

## KENT COUNTY COUNCIL

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### ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 17 September 2014.

PRESENT: Mrs P A V Stockell (Chairman), Mr M Baldock, Mr C W Caller, Mr I S Chittenden, Dr M R Eddy, Mr M J Harrison, Mr G Lymer (Substitute for Mrs S V Hohler), Mr B E MacDowall, Mr J M Ozog, Mr R J Parry (Substitute for Mr A H T Bowles), Mr C R Pearman (Substitute for Mr M A C Balfour), Mr C Simkins, Mr M E Whybrow and Mr M A Wickham

ALSO PRESENT: Mr D L Brazier, Mr P M Hill, OBE, Ms C J Cribbon and Cllr J Wilson

IN ATTENDANCE: Ms A Agyepong (Equalities and Diversity Manager), Mr M Austerberry (Interim Corporate Director, Growth, Environment & Transport), Mr J Burr (Director Highways, Transportation & Waste and Principal Director of Transformation), Ms A Carruthers (Transport Strategy - Delivery Manager), Mr P Crick (Director of Environment, Planning & Enforcement), Mr I Dudding (Infrastructure Development Manager), Mr R Fitzgerald (Performance Manager), Ms M Gillett (Major Projects Manager), Mr D Joyner (Transport & Safety Policy Manager), Mr M Overbeke (Head of Regulatory Services), Mrs M Price (Partnership and Development Manager), Mr F Qadir (Principal Transport Planner - Delivery), Mr T Read (Head of Highway Transport), Mr M Rolfe (Trading Standards Manager (East)), Mrs S Thompson (Head of Planning Applications Group), Mrs C Valentine (Highway Manager) and Ms A Evans (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **28. Apologies and Substitutes**

*(Item A1)*

Apologies were received from Mr Balfour, Mr Bowles and Mrs Hohler who were substituted by Mr Lymer, Mr Parry and Mr Pearman.

#### **29. Declarations of Interest by Members in items on the Agenda**

*(Item A2)*

(1) Mr Parry declared an interest in Item B5 as a Town Councillor and a Member of the Kent Association of Local Council (KALC) Executive Committee.

(2) Mrs Stockell declared an interest in Item B5 as a representative of KCC on the KALC Executive Committee.

(3) Mr Baldock declared an interest as a Member of KCC's Planning Applications Committee and Mr Simkins, Mr Chittenden, Mr Parry and Dr Eddy all declared an interest as Members of their respective Borough and District Planning Committees in items on the agenda relating to roads and potential planning permissions.

(4) Mr Baldock requested at the end of item B4 that it be noted that he had left the Chamber for items B2, B3 and B4 and had not taken part in any discussions or votes.

### **30. Minutes of the meeting held on 22 July 2014**

*(Item A3)*

(1) RESOLVED that the Minutes of the meeting held on 22 July 2014 are correctly recorded and that they be signed by the Chairman.

### **31. Verbal updates**

*(Item A4)*

## **ENVIRONMENT, PLANNING & ENFORCEMENT**

### **Transport Strategy**

#### **Gatwick Airport Ltd Consultation**

(1) The Cabinet Member for Environment and Transport informed Members that the second phase of the consultation by Gatwick Airport Ltd on the London Airspace Change had closed on 14 August, and that this consultation had focused on the Gatwick local area.

(2) The consultation generated a considerable amount of correspondence from members of the public in West Kent who were concerned about the proposals. KCC's response to the consultation opposed the concentration of flight paths into a single route and argued for multiple routes that would provide more respite than Gatwick Airport Ltd was proposing.

#### **Growth without Gridlock**

(3) An update on Growth without Gridlock would be presented to the Cabinet Committee early in 2015.

## **PLANNING**

### **Update on the County Council's Mineral and Waste Local Plan (MWLP)**

(4) The MWLP was being prepared and this would become the County Council's Development Plan Strategy and set out how planning applications for mineral and waste management facilities would be considered in the County until 2030.

(5) The final stage (the Submission Document) of public consultation, the statutory six-week period for representations prior to submission of the Plan to the Secretary of State for Communities and Local Government, had closed at 5pm on Friday 12 September 2014.

(6) 167 representations had been received from 54 respondents. Responses had been received from individual local residents, district councils, parish councils, landowners, minerals and waste companies and statutory consultees. By comparison, the consultation on the pre-submission draft MWLP carried out earlier in 2014 had received 355 representations from 82 respondents.

(7) The representations would be submitted along with the Submission Document to the Secretary of State, who would appoint a Planning Inspector to hold an Examination in Public into the Plan later in the year.

## **HIGHWAYS, TRANSPORTATION & WASTE**

### **Maintenance**

(8) Following the award of the latest Pothole Grant district teams had been busy measuring up and committing works. There had been a varied approach across districts depending upon the highway repairs required; some had already spent their allocated funding on minor patching and pothole repairs while others had put together larger areas of resurfacing to prevent pothole formation and it was intended to deliver these works through the resurfacing contract. All funding from this grant had to be spent by 31 March 2015, it was expected this would be achieved well in advance of this date.

(9) Pothole numbers remained low and at expected levels for the time of year and repairs were able to be undertaken in the fine weather. District teams had been under some additional pressure due to overgrowth enquiries which could be time consuming. Highway safety inspections were being fully undertaken and low numbers of enquiries for insurance claim forms were being experienced.

### **Safe and Sensible Street Lighting**

(10) KCC had been exploring the possibility of converting the entire stock of 118,000 street lights to Light Emitting Diode (LED) technology with a Central Management System at a cost of around £40m. This would reduce energy consumption and carbon emission by a further 50-60% with associated savings in respect of lantern replacement, electrical testing and maintenance.

(11) An interest free loan offer of £20m from Salix (a Government organisation, funded by the Department of Energy and Climate Change) had recently been secured and the intention was to apply for EU grant funding to cover the balance of this work. Work was being done to gain formal approval which would be followed by a programme of procurement and implementation. The conversion works were likely to take four years to complete with the earliest start date of late 2015/early 2016.

(12) The Cabinet Member had arranged to meet senior officers at the Highways Agency to discuss safety issues on the A249 Sheppey Bridge including the lack of lighting on this fast road which was in use 24 hours a day.

## **COMMUNITY SERVICES**

### **Update on Wardens' Service**

(13) The Cabinet Member for Community Services reminded Members that the County Council's budget decision in February had confirmed a reduction of the Community Warden Service funding of £1.28m. Since then, a proposal had been developed to restructure the service to meet these financial challenges and consultation was due to start on 29 September on these proposals.

(14) As much of the reduction as possible had been taken from the management and administration costs of the service and a plan had been produced for a robust warden service across the county. As part of the consultation process, parishes and communities were being asked if they would wish to buy into the warden service if this was possible. This was an option that had been suggested several times and had been trialled by Police with Police Community Support Officers (PCSOs) in the past. The consultation would also ask if parishes and communities were in favour of having volunteer wardens in addition to KCC wardens which would be much the same as the volunteer constables across the Police force to reinforce the warden presence on the ground.

(15) Following the consultation a firm proposal would be reported to the Environment and Transport Committee on 5 December before the Cabinet Member took the decision.

(16) The Corporate Director for Growth, Environment and Transport gave Members a brief update on the following topics:

### **Energy Saving - Low Carbon Plus and Low Carbon Kent**

(17) The Low Carbon Plus project had awarded £225,247 worth of grant to 20 Kent businesses, leveraging in £379,510 of private sector funds and creating 28 new jobs.

(18) Low Carbon Kent had recently hosted the 3rd Annual Green Business Conference in Ashford with over 150 delegates in attendance.

### **Warm Homes**

(19) From May 2013 to March 2014 the Warm Homes project had provided more than 1,000 eligible households across Kent and Medway with fully funded energy saving improvements such as cavity wall insulation, loft insulation and heating.

### **Major Highways Projects - LEP Funded Schemes**

(20) With the welcome announcement relating to the allocation of South East Local Enterprise Partnership (LEP) funding from the Single Local Growth Fund, the following schemes were currently being prepared for progression to the next stages of delivery:

- A28 Chart Road Widening, Ashford;
- M20 J4 Eastern Overbridge Widening;
- Rathmore Road, Gravesend;
- Maidstone Gyratory; and
- Sturry Link Road, Canterbury.

(21) An update on the design and development work and current position of the first three projects listed above were subjects of reports later in the meeting's agenda.

### **32. 14/00055 Lorry Park Network (Phase 1)**

*(Item B1)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the Lorry Park Network (Phase 1) for the consideration of the Committee.

(2) The Chairman announced that a letter had been received from the Leader of Shepway District Council and she had also had a written submission from the local KCC Member, Miss Carey. Both documents are attached to these Minutes.

(3) Ann Carruthers, Transport Delivery Strategy Manager, and Fayyaz Qadir, Principal Transport Planner - Delivery, were in attendance to introduce the report and in particular referred to the following:

(4) Due to its position as the gateway between the UK and Europe, Kent suffers from issues caused by inappropriate overnight lorry parking as well as the effects of Operation Stack when it is called. In order to address these issues over the past 12-18 months preliminary investigation work had been undertaken. This included a three stage process of:

- (i) Site identification and assessment
- (ii) Assessment of demand for additional lorry parking; and
- (iii) Commercial viability assessment

(5) The first step in the initial lorry park site identification had been to review all previous work considering potential sites for lorry parks including Operation Stack lorry parking facilities in the county. This led to a long list of 54 possible sites.

(6) Discussions took place with relevant local planning authorities (Ashford, Dover, Shepway, Swale, Tonbridge and Malling, Gravesham, Maidstone, Medway), Kent Police, the Highways Agency and a number of KCC internal consultees which had resulted in 31 sites going forward for further assessment.

(7) The 31 sites did not include the Aldington site that had previously been considered for a large scale Operation Stack lorry park because of high land costs and need for the construction of slip roads to the M20.

(8) Further assessment was made against the criteria below which reduced the number of potential sites to eight:

- Transport (access to site, strategic network junction capacity);
- Site characteristics (topography, capacity);
- Environmental considerations (designations, AONB, heritage, drainage); and
- Planning considerations (current land use, local plan allocations, proximity to residential)

(9) Five of the sites identified were on the M20/A20 corridor and three on the M2/A2 corridor reflecting the higher percentage of HGV (80%) that use the M20/A20

corridor and for a number of these sites their capacity could be increased if necessary.

(10) With regard to the demand assessment it was established that five to six nights a week current lorry park operators were turning lorries away. Work was also carried out to assess the level of demand for truck parking in future. HGV volumes were obtained from the Highways Agency and growth factors were applied from the Department for Transport (DfT), Eurotunnel and Port of Dover in order to forecast volumes to 2060. The latter two were used to account for growth in international traffic which was used as the basis for assessing demand for overnight parking. Along with data on existing HGV capacity this information was used to develop a demand model. The model, which calculates demand for parking every 5 years, shows a 330% increase over the time period to 2060 from demand for just below 1,000 spaces to just over 3,300 spaces, a trebling of demand.

(11) It was essential that the proposals were commercially viable given that the bulk of funding for this project would be via a loan. Reduced rate borrowing of £12.7m had been secured from the Public Works Loan Board to deliver the project.

(12) Consideration of the site assessment, demand assessment and commercial viability led to the shortlist of the three sites below:

- a) Westenhanger, adjacent to Stop24, M20 J11;
- b) Extension to Ashford International Truckstop; and
- c) White Cliffs Business Park, Dover.

(13) Overall the Westenhanger site had the highest Internal Rate of Return (IRR) and Net Present Value (NPV) of the 3 sites. The main reasons for this were that it would be less expensive to deliver and would provide marginally more spaces than the other 2 sites and therefore provide a greater return in relation to cost. This would be aided by the fact that the Westenhanger site was in an ideal location in terms of access to the strategic road network.

(14) The landowner of the Ashford site had indicated that he wished to retain ownership with a view to expand the site in terms of future development. This site therefore was only likely to provide a short to medium term option whereas there was no similar constraint at Westenhanger making it the preferred site for the first lorry park providing a longer term investment.

(15) In response to the letter from Councillor David Monk, Leader of Shepway District Council (SDC), Ms Carruthers made the following points:

#### Visual & Landscape Intrusion Impact

(16) While the Westenhanger site is not in the Area of Outstanding Natural Beauty (AONB) it lies adjacent to it. Advice had been taken on the design and landscaping of the lorry park to limit any visual impact and fully incorporate the design in terms of flooding, ecology and landscape from the start. If the lorry park was built near the northern boundary of the site it would have less visual impact on the AONB. No major work had been done by KCC on this yet.

### No Local Plan entry/allocation for a lorry park on this land

(17) SDC had adopted its Local Plan in September 2013 and it had taken several years to put together. It was unfortunate that the timing for the proposed network of lorry park sites did not tie in with this. Cllr Monk referred to a Regulation 18 consultation which would begin later this year as the next phase of SDC's Local Plan and KCC was fully engaged to working with SDC on the outcomes of this consultation. It was understood that some of the consultation would look at potential employment land throughout the district including land around motorway junctions.

### Due consideration not given to other sites

(18) Of the original list of 54 sites 11 had been in Shepway. During consultation SDC had made KCC aware that they had an alternative preferred site in Westenhanger. This site was just to the west of the existing Stop 24 between the motorway and the railway.

(19) KCC had looked at the site in some detail and found that part of the site was within flood zone 3 designation, which meant that it was subject to flooding one in one hundred years or more. There were, according to the National Land Registry, more than forty title holders. Also, in order to access the site, KCC would have to implement Compulsory Purchase Orders on several houses. Given all these issues KCC did not consider this was a site they wished to put forward for further consideration.

(20) The Ashford site was comparable to the Westenhanger site on many of the criteria. The current landowner, who owned and ran the Ashford International Truckstop, was looking to extend the existing lorry park and also wanted to retain ownership of the site with aspirations to develop the site for other purposes if this became feasible in future through the Local Plan process. In terms of long term investment this could pose an element of risk.

(21) The White Cliffs site was poorer than the others on the commercial viability criterion. The site had been proposed originally by Dover District Council (DDC) but they had since made KCC aware of potential development opportunities within the White Cliff Business Park which may make the lorry park site unviable. Finally only 20% of HGV traffic used the A2/M2 corridor.

(22) Once a preferred site had been selected the next phase of work would be a public consultation later this year or early next year on the preferred site only.

(23) If in the future a second lorry park was deemed viable the whole process would begin again, the two sites not selected would not automatically be deemed appropriate.

(24) Members raised the following points in response to Ms Carruthers' introduction:

(25) Statistics showed that there was a need for lorry parks in the future, a trebling of HGV traffic by 2060 according to the DfT. As well as the lorry parking facilities KCC needed to look at the capacity of local roads and also at the bigger picture.

(26) A change was needed at national level to ensure that enforcement powers were available to challenge illegal parking.

(27) One giant lorry park for all was no longer viable. A series of smaller lorry parks was the way forward but the timescale for implementation of the first of this network of sites could be problematic. Provision for additional lorry parking would not be in place before 2018 by which time the problem would have increased. If it took so long to build the first lorry park there was time to lobby government to change the law and opinion across the country and the continent about the unacceptability of illegal lorry parking. Illegal lorry parking was not tolerated on continental Europe where measures to deal with it had been introduced 20 years ago. It was suggested that a change in culture was required as much as a change in the law to resolve these issues in the UK.

(28) The White Cliffs site was not viable not only because of the potential development on the White Cliffs Business Park but also because the A2 in its current state was not the preferred route for lorries hence only 20% of HGV traffic used it. Also many foreign drivers were unclear about the roundabout system and how it worked.

(29) Following the debate the Chairman put the recommendations to the vote. As a recorded vote had been requested the results were as follows:

For (11) Mrs P Stockell, Mr C Caller, Dr M Eddy, Mr M Harrison, Mr G Lymer, Mr B MacDowall, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr C Simkins, Mr A Wickham

Against (2) Mr M Baldock, Mr M Whybrow

Abstain (1) Mr I Chittenden

*Carried*

(30) RESOLVED that the Cabinet Committee agree the following recommendations:

- a) the Council's previous proposal to address the impact of Operation Stack through the construction of one large scale lorry park at Aldington as set out in "Growth without Gridlock" (December 2010) is not pursued;
- b) the site off the M20 Junction 11 at Westenhanger is the preferred location for the construction of a lorry park as the first phase of the delivery of a network of lorry parks across Kent;
- c) scheme development work to take forward the delivery of this preferred site be progressed immediately in conjunction with KCC Property & Infrastructure Group including necessary officer or member decisions, dependent on the particular governance requirements, regarding land acquisition and securing planning consent for the project;
- d) two strands of work, one on HGV parking enforcement and the other on HGV signing in the event of Operation Stack being called, be progressed in parallel with the development work to deliver the first lorry park, and;
- e) consideration of progressing a second lorry park site as part of the network of sites across the county with a view to delivering this second lorry park within the next 5-6 years is brought back to Cabinet Committee at the appropriate time.

### **33. 14/00091 A28 Chart Road Widening, Ashford**

*(Item B2)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the A28 Chart Road Widening, Ashford. Mary Gillet, Major Projects Planning Manager, was in attendance to introduce the report and in particular referred to the following:

(2) The proposed widening of the A28 Chart Road is a KCC strategic proposal designed to ease local congestion and provide additional highway capacity to allow for the full strategic growth identified by the adopted Ashford Core Strategy 2008, including the Chilmington Green development.

(3) The widening extends from the Great Chart Bypass eastern roundabout (Matalan roundabout) and the Templar Way roundabout (Tank roundabout). The improvements would include the provision of an additional lane to the A28 Chart Road in both directions, between the Matalan roundabout and the Tank roundabout, resulting in a dual carriageway in both directions. Both roundabouts would also be improved, together with junction improvements to Loudon Way, Hilton Road and Brunswick Road. It would be necessary to widen the existing bridge over the railway to accommodate the dual carriageway.

(4) In order to optimise the design, reduce costs, minimise disruption and realise the benefits at the earliest time, it was intended that these strategic improvements were delivered as a single scheme.

(5) The recently announced award from the Single Local Growth Fund together with developer contributions secured via a proposed S278 agreement would enable the scheme to be progressed.

(6) RESOLVED that the Cabinet Committee endorsed the proposed decision to be taken by the Cabinet Member for Environment and Transport to:

- a) give approval to the preliminary design scheme for A28 Chart Road Widening for development control and land charge disclosures shown in principle on Drg. Nos. B1620900/H/003A and B1620900/H/007A;
- b) give approval to progress the A28 Chart Road Widening scheme shown as a preliminary design on Drg. Nos. B1620900/H/003A and B1620900/H/007A, including any ancillary work such as drainage and environmental mitigation;
- c) give approval for Legal Services to undertake a dedication, transfer or other such legal mechanism to secure the land required to deliver the A28 Chart Road Widening Scheme as shown in Drg Nos. B1620900/H/003A and B1620900/H/007A, including any ancillary works such as drainage and environmental mitigation and subject to any substantive amendments arising from the design being approved by the Corporate Director of Growth, Environment & Transport;
- d) give approval to the publication of Compulsory Purchase Orders, any other statutory approvals and any other necessary legal rights or consents required for the scheme shown in principle on Drg, Nos. B1620900/H/003A and B1620900/H/007A, including any ancillary works

- such as drainage and environmental mitigation and subject to any substantive amendments arising from the outline design being approved by the Corporate Director of Growth, Environment & Transport;
- e) give approval to enter into an agreement with Network Rail to allow the County Council to design and deliver a scheme on Network Rail infrastructure;
  - f) give approval to enter into funding agreements required for the scheme such as for the Single Local Growth funding, developer funding and other such funding agreements subject to the approval of the Corporate Director of Finance & Procurement, and
  - g) give approval to enter into construction contracts as necessary for the delivery of the scheme, subject to the approval of the Procurement Board, to the recommended procurement strategy.

#### **34. 14/00092 M20 J4/A228 - Widening of Eastern Overbridge**

*(Item B3)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the M20 J4/A228 - Widening of Eastern Overbridge. Mary Gillet, Major Projects Planning Manager, was in attendance to introduce the report.

(2) RESOLVED that the Cabinet Committee endorsed the proposed decision to be taken by the Cabinet Member for Environment and Transport to:

- a) give approval to the outline design scheme for M20 J4 Widening of Eastern Overbridge for development control and land charge disclosures shown in principle on Drg. No. ITB8066-GA-003 Rev A;
- b) give approval to progress all statutory approvals or consents required for the scheme shown in principle on Drg, No. ITB8066-GA-003 Rev A;
- c) give approval to enter into a S6 Agreement with the Highways Agency to allow KCC to deliver a scheme on the Highways Agency network;
- d) give approval to enter into Single Local Growth Fund funding agreement subject to the approval of the Corporate Director of Finance & Procurement, and
- e) give approval to enter into construction contracts as necessary for the delivery of the scheme subject to the approval of the Procurement Board to the recommended procurement strategy.

#### **35. 13/00094 Gravesend Transport Quarter Phase 3 - Rathmore Road Link, Gravesend**

*(Item B4)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the Gravesend Transport Quarter Phase 3 - Rathmore Road Link, Gravesend. Mary Gillet, Major Projects Planning Manager,

was in attendance to introduce the report and in response to questions raised and comments made referred to the following:

(2) Some car parking provision would be retained at Gravesend Station but this would be reduced. Network Rail had been given permission to build a car park over the railway but this permission had lapsed.

(3) The Borough Council had reviewed the situation and were satisfied with car parking provision.

(4) RESOLVED that the Cabinet Committee endorsed the proposed decision to be taken by the Cabinet Member for Environment and Transport to:

- a) give approval to the outline design scheme for Gravesend Transport Quarter Phase 3 - Rathmore Road Link shown on Drg. No. 4300015/000/001 Rev 2 for development control and land charge disclosures; and subject to planning approval;
- b) give approval to the publication of a Compulsory Purchase Order, any other statutory approvals and any other necessary legal rights or consents required for the scheme shown in principle on Drg, No. 4300015/000/001 Rev 2 subject to any substantive amendments arising from the detailed design being approved by the Corporate Director of Growth, Environment & Transport;
- c) give approval to the advance voluntary acquisition of No. 15 Darnley Road that is affected by the scheme on terms to be agreed with the Director of Property and Infrastructure;
- d) give approval to the voluntary acquisition of Gravesham Borough Council car park land that is affected by the scheme on terms to be agreed with the Director of Property;
- e) give approval to enter into a funding agreement for financial support through the South East Local Enterprise Partnership Single Local Growth Fund, and other such funding agreements as required for the delivery of the scheme, subject to the approval of the Corporate Director of Finance & Procurement and Infrastructure; and
- f) give approval to enter into construction contracts as necessary for the delivery of the scheme subject to the approval of the Procurement Board to the procurement strategy.

### **36. 13/00038 Joint Transportation Boards Parish Attendance and Voting Rights**

*(Item B5)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information about Joint Transportation Boards (JTBs) parish attendance and voting rights.

(2) Mr John Wilson, Immediate Past Chairman of Kent Association of Local Councils (KALC), was also in attendance for this item. He welcomed the proposed decision stating that voting rights for Parish Council members seemed to be a natural progression.

(3) Mr Caller proposed and Dr Eddy seconded an amendment as follows:

1. It is recommended that the Cabinet Member for Transport and Environment be asked to ~~approve~~ note the KALC request for a total of two Parish Members to attend JTBs (with voting rights) ~~and attendant changes as set out in this report.~~
2. A report to all JTBs seeking District Council ~~agreement to~~ views on the KALC proposal will be considered in the autumn round of meetings.

(4) Mr Caller stated that he had proposed his amendment because for the County Council to decide something and then seek the agreement of District Councils was counterproductive. One size did not fit all and as some areas of Kent were not parished, some were partially parished and some completely parished the question of proportionality was raised.

(5) The Cabinet Member explained that to note the recommendation was not acceptable in this instance and that the document attached to the report as Appendix B was an agreement between KCC and Borough and District Councils.

(6) Mr Caller withdrew the amendment but suggested the recommendation should read 'approve on behalf of KCC subject to JTB agreement'.

(7) The Cabinet Member stated that it was not within KCC's power to impose anything on JTBs if they objected to Parish Council members being given voting rights.

(8) RESOLVED that the Cabinet Committee endorsed the proposed decision to be taken by the Cabinet Member for Environment and Transport to:

- a) approve the KALC request for a total of two Parish Members to attend JTBs (with voting rights) and attendant changes as set out in the report.
- b) commission a report to all JTBs seeking District Council agreement to the KALC proposal for consideration in the autumn round of meetings.

### **37. 14/00102 Sittingbourne Household Waste Recycling Centre and Waste Transfer Station Redevelopment**

*(Item B6)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the Sittingbourne Household Waste Recycling Centre (HWRC) and Waste Transfer Station Redevelopment. Melanie Price, Partnership and Development Manager, and Ian Dudding, Infrastructure

Development Manager - Waste Management, were in attendance to introduce the report.

(2) RESOLVED that the Cabinet Committee endorse the letting of contracts for the redevelopment and re-provision of the Sittingbourne Household Waste Recycling Centre and Waste Transfer Station.

### **38. 14/00103 Upgrading Safety Camera Partnership Equipment**

*(Item B7)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on upgrading Safety Camera Partnership equipment. David Joyner, Transport and Safety Policy Manager, was in attendance to introduce the report.

(2) In response to questions raised and comments made the following points were made:

(3) Digitalised mobile cameras created a more flexible approach.

(4) The only way to not get caught speeding was not to speed. Speed awareness courses helped fund projects and were a good way of educating drivers. Education was a key factor in reducing speeding.

(5) Following the debate the Chairman put the recommendations to the vote. As Mr MacDowall had requested a recorded vote the results were as follows:

For (13) Mrs P Stockell, Mr M Baldock, Mr C Caller, Mr I Chittenden, Dr M Eddy, Mr M Harrison, Mr G Lymer, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr C Simkins, Mr M Whybrow, Mr A Wickham

Against (1) Mr MacDowall

*Carried*

(6) RESOLVED that the Cabinet Member's proposed project to upgrade the existing Safety Camera Partnership equipment be endorsed.

### **39. 14/00104 Winter Service Policy for 2014/15**

*(Item B8)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the Winter Service Policy for 2014/15. Carol Valentine, Highway Manager (West), was in attendance to introduce the report and in particular referred to the following:

(2) KCC's Highways Operations Winter Service Team had started work last year to implement national guidance for winter service as issued by the Department for Transport (DfT) and detailed in the Code of Practice for highway authorities – Well Maintained Highways - section 13 Winter Service. The appendix to this section of the

guidance – Appendix H – had been updated and amended as a result of lessons learnt in the industry over four successive cold and snowy winters.

(3) Although, for the first time since 2009, there were no snow days during the winter period 2013/14 there were still a number of days and nights where there were marginal temperatures hovering around zero. This led to 70 primary salting runs being undertaken, 39 full runs covering all of Kent and 31 part runs.

(4) Kent was an example of best practice in Winter Service and during the summer work had been undertaken to refine and improve the winter service in the following areas:

- a route optimisation programme;
- assessing areas of Appendix H to implement this coming winter; and
- the procurement of the weather station contract.

(5) Kent's farmers were currently contracted to clear rural areas when there are snowy conditions and this provided an extremely valuable service. Last year it had been intended to carry out a trial by providing a few farmers with a trailer and salt so that they could treat areas that they have in the past just ploughed. The trial did not go ahead as there were no snow events; dependent on the weather it will be trialled this season. The results of the trial will be reviewed at the end of the season and decisions taken about how it can be taken forward in future years.

(6) Following the successful winter service campaign 'We're prepared are/have you?' which ran across the county in 2012/13, a similar campaign was planned for last year which was not used. Work is ongoing to continue this work for the coming season and the website and radio advertising as well as Twitter will be key in getting the winter message across the county.

(7) In response to questions raised and comments made the Committee received the following further information from officers:

(8) Route optimisation was an activity to optimise the existing gritting routes for the county and develop an in-house capability so that routes could be updated and amended without the necessity of asking consultants for help.

(9) The DfT's Well Maintained Highways Code of Practice recommended that local authorities identify a minimum network that would be treated continuously for a period of six days in the event of a severe winter event. Last year KCC identified the minimum network for Kent 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 and amended the policy accordingly.

(10) Additionally KCC had identified an Operational Winter Period which is October to April and a Core Winter Period which is December to February and the stocks of salt needed during those periods to effectively treat the network in line with recommended resilience levels. KCC maintained a salt stock of 23,000 tonnes so are well within the recommended resilience level. Arrangements are in place for winter deliveries to keep stock topped up during winter and 2000 tonnes are held in a strategic stockpile at Faversham Highway depot. KCC also has a good working

relationship with adjacent local authorities to enable joint working in the event that mutual aid is required during a snow emergency.

(11) At the time of writing the report the ice prediction service currently provided by Vaisala was out to tender and a new three year contract would be placed once the process has been completed. The ice station data would be overlaid with route optimisation data to improve this facility.

(12) RESOLVED that the Cabinet Committee endorsed the proposed changes to the Winter Service Policy for 2014/15 for the Cabinet Member to agree.

#### **40. Update on Trading Standards activities and initiatives**

*(Item C1)*

(1) The Cabinet Committee received a report of the Cabinet Member for Commercial and Traded Services and the Director of Environment, Planning and Enforcement which contained an update on Trading Standards activities and initiatives. Mark Rolfe, Trading Standards Manager (East), was in attendance to introduce the report and in particular referred to the following:

(2) This report was in response to the Cabinet Committee's request at the July meeting for an update on the roles, responsibilities and remit of the Trading Standards (TS) service. The report included the legislative background to TS and the innovative intelligence-led work the team did such as protection from harm, animal health, rogue traders and Checktrade.

(3) The report also looked at the support offered by TS to Public Health and business throughout Kent with advice and help, including the removal of rogue traders and scammers, to enable legitimate businesses to grow, develop and prosper.

(4) In his verbal update on 22 July the Corporate Director for Growth, Environment and Transport had spoken about the seizure of 1,000 dangerous chainsaws. These had been tested and confirmed as unsafe with the safety chain on the chainsaws being inoperable. This left TS with the problem of what to do with 1,000 chainsaws and in an innovative move they had been given to a well-known local children's charity to dismantle and dispose of for scrap metal.

(5) The prosecution of a seller of counterfeit goods mentioned in the report had resulted in the seller pleading guilty and currently awaiting sentencing. The prosecution of people storing explosives and fireworks in a dangerous manner, storage so bad it could have resulted in the loss of the whole storage facility, had also pleaded guilty and were awaiting sentencing.

(6) The most recent success was that, in partnership with border forces, TS had seized 32,000 sets of dangerous cosmetics with a street value of £13m. TS were working with Kent Scientific Services to see what chemicals were in the cosmetics but one brand holder had recognised that one of the eyeliners contained paint stripper.

(7) TS were now dealing with individuals and businesses that were deliberately engaged in fraud and organised criminality. Dealing with money launderers required

more work than it had previously because crimes were now more serious. In relation to rogue trading and the amber KPI, Members were assured that the dashboard target would be met.

(8) TS recognised that the majority of businesses in Kent were legitimate. Many businesses struggled with the technicalities of compliance with all the laws and legalities and TS invested a significant amount of time in advising businesses on this. Much of their advice was free however some services, including food services whose stock was tested at Kent Scientific Services, were chargeable.

(9) Following a meeting, and a major prosecution, about live animal export Members were informed that it was a lawful trade and TS was a law enforcement service so their powers in relation to the trade were limited. TS worked closely in partnership with the Animal Health & Veterinary Laboratories Agency (AHVLA) and the RSPCA to ensure that when the law was broken there were consequences for offenders. Road worthiness of vehicles was not within TS remit but was something that Kent Police and the Vehicle Inspectorate were responsible for.

(10) RESOLVED that the report be noted.

#### **41. DCLG Consultation on the formation of the Ebbsfleet Urban Development Corporation**

*(Item C2)*

#### **41. DCLG Consultation on the formation of the Ebbsfleet Urban Development Corporation**

*(Item C2)*

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Director of Environment, Planning and Enforcement which contained information on the DCLG Consultation for the formation the Ebbsfleet Urban Development Corporation (UDC). Sharon Thompson, Head of Planning Applications, was in attendance to introduce the report and in particular referred to the following:

(2) This was Members' opportunity to shape KCC's response to the consultation on the UDC. Parliamentary approval was required before the formulation of the UDC could be taken forward and this would be informed by any responses.

(3) In March 2014, as part of the Budget, the Government announced plans to create a new 'Garden City' at Ebbsfleet capable of providing up to 15,000 new homes, primarily on previously developed land.

(4) The Ebbsfleet UDC was seen by Government as the delivery vehicle for the new Garden City as a response to the slow progress of development in the locality despite planning permission having been granted.

(5) The UDC, if established, would work closely with local authorities to coordinate investment, provide direction, focus and expertise to accelerate and drive forward development within the identified UDC area. A £200m funding package would be available to the UDC to unlock some of the infrastructure delays.

(6) Some key areas that Members might consider when forming their response to the consultation included:

- The boundary – the area largely covers the major development sites of Ebbsfleet, Eastern Quarry, Northfleet Embankment, Northfleet West Sub-Station and the proposed London Paramount site on Swanscombe Peninsula. The proposed area did not include the existing residential communities of Swanscombe, Greenhithe and Northfleet and also excluded areas such as Northfleet Industrial Estate and Springhead Enterprise Park where there was existing commercial development and multiple land ownership. The area included two wharves, Robin’s Creek and Red Lion Wharf. A significant proportion of minerals come into the county through these wharves and the safeguarding of them was critical for the county’s emerging Minerals & Waste Local Plan (MWLP). The implications of the loss of these wharves would lead to a need to establish alternative importation methods, potentially adding significantly to the cost and environmental impact of transport, including a potential change to road transport options which would ultimately impact on the costs of construction in the county.
- The powers of the UDC – the statutory objectives and powers of a Development Corporation are set out under Section 136 of the Local Government, Planning & Land Act 1980. It is proposed that the Ebbsfleet UDC should be given comprehensive and consistent powers within its boundary area. The UDC would not have plan making powers but would have powers to determine planning applications. In determining planning applications the UDC must have regard to the provisions of existing plans so far as they are material to the application; which means that the UDC would determine all planning applications within its area, including minerals and waste applications that would normally be determined by the County Council. The UDC would, however, be bound by the policies and development framework set out in the Local Plans produced by Dartford and Gravesham Borough Councils (DBC and GBC) and by the MWLP produced by the County Council.
- A Memorandum of Understanding (MoU) – an MoU would be agreed between the local authorities and the UDC which would set out the processes on how matters would be handled e.g. transitional arrangements, consultation with the local authorities and how local authorities might be engaged in any decision making. While the MoU would not be legally binding it provided the opportunity for the local authorities to agree with the UDC a wide range of matters relating to the delivery of development and infrastructure in the Ebbsfleet Garden City.
- The structure of the UDC Board – appointed by the Secretary of State a UDC Board consisted of a Chairman, Deputy Chairman and between five and eleven Board members. For the Ebbsfleet UDC Board 11 Board members were proposed, including the Chairman and Deputy Chairman, with the three local authorities (KCC, DBC and GBC) each having representatives on the Board.

(7) RESOLVED that the Cabinet Committee:

- (a) note the information pertaining to the DCLG consultation on the formation of the Ebbsfleet Urban Development Corporation; and
- (b) comments to the Cabinet Member for Environment & Transport inform his views in the formulation of KCC's formal response to the consultation.

**42. Environment and Transport Cabinet Committee Work Programme 2014-15**  
(Item C3)

- (1) The Cabinet Committee received a report from the Head of Democratic Services which contained information on the Environment and Transport Cabinet Committee Work Programme 2014-15.
- (2) RESOLVED that the Environment and Transport Cabinet Committee Work Programme 2014-15 be agreed.

**43. Performance Dashboard**  
(Item D1)

- (1) The Cabinet Committee received a report of the Cabinet Members for Environment and Transport and Commercial and Traded Services and the Corporate Director of Growth, Environment and Transport which contained information on the Environment & Transport Performance Dashboard. Richard Fitzgerald, Performance Manager Business Intelligence, was in attendance to introduce the report. In response to questions raised and comments made the Committee received the following further information from officers:
  - (2) Recycling rates for municipal waste were calculated through detailed tracking of all waste collected by tonnage and waste type. Waste recycling included items such as green waste, wood and metal.
  - (3) While street lighting repair was showing as amber this was only 1% below target with the year to date performance at 93%, the highest it had been for several years. There were two issues affecting this target;
    - (i) The new electricity regulations had meant that many of the streetlights had had to be disconnected and reconnected. In some cases lights had had to be cut down for structural reasons. Reinstallation and reconnection had to be done by the electricity board and this took some time with training causing a bottleneck to repairs; and
    - (ii) resources had been largely concentrated on the part time lighting implementation.
  - (3) With regard to Kent Scientific Services income, the spend of clients shared with Hampshire had been low to date. However expected spend from clients shared with other local authorities meant that income would increase to meet the target.
  - (4) In response to a query about gulley emptying, Mr Burr confirmed that a report would be brought to the Cabinet Committee in the near future. The implementation of scheduled gulley emptying now meant there was sometimes a delay in responding to reported blockages; unless a reported blockage would cause a major accident or

flood property it would be added to the schedule and so, although the service itself had improved, public satisfaction had reduced.

(5) RESOLVED that the report be noted.

**44. Annual Equality and Diversity report**  
(Item D2)

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the Annual Equality and Diversity Report. Akua Agyepong, Corporate Lead, Equality and Diversity, was in attendance to introduce the report.

(2) RESOLVED that the Cabinet Committee:

- a) Noted current performance;
- b) Continue to ensure that equality governance is observed in relation to decision making;
- c) Noted the proposed changes to Equality Objectives and agree to receive revised objectives; and
- d) Agreed to receive the report annually in order to comply with the Public Sector Equality Duty.

**45. Motion to exclude the Press and Public**

The Cabinet Committee resolved that, under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

**46. Establishment of a Transport Related Local Authority Trading Company**  
(Item E1)

**SUMMARY OF EXEMPT ITEM**  
**(Where Access to Minutes Remains Restricted)**

(1) The Cabinet Committee received a report of the Cabinet Member for Environment and Transport and the Director of Highways, Transportation and Waste which contained information on the Establishment of a Transport Related Local Authority Trading Company (LATC). Tim Read, Head of Transportation, was in attendance to introduce the report and answered Members' questions.

(2) RESOLVED that the information be noted and that Members endorsed the proposed Cabinet Member decision.

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Date: 16 September 2014

Cllr. Paulina Stockell  
Chair  
KCC Environment and Transport Cabinet Committee  
County Hall  
Maidstone  
Kent  
ME14 1XQ

Dear Cllr. Stockell

## **Environment and Transport Committee – Lorry Park Network (Phase 1)**

I write in response to report 14/00055 Lorry Park Network Phase 1 that is due to be considered by the Kent County Council Environment and Transport Committee on 17<sup>th</sup> September 2014.

It is noted that the report suggests a number of recommendations from the Committee to the Cabinet Member for Environment and Transport, Cllr. David Brazier and that the following recommendation is included within the report :-

*The site off the M20 Junction 11 at Westenhanger is the preferred location for the construction of a lorry park as the first phase of the delivery of network of lorry parks across Kent.*

Whilst acknowledging the need for a solution to Operation Stack and overnight lorry parking in Kent, the District Council wishes to express the strongest possible concern regarding this recommendation and asks that both the Cabinet Committee and the Cabinet member take the following into account. These views are consistent with those previously expressed in the letter from Chris Lewis, Head of Planning, to the consultants Glenny LLP, dated 20<sup>th</sup> January 2014.

1. The appropriate mechanism for assessing the development needs and identifying site specific allocations within a particular area is the local plan process. The Shepway Core Strategy Local Plan was adopted on 18<sup>th</sup> September 2013 and along with a number 'saved' policies from the Shepway District Local Plan Review 2006 forms the development plan for the district. The proposed site at Westenhanger is not allocated for development in the Core Strategy Local Plan or as a 'saved' policy. Neither is there a planning policy for Shepway requiring a lorry park in this location.
2. A lorry park on this site, would be likely to have a considerable visual impact and would be built on highly visible greenfield land. It would be an intrusion into open

countryside. Although not within the North Downs AONB, the site lies adjacent to it. Although no landscape assessment has been provided, it is likely that there will be clear views of the lorry park when viewed from the AONB, looking southwards from the North Downs ridge, and when looking at the AONB across the site from the south.

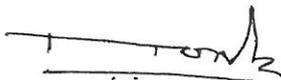
3. Development when sited in open countryside, either in or adjacent to an AONB, needs very careful consideration even where the general principle of development in such a location is considered to be acceptable in terms of adopted planning policy. It is considered that, in particular, a lorry park on the scale proposed has the potential to cause considerable harm. The proposal will consist of approximately 300 lorries parked on an open site, along with associated amenity and other buildings as well as floodlighting, signage etc. Whilst it may be possible to reduce the visual impact through structured landscaping the nature of the proposal is still likely to result in an incongruous form of development. In short, even if the general principle of development were to be found suitable in this location having followed due process, it is difficult to see how a high quality design solution could be achieved for a lorry park that is capable of making the proposal acceptable, when assessed against both local and national planning policies.
4. Whilst the planning issues relating to the Westenhanger site have, to some extent, been acknowledged in the report they are dealt with in a superficial way in Table 2 and appendix G and in paragraph 9.7. The District Council does not consider that they have been given sufficient weight when assessed against other criteria such as the Net Present Value (NPV) and Internal Rate of Return (IRR) and general accessibility of the site. Given the fundamental role of the planning system in determining whether a development is able to proceed much greater significance should have been given to the identified planning constraints and issues within then report.
5. With regard to the NPV and IRR being higher than for the other two shortlisted sites, and therefore a key factor in determining the recommendation, it is assumed that this is in part due to the considerably lower land cost for this site compared to the other shortlisted sites (£422,000 as opposed to £4.8 million and £2.5 million). This lower land cost represents an acknowledgement of the current planning status of the site as previously expressed. It also understood that no agreement has been reached with the landowner(s), for KCC or another operator to acquire the site, which is clearly necessary for the scheme to proceed and brings into question significant questions about its deliverability. It is also noted that the land cost, as set out in the report, provides limited up-lift from the current agricultural land value and given that the proposal has the potential to blight the current Hillhurst Farm complex.
6. The District Council has commenced the development of the Shepway Places and Policies Local Plan, that will, on adoption, set out a number of site specific allocations across the District. An initial 'regulation 18' consultation is scheduled to commence in November 2014. This provides an opportunity to take forward in a comprehensive way, the objectives of the Core Strategy and a number of other strategies and evidence base documents in order to develop an appropriate mix

of land use allocations, including potentially those related to lorry parking. We look forward to working with Kent County Council throughout the development of this document in order to identify the sites necessary to meet the economic, social and environmental needs of the District.

7. This Council does not consider that Kent County Council has adequately assessed alternative sites across the District in sufficient detail.

I trust these views will be given the appropriate level of consideration and look forward to hearing of the decision in due course. Should you wish to discuss these matters further, please do not hesitate to contact me so we can arrange a meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Monk', with a horizontal line underneath.

**Cllr David Monk**  
Leader of the Council

CC. Angela Evans (Committee Clerk, Kent County Council)

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To: the chairman and members of the Environment and Transport Cabinet Committee

**Agenda Item B1 Lorry Park network (Phase 1) 17 September 2014**

It is understandable that the County Council should seek ways to mitigate the effects of Operation Stack and deal with the nuisance of overnight lorry parking. However, the proposals before you seem unlikely to deliver this.

My Elham Valley division suffers from the nuisance of overnight lorry parking as much as anywhere in Kent. It also bears the brunt of diverted motorway traffic when Operation Stack is in place. Elham Valley also contains the villages of Sellindge, Westenhanger and Lympe all of which feature in your report.

The proposal for a 2,057 space lorry park in Aldington parish and on the border of Sellindge village was first made in 2008. It is very welcome that this blight on the village has been lifted but the arguments that were advanced to support the large lorry park are very similar to those now made for the smaller network and similarly flawed.

The example of Stop 24, the 82 place lorry park at Junction 11 of the M20 shows what happens when lorry parking is provided. When the application for this site (also in my division) went through the planning process in 2010, it was claimed that this lorry park would resolve overnight lorry parking problems both in the immediate area and in Folkestone. The result has been quite the opposite as it attracts lorries to its outskirts whether there are spaces available at Stop 24 or not.

It is claimed that HGVs cannot be forced to move from where they are a nuisance unless there are sufficient places available for them at lorry parks. Provision of 300 places will clearly not be sufficient to meet this demand so will not remove the present nuisance. The extra places will be taken by reputable HGV companies and the operators who don't want to pay for parking will continue to park where they will.

Are the Police expected to enforce parking restrictions on HGVs or will KCC employ wardens? Where are the details of how the system of enforcement will work?

KCC risks raising expectations which it cannot meet of resolving overnight lorry parking and Operation Stack. We need to keep the lorries on the motorways, off our local roads and encourage transit rather than stopping in Kent.

There are many site specific objections to the Westenhanger proposal which will emerge if a planning application comes forward but I hope this committee will reject the whole idea of KCC itself providing lorry parking.

Susan Carey, Member, Elham Valley

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