertake roadworks, as they have a statutory duty to do this.
- That a possible alternative to the permit scheme is a considerate contractor scheme, but this is a low cost option but relies on voluntary agreements with the utility companies.
- That if a reinstatement is judged to be dangerous, it must be made safe by the utility company within two hours.
- Kent County Council started their permit scheme in early 2010 and that it is currently too early to determine whether it has made a significant impact on congestion arising from works.
- That the set target for income through road work penalties is zero as this means that there are no non-compliances.

RESOLVED

That the topic of 'Co-ordinating and Regulating Utility Works on the Highway' is scoped for scrutiny review.

41. **COMMUNITY INFRASTRUCTURE LEVIES**

The Director of the Environment presented a report to the Committee on the Community Infrastructure Levy.

Members heard:

(Take in report)

- That the Community Infrastructure Levy was passed through parliament towards the end of the last government's term. The new coalition government have indicated their wish to repeal this decision, but definitive a definitive programme for this has not yet been given.
- That there may then be a replacement of the Community Infrastructure Levy with a different model, possibly based on a local 'tariff'.
- That the future picture of development in Hampshire is now quite unclear, with regional spatial strategies due to be revoked, uncertainty around future development

That Hampshire County Council contacts the new Secretary of State with responsibility for Planning, requesting an opportunity to discuss alternatives to the Community Infrastructure Levy.

levels, and priorities and levels of funding for infrastructure being decided by the 11 District Councils in Hampshire.

In response to questions, Members heard:

- That so far none of the District Councils have indicated that they are positively planning for the Community Infrastructure Levy.
- That only the New Forest District Council has an agreed core strategy for development in their area, and this does not have a Community Infrastructure Levy policy as such.
- That it is up to the District Councils to agree, in consultation with other agencies (including Hampshire County Council), the priority order for infrastructure building in District areas.
- That Hampshire County Council has been vocal in opposing the introduction of the Community Infrastructure Levy, and of the changes in application of Section 106 funding. Such representations have been made to both the previous and new government.
- That this viewpoint has been supported by other County Councils, but views across Local Government in general has been mixed in respect of the introduction of the Levy.

RESOLVED:

That Hampshire County Council contacts the new Secretary of State with responsibility for Planning, requesting an opportunity to discuss alternatives to the Community Infrastructure Levy.

42. **NATIONAL PARKS**

Paula Freeland, Interim Director of Conservation, Recreation and Sustainable Development, New Forest National Park Authority, and Jim Redwood, Interim Head of Planning, South Downs National Park Authority, presented to the Committee work undertaken by their individual authorities, their strategic priorities going into the future, and any partnership working ongoing within the County. Members heard:

(Take in presentations)

South Downs National Park Authority

- That the National Park is the last one listed in the Hobhouse National Parks report (1946) to be designated.
- That the previous Secretary of State for Environment, Food and Rural Affairs, Hilary Benn MP, signed the Park designation in November 2009.
- That the South Downs is the second biggest National Park in terms of land size, and has a large population of residents living within it.

- That the National Park is easily accessible from the surrounding areas, with good road, rail and air transport links, meaning that the Park experiences significant visitor demand.
- That the National Park receives the highest number of planning applications, with about 4,000 per year received – the next closest being the 1,000 received by the New Forest. Most of these applications are lesser planning decisions, but all have to be assessed.
- Currently the South Downs National Park is not yet a planning authority, and is operating in shadow form.
- That funding for the National Park Authority is received 100% from the Department for Environment, Food and Rural Affairs.
- That the Authority has fewer members than originally proposed, due to the Adur and Worthing regions sharing a seat. This has the advantage of making it easier for the Authority to work as a team.. Councillor Felicity Hindson is Hampshire County Council's representative.
- That the Authority, like other National Parks, has statutory powers in relation to planning and access, and works in partnership with surrounding Local Authorities on these issues.
- That the Committee of the South Downs National Park Authority did not wish to adopt a 'vision' for the Park at this stage, but has instead adopted some guiding principles relating to leading, influencing and encouraging partnership working.
- That there is a vast amount of partnership working ongoing with the 15 Local Authorities wholly or partly included within the National Park designation area.
- That the planning powers of the Authority are expected to be delegated to constituent Local Authorities, which no other National Park has done. This has been supported by the Authority Committee and those providing planning services.

New Forest National Park Authority

- That the New Forest National Park Authority was designated in March 2005.
- That it is the smallest National Park in terms of size, but has one of the largest populations living within it.
- That, similar to the South Downs National Park, the New Forest is easily accessible by all forms of transport, and therefore is faced by the pressures of significant visitor numbers.
- That the Authority has sought public consultation on a number special qualities, which are marked as their priorities for protection going into the future.
- That the special quality of 'tranquillity' is the most threatened.
- That the New Forest has more visitors per square mile than any other National Park, and is the second most visited National Park in England.
- That 50% of the accessible green space in South East

England is located in the New Forest.

- That the New Forest is unique in operating a commoning system, allowing the natural environment to be sustained through careful land management and grazing of animals by local people.
- That the Authority deals with a substantial number of planning applications each year, but also around sub-urbanisation, replacement dwellings, and other related issues.
- That there are many issues affecting the National Park and making demands on the land, including the provision of affordable housing in the region, back-up grazing options, farming and agriculture, etc.
- That it is fundamental to the National Park that they continue to work in partnership with other agencies. The Authority is actively engaged in the Local Strategic Partnership, and has good working relationships with key members and officers in each Local Authority partly or wholly within the National Park boundary.

In response to questions, Members heard:

South Downs National Park Authority

- That the Authority is currently working on its Management Plan, which will include details of how to ease visitor pressures, such as car parking, access, waste, etc.
- That no decision has yet been taken on where the Authority will be based; this will be discussed at an upcoming South Downs Committee meeting on 6 July.
- That there has been debate over the democratic accountability of National Parks, and so the Authority has purposefully selected Members with local background and interest. Only two of the Members, both of whom were nominated by the Secretary of State, are not from the area.
- That all parties involved in the planning discussion have agreed terms.
- That work is ongoing around the provision of affordable housing, ensuring that local communities are involved in discussions and throughout planning processes.
- That the Authority wish to be lean, ensuring that roughly 50% of their funding goes to project work, and 50% to establishing and running the National Park.
- That the Authority are working closely with all tiers of local government on issues such as highways and housing.

New Forest National Park Authority

- That the issue of urban signage in rural areas is one that needs to be subject to joint working.
- That a number of pylons are permitted in the National Park under statutory planning laws, but there is room for aesthetic and environmentally friendly alternatives.
- That the possibility of expansion to the port at Dibden Bay may have wide-ranging consequences on the National Park.

- That the number of New Forest ponies grazing on the common land is limited by the verderers, but the decision on what happens to the ponies if they are no longer able to graze rests with the owners.
- That the Authority benchmarks against, and works in partnership with, other National Parks. Currently the Authority is assisting South Downs National Park in the setting-up of their organisation, based on the learning accumulated through its own designation five years ago.

43. **POTHOLE MANAGEMENT**

The Executive Member of Environment presented to the Committee their response to the Committee's recommendations on pothole management. Members heard:

(Take in letter)

- That the £12.5 funding for Operation Restore had now been secured, through:
 - the award of central LPSA2 grant money to the Environment Department;
 - the re-programming of routine planned but non-critical works and;
 - the reduction of other non-priority routine activities for 2010/11.

44. **NEW COALITION GOVERNMENT**

The Director of Environment presented to the Committee on changes to policy and legislation outlined by central government. Members heard:

(Take in report)

- That it is still early days, but the picture of how things will look under the new government is starting to take shape.
- That the Department will better know the implications of government cuts when the findings of the Comprehensive Spending Review are published in the Autumn.

In response to questions, Members heard:

- That Hampshire County Council has asked for its powers back in relation to minerals and waste apportionment. This was refused by the previous government, but there is now a new opportunity to lobby the new coalition government.
- That following the abolition of Regional Development Agencies, central government may move to a system of incentivising development in local areas. This is an area the Department will be looking at with District Council colleagues.
- That Local Development Frameworks will become Local Plans, and will be subject to review given the decision to abolish Regional Development Agencies.

That the Committee receive a regular update on policy and legislative changes made by central government that impact upon the Environment Department.

That any such updates are added to the Members' Portal website.

RESOLVED:

That:

1. The Committee receive a regular update on policy and legislative changes made by central government that impact upon the Environment Department.
2. Any such updates are added to the Members' Portal website.

45. **WORK PROGRAMME**

The Chief Executive presented the Committee's forthcoming work programme for 2009-10.

(Take in work programme)

RESOLVED:

That the Committee's Work Programme be approved, subject to the issues raised at this meeting.