

KENT COUNTY COUNCIL

ENVIRONMENT, HIGHWAYS AND WASTE CABINET COMMITTEE

MINUTES of a meeting of the Environment, Highways and Waste Cabinet Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 20 September 2012.

PRESENT: Mr D L Brazier (Chairman), Mr N J Collor (Vice-Chairman), Mr J R Bullock, MBE, Mr I S Chittenden, Mr M J Harrison, Mr W A Hayton, Mrs J P Law, Mr R F Manning and Mrs E M Tweed

ALSO PRESENT: Mr G Cooke, Mr D S Daley, Cllr C Garland, Mr R Jarman, Mr R J Lees, Mr B J Sweetland and Mrs J Whittle

IN ATTENDANCE: Mr M Austerberry (Corporate Director, Environment and Enterprise), Mrs S Barton (Strategic Projects And Business Development Manager), Mr P Baldock (Finance & Performance Manager), Mr J Burr (Director of Highways and Transportation), Ms A Carruthers (Transport Strategy - Delivery Manager), Ms B Cooper (Director of Economic Development), Mr P Crick (Director of Planning and Environment), Mr S Dukes (Economic Development Officer), Mr J Farmer (Regeneration & Projects Manager), Mr R Fitzgerald (Performance Manager), Mr W Forrester (Head of Gypsy & Traveller Unit), Mr A Kamps (Principal Accountant), Mr D Latham (Roadworks & Enforcement Manager), Mr T Martin (Strategy Manager), Mr J Ratcliffe (Transport Planner), Mr T Read (Head of Highway Transport), Mrs C Valentine (Highway Manager) and Mrs K Mannering (Democratic Services Officer)

UNRESTRICTED ITEMS

33. Declarations of Interests by Members in items on the Agenda *(Item A3)*

Mr Collor declared an interest in Item D2 as the Dover District Council Member on the Kent International Airport Consultative Committee.

34. Minutes of the meeting on 4 July 2012 *(Item A4)*

RESOLVED that the Minutes of the meeting held on 4 July 2012 are correctly recorded and that they be signed by the Chairman.

35. Pitch Fee for New Coldharbour Lane Gypsy & Traveller site - Decision No. 12/01957 *(Item B1)*

(1) The report detailed the reasons for the proposed pitch fee for the new Coldharbour site, and necessary compliance with the Mobile Homes Act, for current

and future pitch occupiers. It included the reason for, and proposed level of, a service charge towards costs of waste water disposal.

(2) The report recommended a pitch fee of £65 per week, to take effect from the handover of each new pitch on the new site, or 1 April 2013 if later, for existing pitch occupiers, subject to consultation under the Mobile Homes Act 1983.

(3) The Coldharbour Lane site in Aylesford was originally established in 1981, to accommodate families who had lived for some time down the adjacent (then) A20. Following various efforts down the years to improve and expand the site, Tonbridge and Malling Borough Council and the County Council started a joint project in 2008 to establish a new site, which had included new land acquisition and planning consent for a 26-pitch site, and part of the funding from the Homes and Communities Agency.

(4) The new site was now being constructed, and should be available for occupation early next year. There needed to be a pitch fee agreed for those who would be allocated a new pitch on the site, and an increase in pitch fee for those who lived on the old site currently.

(5) The proposed £65 per week per pitch fee would cover the costs of maintenance of the site and repayment of a significant proportion of the prudential borrowing needed to build the site. The implications to KCC if the pitch fee were not agreed and collected would be serious, as any shortfall would need to be found from the County Council's revenue budget.

(6) The Mobile Homes Act 1983 required site operators to consult over pitch fee increases with existing pitch occupiers, and to justify the proposed pitch fee set for new pitch occupiers. Consultation over the design of the new site had taken place with current occupiers, and they would be consulted over the proposed increase to their pitch fee.

(7) The new site was a complete transformation of the current site, on which the pitch fee had been £44.50 per week. Current pitch fees for sites managed by the Gypsy and Traveller Unit ranged between £44.50 and £57, so Coldharbour Lane, because of its current condition, was the lowest. The new site had larger pitches than the current site, and the new facilities included new amenity blocks, pitch surfacing, fencing and utilities; and had a play area for children.

(8) The Edenbridge site in Sevenoaks recently had significant improvements and expansion and its pitch fee was currently £72.10 per week. Based on the extent of the improvements resulting from the new site development, the recommended pitch fee for new pitch occupiers was £65 per week per pitch, and the recommended increase for current pitch occupiers was from £44.50 to £65. It was recommended that the increase for existing occupiers took effect from 1 April 2013.

(9) It was clearly vital that an appropriate new pitch fee was set for the Coldharbour Lane site. The new site was not just a refurbishment or major improvement, but a complete redevelopment and expansion and had a greater amenity offer for residents. Because of the increased pitch size, new "plot for life" blocks which complied with the Disability Discrimination Act, and new features like the play area, the proposed pitch fee of £65 was justified, and compared favourably with the pitch

fee of £72.10 on the only other extensively improved site in Kent, at Edenbridge in Sevenoaks District.

- (10) RESOLVED that the Cabinet Member be recommended to approve a pitch fee of £65 per week for the new Coldharbour Lane Gypsy and Traveller site.

36. Kent Thameside Strategic Transport (Homes & Roads) Programme - Decision No. 12/01953

(Item B2)

(1) The report set out the current conditions under which the Kent Thameside Strategic Transport (Homes & Roads) Programme was being developed and implemented covering in particular, the available funding, management of risk and the proposals for governance arrangements of the programme. It was proposed to seek a further Key Decision from Cabinet on 15 October in light of the considerable changes to the progress of development and the available funding that had taken place since a previous decision was taken on 21 February 2008 (Decision No. 07/01108), which agreed to the County Council acting as the Accountable Body for the programme.

(2) The Kent Thameside Strategic Transport (Homes & Roads) Programme was a package of improvements that responded to the complexities encountered in assessing the individual impacts and mitigation measures for significant development across the boroughs of Dartford and Gravesham. The 20-year programme aimed to provide key transport infrastructure improvements that would enable the planned level of development in Kent Thameside to be realised.

(3) As the Accountable Body for the programme the County Council was responsible for the management of the programme and administration of the funding. A dedicated Programme Investment Fund had been set up for the programme within the County Councils corporate financial system. A cash flow model had also been developed to assist the financial management process. The current estimated cost for the programme was £116.2m and anticipated funding was estimated at £84.0m leaving a funding gap of £32.2m (current prices).

(4) In the course of the management of the programme the situation might arise where the County Council was required to use its Prudential borrowing powers to ensure that schemes were completed. The estimated cost to the County Council was £800,000 per annum for every £10m borrowed. Although it was not envisaged that the County Council would exercise the powers to cover the shortfall in funding it might be necessary to use such powers to overcome short-term cash flow issues when implementing individual schemes. In such circumstances the County Council's borrowing costs would be funded through the programme.

(5) Discussions with Dartford and Gravesham Borough Councils had identified potential funding of around £5m from the New Homes Bonus initiative. An estimated 1170 dwellings were expected from sites between 2012/13 and 2015/16 based on information received from Land Securities and the Borough Councils, resulting in a cost to the County Council of around £1.0m, with the Borough Councils bearing the remaining cost.

(6) The programme (a) would contribute to Ambition 1 of the Vision for Kent (To Grow the Economy) by delivering the critical infrastructure to create the conditions for economic growth; (b) was in line with priorities 8, 9 and 10 of Bold Steps for Kent driving economic prosperity through unlocking key sites in the Thames Gateway Kent region, helping to deliver the Kent & Medway Housing Strategy and ensuring that new housing development was matched with the appropriate infrastructure; and (c) was identified within the Local Transport for Kent 2011-16 and would deliver a priority for the Thames Gateway Kent area set out in the integrated transport strategy Bold Steps for Transport “*Growth Without Gridlock*”.

(7) The report set out details relating to funding for the programme which largely consisted of public sector grants (principally through the Department for Communities & Local Government) and private sector developer contributions; a review of the programme in the Autumn of last year instigated by the uncertainty over public sector funding for the programme and the continuing poor market conditions causing concern over the ability of development to fund major infrastructure improvements; and a risk assessment conducted on the programme as part of the economic appraisal that was submitted to secure the £13m funding from the HCA.

(8) The programme was conceived in 2007 under the auspices of the Kent Thameside Partnership. With funding now available and the programme starting to move into its implementation stage, it was appropriate that more formal Governance arrangements were established. The suggested components of the Governance arrangements for the programme were set out in Appendix 4 of the report. The key component of the arrangements was the setting up of a Steering Group. It was proposed that the Cabinet Member for Regeneration & Economic Development was entrusted with the task of setting up the Steering Group in consultation with Dartford and Gravesham Borough Councils.

(9) Conditions had significantly changed since the programme was conceived and there was currently a £32m funding gap. The justification for the programme and its objectives had largely remained unchanged. Some public sector funding had already been secured along with developer contributions and implementation of the programme had started. There were significant risks inherent in the programme and strong management would be required to ensure that they did not materialise.

(10) The programme would be delivered over a 15-20 year period and there was a long term commitment on the part of all of the key stakeholders to the growth agenda in Kent Thameside as witnessed by the DCLG/DfT proposition. Whilst there was currently a funding gap it was envisaged that opportunities would arise to secure additional funding for the programme.

(11) Mr Lees (Local Member for Swanscombe & Greenhithe) highlighted that a number of the schemes contained in the Kent Thameside Strategic Transport Programme would affect his constituents. He raised concerns about how the schemes would be prioritised. He remarked that both the A2 Bean Junction and the London Road/St Clements Way Junction already had problems. He was also concerned that with the current funding gap there was the danger that schemes may not be built or significantly changed.

(12) In response Mr Lees was informed that it was proposed to establish a Steering Group to monitor the progress of the programme. A Forward Delivery Programme

would also be produced setting out the planned expenditure and implementation of schemes. This would be reviewed and agreed annually by the stakeholder through the Steering Group. The A2 Bean Junction and London Road/St Clements Way Junction have consistently been identified within the programme as priority locations for improvement. The commitment by DfT/HA to refresh the business case/design for the A2 Bean and A2 Ebbsfleet junctions should determine when the improvement of these junctions should take place. Any changes needed to the programme would be dealt with through the annual review of the Forward Delivery Programme.

(13) Mr Sweetland informed the Committee that the reasons why KCC was the Accountable Body for this programme were historic but there was probably no other organisation that could perform this function. He also highlighted that there was the risk that KCC could be liable for any overspend on individual schemes.

(14) Mr Bullock had concerns about KCC's role as the Accountable Body in particular he could envisage the transport improvements being implemented for the full build-out of development but the funding gap may not be resolved. In response Mr Bullock was informed that schemes would only be implemented within the forecast level of funding for the programme.

(15) Mr Austerberry (Corporate Director Enterprise & Environment) commented that this was a long-term strategic programme and the report did not hide the risks associated with the programme. EHW's role would be to implement schemes through its Major Projects division. It would be essential that before any commitment was made to the implementation of a scheme that it was fully designed, costed and the risks identified. He was comfortable that the right processes were to be put in place to provide robust management of the programme.

(16) Mrs Law was also concerned about KCC's role as the Accountable Body for the programme but supported the recommendations of the report.

(17) RESOLVED that the following recommendations to be considered by Cabinet be endorsed:-

- (a) that Kent County Council continuing to act as the Accountable Body for the Kent Thameside Strategic Transport (Homes & Roads) Programme, be confirmed;
- (b) that the setting up of the Governance arrangements for the Kent Thameside Strategic Transport (Homes & Roads) Programme be entrusted to the Cabinet Member for Regeneration & Economic Development in consultation with Dartford and Gravesham Borough Councils; and
- (c) that the Corporate Director Business Strategy & Support, in consultation with the Corporate Director Enterprise & Environment, be authorised to negotiate and execute legal and/or partnership agreements pursuant to the delivery and management of the Kent Thameside Strategic Transport (Homes & Roads) Programme.

37. KCC response to the Consultation by Maidstone Borough Council on Strategic Sites Allocations - Decision No. 12/01919
(Item B3)

(Local Members – Mr G Cooke, Mr D Daley and Mrs J Whittle; Maidstone Borough Council – Cllr C Garland, Leader; and Mr R Jarman, Head of Planning, were in attendance for this item and took part in the debate)

(1) The report proposed a response by KCC to Maidstone Borough Council's public consultations on *Strategic Site Allocations*. The main strategic developments proposed by the Borough Council were employment land at Junction 8 of the M20, retail and employment uses at Junction 7 of M20, and residential land at Allington and on the Sutton Road.

(2) Maidstone Borough Council consulted on their draft local plan Core Strategy in September 2011. The County Council supported the proposed number and distribution of dwellings, but objected to the proposal for a new site for warehousing and other employment uses near to Junction 8 of the M20. The consultation gave rise to requests that new strategic development sites, such as Junction 8, should be clearly identified. The Council therefore invited proposals for development sites (a 'call for sites') in June of this year. The call for sites asked for information about sites specifically at three strategic development locations: housing sites in North West and South East Maidstone, and employment sites at Junction 8 of the M20.

(3) The Borough Council was now consulting on the sites and policies that it proposed to allocate in the Core Strategy. The consultation was taking place for 6 weeks from 17 August 2012, and closed on 1 October. The allocations would become part of the Maidstone local plan Core Strategy which the Borough Council intended to publish in December 2012 before it was submitted to the Secretary of State for independent examination in 2013 (the Examination in Public).

(4) The Borough Council were also consulting on an *Integrated Transport Strategy* for Maidstone (ITS) prepared jointly with KCC as the highways authority. The draft ITS had been agreed for consultation by an informal group of Members from both authorities. It would then be referred to the *Joint Transport Board* for Maidstone in October, and would be considered by the Committee in November for subsequent adoption by both authorities.

(5) The decisions to be taken by the Borough Council might have long term financial implications for KCC as the provider of infrastructure and services to support development. The proposed response by KCC to the consultation supported the County Council's ambition to grow the economy.

(6) The report summarised:- (a) KCC's views on the main proposals in the draft Core Strategy – Housing, Town Centre, and Employment; (b) the proposed KCC Response to the current Strategic Sites Allocations Consultation – Housing, Housing land in North West Maidstone, Housing land in South East Maidstone, Housing at Rural Services Centres, Strategic employment locations, Strategic employment location at Junction 8 of M20, Strategic employment site at Junction 7 of M20, Retail Policy, Medical campus and employment uses.

(7) The National Planning Policy Framework (NPPF) introduced a 'presumption in favour of sustainable development' that should be reflected in local plans. The Planning Inspectorate had published a 'model policy' to show how local plans could comply with the requirement. Maidstone Borough Council proposed to incorporate it as Policy NPPF1 'Presumption in favour of sustainable development'.

(8) Resolved that the Cabinet Member be recommended to approve KCC's response to the consultation as follows:-

- (a) the Borough Council's target of 10,080 new dwellings by 2026, and the allocation of the strategic housing sites to meet the target, be supported;
 - (b) the allocation of the three strategic housing sites identified in Policy SS1, be supported, and the provision for junction improvements, be welcomed;
 - (c) the recognition of the need for a new primary school in the area be welcomed, and the provision in Policy SS1b (4) for the transfer of land for primary education at the site East of Hermitage Lane be noted. KCC would confirm the location of the school with the Borough Council, and the provision for financial contributions to education and other community facilities in Policies SS1a-c for each site, be welcomed;
 - (d) the allocation of the three strategic housing sites identified in Policy SS2, be supported, and the provision for transport improvements, and land or funding for a two form entry primary school be welcomed. However, KCC would request that the green wedge, shown on the Key Diagram in the consultation of September 2011, be extended to contain development in the south east sector of Maidstone to that now proposed;
 - (e) the provision for financial contributions to education in Policies SS2a and SS2c be welcomed, subject to the confirmation of education needs, requests amendments to Policy SS2a (Langley Park) to provide for the transfer of land for primary education, and to Policy SS2b (North of Sutton Road) to provide for contributions to education;
 - (f) the clarification of the distribution of dwellings among the rural service centres provided by the additional text to Policy CS1, be welcomed;
 - (g) the Borough Council be requested to include a policy be included in the Core Strategy that recognised the need for a positive response to development proposals from existing businesses for their own expansion and occupation;
 - (h) the principle of a strategic location for employment at Junction 8 of M20 for the reasons expressed in the report be opposed, and that KCC did not express a preference among the three sites described but would require any highway improvements to be fully funded by a developer. KCC's objection applied to all sites, and would not be overcome by the allocation of a small site such as site EMP-01-J8;
- Mrs Law abstained*
- (i) the allocation of an employment site at Junction 7 of M20 as defined on the map accompanying Policy SS4 be supported, subject to the provisions for highway, public transport and cycle/pedestrian access as set out in the policy, and the attention to be paid to the design and landscape of the site, be welcomed;

- (j) the allocation of part of the site at Junction 7 for prime office and similar business uses be sought, in place of a new site at Junction 8 of M20, and that it be promoted by Policy SS4 as the location in Maidstone for business uses to complement the town centre, together with a medical hub;
- (k) that Policy SS4 specify the area of land and the amount of retail and related floorspace that would be provided at Junction 7 of M20, and should be limited to the replacement of the existing retail and service floorspace (excluding the open area of the garden centre). The policy to state the nature of the retail centre proposed and clearly prevent future encroachment of retail uses into the remainder of this large allocation; and
- (l) the incorporation of text into Policy NPPF1 in favour of sustainable development be supported.

38. Speeding up the Traffic Regulation Order Process - Decision No. 12/01927 *(Item B4)*

(1) The report considered proposals to speed up the Traffic Regulation Order (TRO) process by delegating the consideration of non-controversial objections to TRO's, where the local County Councillor was in full support of the proposal to the Director of Highways and Transportation for consideration. It set out the process and procedures the Director would have to follow when considering the objections.

(2) The Road Traffic Regulation Act 1984 gave traffic authorities the powers to make TRO's for various reasons which were set out in the report. Typically, TRO's took the form of prohibitions or restrictions such as speed limits, weight & width limits, prohibition of driving or of motor vehicles, prohibited or prescribed movements, parking restrictions etc. A TRO could be proposed on its own or as part of a scheme.

(3) When a traffic authority wished to make a TRO it must follow a statutory procedure which was set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The procedure required the traffic authority to consult any persons likely to be affected by the restrictions or prohibitions to be imposed by the Order. The authority must publish a notice in a local paper and carry out other provisions to ensure adequate publicity for the proposal such as writing to affected parties or posting notices on the road where the TRO was being proposed. The traffic authority then must allow a minimum of 21 days for stakeholders to make comments on the proposal and, if they wished, formally object.

(4) Current KCC procedures when objections were received were to report them to the local Joint Transportation Board for the relevant area. The Board was typically asked to make a recommendation to the Cabinet Member for Environment, Highways & Waste on whether to proceed with the scheme notwithstanding the objections; implement the proposal with modifications, or abandon the proposal. If no objections were received to a TRO then the Director of Highways & Transportation already had delegated authority to proceed with making the Order as proposed.

(5) The main issue with the current procedure was the time it could take for a decision to be made when objections were received to a TRO. As stated, the traffic authority was legally required to consult when proposing a TRO. When added to the time it took to design a scheme, consult and then report to a local Joint

Transportation Board, which were only held every three months, it could take six to nine months to make an order for a very simple proposal such as a few metres of double yellow lines.

(6) Following the statutory consultation if five or fewer objections were received and the local County Councillor was in full support of proceeding with the proposal, a report would be submitted to the Director of Highways and Transportation requesting authorisation for the Order to be made. The Director would carefully consider the matter and if he was not happy to authorise the making of the Order it would be reported back to the local JTB for a recommendation to be made to the Cabinet Member. Once an Order had been made any objector would be notified in writing within 14 days that the Order had been made. It was a requirement of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

(7) When more than five objections were made and/or the local County Councillor was not in full support of the proposal it would be (as existing procedures prescribed) reported to the local JTB for a recommendation to be made to the Cabinet Member. When no objections had been received, the Director of Highways and Transportation already had delegated authority to authorise the making of the Order.

(8) The proposed changes to the County Councils procedures for considering objections to TRO's complied with Section 13 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which stated that the Order making authority should consider all objections duly made.

(9) A recent example were the proposed changes would have sped up the delivery of a MHF scheme would have been the implementation of a pedestrian crossing in Hothfield, Ashford. Only one objection was received to the proposal which had the full support of the local County Councillor, local Borough Councillor and Parish Council however, due to the one objection the delivery of the scheme had to be delayed for three months to allow the objection to be reported to the local JTB where it was agreed to proceed notwithstanding the objection.

(10) RESOLVED that the Cabinet Member be recommended to approve the following:-

Delegated authority was given to the Director of Highways and Transportation for the consideration of objections to TRO's when five or fewer objections had been received, and the local County Councillor was in full support of the proposal. TRO's with more than five objections or the County Councillor was not in full support of the proposal would still be reported to the local Joint Transportation Board (JTB) for a recommendation to be made to the Cabinet Member for Environment, Highways & Waste.

39. Introduction of a Kent Lane Rental Scheme (KLRS) - Decision No. 12/01932
(Item B5)

(1) The report related to the introduction of a lane rental scheme in Kent in order to apply charges to those carrying out works on the highway network, within specific strategic locations. The KLRS had been out for formal Consultation between 25 June

and 17 September and the results showed a positive support for the Scheme and the overall objectives.

(2) The Secretary of State for Transport had the power to provide a Council with the legal Order to introduce the Regulations that brought a lane rental scheme into effect. Transport for London commenced a scheme in June 2012 and KCC had been invited to consider an application for a scheme also. The Highways and Transportation Annual Plan for 2012/13 included an action listed under item 2.1 to “Agree Lane Rental pilot scheme with DfT for Kent’s most critical roads (to commence in Summer 2013)”.

(3) KCC had designed a Kent Lane Rental Scheme (KLRS) and had carried out an extensive consultation with key stakeholders who would be affected by the Scheme (interested parties). The Scheme was well-designed and well-targeted, focusing on the most critical parts of the highway network. It was intended to encourage those undertaking works to carry out their works in a less disruptive manner. The Scheme complimented the existing Kent Permit Scheme and would further decrease the impact of roadworks on the travelling public in Kent.

(4) The revenue received from a lane rental scheme would be used to cover the full operating costs of the scheme. The Council’s Local Transport Plan had an objective to “Keep Kent Moving” and a Kent Lane Rental Scheme was considered an essential tool to not only deliver the objective, but to also maintain and support the Councils legal duty to “secure the expeditious movement of traffic on the authority’s road network”.

(5) The Consultation resulted in over 200 comments received from 30 different interested parties. Overall, the KLRS received strong support from the interested parties, including the promoters of affected works, as a well-designed and purposeful Scheme. As a result of the Consultation changes were applied to the Scheme design. An Equality Impact Assessment (EqIA) was conducted on the KLRS and determined that the Scheme had potential positive impacts, but no potential adverse impacts.

(6) As part of the application, a full cost-to-benefit analysis had been carried out to show the potential positive impact for the introduction of a lane rental scheme into Kent, for both local residents and businesses. The base case net present value (NPV) was £8.29m (2010 prices) for the first year of operation, with a benefit to cost ratio (BCR) of 10.4. The scheme costs included a set up fixed cost as well as an annual running cost. On that basis the BCR demonstrated a robust return for the introduction of the KLRS.

(7) The current projected timescale to make an application for the KLRS and bring it into operation was based on submitting the application in October 2012. A decision on the KLRS should be obtained in December 2012 and a twelve week mandatory notice period to affected promoters of works would start in February 2013. During the notice period, it was intended to operate the Scheme, without charge, to test the operation and resolve any potential issues preventing success. The operation of the Scheme would require an additional 7 new employees, across 4 new functions, within the Roadworks and Enforcement service area. The cost of the new staff would be fully funded from the income derived from the Scheme.

Consultation Results update covering paragraphs 4.3 to 4.6 of the report

(8) The Consultation process resulted in 760 individual comments from 42 different organisations, comprising Promoters, Local Councils within Kent and many different user and transport representatives. There was a lot of support for the Scheme, including the design and approach taken by KCC in its development; together with a number of areas of clarification within the Scope and for the operation of the Scheme. It must be noted that the Promoter comments received (representing 85% of the total comments) were very similar in nature due to the influence of an industry generated response by the National Joint Utilities Group. As expected from this group of Consultees, these comments indicated a general reluctance towards Lane Rental Schemes, however there was a positivity towards the approach taken by KCC and an interest to work with KCC in order to identify the opportunities and capabilities of the KLRS. None of the comments received from Consultation would result in a need to change the fundamental Scope of the KLRS or the need to enter into a second Consultation.

(9) The Kent Lane Rental Scheme had been designed with cooperation and support from affected Stakeholders, including those who would be carrying out the affected works. KCC was now ready to submit an application to the Secretary of State for Transport to introduce the KLRS and bring it into effect at the earliest opportunity.

(10) RESOLVED that the Cabinet Member be recommended to approve the application to introduce the Kent Lane Rental Scheme with the aim to bringing a scheme into effect within 2013.

40. Highways & Transportation Winter Service Policy for 2012-13 - Decision No. 12/01921

(Item B6)

(1) Each year Highways and Transportation reviewed the Council's Highways and Transportation Winter Service Policy and the operational plan that supported it in light of changes in national guidance and lessons learnt from the previous winter. The report set out proposed amendments following the review.

(2) As a result of three successive bad winters, national guidance had been issued by the Department for Transport and was detailed in the code of practice for highway authorities – Well Maintained Highways – Section 13 Winter Service. Much of the guidance provided had long been incorporated in the Highways and Transportation (H&T) winter service policy and plan. Additions to the policy were set out in the report. The allocated budget for winter service for 2012/13 was £3,237,704, £20,000 of which was allocated for the purchase of additional salt bins.

(3) The revisions to the winter service policy met the objectives of the Council's medium term plan for 2014/15, Bold Steps for Kent. Working in partnership with other authorities contributed towards achieving a better service and value for money for Kent residents.

(4) Putting the citizen in control would be achieved by continuing to provide salt bags to parishes who requested them. Salt bins would be provided across the county and for the first time would be identified on a map on the Kent County Council

website. Advice on how people in the Kent community could self help during winter conditions would also be included on the website, including road safety tips.

(5) Well Maintained Highways recommended that local authorities identified a minimum network that would be treated continuously for a period of six days in the event of a severe winter event. For Kent it had been identified as being the main strategic network, i.e. all A and B roads and some other locally important roads as identified in the highway network hierarchy. Essentially, they equated to the current primary routes minus the local roads and roads that go through estates etc. H&T would always endeavour to treat the entire primary network as identified in the policy but recognised that there might be times, as experienced in previous years, where it would be prudent to reduce the network as stated above to maintain salt levels and keep main roads in Kent moving as much as possible

(6) Additionally H&T had identified an Operational Winter Period which was October to April, and a Core Winter Period which was December to February and the stocks of salt needed during those periods to effectively treat the network in line with recommended resilience levels.

(7) In previous years good relationships had been established with the Highways Agency MAC Area 4 who managed the trunk roads and motorways in Kent. KCC shared two depots with the HA and there had been a reciprocal salt sharing arrangement for some time which had worked very well. Additionally there was an arrangement with Medway Council in respect of the weather forecast and treating areas on the borders of Kent and Medway.

(8) Providing information to the people of Kent was a crucial part of delivering the winter service. Much work had gone into developing the winter page of the KCC website including information on salting routes, salt bin locations and links to local district plans and road safety information. Close working with local media organisations over the past few years had been beneficial and has increased positive coverage for the winter service. The media – radio, television and press – would now be provided with pre prepared media briefs in advance of the winter season detailing the basics of the winter service.

(9) Resources did not allow for the treatment of all public transport networks. However H&T were working closely with bus companies across the county to ensure that where possible communication channels were put in place so that the public could be informed of any changes to routes due to snow and ice.

(10) The three year contract for the weather forecast expired earlier in the year. A tender process had been commenced and a new three year contract would be in place in time for the start of the winter service. The ice prediction service would continue to be provided by Vaisala Ltd.

(11) The Winter Service Policy was set out in Appendix B of the report, and was supported by an operational Plan which had been updated in line with the Policy, and discussions with the contractor Enterprise plc to ensure that plans were aligned. In addition district plans had been developed in conjunction with district councils across the county and would be used together with the Policy and Plan to deliver the winter service.

(12) The Winter Service Policy set out Highways and Transportation's arrangements to deliver a winter service across Kent. The following revisions had been made:-

- (a) Identification of an Overall Winter Service and Core Winter Service Period
- (b) Minimum winter service network
- (c) Levels of salt needed to maintain resilience for the (a) and (b) above
- (d) Salt bins would be identified on a map on Kent.gov
- (e) A new three year contract to provide a winter weather forecast service would be in place for the start of the winter service season

(13) RESOLVED that the Cabinet Member be recommended to approve the updated Winter Service Policy for 2012/13.

41. Hadlow Road Link, Tonbridge - Decision No. 12/01952

(Item B7)

(1) Hadlow Road Link had been an aspiration for over 30 years. It was an expensive urban scheme that had not attracted either government or private sector development funding. The present economic climate, reduced funding and national transport policy made funding of a major scheme in a non growth area even more unlikely. The property held was deteriorating and several houses were boarded up because they were now unsuitable to be leased, making the area look 'run down', as well as the ongoing informal blight created by the presence of the proposal. Officers had been working with Tonbridge & Malling Borough Council on a more appropriate transport strategy that recognised that the Link Road was undeliverable and should be abandoned.

(2) The disposal of the land and property would realise capital receipts in an estimated range of £1.4 - £1.8m. The revenue implications would be positive as the loss of reducing rental income was offset by the avoidance of security costs and the need for significant maintenance if the properties were to be retained. The Head of KCC Property had agreed (a) to release £250,000 from the future capital receipts in order to help pump prime the development and implementation of priority measures identified in the revised transport strategy; and (b) that the cost of the assessment work – some £25,000 - that had been required to develop a revised transport strategy would be netted off the future capital receipts.

(3) The removal of the blight and disposal of the land and property held would allow more beneficial use to be made of the land and property that together implicitly contributed to the core objective of 'Help Kent Economy to Grow'. The scheme was identified in 'Growth without Gridlock' but progress towards meeting many of its core objectives could be more realistically achieved by a revised transport strategy.

(4) The report set out details of the scheme background; property aspects; and a review of the current Transport Strategy.

(5) Analysis identified that the Link Road was not essential to the implementation of the development in the Tonbridge Central Area Action Plan. Properties held were in a poor condition and needed to be sold so that the private sector could bring them into beneficial use and the capital receipts released for the wider public benefit. A revised joint transport strategy was being developed to reflect the current situation and the limited public sector that was available.

(6) RESOLVED that the Cabinet Member be recommended to approve that the proposed road scheme known as Hadlow Road Link be abandoned and no longer used for Land Charge disclosures or development control; and that land and property held for the scheme be declared surplus to highway requirements.

42. Freight Action Plan for Kent 2012 - Decision No. 12/01930

(Item B8)

(1) The report set out the responses to the public consultation on the draft Freight Action Plan for Kent and consequent amendments to the Plan. The consultation period was open from 28 May 2012 until 23 July 2012 but late submissions were accepted.

(2) The *Freight Action Plan for Kent* (FAP) identified the issues facing the county in relation to road freight, developed a series of objectives and outlined a number of key actions. It focussed on road haulage as it was the mode that predominantly affected the county's residents, visitors and workers, as well as the road network itself. However, the FAP expressly supported alternative modes of transporting goods that were considered more sustainable, such as rail and water.

(3) The FAP was subject to internal consultation in February 2012 and subsequently sent to stakeholder groups for six weeks during April and May. The Plan was also sent to KCC Members and Joint Transportation Boards. It produced 39 written representations and significant amendments to the document were made as a result of the process. A final draft version of the FAP was released for public consultation online from 28 May to 23 July 2012. The same stakeholder groups were again notified of the public consultation. The public consultation resulted in a further 25 written representations and 25 responses online.

(4) Some of the actions in the Plan had implications for officer time and consequently a new Freight Officer role was created in July 2012 and would be appointed in September 2012. There were no further financial implications beyond agreed budgets.

(5) The action points in the Freight Action Plan for Kent contributed towards all three of the key priorities in Bold Steps for Kent:

- To help the Kent economy grow
- To put the citizen in control
- To tackle disadvantage

(6) The stakeholder consultation produced a number of very detailed and helpful responses. As a result the FAP was significantly amended to rectify any omissions identified and for general improvement. It ensured that the draft released to the public

was as close to the final version as possible. The public consultation was promoted online on the Roads and Transport page and was also picked up by the industry website *Commercial Motor*. The responses to the public consultation could be split between the written representations made and the online responses, details of which were set out in the Appendix to the report.

(7) The *Freight Action Plan for Kent 2011 – 2016* provided a framework for dealing with the problems generated by road freight in the county. Through the public consultation the Plan had been well received and no significant amendments had to be made.

(8) RESOLVED that the Cabinet Member be recommended to approve the formal adoption of the Freight Action Plan for Kent.

43. Technical and Environmental Service Contract (TESC) - Decision No. 12/01935
(Item B9)

(1) The report updated Members on the TESC procurement process. On 14 March 2012 the decision was taken not to extend the current Jacobs contract beyond 31 March 2013. Members agreed that ‘in house’ expertise would be supported by a new core contract where general commissions were secured. In addition, a competitive ‘framework’ of specialist suppliers would be procured.

Market Engagement

(2) On 16 May 2012, the Leader of the Council welcomed senior representatives from over 40 local, national and global organisations to Kent. Presentations gave an overview of KCC’s requirements including the procurement strategy and desired solution, including key aspects of the contract. On 24 and 25 May 2012, Enterprise & Environment (E&E) held a Market Engagement event to identify and discuss solutions to deliver Technical and Environmental services for Enterprise and Environment.

Commissioning and Procurement Board

(3) On 25 June 2012, the KCC Commissioning and Procurement Board approved the recommendation that the Council should procure a Core Contract plus specialised Lots. This would allow a core contract worth about 80% of the annual £4m - £5m budget to attract suitable companies whilst also delivering the Council some economies of scale. The TESC would be developed to allow other KCC Directorates and District Councils in Kent to commission services.

(4) The Paw-Print detailed in the report was used to illustrate how the Technical and Environmental Services Contract (TESC) would be comprised of a Core Services contract for the majority of the professional services, with some smaller specialist contracts (“toes”) and internalised services. The Paw-Print approach gave better flexibility in the procurement of services and greater choices without significant additional procurement costs. The Council did not want the risk of having a number of different suppliers and therefore inter-dependencies within a process - the management of this would be complex – particularly if there were disputes as this would increase contractual liability upon KCC. To mitigate this, only specialist work

was being split out, for example work that was undertaken either at the beginning or the end of a process, or work that was an independent, standalone function.

(5) The report set out details of the next steps which consisted of

Core Contract - Pre-Qualification; Invitation to Tender (ITT); Tender Presentations: Preferred Bidder Identified; Mobilisation

The Smaller ("Toe") Contracts

H&T Internalisation

Waste Management

(6) The proposed contract spend by KCC would be approximately £4m - £5m per year for an initial period of up to 5 years, with possible extension(s) for a further 5 years. This was a significant potential reduction on historic spend through the "Jacobs" contract which was worth around £12m – £13m per year in 2010/11.

(7) The TESC aimed to encourage the use of local Kent supply chains and employment of a % of Kent apprentices in a similar way to the Enterprise Term Maintenance contract. The Materials Testing and Coring contract was one that might suit the local labour market. The contract would use key indicators to drive performance with financial penalties if standards were not met. At the PQQ stage, applicants had been assessed on their experience at attracting inward investment/funding for successful transport schemes and strategies. H&T would look to utilise the knowledge through the new contract.

(8) RESOLVED that:-

(a) the contents of the report be noted;

(b) the next steps as detailed in the report be agreed, thereby authorising the Cabinet Member to sign and award the future contract; and

(c) a small group of Members help with both the Bidders Clarification Day and assessment of the Tender Presentations.

44. Environment, Highways & Waste Forward Plan - current entries

(Item B10)

RESOLVED that the current entry in the Forward Plan for Environment, Highways and Waste, be noted.

45. Budget Consultation 2013/14

(Item C1)

(1) Consultation on the draft budget proposals for 2013/14 was launched on 6 September, and would run for 8 weeks up to 1 November 2012. The consultation had been launched much earlier than in previous years, which allowed more time for consideration of the options and more time for Cabinet and Cabinet Committees to consider consultation responses.

(2) The consultation focussed on £42m of savings which were the key new proposals. It included proposals to address the £28m of savings that were not identified at the time the current Medium Term Financial Plan (MTFP) was agreed, as well as some items which were included in the current plan but not in detail as there was no impact in 2012/13.

(3) Cabinet Committees had been asked to establish an Informal Member Group (IMG) to consider the specific budget issues for each portfolio. The IMG would meet throughout the autumn. There were no specific terms of reference for the IMG and each group would agree their own working arrangements and which officers should be invited to provide evidence. It was intended that the IMG would report its findings to the November meeting together with any specific issues for the Environment Highways & Waste portfolio arising from the consultation.

(4) RESOLVED that the Budget consultation launched on 6 September and the engagement with Cabinet Committees, including feedback from the IMG at the November meeting, be noted.

46. Enterprise & Environment Performance Dashboard

(Item C2)

(1) At the last meeting of the Cabinet Committee, it was agreed that the Performance Dashboard would contain a focussed sub-set of key performance and activity indicators, drawn from the year's Divisional business plans for the Enterprise & Environment Directorate.

(2) The Enterprise & Environment performance dashboard included latest available results for the agreed set of key performance and activity indicators drawn from this year's Divisional business plans. Separate tables had also been included in the Dashboard to provide the raw data/denominator used to calculate the performance indicator results.

(3) Where frequent data was available for indicators the results in the dashboard were shown with the latest available month (July) and a year to date figure. For Waste Management, where data was more appropriately monitored with a rolling 12 month figure to remove seasonality, the data was provided with quarterly updates.

(4) During debate Mr Bullock requested that the PI – Waste Management – percentage of municipal waste recycled or converted to energy and not taken to landfill, could be split to show the 2 individual percentage figures – for recycled and converted.

(5) RESOLVED that the report be noted.

47. Enterprise & Environment Directorate (Environment, Highways & Waste Portfolio) Financial Monitoring 2012/13

(Item C3)

(1) Members were asked to note the first quarter's full budget monitoring report for 2012/13 reported to Cabinet on 17 September 2012. There were no exceptional revenue or capital changes since the writing of the quarter 1 report.

- (2) RESOLVED that the revenue and capital forecast variances from budget for 2012/13 for the Enterprise & Environment Directorate (Environment, Highways and Waste Portfolio), based on the first quarter's full monitoring to Cabinet, be noted.

48. Cabinet Member's and Corporate Director's Update

(Item D1)

- (1) Mr Sweetland gave a verbal report on the following issues:-

Highways - Kent Freedom Pass; Pembury Hospital Bus Services; Olympics and Paralympics; and Fault Reporting

Planning & Environment – Solar Panels; Local Development Frameworks; Community Infrastructure Levy Charging Schedules; Overnight Lorry Parking; and KCC Responses to DfT's Rail Franchise Consultations

Waste – Household Waste Recycling Centre Policy Changes; Ashford Household Waste Recycling Centre; and Waste Capital Programme

- (2) RESOLVED that the update be noted and a copy circulated to Members of the Committee.

49. KCC Response to the DfT draft Aviation Policy Framework Consultation

(Item D2)

(1) The report put forward a proposed response to the Department for Transport's (DfT) current consultation on a draft Aviation Policy Framework. The draft response drew on the principles set out in the Council's discussion document *Bold Steps for Aviation*.

(2) The final Aviation Policy Framework shaped by the current consultation would be a high level strategy that set out Government's overall objectives for aviation and the policies to achieve those objectives. It would be within the policy framework therefore, that the means of addressing the question of how to ensure retention of UK's aviation hub status would lie. The draft consultation indicated that there would be a call for evidence from Government with regard to the specific question due later this year, however following the recent Cabinet reshuffle there had been an announcement that the Government would set up a cross party Independent Commission to look at the issue of hub status. It was not yet known whether there would be a call for evidence associated with the work of the Commission or not. Indications were the Commission was due to report interim findings by the end of 2013 with final recommendations due mid 2015 post election. Whatever the eventual solution the Commission recommended in terms of hub status, it must align with the policies set out in the Aviation Policy Framework.

(3) There were no revenue or capital financial implications arising from the report as it constituted input to Government policy formation. The proposed response was aligned to the Council's Local Transport Plan and accorded with the 20 year transport delivery plan *Growth without Gridlock*.

(4) The consultation document stated that its aim was to establish the objectives for UK aviation and the policies to achieve those objectives. It stated that the final framework would be a high level strategy. Despite this however, the consultation spends much time dwelling on a number of technical issues such as appropriate noise levels for monitoring. The consultation dealt with the following topics:-

- The benefits of aviation
- Climate change impacts
- Noise and other local environmental impacts
- Working together
- Planning

Four main objectives for aviation relating to the topics were proposed within the consultation document and were set out in the report.

(5) The report summarised KCC's suggested response to DfT's Draft Aviation Policy Framework consultation which would form the policy context under which future decisions on UK aviation capacity and how this was provided for would be taken. The full response was attached as Appendix B to the report.

(6) During debate Mr Bullock referred to the balancing of International Climate Change obligations with the drive for growth in the Government's paper on the future of aviation. Mr Sweetland undertook to review KCC's response to include the issue of striving to achieve a reasonable balance between aviation growth and climate change implications.

(7) RESOLVED that the proposed response to the DfT's draft Aviation Policy Framework consultation, for consideration by the Cabinet Member in finalising the KCC response to DfT by 31 October, be noted.

50. Member Highway Fund - Progress Report

(Item D3)

(1) Good progress had been made since the last report to the committee, the outstanding work from the previous 3 year programme had been significantly reduced. New applications for the 2012/13 year had been arriving at an encouraging rate, however just over a third of this year's anticipated MHF applications had yet to be received by the Member Highway Fund Team. The turnaround time from receipt of the application to an order being placed was now circa 15 weeks, a 70% improvement on last years performance. The new web based system to provide instant access for County Members to their progress reports would be available at the end of October.

(2) To date, 216 applications for 2012/13 Member Highway Fund had been received. Assuming that 4 applications would be received per member (336 total) this constituted 64% of anticipated applications. 19 (23%) County Members had submitted no applications for the 2012/13 Member Highway Fund. 49 (58%) County Members had submitted applications for less than half their budget. 24 applications above the 4 free applications had been received, an estimated fee cost to County Members of £23,880.

(3) The total average turnaround from receipt of the application to an order being placed was 15.2 weeks, a significant reduction on the average turnaround last year of 52 weeks.

(4) As agreed by the Cabinet Committee, in light of the upcoming elections, all 2012/13 Member Highway Fund should be spent by the end of the current financial year, no rollover of monies would be permitted. In order to ensure that schemes were installed before the end of the financial year, to allow reasonable programming and avoid installing schemes during inclement weather, orders needed to be placed with both Enterprise and external suppliers before mid December. It was now no longer possible for certain types of scheme applications to be processed by the team for implementation this financial year, and were set out in the report.

(5) There remained £405,740 of works from last financial year to be ordered. 14 of the outstanding applications for 2009 to 2012 remained unapproved, and had not been closed by the County Member. The majority of the schemes were late applications, or had complex stakeholder/consultation issues. There remained a number of schemes which were being progressed by the Borough and District Councils which had been subject to local batching of schemes.

(6) The new web based Member Highway Fund system, would go live on 10 September for scheme data. The County Member access was being developed and instant access to update reports would be available to all County Members by the end of October 2012.

(7) RESOLVED that the report be noted.