

KENT COUNTY COUNCIL

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 14 January 2015.

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

ALSO PRESENT: Mr D L Brazier and Mr P M Hill, OBE

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr S Beaumont (Head of Community Safety and Emergency Planning), Mr J Burr (Director of Transformation and Commercial Services), Mr P Crick (Director of Environment, Planning & Enforcement), Mr T Read (Head of Highway Transport), Mr D Shipton (Head of Financial Strategy), Mr M Tant (Flood Risk Manager), Mrs S Thompson (Head of Planning Applications Group), Mr K Tilson (Finance Business Partner - Customer & Communities), Mr R Wilkin (Interim Director of Highways, Transformation and Waste) and Ms A Evans (Democratic Services Officer)

UNRESTRICTED ITEMS

59. Apologies and Substitutes
(Item A1)

Apologies were received from Mr Bowles, Mr Simkins and Mr Wickham who were substituted by Mr King, Mr Marsh and Mr Pearman.

60. Declarations of Interest by Members in items on the Agenda
(Item A2)

No declarations of interest were made.

61. Minutes of the meeting held on 5 December 2014
(Item A3)

(1) RESOLVED that the Minutes were correctly recorded and they be signed by the Chairman.

62. Verbal updates
(Item A4)

(1) The Cabinet Member for Environment & Transport, Mr Brazier, gave an update on the following:

Young Person's Travel Pass Renewal

1.1 The academic year 2014/2015 was the first year for the new Young Person's Travel Pass, which had replaced the previous scheme the Kent Freedom Pass. Under the new scheme the pass could be purchased for a full year for £200 or in two half-yearly portions of £100 each. There were 24,991 passes in circulation, of which 8,580 were half-yearly purchases.

1.2 The half-yearly passes expired on 22 February 2015. The renewal period opened on 24 November 2014, with an email to all half-yearly card holders, explaining that for a new pass to be available for the new term on 23 February, applications needed to be received by 9 January 2015. To date there had been 3,407 renewals.

1.3 Applications received after 9 January would be processed but there was no guarantee that new cards would be available on 23 February due to the lead time for production of the smartcards.

1.4 An update would be considered by the Environment & Transport Cabinet Committee at its next meeting in April.

Airports Commission Consultation on options for an additional runway at either Gatwick or Heathrow

1.5 The response to the Airports Commission's consultation, which closed on 3 February 2015, would formally state Kent County Council's opposition to a second runway at Gatwick as agreed by Cabinet in December.

1.6 A verbal statement on KCC's position was made to the Airports Commission at the public discussion in Crawley on 16 December and this would be confirmed in KCC's written response to the consultation.

1.7 The Commission's consultation asked for views on three options: a second runway at Gatwick; a third runway at Heathrow; and an extended northern runway at Heathrow. The Commission also asked for views on its appraisal process and methodology for sustainability assessments. Any views on these issues would be expressed in KCC's response which would focus on the reasons for opposing a second runway at Gatwick.

Facing the Challenge: Country Parks

1.8 The Transformation Advisory Group (TAG) received the Outline Business Case for the Kent Country Parks' Facing the Challenge Service Review on 4 December. The continuous improvement of the service, and in particular since 2008, had been emphasised. The service had moved from an original budget of £800,000 to a budget of £505,000 in 2014/15. The financial transformation had been achieved primarily from:

- a) income generation;
- b) restructuring (including the increased use of volunteers, currently 16,000 hours annually); and
- c) disposal of smaller sites.

1.9 Mr Brazier referred in particular to:

- a) the intrinsic value of country parks in offering residents the opportunity to enjoy Kent's natural environment and outdoor spaces;
- b) the weather, which had a significant impact on visitor numbers;
- c) the finite number of interventions that could be made before the parks ceased to be a countryside experience;
- d) the stretched Medium Term Financial Plan target faced by the service that would reduce its budget to £355,000 in 2017/18; and
- e) the wooded nature of the parks which limited the potential to generate income, with five parks wholly within the Kent Downs AONB, and 33% of the land being legally protected because of its international ecological importance.

1.10 Eight potential models for the future delivery of the service had been presented to TAG. It had been agreed that, the current model, "Retain in house" be further developed to deliver the MTFP savings target and, at the same time, to explore three further models by using a PIN Notice to test the market. These models were

- a) Partnership (joint venture) with an external provider;
- b) Partnership with a Not for Profit partner; and
- c) Commission through one or more of the total facilities management providers.

1.11 Following an independent visitor economy analysis of the parks' customer offer, which had identified the marketing 'reach' as a challenge for the service, it had also been agreed that the service would externalise its marketing approach.

1.12 It had been agreed that different parks might benefit from different solutions. Progress on the service review would be monitored monthly by the Corporate Portfolio Office, and reported in detail to the GET Portfolio Board in April 2015.

(2) The Cabinet Member for Community Services, Mr Hill, gave an update on the following:

Facing the Challenge: Trading Standards and Community Safety

2.1 The outline business cases for the Facing the Challenge reviews of Trading Standards and Community Safety had been presented to TAG on 4 December 2014.

2.2 Recommendations to keep Trading Standards in-house and build on the innovative work of the past three years and the recent re-structure were endorsed. Closer working and possible integration with neighbouring authorities and support for further development in e-crime capability had also been fully supported.

2.3 Existing work to meet the significant MTFP savings target in Community Safety was also endorsed including closer working and joint management of the Community Safety Unit with the Kent Fire and Rescue Service and Kent Police.

Emergency Planning and Resilience Training

2.4 A fundamental review of key emergency response roles had been undertaken and training of senior KCC staff on emergency planning and resilience had been rolled out in accordance with the recommendations in the Christmas and New Year 2013/2014 Storms and Floods Lessons Learnt report.

2.5 156 KCC personnel had completed an e-learning Resilience and Emergencies course. Making completion of this course mandatory was being considered. The DCLG had promoted this course as an example of best practice in the Local Authorities' Preparedness for Civil Emergencies – A Good Practice Guide (DCLG / SOLACE) which had been published in October 2014.

2.6 25 directors and senior managers were undergoing strategic-level training in emergency response, including the Corporate Management Team who had been trained prior to Christmas. 70 senior managers were undertaking tactical-level training including 20 who had been trained prior to Christmas.

2.7 86 community wardens and highways staff had undertaken refresher training for the incident liaison officer role. A further 53 officers would attend such training.

2.8 Flood wardens had been trained by the Environment Agency (EA) in collaboration with the Kent Resilience Team.

(3) The Corporate Director for Growth, Environment and Transport, Barbara Cooper, gave an update on the following:

Local Bus Tenders

3.1 On 19 November 2014, the latest round of tenders for socially necessary bus services had been issued to the operators on the KCC framework. Submissions were received by 17 December 2014 and the Public Transport Team would meet shortly to discuss tender responses, evaluate value for money and, where possible, award contracts. Alternative approaches would be considered for tender submissions that did not represent value for money. Contracts awarded would commence on 12 April 2015.

Capital Maintenance Block Grant 15/16 – 20/21

3.2 The capital maintenance settlement from government based upon network length, de-trunked road length, streetlights over 40 years old, and the number of bridges requiring strengthening or structural maintenance would change with effect from 2015/16. The new grant would have three components;

- a formula grant award, based upon asset volumes and network length plus cycle lanes
- A Department of Transport (DfT) assessment of the operational efficiency of the local highway authority
- a Challenge fund which would consider bids from local highway authorities for funding for specific schemes costing between £5m - £20m and for schemes worth £20m or more for a three-year period.

3.3 The formula grant would be reduced over the next six years with a greater requirement for highway authorities to bid for funds and demonstrate efficiency. This

was part of the DfT's drive to allocate capital funding to authorities that adhere to asset management principles and demonstrate the most efficient use of funds. No additional grants for pinch points, severe weather or pothole repair would be available.

3.4 Highways, Transportation & Waste had a good track record of applying and receiving such awards, however, it was likely that securing any additional finance would become a greater challenge.

Strategic Planning and Policy

3.5 Pre-consultation engagement with parish and town councils and joint transportation boards on the Thanet Parkway Station had taken place during December. The consultation exercise, as part of the project development work, would take place between 2 February and 27 March 2015.

Minerals and Waste Local Plan Update

3.6 Kent County Council had formally submitted the Kent Minerals and Waste Local Plan (MWLP) 2013-30 Submission Document to the Planning Inspectorate on the 3 November 2014 for public examination. It was anticipated that the public hearings, as part of the examination process, would be held in February/March 2015, when the Inspector would engage with the Council and involve stakeholders to test the soundness of the MWLP.

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

- A letter had been sent to all Members on 9 January with details of the Library, Registration and Archives consultation including website details and the venues of the roadshows, two of which were being held in each district.
- No rebate was expected in the tenders for buses as a result of the reduction in fuel prices because KCC did not pay for fuel separately. A quarter of the tenders were renewed annually and it was intended to monitor prices for future tenders.
- There were approximately 200 subsidised bus routes with a budget of £6m. Members requested details of these routes.

63. 14/00127 KCC Community Warden Service – Public Consultation Response (Item B4)

(1) The Cabinet Committee received a report of the Cabinet Member for Community Services and the Corporate Director of Growth, Environment and Transport. Mr Hill introduced the report and said that the results of the consultation had been impressive; 101 parish councils had responded and the value and importance of the Community Wardens and their local connections had been supported.

(2) Paul Crick, Director of Environment, Planning and Enforcement, and Stuart Beaumont, Head of Community Safety and Emergency Planning, were in attendance for the item and in particular referred to the following:

(3) The preferred option was to maintain the current reduced establishment at 70, which was a reduction of 31 posts from the original establishment. This would deliver savings of £700k in a full year. As vacancies were unevenly spread across the county some service redesign would be necessary. As there were several resignations and retirement requests from warden staff pending it was probable that the uniformed service could be reduced to 70 posts.

(4) Over the next 12 months the potential of developing local service provision with Kent Police and of recruiting volunteer wardens at parish level would be explored as this was integral to the success of the preferred option.

(5) Formal exploratory discussions would also commence with interested parish councils, supported by the Kent Association of Local Councils, to investigate possible funding and to determine if community wardens could increase their support to local community safety units.

(6) Parishes and communities that currently had a nominated community warden would continue to have a designated officer contact point. The resource allocation would mirror the current uniformed presence across the county which had been reduced since 2012 from 101 posts to 72 posts using vacancy management. The uniformed presence would not therefore be reduced to the level set out in the public consultation proposal. KCC community wardens would continue to build on the flexible working arrangements currently in place and would expand their roles to include other priority areas only where resources allowed. Community wardens would continue to be based in parish/community locations to preserve as much community-based front line delivery resource as possible and to maintain the "local knowledge element" which 77% of those who responded to the public consultation had considered to be the service's greatest strength.

(7) The redesign was still being developed and parish council input was essential and would be welcomed.

(8) Volunteer wardens could be used to provide advice. The service would be modelled on the lines of special constables but detailed issues such as whether they would be uniformed and how the public would distinguish a volunteer from a warden, were being considered.

(9) Volunteer wardens would be in addition to the 70 uniformed wardens.

(10) Replacing the old warden vans with new ones with seats as well as storage would enable wardens to travel in teams rather than separately resulting in reduced mileage claims.

(11) Wardens had to attend a seven week Home Office accredited course and as this training was expensive it was done in blocks.

(12) Mr Baldock moved and Mr Caller seconded that the option outlined in paragraph 8.3 of the report and set out below be endorsed.

The service could use vacancy management to reduce numbers to the level determined by budget availability over a longer period. This would deliver savings over a longer time but as vacancies are likely to arise unevenly across the county some service redesign would still be necessary to balance service delivery and maintain operational cover.

(13) Mr Beaumont said that to achieve the £700k savings some redundancies were required and vacancy management might mean that these savings were not achieved by 1 April 2015.

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

For (4): Mr M Baldock, Mr C Caller, Dr M Eddy, Mr B MacDowall

Against (10): Mrs P Stockell, Mr M Balfour, Mr I Chittenden, Mr M Harrison, Mrs S Hohler, Mr A King, Mr A Marsh, Mr J Ozog, Mr C Pearman, Mr M Whybrow

Lost

(15) The Chairman then put the recommendations as set out below to the vote and agreement was unanimous:

The preferred option is to maintain the current reduced establishment. Using vacancy management the uniformed establishment would be reduced to 70, which is a reduction of 31 posts from the original establishment. This could deliver savings in the region of £700k savings in a full year. As vacancies are currently unevenly spread across the county some service redesign would still be necessary to balance service delivery. Integral to this option, work would commence over the next 12 months to explore the potential of developing local service provision arrangements with Kent Police and also to recruit volunteer wardens to support the service at Parish level. Formal exploratory discussions would also commence with interested Parish Councils (supported by KALC) and District Councils to determine the feasibility of funding income to supplement resources. Discussions would also take place with districts to determine if community wardens could increase their support to the work of local community safety units by accepting appropriate additional operational duties from this source.

(16) RESOLVED that the preferred option for the future delivery of the KCC Community Warden Service as outlined above be endorsed.

**64. 15/00001 Waste treatment and/or final disposal contract/s
(Item B1)**

(1) The Cabinet Committee received the report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the forthcoming procurement and award of waste treatment and/or final disposal contract/s in accordance with chosen evaluation methodology which would be stated in the relevant published Invitation to Tender.

Roger Wilkin, Head of Waste Management, was in attendance to introduce the report and in particular referred to the following:

(2) Procurement would be undertaken by KCC Waste Management to identify providers to receive, process and/or dispose of residual waste (i.e. waste which could not be recycled or composted) which was unsuitable for the Allington Energy from Waste (EfW) plant, or was diverted from Allington during periods of maintenance shut-downs.

(3) Approximately 58,668 tonnes of residual waste per annum was unsuitable for the Allington EfW because of its bulky nature. Typically a further 43,815 tonnes was diverted to other sites because of plant maintenance. The new contracts for household waste recycling centres (HWRCs) and waste transfer stations (WTS) required the use of innovative techniques to ensure no material which could be recycled or composted was included in such residual waste.

(4) To date all waste unsuitable for the Allington EfW had been landfilled, however the Waste Management team wished to engage with the market to use such waste as a resource, and in doing so make a significant contribution towards the target of sending zero waste to landfill. Landfill would, however, remain an option should more innovative solutions prove unaffordable.

(5) The proposed contract/s were required to fulfil the Council's statutory duty, as the Waste Disposal Authority, to dispose of residual waste from district council kerbside collection and HWRCs.

(6) The proposed contract/s would commence in September 2015 for an initial term of five years, which would enable co-termination with existing contracts for the majority of HWRCs and WTS.

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

(8) Diversion of waste from Allington EfW to landfill was cost neutral.

(9) The number of technical issues at Allington had reduced in recent years. The facility was shut down for approximately four weeks a year. Allington was a complex contract and a future Member briefing was suggested.

(10) The Waste Management team were looking at innovative techniques including the gasification or the recycling of mattresses.

(11) Mr Burr stated that the Commissioning Advisory Board was primarily concerned with Transformation but in the future would be involved in this sort of commissioning.

(12) RESOLVED that the award of contracts to the preferred tenderers following the completion of a procurement process for the provision of waste treatment and/or final disposal contract/s be noted.

- 65. 14/00162 Maidstone Bridges Gyratory - Construction of two new northbound lanes & traffic controlled junctions**
(Item B2)

(1) The Cabinet Committee received the report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the construction of two new northbound lanes and traffic controlled junctions as part of the Maidstone Bridges Gyratory. John Burr, Director of Highways, Transportation and Waste; Tim Read, Head of Transportation; and Russell Boorman, Project Manager; were in attendance to introduce the report and in particular referred to the following:

(2) The Maidstone Gyratory was a congestion and air quality hotspot within Maidstone town centre where the A20, A26, A229 and A249 primary routes converged and crossed the River Medway.

(3) The proposed scheme involved the construction of two additional northbound lanes on the eastern side of the River Medway, with new junctions controlled by traffic signals. This would enable northbound traffic on the A229 to avoid the existing gyratory system, thereby reducing journey distances and travel times and enabling the regeneration of the western riverside.

(4) The estimated cost of the scheme was £5.75m.

(5) The recently announced award from the Single Local Growth Fund together with Maidstone Borough Council's New Homes Bonus and KCC's Local Transport Plan contributions would enable the scheme to proceed.

(6) The scheme was within the highway curtilage of the A229. Planning consent was not required, no land needed to be acquired and it was unlikely any other statutory approvals or consents would be required but had been included in the decision recommendation as a contingency.

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

(8) The scheme was unlikely to be eligible for any further EU funding but funding opportunities would be kept under review.

(9) A major development plan was in place for St Peter's Street and the Power Hub Baltic Wharf site. The Hub's highway contribution had been to offer an additional traffic lane over St Peter's bridge to increase capacity. The gyratory scheme would increase capacity by up to 20% and make this additional lane unnecessary enabling the pedestrian and cycle lane to be retained.

(10) The subways under the River Medway had been built in 1971 to take pedestrians safely under the Maidstone gyratory and to take excess water in a flood situation. When the subways were full of water they were gated. One of the pumps was broken and due for replacement. For pedestrian safety closing the subways was not viable.

(11) The outline designs for the scheme were expected to be ready by the end of March when they would be considered by the Maidstone Joint Transportation Board. The public consultation and leaflet drop would contain all the relevant information.

(12) RESOLVED that the Cabinet Member for Environment and Transport be endorsed to give approval to:

- (a) the outline design scheme for Maidstone Bridges Gyratory on the eastern side of the river Medway for development control and land charge disclosures shown in principle on Drg. No. 4300066/000/05 attached at Appendix 2 to the report;
- (b) progress all statutory approvals or consents required for the scheme shown in principle on Drg. No. 4300066/000/05;
- (c) enter into a Single Local Growth Fund funding agreement subject to the approval of the Corporate Director of Finance & Procurement; and
- (d) 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.

66. 15/00002 KCC Managed Traveller Site Pitch Fees 2015/16

(Item B3)

(1) The Cabinet Committee received the report of the Cabinet Member for Environment and Transport, Mr Brazier, and the Director of Environment, Planning and Enforcement, Paul Crick, detailing the reasons for the proposed pitch fee increase for traveller sites managed by KCC, to take effect from 1 April 2015. Mr Crick was in attendance to introduce the report and in particular referred to the following:

(2) Pitch fees for traveller sites managed by KCC were regulated by the Mobile Homes Act 1983 which only permitted an increase once in every twelve months, and only allowed an increase in line with the Retail Price Index (RPI) unless evidence of improvements to the amenity of the pitch could be shown. The RPI increase for 2014 was 2.3%.

(3) It was proposed to increase the pitch fees by 2.3% at all sites except Three Lakes. Maintenance and refurbishment work to the amenity blocks and pitches at the Three Lakes site were shortly to be completed at a cost of around £90,000. It was proposed to increase the fee for each Three Lakes pitch by 2.3% plus an additional £5.50 per week in recognition of the improved amenities.

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

(5) The collection rate across the county was close to 100%. Breakdown by site could be provided to Members on request.

(6) The RPI was announced each September, sometimes it was higher than the Council Tax increase, sometimes it was lower.

(7) The increase of £5.50 was consistent with previous increases at sites where amenities had been improved, most recently at the Coldharbour site in Aylesford.

(8) RESOLVED that the new proposed rents to be applied from 1 April 2015 be endorsed.

67. Budget 2015/16 and Medium Term Financial Plan 2015/18
(Item C1)

(1) The Cabinet Committee received the report of the Cabinet Members for Finance and Procurement; and Environment and Transport and the Corporate Directors for Finance and Procurement; and Growth, Environment and Transport which contained information on the proposed draft budget for 2015/16 and the Medium Term Financial Plan (MTFP) for 2015/18 as it affected the Environment and Transport Cabinet Committee. Dave Shipton, Head of Financial Strategy, and Kevin Tilson, Finance Business Partner for Growth Environment and Transport, were in attendance to introduce the report and in particular referred to the following:

(2) The green pages within the report had been exempt at the time of publication to enable Members to consider the proposals ahead of the publication of the Budget on 12 January 2015.

(3) The draft Budget was based on the provisional settlement from government received on 18 December 2014 and the provisional Council Tax figures, which had been received just before Christmas. The provisional settlement had been largely as expected but the Council Tax base showed a 1.7% increase on the current year which was higher than predicted. The budget consultation had been based on an increase of 0.5% providing an extra £6.2m in the budget. This additional tax base had been allocated in the draft budget to cover additional spending of £2.8m including pressures on the Young Person's Travel Pass and waste tonnage identified in recent budget monitoring, and £3.4m reduction in savings including a contribution to the gap identified in the consultation.

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

(5) The Regional Flood Defence Committee had allocated funding for the Beult and Leigh Barrier flood alleviation schemes. More information on this would be given in the next agenda item.

(6) The reduction of 250-400 FTE jobs related to the whole council not just Growth, Environment and Transport (GET). Individual services would be subject to detailed consultation arrangements.

(7) Lines in italics in the budget book related to projects that relied on significant amounts of unsecured funding. The Rathmore Road, Gravesend project would go ahead as the funding had been provided by the Single Local Growth Fund.

(8) RESOLVED that:

- a) the responses to questions by Members be noted; and
- b) the draft budget 2015/16 and MTFP 2015/2018 (including responses to the consultation and government announcements) be noted.

68. Coastal and river flood defence investment
(Item C2)

(1) The Cabinet Committee received the report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport which contained information on the coastal and river flood defence investment. Paul Crick, Director of Environment, Planning and Enforcement, and Max Tant, Flood Risk Manager, were in attendance to introduce the report and in particular referred to the following:

(2) Approval was sought to allocate £205,000 towards design and feasibility work to support further development of the Leigh and Lower Beult Flood Alleviation Scheme (FAS).

(3) The Environment Agency (EA) had recently published its top ten flood defence schemes in Kent. Some were fully funded, as they qualified for full Flood Defence Grant in Aid (FDGiA) but others had not and required support from partners.

(4) By combining the Leigh and Lower Beult FAS into one project the EA had been able to achieve a FDGiA allocation of approximately 50%.

(5) As separate projects the Leigh Barrier improvements, protecting 2,200 properties, cost about £11m and was approximately 75% funded whilst the Beult River scheme, protecting 1,100 properties, cost about £23m and was approximately 35% funded.

(6) For the next three years the project work would focus on the outline design through to planning approval and contract award for the construction phase. The project would require a further £17m (approximately) for the construction phase to match the confirmed contribution of £17m from FDGiA. The partnership contributions would need to be in place to unlock the government's committed contribution.

(7) Of the top ten schemes identified by the EA, eight were currently progressing; including the Leigh and Lower Beult scheme, supported by £205,000 from KCC and £100,000 each from Maidstone Borough Council and Tonbridge & Malling Borough Council. The KCC contribution is to be funded from the Flood Risk Management budget over the next three years. Partnership funding for the detailed design and construction was required to secure the government's contribution and to this end a 'Flood Funding Forum' would be established to raise local contributions.

(8) RESOLVED that:

- (a) the contribution of £205,000 to the development phase of the Leigh and Lower Beult FAS be supported; and
- (b) the proposal to establish the Flood Funding Forum for the Leigh and Lower Beult FAS, and that progress on delivering the EA's top 10 schemes for Kent and the need for further funding in future be noted.

69. Work Programme 2015
(Item C3)

(1) A question was raised about the inclusion of joint transportation boards, parish attendance and voting rights on the work programme, as this issue should be

resolved by JTBs. The Cabinet Member agreed that this item should be removed from the work programme.

(2) RESOLVED that the Environment and Transport Cabinet Committee Work Programme 2015 be agreed subject to the deletion of joint transportation boards, parish attendance and voting rights.

70. Petition requesting Kent County Council to adopt a presumption against consent for exploration or extraction of fossil fuels in Kent
(Item D1)

(1) The Committee received a petition submitted to Kent County Council related to the issue of fracking, and which had obtained over 2,500 signatures supporting the statement set out below:

"We the undersigned petition the council to call on Kent County Council to adopt a presumption against development consent for exploration or extraction of fossil fuels in Kent. The presumption against development should include, but not be limited to, extraction of shale gas, shale oil, coal bed methane and underground coal gasification, whether by hydraulic fracturing (fracking) or other means. Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Development of onshore oil and gas cannot be sustainable for the reasons set out below.

Justification:

1. It is not sustainable to develop new sources of fossil fuels. If climate change is to be limited to 2°C, which is necessary to avoid catastrophic impacts, 80% of proven fossil fuels reserves cannot be burnt. We note that, with one quarter of the county less than 5m above sea level, Kent is very vulnerable to the rise in sea level that will result from our changing climate.
2. All water supplies in Kent are severely stressed. Fracking requires very large quantities of clean water (almost 19 million litres per frack). There is not an adequate water supply in Kent to sustain fracking.
3. Fracking produces very large quantities of polluted water which contain radioactive elements from deep underground. Water treatment plants cannot safely dispose of this waste.
4. Water supplies can be polluted by fracking due to pollutants leaking from the shale rock, or from wells drilled through an aquifer. There are many cases of water pollution from fracking documented in the USA.
5. Kent's roads are already busy with many heavy goods vehicles. Development of onshore oil or gas extraction would require many truck movements, increasing the heavy vehicle goods traffic on Kent's major and rural roads.
6. We value the peace and amenity of Kent's countryside, and oppose onshore oil and gas development that would industrialise rural Kent. Production from onshore wells is short-lived, requiring many wells to be drilled.
7. Financial analysts, the Chancellor and the onshore oil and gas industry all accept that development of shale oil and gas in the UK will not reduce the price of gas."

(2) As required by the Council's petition scheme, petitions with over 2500 signatures must be submitted for debate at a Cabinet Committee and as such this petition was received for consideration.

(3) Also in accordance with the scheme, Professor Tim Valentine, lead petitioner for the Keep Kent Frack Free petition was invited to address the Committee. His 500 word statement is attached as an appendix to these minutes and was available to Members before the meeting for consideration.

(4) Mr Valentine referred to the following issues which he believed would be detrimentally affected by fracking:

- i. The environment and the valuable countryside of Kent
- ii. The health of residents of Kent
- iii. The quality of water supplies in Kent.

(5) Mr Valentine also expressed concern regarding the lack of opportunities for local people to influence the planning process – including a reference to the KCC officer response which stated that some of the issues of concern were not able to be addressed by the County Council as part of the planning process as they were the responsibility of other (non-elected) organisations and the reluctance of the government to release an unredacted version of its report into the impact of fracking on the rural economy.

(6) The Cabinet Member for Environment and Transport, Mr David Brazier, responded to the petitioner's statement. He said he was committed to listening impartially to the views of residents on any matter and that it would be inappropriate for him to take a view at this stage. He said Kent County Council was the Mineral Planning Authority and, as such, would be responsible for only one part of a complex regulatory process to which any planning application would be subject and that many other government bodies would also be involved.

(7) The appropriate considerations for the County Council in determining any application were related to the use of land and, to be clear about what could and could not be considered, a position statement had been released in 2013 and was included in the agenda papers for the meeting. The County Council must consider those issues which it is charged with considering and it could not do otherwise. In particular he said the authority could not adopt a blanket predetermination towards refusal of any future planning applications as to do so would contravene planning law and would expose the council to a risk of legal challenge.

(8) Mrs Thompson, Head of Planning Applications, spoke at the request of the Chairman. She said that:

i. DCLG guidance set out the principal issues that Mineral Planning Authorities should address and that these were set out in the position statement. These issues were intrinsically linked with the overall sustainability of any application put before the committee and, as such, she hoped that some of the petitioner's concerns might be allayed.

ii. There were no live applications for fracking related activities in the county and none were anticipated in the short term.

iii. She strongly advised against the adoption of any presumption whether it be in support of, or opposed to, fracking as the council had a statutory duty to test any application on its merits and in accordance with planning policy and guidance at the time the application was made. Any blanket policy would leave the council open to legal challenge and any members of the Cabinet Committee, who also sat on the

Planning Applications Committee, might be seen to have pre-determined any future application by voting on or taking a strong view during the discussion in progress.

(9) The Chairman opened the matter for discussion.

(10) Mr King put forward a point of order, but more correctly described as a motion, to amend the recommendation in the report, in the light of the statements made by Mr Brazier and Mrs Thompson, that the report be noted but no comments be made or further discussion had. Mr Balfour seconded the motion.

(11) Mr Caller said Members present were capable of understanding the legal position sufficiently well that they could make comments and ask questions without risk to the impartiality of the authority in determining any future planning applications and as such the debate should be allowed to continue.

(12) Further comments were made and questions put, in particular that:

- i. The fact that the petition asked for the council to take action which it was not able to, because of its statutory duties and the risk of legal challenge, demonstrated a general lack of understanding which might be addressed by having an informed discussion;
- ii. Raising the profile of public concerns about fracking by raising a petition was appropriate;
- iii. Members might wish to avail themselves of a report on the matter produced by Dover District Council which had identified potential issues for the locality if fracking were to be allowed;
- iv. Members should consider asking the government to release its report on the impact of fracking on the rural economy in an unredacted form. This would show support for the petitioners without supporting or opposing fracking thereby protecting the council from any risks identified during the debate.

(13) The Chairman put to the vote the amendment to the recommendations within the report. The details of the vote on Mr King's suggestion that the report be noted and not further discussed for reasons set out in the debate were as follows:

For: Stockell, Balfour, Simpkin, Harrison, Pearman and King

Against: Macdowall, Baldock, Caller, Eddy, Whybrow and Chittenden

(14) The motion was carried by the Chairman's casting vote.